

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

FRIDAY, 18 NOVEMBER 2005
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF18NOV05A - EKD]
2 Thursday, 18 November 2005
3 [Closed session]
4 [The accused Sesay and Kallon present]
09:32:49 5 [The accused Gbao not present]
6 [Upon commencing at 9.40 a.m.]
7 [At this point in the proceedings, a portion of the
8 transcript, pages 2 to 39, was extracted and sealed under
9 separate cover, as the session was heard in camera.]
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1 [Open Session]

2 MS EDMONDS: Court is now in open session.

3 PRESIDING JUDGE: Thank you.

4 [Ruling]

11:52:57 5 JUGE THOMPSON: This is a brief ruling of the Chamber for
6 the purposes of the resumption of this open session after closed
7 session hearing of the testimony of Witness TF1-366.

8 Consistent with general requirement that criminal
9 proceedings are to be conducted in public, as mandated by Rule 78
11:53:19 10 of the Rules of Procedure and Evidence of this Court, that
11 exceptionally as authorised by Rule 79(ii) of the said Rules, and
12 having regard to the need to protect witnesses as provided for in
13 Rule 75, this Chamber in response to the application of the
14 Prosecution for the whole testimony of TF1-366 to be conducted in
11:53:50 15 closed session did grant by way of an exceptional procedure the
16 said application.

17 Prosecution, will you proceed.

18 MR HARRISON: The next witness is to be called is TF1-045.
19 This witness will testify in Krio. And this would be the 46th
11:54:53 20 witness called and the 45th prosecution witness. The Prosecution
21 is asking that there be a partial closed session for this
22 witness. The reasons for that are as follows.

23 This witness has previously testified in the AFRC trial.
24 That testimony commenced 19th July 2005. Trial Chamber II on
11:55:17 25 that day ordered a closed session for a portion of this witness'
26 testimony. Today what we would anticipate doing is try to comply
27 with a similar area of evidence in the closed session, which is
28 essentially evidence about the particular witness and about a
29 particular commander that the witness was tied to for a lengthy

1 period of time.

2 There is also a separate portion of evidence which
3 unfortunately would be led in the last hour of the witness'
4 direct examination, which the Prosecution at this moment feels
11:56:21 5 can only be led in a closed session. We are continually trying
6 to see if there is some way to avoid a second closed session, but
7 the problem is that the witness has a limited capacity to read
8 and write. So asking the witness to write down certain
9 information may be far more time-consuming and awkward than
11:56:46 10 simply going to a closed session towards the end of the testimony
11 to elicit it.

12 PRESIDING JUDGE: How do you propose to do it, Mr Harrison?

13 MR HARRISON: The first closed session will be roughly 20
14 minutes for direct, and the second one would be to simply ask the
11:57:06 15 witness about an event which he was a participant in. But
16 because there is only a very limited number of participants in
17 that unique event, his identity would be known at least to the
18 other participants in that discrete event.

19 PRESIDING JUDGE: But are you proposing to start with the
11:57:30 20 open session and then move into closed session? What is your
21 proposal?

22 MR HARRISON: It is actually two closed sessions. The
23 first 20 minutes in closed session, then go into open session for
24 the rest of the day, probably all Monday morning, and then
11:57:45 25 hopefully it could be timed so that just at the resumption of the
26 Court or at the end of the morning session we could have a short
27 closed session - yes, a very short closed session - to deal with
28 that one bit of evidence, and then go back into open session for
29 what I estimate will be the final 30 minutes of evidence.

1 PRESIDING JUDGE: Members of the public, I know you've been
2 very well informed that we are back in public session, but it
3 only for a short duration. We are to move into a closed session
4 in a few minutes. But based on the information provided to the
12:00:15 5 Court, this closed session will be very short. It will be over
6 by -- it should be over -- if we go into closed session, it
7 should be done by 1.00 o'clock. So when we resume this afternoon
8 at 2.30, we should be in public session and you are welcome to
9 come back at 2.30 this afternoon for the public portion of that
12:00:36 10 session. We have to go into closed session now to hear the
11 application and see if we are to grant that application. I
12 apologise, but that's the difficulty with these types of
13 witnesses. Thank you very much for your attendance. Can we move
14 into closed session now, please?

12:00:56 15 [At this point in the proceedings, a portion of the
16 transcript, pages 44 to 51, was extracted and sealed under
17 separate cover, as the session was heard in camera.]

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1 [Open session]

2 [Ruling]

3 JUDGE THOMPSON: This is a brief ruling for the purposes of
4 resumption of this open session after closed session hearing of
12:32:37 5 certain portions of the testimony of TF1-045.

6 Consistent with the general requirement that criminal
7 proceedings are to be conducted in public as mandated by Rule 78
8 of the Rules of Procedure and Evidence of the Special Court that
9 exceptionally as authorised by Rule 79(a)(ii) of the said Rules
12:33:06 10 and having regard to the need to protect witnesses as provided
11 for in Rule 75, this Chamber, in response to the application by
12 the Prosecution for certain portions of the testimony of witness
13 TF1-045 to be conducted in closed session, did grant, by way of
14 an exceptional procedure, the said application.

12:33:41 15 PRESIDING JUDGE: We intend to break now for lunch, being
16 back in open session. We'll carry on, Mr Prosecutor, at 2.30
17 with your examination-in-chief of this witness.

18 [Luncheon break taken at 12.34 p.m.]

19 [RUF18NOV05D - SV]

14:40:07 20 [Upon resuming at 2.40 p.m.]

21 JUDGE THOMPSON: Prosecution will continue.

22 MR HARRISON:

23 Q. If you could try to remember, Witness, that we are now in
24 an open session and this is a time when reference should be made
14:40:56 25 to Mr A if it comes up. Where were you in May 1997?

26 A. In xxxxxx.

27 Q. And what were you doing?

28 A. I was there waiting for -- waiting for xxxxx because
29 he was xxxxxxxx. So I was waiting for him in

1 XXXXX.

2 Q. Did anything happen in May 1997?

3 A. Yes.

4 Q. What happened?

14:42:08 5 A. It was the time that the soldiers staged a coup against
6 President Tejan Kabbah. He was overthrown.

7 Q. How did you learn about this?

8 A. I heard it on the media, BBC. Then I heard that again on a
9 radio communication.

14:42:54 10 Q. What happened after you heard about it?

11 A. When I had heard about it, that the soldiers had staged a
12 coup, that they had overthrown President Kabbah, I heard that
13 they called upon the RUF so as to join them, so as to join them.
14 So at that time, Pa Sankoh, Foday Sankoh, the leader, he was

14:43:43 15 under arrest in Nigeria. So he himself passed the order to
16 General Mosquito so that we could take command from him through
17 Johnny Paul. So he said that we were to join the council so as
18 to form one government.

19 JUDGE THOMPSON: Counsel, can the witness moderate his
14:44:12 20 pace.

21 MR HARRISON:

22 Q. Mr Witness, the Court is asking if you could perhaps
23 respond in a slightly slower fashion and I'll try to assist you
24 in doing that by asking you to pause at certain points in time.

14:44:29 25 PRESIDING JUDGE: I would appreciate, Mr Prosecutor, if you
26 could take the witness back to Sankoh passed the order to
27 Mosquito to, and from that moment on, because I missed a few
28 parts in there.

29 MR HARRISON: If I could just ask of the audio-visual

1 people, I seem to be getting quite a consistent echo. If I'm the
2 only one, maybe it's just my earphones. I'm the only one?

3 PRESIDING JUDGE: No, it was everybody, I guess.

4 MR HARRISON:

14:45:21 5 Q. We're just going to ask you to repeat part of the answer.
6 You talked about Pa Sankoh giving an order to Mosquito. Could
7 you talk about or tell the Court what the order was?

8 A. Yes. Pa Sankoh sent to Mosquito. He said we were to take
9 orders from him through Johnny Paul Koroma. So he said that we
14:46:04 10 were to join them so as to form a government.

11 Q. If you can just pause for a moment. If you could continue
12 now, please, with your answer.

13 A. So after that I was still in XXXXX. I was waiting for
14 Commander A. After one week XXXXXXX was XXXXX. I saw him
14:46:57 15 in XXXX where I was waiting for him.

16 Q. If you could just pause for a moment. What happened after
17 you saw XXXXX?

18 A. When we had -- when I had seen XXXXX, he tried so that he
19 could find a way he would be able to be in touch with Mosquito.
14:47:42 20 So by so doing, at that time the Sierra Leone soldiers were there
21 in Liberia as part of ECOMOG. So he tried, both of us went to
22 the contingent base where the Sierra Leone soldiers were.

23 Q. Could you just pause for a moment. When you say you went
24 to a contingent base, what are you talking about?

14:48:41 25 A. We went to the base where the Sierra Leone soldiers were as
26 part of the ECOMOG in XXXX, where they were based. I and
27 XXXXXXX went there. We met the commander, the immediate
28 commander, when I saw him, who was XXXXXXX [phon] at that
29 time, they had to give him access to radio communication.

1 Q. Just pause for a moment. Who was given access to radio
2 communication?

3 A. They gave access to XXXXXXXX so that they would be able
4 to contact here from the base. When they had contacted, I heard
14:50:01 5 Mosquito's voice on the air when he and XXXXXXXX were
6 discussing.

7 Q. Just pause for a moment, please. You said you heard some
8 communication between XXXX and Mosquito. Please tell the Court
9 what it is that you heard.

14:50:46 10 A. When XXXXXXXX had contacted Mosquito, Mosquito had
11 answered, they greeted themselves. It was then that Mosquito
12 told XXXXXX a word that was very sorrowful. He said because
13 he had been captured where he was and that he was in gaol until
14 he was freed. But he said he went to meet his brothers who were
14:51:25 15 soldiers who had taken over the reins of government, they had
16 overthrown Tejan Kabbah and that they had called upon the RUF so
17 that they could join them.

18 Q. Just pause for a moment, please. Who was it who was
19 speaking?

14:51:53 20 A. Well, it was Mosquito who was talking to XXXXXX. He
21 said the soldiers had taken over power and that he had called
22 them, he had called the RUF to join them.

23 Q. Just pause for a moment. Who said that he had called the
24 RUF?

14:52:24 25 A. Mosquito said -- said the soldiers -- Johnny Paul Koroma
26 called the RUF so that they could join them. So that they could
27 join them.

28 Q. Just pause for a moment. When you talk about "Johnny
29 Paul", who are you referring to?

1 A. I'm talking about the chairman of the AFRC.

2 Q. After hearing this communication what did you do next?

3 A. After they had discussed all that, when Mosquito said he
4 wanted to see XXXXX in Freetown because he said that they
14:53:22 5 were to arrange about some delegations which were to be sent back
6 to Ivory Coast so as to go and review the Yamoussoukro peace
7 accord.

8 Q. Just pause for a moment. What happened next?

9 A. After that, XXXXXX had to tell me that this was what
14:54:13 10 Mosquito had told him. He said now we were to try to get away so
11 as to go back to Sierra Leone.

12 Q. Just pause for a moment. What did you yourself do next?

13 A. After that, what I myself did, we came, we came. I and
14 XXXXX We talked to some RUF soldiers who were around by
14:55:07 15 then so that all of us could come together.

16 Q. And when you say you came, where did you come to?

17 A. In Sierra Leone here. This was the place that we came.

18 Q. Where did you enter Sierra Leone?

19 A. Well, when we came from XXXXX, we went to XXX Bridge.
14:55:51 20 We went through Keita, a village named Keita, until we entered
21 Buedu. From Buedu, we proceeded. We arrived in Daru. From Daru
22 we went to Kenema.

23 Q. Did anything happen in Kenema?

24 A. Yes. When I arrived in Kenema I saw Mosquito there with
14:56:37 25 XXXXX. Both of them discussed. Then, from there,
26 XXXXX had to leave me there with him in Kenema and he came
27 to Freetown here.

28 Q. Just pause for a moment. Did you see anyone else --

29 JUDGE ITOE: Who left who with whom? He said XXXXXXX

1 left him with him. Him who?
2 MR HARRISON:
3 Q. Did you understand the question? The Court would like to
4 know what you meant when you said XXXXXX left and he left you in
14:57:21 5 Kenema with him?
6 A. I said XXXXXXX left me in Kenema with Mosquito.
7 Q. Do you remember anyone else in Kenema?
8 A. Yes, at that time when I arrived, the other immediate
9 commander that I saw was the resident minister for east, Eddie
14:58:09 10 Kanneh.
11 Q. Just pause for a moment. Who is Eddie Kanneh?
12 A. Well, he was AFRC.
13 Q. Do you remember when it was that you arrived in Kenema?
14 A. Yes.
14:58:53 15 Q. Can you tell the Court?
16 A. Yes, it was towards the end of XXXX.
17 Q. How long did you stay in Kenema?
18 A. I was there up to one to two weeks.
19 Q. What did you do next?
14:59:29 20 A. From there I talked to General Mosquito. I said I wanted
21 to go to Tongo because at that time the AFRC had just captured
22 there. So I, myself, said I came and I heard, I had my own
23 family with me and I, myself, told him that I wanted to go to
24 Tongo so as to mine for diamonds so as to be able to earn a
15:00:11 25 living.
26 Q. Just pause for a moment. Where is Tongo?
27 A. It is in the Kenema District.
28 Q. Do you know which chiefdom?
29 A. Lower Bambara Chiefdom.

1 Q. What did you do next.

2 A. After that, when I had told him that I wanted to go there
3 so as to earn my living until Commander A would send for me, he
4 agreed. Mosquito agreed. He agreed as to what I told him. Then
15:01:33 5 luckily one of his commanders was there.

6 Q. Just pause for a moment. When you say "one of his
7 commanders was there", who are you talking about?

8 A. I am talking about one commander who was there who was
9 mining for Mosquito in Tongo. So he himself was there. So
15:02:13 10 luckily I and he went and he said he himself wanted to go back to
11 Tongo. So both of us went back to Tongo and his name wasXXXX
12 XXXXX [phon].

13 Q. Just pause for a moment. Could you please repeat the name
14 that you just gave?

15:02:48 15 A. XXXXXXXX.

16 MR HARRISON: I can only give a phonetic spelling. I think
17 it's XXXXXXXX.

18 Q. What did you do next?

19 A. After that, when we went, we arrived in Tongo, I and XXXXX
15:03:19 20 XXXX from XXXXXX When I went I met with some commanders whom I
21 met who were there. One was XXXXXXXX who was the
22 XXXXXX.

23 PRESIDING JUDGE: What's the name of the XXXXX?

24 MR HARRISON:

15:03:41 25 Q. Just pause for a moment. Could you say the name again,
26 please?

27 A. XXXXXXXX.

28 PRESIDING JUDGE: XXXX.

29 THE WITNESS: XXXXX, yes.

1 MR HARRISON: The spelling that we're suggesting is
2 XXXXXXXX.
3 PRESIDING JUDGE: And he was the XXXXXXXX, you
4 said?
15:04:10 5 THE WITNESS: Yes, he was the overall XXXXXXXX in XXXXX.
6 PRESIDING JUDGE: In XXXXX.
7 MR HARRISON:
8 Q. I just want to go back to XXXXXXXX Who was he?
9 A. XXXXX, he was an RUF soldier.
15:04:39 10 Q. And did XXXX report to anyone?
11 A. Yes, he was with Mosquito. He used to report to him.
12 Q. Did you see XXXXXXXX in Tongo?
13 A. Yes, sir.
14 Q. And what was he doing in Tongo?
15:05:09 15 A. He was mining. He was mining for Mosquito. Private mining
16 for Mosquito.
17 Q. What do you mean when you talk about private mining?
18 A. Well, there were two types of mining in Tongo. Two types
19 of mining. You had centralised mining which was for AFRC. Then
15:05:49 20 you had some commanders individually, like Mosquito had his own
21 personal mining, which did not have anything to do with the
22 centralised mining for the AFRC.
23 Q. Do you know who was doing the actual digging in Tongo?
24 A. Yes, it was the AFRC that were mining there.
15:06:35 25 Q. And did you see who was doing the actual digging?
26 A. Yes. We used to use civilians. We used civilians to do
27 the mining.
28 Q. And when you say you used civilians to do the mining,
29 describe what they did?

1 A. We used to force them. We used to capture them by force,
2 say whether they were in the room, whether they were in the
3 house, wherever we found you, we would capture you by force and
4 you would come and do some mining, as long as you are within
15:07:34 5 Tongo.

6 Q. When you say you used force, what type of force would be
7 used?

8 A. We had arms. So we would go with our arms in search of
9 civilians. So when you see -- when you saw the arms with us you
15:08:04 10 would fear. We would capture you and if you ran away, see, we
11 would undress you and we just leave you with your underwear or
12 perhaps just your ordinary trousers. You would not have any
13 shirt on. Or if you had a shirt on, we would take it off. So
14 you would not have anything that would make you to hide. So we
15:08:25 15 would make you naked so as to be able to put you under control so
16 that you'll not be able to hide from us.

17 Q. Just pause for a moment. You've told the Court about a
18 XXXXXX. Again could you describe to the Court who
19 that person was?

15:09:18 20 A. Yes, XXXXXXXX, he was an AFRC soldier.

21 Q. Did he report to anyone?

22 MR JORDASH: Sorry. Could I make an objection in the
23 absence of the witness, please?

24 PRESIDING JUDGE: Can the witness be escorted out of the
15:09:46 25 Court, please. Mr Witness, you'll be asked to leave the Court
26 and then come back later.

27 THE WITNESS: Okay.

28 PRESIDING JUDGE: Just wait.

29 [The witness stood down]

1 MR JORDASH: My objection is to the question did he have
2 someone he reported to. It's the reporting which I have an
3 objection to. The Prosecution have to prove, pursuant to command
4 responsibility, that there are commanders, subordinates and that
15:12:12 5 commanders knew about crimes and then didn't do enough to prevent
6 or punish for those crimes. Reporting, in effect, is an
7 essential part of what the Prosecution have to prove. So the
8 objection is that by using the terminology "reporting to",
9 effectively it's a leading question because it's leading the
15:12:45 10 witness to say this commander actually reported to this
11 commander. So this commander would have informed this other
12 person of activities done by potential subordinates. I would
13 have no objection to did he have a senior commander, because that
14 doesn't lead the witness to suggest that there is reporting
15:13:15 15 necessarily to that senior commander.

16 Now at this stage it may not be that harmful, did Kati
17 report to anyone, because we're not dealing with a specific
18 incident of crime although we are very close to it because we're
19 talking about forced mining. So if we've got XXXXX reporting to,
15:13:38 20 for example, Issa Sesay, we have the first elements of command
21 responsibility. Did XXX report to anyone is a leading question
22 because it, if answered yes to Issa Sesay, the answer effectively
23 says Issa Sesay knew about forced mining. Did he have a senior
24 commander, Issa Sesay; knowledge is not imputed in that question
15:14:11 25 nor in the response necessarily. It's a subtle point but an
26 important one.

27 PRESIDING JUDGE: Well, we'll see the response from the
28 Prosecution. Mr Harrison?

29 MR HARRISON: It hadn't occurred to me that it could be

1 conceived as being a leading question. I have to confess that in
2 part I rely upon the jurisprudence with which I'm most familiar
3 and the law is that -- my understanding of the law has always
4 been that you're always entitled to direct a witness's mind to an
15:14:51 5 area, a subject. So far as I know, that's permissible.

6 PRESIDING JUDGE: The objection is not really that. The
7 objection is more --

8 MR HARRISON: I understand.

9 PRESIDING JUDGE: It's not that you're precluded from
15:15:06 10 leading the witness to a specific area, as such. It's not that.
11 The question is whether or not you should be using the words
12 "reported to" rather than did he have any commander responsible
13 for this. These are the kind of nuances, distinction that the
14 Defence is suggesting may be leading in the sense of you are
15:15:30 15 insinuating reporting and, therefore, there is a component of
16 reporting that is much larger. At least that's my understanding
17 of the objection.

18 JUDGE THOMPSON: My understanding is that this is a
19 contentious issue. Is that what you're saying?

15:15:46 20 MR JORDASH: All reporting of crimes is a contentious issue
21 in this case, yes.

22 JUDGE THOMPSON: Quite right. In the context of reporting
23 and that's why it would be, in your submission, leading. I mean,
24 generally the rule is that you don't lead on issues of
15:16:03 25 contention. If you say that it goes to the very question of
26 command responsibility and that is highly contentious, then the
27 question for the Bench is whether, on a matter of such
28 contentiousness, we can allow the Prosecution to lead. Is that
29 what you're suggesting?

1 MR JORDASH: Exactly. In fact, actually, it also relates
2 to the joint criminal enterprise. What we have at the moment is
3 an AFRC soldier. If he's reporting to an RUF soldier, then we
4 have some kind of evidence of an agreement to commit forced
15:16:45 5 mining.

6 JUDGE THOMPSON: It's from that perspective that I look at
7 it. That if it's highly contentious and it's an issue, then to
8 allow the Prosecution to lead would in fact be doing something
9 which the law says is impermissible.

10 MR JORDASH: Yes. I wouldn't have so much of a problem in
11 relation to the joint criminal enterprise because it's not our
12 case that there weren't AFRC and RUF operating together in Togo
13 at around this time, and I say around this time for a good
14 reason. But my main issue is that of command responsibility and
15:17:23 15 the reporting, knowledge issue.

16 PRESIDING JUDGE: I hear what you're saying but this
17 witness has testified that he was military, he was a captain, if
18 I'm not mistaken, at that time and he's been sent there by
19 Mosquito. When you just look at the normal reporting scenario,
15:17:45 20 as such, that he would report to somebody, being in the military,
21 is nothing unusual absolutely. It's because you are giving to
22 the word "reporting" here a meaning that is much more larger than
23 the meaning I'm trying to ascribe to that word in that scenario.
24 So reporting to you meant providing a report and information to.
15:18:07 25 Reporting to me of a subordinate to a superior is just a normal
26 relationship. So that's why I have -- but I do understand what
27 you're trying to say: It may lead to some inferences that are
28 more than just ascribing a subordinate/superior relationship,
29 which I don't think you would take issue with, but you may. I

1 don't know.

2 JUDGE ITOE: Mr Jordash, these words "reporting to", I
3 think this is not the first time that we are using it in the
4 course of these proceedings. Did he report to anybody? The way
15:18:50 5 I have understood it, it is within the context of commands; from
6 whom did he take his instructions, his commands; who commanded
7 him; who was the superior officer that commanded him? I think it
8 is in this context that we have employed -- we have used the
9 words "reporting to". Who did he report to? These questions
15:19:12 10 have come on both sides of the aisle and, up to now, there has
11 really been no ambiguity as to the use or the purpose that is
12 sought to be established by putting the question who did he
13 report to.

14 MR JORDASH: Actually, I've had a problem with it before
15:19:34 15 but I've never had a problem with it as much as I have now after
16 366, who has been used effectively to create a reporting system,
17 and the word "report", his evidence was littered with references
18 to reporting and reporting of crimes and a system of reporting
19 crimes. That's the difficulty.

15:19:55 20 PRESIDING JUDGE: Yes, but you're exactly giving the
21 meaning that we were saying is not -- because you're using now
22 the previous evidence to say that witness was reporting. He was
23 reporting in a sense of providing reports, which is different
24 than what myself and Justice Itoe are saying. In the normal
15:20:17 25 chain of command, you report from the subordinate perspective to
26 your boss. You're saying, "I report because he's my superior."
27 Both meanings can be ascribed, but I know your sensitivity
28 because of what happened before. So the word "report" here, as
29 it was asked, would not have had that implication but it might be

1 more prudent to use a different approach.

2 MR JORDASH: I just have a feeling when this trial is over
3 and people are staring at transcripts, that word "report" will
4 take on, quite potentially, a hugely significant meaning.

15:20:52 5 PRESIDING JUDGE: Yes, but you have to remind yourself that
6 the first one that will be looking at these transcripts are the
7 judges sitting here.

8 MR JORDASH: But Your Honours then will be faced with how
9 to interpret it as well and --

15:21:06 10 PRESIDING JUDGE: Yes, but we have to look at in the
11 circumstances as we have them. As I say, certainly you have at
12 least myself and Justice Itoe telling you report as used in this
13 context by this witness would be given the very first meaning,
14 which is ascribing to a chain of command, not providing
15 information in the sense that you had indicated. But having said
16 that, we note your observation, your comments, and I can only ask
17 the Prosecution in this -- I think you can proceed with this
18 witness by simply using a different term to avoid any possible
19 misinterpretation of the word "report" in that context.

15:21:54 20 MR CAMMEGH: Your Honour, can I --

21 PRESIDING JUDGE: I'm just waiting for the Prosecution.
22 Mr Harrison, do you have any problem with that?

23 MR HARRISON: I just didn't hear what was said, but I think
24 Mr Werner has explained it to me.

15:22:10 25 PRESIDING JUDGE: I was looking at you. You seemed to be a
26 bit puzzled by what I was saying.

27 MR HARRISON: No, I didn't hear what you said but I think
28 Mr Werner has adequately explained it.

29 PRESIDING JUDGE: Okay. Mr Cammegh?

1 MR CAMMEGH: I was going to make a suggestion which I
2 thought was quite sensible, but having spoken to Mr Jordash, I
3 think I'll leave it.

4 PRESIDING JUDGE: Very well. Mr Harrison, can we proceed
15:22:42 5 on that basis. I mean, the suggestion was, and is, to you that
6 if -- the objection was to the use of the word "report" in that
7 kind of scenario which could have a different connotation than
8 just indicating a chain of command scenario as such. If you can
9 use a different word for that to avoid the possible inference
15:23:02 10 that reporting meant providing information and more - in other
11 words, reporting in a different meaning - it would solve this
12 situation for the time being and I suggested that you might very
13 well do that.

14 MR HARRISON: Yes.

15:23:15 15 PRESIDING JUDGE: Very well. Let's call the witness back,
16 please.

17 [The witness entered court]

18 JUDGE THOMPSON: You may proceed.

19 MR HARRISON:

15:25:21 20 Q. Witness, I had asked you about a XXXXX. Did he have
21 a commander?

22 A. Yes, in XXXXXXXX where we were he was the XXXXX.

23 Q. Was there anyone senior to Captain Kati?

24 A. I don't understand clearly. Repeat. What do you mean?

15:26:10 25 Q. Did XXXXXXXX have a senior commander?

26 A. Yes, he had, but in Tongo where we were, where I went and
27 met him, he was the XXXXXX XXXX.

28 Q. And you say there was a senior commander to XXXXXXXX.

29 Who was that?

- 1 A. At that time, although all of them were soldiers, but it
2 was Mosquito who was overseeing the whole area and he was the
3 individual to whom they reported and it was Mosquito that I saw
4 at that moment as a commander, a superior, to him.
- 15:27:34 5 Q. And when you talk about Mosquito being a superior to him,
6 what did that mean?
- 7 A. Well, I saw him reporting to him.
- 8 Q. Who was reporting to who?
- 9 A. XXXXXXX was reporting to Mosquito.
- 15:28:17 10 Q. When you say he was reporting to Mosquito, what do you mean
11 by that?
- 12 A. Well, he was taking care of Tongo. It was XXXXX
13 XXXXXX who was taking care of Tongo. But at times, when Mosquito
14 went there he would go to him and report to Mosquito.
- 15:28:51 15 XXXXXXX would report to Mosquito about the security
16 set up, about the goings-on in Tongo when he used to go where
17 they were mining. He would report about fights and I saw him
18 reporting to him. So I knew that he was a commander that was
19 superior to him. He was superior to XXXXXXX.
- 15:29:35 20 Q. Just pause for a moment, please. Did you see any other
21 commanders in Tongo?
- 22 A. Yes. When I arrived XXXXXX was a commander for
23 the soldiers, all the soldiers that were there. Then he had a
24 Captain Eagle who was by him who was an RUF. He was the one
15:30:19 25 deputising him.
- 26 Q. Just pause for a moment.
- 27 PRESIDING JUDGE: Captain Eagle?
- 28 MR HARRISON: The name was Captain Eagle.
- 29 Q. I'm sorry, I may have not heard because I was trying to

1 hear what the Court was saying but did you say who Captain Eagle
2 was?

3 PRESIDING JUDGE: Deputy. He said he was a deputy to --

4 JUDGE ITOE: To XXXXX.

15:31:00 5 PRESIDING JUDGE: To XX yes.

6 MR HARRISON:

7 Q. And were there any other commanders in Tongo?

8 A. Yes. I saw PLO-2, that is the way we used to call him.

9 Then I saw Sergeant Junior who was OC secretariat.

15:31:29 10 Q. Just pause for a moment. First of all, what do you mean
11 when you say a PLO-2?

12 A. Well, we used to call him -- we used to call him as a
13 public liaison officer. He was the head of the mining which was
14 set up in Tongo for AFRC. He was the one that was sent there so
15 as to take over.

15:32:03 16 Q. You had also said something about Sergeant Junior and the
17 OC secretariat. What do you mean by that?

18 A. Well, the OC secretariat, according to what I saw, he was
19 in charge of all the administration that had to do with civilians
15:32:49 20 which was going on, together with the AFRC soldiers who were in
21 Tongo. They custom duties, everything. When a truck came or a
22 motor car came, they would stop there and they would give some
23 commission there. Any time that a problem arose between
24 civilians and soldiers, I would see them going there and they
15:33:20 25 would sit together and discuss it. So he was in charge of that.
26 That is Sergeant Junior as the OC secretariat.

27 Q. You've already told the Court that you saw civilians mining
28 in Tongo. Can you say about how many civilians that you saw
29 mining?

1 A. Yes, I would just give an estimate; 300, 400, 500 every
2 day.

3 Q. Describe for the Court the mining. How was it done?

4 A. Well, this mining at first when I arrived there, the way I
15:34:31 5 saw it, they first of all had -- they made a committee.

6 Q. Just pause for a moment. When you talk about a committee
7 what are you talking about?

8 A. You asked me to explain to you how the mining was going on.
9 So the way it was set up, the way it was done. This is what I am
15:35:01 10 explaining exactly.

11 Q. Please continue.

12 A. They made a committee that was made up of civilians and
13 they had some elders -- elderly civilians who were captured by
14 the AFRC in Tongo. They were put together. They said that this
15:35:26 15 committee was to be by them, the AFRC soldiers, who are doing the
16 mining so as to help them so as to be able to get their fellow
17 civilians, so as to help them to identify the mining sites where
18 diamonds were, so as to help them to value diamonds when they
19 would have got them.

15:35:55 20 Q. Just pause for a moment. Please continue.

21 A. So to value diamonds. All this was for them. So, first of
22 all, when this mining started, the way I saw it, these civilians
23 who made up the committee, in the morning all of them would come
24 to the secretariat, to OC Junior. From there they would go to OC
15:36:57 25 secretariat Yamao Kati, Captain Eagle, PLO-2 with other senior
26 officials. All of them would come together at the secretariat in
27 the morning. They would organise and get some armed men from the
28 AFRC, they would give them arms.

29 PRESIDING JUDGE: They organised and they would give them

1 what from the AFRC? Arms?

2 MR HARRISON: Arms.

3 Q. You were saying that there would be men, armed men, given
4 arms?

15:37:53 5 A. They would give arms to AFRC soldiers, those that they
6 assigned to go along with the civilians so as to go and fetch
7 their fellow civilians. This was the way it was done initially.
8 They would go there, they would see them, they would come with
9 civilians at the secretariat. Later it turned out to be a great
15:38:32 10 problem. When according to Sergeant Junior, he said the type of
11 civilians that they got when the committee had not been set up,
12 now they don't get them at all. So the committee was only there
13 to show where mining was going on, or when they got a diamond
14 they would be able to value it for them.

15:38:41 15 [RUF18NOV05E - EKD]

16 Q. Please continue; what happened next?

17 A. From there, because of -- since they are not able to get
18 enough civilians to continue with the mining, when the committee
19 was not there, they said, well, the committee was no longer
15:39:49 20 responsible for getting manpower. So they should just be sitting
21 by.

22 Q. Pause for a moment. And when you use the term that the
23 committee was "no longer responsible for getting manpower", what
24 are you talking about?

15:40:14 25 A. Well, I had told you that this committee was the one that
26 used to go with the armed soldiers to go and get their fellow
27 colleague civilians so as to mine. But they came to realise that
28 it will not work. The civilians would not go and identify their
29 fellow civilians to go and work for soldiers. So they decided to

1 bring that to an end. So the soldiers who had accepted to go out
2 in the town, checking into house's rooms anywhere within Tongo,
3 as long as you are there as a civilian you'll be brought out.
4 You'll be captured. You see, when you hide, when we catch you,
15:41:10 5 you would be flogged and if you run away, if you are lucky, well,
6 we would fire behind you, and if you are not lucky and you are
7 shot into the foot. Then you have nobody to blame.

8 Q. Pause. You've talked about these soldiers. Who were they?

9 A. It was the AFRC/RUF.

15:42:07 10 Q. Did you see these AFRC and RUF soldiers in Tongo?

11 A. Yes, sir.

12 Q. Are you able to say how old they were?

13 A. Yes, I would give an estimate. I was not able to know the
14 age of everybody, but I saw from 12, 13 up to 45 years old.

15:43:10 15 Q. You've talked about these soldiers going to houses and what
16 would happen when they arrived at the houses. That is when I
17 interrupted you. Could you please continue?

18 A. Anyone that was seen, anyone that was a strong man who was
19 not scrapped, who was not ill, who was not ill to the extent that
15:43:53 20 you'll not be able to work, as long as you're a man. And if you
21 do not have those two impediments you'll be captured. They will
22 take your shirt, shoes from your feet and you would be queued and
23 all of you will be brought to the secretariat. The armed men
24 that were given to the AFRC and the RUF would guard you so that
15:44:21 25 you'll not be able to escape or run away until they were brought
26 to the secretariat.

27 Q. Sorry, just pause for a moment. You had said that they
28 would be brought to the secretariat. What would happen then?

29 A. After that, when they had been brought to the secretariat,

1 he would give you tools, mining tools -- shovels, shackles,
2 buckets. Because these are the tools with which they mine, and
3 they would put into different groups, because we had various
4 mining sites. We had the AFRC, we had various mining sites in
15:45:26 5 Tongo. The one which everybody was concerned about during that
6 time was Cyborg. Some people would go into the pit, some would
7 go to pump stations, some would go to the sand, some would go to
8 hot lights; a lot of places. So from there, the soldiers that
9 were armed, who were representatives from the civilian
15:46:02 10 committees --

11 THE INTERPRETER: Your Honours, would the witness please
12 take that last bit again.

13 MR HARRISON:

14 Q. Would you just pause for a moment. The interpreters would
15:46:21 15 be assisted if you could repeat the last part of your answer.

16 A. After -- when you had gone to the site, these
17 representatives that I had called, from PLO, PLO-2, from the
18 civilian committee, with soldiers who were given arms, you know,
19 to guide all of you would all have to be there where the
15:47:06 20 civilians were doing the mining. From there, so if you do not
21 have a shirt -- if you are caught without a shirt -- if you are
22 caught without shorts this is the way you will have to be. If
23 you do not have anything on you, the way you were captured is the
24 way they are going to take you to mine. You are being guarded by
15:47:31 25 armed men. If you are lucky you will have something to eat,
26 because we did not feed anybody during that time, to say that
27 this is food for the people that were doing the mining.

28 Q. Just pause there. When you were in Tongo, were diamonds
29 found?

1 A. Yes.

2 Q. And what happened in Tongo when a diamond was found?

3 A. At one time, the one that I saw, when the first diamond --
4 what I saw at the secretariat when it has been valued at one time

15:48:31 5 I saw Mosquito he himself came when all of us sat together, they
6 gave him the parcel. He came with it to Kenema and I did not
7 know what happened, but I was there when it was handed to him,
8 before my eyes.

9 Q. When you talk about the "resident minister", who are you
15:48:55 10 talking about?

11 A. Well, the AFRC, it was Eddie Kanneh. He was the one that I
12 was talking about.

13 Q. You said you saw something happen. What is it that you
14 saw?

15:49:16 15 A. I said I saw at a particular time they handed over diamonds
16 to General Mosquito. The other time, when we had valued a
17 diamond, everything, OC secretariat with PLO 2, they took it to
18 Kenema. They said they were going to give it to the resident
19 minister. Well, I was not there. Whether they gave it to him or
15:49:52 20 did any other thing, but that is what they said. I myself saw
21 the diamond.

22 Q. Do you know if any civilians refused to mine?

23 A. Well, you see, it will not be possible for you to say no,
24 because whether you accepted or not, except if you hid and left
15:50:47 25 Tongo, as long as we are within the vicinity of Tongo you would
26 not be able to escape. You would be forced to do the mining.

27 Q. Why do you say that?

28 A. Because if you did it peacefully, if I were to come and
29 talk to you by saying that go and help me to do -- to mine, you

1 would say I was not -- I would not be able to. But if I saw you
2 I say, "Come, come down, join this group." So you yourself would
3 be afraid, because I had pointed a gun at you. So you would be
4 afraid. So you'd be happy not to join that group than resisting
15:51:31 5 and waiting for me to harm you.

6 Q. Did you see anything happen to civilians while you were in
7 Tongo?

8 A. Yes. The first one that I saw, I saw AFRC and RUF boys,
9 soldiers, they took civilians to go and mine for them at Cyborg
15:52:01 10 when it was not the time for the mining to start.

11 Q. Pause for a moment. When you say "at the time when it was
12 not for the mining to start", what do you mean?

13 A. Well, we scheduled a time. We said such and such a time
14 would be the time for us to start mining. Nine hours, eight
15:52:41 15 hours time, or 10 o'clock, that was how it operated. But if the
16 time -- if it was not the time, whether you were a soldier or a
17 civilian, and we saw you there, there were people, they would
18 beat you -- they would fire at you or they would beat you. Those
19 two things would happen to you. Either they would beat you
15:53:01 20 seriously or they fire at you.

21 Q. Just pause for a moment. Did you see this happen?

22 A. Yes. At one time some AFRC soldiers took civilians and
23 they went and they mined when it was not time to do so. So when
24 these AFRC were to do this mining, so when they went there, they
15:53:32 25 saw them. The ones that were assigned, that is the soldiers that
26 were assigned to this place, they fired at them and they killed
27 three civilians. Then our -- they killed two soldiers, five of
28 them. Five of them died on the spot and I saw them.

29 PRESIDING JUDGE: Two soldiers and three civilians?

1 THE WITNESS: Yes.

2 MR HARRISON:

3 Q. Who was it who fired at them?

4 A. It was the AFRC soldiers.

15:54:12 5 Q. Why were they firing?

6 A. Because they said it was a violation of order because I
7 arranged they were to mine at 9 o'clock and it was not up to 9,
8 and he went there at 8.30 and that is why they were fired at.

9 That was a law. They said whosoever was still there without --
15:54:42 10 out of the time that was scheduled, every action would be taken
11 against you, and that was the action that was taken against them.
12 They were killed.

13 Q. Did you see anything else happen to civilians in Tongo?

14 A. Yes, the second thing. The other thing, you know at night
15:55:12 15 you would see a lot of soldiers. There were a lot of soldiers in
16 Tongo because Tongo is a big town. So RUF and AFRC soldiers were
17 so many there. So at night they would go from house to house,
18 searching for women, property. If they saw a beautiful lady, she
19 would be captured. During that night, that particular night you
15:55:47 20 would be my own wife.

21 Q. Just pause for a moment. Did you see this happen?

22 A. Yes, I used to see. At one time when in fact I saw them
23 came with a report every day. Civilians came and reported to the
24 secretariat that at night people came to our house, this was the
15:56:35 25 woman that was raped. But there were a lot of peoples that when
26 they entered I was afraid. I did not know them, I cannot
27 identify them. So that report came. About three times I was at
28 the secretariat and at one time they went to Lamin Street. Some
29 soldiers killed a civilian there. In the morning we saw the

1 corpse on the street before the house, lying down.

2 Q. Pause there. What is it that happened at Lamin Street?

3 A. At Lamin Street, at one time in the morning, we saw the
4 corpse of a civilian there. The report was brought that soldiers
15:57:35 5 from there, they captured women there. They were firing. So the
6 people had wanted to challenge the soldiers. So they fired at a
7 civilian and killed him. They left there. In the morning, the
8 report was brought to the secretariat. We ourselves went there
9 and saw the civilian. The corpse was lying there.

15:58:07 10 Q. Just pause. After going to see the corpse, what happened
11 next?

12 A. Then they were advised what to do. So we were there, a
13 soldier was brought, that he had an accident. He harassed one
14 Limba man for his palm wine. He killed the Limba man. He was
15:59:04 15 brought to the secretariat. I was at the secretariat when Yamao
16 Kati passed an order that he should be killed. He was not killed
17 but his palm was fired in [indicating]. His hand was fired into.
18 He said because he used that hand to fire at the civilians, so
19 his hand must be fired too. I saw that happen.

15:59:44 20 Q. Just pause. You told the Court a few moments ago that at
21 night there would be searches for women and property. What did
22 you mean by that?

23 A. Well, that was looting and raping. That is the way I
24 perceived it. Because when it was night, then you went out to
16:00:29 25 search for a woman and have sex with her, that was raping. So if
26 you find somebody's -- you go to somebody's house and take his
27 property, it was looting. That was what I was referring to.

28 Q. Who was it who did the looting?

29 A. The AFRC.

1 Q. And when you say AFRC, what are you talking about?

2 A. It was the AFRC government. I'm referring to the
3 government.

4 Q. And who was it who was doing the raping?

16:01:22 5 A. The AFRC and the RUF.

6 Q. Did you see anything else happen to civilians while you
7 were in Tongo?

8 A. Well, that was mostly what I saw.

9 Q. Did you see any other people in Tongo?

16:02:32 10 A. People, like who? Because there were civilians that I have
11 told you, the soldiers, the RUF/AFRC, all of us were there. So I
12 don't know about any other person that you are talking about.

13 Q. Do you remember other RUF who were there when you were
14 there?

16:03:03 15 A. Yes, like Amuyepheh was there. I saw -- during that time I
16 saw Tactical, Tactical was there. I saw Boys --

17 Q. Just pause for a moment. Who was Boys?

18 A. Boys was a security. It was later that I learnt that he
19 was General Issa Sesay's bodyguard.

16:03:52 20 Q. Do you know what Boys was doing in Tongo?

21 A. Yes. All of XXXX were involved in mining.

22 Q. When you say he was involved in mining, what do you mean?

23 A. Well, I saw him. Civilians were given to him in the
24 morning at the secretariat. He and Tactical came together. In
16:04:34 25 fact, I never knew that they were Mosquito's guards. It was only
26 later that I learned that Boys was Issa's guard and Tactical,
27 Mosquito's guard. They were given manpower to mine for them.

28 Q. Just pause. When you say that Boys was given manpower,
29 what do you mean?

1 A. Well, they were given civilian manpower to mine for them.
2 They were given to them in order to mine for them. So when they
3 were given civilian manpower, they were not meant for any other
4 thing but to do mining.

16:05:50 5 Q. Do you know how the civilians with Boys were treated?

6 A. Well, I cannot tell you now the time they went to work for
7 him, because I wasn't there. But I have already told you that
8 all the civilians -- we forced them, we gathered them together,
9 we killed them. So I don't know, I cannot tell you what he did
16:06:29 10 to them, because we are not working at the same sites. I never
11 knew what he did to them.

12 Q. You've also told the Court about Tactical and said that he
13 was one of Mosquito's bodyguards.

14 A. Yes.

16:07:02 15 Q. Please tell the Court what it is you know about Tactical in
16 Tongo.

17 A. Well, Tactical was there as senior bodyguard to Mosquito.
18 He was representing him. He worked with Major Gweh at that
19 particular mining that was done for Mosquito.

16:07:51 20 Q. When you say "that particular mining done for Mosquito",
21 why do you say that?

22 A. It was particular, because it was an individual mining.
23 They worked for him. They said it was for Mosquito. It wasn't
24 for the AFRC. Whatever you pick up there, it was for Mosquito.

16:08:35 25 Q. You've already mentioned Boys. What about him?

26 A. No, for Boys I cannot say anything about him because both
27 of them, he and Tactical, came and collected the manpower. It
28 was later that I learnt that Boys was Issa's bodyguard.

29 Q. How long did you stay in Tongo?

1 A. It was about XXXXXXXX, round about that.

2 Q. Can you say which months?

3 A. Round -- I was there XXXXXXXX. Towards the end of

4 XXXXXXXX to XXXXXXXX I was there.

16:09:59 5 Q. What year are you talking about?

6 A. '97.

7 Q. You've already told the Court about seeing -- or saying

8 that some of the soldiers that you saw were 12, 13, 15. Who were

9 those soldiers?

16:10:26 10 A. I did not get it clearly at the tail-end.

11 Q. You said that some of the soldiers were 12, 13, 15 years of

12 age. Who were those soldiers?

13 A. They were RUF soldiers. They were the SBUs. Some were

14 AFRC, but mostly the ones that I saw were from the RUF.

16:11:17 15 Q. And what do you mean by SBU?

16 A. It was the Small Boys Unit.

17 Q. What were they doing in Tongo?

18 A. Everybody was mining. But since they were small boys, some

19 of them were guarded. Up to a squad, a total of 15, they were

16:11:59 20 ordered to guard Cyborg. Because if any big man was placed there

21 to guard, a big man will come and talk to a big man and he'll

22 listen to him. But those ones, the order that was given to them

23 that if it wasn't the time, whosoever go there, they should do

24 whatever they were asked to do to that person. They will beat

16:12:32 25 you up or gun you down. So they were assigned at Cyborg.

26 Q. Pause a moment. Who would beat you up or gun you down?

27 A. I said if you went there before the time that was

28 scheduled, you went there before that time, the SBUs who were

29 assigned there who had arms, they will gun you down or beat you

1 up.

2 Q. You explained to the Court that you were in Tongo for this
3 period in 1997. What did you do when you left Tongo?

4 A. I was in Tongo then XXXXXXX went for XXXXX XXXXXXX. He
16:13:49 5 said we should come down to Freetown. He himself went forXXXX to
6 Tongo. He said he XXXXX to be XXXXXX in XXXXX. So both
7 of XXX.

8 Q. Can you say to the Court about when it was that XXXXXX
9 XXXXXX?

16:14:16 10 A. Yes, it was early XXXXX.

11 Q. What did you do XXXX?

12 A. Well, I was here as a XXXXX to XXXXX.

13 Q. Did you see anyone when you arrived XXXXX?

14 A. Yes.

16:15:04 15 Q. Who did you see?

16 A. A lot of them when I arrive in Freetown. When I arrive in
17 Freetown, the first person I saw from our own command, I saw
18 General Issa. I saw Morris Kallon. I saw CO Isaac. I saw
19 Rambo. I saw Eldred Collins. I saw Gibril Massaquoi. I saw the
16:15:55 20 chairman, Johnny Paul Koroma. I saw Kowas [phon], the chief of
21 army staff.

22 Q. Just pause. You said something about the army chief of
23 staff. Do you know who that was?

24 A. Yes, it was the AFRC.

16:16:45 25 Q. Do you know that person's name?

26 A. I have forgotten his real name. But we were calling him
27 Kowas. That's the name I mostly knew.

28 MR HARRISON: I can only give the Court a phonetic spelling
29 and it would be K-O-W-A-S.

1 Q. You said that you saw General Issa. Who was General Issa?

2 A. He was an RUF.

3 Q. Can you say his full name?

4 A. Yes, he is General Issa Sesay. At that time he was a
16:17:46 5 colonel.

6 Q. What was XXXXX position when you arrived in Freetown?

7 A. Well, he was just an RUF senior man, a Supreme Council
8 member, a member of the Supreme Council.

9 Q. What do you mean by the Supreme Council?

16:18:21 10 A. Well, I don't know exactly what they mean in their
11 government. But that was what I heard people calling it. And I
12 observe him to be a member of the Supreme Council within the
13 government.

14 Q. Do you know if there were other members of the
16:19:00 15 Supreme Council?

16 A. Yes. Issa was a Supreme Council member. Colonel
17 Morris Kallon was a Supreme Council member. Colonel Isaac was a
18 member of the Supreme Council. Eldred Collins, you know. Rambo.
19 All of them were members of the Supreme Council. And all these
16:19:41 20 people whose names I have called were RUF members.

21 Q. Did anything happen after you arrived in Freetown?

22 A. Yes. Within a week, XXXXXX, when I arrived in 1997,
23 there was a first meeting that was summoned at the Wilberforce
24 Barracks at the officers' mess.

16:20:33 25 Q. Did you attend this meeting?

26 A. Yes, sir. I myself entered the hall, because I was XXXX
27 XXXXXXXX. I was sitting there as I am sitting here now.

28 Q. Who else attended the meeting?

29 A. XXXXXXXX was there. General Issa Sesay was present.

1 Morris Kallon was present. Gibril Massaquoi was present.

2 Eldred Collins was present. Kowas, army chief of staff, was
3 there. General Bropleh was there.

4 Q. Just pause for a moment. Who was General Bropleh?

16:21:43 5 A. Well, he was an STF but he was working with the AFRC
6 soldiers.

7 Q. When you say STF, what do you mean?

8 A. I heard them called Special Task Force. When they were
9 with the Sierra Leone government at that time, when Tejan Kabbah
16:22:20 10 was not yet overthrown, they joined the Sierra Leone government
11 and they were fighting against the RUF. Until when the coup
12 occurred, they called us and we met them here.

13 Q. Do you know where the STF was from?

14 A. The way I observed the organisation, it was composed of
16:23:07 15 Liberians. Its members were the ULIMO members. They came and
16 joined the Sierra Leone government, according to the account of
17 Bropleh.

18 Q. You said that you attended the meeting. Did you see
19 anything at the meeting?

16:23:35 20 A. Yes. When we initially entered, because we went there
21 earlier, I saw some papers that were hanging on the walls. It
22 was a chart. I looked at it and I read some names --

23 Q. Just pause.

24 A. -- and I saw --

16:24:13 25 Q. What do you mean by "chart"?

26 A. Well, it was something that they made on a sheet of paper
27 containing names that was pasted on the wall.

28 Q. And what is it that you saw?

29 A. I saw names. A command structure that was supposed to be,

1 that was what I saw.

2 Q. When you say "a command structure", what do you mean?

3 A. The government, the AFRC government. The way I saw, I saw
4 Johnny Paul Koroma, chairman for AFRC; I saw there vice chairman,
16:25:13 5 Foday Sankoh; I saw the defence -- chief of defence staff,
6 Mr Koroma.

7 Q. Just pause. After seeing the chief of defence staff's
8 name, did you see anything else?

9 A. Yes. I saw Sam Bockarie's name, alias Mosquito, who would
16:25:48 10 have deputised him. I saw the army chief of staff's name. Under
11 his name -- under his name, I saw General Issa Sesay's name.

12 Q. Where did you see General Issa Sesay's name?

13 A. On that same paper under the army chief of staff's. He was
14 to deputise the chief of army staff for the AFRC.

16:26:23 15 Q. And did you see anything else on the paper?

16 A. Well, that was it. The other areas I saw some ministerial
17 post: Trade and industry, Eldred Collins; energy and power,
18 Vandi, so on. I saw that.

19 Q. Who is Vandi?

16:26:51 20 A. Peter V Vandi was an RUF. He was a Vanguard for the RUF.

21 Q. Did you see anything else on that paper at the meeting?

22 A. Well, just the names that I have called, including the
23 command structures -- including the command structure.

24 Q. What was the meeting about?

16:27:55 25 A. Well, in that meeting it was discussed that after the AFRC
26 had taken over, and when they had called upon the RUF to join
27 them on the part of the soldiers, there was no respect. The
28 soldiers were not respecting us in terms of command. So we were
29 also not respecting them regarding the command. That was the

1 problem at the time. That was why the meeting was summoned.
2 That aside, the looting and harassment that was in town here.
3 Later they told us again that --

4 THE INTERPRETER: The interpreter is sorry, can you -- the
16:29:02 5 interpreter is sorry. Can the witness go back to the tail-end of
6 his testimony?

7 MR HARRISON:

8 Q. If you could just --

9 PRESIDING JUDGE: When he's talking of looting or
16:29:10 10 harassment in town?

11 THE INTERPRETER: Yes, My Lord.

12 MR HARRISON:

13 Q. If you could just remember, Witness, to try to take your
14 time so that the interpreters can interpret every word you say.
16:29:29 15 You had talked about looting and harassment and were going to go
16 on and say something else. Could you please continue?

17 A. I said ~~XXXXX~~ discussed about looting and harassment that was
18 on by the soldiers. They harassed the civilians, they took away
19 their properties. And later they discussed and told us that the
16:30:00 20 AFRC was supposed to receive an ammunition consignment, arms and
21 ammunitions, that was to be brought somewhere in Sierra Leone
22 here, around the Magburaka airfield.

23 Q. When you talk about a consignment brought to the Magburaka
24 airfield, what are you talking about?

16:30:37 25 A. Arms, ammunitions, medicines.

26 Q. What was said about this at the meeting?

27 A. Well, they discussed that there was a particular person
28 that was assigned there who was to take care of that area. That
29 was Major Dumbuya.

1 Q. And you talked about harassment of civilians. Could you
2 tell the Court what you mean by that?

3 A. Yes. They were saying that at night or during the day
4 people entered into people's houses in this town, they captured
16:31:43 5 people, women by force, they took property from people's houses
6 by force, you see. If a civilian was driving a beautiful vehicle
7 or you have it in your compound, your compound will be broken and
8 the vehicle will be taken out. So that was on. So it was
9 discussed in the meeting.

16:32:20 10 Q. When you said that people entered these houses, who are
11 these people?

12 A. RUF/AFRC.

13 Q. And when you say that they captured women, why did they do
14 that?

16:32:45 15 A. Well, when you capture a woman, these are the reasons:
16 Either you have sex with her or you carry her to your house to do
17 some household chores. You will not capture a woman for nothing.

18 [RUF18NOV05F - CR]

19 Q. Was anything else discussed at the meeting?

16:33:30 20 A. Well, those were the areas which we had discussed more, and
21 that we should work together. After that, Collins talked about
22 as to how we should work together with the AFRC high command. We
23 should respect them and we should take command from all
24 commanders, and that they should ensure that the harassment was
16:34:04 25 stopped, and we should endeavour to find ways and means, because
26 our leader was under arrest, and that we should find a solution
27 as to work hand in hand with the AFRC government and the
28 international community so that a solution will be sought out for
29 our leader, Pa Foday Sankoh, so as to free him and would come to

1 join Johnny Paul Koroma as to attain peace.

2 Q. Just pause there.

3 MR HARRISON: If the Court wants to take an afternoon
4 break, this is convenient. However, I can continue on.

16:34:57 5 MR TOURAY: Just to add to that, Your Honours, Mr Kallon
6 would like to step out of the room as well.

7 JUDGE ITOE: [Overlapping speakers] request.

8 PRESIDING JUDGE: The Court will break for 15 minutes.

9 [Break taken at 4.35 p.m.]

16:52:23 10 [Upon resuming at 5.02 p.m.]

11 JUDGE THOMPSON: The Prosecution will continue.

12 MR HARRISON: I wasn't sure if it was most convenient if
13 Mr Cammegh wanted to just speak about one matter very briefly.

14 MR CAMMEGH: Yes, thank you. Your Honours, at 2.30, I
17:02:44 15 gave the -- I'm not sure if it's going to be Exhibit 57 when it's
16 exhibited. Mr Harrison has the statement. I've underlined the
17 items which I submit were contradictory. I think Mr Harrison, to
18 be fair to him, probably needs a bit of time to consider them. I
19 think he may require until Monday morning. I hope that's not
17:03:09 20 inconvenient with the Court.

21 PRESIDING JUDGE: No, that's fine. We just want to make
22 sure that whenever it is done, it is done properly and clearly.
23 We have granted you until 2.30 this afternoon. He asked for some
24 time, we'll do it. So when it's ready -- you don't know if you
17:03:25 25 are going to be filing one or not, that's what you need to look at?

26 MR HARRISON: I'm pretty sure there is going to be two
27 paragraphs, but the question is whether there might be one or two
28 more and that's why I'm asking for a bit of time just to check.
29 And it will be done first thing Monday morning, or done by first

1 thing Monday morning.

2 PRESIDING JUDGE: So, for the sake of clarity, let's make
3 sure that you do that first thing on Monday morning before we
4 carry on with any other evidence.

17:03:56 5 MR HARRISON: Yes.

6 PRESIDING JUDGE: Then we'll make sure that this matter is
7 put to rest for now.

8 MR HARRISON: Yes.

9 PRESIDING JUDGE: Thank you.

17:04:15 10 MR HARRISON:

11 Q. Witness, we're going to continue on and you've told us
12 about one meeting in Freetown. Do you know if there were any
13 other meetings while you were in Freetown?

14 A. Yes, sir.

17:04:30 15 Q. Where was that meeting?

16 A. The other meeting was at Youyi building here.

17 Q. Can you say when this meeting at the Youyi building took
18 place?

19 A. Yes, it was at the ending of September, towards October. I
17:05:24 20 cannot tell the exact date.

21 Q. Did you attend this meeting at the Youyi building?

22 A. Yes, sir.

23 Q. Was anyone else at the meeting?

24 A. Yes, sir.

17:05:50 25 Q. Who else was there?

26 A. XXXXXX was there; Issa Sesay was there; Mr Morris Kallon was
27 there; Edward Collins was there; Gibril Massaquoi was there;
28 Steve Bio was there.

29 Q. Just pause for a moment. Who is Steve Bio?

1 A. Well, he was an RUF representative.

2 Q. Do you recall if anyone else was there?

3 A. Yes, Colonel Isaac was there; Kowas, the army chief of
4 staff, he himself was present; Pa Koroma, the defence was there.

17:07:21 5 Q. Who was Pa Koroma?

6 A. He was the defence staff for AFRC.

7 Q. What do you mean by that, the "defence staff for the AFRC"?

8 A. It was so; he was the chief of the defence staff for the
9 AFRC.

17:07:57 10 Q. Do you recall anyone else who was there?

11 A. Yes, I have named Steve Bio, he was present. General
12 Bropleh was there, Rambo was there. I think I've called
13 Mr Kallon's name. He was there.

14 Q. That's fine.

17:08:56 15 A. Issa Sesay was also there.

16 Q. What was this meeting about?

17 A. Well, in that meeting, we were also advised concerning the
18 harassment that was all over the country, including Freetown,
19 then the international pressure that was on the government to
17:09:26 20 hand over power to the elected government. I think there was too
21 much pressure. The international community was piling pressure
22 on us that we should hand over power to the civilian rule. At
23 that time, our leader would have joined Johnny Paul Koroma so as
24 to bring total peace was not here, he was arrested. On his
17:10:12 25 behalf there was no solutions as to how to sought for peace when
26 Foday Sankoh was not here. That was a concern. The elders, they
27 summoned that meeting, they discuss about the same thing, about
28 the harassment all over the country, including Freetown, news
29 that we are received by the army chief of staff, Kowas, receive

1 reports not only about Freetown, but --

2 Q. Just pause. When you're talking about harassment, what are
3 you talking about?

4 A. It was the same looting. RUF, AFRC, to the civilians'
17:11:27 5 properties, vehicles, any valuables they found with you, they
6 will take it away. That was a concern, even in Freetown here.
7 They took a lot of things from people: Vehicles, food, and a lot
8 more. And how to hand over the power while there was great
9 pressure mounting on the government. And our leader, Pa Foday
17:12:11 10 Sankoh, was not present. He was to be there before the peace can
11 be achieved. That was the concern of the elders, and they tried
12 to sort out a solution. The only solution was to continue to
13 hold on to power, until we made our demand in order for Foday
14 Sankoh to be released so that him can come over and join Johnny
17:12:43 15 Paul Koroma to achieve total peace.

16 Q. Was anything else discussed at the meeting?

17 A. Yes. Later, Steve Bio had to present himself and said he
18 came to step in Sankoh's position. Since he was not present, he
19 should represent him because most of us, senior officers in the
17:13:29 20 RUF, when we joined the AFRC, they were getting allowances that
21 we were not opportune to get, so we were grumbling. He said he
22 was going to discuss the issue with the high command on to Johnny
23 Paul Koroma so that they would ensure that we ourself were
24 entitled to an allowance.

17:13:56 25 Q. Just pause. Was anything else discussed at this meeting at
26 the Youyi Building?

27 A. Well, it was not discussed there. That was the main theme
28 of the discussion there.

29 Q. That's fine. You've talked about the meeting at

1 Wilberforce, the meeting at the Youyi Building. Were there any
2 other meetings in Freetown?

3 A. Yes, it was at Johnny Paul Koroma's residence at Spur Road.

4 Q. Can you say when this meeting at Spur Road took place?

17:15:02 5 A. I cannot know the date, the exact month, but it was in
6 XXXXXX.

7 Q. Do you know who was at this meeting at Johnny Paul Koroma's
8 residence at Spur Road?

9 A. Yes, Johnny Paul Koroma himself, the chairman for the AFRC,
17:15:48 10 was present. His brother, the Chief of Defence Staff, Mr Koroma
11 was present. The army chief of staff for the AFRC, Kowas, was
12 present; Colonel Issa Sesay was present at that time. Colonel
13 Morris Kallon was present; Master A was present.

14 Q. Just pause for a moment. I don't want to create any
17:16:26 15 confusion. If you can try to remember that we referred to an
16 individual as "XXXXXX". When you say "XXXXXXX", who are you
17 talking about?

18 A. I am referring to XXXXXX.

19 Q. If, at all possible, try to remember to use the same term
17:16:58 20 if you're wanting to refer to the same person.

21 A. Okay.

22 Q. So you indicated that XXXXXX was present at this meeting?
23 Was anyone else present?

24 A. Yes, sir. Colonel Morris Kallon was present; Colonel Isaac
17:17:34 25 was present; General Bropleh was there.

26 Q. Were you present for the actual meeting?

27 A. I was there. I entered the compound, but I did not enter
28 the very place where the meeting was held at Johnny Paul's. I
29 did not enter there.

1 Q. Were you ever told what took place at the meeting?

2 A. Well, I was briefed by XXXXXX on certain aspects, not all
3 that transpired there.

4 Q. Just pause again. When you say you were told "by XXXXXX
17:18:39 5 who is "XXXXXX

6 A. XXXX XXXX.

7 Q. What were you told by XXXXX

8 A. He said it was Johnny Paul Koroma who summoned that
9 meeting. He said that he had realised that a lot of AFRC
17:19:15 10 commanders were not respecting him. Even amongst themselves,

11 there was no respect. And he, as a chairman, a lot of the senior
12 officers in the AFRC were disregarding him. Then he said it was
13 the same thing that was going on, harassment in the provinces and
14 even in the city. He has endeavoured to tell the army chief of

17:19:45 15 staff and the commanders to put the situation under control. He
16 said up to this time there was no solution. Again, there was the
17 international pressure on him. The international community said
18 that they should hand over power to a civilian government before
19 they could discuss any other thing, but Pa Foday Sankoh was not
17:20:17 20 present. He was still arrested, so they said there could be no
21 solution, except they made a demand in order Pa Foday Sankoh to
22 be released so as to join Johnny Paul Koroma.

23 Q. What do you mean when you use the term harassment?

24 A. What he told me, that was why I used the word. He said
17:21:20 25 harassment. That was what the AFRC soldiers were doing.

26 Q. Were there any other meetings in Freetown?

27 A. It was the same, the same place, that was the area -- the
28 same place that the meeting was held. It was Johnny Paul Koroma
29 who called the high command, the last time I visited him. The

1 one that I attended, it was at the same Spur Road.

2 Q. This meeting at Spur Road, can you say when it took place?

3 A. The actual month, it was towards December, 1997.

4 Q. Who was at this meeting?

17:22:43 5 A. Mr A was present; Colonel Kallon was present; Colonel Issa
6 Sesay was present; Johnny Paul Koroma himself, the chairman, was
7 present; defence was there -- the Chief of Defence Staff,
8 Mr Koroma; Kowas, the army chief of staff himself was present;
9 Colonel Isaac was present; Edward Collins was present;

17:23:32 10 Gibril Massaquoi was present. These are the ones that I'm able
11 to recall now.

12 Q. Did you attend the actual meeting?

13 A. I did not go there. I entered the compound, but I did not
14 enter the place where the meeting was held because, at any time
17:24:02 15 when you have big men gathered together, we are just guarding, we
16 would not be with them in the meeting.

17 Q. Were you told what happened at the meeting?

18 A. All the meetings that they held, it was for -- not for any
19 other thing. They were mainly concerned with their harassment
17:24:37 20 and looting from the interior areas unto Freetown here, the
21 rapings. Later on they said I saw Mr Koroma -- mmm, sorry, sir,
22 I saw Major Dumbuya. ~~XXXXXXXX~~, told me that --
23 well, the ammunitions they were talking about would be on
24 progress now. He was the one that showed me that Major Dumbuya
17:25:31 25 himself. That was the time I saw him there, when they talked
26 about the first meeting that they sent at Magburaka for
27 ammunitions.

28 Q. I just want to ask if you can clarify who was
29 Major Dumbuya?

1 A. He was an AFRC soldier at the time.

2 Q. At the time of these meetings in Freetown, do you know
3 where Morris Kallon was living?

4 A. Yes, he was in Freetown here. He was a resident somewhere
17:26:39 5 off Wilkinson Road. I cannot just tell you the drive, I have
6 forgotten.

7 Q. Did you ever go there?

8 A. Yes, sir. I went there with Mr A.

9 Q. What happened?

17:27:03 10 A. We went there. We did not meet him. We met other people
11 with XXXXXXXX. XXXXXX asked -- XXXX asked for
12 Colonel Kallon. Well, it was during that time his wife told XXXXXX
13 that Colonel Kallon went for a patrol, Tongo, and that he will
14 return. So, we did not meet him there and that was what his wife
17:27:49 15 told us.

16 Q. Was anything said about why Colonel Kallon had gone to
17 Tongo?

18 A. Well, his wife, she did not tell me exactly what else to
19 do, but when we were coming, XXXXX himself told me -- he said,
17:28:26 20 well, some of Kallon's boys came with a small stone. It was a
21 diamond which was given to him. He said he did not know whether
22 they came from Kono. That is what XXXXX told me. He said the way
23 he saw things going, he said he wanted to arrange so that I could
24 XXXXX to Tongo, so as to go and mine for diamonds for him.

17:28:53 25 Q. Just pause for a moment. Who wanted you to XXXX to
26 Tongo?

27 A. XXXXX.

28 Q. And why did XXXX want you to XX to Tongo?

29 A. He wanted me to go and mine for diamonds for him.

1 Q. You've mentioned Kallon's wife Ester. Did you speak to
2 anyone else at the house?

3 A. Yes, the security was there.

4 Q. And do you remember what was said?

17:30:08 5 A. Well, he said that -- that was the way he was called. He
6 said that Master had gone to Tongo, Kono area. That was the
7 same.

8 Q. What did you do next?

9 A. Well, after that, when we came, it was around the first
17:30:51 10 week in XXXXXX by then. My master said he had to -- that XXXXXX
11 had to arrange about the same discussion that we had, about going
12 to mine for diamonds for him in Tongo. So we went to one
13 XXXX who is living by XXXXXXXX. So he discussed with him so
14 as to help him to get shakers, shovels, bailing machines, food,
17:31:31 15 petrol, diesel so that he could give them to me so as to take
16 them along to Tongo so as to mine diamonds for him.

17 Q. Did you leave Freetown?

18 A. Yes. Around XXXXXX left Freetown. XXXX went back to
19 Tongo. They gave XXXX all those things. They gave XXXXX shovels,
17:32:06 20 shakers, bailing machine, rice, petrol, diesel, and I went.

21 Q. Just pause a moment. You said it was around XXXXX. Can
22 you say what year it was?

23 A. XXXXXX.

24 Q. Who was it who bought these items that you listed, the
17:32:39 25 shakers, diesel, bailing machine?

26 [RUF18NOV05G - SGH]

27 A. Well, they were given to XXXXX. I saw them with him
28 and he was the one that gave them to XXXX.

29 Q. I am sorry to trouble you with this, Witness, but you have

1 used XXXXX. Is that different from XXXXXX

2 A. No, he is the same person.

3 JUDGE ITOE: But you mentioned XXXXXX. I am sure

4 Mr Harrison's question has to do with the name of the person who

17:33:25 5 supplied those equipments to you.

6 THE WITNESS: Well, we went to XXXXX, XXXX and XXXXXX. And

7 XXXXXX asked him to help him concerning this mining equipment that

8 I had shown. So the XXXX was the one that gave this

9 equipment to XXXXXXand XXXXX gave them XXXXXXX. He gave XXXXXall the

17:33:59 10 implements to go to Tongo to go and mine for diamonds.

11 MR HARRISON:

12 Q. So what did you do next?

13 A. XXXX returned. When XXXX got all these things, which were given

14 to me by XXXX, so I myself went to Tongo. XXXXXX, with

17:34:18 15 others.

16 Q. And you have mentioned the name XXXXX; who is that?

17 A. It was -- he was an RUF soldier.

18 Q. When you got to Tongo were there commanders there?

19 A. Yes, because the XXXXXXX that was first there, he had

17:35:06 20 died when I arrived. He had been killed.

21 Q. Just pause. Who was the XXXXXXX who had been killed?

22 A. The first commander that was there who was captain XXXXXX

23 XXXXX. The PLO-2 that was there, they accused him of a diamond.

24 They said he was the one that plotted armed men that killed him.

17:35:42 25 So they arrested the PLO-2; by then he was in the jail. So when

26 I was there, it was another AFRC commander that I met there.

27 Still he was being deputised by an RUF. The commander's name was

28 XXXXXXX.

29 Q. You just indicated the name. Can you just say it again;

1 who was the commander there?

2 A. XXXXXXXX.

3 Q. And I think you said that an RUF deputised him. Can you
4 say who that was?

17:36:28 5 A. Yes, still it was Captain XXXXXXXX. He was the one that was
6 there. The one who had deputised XXXXX. He was the one
7 that deputised XXXXXXXX again.

8 Q. Was there a reason why an RUF deputised Captain XXXX?

9 A. Yes. It was a government which was formed by two forces,
17:37:03 10 the soldiers and the RUF. So, they said anywhere that you had an
11 RUF as a commander, he should have the AFRC as a deputy. If you
12 had an AFRC as commander, you should have an RUF as a deputy. So
13 that is why XXXXXXXX was still there, deputising him.

14 Q. Did you arrive at Tongo?

17:37:41 15 A. Yes, sir.

16 Q. Tell the Court what happens when you arrive at Tongo.

17 A. When I arrived in Tongo, the next day I went to our own
18 captain who was deputising Captain XXXXXXXX. He was XXXXX. I
19 reported that I had gone. He took me to XXXXXXXX, who was
17:38:18 20 his XXXX. I explained exactly that I was an XXXXXXXX
21 and that I was a XXXXX to XXXXXXXXXXXX. He was the one that had sent
22 me to come and set XXXXXXXX for XXX. So, "You that are here
23 as XXXXXXXX", he said, "should help him. You should help him
24 greatly." By giving me XXXXX. Helping me to get
17:38:50 25 civilians to do this mining.

26 Q. Just pause. When you say getting civilians to help you
27 mine, what do you mean by that?

28 A. It was not I myself that was going to handle a shovel, you
29 know, to do the mining. It was the civilians that had to do that

1 physical work. That was -- it was a physical job.

2 Q. And at this time when you returned to Tongo, how were these
3 civilians treated?

4 A. At the time it was worse than previously. Because during
17:39:57 5 that time you had Kamajors who had been attacking Tongo, and
6 Tongo we had a lot of people. So at that time there was no
7 sympathy. All we knew was to make sure that the mining
8 continued.

9 Q. When you say the treatment was worse, what do you mean?

17:40:33 10 A. We captured them just like what he used to do. Just like
11 what we used to do previously. If we gathered civilians and if
12 they gathered --

13 THE INTERPRETER: Your Honours, would the witness go a
14 little bit slower.

17:40:53 15 MR HARRISON:

16 Q. Witness, if you could just try to take your time. You were
17 starting to explain the treatment for civilians. Could you just
18 take your time in giving your answer so that the interpreters can
19 translate every word.

17:41:18 20 A. Yes, sir. Still we used to capture them using force. We
21 would run after them. They had villages around, see, because
22 Tongo is divided into parts. It's a very large area, so we would
23 go right round. Wherever we saw you as a civilian, we would
24 capture you. If you had hidden in the bush we would capture you
17:41:41 25 and we would tie you with ropes, so that you would not hide
26 anymore. And we would come with them. We would come with them
27 into the site and we would release them and say, "Okay, now you
28 are going to do the work."

29 Q. Tell the Court what it is that you did in Tongo.

1 A. When I had arrived in Tongo and I had spoken to the
2 XXXXXX, with XXXXXX, with the XXXXXX,
3 they gave me a place where XXXX. I was welcomed. They said I
4 was okay and that I could continue mining. So at any time in the
17:42:40 5 morning if they had civilians, they would help me to do the
6 mining. Fortunately, when we left the meeting, there was another
7 commander, who himself came to the meeting and who was in one of
8 the villages around Tongo. That village was called XXXXXX
9 [phon].

17:43:18 10 Q. Just pause. You say that the village was called XXXXX?

11 A. Yes sir.

12 Q. And I can try to spell it phonetically as XXXXXX

13 A. Are you asking me?

14 Q. I am only asking to you continue with what you were saying
17:43:47 15 to the Court before I interrupted you.

16 A. So it was a village called XXXX. The man that was
17 assigned in this village was an RUF soldier, whose name was -- at
18 the time he was called XXXXX. He was the one that
19 told me, "Fellow, now that you have come", he said, "well, you
17:44:20 20 know that if you mine you will get first diamonds. Now Cyborg is
21 finished. Do you see where I am now? It's a XXXXXX." He
22 said, "It's not black dirt which could be taken, you know, from
23 here and parked there. But here it is a virgin ground. But here
24 we have to trip first before getting to the gravel. So now that
17:44:48 25 you have come with these implement", he said, "let us go there,
26 because it is there we will be able to get very big diamonds,
27 good diamonds." So I myself had to call one of my XXXXXX whose
28 name was XXXX. We discussed, XXXXX went with him there.

29 Q. Just pause. I just want to interrupt you to ask you what

1 it is that Cyborg was?

2 A. Well, Cyborg was a place when in Tongo which is an
3 airfield. It was an airfield where the plane used to land when
4 the company was on. So that airfield, when it was being made
17:45:53 5 they came with sand. When this sand had a lot of diamonds. It
6 was a place was swampy. They loaded it and they put it into the
7 swamp and they covered it. And they tar the place. So later,
8 when AFRC took over they knew that at that particular place there
9 was sand and that sand that was covered had diamonds. So they
17:46:21 10 started splitting the tar and finally they were able to reach the
11 sand. But it is a place, when we started mining there you would
12 not hear any noise except ours. It was only firing that we would
13 hear. That is why we called it Cyborg. That is to say that
14 there was no point in talking it was the arms that spoke.

17:46:55 15 Q. When you talk about only hearing the firing and the arms
16 that spoke, what do you mean by that?

17 A. Well, even the time that was shown, it was the arms that
18 would tell us that it was time, you know, for us to start
19 working. So they would raise their arms, everybody would just
17:47:20 20 fire. They would have like 10 people firing rapidly. So that is
21 to tell you that it was time for you to start and everybody would
22 run to go there. So nobody would come and tell you that it is
23 time for us to go. It is only the firing that will tell you that
24 now it is time for us to go an work. That's why they called the
17:47:43 25 place Cyborg; there was no point in talking.

26 Q. You have told the Court about this person XXXX. What did
27 he do?

28 A. XXXX when we went, I assigned him at XXXX to do some
29 mining. When they went they mined, they tripped, according to

1 him. I didn't go there but he used to come to Tongo because it's
2 a short distance, aboutXXXX miles off. So he would come to
3 Tongo to me. So he said that -- he said that XXXX was helping
4 him and that in the morning there were civilians. They would
17:48:35 5 gather them just like what they used to do at Tongo. He said
6 they gave him some to go and do the work. He said they tripped.
7 And he said when they wanted reach the gravel, you know, to get
8 it out, they were attacked by Kamajors. They were not able to do
9 anything. So what they did, they ran away. They came with the
17:48:56 10 machine. But other things were left at the place. So but they
11 came to Tongo.

12 Q. Pause there. So there was an attack by Kamajors on the
13 people that were going to mine. What happened next?

14 A. After that my own men, like XXXXXXX, he came back. When he
17:49:27 15 came he told me that they had attacked the place and there was no
16 way to return. So, inside the sand, there was sand where they
17 used to work with the plant. They said there were diamonds and
18 that if he tripped, and if we were able to reach right down, he
19 said when --

17:49:49 20 Q. Pause there.

21 MR CAMMEGH: There is word that has been repeated several
22 times. It sounds like "tripped", but it doesn't make any sense
23 to me. Can we clarify that please?

24 MR HARRISON:

17:50:06 25 Q. Witness are you using the word that sounds like "tripped"?

26 A. Okay. I cannot recall. Perhaps you do not understand the
27 type of words that I used.

28 Q. Yes, I will take you back one step and we will see if we
29 can understand it a bit better. You were talking about XXXXXXX

1 being forced to come to Tongo, and then you were talking about
2 the next thing that XXXXXX was doing.

3 A. I said XXXX was at XXXX. When they had mined Kamajors
4 attacked them. They left the place. They came and met me.

17:51:03 5 Q. All right.

6 A. In Tongo.

7 Q. Let me just pause you there. Were you using the word
8 "tricked", that the Kamajors "tricked" the miners?

9 A. No, I said the Kamajors attacked them atXXXXX.

17:51:30 10 Q. That's --

11 A. Okay, so they retreated. I think that's the word.

12 MR CAMMEGH: I am sorry to interrupt. The first time I
13 remember -- one of the first times I remember hearing the word
14 "tripped" was in relation to going through, I think, the tar at

17:51:51 15 the airfield at --

16 JUDGE ITOE: [Microphone not activated]

17 MR CAMMEGH: Your Honour's microphone is not on. I am
18 sorry I can't hear.

19 JUDGE ITOE: Digging the sand, you know, going downwards, I
17:51:51 20 think. That is where he used that word.

21 MR CAMMEGH: Exactly. It seemed to be in the context of
22 digging that tripped was -- it is probably a question better
23 addressed to the interpreter than the witness, I would suggest.

24 THE INTERPRETER: Well, Your Honours, I think that will be
17:52:21 25 clarified by the interpreter. I think what was meant was that to
26 dig deep into the ground. Digging deep into the ground in order
27 to get the gravel.

28 MR CAMMEGH: Thank you.

29 JUDGE ITOE: [Microphone not activated]

1 THE INTERPRETER: Trip, to trip.

2 JUDGE ITOE: That's it.

3 MR HARRISON:

4 Q. So, Witness, when you used the word "trip" you are talking
17:52:43 5 about digging deep into the ground?

6 A. Yes, that's what tripping means. They give you a shovel.
7 What you want, the gravel that you want, where the diamond is it
8 is right down. It is the shovel that you are going to use that
9 you take the dirt out of the -- this is what is referred to as
17:53:17 10 tripping in mining. So you go right down. You would attack the
11 dirt. Throw it away, until you reach the gravel which you want.
12 So that is what he referred to as tripping.

13 Q. Thank you. Before I stop you, you had explained how XXXXXX
14 had gone to one mining site, but then he was forced out by the
17:53:50 15 Kamajors and you were going to explain what XXXXX did next.

16 A. Well, I said when he came he told me -- they showed us
17 another place, which was in Tongo, and this place was sandy and
18 it was one commander, a town chief --

19 THE INTERPRETER: Your Honours, I did not get that name.

17:54:19 20 MR HARRISON:

21 Q. Yes, if you could just pause. There was a name of a town
22 chief that we think you were perhaps trying to say. Could you
23 repeat it?

24 A. XXXXX. XXXX.

17:54:27 25 Q. [Microphone not activated]

26 A. So, he was the one that was working in the place, in that
27 sandy place where he had plans. That was the place that was
28 shown to me. But there was a lot of sand. So you would have to
29 dig deep into each sand before you would be able to get the

1 gravel because it was a sand that was packed by a machine. So it
2 is over three to four fathoms before you would be able to reach
3 the gravel. So when we had dug the place and we had reached the
4 sand and there was water. I came to XXXXX. It was in my
17:55:27 5 absence that XXXXX went and took XXXXXXXX, the one that was
6 XXXXXX, so as to go and use it in his own pit.
7 Where XXXXXX had been working.

8 Q. Just pause. After XXXXX is taken by XXXX, what
9 do you do next?

17:56:03 10 A. I didn't do anything. So I stopped mining. So when I
11 heard about that, I came they told me and the XXXX was already
12 in his pit bailing water. You see I was not that bold to go to
13 him and ask him for it. So what I did myself, I returned to
14 XXXX straight. It was the end of mining.

17:56:22 15 Q. When was it that you returned to Kenema?

16 A. It was in January, the end of January almost. XXXX.

17 Q. While you were in Kenema, did anything happen?

18 A. Yes, we were already in Kenema with Mosquito. Now until
19 the Kamajors came and attacked us they were not able to. We also
17:57:01 20 attacked them. We repelled them and we sent them where they came
21 from. From there, Mosquito went to Mamie Saad.

22 Q. Just pause for a moment. Did anything happen in
23 February 1998?

24 A. Yes. That was a time when ECOMOG finally intervened so as
17:57:49 25 to oust the AFRC from power.

26 Q. How did you learn about this ECOMOG intervention?

27 A. Well, I was with the XXXX who had a XXXXXX
28 XXXXXX. He had been communicating directly in Freetown
29 here. I heard that and I also heard that on BBC when I was in

1 Kenema that Freetown had fallen into the hands of ECOMOG.

2 Q. At this time were there any commanders in Kenema?

3 A. Yes, Mosquito was there. Eddie Kanneh was there. Manawa
4 was there and Eagle and even Eagle was in Tongo he had been

17:58:51 5 repelled and he was there.

6 Q. Just pause for one moment. Who is Manawa?

7 A. Manawa was an RUF soldier.

8 Q. Manawa is spelt phonetically would be M-A-N-A-W-A and I am
9 suggesting that this is a convenient time to break. If I can

17:59:31 10 just say the time estimate is roughly the same, we anticipate the
11 direct completing in the early afternoon tomorrow.

12 PRESIDING JUDGE: Monday, you mean?

13 MR HARRISON: Yes.

14 PRESIDING JUDGE: Court is adjourned until Monday at 9.30.

15 [Whereupon the hearing adjourned at 6.00 p.m., to be
16 reconvened on Monday, the 21st day of November 2005, at 9.30
17 a.m.]

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EXHIBITS:

Exhibit No. 56A	40
Exhibit No. 56B	40
Exhibit No. 56C	40
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-366	40
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