

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

WEDNESDAY, 23 NOVEMBER 2005
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Wallbridge(Case Manager) Ms Lynn Hintz (intern) Ms Suzanne Mattler (intern)
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 Melron Nicol-Wilson Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF23NOV05A - CR]
2 Wednesday, 23 November 2005
3 [Open session]
4 [The accused Sesay and Kallon present]
09:37:07 5 [The accused Gbao not present]
6 [Upon commencing at 9.45 a.m.]
7 WITNESS: TF1-045 [Continued]
8 JUDGE THOMPSON: Mr Jordash, your witness.
9 MR JORDASH: Thank you, Your Honour.
09:47:57 10 CROSS-EXAMINED BY MR JORDASH: [Continued]
11 Q. Good morning, Mr Witness.
12 A. Good morning, sir.
13 Q. The trip you took to Gandorhun Gbane in February 1998 -- it
14 was February 1998, wasn't it?
09:48:39 15 A. Yes, sir.
16 Q. And Johnny Paul Koroma had been in control of the movement
17 from Freetown to Kono as far as you're aware; is that right?
18 A. Yes.
19 Q. And, at least on one view, was still the leading man, the
09:49:04 20 president?
21 A. Yes.
22 Q. And the purpose of the trip that you took was, firstly, to
23 receive Johnny Paul Koroma and take him to Sam Bockarie?
24 A. Yes.
09:49:34 25 Q. Am I correct that Sam Bockarie also told you specifically,
26 or told the commanders on the trip that they should pick up Mr A
27 and Mr Sesay?
28 A. Yes.
29 Q. It was therefore clear which commanders would be received

1 by the receiving group and taken to Kailahun; is that right?
2 A. Yes.
3 Q. That decision was taken by Sam Bockarie in Buedu?
4 A. Yes, in Daru.
09:50:36 5 Q. In Daru, sorry.
6 A. Yes, sir.
7 Q. Does it follow then that Sam Bockarie had, before the
8 receiving trip left Daru, decided which commanders would not be
9 coming on the trip to Kailahun?
09:51:10 10 A. Let me get you clearly, sir.
11 Q. Well, you were given named officers which were to be taken
12 to Kailahun; is that right?
13 A. Yes. Those were to be commanders that would be responsible
14 for defending Kailahun
09:51:39 15 Q. So the commanders who would be responsible for defending
16 Kono were also decided at that point by Sam Bockarie in Daru?
17 A. No, he did not say that directly. He only told us that we
18 should go and receive Issa Sesay, Johnny Paul, Mr A. When we
19 arrived there, it was later that he spoke to Issa Sesay when Issa
09:52:31 20 Sesay himself told Kallon. That was right in Gbane Gandorhun
21 when they were leaving Kono.
22 Q. There was never a suggestion made to the receiving trip
23 that Superman was to be met at Gandorhun Gbane and brought to
24 Kailahun; is that right?
09:53:07 25 A. Yes, I was not told about Superman. The ones whose names
26 were stated, those are the names I've called.
27 Q. But did you know that Superman was in Kono before the
28 receiving trip left Daru?
29 A. Yes, Superman were all coming together with Issa Sesay from

1 Makeni on to Kono.

2 Q. Am I right, Mr Witness, that you do not know who was the
3 top commander in Kono after February 1998?

4 A. Well, I wouldn't know all, but some I knew, because I
09:54:30 5 wasn't resident in Kono. I wouldn't be able to tell you about
6 all the commanders.

7 PRESIDING JUDGE: No, the question, Mr Witness, is the top
8 commander in Kono after February '98. Not all, the top
9 commander.

09:54:57 10 THE WITNESS: Well, it was Superman who was the commander,
11 but at that time Kallon was assigned by Issa to take care of the
12 situation.

13 MR JORDASH:

14 Q. What do you mean when you say he was assigned to take care
09:55:16 15 of the situation? What does that mean?

16 A. Yes, because he was coming. Issa Sesay --

17 THE INTERPRETER: The interpreter is sorry, the witness has
18 not been very clear at certain points in his testimony. Would he
19 please repeat?

09:55:45 20 PRESIDING JUDGE: Mr Witness, would you just stop, please.
21 Would you just repeat this last answer slowly so the interpreters
22 can give a proper translation of what you're speaking about.

23 THE WITNESS: I said Superman was the commander, but in my
24 presence at Gandorhun Gbane, the immediate commander who was
09:56:14 25 together with Issa Sesay, when we went for Issa Sesay to Kailahun
26 to come with him at Gandorhun Gbane, before he came, he told
27 Kallon to take care of the situation at Kono.

28 MR JORDASH:

29 Q. Were they the words you recall being used "take care of the

1 situation", or were other words used?

2 A. That is to defend.

3 PRESIDING JUDGE: He said to Kallon to defend? What is it
4 that he said?

09:57:09 5 THE WITNESS: Yes, because what happened, when we arrived
6 there, there were a lot of vehicles and other properties that
7 were -- with which they were supposed to open up the road so as
8 to go with them up to Kailahun. So that particular mission,
9 Kallon did not go to ensure that that had happened and I was
09:57:35 10 there when Issa told him. So as for him to remain in Gandorhun
11 Gbane in Kono, so that they would be able to open up the road, so
12 that they would be able to take the things up to Kailahun. I was
13 there when he told Kallon to be in charge of that area.

14 MR JORDASH:

09:57:58 15 Q. Be in charge -- be in charge of which area? Are we talking
16 the whole of Kono? Are we talking Gandorhun Gbane? Which area
17 did you understand that to be?

18 A. Well, at that time he only said it, it was in
19 Kono District. When he said he should take care of the area, to
09:58:30 20 my understanding, I'm referring to Kono.

21 Q. What has that got to do with opening the road at Gandorhun
22 Gbane? What has that got to do with that?

23 A. Well, it was to open up the road so that all the things
24 that they came with could be taken up to Kailahun. That was why
09:59:03 25 he was at Gandorhun Gbane.

26 Q. Well, there is a difference, isn't there - and this is what
27 I'm trying to work out, Mr Witness - between staying to take
28 control of Kono and opening a road to enable somebody to get to
29 Kailahun? Did Mr Sesay order or instruct Kallon to stay in Kono,

1 or did he instruct him to open the road and come to Kailahun with
2 these items you have claimed to have been present?
3 A. Yes, that was the way it happened. The way he said it,
4 that's the way I'm explaining it. He said he should defend Kono
10:00:04 5 and to ensure that all things were taken to Kailahun after the
6 road had already been opened up.
7 Q. Is it right, Mr Witness, that the only group which left
8 Gandorhun Gbane to Kailahun was a group consisting of Johnny Paul
9 Koroma and his family, firstly? Is that right?
10:00:49 10 A. Yes. A lot of people came with us, but the ones that I've
11 named were the ones that I understood very well.
12 Q. Then Mr A and his family came as well to Kailahun; is that
13 right?
14 A. Yes.
10:01:14 15 Q. Mr Sesay and his family came?
16 A. Yes.
17 Q. And Dumbuya came; do you remember that?
18 A. Yes.
19 Q. Akim?
10:01:43 20 JUDGE ITOE: Sorry, let me get it clearly. Is it Dumbaya
21 or Dumbuya? I don't know.
22 MR JORDASH: Buya, actually. Dumbuya.
23 Q. Are we talking Dumbuya?
24 A. Dumbuya, yes, sir.
10:01:59 25 Q. That was the same man who had been charged of the weapons
26 delivery at Magburaka?
27 A. Yes.
28 Q. Do you recall Akim?
29 A. Yes, I can still recall him.

1 Q. Then about three other AFRC/SLA persons; do you remember
2 that?
3 A. Yes, I was seeing them around.
4 Q. Then the officers' securities?
10:03:00 5 A. Yes.
6 Q. It was that group and that group who moved through the bush
7 road to Sandaru and then south to Kailahun?
8 A. Yes.
9 Q. There was no fighting from Gandorhun southwards, was there?
10:03:41 10 The group just moved through the bush roads.
11 A. Yes, as we were coming together with them.
12 PRESIDING JUDGE: Yes, there is fighting or yes, there is
13 no fighting?
14 MR JORDASH: Yes, there's no fight -- thanks, I'll move on.
10:04:12 15 THE WITNESS: There was no fighting, sir.
16 MR JORDASH:
17 Q. The reason for the movement on the bush road to Sandaru was
18 that Koindu Gieya was occupied by Kamajors?
19 A. Yes.
10:04:37 20 Q. Could I suggest that Mr A was the top commander on the trip
21 from Gandorhun to Kailahun, top commander in the RUF?
22 A. It is difficult, because I saw Johnny Paul himself, the
23 chairman. He was present. He was high in rank, in position,
24 than Commander A -- Mr A.
10:05:35 25 Q. Let me put it this way then: Johnny Paul Koroma and
26 Commander A were the two top commanders on that trip from
27 Gandorhun?
28 A. Yes.
29 Q. Issa Sesay was in charge of ensuring the troops were ready

1 to fight, if necessary; is that right?

2 A. Yes.

3 Q. Under the command of the two more senior commanders, JPK
4 and Mr A?

10:06:58 5 A. Yes, they were the senior commanders, both of them.

6 Q. In Kenema during 1997, Sam Bockarie was in control of the
7 RUF?

8 A. Yes.

9 Q. Eddie Kanneh in charge of the SLAs there?

10:07:56 10 A. Mostly, because he was the resident minister for east.

11 Q. Eddie Kanneh reported directly to Johnny Paul Koroma?

12 A. Yes, that is what I heard.

13 Q. You spoke a few days earlier about what was going on in
14 Kenema. I want to ask you about that and, in particular, what

10:08:50 15 happened when Sam Bockarie led the movement from there. Now, you
16 spoke about women being forced. Am I right, firstly, before the
17 movement from Kenema, civilians were living in Kenema Town?

18 A. Yes.

19 Q. And were living in their own houses, some of them?

10:09:47 20 A. Yes.

21 Q. And lots of villages around Kenema have been destroyed by
22 fighting and so many of the civilians preferred to be in Kenema
23 Town where it was more comfortable?

24 A. Yes. But for their accommodation, they preferred to stay
10:10:32 25 in Kenema.

26 Q. Sorry, could you repeat your answer, Mr Witness?

27 A. I said yes. Because of the areas had been destroyed, they
28 had nowhere to stay, so they were willing to stay in Kenema.

29 Q. There'd been a great deal of fighting between the CDF and

1 AFRC/RUF groups in the villages around Kenema in 1997; am I
2 right?
3 A. Yes.
4 Q. Am I right that civilians who lived in Kenema Town during
10:11:32 5 1997 were, to a large extent, trying to go about their daily
6 business, the daily business of surviving in a war?
7 A. Yes. Yes, they were doing that.
8 Q. And there were shops which were trading in Kenema?
9 A. Yes.
10:12:08 10 Q. And hospitals working in Kenema?
11 A. Yes.
12 Q. And there was a police force working, which civilians could
13 go to?
14 A. Yes, there were police present.
10:12:54 15 Q. Am I right that if there was harassment of civilians they
16 could go to the police to complain? Is that what you saw?
17 A. Yes, they were doing it, but since there was armed
18 presence, the police were in fear.
19 Q. The police were what, sorry, Mr Witness?
10:13:35 20 A. I said they went with the report, but since the armed men,
21 they disband, so the police were afraid to carry on
22 investigations most of the time.
23 Q. Did you ever go to a nightclub in Kenema?
24 JUDGE THOMPSON: Just a minute.
10:14:04 25 MR JORDASH: I am sorry.
26 PRESIDING JUDGE: So you are saying the police were afraid
27 to investigate because of armed men?
28 JUDGE THOMPSON: Yes, is that what you are saying?
29 JUDGE ITOE: [Microphone not activated] because the

1 harassment was perpetrated by armed men?

2 MR JORDASH: Not that the harassment was perpetrated by
3 armed men, but I think that armed men were stopping the police
4 from investigating.

10:14:25 5 PRESIDING JUDGE: Or they were afraid because.

6 JUDGE THOMPSON: Yes.

7 MR JORDASH: Yes.

8 JUDGE ITOE: Can he -- can he --

9 JUDGE THOMPSON: Let him repeat that, yes.

10:14:34 10 THE WITNESS: There was harassment going on on civilians,
11 but the harassment was done by armed people, but when they --
12 when the civilians reported this matter to the police, the police
13 were afraid to investigate the matter, but they were there to
14 observe what was going on.

10:15:06 15 MR JORDASH:

16 Q. We shall return to that subject, Mr Witness, very shortly,
17 but I would like to ask you about something else first. Did you
18 ever attend any of the nightclubs which were operating in Kenema
19 in 1997?

10:15:49 20 A. Yes, at one time I went there once. It was at one club
21 called Mamba.

22 THE INTERPRETER: Sorry, the name, the interpreter wishes
23 to correct the name of the club. It is La Bamba.

24 MR JORDASH:

10:16:40 25 Q. Am I right in Kenema in 1997, female civilians, some of
26 them had sexual relationships with RUF men and I mean consensual
27 sexual relations with RUF men.

28 JUDGE ITOE: Mr Jordash, we need to get it clearly on the
29 record. We are in the nightclub La Bamba.

1 MR JORDASH: I wish we were.

2 JUDGE ITOE: That's where we are so far as the evidence
3 goes.

4 MR JORDASH: Yes.

10:17:20 5 JUDGE ITOE: And the witness said he attended once. Is it
6 that sexual intercourse went on in the club? We need to get it
7 very clear.

8 MR JORDASH: I wasn't implying that, but I will clarify it,
9 Your Honour.

10:17:37 10 JUDGE ITOE: Because that was his destination before you
11 moved to the next question.

12 MR JORDASH: I know it is a little disjointed, but I was
13 trying to deal with what was going on in Kenema and then moving
14 to what the relations between the AFRC/RUF and the civilians
10:17:53 15 were.

16 JUDGE ITOE: Right.

17 MR JORDASH: My fault.

18 JUDGE ITOE: That's all right.

19 PRESIDING JUDGE: Are you asking to come back to the
10:17:59 20 question you were about to ask? Are you asking him for his
21 opinion?

22 JUDGE THOMPSON: Yes, I wonder about --

23 PRESIDING JUDGE: About consensual relationship.

24 JUDGE THOMPSON: Yes, if you can clarify it for me whether
10:18:11 25 it is merely the question directed to what he might have heard or
26 known, but not necessarily through direct knowledge, because once
27 you use the word "consensual" I think it complicates the issue.

28 MR JORDASH: Well, "forced" was used and "consensual" is
29 the opposite of that.

1 JUDGE THOMPSON: Yes. Yes. Right.

2 MR JORDASH: If the Prosecution can use "forced" I cannot
3 understand an objection to why we cannot use "consensual".

4 JUDGE THOMPSON: Perhaps if it's -- I'm not saying the
10:18:49 5 question is not permissible, I'm just saying that perhaps the way
6 it is put, can we --

7 PRESIDING JUDGE: My observation is to do with whether or
8 not you are asking the witness his opinion or if, as
9 Justice Thompson has just put to you, whether or not he knows of
10:19:07 10 or has heard of or observed.

11 JUDGE THOMPSON: Or has witnessed. That's the area that
12 I'm a little unclear about. But I will restrain myself and let
13 you do it the way you --

14 MR JORDASH: I can deal with it in a different way, I
10:19:23 15 think.

16 JUDGE THOMPSON: Quite, yes.

17 JUDGE ITOE: The witness may also have personal knowledge.
18 One never knows.

19 MR JORDASH: Yes, and I think that's the way I'm going to
10:19:35 20 try to deal with it.

21 Q. Am I right, Mr Witness, that you yourself had a civilian
22 girlfriend in 1995? I don't want to know her name, but did you
23 have a civilian girlfriend in 1995?

24 A. Yes.

10:20:07 25 Q. Am I right that that girlfriend you stayed with for many
26 years?

27 A. Yes, up to five to six years.

28 Q. Am I right that she had been captured by another RUF man
29 before you met her?

1 A. Yes, all of us captured her, but she was with a particular
2 person, and that person, all of us went together.

3 Q. Am I right that you had a relationship with her because she
4 fell in love with you?

10:21:23 5 A. Yes.

6 Q. Am I right that your older sister also got married to an
7 RUF soldier?

8 A. One of my family members, but not my real sister.

9 Q. Okay. Did she fall in love with the rebel, from what you
10:22:35 10 saw?

11 A. Well, that person, yes, they captured the person, so the
12 RUF that captured the person, and later she fell in love with one
13 of the armed persons.

14 Q. And so was with that armed person willingly from that time.

10:23:02 15 PRESIDING JUDGE: With an armed person, you call that
16 willingly?

17 MR JORDASH: Well, the witness has just said and made it
18 quite clear, I respectfully submit, that despite being captured
19 initially, his relative was then with the armed man willingly.

10:23:37 20 Because the armed man has a gun does not mean to say that he
21 cannot have a woman willingly.

22 PRESIDING JUDGE: We'll wait for the argument in due
23 course.

24 MR JORDASH: If that is not the case, then we have no
10:23:49 25 defence, because it is quite clear that all the rebels, most of
26 them at some point had guns, and many of them had sexual
27 relations with women.

28 PRESIDING JUDGE: That's why I say we'll wait to hear
29 arguments in due course.

1 MR JORDASH:

2 Q. Mr Witness --

3 A. Yes.

4 Q. -- your relative we were just talking about, was she with
10:24:37 5 her armed rebel man willingly?

6 A. Well, later she became willing, but initially she was
7 captured and later she said the person encouraged her and she
8 accepted.

9 Q. Right. So at one point she did not consent and the next
10:25:13 10 she did consent; is that right?

11 A. Yes.

12 Q. She did not consent to being captured; am I right?

13 A. Whether he accepted or not, in as much as you are in a
14 town, whenever rebels are ready to enter a town, they will enter
10:25:57 15 there. She was not willing.

16 Q. Yes, but after being captured against her will, her
17 relationship, her sexual relationship was by consent?

18 A. I said initially it was under threat, but later she said
19 that rebels encouraged her and when she observed that there was
10:26:45 20 no way she could do but to stay with him.

21 Q. Did she fall in love with him?

22 A. Yes.

23 Q. How long was she with him?

24 A. Well, they were together over six years, to my
10:27:46 25 understanding - more than that.

26 Q. After disarmament, were they together?

27 A. Yes, but the man was not around, but the woman was around,
28 but later she returned to her home.

29 Q. Did you observe some women being interested in RUF

1 commanders for the commanders to look after them?

2 A. Yes, it was one way or the other, because when you are
3 captured by an RUF, there were certain situations when the RUF
4 person had taken you to a particular place and you consider your
10:29:07 5 safety. You would prefer to stay with one of the RUF rebels for
6 your safety because if you don't do it that way you'll just be
7 taken as somebody that is to be played like a football in the
8 field.

9 [RUF23NOV05B - AD]

10:29:20 10 Q. Did some RUF men provide money and food for women civilians
11 who they were having relationships with?

12 A. They gave them everything, money, food, clothing.

13 Q. Did you see this happen?

14 JUDGE ITOE: Mr Jordash, please wait. Yes, you may
10:30:47 15 proceed.

16 MR JORDASH:

17 Q. Did you see this happen, Mr Witness, in Kenema, 1997?

18 A. Yes, I saw it happen.

19 Q. When the AFRC/RUF left Kenema, did some women travel with
10:31:21 20 the RUF to Daru?

21 A. Yes, some went with them.

22 Q. Were civilians who had been living in Kenema also
23 frightened of the incoming CDF troops?

24 A. Repeat your questions. Make it clearly, I did not get you
10:32:10 25 well.

26 Q. Certainly. The AFRC and RUF ran away from Kenema because
27 they were frightened of the CDF and government troops who were
28 advancing on Kenema; is that right?

29 A. Yes, some of them, not all of them. Many of them were not

1 willing to follow us. They preferred to stay.

2 Q. And those who preferred to go with you, were they
3 frightened of being considered collaborators with the junta?

4 A. Yes, many of those who followed us.

10:33:17 5 MR TAKU: Your Honours, I am asking permission for
6 Mr Kallon to step out for a few minutes; Mr Kallon.

7 PRESIDING JUDGE: Yes, permission granted.

8 MR JORDASH: Thank you.

9 Q. You told us about your own niece and the fact that you had
10:34:04 10 taken her from an RUF man; do you remember that evidence?

11 A. Yes.

12 Q. You told us that you had said to him that if you need her,
13 you will meet me and I will talk it. Do you remember saying
14 that?

10:34:36 15 A. Yes.

16 Q. What did you mean by that?

17 A. Well, I was just trying to encourage the man so that I
18 could take the child from him. That was why I told him that this
19 is my niece. A member of her family, so if you want her for any
10:35:09 20 other thing, you can tell me now.

21 Q. Am I right, Mr Witness, that - and if you don't know, you
22 don't know - but is it right that thousands of civilians from
23 Kenema, Segbwema and Daru crossed to Liberia in February 1998?
24 Are you aware of that?

10:35:45 25 A. Yes, many of them. When we arrived in Daru a lot of people
26 crossed over to Liberia.

27 Q. But also many people from Kenema in February 1998 ran away
28 to Liberia.

29 A. Yes.

1 Q. Thank you. Just one more question on this subject. Isn't
2 it true that your sister and an ex-RUF are still together now?
3 A. They are not together as of now.
4 JUDGE THOMPSON: Mr Jordash, is it sister or niece?
10:37:15 5 MR JORDASH: Sister.
6 JUDGE THOMPSON: A different one? It's a sister now?
7 MR JORDASH: Yes.
8 JUDGE THOMPSON: Yes, okay. And he denies that?
9 MR JORDASH: Denies.
10:37:25 10 JUDGE THOMPSON: Yes.
11 MR JORDASH:
12 Q. When did they break up, Mr Witness?
13 A. Well, it was at this latter part. It is almost a year now.
14 Q. So in 2004 they broke up?
10:38:00 15 A. Yes.
16 Q. Thank you. When you saw Boys working at Tongo, was he
17 there only on your first trip to Tongo in September -- sorry,
18 in -- around June 1997?
19 A. Yes, that was the time I saw him.
10:38:47 20 Q. You didn't see him on your return in December?
21 A. Not at all.
22 JUDGE ITOE: [Microphone not activated]
23 MR JORDASH: Boys, B-O-Y-S. The witness has given evidence
24 that -- Thank you.
10:39:19 25 Q. Before we completely leave Kenema, can you confirm that it
26 was Mosquito who ordered the killing of BS Massaquoi just a few
27 days before he ordered the pull-out from Kenema?
28 A. Yes, BS Massaquoi, Henry Quee.
29 THE INTERPRETER: The interpreter is sorry, the witness is

1 inaudible at this particular juncture.

2 MR JORDASH: Can you please raise your voice a little,
3 Mr Witness.

4 PRESIDING JUDGE: And when you respond to the question, try
10:40:22 5 to speak in the microphone in front of you. I know you are
6 turning to your head to the lawyer. When you do that we may not
7 hear you. So will you just repeat your last answer, please?

8 THE WITNESS: Yes, sir. I said I was present when he
9 killed BS Massaquoi. He passed an order and he was killed, Henry
10:40:49 10 Quee, and he himself injured Brima Kpaka on his head with a
11 pistol.

12 MR JORDASH:

13 Q. Did this take place one, two or three days or so before you
14 all left Kenema?

10:41:10 15 A. Yes, within three days' period we left there.

16 Q. Thank you.

17 A. Thank you too.

18 Q. PLO-2, who you say was present in Tongo, was he the overall
19 commander in Tongo Field in 1997, June?

10:41:55 20 A. PLO-2 was representing the government there regarding the
21 mining. But the overall commander that was there was one AFRC
22 soldier called Captain Yamao Kati.

23 Q. But PLO-2 was one of the original coup makers, was he not?

24 A. Yes.

10:42:28 25 Q. One of Johnny Paul Koroma's friends?

26 A. Yes.

27 Q. Was he not superior to Kati?

28 A. Not at all, he was a sergeant. Then Yamao Kati was a
29 captain.

- 1 Q. Kati was not JPK's friend as far as you are aware, was he?
- 2 A. Yes. Yes, he was a military commander.
- 3 Q. Did he have any personal relationship with Johnny Paul
- 4 Koroma; was he a friend in the same way as PLO-2 was?
- 10:43:31 5 A. Yes, they were members of the same family. Because what I
- 6 came to understand later on about Yamao Kati, he was Limba man
- 7 from Kamakwei.
- 8 Q. You have told us about centralised mining and private
- 9 mining. Am I right that the two were, you say, going on at the
- 10:44:12 10 same time in June 1997?
- 11 A. Yes.
- 12 Q. Could any AFRC or RUF engage in private mining at Tongo
- 13 Field with permission of the commanders resident there?
- 14 A. Yes, it was done in a conditional way.
- 10:45:02 15 Q. What do you mean by that?
- 16 A. When it was done, all the soldiers that were there should
- 17 ensure that you have captured civilians. Then arrange them for
- 18 the government mining. After that, any other soldier could go
- 19 about his private mining.
- 10:45:39 20 Q. Did Sam Bockarie arrange the personal mining for the RUF?
- 21 A. Yes.
- 22 Q. And was Major Gweh reporting directly to Sam Bockarie?
- 23 A. Yes.
- 24 Q. Did the AFRC have their own personal mining program?
- 10:46:35 25 A. Yes, they centralised it. There was government mining for
- 26 both the RUF and the AFRC. And from there, each of the
- 27 commanders, RUF and AFRC, they had the right to do their own
- 28 personal mining.
- 29 Q. Was the AFRC personal mining controlled by Sergeant Junior?

1 PRESIDING JUDGE: Did you say AFRC -- RUF mining?

2 MR JORDASH: AFRC.

3 Q. Was the AFRC personal mining program controlled by
4 Sergeant Junior?

10:47:18 5 A. Yes, he was -- he and the OC secretariat and the PLO-2.

6 Q. Am I right that -- I don't know if I have asked this
7 question, so forgive me if I have. Am I right that Kati reported
8 to directly to Johnny Paul Koroma?

9 A. Well, I didn't observe that directly, so I wouldn't talk
10:48:05 10 about that. I didn't see where he reported directly to
11 Johnny Paul.

12 Q. When you went to Tongo for the first time, did you go to
13 Kati to seek permission to mine?

14 A. Yes, Yamao Kati and Eagle.

10:48:41 15 Q. Didn't you have to seek permission from Kati; wasn't he the
16 person you had to get permission from?

17 A. I asked for permission.

18 Q. Yes, from Kati?

19 A. Yes.

10:49:03 20 Q. Were you not expected to ask for permission from PLO-2?

21 A. No.

22 Q. I want to ask you about something you said in the -- do you
23 know if Kati reported to the brigade commander in Kenema?

24 A. Yes, I heard of that.

10:49:47 25 Q. Do you know if the brigade commander reported to army chief
26 of staff in Freetown?

27 A. Yes. I heard of that, that he was answerable to him.

28 Q. Am I right that the army chief of staff reported to the
29 chief of defence staff?

1 A. Yes.

2 Q. Who himself reported to Johnny Paul Koroma?

3 A. Yes.

4 MR JORDASH: Your Honours, page 13239.

10:50:48 5 PRESIDING JUDGE: Are these the statements?

6 MR JORDASH: It is the 19th July transcript in the AFRC

7 case.

8 PRESIDING JUDGE: The page again?

9 MR JORDASH: 13239.

10:51:12 10 JUDGE ITOE: Mr Jordash, page?

11 MR JORDASH: Page 13239.

12 PRESIDING JUDGE: I don't seem to have it, but let me see.

13 MR JORDASH: I hoped it was a page I had -- sorry. I gave

14 the page numbers rather late to your legal officers, I am afraid.

10:51:50 15 PRESIDING JUDGE: It is okay, we have it now. So 13239 is

16 transcript of 19 July in AFRC?

17 MR JORDASH: Your Honour, yes.

18 Q. Just so you understand, Mr Witness, what you said in the

19 AFRC trial was recorded. So we have what you said word for word.

10:52:44 20 Okay?

21 A. Yes.

22 Q. And you were asked the question --

23 MR JORDASH: Your Honours, line 2.

24 Q. "Q. When you and the PLO-2 were in Tongo at the same time

10:53:01 25 though, did you see what the PLO-2 was doing in Tongo?

26 Could you actually observe what his actions were?

27 "A. Yes, when I reached -- what I was told and what I saw,

28 I was told that he was the PLO-2 and he was in charge of

29 the mining. The diamond mining for the AFRC, that he was

1 in charge. He had control over it."

2 Do you remember saying that?

3 A. Yes.

4 Q. Was PLO-2 the man who had complete control over all the
10:53:56 5 diamond mining that was happening in Togo in 1997 when you were
6 there?

7 A. I said the government mining for the AFRC, he was in charge
8 of that. That was the centralised mining. The individual mining
9 commanders, RUF, AFRC, he had no -- it did not concern him. It
10:54:25 10 was you who was an armed man, if you wanted to mine, you would
11 ask for permission from your commander, who was Yamao Kati or
12 Eagle, who was the deputy. Without that, if you go through PLO-2
13 and he allows you to mine, if those commanders find out that you
14 are mining without their permission you would be in very big
10:54:56 15 trouble.

16 Q. So the chain of command for RUF personal mining was Eagle
17 at Togo Field, who would give permission, is that right,
18 firstly?

19 A. Yes, Yamao Kati and Eagle, those two people. You must --
10:55:28 20 if you were a soldier you must meet these two people if you
21 wanted to mine.

22 Q. Did Eagle report directly to Sam Bockarie?

23 A. Well, he wouldn't reported directly to him. I didn't see
24 that one. But he did take some orders from him; some.

10:56:00 25 Q. So he took some orders from Sam Bockarie but most orders
26 from Kati?

27 A. Who are you referring to? Me?

28 Q. No, Eagle.

29 A. Yes, Eagle, for Eagle in particular he would take orders

1 from Sam Bockarie.
2 Q. And some from Kati?
3 A. Yes.
4 Q. Did you know what would happen if there was a disagreement
10:56:44 5 between Sam Bockarie and Kati?
6 A. Repeat your question.
7 Q. Did you observe who Eagle would obey if there was a
8 disagreement between Kati and Bockarie?
9 A. Yes. It was Mosquito that he would support.
10:57:20 10 Q. Am I right that Sam Bockarie, you only saw him in Tongo
11 Field once?
12 A. Yes.
13 MR JORDASH: Your Honours, could Mr Sesay step out of the
14 room? He is happy for the proceedings to continue.
10:57:52 15 PRESIDING JUDGE: That is fine.
16 MR JORDASH: Thank you.
17 THE WITNESS: I want to use the convenience too.
18 PRESIDING JUDGE: Mr Sesay, would you -- We will break for
19 15 minutes then and allow everybody to do it if need be.
10:58:09 20 [Break taken at 10.58 a.m.]
21 [Upon resuming at 11.25 a.m.]
22 PRESIDING JUDGE: Yes, Mr Jordash.
23 MR JORDASH: Thank you, Your Honour.
24 Q. Did civilians in 1997 leave Tongo to go to Kenema?
11:26:04 25 A. Yes.
26 Q. Did they go to live in Kenema?
27 A. Yes.
28 Q. Did civilians leave Kenema -- sorry, did civilians leave
29 Tongo to go to other places in Sierra Leone in 1997?

1 A. Yes.

2 Q. Do you know where they went, some of those civilians?

3 A. Some went to Kenema, some went to Panguma, Dodo. They
4 avoided Tongo.

11:27:05 5 Q. When you were there, did people leave Tongo so as to avoid
6 it?

7 A. Yes, some of them, because they were not willing to stay
8 there. Some of them, where there were so many armed men, they
9 wouldn't stay there.

11:27:41 10 Q. So, somewhere like Kenema, when you were there in June, was
11 considered to be safer than staying in Tongo Field by many of the
12 civilians?

13 A. Yes.

14 PRESIDING JUDGE: We are talking here of June '97?

11:28:07 15 MR JORDASH: 1997.

16 Q. I want to just deal, Mr Witness, with the first time you
17 say you were in Tongo. Has everything you have said about
18 civilians leaving there, leaving Tongo Fields, was that the case
19 when you were first there, for the three months you were there?

11:28:31 20 A. Which one?

21 Q. Well, we have just been talking about civilians leaving
22 Tongo because it wasn't considered to be safe. Did you observe
23 that happening when you were first there in 1997?

24 A. Yes.

11:28:49 25 Q. Now you spoke on 18 November 2005, which I think was a
26 Friday, was it?

27 JUDGE THOMPSON: Yes.

28 MR JORDASH: Thank you.

29 Q. Last Friday, and I want to just read what you said back and

1 ask you about it.

2 MR JORDASH: Your Honours, it is page 68 of the 18 November
3 transcript. Sorry, it is the transcript from this case, 18
4 November, last Friday, page 68, line 10.

11:30:51 5 [RUF23NOV05C - SV]

6 Q. "Q. First of all, what do you mean when you say a PLO-2?

7 "A. Well, we used to call him -- we used to call him as a
8 public liaison officer. He was the head of the mining
9 which was set up in Tongo for AFRC. He was the one that
11:31:22 10 was sent there so as to take over.

11 "Q. You had also said something about Sergeant Junior and
12 the OC secretariat. What do you mean by that?

13 "A. Well, the OC secretariat, according to what I saw, he
14 was in charge of all the administration that had to do with
11:31:49 15 civilians which was going on together with the AFRC
16 soldiers who were in Tongo."

17 Then looking at 23:

18 "At any time that a problem arose between civilian and
19 soldiers, I would see them going there and they would sit
11:32:16 20 together and discuss it. So he was in charge of that.

21 That is, Sergeant Junior as the OC secretariat."

22 Do you remember saying that, Mr Witness?

23 A. Yes.

24 Q. So would civilians report to the OC secretariat in Tongo to
11:32:45 25 report any complaints they had about soldiers?

26 A. Yes.

27 Q. So any crimes which civilians suggested had been committed
28 against them by soldiers they could report at the OC secretariat?

29 A. Yes.

1 Q. Did civilians do that?

2 A. Yes.

3 Q. Did they report looting at the OC secretariat?

4 A. Yes.

11:33:55 5 Q. Did they report if they'd been assaulted in any way by
6 soldiers?

7 A. Yes, as long as it was a crime.

8 Q. Could I suggest, Mr Witness, that they could also report if
9 they were forced to mine?

11:34:29 10 A. There is not report about that, because the mining itself
11 was through force. That was an arrangement to all commanders.
12 So you wouldn't report to anyone. And listen and -- and he would
13 not take it for granted as long as it has to do with mining.

14 Q. So any other crime except for forced mining could be
11:34:57 15 reported to the OC secretariat?

16 A. I said apart from forced mining. Any other thing that was
17 bad, that was done to civilians, they would report to the
18 secretariat.

19 Q. And the secretariat would investigate those allegations;
11:35:27 20 did you observe that?

21 A. Yes, they had a branch there which was in charge of that at
22 the secretariat. It was called public relation officers. They
23 were taking care of that. They were soldiers who were in between
24 the civilians and the soldiers. So whatever problem that
11:35:52 25 happened and it is taken to the secretariat, they had that branch
26 which was taking care of by the public relation officers.

27 Q. And if the perpetrator could be identified were they
28 punished?

29 A. Yes, if you were caught, if they could find out who did

1 that act, you would be punished.

2 Q. Now, you told us, Mr Witness, that the order was that the
3 mining should start not before nine. Do you remember saying
4 that?

11:36:46 5 A. That was an example I talked about, that if they said the
6 mining should start before nine, that's what I said.

7 Q. Was there a time when the forced mining started when you
8 were in Tongo for the first time?

9 A. Yes.

11:37:12 10 Q. What time was it?

11 A. 9.30, 10 o'clock.

12 Q. What time did the soldiers or the commission go to collect
13 the civilians?

14 A. From seven up to ten.

11:37:37 15 Q. Every day?

16 A. It was an everyday business.

17 Q. Could you explain, if you can, Mr Witness, why it was
18 civilians would remain in their houses at 7 o'clock in the
19 morning, knowing that that's when soldiers would come to seize
11:38:06 20 them?

21 A. Yes, some of them were there because they know that Tongo
22 was a dwelling place. They were forcing some of them to mine,
23 but if you went there and you were lucky, because of the
24 population that was there, some stole diamonds. So some of the
11:38:32 25 civilians that were there, they used, although the force was
26 still there, as long as they didn't die they persevered to stay
27 there.

28 Q. So civilians would know that the soldiers were coming to
29 get them to mine; am I right?

1 A. Yes.

2 JUDGE ITOE: What does he say would make them persevere?

3 MR JORDASH: That's what I was trying to pick up on,

4 Your Honour.

11:39:01 5 JUDGE ITOE: Yes.

6 MR JORDASH:

7 Q. So soldiers would know that -- sorry, let me start again.

8 Civilians would be aware that soldiers came around to take

9 civilians every morning?

11:39:15 10 A. Yes.

11 Q. And civilians would, despite that knowledge, stay in their

12 houses at the time --

13 A. Yes, some of them would be there, some of them would hide.

14 Q. Were you aware of civilians who stayed in their houses?

11:39:46 15 A. Yes, I did see them. I did see them getting some out of

16 their houses. Some would hide upstairs in their houses and they

17 would be taken out. Some would come out of their houses in the

18 morning and hide in the bush until after the raid at ten, and

19 they would come out. If you are lucky and you were discovered,

11:40:13 20 because all around the bushes they would go round looking for

21 civilians, as long it was around Tongo, except that God blesses

22 you and you are not discovered. When some hide and by God's

23 grace they were not discovered, they would hide and do their own

24 personal mining or find something to eat.

11:40:37 25 Q. Right. Just pause there. So if they weren't found, some

26 of the civilians then went to do their own personal mining?

27 A. Yes, they would hide.

28 Q. No. If they weren't found when they hid, they would then,

29 that day, perhaps, go and do their own personal mining?

1 A. Yes, if they were not found by any soldier. You could
2 return -- you would go there and if a soldier finds you out, he
3 would remove you through force and take you for you to go and
4 mine for him.

11:41:23 5 Q. If the civilian was not found, could the civilian go and do
6 their own personal mining?

7 A. Yes. If you were not caught and you were able to hide and
8 you were not found, then you can do it.

9 Q. So the personal mining we've been talking about involved
11:41:54 10 soldiers but it also involved civilians in Tongo, mining for
11 themselves?

12 A. Yes, for civilians they would have to hide. If you hid and
13 you were not found, you can do it for yourself. But it was not
14 easy for civilians to go and do their personal mining without the
11:42:21 15 backing of a soldier and you were not found, but if you were
16 found then it would be a problem for you. But soldiers had the
17 right to do personal mining.

18 Q. Well, let's just stick with civilians for a moment,
19 Mr Witness.

11:42:35 20 A. Yes, that's what I have said. That civilians --

21 Q. How many civilians were doing their personal mining when
22 you were there?

23 A. Well, like, the committees which were set up, it comprised
24 civilians. Some had civilians who were with them. They were
11:43:04 25 doing their own personal mining.

26 Q. Okay. Just let's try and go slowly. Putting the
27 commission to one side, let's deal with the civilians who hid and
28 then went to do their personal mining. Did this happen every
29 day, that civilians would do personal mining?

1 A. Yes, some of them. Not all of them. Tongo is a very big
2 town and it has a large population of civilians there, over 700.
3 So it was not all of them that you could pick up. Many of them
4 would hide and go on their own personal mining.

11:43:46 5 Q. And when they went on their personal mining, did they seek
6 permission from any of the soldiers who were in Tongo Field?
7 A. Well, not all. Sometimes you wouldn't go until you call a
8 soldier to be among you. Sometimes they would hide, they
9 wouldn't tell any soldier. You will tell a soldier that "I am
11:44:17 10 going to do a personal mining for myself" at that time, it
11 wouldn't work.
12 Q. So there were people in the Tongo Field area when you were
13 there who were mining willingly?
14 A. Yes, some of them.

11:44:46 15 Q. Were some of those civilians mining willingly with
16 soldiers?
17 A. Yes.
18 Q. So did it depend, then? Some soldiers forced civilians,
19 some worked with them and were not forcing them?
11:45:17 20 A. Yes, some of them worked with them and they were not
21 forced. Some of them were forced. Like many of those civilians
22 who were in the committee, they had that little respect to do
23 their own personal mining after they would have summoned all the
24 civilian manpower for the government mining.

11:45:49 25 Q. Could I suggest that it was the majority of civilians in
26 Tongo Field who were mining willingly, Mr Witness?
27 A. Not many of them. A few. Majority is false. A few.
28 Q. Well, Mr Witness, why if, as you've told us, those who were
29 forced to mine were gathered and sometimes killed did any

1 civilian remain in their house in Tongo Field? Why didn't they
2 leave and go to Kenema? Do you know why?

3 A. Yes, I said some of them were going. Some of them had
4 nobody in Kenema. They had no accommodation in Kenema. So they
11:46:49 5 preferred to stay there no matter how they were treated. As long
6 as they were not killed they would continue to stay there because
7 Kenema is a big town. If you didn't have somebody to take care
8 of you, that would be another problem.

9 Q. Were they given food by the administration in Tongo Field,
11:47:18 10 Mr Witness? Were civilians given food?

11 A. Well, except the ones who would be under your control. But
12 the ones who were in the central mining, I didn't see them giving
13 them food or cooking for them, no.

14 Q. How did they obtain food?

11:47:47 15 A. Well, when you are captured for the mining and you are
16 taken along, sometimes if they say it is 4 o'clock or 5 o'clock
17 that you would stop working. You would go and find food. If you
18 are lucky you would find some and eat. If you are not lucky you
19 bear it up.

11:48:07 20 Q. The commission made up of civilians were given some money,
21 weren't they, for their work?

22 A. Clarify it for me.

23 Q. Well, the commission that you have described were given a
24 percentage, some money, for their work, were they not?

11:48:44 25 A. Are you talking about the committee? The committee?

26 Q. The committee, yes. Did I say commission? I beg your
27 pardon, Mr Witness; committee.

28 A. Well, this committee I did not directly see where they were
29 being given money, but I saw that when they validated a diamond,

1 when they had taken it along, if it were to the PLO or to the OC
2 Secretariat, they would say that they would bring some commission
3 for them. I didn't see it happen, but I heard them say it.

4 Q. So you heard that they were receiving commission?

11:49:36 5 A. Yes, that's what I heard.

6 PRESIDING JUDGE: Commission on diamonds brought to the
7 committee?

8 THE WITNESS: I didn't get you, sir.

9 PRESIDING JUDGE: I said the commission was being paid to
11:49:55 10 the committee for the diamonds that were brought to that
11 committee.

12 THE WITNESS: Yes. The committee, when they received the
13 diamond, together with the mining commander that was there, it
14 was the committee who would validate the diamond and give it to
11:50:19 15 the soldiers. They said when they took it where they were going
16 to hand it over, they would come with some commission, some small
17 commission, for them. I did not see it, but I heard them say it.

18 MR JORDASH:

19 Q. Thank you. Did members -- members of the committee said
11:50:38 20 that? You heard them say that?

21 A. No, I said at one time I was present when they were
22 validating the diamond. When they said that, that's when the
23 PLO-2 Sergeant Junior said when they take it along they would
24 bring their commission. I did not hear it from the civilians.

11:51:00 25 Q. Okay. I want to ask you about something you said during an
26 interview.

27 MR JORDASH: Your Honours, page 13074. This is an
28 interview with the OTP on 26th February 2003.

29 JUDGE THOMPSON: Mr Jordash, please repeat the page

1 reference.

2 MR JORDASH: 13074, Your Honour.

3 Q. Now you were asked the question, Mr Witness, halfway down
4 this page:

11:52:27 5 "So how often were they bringing in new people to work in
6 the mines?"

7 You say:

8 "The area is a mining site, so whether you force or keep
9 persons, the people are forced to go there to get their
11:52:45 10 living."

11 What did you mean that the people are forced to go there to
12 get their living?

13 A. No, that is not clear. That's not clear to me, that
14 question.

11:53:10 15 Q. Okay, I'll repeat the question. I'm going to read what you
16 said to John Berry during an interview with the Prosecution in
17 February 2003.

18 "The area is a mining site, so whether you force or keep
19 persons, the people are forced to go there to get their
11:53:34 20 living."

21 A. No, he didn't write it properly. What I said was --

22 Q. Mr Witness --

23 A. Yes.

24 Q. -- this is an interview where it's recorded word for word
11:53:55 25 what you said, as I understand it.

26 A. Yes, sometimes you will be talking to somebody and he
27 wouldn't construct the sentence properly the way you said it, you
28 see.

29 Q. Okay. Well, I suggest what you meant there was that people

1 were staying in Tongo and were working in the diamond mines and
2 were getting their living in the diamond mines.

3 A. Yes, I did say that. That Tongo was a place where the
4 civilians heard that killing was going on. So many people would
11:54:53 5 go there because that was the place when you are there, it could
6 be easy for you to find your living than if you were in Bo or
7 Kenema although harassment was going on there. But food, when
8 you're hungry, if they said there was food there but you are
9 hungry, yet they were killing people there, you would go there.

11:55:19 10 Q. So, was this the situation then, that civilians accepted
11 that they would have to work for some of the commanders in
12 exchange for them sometimes being able to stay and work for
13 themselves?

14 A. Yes, that was happening. Some civilians, because of that
11:55:55 15 harassment that was there, they preferred to stay with soldiers
16 so that no soldier would harass him and that soldier would help
17 him to get his living.

18 Q. So it was an arrangement that you have to work for the
19 soldiers and then you can work sometimes for yourself; is that
11:56:28 20 right?

21 A. Well, you wouldn't be staying with that soldier and working
22 for yourself. No, you would have to work for him. Except that
23 sometimes when you are working for him you would steal a diamond,
24 and when he doesn't know about it then you can have it for
11:56:45 25 yourself. But most times, the harassment that was continuing,
26 they needed food to eat so they preferred to stay with an armed
27 man. It was not easy for you to be staying with an armed man to
28 go and mine for yourself without that armed man. It was not
29 easy.

1 Q. Right, but it was basically easier to try to work with the
2 soldiers than it was to go elsewhere where you had no means to
3 earn a living?

4 A. Yes, once in a while some people preferred to stay with
11:57:26 5 soldiers just to get -- to earn their living than just staying on
6 their own like that.

7 Q. Thank you. And was it the case that the commission --

8 PRESIDING JUDGE: Committee.

9 MR JORDASH: Committee.

11:57:49 10 Q. Was the committee then set up to try to ensure that the
11 civilians were -- well, let me just deal with what you said on
12 the 18th. You've told us about a committee which you say was set
13 up and the reasons you gave were, one, that they could help to
14 identify mining sites; is that right?

11:58:50 15 A. Yes.

16 Q. They could help to value the diamonds?

17 A. Yes.

18 Q. And they could help to identify civilians?

19 A. Yes.

11:59:13 20 Q. And the committee were then ordered to obtain civilians?

21 A. Yes, to help put the civilians together for the mining.

22 Q. So were the committee expected to force civilians to mine
23 or were they expected to identify the civilians who wanted to
24 mine?

12:00:01 25 A. Well, since there was harassment going on and the committee
26 was set up, members said that they will help to gather their
27 colleague civilians for the mining. But I did not see that
28 happen because they tried but they had no progress. So the next
29 day they avoided the issue of gathering civilians together.

1 Q. But, just so we understand, was their job to force
2 civilians or was their job to simply identify civilians who were
3 willing to mine?

4 A. It wasn't their job to force their colleague civilians. It
12:00:57 5 was the soldiers' job. They would only say, "This is a civilian.
6 Identify the civilians." The soldiers were there to take care of
7 you.

8 Q. But why was the committee then stopped? Why was it that it
9 no longer, after a period, had the responsibility of finding
12:01:20 10 civilians?

11 A. Their colleague civilians were not respecting them. They
12 did not take their orders seriously and at times members of this
13 committee could tell their colleagues to hide, civilian
14 colleagues to hide. So when it occurred once, twice, they said
12:01:57 15 they were no longer responsible to go in search of their
16 colleague civilians, that they would only be there to help them
17 mine, identify mining sites, value diamonds for them. That was
18 the situation at the time.

19 Q. But didn't the committee have armed men with them when they
12:02:23 20 went to find civilians?

21 A. Yes, they had armed men but at that time they had the
22 power. If there was any armed man -- any armed person amongst
23 them, they will identify -- members of the committee can identify
24 people in different homes and hand them over to the armed men.

12:03:04 25 Q. So why was it then that they were unable to fulfil their
26 function if they had armed men with them?

27 A. Well, I've said it. I said they were unable to gather
28 their colleague civilians, unlike the way the armed men were able
29 to do so because the civilians were afraid of them.

1 Q. But the armed men went with the committee in the morning,
2 didn't they, to the houses?

3 A. Yes, armed persons during that time I have told you, when
4 the committee was formed, as you went to any house you, the
12:04:09 5 soldier, had no hand on a civilian. The only thing, except when
6 they got them out, say five from each house, they handed them
7 over to the armed people that were with them. They'll say,
8 "Okay, these are the civilians, you take over." During that time
9 there was no order that stated that the soldiers or the armed men
12:04:35 10 should go out in search of civilians.

11 Q. I'm sorry, I do want to move on from this, but there was no
12 order that armed men would go out in search of civilians at the
13 time the committee was working; is that what you mean?

14 A. Not at all. They should go in search of civilians with
12:05:09 15 members of this committee.

16 Q. Right, okay. Let's move on. Am I right that during your
17 time in Tongo, for three months you only saw yourself only two
18 killings?

19 A. Yes.

12:05:38 20 Q. You saw a killing at Lamin Street in Tongo; am I right?

21 A. Yes.

22 Q. You saw a killing -- let me just start that again. And the
23 killing in Lamin Street was a civilian being killed by an AFRC
24 soldier?

12:06:11 25 A. Yes.

26 Q. And the second killing you saw was in fact an AFRC soldier?

27 A. The ones that were dead or the one that he killed? Which
28 of these?

29 Q. Well, the first killing - is this right? - that you saw was

1 a civilian killed -- well, let me start again. You saw a corpse
2 of a civilian at Lamin Street in Tongo?
3 A. Yes, yes.
4 Q. You didn't actually see the killing, you saw the corpse?
12:07:01 5 A. Yes, in the morning.
6 Q. You were told that an AFRC soldier had done that killing?
7 A. Yes, I was told that the person was killed by a soldier.
8 Q. In the same three months you were in Tongo, did you hear of
9 or see one other killing which was a soldier who shot a civilian
12:07:36 10 for his palm wine?
11 A. Yes.
12 Q. Those were the only corpses or killings you heard or saw in
13 Tongo for the three months you were there?
14 A. And the other person that was killed at Cyborg.
12:08:25 15 Q. You saw that?
16 A. Yes.
17 Q. You've never mentioned that before, have you, in the AFRC
18 trial or in any previous interview, have you?
19 A. I don't think. Maybe that was not written down but I said
12:08:52 20 it.
21 Q. Well, I suggest you haven't said it either here, in the
22 AFRC trial, or in any previous interview. The only killings
23 you've described are two: the ones we've just talked about;
24 Lamin Street and the palm wine killing. Am I right?
12:09:22 25 A. Yes, initially that was it. But later I said I saw,
26 because of the order that was given that such and such a time
27 that the work should have begun, some soldiers took some people
28 down to the Cyborg pit. Because they violated that order they
29 were shot at. During the course of that event three civilians

1 and one soldier were --

2 Q. You have mentioned that before [Microphone not activated]--

3 THE INTERPRETER: Sorry, the interpreter may like to get
4 the witness back again, the number of individuals killed.

12:10:21 5 MR JORDASH:

6 Q. Could you just repeat how many people were killed at the
7 Cyborg incident, Mr Witness, please?

8 A. Three civilians, two soldiers. A total of five.

9 Q. Am I right, Mr Witness, that the AFRC soldier who shot the
12:10:46 10 civilian for his palm wine was shot himself by --

11 A. I did not see -- I did not observe he was killed.

12 Q. Was the civilian -- sorry, was the AFRC soldier --

13 THE INTERPRETER: Could the witness come back again,
14 please?

12:11:16 15 MR JORDASH:

16 Q. Could you repeat what you've just said, Mr Witness, please.

17 PRESIDING JUDGE: Mr Witness, could you get a little bit
18 closer to the microphone, please.

19 THE WITNESS: I said I did not see where he was killed but
12:11:30 20 I saw where his hand was fired into. His palm was shot.

21 MR JORDASH:

22 Q. So basically the AFRC soldier who was found to have killed
23 the man for the palm wine was punished by the secretariat and he
24 was punished by having -- being shot in his hand?

12:12:04 25 A. Yes.

26 Q. And he was shot in the hand because it was said that that
27 was the hand he'd used to shoot the civilian?

28 A. Yes.

29 JUDGE ITOE: Which hand was that? Which hand was that?

1 THE WITNESS: That was the one which he used to kill.

2 JUDGE ITOE: The right hand?

3 THE WITNESS: It was his right hand. Yes, sir. Yes, sir.

4 MR JORDASH:

12:12:58 5 Q. Am I right that you observed Sam Bockarie also execute some
6 armed men in Tongo or in Kenema?

7 A. Well, in Tongo I did not observe that, but I saw he fired
8 at some people's feet and he broke them. Those were the RUF
9 soldiers in Kenema.

12:13:37 10 Q. Was that because they'd been harassing civilians?

11 A. Yes, they looted from the women's society bush, that is the
12 Bondo bush.

13 Q. Thank you. Isn't the truth, Mr Witness, that this
14 committee you talk about was in fact a device by the AFRC to do
12:14:17 15 their best to prevent harassment of civilians by troops?

16 A. That was why it was mainly formed, but it was unworkable.

17 Q. Thank you. Could I suggest, Mr Witness, that in fact you
18 were never in Tongo in June to September 1997?

19 A. Well, I would say you've lied because I was there.

12:15:09 20 Q. And in fact I go on to say that you didn't arrive in Sierra
21 Leone until around October and you went straight to Freetown?

22 A. Well, if you've been informed by somebody then the person
23 has lied. I was the very first person to come before every other
24 body. The other people that came were Bai Bureh, Ranger, Monica.

12:15:58 25 I and Monica came together, but they were held at Pujehun so I
26 left them there. Later they came.

27 [RUF23NOV05D - EKD.]

28 PRESIDING JUDGE: Mr Witness, be careful with your
29 description of persons you were with, because that may lead to

1 your own identification.

2 MR JORDASH:

3 Q. And I go on to suggest, Mr Witness, that it is a theory
4 which you have developed about you being in Tongo over the last
12:16:26 5 few years basically to assist the Prosecution.

6 A. I'm saying the truth.

7 Q. Why -- sorry.

8 A. If Sam Bockarie would have been here, he would have told
9 you that I came before these people and I did not come around
12:17:00 10 October.

11 Q. Why was it that Mr A -- be careful with your answer. Why
12 was it that Mr A, having travelled back with you from Monrovia,
13 heading to Freetown as one of the important RUF men, was happy
14 for his security to remain in Tongo privately mining for himself?
12:17:32 15 Do you know why he was content for that to happen?

16 A. Well, when we arrived, we came with our families. I took
17 care of the families. And as we entered, they said he was to
18 come down to Freetown here. And they should go back to Ivory
19 Coast, to go and visit the Yamoussoukro Peace Accord. So it
12:18:13 20 was -- he told me to remain back with the families. Later when
21 he had a place, he would come for me so that all of us would go,
22 after we would have returned from the peace accord arrangement.
23 That was the instructions which he gave me. That was why I
24 remained back.

12:18:38 25 Q. Well, let's have a look what you've said through your
26 statements.

27 MR JORDASH: Your Honours, page 12974, the first ever
28 interview this witness gave.

29 PRESIDING JUDGE: 974?

1 MR JORDASH: 12974, Your Honour.

2 Q. This is how it --

3 PRESIDING JUDGE: So this is the first interview, you say?

4 MR JORDASH: Yes, Your Honour.

12:19:37 5 Q. Could I suggest that during this interview you did not once
6 suggest you'd been in Tongo before going to Freetown? In your
7 first interview in January 2003 you do not mention going to Tongo
8 in June and staying there for three months. You do mention going
9 to Tongo to mine diamonds for Mr A.

12:20:26 10 MR JORDASH: I'm sorry, I've gone over the page,
11 Your Honours -- 12975.

12 Q. You talk about going to Kenema. I will read, just so you
13 are reminded, page 12975: "Before Mosquito left" -- I'm reading
14 from halfway down the page. And there is a discussion,
12:21:03 15 Mr Witness, about an attack by Mosquito on Tongo Field, Moyamba
16 and Gendema. The statement says:

17 "We joined Mosquito's bodyguards headed by one Ishika in
18 one of the Hilux vans for Kenema. We had tyre problems so
19 it took two days for us to arrive in Kenema. The next day
12:21:42 20 Mosquito met us in Kenema -- The next day Mosquito met us
21 in Kenema and informed us that the air raids within Tongo
22 area has been carried out and that our men AFRC/RUF were
23 still in firm control of Tongo. He said in that operation
24 also that tried to take Wuima for the CDF but they were
12:22:11 25 unsuccessful and that the chopper had returned to Freetown.
26 I went back to Freetown and reported to my boss, [Mr A].
27 [Mr A] told me to come to Tongo Field to mine diamonds for
28 him."

29 And that, Mr Witness, is what you say about Tongo Field

1 when you first see the Prosecution, isn't it?

2 A. Yes, I said so, but it was not properly constructed.

3 MR JORDASH: Okay, we'll see. Your Honours, page 13045 --
4 13044, which is the next interview with this witness on 26
12:23:12 5 February 2003.

6 PRESIDING JUDGE: Page again?

7 MR JORDASH: It's 13044. Perhaps we should go back --
8 actually we should definitely go back to 13043.

9 Q. Halfway down the page you are asked the question,

12:24:12 10 Mr Witness:

11 "Q. Okay. So the coup happened in May. How long before
12 Mr A and yourself arrived in Freetown?

13 "A. That is -- when the coup took over, let me say between
14 one to two months' time.

12:24:39 15 "Q. One to two months' time?

16 "A. Yeah.

17 "Q. So you arrived in Freetown.

18 "A. Yeah. As the coup took over, within two months [sic]
19 time. [Mr A], he arrived here, within three weeks' time."

12:24:56 20 Do you remember saying that?

21 A. Yes, I said when we were in Liberia, when the coup had
22 occurred, it was within three months time we're now in
23 Sierra Leone here. I did not say I reach in Freetown after one
24 month or two months, no.

12:25:19 25 Q. Well, you did say that, Mr Witness, because it is here.
26 There is context and we are going to read through it, but you did
27 say it. Understand me, if you would.

28 A. Well, what I said, I wouldn't deny. But that statement, at
29 times it is not well constructed. If it were something that were

1 completely written, then it was read back to you, would have
2 understood exactly. But questions regarding writing, as more
3 questions were put to me, that was the way I replied to those
4 questions.

12:26:06 5 Q. I don't doubt that, Mr Witness. Let's read on. Going over
6 the page to 13044, you are discussing here, Mr Witness, the lack
7 of command and control which Johnny Paul Koroma had over the
8 soldiers. You say:

9 "So even 'Mosquito' with Johnny Paul, they don't work from
12:26:45 10 him over there without -- you don't see problem. So at
11 that time 'Mosquito' was -- he was living at a villa here
12 in -- at one of the villas here up Hill Station here."
13 Do you remember that?

14 A. Yes, that was initially when the coup occurred, and when I
12:27:18 15 came back here I saw him where he was resident.

16 Q. Well, that's right, because as you told us already Mosquito
17 only stayed in Freetown for two to three weeks. Yes?

18 A. Yes, when I arrived.

19 Q. Then you say in this interview:

12:27:41 20 "But later they prepare to go back in Kenema to stay there,
21 because he say here is no safe for him."

22 A. Yes.

23 Q. "Now, when you stayed here, were you with [Mr A] the
24 whole time?

12:27:57 25 A. Yeah, at that time."

26 A. Yes.

27 Q. Reading further down:

28 "But when they came, then the first -- then when Abidjan
29 for go advise regards the Lome accord, the Yamoussoukro

1 Peace Accord, then from there, at the time before he came
2 back here, up to a week -- within a week, I was at Daru.
3 So when he came here, so he sent -- I meet 'Mosquito' up at
4 Kini Road, there, this place. I meet 'Mosquito' go to
12:28:56 5 clear Tongo, because Tongo was under control of the AFRC
6 now. So I was at Daru. [Indiscernible] myself with
7 [indiscernible] for Kambia" --
8 This is the bit I am particularly interested in,
9 Mr Witness:
12:29:22 10 "'Mosquito' said we should come there and defend the area.
11 So I was there up to one months' time, then [Mr A] moved
12 from where he went for me. He said I should come and stay
13 with him here in Freetown."
14 So you were, at that point, I suggest, saying at best you'd
12:29:45 15 been in Kenema defending Tongo up to one month and then went to
16 meet Mr A and stay with him in Freetown.
17 A. The woman, the way he computerised my statement, he left
18 out a lot of things. He did not write exactly what I said.
19 Because when we arrive, the very day we arrive, then the
12:30:33 20 following day Mosquito attacked Tongo. That day we saw
21 commander, Mr A moved. He left us in Kenema with Mosquito.
22 Q. Mr Witness, I know what you --
23 A. That time.
24 Q. I know what you now say. We all know what you now say.
12:30:56 25 But I am interested in what you said then. I am suggesting that
26 in your first interview you suggested you were about to attack
27 Tongo but didn't make it, and your second interview you suggest
28 you were in some way defending Tongo but only for a month. Do
29 you understand?

1 A. No, I did not say so. Even the other one that you said
2 that I came with a vehicle with Mosquito in order to attack, no,
3 it was a mission that was summoned by Eddie Kanneh. He told
4 Mosquito to attack Kono at a particular village called Weima
12:31:56 5 where the Kamajors based, while the AFRC members were in Tongo,
6 our members, that was where they came from and attacked them. It
7 was that mission Mosquito went for. There were ground force
8 fighters and there was also an air raid. During that mission
9 Mosquito met me in Kenema.

12:32:25 10 Q. When was that then?

11 A. It was in 1997.

12 Q. How long had you been in either Kenema or Tongo at that
13 point?

14 A. It was just a short time, let me say.

12:32:53 15 Q. Were you involved in the attacks then which you talk about
16 now?

17 A. Yes, but I did not go. I was supposed to go but I did not
18 go.

19 Q. Let me just read over the page to 13053, something else you
12:33:31 20 say. Sorry, 13052. Because, just to be fair to you, I suggest
21 that your theory which you develop about mining in Tongo develops
22 through this interview and on page 13052 you start to talk about
23 operations by Mosquito and I will read you the question and
24 answers.

12:34:08 25 "Q. Okay. Now Mosquito, his operation to capture Moyamba
26 and Gendema and Tongo Field, he wanted to liberate these
27 towns. Now, do you recall who were you liberating, who you
28 were freeing?

29 "A. You know, the time the government took over, that

1 AFRC, not everybody was supporting that particular
2 government. I said that even the past governments were
3 training -- was having its own loyal forces nah the chief
4 of the Defence, the CDF, the Kamajors. So they were not
12:34:49 5 supporting the AFRC at all, and they were in arm. So they
6 used to attack any of the RUF based here.

7 "Q. Okay.

8 "A. So even when the government took over, this area
9 was strategic for the government; like Moyamba area,
12:35:12 10 Bo Njendema, the very border line area were useful at
11 that time; then Tongo area. All these areas, they were --
12 the whole area was occupied by the Kamajors."

13 Do you remember saying that?

14 A. Yes, I said I heard it.

12:35:35 15 Q. When do you say that the whole of Tongo area was occupied
16 by the Kamajors?

17 A. That was in '97 early, after the coup had taken over.

18 Q. Wasn't it the case, Mr Witness, that the Kamajors were
19 actually in occupation of Tongo Field up until August of 1997?
12:36:15 20 That's the truth, isn't it?

21 A. Well, they were there together with soldiers before even
22 the coup. But later there was a problem amongst them and the
23 Kamajors took over that place until when the soldiers were
24 overthrown. They were there until later when Mosquito went and
12:36:44 25 attacked them there.

26 Q. I suggest Mosquito and others from the AFRC attacked
27 Tongo Fields in August of 1997 and that was the first time that
28 the RUF/AFRC had been in possession of Tongo Field.

29 A. Well, it could be that. But because I cannot recall the

1 exact day or time, but they were the people that were there until
2 when Mosquito went and attacked them.

3 Q. That is another reason why I suggest you can't be telling
4 the truth about being there in June and July, because the
12:37:47 5 Kamajors were in possession of Tongo Field at that time.

6 A. No, I'm not sure. June, July, August, Kamajors were not in
7 Tongo. Kamajors were not there.

8 Q. Well, when was Sam Bockarie's attack on Tongo Field then?
9 According to you, you were involved at least on the periphery of
12:38:10 10 these attacks. When was it?

11 A. Yes, it could be round about March, April, within that
12 period.

13 Q. But you weren't in Sierra Leone March/April, were you,
14 according to what you've said?

12:38:33 15 A. Yes, but what I'm telling you, I wasn't -- when Moyamba was
16 attacked, Gendema, he had been attacking those areas. But Tongo,
17 the day we arrived, that very day, it was the following day he
18 captured Tongo. When we met him -- we've entered Sierra Leone to
19 meet him. When we arrive in Kenema, we met, he had already
12:39:09 20 captured Tongo.

21 Q. Yes, but I'm suggesting that he'd captured it about two
22 months before you arrived in Sierra Leone.

23 A. No.

24 Q. Okay, let's have a look at your interview. 13053, this is
12:39:37 25 what you say halfway down the page. You're asked do you remember
26 when the operations to liberate Moyamba, Bo Gendema, Tongo took
27 place. You say: "The very initial stage, '97, as the coup take
28 over, that was the first options."

29 Then you are asked further down the page:

1 "Q. Was it after you arrived in Freetown? Do you remember
2 when you -- it took you a few months to get to Freetown
3 from Monrovia?
4 "A. Yeah. Only a months's time before I could get here.
12:40:29 5 "Q. Okay. And you arrived some time around September, you
6 thought, if I remember correctly.
7 "A. Yeah, here now in Freetown.
8 "Q. Yes. Now, the attacks that Mosquito did on these
9 villages, was that after you arrived in Freetown?
12:40:53 10 "A. Yeah, that -- with the first -- like the" --
11 A. No.
12 Q. -- "like the other side who went there, when the chopper
13 bombard around the outskirts of Tongo, that, I was here now
14 in Freetown."
12:41:09 15 Is that what you said?
16 A. No, that was not what I said. I said -- the woman was
17 computerising what I said. He did not do exactly what I was
18 saying. I wasn't here when the coup took over up to two to three
19 weeks. But within that I wasn't here but I heard when Mosquito
12:41:43 20 attacked Moyamba, he attacked Gendema, but as for Tongo, we were
21 already in Sierra Leone when he attacked Tongo. And the very day
22 he came from the Tongo attack, we met him in Kenema.
23 Q. And I suggest, Mr Witness, it is only later on in the
24 interview we have you first talking about any mining which you
12:42:45 25 were involved with at all.
26 MR JORDASH: Your Honours, page 13064.
27 Q. The first mention of you mining at all in Tongo is again at
28 the behest of Mr A.
29 "Q. Okay. During that time in Kenema, who were you

1 attached with? Were you still with Mr A or were you with
2 Mosquito?

3 "A. I was -- I was with Mr A. But he sent me in Tongo at
4 that time now, as I already told you before, to go and
12:43:32 5 mine."

6 You see, we have gone, I suggest, Mr Witness, through one
7 and a half interviews and the only mention you have made up until
8 this point is mining for Mr A in, I suggest, December of 1997.

9 A. Yes, it was around that.

12:44:08 10 Q. And I suggest you haven't yet, have you, in these
11 interviews, developed your theory of mining earlier on, because
12 you weren't.

13 A. I stated that there. I said the first time he left me
14 with -- when Mr A left me with Mosquito, I myself told Mosquito
12:44:37 15 that I should go to Tongo, because I had my families. And he too
16 saw that. It was there I was with my own family. And it was
17 from Freetown here Mr A left and collected me from Tongo, and he
18 picked me with a vehicle. We came to Freetown here the following
19 day.

12:45:04 20 MR JORDASH: Your Honours, page 13067.

21 PRESIDING JUDGE: Mr Jordash, are you pursuing that very
22 much longer, because we go in circles on this. You put it to the
23 witness, he says no, this is not what I said. I don't know how
24 many times -- I know it may be important, but he denies that, he
12:45:27 25 denies your position. He says no, I was there.

26 MR JORDASH: Yes, but there is evidence in these interviews
27 that he wasn't there and I am just trying to bring it out.

28 PRESIDING JUDGE: I'm not saying he was or he wasn't. I am
29 just saying that he keeps denying your suggestion to him. I have

1 taken no position as to whether he was or was not.

2 MR JORDASH: But if the interviews tell a story of him not
3 being there, then it is my duty to bring them out. What can I
4 do? This is what the transcripts say.

12:45:56 5 PRESIDING JUDGE: Very well, carry on.

6 MR JORDASH: This is what has been recorded he said, and it
7 is my duty to reveal that. If Your Honours, with respect, are
8 happy to concede I'm right, then I'm happy not to go on. But in
9 the absence of that I don't see a choice.

12:46:23 10 PRESIDING JUDGE: I just told you that I have made no
11 decision one way or the other.

12 MR JORDASH: Well, I hope to persuade you of my own.

13 Q. Page 13067, this is what is said, Mr Witness:

14 "Q. Around when, which month, the Tongo attack?

12:46:56 15 "A. I don't know. I said the first attack were the first
16 week, the first month when the coup take over.

17 "Q. For Tongo Field?

18 "A. For Tongo Field. The second one was around October.

19 "Q. Okay, so there were two attacks?

12:47:20 20 "A. Two. The Tongo Field attack, yes.

21 "Q. There were two?

22 "A. Two."

23 And then you are asked further down the page about the
24 second one: "Second one is to go and bombard the outskirts."

12:47:40 25 Over the page. You then talk about the mining and the mining
26 involving Mosquito. You are asked halfway down the page,.

27 "Who was in charge of the mining, say, in Tongo,

28 Tongo Field? Was there a commander in charge of mining in
29 that area?"

1 Okay? You following?

2 Now you say, don't you, that the committee stopped working
3 the first time you went to Tongo; it wasn't operating the second
4 time?

12:48:39 5 A. Well, I said, when I was there they stopped gathering
6 civilians together. Even when I went there the second time,
7 civilians were not gathering their colleagues together. But the
8 committee was still in existence.

9 Q. Okay. Now you still are talking there, I suggest, about
12:49:08 10 mining after the second attack of Bockarie on Tongo Field, which
11 was, as is said in the interview by you, in October; am I right?

12 A. Yes.

13 Q. And if we just move through the interview to 296, I want to
14 ask you about something which is written there. Page 13076.

12:50:03 15 You're asked towards the bottom of the page:

16 "Okay. Now, the equipment and the supplies, obviously in
17 order to continue to do mining, you would need shovels, you
18 would need equipment."

19 Your answer:

12:50:26 20 "Yeah, that one was collected by Mosquito from them,
21 Lebanese, this, this. When he want ten drums or five
22 drums, he say -- he told you he call his men. So he say,
23 'You people go to that so-so Lebanese; he is to provide
24 three, four drums. Go to -- over there to that so-so
12:50:51 25 person; he is to give you 50 shovels.' So just like
26 that."

27 And then over the page John Berry asks you, "And who paid
28 for these?"

29 And you answer, .

1 "Yeah, well, that, it's between Mosquito and the person.
2 Maybe he will pay for it, or not. But we only see the
3 instruments."
4 Do you remember that?
12:51:28 5 A. No, I did not say that.
6 Q. "Q. Okay, did you see anything yourself? Did you see the
7 transactions any time between Mosquito and the merchant?"
8 "A. Oh, like, Mamie Tok-Tok, yeah, I see --
9 "Q. What happened?
12:51:52 10 "A. -- one Lebanese --
11 "Q. What happened there?
12 "A. -- in Kenema. They give him -- say he can give
13 Mosquito money.
14 "Q. Mosquito gave him money or he gave Mosquito money?
12:52:17 15 "A. He can give Mosquito money. When Mosquito requested
16 something from him, if he don't have the thing to give,
17 then he took some money, talk to him."
18 Do you remember saying this?
19 A. No.
12:52:36 20 Q. Because you have told us that Mamie Talk-Talk was a woman
21 who Sam Bockarie stole -- I am getting a shake of a head from --
22 MR HARRISON: Let the record be clear that there is another
23 name - I can say it - that the witness gave in his earlier,
24 direct evidence.
12:53:12 25 MR JORDASH: I am not sure I follow that objection.
26 JUDGE THOMPSON: I recall the Mamie Talk-Talk was an alias.
27 MR JORDASH: Yes, for a Mamie Saad.
28 JUDGE THOMPSON: Probably right.
29 MR JORDASH: Yes. And we have a Mamie Talk here who is a

1 man.

2 JUDGE THOMPSON: I am not going into interpretation. I am
3 just saying I do recall the evidence, the state of the evidence
4 Mamie Saad alias and Talk-Talk.

12:53:37 5 MR JORDASH: But on the face of it, we have evidence on
6 21st November of a Mamie Saad called Mamie Talk-Talk, a Lebanese
7 woman.

8 JUDGE THOMPSON: Yes, that's okay.

9 MR JORDASH: And we have a Mamie Talk here who is a man.

12:53:47 10 JUDGE THOMPSON: That's entirely up to -- have a right to
11 point it out.

12 MR JORDASH:

13 Q. I am suggesting, on behalf of Mr Sesay, as you well know it
14 is the same person. There was only one Mamie Talk-Talk you knew,
12:54:10 15 isn't there?

16 A. Yes, I only know of one Mamie Talk-Talk in Kenema. That
17 was Mamie Saad at Dama Road.

18 Q. It is not a Lebanese woman, is it? It is a Lebanese man.
19 It is a woman, sorry. It is a woman. And Mamie Talk-Talk used
12:54:33 20 to trade with Mosquito; am I right?

21 A. Well, I saw Mosquito went to her. Perhaps they were doing
22 some business transaction. I cannot say.

23 Q. To be fair to you, we need to move to page 13080, where you
24 start to develop your theory even more I suggest. Sorry, page
12:55:11 25 13079. Bottom of the page:

26 "Q. Okay. So you first arrived in Tongo, and that would
27 have been -- the second attack in Tongo was around October,
28 so did you arrive in Tongo around that time yourself?

29 "A. Yeah, I was in Tongo all the time -- let me say from

1 May, June -- let me say June, July, August, say September I
2 was there. Because I came --"
3 And then further down the page:
4 "I was there when the threatening was going on. After the
12:56:03 5 bombardment, so I prepared to get through for myself in
6 Kenema now. I was there but visiting Tongo with vehicle
7 and then come back."

8 You see, you did say that, didn't you; that you were there
9 for those months, but you were just visiting Tongo with a vehicle
12:56:24 10 and then you'd come back?

11 A. Yes, I was there. When I went to Tongo, I used to come
12 down to Kenema again. But my base was Tongo until September
13 1997. Master A went for me.

14 Q. I suggest although you then go on to talk about forced
12:56:55 15 mining, you don't suggest that you were there engaged in any way
16 in forced mining in those months. Do you, in this interview?

17 A. I observed, but during that time I was mining for myself.
18 I saw.

19 Q. Well, I suggest you weren't or else you would have
12:57:26 20 mentioned it at that point.

21 A. I was there.

22 Q. And I also suggest that the first time you actually mention
23 this committee was in April and May of this year when you saw the
24 Prosecution for what must have been the third time, maybe even
12:58:00 25 more.

26 MR JORDASH: Your Honours, page 13184.

27 Q. And even then, I suggest, Mr Witness, you don't suggest
28 that you're engaged in mining, do you?

29 A. I was mining. I said it. I said I went and do some mining

1 in Tongo in order to fend for myself and family.

2 Q. In fact, what you do say, on, Your Honours, page 13187
3 paragraph 22:

4 "When I returned to Tongo in December 1997, Captain Jalloh
12:59:01 5 (SLA) was the commander in charge of Kono. At that time
6 forced mining was still going on. Captain Jalloh provided
7 my group with 10 - 15 civilians who were forced to do
8 mining work."

9 Now, I suggest that is the first time you mention being
12:59:29 10 involved in forced mining and it was in relation to December
11 1997. Am I right?

12 A. To say in '97 that later involved in forced mining, yes.

13 Q. And I suggest that the first time you put yourself involved
14 in forced mining with the commanders at Tongo Field is when you
13:00:37 15 give evidence in the AFRC trial?

16 MR JORDASH: Your Honours, page 13226.

17 PRESIDING JUDGE: Mr Jordash, it is 1 o'clock.

18 MR JORDASH: You look relieved, Your Honour.

19 PRESIDING JUDGE: Do you wish to pursue that or do you want
13:00:54 20 to do that tomorrow morning?

21 MR JORDASH: I can do it in the morning.

22 PRESIDING JUDGE: You will have to go back to that in the
23 morning anyhow.

24 MR JORDASH: Tomorrow morning is fine.

13:01:04 25 PRESIDING JUDGE: So I may suggest that it might be best if
26 we break now. Because you will have to go back on that to
27 situate the witness in the morning. So we may as well stop now
28 before we get into the transcript.

29 MR JORDASH: I have only got about 5, 10 minutes on this

1 subject. The thing is I have to follow it through, because --

2 PRESIDING JUDGE: No, that's okay. We will adjourn to
3 tomorrow morning, thank you.

4 [Whereupon the hearing adjourned at 1.02 p.m.,
13:02:32 5 to be reconvened on Thursday, the 24th day of
6 November 2005, at 9.30 a.m.]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-045 2

CROSS-EXAMINED BY MR JORDASH 2