

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

THURSDAY, 24 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 Welsh Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds Ms Susan Gunstone
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 Ms Salwa Chowdhury
For the accused Morris Kallon:	Mr Melron Nicol-Wilson Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF24NOV05A - CR]
2 Thursday, 24 November 2005
3 [The accused Sesay and Kallon present]
4 [The accused Gbao not present]
09:31:01 5 [The witness entered Court]
6 [Open session]
7 [Upon commencing at 9.40 a.m.]
8 PRESIDING JUDGE: Good morning, Mr Witness. Good morning,
9 learned counsel. Mr Jordash, you're prepared to carry on with
09:42:08 10 your cross-examination?
11 MR JORDASH: Your Honour, yes.
12 PRESIDING JUDGE: May I ask you how long we expect to hear
13 you in cross-examination?
14 MR JORDASH: I would think I can finish by the middle of
09:42:23 15 the afternoon.
16 PRESIDING JUDGE: Afternoon? I thought you had signaled in
17 the morning.
18 MR JORDASH: There's a lot. I will be able to speed up, I
19 think, today, for certain.
09:42:38 20 PRESIDING JUDGE: We appreciate every effort you make to
21 make it happen as soon as we can. Having said that, we do not
22 intend to curtail your cross-examination.
23 MR JORDASH: Thank you, Your Honour. As Your Honour knows,
24 these are big witnesses.
09:42:56 25 PRESIDING JUDGE: I know, that is why we are a bit more
26 patient on this cross-examination.
27 MR JORDASH: I'm grateful for that.
28 PRESIDING JUDGE: So you may proceed.
29 MR JORDASH: Thank you.

1 WITNESS: TF1-045 [Continued]

2 CROSS-EXAMINED BY MR JORDASH: [Continued]

3 Q. Good morning, Mr Witness.

4 A. Good morning, sir.

09:43:17 5 Q. I want to pick up where we left off yesterday and move
6 swiftly through the final issues on Tongo.

7 MR JORDASH: Your Honours, page 13071, which is 26 February
8 2003 interview. If Your Honours have page 13070, I'm not sure I
9 did give that page to your -- I think I did. 13070, 26 February
09:44:02 10 2003, interview to the OTP.

11 Q. Mr Witness, you're being asked here, towards the bottom of
12 the page:

13 "Q. Okay. And how many soldiers were based there? How
14 many RUF/AFRC soldiers -- how many were based at --

09:44:40 15 "A. Soldiers in Tongo, yes."

16 So what is being discussed is your knowledge of soldiers in
17 Tongo, okay?

18 A. Yes, sir.

19 Q. If you go over the page, to the middle of the page, this is
09:45:03 20 what you say:

21 "Yeah, sometimes they brought report too, so sometimes we
22 visit there."

23 Were you describing receiving reports of harassment of
24 civilians, killings of civilians and reports being brought to you
09:45:43 25 about those killings?

26 A. When I was there, they did not bring reports to me. There
27 were commanders to whom reports were made. I was just seeing and
28 some I heard.

29 Q. Can I suggest what you were first suggesting about your

1 role in Kenema and Tongo was that you would have reports brought
2 to you in Kenema and sometimes you would then, as a result of
3 those reports, visit Tongo.

4 A. No, it was not me.

09:46:40 5 Q. Well, we can move on. You spoke on 18 November about rapes
6 at night and civilians coming to the secretariat to report rapes.
7 Do you recall talking about that?

8 A. Yes.

9 Q. You said you did not know them, you could not identify
09:47:49 10 them. Do you remember saying that?

11 A. Yes. The people who brought the report about raping and
12 harassment, they were the one who identified the individuals who
13 did that to them.

14 Q. I want to refer you to something else you said.

09:48:23 15 MR JORDASH: Your Honours, page 13185.

16 Q. Let me just ask you about this.

17 PRESIDING JUDGE: You mean this is the statement we're
18 going back to now?

19 MR JORDASH: We're going to April and May 2005 proofing
09:48:39 20 notes. I might be able to deal with it just by asking the
21 witness. If I can, I will.

22 Q. Is it true that, "It's happened that a perpetrator was
23 punished by a commander if a civilian was able to identify them?"

24 A. Yes.

09:49:11 25 Q. The problem was, in Tongo, is this right, it was a very big
26 town and there were very many soldiers living there?

27 A. Yes.

28 Q. And also other men who took advantage of the war situation
29 to commit crimes against civilians; is that right?

1 A. Yes.

2 Q. So, whilst these crimes were investigated, often the
3 perpetrators could not be identified?

4 THE INTERPRETER: Your Honour, could the witness repeat his
09:50:20 5 answer? The interpreter could not get it well.

6 THE WITNESS: They said that it was the soldiers who did
7 that to them. It could be the RUF or the AFRC. But to show the
8 interviewer who did that, it was difficult to do that. They only
9 said that it was an armed person, during the night they did bad
09:50:55 10 thing to us.

11 MR JORDASH:

12 Q. Thank you.

13 A. Welcome.

14 Q. You speak of a man called Boys who you say was mining in
09:51:23 15 Tongo?

16 A. Yes.

17 Q. Am I right that you did not see him yourself mining, you
18 heard about him?

19 A. I did not just hear it. I saw him where he was in Tongo,
09:52:02 20 where he lodged. I knew there.

21 Q. Where he lodged?

22 A. He was at the hospital camp. He occupied a building there
23 in Tongo at the hospital camp.

24 Q. You told us in this Court on 18 November that you couldn't
09:52:34 25 tell now the time he went to work -- sorry, let me start that
26 again. You couldn't tell how the civilians who were with Boys
27 were treated because you weren't there; is that right? Is that
28 what you said to us on the 18th?

29 A. Yes, after they had assembled at the secretariat and have

1 been given to them to Boys in order for them to go and work, I
2 was not there. I did not know how he treated them at the site.

3 Q. You told us yesterday that some civilians were working
4 willingly and some were not. Do you recall that?

09:53:58 5 A. Yes.

6 Q. So you don't know what the situation was with Boys and his
7 civilians?

8 A. Yes. When they have been given to him, when he went with
9 them, I did not know whether he was treating them good or bad.

09:54:21 10 Q. Thank you. When was it that you heard -- let me rephrase
11 that. You didn't know at the time, or you weren't told at the
12 time of seeing Boys that he was a bodyguard for Issa Sesay?

13 A. No, I did not know.

14 Q. When did you find that out?

09:55:09 15 A. It was later in 1997 when I came to Freetown here. When
16 Mr A and I visited General Issa's place, it was then I knew
17 that -- when I went there, his securities and I would discussed a
18 lot of things. It was during that time that I knew that Boys was
19 Issa Sesay's bodyguard. At the beginning, I was of the opinion
09:55:55 20 that it was Mosquito's bodyguard.

21 Q. Did you ever speak to Boys?

22 A. Yes. Yes, we used to greet them when he was with Tactical.
23 We all used to sit down and talk.

24 Q. Am I right, Mr Witness, that you only spoke for the first
09:57:08 25 time about Boys, you only told the Prosecution about Boys
26 in October of this year?

27 A. Yes.

28 Q. You never mentioned it in the past, despite talking about
29 Tongo on many occasions over the last year and a half, two years?

1 A. Yes.

2 Q. I just want to read something to you and ask you a couple
3 of questions, just to have them on the record, Mr Witness.

4 MR JORDASH: Your Honours, page 12975, which is the very
09:58:53 5 first statement the witness made.

6 Q. This is the way, I suggest you described your experience in
7 Tongo Field and diamond mining when you're first giving your
8 account in 2003. At the bottom of the page 12975: "[By
9 direction of the Court, this name has been redacted] told me to
09:59:37 10 come to Tongo Field to mine diamonds for him." Did you say that?

11 A. Yes.

12 Q. "He gave me a bailing machine, food and other mining
13 equipment."
14 Did you say that?

10:00:02 15 A. Yes.

16 Q. "When I came to Tongo at that time the AFRC battalion
17 commander was Captain Yamao Kati (late)."
18 Did you say that?

19 A. Yes, I said when I was there, it was Yamao Kati who was
10:00:33 20 there as a commander before Mr A sent me to dig -- to mine for
21 diamonds. At that time, Yamao Kati has died. It was
22 Captain Jalloh who was there.

23 PRESIDING JUDGE: Mr Jordash, we need to be careful with
24 some description.

10:01:12 25 MR JORDASH: I beg your pardon. Of course we accept that.

26 PRESIDING JUDGE: I know, but we'll see how we can redact
27 the transcript in this respect.

28 MR JORDASH: I'm very sorry.

29 PRESIDING JUDGE: I know. I'm just alerting you to that.

1 I think it was not done on purpose, but just be careful.

2 MR JORDASH: Certainly.

3 Q. Just reading over the page, 12976.

4 "Even though I was not mining at the site I saw civilians
10:01:39 5 being forced to mine diamonds at Cyborg pit."

6 A. Yes.

7 Q. And what I suggest to you is that that really summarised
8 what you said about your experience of mining in Tongo; am I
9 right?

10:02:24 10 A. Repeat. Make it clear.

11 Q. Let me make it clear.

12 JUDGE ITOE: Mr Jordash, are you saying summarised or you
13 mean to say that that is all he said or all he knew about mining
14 in Tongo?

10:02:38 15 MR JORDASH: The latter. That, in effect --

16 JUDGE ITOE: Yes, put it a bit more clearly.

17 MR JORDASH:

18 Q. I'm suggesting to you, Mr Witness, that when you first
19 related your experience of mining it related only to when you had
10:03:00 20 been sent to Tongo and that related to December 1997?

21 A. Yes, but I explained to them that I was in Tongo twice. I
22 said that.

23 Q. You say that on your second visit to Tongo you left the
24 mining field because Sam Bockarie stole your mining equipment; am
10:03:40 25 I right?

26 A. Yes, the second time that I went there he took away my
27 machine from me from the pit.

28 Q. So you, unable to continue mining, went to Kenema?

29 A. Yes.

1 Q. Did you avoid Mosquito from then on?

2 A. No, I cannot -- I did not avoid him. I was not even off
3 it, it was his brother who gave it to me. I only came and he
4 found that Mosquito had taken the machine from me and where we
10:04:36 5 used to work, there was some water and if there was no machine, I
6 could not continue. So I did not bear any grudge for that or I
7 hated him. Mr A did not tell me that. He just said, "Okay,
8 forget about him."

9 Q. So you told Mr A that Mosquito had stolen your equipment
10:04:59 10 and you were unable to continue mining and that's why you left to
11 Kenema?

12 JUDGE ITOE: I wonder if the witness said stole it, really.
13 He said Mosquito had taken. I don't know whether that
14 characterisation is correct.

10:05:16 15 MR JORDASH: Taken. I can live with "taken", Your Honour.

16 Q. Did you tell Mr A that Sam Bockarie had taken your mining
17 equipment?

18 A. Yes.

19 Q. And he said not to worry, in effect?

10:05:33 20 A. Yes.

21 MR JORDASH: Can I refer Your Honours to page 13271, the
22 AFRC trial, 19th July.

23 PRESIDING JUDGE: I don't have it. I have 269 and then it
24 goes to 273.

10:06:37 25 MR JORDASH: Sorry. What I can do is if I can just move on
26 and return to that in 10 minutes or so. I do apologise.

27 Q. Now, Mr Witness, just jumping forward, I just want to try
28 to understand your movements after the attack you say you went on
29 in Segbwema following the meeting you say was had in which

1 Sam Bockarie and Issa Sesay had -- well, I want to move forward
2 basically to December 1998 for a moment.

3 PRESIDING JUDGE: We have 271 if you want to do it.

4 MR JORDASH: I will return to that question. I can finish
10:07:37 5 that. Thank you.

6 Q. Sorry, Mr Witness, to jump around. I just want to read you
7 something you said in the AFRC trial. You were asked at the top
8 of the page, line 1:

9 "Q. What were you doing in Kenema at that time?"

10:07:54 10 You answered:

11 "A. Well, I went back there because mining in Tongo and
12 the attacks were frequent. So I preferred to go back to
13 Kenema so that I could stay there. Then I sent to
14 Commander B saying that we'd been evicted from Tongo and
10:08:17 15 that I'm now still in Kenema with Mosquito."

16 A. Yes.

17 Q. Well, did you leave Tongo because you didn't have any
18 mining equipment or because you'd been evicted from Tongo?

19 A. Yes, it was for those two things, because if I had my
10:08:55 20 machine, even if there was threaten [as interpreted], because my
21 colleague soldiers were there -- because I did not have my
22 equipment and I see attacks being made every day and I was just
23 there, that was why I decided to abandon there.

24 Q. Could I suggest that the RUF were in possession of the
10:09:48 25 Tongo Field area with the AFRC and the STF from August 1997
26 to February 1998?

27 PRESIDING JUDGE: In possession or in control of?

28 MR JORDASH: In control of.

29 PRESIDING JUDGE: Of Tongo Field?

1 MR JORDASH: Let me put it differently, actually, because
2 that's misleading.

3 Q. Would you agree that the RUF, STF and AFRC occupied Tongo
4 Field from August 1997 until the intervention in February 1998?

10:10:31 5 A. Yes, but later they were not there. They were not in
6 control. They were chased out from there, but later the Kamajor
7 drove away everybody there before the intervention in Freetown.

8 Q. Okay. Now you've told the Court that you went on an attack
9 in Segbwema around December 1998.

10:11:16 10 A. Yes.

11 Q. Where were you actually living from January 1999 through
12 that year? Where were you living?

13 A. I was in Segbwema.

14 Q. So after the attack on Segbwema, did you stay there?

10:11:51 15 A. Yes, I was assigned there.

16 Q. And you stayed there until what date?

17 A. Until the Lome Peace Accord.

18 Q. Until it was signed?

19 A. Yes, sir.

10:12:13 20 Q. And then you went from there --

21 A. I came to Buedu and later, when Pa Sankoh arrived, I became
22 a security for him to come to Freetown here.

23 Q. How long were you in Buedu?

24 A. Well, I paid visit there once in a while, but during that
10:13:03 25 time, within two weeks time, I took one and a half weeks there.

26 Q. Okay. What date do you think you came to Freetown?

27 A. I cannot recall the date now. I cannot remember, but it
28 was the time when Pa Sankoh went to Buedu. The first time they
29 released him from the Lome Peace Accord, his first visit, it was

1 in Buedu. That was the time I came to Freetown here.

2 Q. At what stage did you then go to Tongo again?

3 A. Well, it was this last time. That was the time when
4 Mosquito -- when Mosquito had fallen apart and it was the time Pa
10:14:37 5 Sankoh said I should go to Tongo, live with the commanders, then
6 speak with -- talk to the commanders and the soldiers there to
7 understand about the mining that was going on in the territory
8 and concerning the peace accord as well. Because we had lived
9 with him for some time and he had been explaining about the peace
10:15:00 10 accord to us. That was the time I went to Tongo again.

11 Q. So you'd already been -- you'd already moved to Freetown by
12 the time you went back to Tongo? You were living in Freetown?

13 A. I don't understand that.

14 Q. You go to Freetown at around the time or after Pa Sankoh's
10:15:37 15 first visit to Buedu; yes?

16 A. Yes.

17 Q. How many months did you stay in Freetown before leaving?

18 A. I was in Freetown here about two and a half months, up to
19 three months.

10:16:02 20 Q. That was in 1999 before Sam Bockarie left Sierra Leone?

21 A. After Sam Bockarie had left Sierra Leone.

22 Q. So was it in 1999 or 2000 that you were in Freetown?

23 A. Well, I think it was in 2000, but I cannot recall the date.
24 That's why I said after Mosquito had -- okay, sorry. I was in
10:16:41 25 Freetown. I left there when Pa Sankoh sent us -- sent me to
26 Segbwema.

27 Q. I'm trying to -- you go to Freetown. Where do you next go
28 after Freetown? Is it Segbwema or Tongo?

29 A. I said first in Freetown here and Pa Sankoh sent us first

1 at Segbwema. After Segbwema, we were there for some time,
2 General Issa himself met me there. At that time we had left
3 Freetown and we arrived there. We were there after -- when there
4 was a problem between Pa Sankoh and Mosquito he sent people,
10:17:57 5 armed people. So after he had left there and finally came to
6 Sierra Leone, that was the time I went back to Tongo.

7 Q. Okay. So did you go to Segbwema to deal with the conflict
8 between Pa Sankoh and Sam Bockarie? Was that the reason you were
9 sent to Segbwema?

10:18:21 10 A. Yes, I said Pa Sankoh sent three of us. I, Chucky --

11 Q. Okay.

12 A. CO Vandí.

13 Q. Okay. And you stayed in Segbwema for a number of weeks?
14 How long did you stay in Segbwema?

10:18:43 15 A. Segbwema, as we arrived there, one, the second day.

16 Q. From Segbwema Foday Sankoh sends you to Tongo?

17 A. Yes, after we went to Buedu to Mosquito with Issa Sesay and
18 Morris Kallon. When we arrived there at that time Mosquito had
19 left for Liberia. We returned. They left me at Segbwema and
10:19:19 20 they went to Kono, Makeni area and I myself -- I myself was there
21 within a week and Pa Sankoh said I should go to Tongo.

22 Q. Did Pa Sankoh tell you that personally?

23 A. Yes, he told us, myself and Chucky, two of us as his
24 bodyguards and commanders. He told us. He told us directly
10:19:58 25 through a radio communication.

26 Q. Thank you. What was the problem, Mr Witness, that you
27 learnt between Foday Sankoh and Sam Bockarie?

28 PRESIDING JUDGE: I thought we had already been through
29 that with this witness yesterday sometime.

1 MR JORDASH: I don't think I asked him that question. I
2 did say part of the reason was, but it's just one question. I'll
3 move on, if Your Honours don't mind.

4 Q. What do you say was the problem that you learnt about
10:20:40 5 between Foday Sankoh and Sam Bockarie?

6 A. Well, the problem that I'm aware of, it concerned about the
7 command structure. There was a conflict about the command
8 structure regarding commanders.

9 Q. What was that problem?

10:21:10 10 A. One, Mosquito said he was the one Pa Sankoh left in charge
11 while he was under arrest. He did all he could when he sought
12 for a solution and he was free. He should have consulted him
13 regarding any administration going on within the RUF or
14 pertaining any RUF member, but he said Pa Sankoh took to himself
10:22:00 15 without consulting him and when he arrived he did not explain
16 anything to him regarding the security as to whether it was safe
17 while he was behind, fighting against the ECOMOG and the
18 Kamajors. And he was the leader of the RUF soldiers. So he said
19 Pa Sankoh should have listened to him to know because he knew
10:22:40 20 what was operating on the ground, although he was the leader, but
21 he was just a newcomer during that time. So, because of the way
22 Pa Sankoh operated during that time, he, Bockarie, decided to
23 either go on his way or leave the movement, but he wouldn't be
24 happy to live within the circles of the RUF, or he cannot join
10:23:12 25 any government.

26 Q. Did Foday Sankoh say that the RUF were to disarm to the
27 Nigerian UNAMSIL but Sam Bockarie refused?

28 A. No, I did not get you clearly. Would you make it better?

29 Q. Could I suggest that one of the arguments between Foday

1 Sankoh and Sam Bockarie was that Foday Sankoh wanted to disarm to
2 the Nigerian UNAMSIL troops and Sam Bockarie said that he would
3 never disarm to the Nigerians?

4 A. Yes, I was present that very night when Pa Sankoh went to
10:24:28 5 Buedu and he had discussion with Mosquito. He told him about the
6 disarmament under the ECOMOG, or the leadership of the Nigerian
7 troops. He said he wouldn't accept that. He said because his
8 security wouldn't be safe with his combatant because he had
9 fought against the Nigerians and he knew the way they fought
10:24:54 10 against them. He knew what had transpired amongst ourselves. So
11 the person that he fought against that you are enemies, then
12 later you humble yourself to that individual, it would be a
13 problem. So he said he would not accept that at all.

14 Q. Because Pa Sankoh was of the mind to disarm, and Sam
10:25:26 15 Bockarie wasn't, Foday Sankoh eventually sent Issa Sesay and
16 others to arrest him?

17 A. Yes. All of us went.

18 Q. Thank you.

19 A. Thanks.

10:25:47 20 Q. Foday Sankoh, during his time after the Lome Peace Accord,
21 as Sam Bockarie complained, was bypassing the command structure
22 and contacting people like you directly. Am I right?

23 A. Yes, some other commanders --

24 THE INTERPRETER: The interpreter is sorry. The witness is
10:26:26 25 not audible.

26 PRESIDING JUDGE: Mr Witness, either get closer to the
27 microphone or speak into the microphone. I know you are
28 answering the questions from counsel, but we are missing half of
29 what you say, so would you please repeat your last answer?

1 THE WITNESS: I said yes, although we had few commanders,
2 battle group commanders within the RUF, through each promotion --
3 promotions would have been given, but he left all those
4 individuals and promoted certain individuals directly.

10:27:06 5 PRESIDING JUDGE: This is Sankoh doing this?

6 THE WITNESS: Yes, sir.

7 MR JORDASH:

8 Q. Am I right, Mr Witness, that Sam Bockarie had made
9 certain -- let me start this again. Am I right that Johnny Paul
10:27:39 10 Koroma had made certain promotions to RUF members which Foday
11 Sankoh disagreed with when he was released?

12 A. Yes, I heard about that.

13 Q. Including for Sam Bockarie chief of defence staff, which
14 Foday Sankoh did not recognise?

10:28:21 15 A. Yes. I was present that very night when Pa Sankoh went to
16 Buedu. I was present when he and Mosquito were discussing,
17 discussing about the chief of defence. When Pa Sankoh said where
18 Khobe was, that was the position Mosquito wanted. That was what
19 he told Pa Sankoh in order for him to tell President Kabbah and
10:29:15 20 the international community, but Pa Sankoh objected. He said,
21 "You've done that. You keep people practically, but this type of
22 operation that you are demanding for, except you go under a
23 particular training." Then he said, "We should be together, hang
24 out together in order to send Sam Bockarie elsewhere to study."

10:29:46 25 He said without that, he wasn't the president. He wouldn't
26 approve of that.

27 Q. Mr Witness, can I just finish this by asking this: Was
28 there a disagreement about the way Sam Bockarie regarded the
29 command structure of the RUF and the way that Foday Sankoh

1 regarded the command structure of the RUF when he was released?

2 A. I want you to repeat. I didn't understand you well.

3 Q. Did Sam Bockarie regard the command structure of the RUF in
4 one way and did Foday Sankoh disagree with that command

10:30:44 5 structure?

6 A. Not at all.

7 Q. What do you mean not at all? There was no disagreement
8 beyond the chief of defence staff disagreement, or there was a
9 disagreement?

10:31:14 10 PRESIDING JUDGE: Your question has to do with structure,
11 not individuals?

12 THE WITNESS: It was -- it was -- not at all.

13 MR JORDASH: Let me re-ask the question.

14 THE WITNESS: Yes.

10:31:31 15 MR JORDASH:

16 Q. Foday Sankoh, upon his release promoted individuals
17 according to what he decided?

18 A. Yes. That was the very reason. I've told you that. I
19 said the way the command structure was.

10:31:57 20 Q. Okay. Let's move on then. Thank you.

21 A. Thank you, too.

22 Q. Now, in Tongo, when you returned there, you were sent by Pa
23 Sankoh, you told us, on 21 November in this Court, that you went
24 to talk to your brothers, the RUF soldiers, about the disarmament
10:32:25 25 and the mining?

26 A. Yes.

27 Q. You were sent there to then inform Foday Sankoh about what
28 was happening.

29 A. Yes. It was a security job. When they were there and you

1 saw everything that was going on, it was your duty to inform the
2 person that sent you there whether it was good or bad. We have
3 what we call security report.

4 Q. Were you doing anything other than just reporting on the
10:33:18 5 situation on the ground?

6 A. Yes. When I arrived, I myself was doing some mining.
7 Tongo is a place if you are a soldier, you go there, you must
8 involve in mining. Even the civilians themself, except if you
9 went there for business transactions. But if you stay there for
10:33:51 10 sometime, you will involve yourself in that mining business.

11 MR JORDASH: Can I just take instructions, please? Thank
12 you.

13 Q. Was the mining for yourself?

14 A. Yes, initially when I entered there, the commanders gave me
10:34:42 15 gravel and I wash it for myself.

16 JUDGE ITOE: Was the mining for yourself? That was the
17 question.

18 THE WITNESS: Yes, even the instruction that were given to
19 me that I should convey to the soldiers, the mining was for all
10:35:05 20 RUF soldiers at that time.

21 MR JORDASH:

22 Q. Were you physically mining yourself?

23 A. Yes. When I was there, I myself was mining for myself.

24 Q. You weren't forcing anyone to mine, were you, at that time?

10:35:31 25 A. Initially when I arrived, I did not force anybody because I
26 was not used to them because gravel was given to me and I wash
27 it. They gave me civilians.

28 Q. Who gave you civilians?

29 A. It was Banya.

1 Q. Were those civilians mining for you and were you paying
2 them?

3 A. Well, they mined for me but I was not paying them. I
4 cooked for them. If I have rice, I'll give them, but I was not
10:36:26 5 paying them money.

6 Q. You weren't forcing them, they were working for you
7 willingly?

8 A. Well, a lot of them were not willing, but a lot were also
9 willing to work with me because they observed that some that went
10:36:49 10 to work for me, I cooked for them a lot of rice. They ate that,
11 so civilians love that. When it was done, they will give me
12 civilian up to 10. A person will say, "I prefer going to that
13 person."

14 Q. Well, let's try to understand this. You were given, what,
10:37:12 15 10 civilians a day, a week? What?

16 A. No, that is just an example. I myself was there. I was a
17 commander controlling an entire area. I had civilians under my
18 control.

19 [RUF24NOV05B - AD]

10:37:54 20 Q. These civilians under your control, many of which you say
21 were mining willingly?

22 A. Yes.

23 Q. When were you mining with the ones who were not willing?
24 Who were they? Where did you get them from?

10:38:44 25 A. Well, these were people that were in Tongo Town. Even if
26 you had civilians under your control, they had miners that were
27 in charge of that. These were the people that guarded all the
28 civilians and, because I was a battalion commander, at times they
29 would give me 10 or 15 every day. They would instruct them to

1 say go and work for such and such a person. Some of them were
2 not willing because they don't understand me. But any person
3 that would work together and that person understood me well, that
4 person would be glad to work with me.

10:39:38 5 Q. And you were reporting directly to Foday Sankoh about what
6 you were doing?

7 A. Yes, because when we were working they had securities in
8 the mines at that time. So at that time, when Pa Foday Sankoh
9 was around, you had a diamond rate. If you get that you should
10:40:15 10 hand it over to him. And you have a rate. If you pick that
11 diamond in the pit it is for yourself.

12 Q. Okay. And Foday Sankoh was minister of mineral resources
13 at that time, wasn't he?

14 A. Yes.

10:40:37 15 MR JORDASH: Your Honours page 13512, the AFRC trial, 22nd
16 July.

17 Q. I want to read something you said.

18 PRESIDING JUDGE: Just a moment, Mr Jordash. Yes, you may
19 go on.

10:41:53 20 MR JORDASH:

21 Q. This is what you said -- there is a discussion about
22 forced mining and civilians being gathered and you say:

23 "Yes, they handed them over because I told you we had the
24 miners. After they have gathered the manpower, they come
10:42:28 25 and tell me these are the number of civilians we have in
26 the battalion. Then I would say okay. Then they will hand
27 them over to the brigade mining commander, I was just like
28 a defender for them when, in fact, they will be mining when
29 there will be an attack by the Kamajors or other enemy

1 forces. But I was not involved in any mining, you see?"

2 Could I suggest, Mr Witness, that you claimed only three or
3 four months ago you were not involved in any mining and now you
4 say that you were.

10:43:35 5 A. Well, I didn't say so. I did some mining for myself. But
6 for the gathering of the civilians, I was not a party to that.
7 You had the miners. My only part was after they had gathered the
8 civilians they will tell me. I will note that because I will not
9 leave that to go like that as a commander. I will take note for
10:44:07 10 reference. They will arrange it. They will say go with ten
11 individuals for that commander. I was like a defender for them.
12 As a battalion commander and armed person, I was responsible for
13 defending the area where miners were so that the mining could be
14 carried on properly.

10:44:28 15 Q. Okay. Could I just suggest, Mr Witness, that nothing you
16 say on mining and your own role is to be relied upon, because
17 you're lying, aren't you?

18 A. I cannot lie. In Tongo everybody knew that I was mining.
19 But the mining is one. And the civilian issue, how things were
10:45:07 20 going on, was a matter of procedure everybody knew. So, myself,
21 I wouldn't deny that when I was in Tongo I wasn't involved in
22 mining for diamonds. If I am to say so, then I have lied.

23 Q. Can I just, and then we will be able to move on from
24 mining -- just put one last thing to you, Mr Witness, which is
10:45:43 25 what you said in the 26th February 2003 interview with the OTP,
26 page 13132. Sorry, 13122. Listen carefully, Mr Witness. This
27 is what you did say to the Prosecution when you first met them on
28 26th February 2003:

29 "Q. So why was it that your services were really no longer

1 required? I mean you stayed up in the Tongo area right up
2 until the DDR, okay? But where did [Mr A] go? Where
3 did -- I mean you're no longer a security commander, you're
4 just kind of there. What is your role now? You're no
10:47:11 5 longer with Foday Sankoh, you're no longer with [Mr A].
6 You've gone off with this General Banya?
7 "A. I was there mining for myself."

8 Do you remember this, Mr Witness? You were, it appears,
9 talking about being in the Tongo area up until the DDR, no longer
10:47:41 10 with Foday Sankoh or Mr A but with General Banya mining for
11 yourself. Am I right?

12 A. Yes, I said it so. I said because --

13 Q. That's fine. Then it reads on:

14 "But it was -- it was not easy at all to do mining for
10:48:13 15 yourself. So when you do mining for yourself, they see you
16 pick diamond, they go raze you, take everything from you,
17 tie you, beat you."

18 Do you remember saying that?

19 A. Yes, I said except when you are courageous. You could mine
10:48:42 20 for yourself but it wasn't easy. If you could bear up
21 humiliation, then you can mine. Because as a commander -- if a
22 small diamond was picked for you, by the time you would have
23 reached in town they would say you have picked a 10 carat
24 diamond, 15 carats. Well, by the time you would have reached you
10:49:03 25 would have been disgraced already.

26 Q. Mr Witness, that didn't apply to you because from what you
27 have told us, you were battalion commander. No trouble for you
28 as battalion commander mining for yourself, was there?

29 A. Hey, really, I have been beaten up in Tongo as a battalion

1 commander. That had happened with me.

2 Q. Then you go on to say: "Who would do that?" "The
3 commander Beneto, the mining commander." Do you remember saying
4 that?

10:49:53 5 A. Yes, the minister, Beneto, who was the mining commander.
6 If you tell Beneto that you picked a ten carat, whether it was
7 true for false, if you had that, if you failed to present that --
8 if you failed to present that diamond, it would be a very, very
9 serious disaster for you because he will beat you up to an extent
10:50:23 10 that you will tend to die.

11 Q. Okay, Mr Witness, let's go over the page, 13123. I want to
12 read something else you say, five lines down:

13 "The mining issue -- we are mining, doing the mining. But
14 because of the pressure towards the mining, the harassment,
10:50:51 15 we get into problem [sic] -- I get into problem with
16 Beneto, with even Issa, so I was disciplined for that very
17 seriously?"

18 A. Yes, the mining commanders, every day they send different
19 messages regarding us to Issa Sesay according to them. I wasn't
10:51:21 20 there. They said it was Issa who gave this order that this is
21 what you should do with that general. When they said that was an
22 order, whether you are willing or not, except he have to take a
23 position. Without that, you face very serious humiliation.
24 Yourself, if you go to him, Issa himself will treat you in a way
10:51:49 25 that if you are to get your life from that place, you said
26 yourself, you will never live to forget about that incident.

27 Q. Beneto, are you talking about Amara Peleto?

28 A. Yes, it was Amara Peneto.

29 Q. Was Amara Peleto --

1 PRESIDING JUDGE: Peleto?
2 Mr JORDASH: Peleto. Peleto, I think.
3 THE WITNESS: Peneto.
4 MR JORDASH: P-E-L --
10:52:25 5 PRESIDING JUDGE: The witness says Peneto.
6 THE WITNESS: It's Peneto. Amara Peneto.
7 MR JORDASH:
8 Q. Was he the man you spoke about a couple of days ago, the
9 minister of mines?
10:52:48 10 A. For RUF, that was the way we called him.
11 PRESIDING JUDGE: We are talking of Peneto here?
12 MR JORDASH: Peneto, yes.
13 PRESIDING JUDGE: That he was the minister of mines, that
14 was your question?
10:53:01 15 MR JORDASH: Well, I'm not suggesting he was necessarily.
16 THE WITNESS: Yes, sir.
17 MR JORDASH: I am suggesting that the witness described him
18 as the minister of mines.
19 PRESIDING JUDGE: Yes. When you said so, you were making
10:53:10 20 reference to Peneto?
21 MR JORDASH: Yes. I should, actually, bring to Your
22 Honour's attention an error in the transcript from when this
23 witness first described --
24 PRESIDING JUDGE: In cross-examination or --
10:53:26 25 MR JORDASH: No, I think it was brought out in chief and
26 again the witness said -- I heard it as, Beneto, and I was
27 expecting him to say that, but, in fact, it was transcribed as
28 Peleto.
29 PRESIDING JUDGE: In the transcript?

1 MR JORDASH: Yes.

2 PRESIDING JUDGE: I thought the witness had said Peleto. I
3 do not have the transcript. What is the page and what is the
4 date? We can move on.

10:54:08 5 MR JORDASH: I'll find it later, yes.

6 JUDGE ITOE: We need to assure ourselves of it, Peneto,
7 Beneto, Peleto refers to one and the same person.

8 MR JORDASH: Yes, that is what I am going to try.

9 Q. Was Beneto also known as Peleto?

10:54:26 10 A. We used to call him Peneto. That was the way we called
11 him.

12 JUDGE ITOE: Mr Interpreter, I thought I heard you start
13 with a P. You are pronouncing it P. Is the witness pronouncing
14 a B? It is it Beneto or Peneto? What is it? Let's get it
10:54:47 15 clear?

16 THE WITNESS: Beneto, Beneto. Amara Beneto.

17 PRESIDING JUDGE: Ben or Pen?

18 THE WITNESS: Beneto, My Lord. We used to call him Amara
19 Beneto, Beneto.

10:55:06 20 MR JORDASH:

21 Q. Was his real name Amara Salia?

22 A. Well, he said it was so. It was his real name. It was
23 that Beneto name that was so popular.

24 Q. We are talking about the same man?

10:55:34 25 A. Yes.

26 Q. Okay, let's read on. Same page, 13123:

27 "I get into problem with Beneto, with even Issa, so I was
28 disciplined for that very seriously. Even the Tongo people
29 know, because I stand for them. I said this -- the kind of

1 rules and regulations towards this mining and towards [sic]
2 civilian there is out. So some of we, we can never be here
3 to see that going on. They say bad reputation for all. So
4 we tried to group ourselves to stop that, but later they
10:56:30 5 arrest me and I get very serious discipline. I was even in
6 jail when the disarmament started in Makeni."

7 A. Yes.

8 Q. "Issa went, then 'Gullit', they went with me at Issa. Issa
9 jailed me, he say I don't obstruct, and incite the
10:56:54 10 civilians Tongo towards the mining, see."

11 What are you talking about there, Mr Witness?

12 A. Well, I did not know anything. I was in Tongo at that time
13 when Beneto said that General Issa said that I should report. I
14 knew that those kind of report -- I knew what they had already
10:57:25 15 talked about that because there was somebody who was my good
16 person. He was there when General Issa was giving remarks in --

17 THE INTERPRETER: Sorry, could the witness slow down his --

18 Your Honour, could the witness take the last part of his answer.

19 MR JORDASH: Sorry, Your Honour.

10:57:49 20 PRESIDING JUDGE: You were told to report to Sesay. Could
21 you take it from there because you were speaking too fast.

22 THE WITNESS: I said that one time, we were Banya, Beneto,
23 they said that General Issa said that I should report. But I
24 knew the type of problem because somebody told me about what
10:58:21 25 General Issa said about me to my other brothers that if I went,
26 it would not be good for my life. So I said that I would not go
27 nowhere. So I said that we are fighting for peace so I would not
28 go and die.

29 Q. Mr Witness, let's try clarify this. Beneto was there and

1 he was forcing people to mine in Tongo, wasn't he?

2 A. Very heavy.

3 Q. I suggest Issa Sesay removed Beneto from Tongo, did he not?

4 A. Well, Beneto was there until we began disarming in Tongo.

10:59:20 5 It was later, at the end of the whole thing he removed him from
6 there. But from the beginning until we disarmed, Beneto was
7 there when he sent him there.

8 Q. Well, I suggest he was removed, Mr Witness, but let's move
9 on. You were, in fact, arrested by Issa Sesay and taken to

10:59:44 10 Makeni, weren't you?

11 A. Yes.

12 Q. You were arrested and General Opande became involved in
13 that situation, didn't he?

14 A. Yes. Because one way and the other, it was for that that
11:00:07 15 he became involved. They did not tell him about diamonds. They
16 informed him about other things that he had concern about
17 because, according to Opande, he said that General Issa told him
18 that I and Gibril had arranged to attack him or done anything
19 with him, that we spoil the peace accord. He has come to
11:00:37 20 Tongo -- Gibril hand over -- and I did not know anything about
21 that because I and Gibril had never arranged -- I had fought a
22 war and I had nothing and I did not see why I should spoil peace
23 in order for us to continue to fight again.

24 PRESIDING JUDGE: Mr Witness, I failed to understand the
11:01:02 25 beginning of your explanation as to why General Opande was
26 involved. You were taken to Makeni by Sesay and you met with
27 General Opande, or he met with you?

28 THE WITNESS: It was Issa Sesay who sent because when we
29 took arms against ourselves and I resisted, I said I would not go

1 anywhere. General Issa sent a message to Banya and Beneto. He
2 said they should arrest me, so I resisted as a man. So --

3 MR JORDASH:

4 Q. Why did you understand Sesay wanted you arrested? What was
11:01:58 5 your understanding at the time?

6 A. Well, firstly, I thought that it was for the man in affairs
7 because Beneto and I used to have problems about that. We were
8 all senior men. But he did not have any regard about seniority
9 for that men and at times he could molest us, and we used to help
11:02:23 10 him in order for the work do progress. So we decided to spoil
11 some of the plans that he was making. So I thought it was that
12 that General Issa call upon me, but later --

13 Q. Wait, wait. Who spoiled the plans? Who?

14 A. What?

11:02:45 15 Q. You have just told us someone spoiled the plans. Who was
16 it?

17 A. I said we spoilt some of the plans that Beneto make about
18 the mining to disgrace civilians because they were helping him to
19 do the mining. And he too, as a commander, to just disgrace it
11:03:14 20 like that, so we stood against that, that those things will not
21 continue no longer against us.

22 Q. Which things? Which things wouldn't continue?

23 A. The harassment, the forced labour and the beating.

24 Q. Sorry, my fault. Try to keep your answers as short as you
11:03:44 25 can. You yourself claim to have been forcing people to mine at
26 this point. So what could you have been disagreeing with Beneto
27 about?

28 A. Initially, when we started we [indiscernible] that we would
29 have a benefit out of it. But we did mine every day, a month, we

1 knew what we used to send. We took note of that. We gave that
2 to Beneto, we gave Banya. He said he was taking it to Issa. But
3 we mined for about a year, we did not see any progress that will
4 come to you as a RUF commander. So we said that these things are
11:04:40 5 we were doing was for benefit and since we were not seeing it, so
6 we tried to stop that.

7 Q. Maybe it's me, but I am not sure this is making any sense.
8 You say Beneto was forced mining and yourself was forcing people
9 to mine. Now was it not true that Morris Kallon turned up in
11:05:10 10 Tongo and removed Beneto. You know about that, don't you?

11 A. Well, during that time when he went there I was under
12 arrest.

13 Q. You know about Morris Kallon removing Beneto from Tongo.

14 A. I heard about it. I heard about it but I did not see it.

11:05:32 15 Q. Thank you. Wasn't this the case, Mr Witness: That Issa
16 Sesay accused you and Gibril Massaquoi of trying to stop the
17 disarmament? Was that the accusation?

18 A. Repeat. Repeat it.

19 Q. Isn't it true that Issa Sesay accused you and Gibril
11:05:59 20 Massaquoi of trying to stop the disarmament?

21 A. Yes.

22 Q. Yes.

23 A. That was why.

24 Q. Isn't it true that Gibril Massaquoi's brother Saddam was
11:06:21 25 arrested with you and Gibril Massaquoi on the request of Issa
26 Sesay?

27 A. Yes. I, Saddam and two other men, not Gibril.

28 Q. A man called Big -- sorry, interpreter.

29 A. [Overlapping speakers]

1 JUDGE ITOE: Saddam was whose brother? Gibril Massaquoi's
2 brother?

3 MR JORDASH: Yes, Gibril Massaquoi's brother.

4 THE WITNESS: It was Samuel Massaquoi. Samuel Massaquoi,
11:07:09 5 Saddam.

6 Q. Thank you. General Opande arranged a helicopter to
7 transport you to Makeni, did he not?

8 A. Yes.

9 Q. Issa Sesay attacked Gibril Massaquoi for trying to derail
11:07:31 10 disarmament, did he not?

11 A. I heard about it. I did not see.

12 Q. You were all flogged?

13 A. Yes. Very seriously.

14 Q. Very seriously. You had been insisting on keeping your
11:07:54 15 weapons whilst in Tongo and were basically harassing civilians,
16 were you not?

17 A. May God forbid it.

18 Q. That's why you're here, isn't it, Mr Witness; this is your
19 revenge against Issa Sesay.

11:08:31 20 A. May God forbid it. I am not revenging against him. He was
21 my commander. If he did any wrong to me I would not bear that in
22 my mind. In the Court here, what somebody has done, you saw, you
23 heard, is what you come and say. I did not come here to talk
24 about God. I don't have that feeling against him.

11:08:59 25 Q. Well, when you first spoke to the Prosecution about the
26 killing of Kamajors in Kailahun Town you accused Issa Sesay of
27 being present, didn't you, when you first talked about it to the
28 Prosecution?

29 A. Yes.

1 Q. And not only did you accuse him of being present, you
2 accused him of killing a Kamajor, didn't you, by shooting him?

3 A. Yes.

4 Q. And after that you then spoke to the Prosecution and told
11:09:44 5 them that you had lied about that, didn't you?

6 A. Yes.

7 Q. Because Issa Sesay wasn't --

8 JUDGE THOMPSON: Slowly, counsel.

9 MR JORDASH: Sorry, Your Honour.

11:10:14 10 JUDGE THOMPSON: Did you say he said to the Prosecution
11 he'd lied about that?

12 MR JORDASH: That he told the Prosecution he'd lied about
13 that.

14 JUDGE THOMPSON: Yes, thanks.

11:10:22 15 MR JORDASH:

16 Q. And you told them that in fact Issa Sesay hadn't been
17 present; am I right?

18 A. Yes.

19 Q. And you told the Prosecution that the reason --

11:10:32 20 JUDGE ITOE: Please wait.

21 JUDGE THOMPSON: Slowly, slowly. It's important.

22 MR JORDASH: I know, I'm just conscious of the time.

23 JUDGE THOMPSON: That's okay. You need to give us a chance
24 to write it.

11:10:42 25 JUDGE ITOE: [Overlapping speakers] of the proceedings, we
26 need to get them down very faithfully. Did he tell the
27 Prosecution that he had lied about these two allegations, that is
28 that Issa was present at the killing incident of the Kamajors and
29 they he had killed a civilian?

1 MR JORDASH: That he had killed a Kamajor during that
2 incident.

3 JUDGE ITOE: That he killed a Kamajor during that incident?

4 MR JORDASH: Yes.

11:11:43 5 JUDGE THOMPSON: And he is now confirming that he lied to
6 the Prosecution?

7 MR JORDASH: Yes.

8 JUDGE ITOE: In respect of those two incidents?

9 PRESIDING JUDGE: Well, he is confirming that he had said
10 to the Prosecution that he had lied about it.

11 JUDGE THOMPSON: Well, he is confirming that he said that
12 he lied to the Prosecution.

13 MR JORDASH: Yes.

14 JUDGE THOMPSON: That's what he's saying.

11:11:57 15 MR JORDASH: Your Honour, yes.

16 Q. And in fact you can confirm now that Issa Sesay wasn't
17 present during that incident, can't you?

18 A. Yes.

19 Q. Why did you first of all accuse Issa Sesay of such a thing?

11:12:19 20 A. Well, they said that this Special Court was created for the
21 top ones. So anything that one did --

22 Q. Slowly.

23 A. If you kill, you rape, they were responsible for that.

24 Then that time I knew that I myself involved in it. So if I said
11:12:58 25 that I involved in it, maybe I think I will be arrested. That
26 was why I lied at him. But I understood that.

27 JUDGE THOMPSON: Mr Interpreter, would you let him --

28 THE WITNESS: It was not the truth.

29 JUDGE THOMPSON: Let's go slowly. Mr Interpreter, just a

1 minute.

2 THE INTERPRETER: Yes, Your Honour.

3 JUDGE THOMPSON: Mr Witness.

4 THE WITNESS: Yes, sir.

11:13:33 5 JUDGE THOMPSON: Please go slowly again.

6 THE WITNESS: I said I myself, I was afraid because such a
7 thing, if I said that I involved in it, it would be a problem for
8 me. So that was why I shifted it to him. But later I came to
9 understand that the truth should be the truth. There was no way

11:14:05 10 to balance it. That was why I told the Prosecution that Issa
11 Sesay was not there and he did not kill any Kamajor. Because I
12 had known that the Court would not hold me responsible for that,
13 even if I have agreed for that.

14 MR JORDASH:

11:14:28 15 Q. But the question, nevertheless, Mr Witness, remains: Why
16 shift it on to Sesay? Why Sesay? Why not Kailondo, Akim Turay,
17 why not Superman? Why Sesay?

18 A. During that time both of them were the commanders, Sesay
19 and Mosquito. So when Mosquito was no longer living, that was
11:15:10 20 why I put it on him.

21 Q. Well, that's not --

22 JUDGE THOMPSON: Counsel, just give us a chance to get this
23 right.

24 JUDGE ITOE: Mr Jordash, take it easy.

11:15:22 25 JUDGE THOMPSON: Just restrain yourself so that we get it
26 right. Okay, because Mosquito was no longer living. Continue,
27 Witness.

28 THE WITNESS: I said because Mosquito was no longer living,
29 it was Issa who was living. And during that time both of them

1 were the ones that were ruling us. That was why I shifted it to
2 him.

3 MR JORDASH:

4 Q. You've told us, Mr Witness, only yesterday that in fact
11:16:49 5 when Johnny Paul Koroma and Mr A and Sesay are returning to
6 Kailahun, at around the time of the killing of the Kamajors --

7 THE INTERPRETER: Your Honour, can counsel please repeat
8 the question again?

9 MR JORDASH: Certainly.

11:17:07 10 Q. You told us only yesterday that when Johnny Paul Koroma,
11 Mr A and Issa Sesay are coming to Kailahun, Mr A and Johnny Paul
12 Koroma were the most senior men. So why did you not shift the
13 blame on to Mr A, if you say you were shifting it onto the most
14 senior commander who was alive?

11:17:48 15 A. They did not hold Mr A for the crimes committed. It was
16 Issa Sesay that was held for the crimes committed.

17 Q. And since he has been held by the Special Court for the
18 crimes committed, better to blame him than Mr A?

19 A. Yes. Yes, so long as he was passing command and I knew,
11:18:25 20 and what he was responsible for, I should say that. Because he
21 was not responsible for that, that was why I said he was not
22 responsible for that.

23 Q. If Mr A had been arrested and was at the Special Court,
24 would you have blamed him instead?

11:18:50 25 A. He too, I will blame him and later I will change it.

26 Q. Well thank you for your honesty. Can I suggest,
27 Mr Witness, that you're somewhat angry with Mr Sesay because you
28 were a big supporter of Foday Sankoh, weren't you?

29 A. Formerly, but I was not angry against him. I did it in one

1 and the other, through the movement, not individually.

2 Q. And you're angry with Sesay because --

3 JUDGE ITOE: I don't have a clear perception of the answer.

4 Could he please repeat his answer?

11:19:57 5 MR JORDASH:

6 Q. Could you repeat your answer, Mr Witness?

7 A. I said in the interest of RUF, I was angry against him
8 later. But not because of any individual problems between us.

9 Q. Okay. What were the -- how did you or how do you feel that
11:20:56 10 Sesay acted against the interests of the RUF?

11 A. There are there two ways: either bad or good. Which
12 question are you asking?

13 Q. Well, let me ask it this way: you're angry because he
14 continued the job of disarmament, a job which Foday Sankoh
11:21:30 15 refused to continue, aren't you?

16 A. Like, which work?

17 PRESIDING JUDGE: Disarmament, disarmament.

18 MR JORDASH:

19 Q. Disarmament. Foday Sankoh refused to do it, Sesay did it.

11:21:59 20 A. Yes, Issa Sesay spoilt it before Foday Sankoh came. He
21 himself knew that there was no way for him to deny, that was why
22 he agreed. It was Foday Sankoh who agreed for disarmament. That
23 was why, when they fell out -- he and Mosquito fell out.

24 PRESIDING JUDGE: I'm not sure I understand what you say.
11:22:32 25 You say Sesay spoilt it because Sankoh was the first one for
26 disarmament? What do you mean by this, if I may?

27 THE WITNESS: He did disarmament, but he knew that because
28 we were not there that was why he continued the disarmament. But
29 Foday Sankoh himself was agreed for disarmament. That brought

1 the problem between himself and Mosquito. When Mosquito said
2 that he would not disarm under ECOMOG, and Pa Sankoh wanted us to
3 disarm to ECOMOG, so he did not denied for any disarmament.

4 MR JORDASH:

11:23:21 5 Q. But there came a time, did there not, that Foday Sankoh was
6 arrested because he was considered by many to be an obstacle to
7 the disarmament.

8 A. Yes, because of the commanders that he left in the field,
9 their behaviour. That led to his arrest. Like, Issa Sesay,
11:23:58 10 Morris Kallon, Augustine Gbao. They caused the arrest of Foday
11 Sankoh. It wasn't that Pa Sankoh was against disarmament. When
12 they wanted to resolve the power from him, that was why they did
13 that.

14 Q. As a result of your feelings about what happened to Foday
11:24:26 15 Sankoh, you hate Issa Sesay, don't you?

16 A. No, I do not hate Foday Sankoh individually. I hate Issa
17 Sesay in the interest of the RUF.

18 Q. Thank you. As a result of disarmament, Mr A spent a great
19 deal of time in prison, didn't he?

11:25:26 20 A. It was not for disarmament. It was because they disarmed
21 the UN that led to the arrest of Pa Sankoh and A -- sorry, Mr A
22 instead of just A.

23 Q. You and many other combatants suffered as a result of
24 losing your employment as RUF rebels, didn't you?

11:26:09 25 A. It was not a problem about the rebels.

26 THE INTERPRETER: Pardon, Your Honour, could the witness
27 repeat this part of his answer?

28 MR JORDASH: Repeat your answer, please, Mr Witness.

29 PRESIDING JUDGE: You were saying it was not a problem.

1 About what?

2 THE WITNESS: Ask the question again.

3 PRESIDING JUDGE: Mr Jordash --

4 THE WITNESS: Mr Lawyer, repeat.

11:26:58 5 MR JORDASH:

6 Q. I am suggesting that you, as a result of disarmament,
7 suffered because you lost your employment, in effect.

8 A. Yes.

9 Q. That you and many other combatants as well suffered
11:27:23 10 following disarmament?

11 A. It was not because of the disarmament, everybody knew that
12 we fought up to 100 years. You could not disarm. But what was
13 behind that disarmament --

14 Q. Am I right that -- am I right that your feelings of hate
11:27:52 15 about Issa Sesay's role with the RUF are shared by many
16 combatants, or ex-combatants? In other words, you hate him and
17 so do many other RUF ex-combatants?

18 A. No, I wouldn't hate him. It is something that had
19 happened. I cannot hate Issa Sesay for that. He has disarmed,
11:28:27 20 that was what the people of Sierra Leone wanted.

21 Q. You observed, did you not, Issa Sesay working hand in hand
22 with General Opande during disarmament?

23 A. Yes.

24 Q. Issa Sesay worked around the country persuading RUF
11:29:10 25 combatants to disarm, did he not?

26 A. Some of them. He ordered RUF fighters to disarm.

27 Q. Yes.

28 MR JORDASH: I am just going to move on to another subject.

29 PRESIDING JUDGE: It might be the right time to break.

1 MR JORDASH: Thank you.

2 PRESIDING JUDGE: We will break for 15 minutes, thank you.

3 [Break taken at 11.30 a.m.]

4 [Upon resuming at 11.58 a.m.]

11:58:34 5 JUDGE ITOE: Mr Jordash, I think it has been -- this name
6 must come on record, on a number of times. It is General Opande.
7 For the records, may we know what he was in the whole of this
8 process? Let's locate him and his role in this process. Can the
9 witness --

11:59:13 10 MR JORDASH: Certainly.

11 Q. Am I right, Mr Witness, that it was General Opande who was
12 leading the peacekeeping mission for the UN in --

13 A. In Sierra Leone here?

14 Q. Yes.

11:59:34 15 PRESIDING JUDGE: He was the force commander?

16 MR JORDASH: Exactly, Your Honour, yes. I wasn't sure the
17 witness would know the title so I --

18 PRESIDING JUDGE: Only because of head of UNAMSIL at the
19 time was not him, it was a civilian. That is why I say -- to my
11:59:51 20 knowledge, I don't have names in the back of my mind.

21 MR JORDASH: Certainly.

22 PRESIDING JUDGE: The normal structure is SRSG, and I don't
23 think he was SRSG. I may be wrong, but --

24 MR JORDASH: Your Honour is right. I stayed away from that
12:00:01 25 simply because I was trying to describe what this witness may
26 have --

27 PRESIDING JUDGE: He was the head of the military.

28 MR JORDASH: Yes.

29 Q. Force commander for the military?

1 A. Yes, for UN peacekeeping, for UN peacekeepers.

2 [Overlapping speakers - transcript incomplete]

3 JUDGE ITOE: I am sorry. I will be done. He was what
4 nationality, please?

12:00:36 5 MR JORDASH: Kenyan.

6 Q. Was he Kenyan, Mr Witness?

7 A. Yes, he was a Kenyan.

8 PRESIDING JUDGE: While we are with General Opande, I had
9 asked a question. The witness had given an answer to one of your
12:00:57 10 questions, and it came out in a very confusing manner, talking
11 about the time when he had been arrested, taken up to, I think it
12 was Makeni.

13 MR JORDASH: Your Honour, yes.

14 PRESIDING JUDGE: He was saying well, he was -- let me just
12:01:16 15 quickly look at my notes on this. Yes, he said that he had
16 arranged -- he was accused, the witness, of having arranged to
17 have Sesay killed, or words to that effect. And then he added
18 some other comments about mining and so on. We moved out of
19 that; you took it to various steps. But even though I asked a
12:01:59 20 question, that was never answered. I would like you to take the
21 witness back to that area so I can clearly understand what he
22 said or meant by that answer. Do you know what I mean?

23 MR JORDASH: Yes, I do. I remember steamrolling in to put
24 the questions I wanted. I will try to seek some clarification.

12:02:30 25 PRESIDING JUDGE: Thank you.

26 MR JORDASH:

27 Q. Do you recall, Mr Witness, speaking about hearing that
28 Issa Sesay wanted to arrest you?

29 A. Yes.

1 Q. What were you going to say about that before I then asked
2 you a series of questions about what Sesay alleged you had done?
3 Do you remember?

4 A. Yes, I said he arrested me. He said --

12:03:22 5 THE INTERPRETER: Sorry, the interpreter cannot get the
6 name, chief what? Could the witness be asked to repeat the last
7 part of his testimony.

8 PRESIDING JUDGE: Did you just mention a name, Mr Witness?

9 THE WITNESS: Yes.

12:03:41 10 PRESIDING JUDGE: Could you repeat that name?

11 THE WITNESS: Gibril Massaquoi. He said both of us had
12 organised to stand on the way of the disarmament. According to
13 what General Issa Sesay had told Opande.

14 PRESIDING JUDGE: But you had added, "But he did not say",
12:04:24 15 and that is the portion we missed.

16 THE WITNESS: Who?

17 PRESIDING JUDGE: In your evidence, when you first talked
18 about that, and you said you were brought up to General Opande --

19 THE WITNESS: Yes, I said, after Issa Sesay had reported to
12:04:51 20 Opande in Freetown here, General Issa Sesay, told him, told
21 Opande that, I and Gibril had wanted to spoil the disarmament.
22 So Opande himself, with Omrie Golley, with Mr A, Pallo Bangura,
23 all of them went to Tongo. A helicopter flight was provided for
24 them from Tongo to Makeni.

12:05:42 25 JUDGE ITOE: Take the list again, the list of those who
26 went to Tongo.

27 THE WITNESS: General Opande, Omrie Golley, Mr A, Pallo
28 Bangura.

29 PRESIDING JUDGE: So they went to Tongo by helicopter?

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: What happened in Tongo?

3 THE WITNESS: When they went there, they summon us -- I,
4 Saddam, Big Joe, Family Man, Eric Bangura. Then they ask us if
12:06:53 5 we had shut an arrangement with any person like Gibril to spoil
6 the disarmament. Well, I said I had no idea about it, that the
7 only thing that made me resisted concerned about the diamond
8 mining issue. But I had no plan to stand in the way of the
9 disarmament, or to be an obstacle to the disarmament.

12:07:36 10 PRESIDING JUDGE: That clarifies the issue for me. Thank
11 you, Mr Jordash, back to you.

12 MR JORDASH: Thank you.

13 Q. You claim, Mr Witness, that you were told by Johnny Paul
14 Koroma's wife that Issa Sesay had raped her.

12:08:03 15 A. Yes.

16 Q. Now, the beginning of your description of this event is the
17 meeting you say took place when Johnny Paul Koroma arrived in
18 Buedu; is that correct?

19 A. Yes, it was that very day when Issa took the diamond from
12:08:34 20 him.

21 Q. Were you at the meeting?

22 A. Yes, where they gathered, I was around there; I myself was
23 present.

24 Q. Where was the meeting in Buedu?

12:08:57 25 A. Well, it wasn't like any other meeting. But as commanders
26 have arrived they were in the compound of -- Issa Sesay and
27 Mosquito were together in Buedu.

28 Q. But where -- where were they when you claim this meeting
29 took place?

1 A. In Buedu.

2 Q. Whereabouts in Buedu?

3 A. It was where Issa and others resident in Buedu.

4 Q. Inside a house, outside a house, on the road, where?

12:09:51 5 A. It was in the compound.

6 Q. Which compound are we talking about?

7 A. Well, it was where Issa Sesay and Mosquito were living,

8 because they were just houses that were opposite each other as I

9 am sitting opposite the judges now. Issa Sesay's house was over.

12:10:26 10 Q. But where was the meeting? [Microphone not activated]

11 there is a road between those two houses.

12 A. I said it wasn't a meeting in which everybody was called

13 upon. It was just like a visit; like you sit outside a compound

14 or a veranda, like Mosquito's veranda.

12:10:25 15 [RUF24NOV05C - SV]

16 Q. Was it on Mosquito's veranda, this gathering of people?

17 A. Yes, it was there they were.

18 Q. Where were you?

19 A. I was there around. It is just like those people are

12:11:19 20 sitting over there and I am also sitting over here.

21 Q. But the veranda of Sam Bockarie's house leads directly on

22 to the road, doesn't it? You've got the house, the veranda,

23 road?

24 A. Yes, like -- this is the room like this. The house parlour

12:12:02 25 is behind me, the veranda is before me, the street like where the

26 judges are sitting over there, behind them is Issa's house. All

27 the two houses were opposite each other. But where they sat was

28 at Mosquito's veranda facing the street.

29 Q. So say, for example, the veranda is where you are now,

1 where were you standing in relation to that veranda? Where were
2 you?

3 A. Well, I was like where the security is sitting now in
4 relation to the veranda.

12:12:50 5 Q. Which security?

6 A. Like where the judges are and where the security is sitting
7 now. The veranda was like where the judges are and I was sitting
8 where the security is sitting now.

9 PRESIDING JUDGE: Can you point to the security what you
12:13:12 10 mean? Security on that side or that side?

11 THE WITNESS: Look at him over there. The one over there
12 sitting over there [Indicates].

13 PRESIDING JUDGE: I don't see him from here that's why I'm
14 asking you.

12:13:26 15 THE WITNESS: Yes, sir. Thank you, sir.

16 MR JORDASH:

17 Q. So you're sitting then to the -- as you face Sam Bockarie's
18 house, you're sitting to the left of his house, to the left of
19 his veranda?

12:13:52 20 A. Yes, if you'll sit and face the road.

21 Q. Are you suggesting that Johnny Paul Koroma, recently
22 President, was assaulted by Issa Sesay in the middle of -- in
23 view of everybody around outside? Is that your suggestion?

24 A. Yes, that one, he did it and everybody knew about it.

12:14:39 25 Everybody knew about it.

26 Q. Well, how many people were there, approximately, when it
27 happened?

28 A. Many.

29 Q. Who?

1 A. Many people.

2 Q. Can you name any of them?

3 A. Yes, many people. Issa Sesay was present, Mosquito himself
4 was there, Mr A was there, Tabi [phon] Vandi and a lot of other
12:15:34 5 commanders whose names I cannot recall now, and some AFRC
6 chairmen.

7 Q. Did it actually -- when you say Issa placed Johnny Paul
8 Koroma under gunpoint, did that happen with Johnny Paul Koroma on
9 the veranda?

12:15:55 10 A. No, it wasn't at the veranda. After they've left there, it
11 was Issa himself who drove the vehicle in which Johnny Paul was
12 and placed him under gunpoint. It was that time that he took the
13 diamond from him. It wasn't right in the meeting as we were
14 sitting together and somebody can just say, "Hand over everything
12:16:22 15 to me." That was not the way it occurred.

16 Q. So let's try to work out the order of things. You told us
17 on 21 November -- and I'm looking at page 55 of the transcript
18 and it says: "Yes, when I reached Buedu" -- page 55.

19 PRESIDING JUDGE: 55?

12:17:17 20 MR JORDASH: Did I say 65? I meant 55, sorry.

21 Q. "Yes, when I reached Buedu I met them in a meeting, Issa,
22 Mosquito, Johnny Paul with many other people that I cannot
23 recall now. Johnny Paul was trying to explain about the
24 AFRC, how it has fallen."

12:17:42 25 Where's that taking place.

26 A. That happened in Buedu.

27 Q. Let's just have some -- be specific about which precise
28 location did that meeting take place.

29 A. You said what?

1 Q. Mr Witness, you claim to have been at this meeting that you
2 described to us on 21 November. You said it happened after you
3 arrived in Buedu. Where was it Johnny Paul Koroma explained that
4 the AFRC had fallen, how it had fallen?

12:18:47 5 A. Well, if you were a president and you've been stripped of
6 your power --

7 Q. Mr Witness --

8 A. In Freetown here.

9 Q. Mr Witness, please, which location was the meeting? Where?

12:19:22 10 A. It was right in Buedu Town.

11 Q. [Microphone not activated]

12 JUDGE ITOE: We know the location, Mr Witness. Buedu Town,
13 Buedu is not -- it doesn't have only one house.

14 THE WITNESS: I said at the veranda. Mosquito's veranda.

12:19:50 15 MR JORDASH:

16 Q. Was that the first time Johnny Paul Koroma had met Mosquito
17 upon his arrival at Buedu?

18 A. Yes, that was the one I saw. That was the first time I
19 saw. But the one I saw wherein all of them were together, that
12:20:11 20 was the first time I saw myself.

21 Q. Was that immediately upon arrival in Buedu or days or hours
22 or what? When? When was it exactly?

23 A. Well, after they've arrived in Buedu, Johnny Paul
24 himself -- it was within one to two days when that thing
12:20:44 25 happened.

26 JUDGE ITOE: That thing? What thing? Is it the meeting?
27 That thing, be specific.

28 THE WITNESS: Yes.

29 JUDGE ITOE: Is it the meeting or what?

1 THE WITNESS: The meeting that we are talking about now
2 where I met Johnny Paul, Issa and Mosquito as well.

3 MR JORDASH:

4 Q. So where had Johnny Paul Koroma been staying for those two
12:21:16 5 days before this meeting?

6 A. Well, when he arrived he was shown to a place known as
7 Kangama where he was supposed to live. It was adjacent or close
8 to Buedu.

9 Q. That's where he lived for the first two days before this
12:21:43 10 meeting, is it?

11 A. Well, sometimes I cannot say. What I can say, he was given
12 a place. When he arrived, the first night I cannot say where he
13 slept because they left me at Kailahun. It was the following day
14 that I followed later. They travelled through the vehicle.

12:22:22 15 Q. Now, the meeting on the veranda, did Mosquito then pass an
16 order to Issa Sesay while this meeting was occurring on the
17 veranda?

18 A. Well, I can say it was a command. Mosquito gave Issa a
19 command.

12:22:46 20 Q. What was the command?

21 A. Issa Sesay, to dispossess Johnny Paul what he had which was
22 diamond.

23 Q. So what happened then?

24 A. Issa did exactly what the man said.

12:23:22 25 Q. Well, describe it to us, Mr Witness. You claim to have
26 been there. We can move much faster if you answer the question.
27 What does that mean? Was it done there? Did he take him
28 somewhere?

29 A. No, it wasn't at the front. After they had made a

1 discussion and the meeting has ended, what they discussed later
2 on, I did not observe anything. I saw Issa Sesay sent a vehicle.
3 He went to where Johnny Paul was. He took diamond from him. I
4 saw the bag. It was in a vehicle. He came. Later I saw.

12:24:13 5 Q. Stop, stop, please. Johnny Paul Koroma is on the veranda.
6 An order is given to Sesay. Sesay gets a vehicle. Am I right so
7 far?

8 A. Yes, it wasn't at that moment when the order was given at
9 the meeting. It wasn't at that time that Issa dispossessed of
12:24:42 10 Johnny Paul of his diamond, but it was later. That was the time
11 Issa took the initiative when Johnny Paul was at Kangama he
12 picked a vehicle and went there and dispossessed him.

13 Q. Okay, right. So meeting, veranda, Johnny Paul, meeting
14 ends, nothing happened about dispossessing Johnny Paul Koroma at
12:25:18 15 that meeting on the veranda. Am I right?

16 A. Well, that was the plan made by Issa Sesay and Mosquito.
17 That was their plan.

18 Q. So when the meeting on the veranda ended, you go off with
19 Mr A; am I right?

12:25:44 20 A. Yes.

21 Q. Meeting ends. Later on Issa Sesay given order to
22 dispossess Johnny Paul Koroma of diamonds?

23 A. Yes, at that time Mr A himself was with them.

24 Q. Right. Did that happen a few days after this meeting on
12:26:12 25 the veranda?

26 A. It was the same day.

27 Q. Okay.

28 A. There were just some minutes, few minutes.

29 Q. But you've told us that Sesay took the vehicle to Kangama

1 where he dispossessed Johnny Paul Koroma; is that right?

2 A. Yes.

3 Q. So Johnny Paul Koroma had travelled from Buedu to Kangama
4 before Sesay dispossessed him of the diamonds in Kangama?

12:26:52 5 A. Yes.

6 Q. Kangama is, I think, two kilometres from Buedu. Sorry,
7 three kilometres from Buedu?

8 A. Yes, around that.

9 Q. You weren't in Kangama when this happened, were you?

12:27:19 10 A. No.

11 Q. Right, that's one aspect. When do you say you were told by
12 Johnny Paul Koroma's wife that Issa Sesay had raped her?

13 A. It was during that very day, that first day.

14 Q. The first day?

12:27:45 15 A. Yes.

16 Q. Now the way you described it on 21st November was that you
17 had been told about the rape after Johnny Paul Koroma had been
18 dispossessed of the diamonds. Am I correct?

19 A. Yes.

12:28:10 20 Q. So had that -- where were you told by Johnny Paul Koroma's
21 wife? Where were you when you were told that?

22 A. Well, initially it was the woman herself, after Issa had
23 done that. He picked Johnny Paul's wife in a vehicle and he took
24 her in a vehicle to a road leading to Kailahun. Later on I saw
12:28:55 25 the woman crying, and when I ask her she said it was Issa who
26 raped her.

27 Q. So the sequence of events: Johnny Paul Koroma
28 dispossessed; Sesay then takes Johnny Paul Koroma's wife towards
29 Kailahun from Kangama. Am I right?

1 A. Yes. He forced her, yes.

2 Q. After taking her, you then see Johnny Paul Koroma's wife
3 later that day whereabouts? Which place?

4 A. It was in Buedu.

12:29:45 5 Q. She then travels from Kailahun or Kangama back to Buedu.
6 Whereabouts in Buedu do you see her?

7 A. Where in Buedu? Where I saw her? That you are referring
8 to the place in Buedu? It was at their residence, Issa's
9 residence. Issa's -- Issa and Mosquito's residence, the compound
12:30:17 10 in which they were living together.

11 Q. Well, you've told us that they had two houses, so we can
12 presume, can we not, two compounds?

13 A. It was in the compound where he stood before Mosquito's
14 veranda. Just after the street. When you are about to enter the
12:30:49 15 veranda, he was there standing at the door.

16 Q. Do you know why she'd come back to Buedu, what she was
17 doing there?

18 THE INTERPRETER: Correction, interpreter. The pronoun
19 "he" should have been interpreted as "she".

12:31:08 20 THE WITNESS: No, no, it was Issa who came with her later
21 in the vehicle. Perhaps he came to make a report to Mosquito.
22 But what I knew before she came to Buedu at that time, it was
23 Issa who brought her there at that time.

24 MR JORDASH:

12:31:32 25 Q. Okay. Did you see him bring her there or did you just see
26 her standing at the door?

27 A. I saw her standing there.

28 Q. And she told you that he'd brought her back?

29 A. Yes. She said that it was Issa who took her after they

1 have dispossessed her husband of his property, and that Issa went
2 with her. He has used her and has brought her back again.

3 Q. You didn't see Sesay at that point though?

4 A. Yes, at that time he was with Mosquito. Both of them were
12:32:30 5 together.

6 Q. In Mosquito's house?

7 A. Yes.

8 Q. Okay. Let's have a look what you've said about this event
9 previously.

12:32:48 10 MR JORDASH: Your Honours, page 12977, the first witness
11 statement, 31st January 2003.

12 Q. Let me read what it says, Mr Witness. "He" - as in
13 Mosquito - "told" -- this is six lines down.

14 "He told Johnny Paul Koroma to hand over everything he had
12:33:52 15 to him. Mosquito and Issa Sesay were unanimous to the
16 decision taken by Mosquito for Johnny Paul Koroma to hand
17 over what he had."

18 Did you say that to the Prosecution?

19 A. Yes, he was told.

12:34:18 20 Q. "At first Johnny Paul Koroma was reluctant."

21 Did you say that to the Prosecution?

22 A. Yes.

23 Q. "Mosquito and Issa Sesay gave instructions to their
24 bodyguards to put Johnny Paul Koroma under gunpoint and to
12:34:36 25 remove everything he had."

26 Did you tell the Prosecution that?

27 A. Yes, I said Issa went with them, with some bodyguards, with
28 Issa and Mosquito and his bodyguards, both of them.

29 Q. Okay.

1 "In the presence of his family Johnny Paul Koroma was
2 forced to sit on the ground."

3 Is that right?

4 A. No.

12:35:13 5 Q. No?

6 A. Yes, that one was forced to sit on the ground, I did not
7 mention that during that meeting.

8 Q. I suggest that's exactly what you did tell the Prosecution,
9 Mr Witness; that Johnny Paul Koroma was forced to sit on the
12:35:32 10 ground and that all his belongings were searched under gunpoint.

11 But you say not. Let's move on. This is the bit that's perhaps
12 more interesting. Six lines from the bottom:

13 "In my presence Issa Sesay held the wife of Johnny Paul
14 Koroma and placed her in his jeep car."

12:36:07 15 A. Yes, I said he went and took her in the car. The vehicle
16 that the woman said that it was that that they used, I saw it.

17 Q. "In my presence Issa Sesay held the wife of Johnny Paul
18 Koroma and placed her in his jeep car." You were claiming to
19 have seen Sesay hold Johnny Paul Koroma's wife and put her in the
12:36:35 20 car, weren't you?

21 A. I said I saw her in the car, the vehicle. The day --

22 THE INTERPRETER: Your Honour, could the witness -- the
23 witness is too fast. Could he slow down his pace of talking.

24 PRESIDING JUDGE: Please, would you repeat your last
12:37:00 25 answer, Mr Witness, where you were saying, "I saw her in the
26 vehicle", and continue from there.

27 THE WITNESS: I said I saw her in Issa Sesay's vehicle.

28 And even when he brought her back, where he dropped her, the
29 vehicle stopped there, the same vehicle, when the woman alighted

1 from it. He was there, the woman was also there. I saw her. It
2 was in my presence. That was why I said that I was there when
3 Issa did that.

4 MR JORDASH:

12:37:39 5 Q. So let me just understand this. You don't claim now to
6 have seen Issa Sesay place Johnny Paul Koroma's wife in the car
7 and take her anywhere, do you?

8 A. No, he took her --

9 Q. Not whether --

12:38:01 10 A. He took her away.

11 Q. Not whether he took her. Whether you saw her being taken
12 by him. You didn't, did you?

13 A. I was not there where he commanded her to go -- to board on
14 the vehicle; I was not there.

12:38:22 15 Q. Thank you. And you weren't there when you saw the vehicle
16 being brought back with her in it, were you? You didn't see
17 that; you've told us it.

18 A. I saw her.

19 Q. Five minutes ago you didn't see her being brought back in
12:38:43 20 the car, you saw her standing at the door. Which was right?
21 Which is right?

22 A. I said when he brought her back in the vehicle, I saw the
23 woman standing by the door.

24 Q. Okay. You didn't see her being brought back. Let's read
12:39:08 25 on: "Issa Sesay himself drove the jeep car to an unknown
26 destination." You didn't see the jeep car being driven to an
27 unknown destination, did you?

28 A. I saw the vehicle and the road that it took. Where it
29 stopped, there I said that I didn't know. When he brought the

1 woman, where he raped her, the place, I said that I don't know
2 about there, but I saw her, yes. He took the Kailahun route, the
3 route from Buedu to Kailahun, that main road. I did not know the
4 particular village or where he stopped with her.

12:40:11 5 Q. Okay. Well, let's have a look at what you told the
6 Prosecution only a month ago.

7 MR JORDASH: Your Honours, page -- Sorry, can I just have a
8 moment? Right, here we go. Page 13288, which I hope I've given
9 to your learned legal officers, but I may not have. I have.

12:42:23 10 PRESIDING JUDGE: What is it, transcript?

11 MR JORDASH: It's a transcript of the AFRC trial on 19th
12 July.

13 PRESIDING JUDGE: Page again.

14 MR JORDASH: Page 13288 and I will go over the page to
12:42:49 15 13289. I think I haven't given the second page, 13289. Sorry.

16 PRESIDING JUDGE: I don't have that.

17 MR JORDASH: Do you have 13288, Your Honour? No.

18 PRESIDING JUDGE: No, 278 is the last one I have.

19 MR JORDASH: I thought that might be right because I'd
12:43:41 20 indexed it wrongly in my notes, so that's why I didn't give it to
21 your learned legal officers.

22 PRESIDING JUDGE: We have it now.

23 MR JORDASH: Thank you very much.

24 Q. Line 8, Mr Witness, and just listen carefully when I say
12:44:33 25 this. This is, I promise you, what you said in the AFRC trial.
26 No dispute about that; okay? You said it.

27 "Q. Tell us what happened next at this meeting in
28 Buedu?

29 "A. Well, after that Johnny Paul said he wasn't alone. He

1 said he should contact the other commanders with regard to
2 that, but Mosquito did not give him chance. He told him
3 that where he was seated by the time he would have stood
4 up, he should hand over everything that he came with which
12:45:24 5 he had talked about, otherwise he will face humiliation.
6 Johnny Paul had not wanted to do so, but they used force."
7 Mr Witness --

8 A. Yes.

9 Q. -- you were claiming that Johnny Paul Koroma was ordered to
12:45:53 10 hand over everything he came with and this took place at the
11 meeting in Buedu. That's what you were claiming, weren't you,
12 only a few months ago?

13 A. Yes, they suggested that to him in a meeting.

14 Q. Well, let's read on what else you said.
12:46:26 15 "Q. I think you were about to answer it, but who used
16 force against who? I want you to use names.

17 "A. Issa Sesay, Mosquito, Sam Bockarie, they used force on
18 Johnny Paul. They ensured that where he was seated, he
19 stood up and ordered him to hand over whatever he had.
12:46:55 20 They had arms. There were all armed men around. They had
21 their pistols and they were talking to him. So they used
22 force on him and took all that he had. They stripped the
23 shirt off him."

24 You were claiming, weren't you, that that took place in
12:47:22 25 Buedu and that you saw it?

26 A. It was in Buedu that that took place, but that moment in
27 that meeting, it was not. But at that moment, some minutes or
28 hours passed before Issa took that action. But in the meeting he
29 was told in fact that what he planned, he should forget about it.

1 It was Mosquito who told him.

2 Q. Mr Witness, did Issa Sesay and Mosquito strip Johnny Paul
3 Koroma of his shirt in Buedu or did Issa Sesay dispossess him of
4 the diamonds in Kangama?

12:48:29 5 A. No, no. It was the diamonds he took. I did not see where
6 they laid him on the ground and took off his shirt. He placed
7 Johnny Paul under gunpoint to dispossess him of those things.

8 Q. The question is where? 19th July, you claim it's Buedu.
9 Now you claim it's Kangama. Which one? One or the other or
12:48:57 10 both?

11 A. Well, at Kangama. It was at Kangama that he took the
12 diamond forcefully from him. But I was in Buedu when I heard
13 about it. That was why I said that it was in Buedu. Even the --

14 Q. Mr Witness, does that mean you lied in the AFRC trial? Is
12:49:21 15 that what that means or is that a lie in this trial?

16 A. No, it is not this trial. It is in this trial that I say
17 the truth that I'm talking now. I am telling you the truth, what
18 I'm telling you now.

19 Q. Okay. Let's read on then.

12:49:44 20 "They took the diamond. Issa Sesay held his wife and said
21 he was shouting for diamonds. He went and raped Johnny
22 Paul's wife."

23 That's what you said in the AFRC trial. Going over the
24 page, 13289:

12:50:06 25 "Q. How do you know Issa Sesay raped Johnny Paul Koroma's
26 wife?

27 "A. Well the woman was present in that meeting. From
28 there we went there. He called her. Look at her own, look
29 at his house, and we saw them there. They went into their

1 room. They were there about 10 to 30 minutes. The woman
2 came out crying. Mosquito asked her what happened. She
3 said Issa raped her."

4 A. Yes, I said some about that, but the way it is -- was
12:50:57 5 constructed in that way, the woman, Mosquito ask her why she was
6 crying, when Issa brought her she was in the house of Mosquito
7 crying. Mosquito ask her. She told Mosquito that it was Issa
8 that raped her.

9 Q. Well, that's what you say. But what you said on 19th July
12:51:20 10 was that you'd seen them in his house going into their room, in
11 there for 10 to 30 minutes. That's what you said.

12 A. No. The woman was in Mosquito's house.

13 Q. Mr Witness --

14 A. No.

12:51:41 15 Q. [Overlapping speakers]

16 A. I did not say that.

17 Q. You did.

18 A. No, the way you made it. I didn't say that.

19 Q. Okay, let's move on. Can I just suggest to you,
12:51:53 20 Mr Witness - and you probably know what suggestion is coming
21 next - you made it up? You made it up.

22 A. Well, if they could write in this way.

23 THE INTERPRETER: Pardon, Your Honour, the witness is too
24 fast. The interpreter cannot get him well.

12:52:24 25 PRESIDING JUDGE: Mr Witness, can you repeat that last part
26 because you were going too fast?

27 THE WITNESS: I said it is fine because here the way, as
28 I'm talking slowly, if I want to be fast they will say make it
29 slowly. That you will be able to write everything that you may

1 want to write. But if you just allow me to just talk, you will
2 not -- your ear will not let you get everything and write
3 accurately to know really. So if there are some problems it was
4 for that reason. But I didn't feel that what I knew about and
12:53:10 5 what I saw, I would change it. Where I feel that I should
6 change, I told the Prosecutor that this was not correct because
7 of such and such reason.

8 MR JORDASH:

9 Q. Okay, that's an answer.

12:53:25 10 JUDGE ITOE: Mr Jordash, what he is saying is that he did
11 not make up what he is saying now. I imagine that is what he's
12 saying.

13 MR JORDASH: I imagine that is what he is saying.

14 JUDGE ITOE: Yes. And you, of course, are suggesting to
12:53:43 15 him, are putting these statements to him and his oral testimony,
16 that he has made it up. That he has made this story up.

17 MR JORDASH: Yes. Absolutely.

18 JUDGE ITOE: Thank you.

19 MR JORDASH:

12:53:59 20 Q. Just finally and then I can move on from this. I should
21 have put this one sentence from 12977, the first statement to the
22 Prosecution. It's the last line of the first paragraph. After
23 describing Sesay returning with Johnny Paul Koroma's wife the
24 statement says:

12:54:54 25 "The communication set was removed from Johnny Paul Koroma
26 and Mosquito took him to Kangama together with his family."

27 JUDGE ITOE: What statement is that, please?

28 MR JORDASH: Sorry, Your Honour. It's the first statement,
29 12977. I ought to have done it earlier but I missed that

1 statement.

2 Q. I suggest, Mr Witness, that you told the Prosecution that
3 it was only after Johnny Paul Koroma -- sorry, it was only after
4 Johnny Paul Koroma was dispossessed of diamonds did he then go to
12:55:40 5 Kangama where he was sent to live by Mosquito which is, I
6 suggest, the truth.

7 A. Yes.

8 Q. And in fact he'd never even been to Kangama before he was
9 dispossessed of diamonds?

12:56:11 10 A. Well, I did not know. But that very day after that
11 meeting, when he was dispossessed of, I knew that he was at
12 Kangama. That was why I said that. I had already told that you
13 that that very day that they came, until the next day for that
14 dispossession of his property, I do not know where they lodged
12:56:33 15 him. But that very day that they dispossessed him of his
16 possessions, he was in Kangama.

17 Q. And in fact he'd been staying in Sam Bockarie's bedroom
18 before the diamonds were taken from him?

19 PRESIDING JUDGE: I'm not sure the witness has understood
12:56:56 20 your question because the answer he gave is -- the witness seemed
21 to be saying that when he was dispossessed he was in Kangama, not
22 in Buedu. You're putting to him that he was in Buedu.

23 MR JORDASH: Yes, I am putting to --

24 PRESIDING JUDGE: When he was dispossessed.

12:57:12 25 MR JORDASH: Yes.

26 PRESIDING JUDGE: So maybe you could put that to him
27 because it's not clear.

28 MR JORDASH: I'll put it to him, hopefully, more clearly.

29 Q. Firstly, I suggest, Mr Witness, everything you've just told

1 us about JPK being dispossessed you've just heard from rumours.
2 That's the first thing I suggest to you.

3 A. No, it was not rumours because I was there with my
4 commander. He too was there. I came and met them there in Buedu
12:57:46 5 Town itself. It was not rumours.

6 Q. Secondly, that Johnny Paul Koroma was dispossessed in
7 Buedu, not Kangama or anywhere else. That's the truth.

8 A. They take them from him in Buedu because it was there I saw
9 the diamonds with Issa, the bodyguards. The bag was under the
12:58:29 10 care of one boy who is an SBU. He was the one who held the bag.
11 Shabadu was close to him that day. So it was not an hearsay that
12 I heard. What I saw is what I'm telling you.

13 Q. And it was only after that dispossession that Johnny Paul
14 Koroma went to Kangama. That's the truth, Mr Witness.

12:59:08 15 A. Yes, when they take them from him, I told you the first day
16 that he reached, I didn't know where he slept. I thought that it
17 was in Kangama because when they took everything from him he went
18 there again. So when I myself went and met him where they took
19 him.

12:59:26 20 Q. Okay. I think that I don't need to ask you anything
21 further on that, Mr Witness.

22 PRESIDING JUDGE: So it's 1 o'clock so that would be a
23 convenient time to break for lunch.

24 MR JORDASH: Your Honour, yes.

12:59:40 25 PRESIDING JUDGE: You are to move into some other
26 direction.

27 MR JORDASH: And I'm hoping I can finish within an hour. I
28 was hoping, though, that section would be dealt with a lot more
29 quickly but I couldn't.

1 PRESIDING JUDGE: But you're finished with this particular
2 part in Buedu, this JPK scenario in Buedu?
3 MR JORDASH: Yes.
4 PRESIDING JUDGE: So we're moving into another area when we
13:00:00 5 come back; am I right?
6 MR JORDASH: Yes, Your Honour.
7 PRESIDING JUDGE: So we'll adjourn until 2.45 for today.
8 [Luncheon recess taken at 1.00 p.m.]
9 [RUF24NOV05D - EKD]
14:46:30 10 [Upon resuming at 2.55 p.m.]
11 JUDGE THOMPSON: Mr Jordash, your witness.
12 MR JORDASH: Thank you, Your Honour.
13 Q. Good afternoon, Mr Witness.
14 A. Good afternoon, sir.
14:56:29 15 Q. Just one question about JPK. When you met him at Gandorhun
16 and after he travelled to Buedu, you didn't see him travelling in
17 a hammock, did you?
18 A. Not at all, he was not travelling in a hammock.
19 Q. Thank you. At some stage you were sent to the Pendembu
14:57:30 20 region in 1998; am I right, when you went to Kpaima?
21 A. Yes, sir.
22 Q. Was that as some kind of a punishment?
23 A. Well, yes, so it looked like.
24 Q. Because that area was a front line defending against the
14:58:05 25 ECOMOG and Kamajors?
26 A. Yes.
27 Q. And Kamajors and ECOMOG would attack every so often at
28 Kpaima and the RUF would repel them during the course of 1998?
29 A. Yes.

- 1 Q. There were no civilians in that region, were there, because
2 of -- Let me start that again. There were no civilians; it was
3 a front line area and civilians had all left?
- 4 A. Yes, they were not there.
- 14:59:14 5 Q. Sesay was there in March of 1998, was he not?
- 6 A. Where?
- 7 Q. Pendembu.
- 8 A. Yes, sir.
- 9 Q. Supervising the front lines at Pendembu?
- 14:59:40 10 A. He was in Pendembu; he was supervising the front lines.
- 11 Q. Thank you.
- 12 A. Thank you, sir.
- 13 Q. Am I right that, like you, he too had been sent there as a
14 punishment?
- 15:00:11 15 A. So it seemed with him again. But his own punishment was
16 different, see, compared to mine.
- 17 Q. And his punishment was, so it seemed to you, for the loss
18 of the diamonds in Liberia?
- 19 A. Well, that's the idea that I had.
- 15:00:50 20 Q. Was that what you heard from other soldiers in the Kpaima
21 area?
- 22 A. Yes.
- 23 Q. You told us about a meeting in December of 1998 in Buedu;
24 do you recall that?
- 15:01:24 25 A. Yes.
- 26 Q. And you'd, your self, travelled to that meeting from
27 Kpaima?
- 28 A. Yes.
- 29 MR HARRISON: This was an area where the Prosecution had

1 asked for a closed session and it was granted. I would just like
2 to remind the Court and defence counsel that there are particular
3 concerns about this area of questioning. And we wish to remind
4 the Court that identity is something that is very much in the
15:02:12 5 forefront of the Prosecution's mind at this particular point in
6 time.

7 PRESIDING JUDGE: Thank you. Mr Jordash?

8 MR JORDASH: That was the only question I was going to ask
9 at this stage. I am going to ask for a closed session right at
15:02:26 10 the very end.

11 PRESIDING JUDGE: To come back to that area?

12 MR JORDASH: To come back to this. I am happy that I can
13 say this now since the subject is raised, that I am happy for
14 that closed session to wait until one of my learned friends wants
15:02:40 15 to go into closed session because it is literally two or three
16 questions. And rather than hold up the proceedings, I am happy,
17 with Your Honours' leave, to raise that at the end. But I can
18 raise that at the end. But that was the only question I needed
19 to ask at this stage.

15:03:01 20 Q. Issa Sesay was supervising the front line to Pendembu until
21 December 1998. Can you assist with that?

22 A. Yes.

23 Q. And throughout that period, March to December 1998, the
24 same activities were going on in the Kpaima/Pendembu region,
15:04:03 25 effectively RUF on defensive against Kamajors and ECOMOG?

26 A. Yes.

27 Q. Thank you. During that time you say -- did you see Sesay
28 during that time or did you just hear about him? The time March
29 to December 1998.

1 A. I used to see him.

2 Q. You told us that you have seen or saw Issa Sesay with small
3 boys in Pendembu. Do you recall saying that?

4 A. Yes.

15:05:24 5 Q. Did you see them doing domestic chores for him?

6 A. Well, I was not there, but I used to see him -- used to see
7 them behind him with the arms. They used to guard him. That
8 particular one, I saw them.

9 Q. Could I suggest that -- well, you told us that -- the ones
15:05:57 10 that were guarding him, were they about 16 or 17, older than
11 that?

12 A. Some were older than that, some had the age that you talked
13 about.

14 Q. Could I suggest to you that Sesay's bodyguards were older
15:06:34 15 than 16 - 17 when he was in Pendembu?

16 A. Some. Some were not up to that age.

17 Q. Well, could I suggest that the bodyguards you would have
18 seen him in Makeni with were fully grown men. Makeni in 1999 and
19 2000.

15:07:24 20 A. You had different -- there were differences among them.
21 You had the SBU and you had some of those that were older, a
22 little bit.

23 Q. Could I suggest to you, Mr Witness, that Mr Sesay did not
24 have any boys around him with weapons younger than 15?

15:07:54 25 A. They were there.

26 Q. You told us that you had seen him with boys around the age
27 of 13, 14, 15 and 16; do you remember that?

28 A. Yes, I said majority of the RUF commanders had SBUs whose
29 ages started from 13, 14, 15 upwards.

1 Q. Could I suggest to you that the only young boys below 15 he
2 had with him were those that were doing domestic chores in
3 Pendembu and elsewhere. Think if that is possible, Mr Witness.

4 A. I said I used to see them with him. Then those whose age
15:09:22 5 was up to 13, 14, 15 and 16, they used to carry arms around him.
6 I saw that with my eyes.

7 Q. You never asked any of those boys their age, did you?

8 A. No. Well, when you look at the eyes, the eyes really do
9 not carry load, but they would understand the gravity of
15:09:52 10 something or the weight of something. See, I cannot tell the age
11 or the year, but I could make an estimate and I could see
12 somebody and I would that say this individual would be between 30
13 and 40 years.

14 Q. We will have to agree to disagree on this, Mr Witness, and
15:10:17 15 move on. Could I just ask you this: Rashid Sandy was the
16 adjutant on Camp Lion or the training commander on Camp Lion in
17 the early years of the RUF; am I right?

18 PRESIDING JUDGE: What's the name, Rashid?

19 MR JORDASH: Rashid Sandy.

15:10:47 20 PRESIDING JUDGE: Rashid Sandy.

21 MR JORDASH:

22 Q. Do you recall that man?

23 A. Yes.

24 PRESIDING JUDGE: What was the position again, was he the
15:10:56 25 adjutant.

26 MR JORDASH: No, sorry, I made a mistake. The training
27 commander at Camp Lion.

28 Q. Yes?

29 A. Yes.

1 PRESIDING JUDGE: What was the date you suggested?

2 MR JORDASH: The early years of the RUF. I didn't specify
3 an actual year.

4 THE WITNESS: Within -- '93 upwards.

15:11:28 5 MR JORDASH:

6 Q. He would be in a position to tell us what kind of training
7 young boys received at Camp Lion, would he not?

8 A. Yes.

9 Q. Can I suggest that the training for young boys was that
15:11:57 10 they would be trained, but without an expectation that they would
11 be used in actual battle? Do you know?

12 A. Yes, at the beginning. Except if you wanted to go and
13 fight, you, the child. But most of the children were trained.
14 Most of them, in fact, they were attached to commanders. What

15:12:31 15 they used to do was to do household chores and they would carry
16 arms.

17 Q. There was an expectation, wasn't there, that from what you
18 observed, that all those who were with rebels - women, men and
19 young boys - would know how to fire a weapon? Am I right; that
15:12:58 20 was what was expected?

21 A. Yes. But later they used to fight, the SBUs. They used to
22 fight.

23 Q. Wasn't it a matter for -- did SBUs become attached to
24 particular commanders?

15:13:31 25 A. They were not assigned to commanders. Some were sent to
26 particular commanders. Some, when they would have been trained,
27 they themselves would decide to find a commander with whom they
28 would stay, who, where they would not expect any problem from the
29 commander. They would have arms and they would serve as your

1 guard.

2 Q. Wouldn't it depend, Mr Witness, on the particular
3 commander? What the commander asked them to do?

4 A. Repeat.

15:14:12 5 Q. A young boy attaching or finding a commander, the commander
6 would then decide what the boy did as his job -- what jobs the
7 boy did.

8 A. Yes, it was the commander that would decide. Yes.

9 Q. And some commanders limited the jobs to domestic jobs?

15:14:55 10 A. Yes.

11 Q. And just before we leave this subject, I suggest that when
12 Sesay was in Pendembu he ordered commanders not to use boys to
13 participate in fighting. Can you confirm that?

14 A. Well, I did not see that with my eyes because if there were
15:15:39 15 any order they would have written it and to have said it to us
16 saying that all the SBUs should be exempted from fighting. They
17 should not fight, or except if they were with their commanders,
18 but I did not hear that.

19 Q. Well, I suggest there wasn't boys fighting in that
15:15:56 20 defensive position that we have heard about around Pendembu in
21 1998. It was fully grown men.

22 A. We were all there. When we were attacked by enemies, all
23 of us would fight. Some had arms.

24 Q. Okay, let's move on. You were living in Kailahun, as we
15:16:31 25 know, throughout 1998. Is it right civilians and soldiers were
26 living together in various villages and towns in
27 Kailahun District?

28 A. Yes.

29 Q. And during that time in 1998 in Kailahun District there

1 weren't attacks on civilians, were there?

2 A. No. Who are the individuals that will not attack
3 civilians?

4 Q. No, what I am suggesting is that Kailahun District in 1998
15:17:19 5 was occupied territory. It wasn't, as such, a battlefield. It
6 was occupied by the RUF?

7 A. Yes, fighting was going on, but it was not in the place
8 which was occupied by the civilians. It was in the front line
9 part in Kailahun, like Kpaima, Kuiva, at those ends.

10 Q. Civilians were living in the various villages around Buedu;
15:18:01 11 am I right?

12 A. Yes, everywhere. Around Pendembu, around Kailahun, around
13 Buedu.

14 Q. Was it known to -- did you observe this? Was it known to
15:18:41 15 civilians that if they were to go beyond RUF occupied territory
16 in Kailahun District, that there was a good chance they would be
17 caught by the CDF or Kamajors?

18 A. Yes, because that particular one, it was expected if you
19 left a rebel and you went to a Kamajor, the Kamajors would
15:19:12 20 capture you and they came from a Kamajor and come to a rebel, but
21 the rebel would capture you.

22 Q. So, civilians in RUF occupied Kailahun territory remained
23 within occupied territory to ensure they were not captured and
24 killed by Kamajors; is that fair?

15:19:36 25 A. Yes, some had that fear, because of their life.

26 Q. And we spoke two days ago about your girlfriend at that
27 time. Was the family of your girlfriend in Kailahun?

28 A. Yes, she was in Buedu.

29 Q. And did you ensure that they were kept safe --

1 JUDGE ITOE: The family, she was in Buedu. You asked him
2 was the family of his girlfriend in Buedu.

3 MR JORDASH: Yes.

4 JUDGE ITOE: And he said she was there.

15:20:49 5 MR JORDASH: I think he said --

6 Q. Did you say, Mr Witness, that the family of your girlfriend
7 was there or the family and your girlfriend was there? What did
8 you say?

9 A. My girlfriend was there and some of -- the members of the
15:21:08 10 family, they were also there.

11 Q. Did you ensure that your girlfriend's family was kept safe
12 in Kailahun?

13 A. Well, they did not stay with me. It was only the woman
14 that was with me.

15:21:38 15 Q. I am not suggesting they were staying with you, but did
16 you, because of your girlfriend, keep her family safe?

17 A. Yes, if I heard that something bad was going to happen or
18 if something happen -- bad happen to them and I understood that,
19 yes, I would protect them. I would protect them from that.

15:22:07 20 Q. And if the CDF or Kamajors had attacked and you'd had to
21 move from Kailahun, you would have taken your girlfriend and her
22 family with you and looked after them in that way?

23 A. If I was able to.

24 Q. Thank you.

15:22:34 25 A. Yeah.

26 Q. Did you also make sure that your girlfriend and her family
27 were able to find food?

28 A. Yes, they used to go in search of food.

29 Q. Did you as a commander, though, going out -- having a

1 relationship with your girlfriend, have a responsibility to look
2 after her family in terms of food and clothes?

3 A. Well, it was directly because I was not responsible for
4 that. They were with some other individual who was taking care
15:23:29 5 of them well. It was only the girlfriend that I had been taking
6 care of. See, I would give her food. I used to buy dresses for
7 her.

8 Q. What did people do in Kailahun, Mr Witness, during 1998 if
9 they didn't have a job? What did they do to survive?

15:24:20 10 A. Some used to do farming for themselves.

11 Q. And a woman, if she was not with a man, what would she do
12 to survive?

13 A. Well, that, I mean it is up to her to decide. I know that
14 a woman, she's supposed to have a husband at that particular
15:24:54 15 moment. If you are not with a husband you, yourself, would know
16 how you would be able to live.

17 Q. But most of the women found men in RUF occupied territory
18 to provide for them?

19 A. Well, some were captured and they are taken -- you had
15:25:21 20 taken her. And some would follow you. If she came to you and
21 you had any opportunity to help her, then you would help her.

22 Q. So when you say you would help her, you mean RUF soldiers
23 would help the women?

24 A. Yes. If you and her had a relationship, you must help her.
15:25:52 25 Whatever she requested from you, if you are in a position to do
26 so.

27 Q. Thank you. Now, you have talked about farming in Kailahun
28 in 1998. Was farming going on also in 1999?

29 A. Throughout, yes.

1 Q. And would the civilians who were farming then exchange
2 their crops, their produce, at a market at the border with
3 Liberia?

4 A. Yes, we used to do barter system. Civilians, soldiers,
15:26:56 5 everybody. We had that barter system.

6 Q. So, agriculture products could be exchanged for things such
7 as clothes and soap at the marketplace?

8 A. Some. There you had cocoa, you had palm oil. So most of
9 the time people lived on that. And when they had that, they
15:27:33 10 would take it to the border line, either in Liberia or on the
11 Guinea border.

12 Q. Thank you. Did you ever attend or did you ever see the
13 medical centres in Kailahun operated by RUF?

14 A. Yes.

15:28:10 15 Q. Did you know of the overall medical chief called Dr Fabai.

16 A. Yes, I know Dr Fabai.

17 Q. He was based in Buedu in 1998; am I right?

18 A. Yes, he was in Buedu. It was in a village. It was near
19 Buedu.

15:28:50 20 Q. And he would be in charge of the various medical --

21 PRESIDING JUDGE: What year was that?

22 MR JORDASH: 1998, Your Honour.

23 Q. He was in charge of the various medical centres which were
24 in different villages in Kailahun in 1998?

15:29:09 25 A. Yes, within the Kailahun District. All the hospitals that
26 had been operating within the Kailahun District, he was the one
27 heading them.

28 Q. And if you were a rebel or a civilian you could attend
29 those medical centres for treatment?

1 A. Yes.

2 Q. Am I right that some civilians who did not have work would
3 work for the RUF?

4 A. You said what? Repeat that.

15:30:16 5 Q. I am saying I am right that civilians who did not have
6 work, or did not have farms, would work for the RUF in order to
7 survive?

8 A. Yes. If somebody were to say that, "Come and do this for
9 me", and you knew that he did not have access in order to get
15:30:50 10 what you wanted to eat, if somebody were to say, "Go and do
11 this", so as to give you something, you yourself would go there.

12 Q. And in exchange for that assistance they would be given
13 food by the RUF?

14 A. Yes.

15:31:16 15 Q. Exchange of work labour for food?

16 A. Yes, that is what is meant by that.

17 Q. And in exchange for that labour -- sorry, let me rephrase
18 that. And if a civilian was working for an RUF farm, there would
19 be a day in which the civilian was expected to work solely for
15:31:50 20 the benefit of the RUF?

21 A. Yes, that particular one, yes, it operated. I had told you
22 that if they said today it was government work for RUF, for that
23 whole day, if they said it was -- it should be from eight to nine
24 in the morning, until you left the place of work, up to six, that
15:32:19 25 you had to do.

26 Q. And then other days it was different, they could work for
27 themselves?

28 A. Yes, at times. Perhaps within the week, the seven days, if
29 they said you are to work for four days for government, the three

1 days were for you yourselves. That used to operate.

2 Q. So as a price for being able to provide for themselves,
3 they were expected to contribute to the RUF?

4 A. Yes. Because when you had satisfied me, you also would be
15:33:14 5 satisfied. But if I am a superior and you did not satisfy me,
6 you also would not be satisfied. You would not be at rest.

7 Q. And if, after the civilians had satisfied for themselves,
8 but then wouldn't satisfy the RUF, they could be imprisoned. Is
9 that what you were saying a couple of days ago?

15:33:42 10 A. Yes, at times. When you violated that order, when they
11 said that the four days should -- was meant for the government
12 and they had given you your own three days, and during the three
13 days you went and did your own private work, so that meant it was
14 an intentional act to defy the authorities. So a decision would
15:34:13 15 be taken against you. Those were one of the decisions. Thank
16 you.

17 Q. Were the farms that you spoke of in which this labour
18 exchange operated, were they owned by different commanders who
19 came from the Kailahun District?

15:34:47 20 A. Yes.

21 Q. Who had had the farms before and continued to operate them
22 for the benefit of civilians and RUF?

23 A. Mostly for the RUF.

24 Q. Mostly for the RUF, but also for the civilians?

15:35:24 25 A. Yes, because it was the RUF that had been working with
26 them.

27 Q. Thanks. Now, you spoke about mining and mining in Giema.

28 A. Yes.

29 Q. Am I right -- your knowledge of what was happening there

1 really is quite limited to the fact you were told that the RUF
2 were mining in Giema?

3 A. Yes.

4 Q. You never went there and saw it?

15:36:15 5 A. No.

6 Q. And you can only presume the type of mining that was
7 happening there?

8 A. Yes, the one that I heard about. And they said it was for
9 diamond, gold. Those were the two types of mining.

15:36:33 10 Q. But you don't know what was going on there with civilians
11 and RUF, except that you heard it was mining?

12 A. Yes, and they said it was the civilians that had been doing
13 it. And I did not know how they were treated because I did not
14 go there. I was not at the scene. Thank you.

15:36:58 15 Q. Last subject, I think, Mr Witness. The December 1998
16 meeting.

17 A. Yes.

18 Q. You've told us -- sorry. What did you say the operation
19 was called, which came about after the meeting had been held?

15:37:35 20 A. Operation Spare No Soul, Operation Free Sankoh, Operation
21 Spare No Soul. That is the way we used to call them.

22 Q. Could I suggest, Mr Witness, that there was never a meeting
23 in the way that you describe; that it just didn't happen?

24 A. It happened.

15:38:17 25 Q. And that the planning for the operation on Kono did not
26 take place in front of a number of people such as yourself.

27 A. It happened, all that happened. We all planned that.

28 So --

29 Q. So this was Operation Spare No Soul and Operation Free

1 Sankoh. Now I want to ask you something about what you said
2 during the AFRC trial, 19th July.

3 MR JORDASH: Your Honours, page -- and I hope I have given
4 you this -- 13296. I may not have done, I just realised. Two
15:40:02 5 pages perhaps: 13296 and 13297. I am only about 10 minutes from
6 finishing.

7 JUDGE ITOE: We have up to 13269.

8 PRESIDING JUDGE: 296, 297. We don't have them.

9 JUDGE ITOE: We don't have that, okay.

10 MR JORDASH: Sorry. While that is happening I can perhaps
11 ask a couple of questions on a different subject.

12 Q. Am I right Mr A had a bodyguard called Dolo during 1998?

13 MR JORDASH: Sorry, I will just take instructions on that.
14 I am not going to pursue that question, Mr Witness. My mistake.

15 PRESIDING JUDGE: We do have the pages now so you can go
16 through it.

17 MR JORDASH: Thank you.

18 Q. This is what was said 13296, Mr Witness. I just want to
19 ask you what you meant. Line 17, and you are being asked what
15:42:12 20 Mosquito had said about treating civilians on the attack:

21 "He said that this attack should not be directed to
22 civilian, but he needed the land. Wherever there are
23 civilians or Kamajors or ECOMOG" --

24 THE INTERPRETER: Counsel, please go slowly. We are
15:42:36 25 interpreting here. Please.

26 MR JORDASH: Sorry.

27 Q. "He said that this attack should not be directed to
28 civilian, but he needed the land. Wherever there are
29 civilians or Kamajors or ECOMOG, whatever you want to do

1 with that just to gain access to the town, he should do it.
2 If you don't want to save civilian, you should kill him but
3 not capture. Either you go or you release them."

4 A. Yes.

15:43:24 5 Q. What did you mean when you said, "Either you go or you
6 release them"?

7 A. Well, what I meant by that, it was an attack. You would
8 not go and attack one single town. If you went and attacked,
9 like, Kono, if you wanted to release the civilians, you could
15:43:49 10 release them, and you would go ahead. Because it was not only
11 Kono that was your target.

12 Q. So was Sam Bockarie then, according to you, saying
13 commanders could release civilians if they chose to?

14 A. Yes, you know that it was not all the civilians that were
15:44:20 15 supposed to die. You had a lot of them. Some would be killed
16 and those that would remain, if you wanted to release them, then
17 you could release them and go away.

18 Q. I want to ask you this about your knowledge of Issa Sesay's
19 attack on Kono: Can you confirm that you heard that 13 Nigerian
15:44:47 20 ECOMOG were captured and kept as prisoners of war by Sesay?

21 A. Yes.

22 Q. They were, were they not, released as part of the Lome
23 negotiations?

24 A. Yes, they were a lot of them. They were in Buedu until
15:45:16 25 they were released as part of the Lome agreement.

26 Q. They'd been captured, kept safe by Sesay and sent to Buedu,
27 had they not?

28 A. Yes, that was what I heard. And they said they took them
29 from Kono and they sent them to Buedu. See, I saw them later.

1 Q. Can you confirm this, Mr Witness: That 600 CDF men
2 surrendered in Masingbi and were kept safe by Issa Sesay after
3 he'd attacked Kono?

4 A. Yes, later when they advanced, I heard about that.

15:46:18 5 Q. Did you hear about 200 CDF being captured and kept safe by
6 Sesay in Makali during that same attack?

7 A. I heard that some Kamajors surrendered to Issa Sesay,
8 perhaps at Masingbi.

9 Q. Did you hear about a thousand, or thereabouts, CDF
15:47:00 10 surrendering to Issa at Makeni when he arrived as part of that
11 attack?

12 A. Well, I used to hear but really I did not know the real
13 amount, but I used to hear that Kamajors surrendered to our
14 brothers who had been fighting in Masingbi, Makeni area and all
15:47:17 15 other areas.

16 Q. I suggest to you, Mr Witness, that Sesay never agreed to
17 any Operation Spare No Soul. If he had there wouldn't have been
18 so many captured. That is what I suggest.

19 A. Operation Spare No Soul did not mean that you would be able
15:47:51 20 to kill everybody, but killing was going on. When they said that
21 Operation Spare No Soul, that did not mean that you can kill the
22 whole of people in Sierra Leone, no. But there was some
23 destructions which were going on. They would burn, men -- human
24 beings would die. These are all lives that were being killed.

15:48:13 25 Q. I am not disputing that Sesay killed, as part of his
26 attacks, the enemy, ECOMOG. I am not disputing that. I am
27 disputing that he ever agreed to kill or harm civilians during
28 those attacks. That's what I'm disputing.

29 A. Well, perhaps it may be so because I used to hear that some

1 Kamajors that surrendered. In any command structure you, as a
2 commander, you have your own discretion. Perhaps they talked
3 about it but when they went he did not do that.

4 PRESIDING JUDGE: As a commander you have your own what?

15:49:00 5 THE WITNESS: I said as a commander you have what is
6 referred to as discretion. You yourself are able to use your own
7 discretion.

8 PRESIDING JUDGE: To do what?

9 THE WITNESS: Well, if they said go and fight and kill,
15:49:15 10 perhaps you as a commander, if they said go and fight or kill,
11 that's just an example, perhaps if you went you would fight, but
12 you would not kill.

13 MR JORDASH:

14 Q. Thank you.

15:49:33 15 A. Yes.

16 MR JORDASH: They are the end of my questions,
17 Your Honours, except 10 minutes in a closed session which deals
18 with the concern of Mr Harrison, exactly that subject.

19 PRESIDING JUDGE: We would prefer that we move in a closed
15:50:29 20 session now. The application that you made previously is still
21 applicable to this scenario. That was understood. This is sort
22 of a follow-up to the Prosecution. For neatness of the record
23 and ease of reference, we would prefer that you complete your
24 cross-examination now and then we'll move to the second accused.

15:50:51 25 MR JORDASH: Certainly.

26 PRESIDING JUDGE: We will just ask that the system be put
27 in place to move to a closed session now and closed session is
28 granted for the same reason that it was granted before.

29 MR JORDASH: Certainly.

1 PRESIDING JUDGE: So for members of the public, it will be
2 a short session. We are told 10 minutes.

3 MR JORDASH: Whilst we're waiting, could I just inform your
4 learned legal officers that I will refer to page 13295. Again,
15:52:22 5 I'm sorry.

6 [At this point in the proceedings, a portion of the
7 transcript, pages 79 to 81, was extracted and sealed under
8 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MS GUNSTONE: Your Honour, Court is now in open session.

3 PRESIDING JUDGE: Right. Will you just repeat what you
4 were saying, Mr Taku. We are in open session now.

16:02:02 5 MR TAKU: As I promised, Your Honour, I do not intend to
6 delay these proceedings. My objections will be very relevant to
7 the future as regards disclosures in this matter is concerned.
8 Maybe it might take five, six, seven minutes to bring that to
9 attention to raise that objections. Your Honours might take it,
16:02:25 10 advise yourselves to give a decision later on to enable me to
11 proceed with the cross-examination.

12 JUDGE THOMPSON: But would the objection be predicated upon
13 some kind of evidence that you might elicit during the process of
14 your projected cross-examination? Because what we don't want to
16:02:54 15 do is to leave us in a state of limbo. If you have an objection
16 that you think you want to formulate at this stage, we can quite
17 candidly summarily dispose of it and give reasons later on in one
18 way or the other. But if it is a question of looking to the
19 future, I find it very difficult to come along with you in terms
16:03:28 20 of -- because not all of us are gifted at looking into the
21 future. It is entirely up to you. But if you feel you have some
22 second thoughts as to whether it is necessary to pursue it, why
23 not then treat the Court with candour and withdraw it for the
24 time being or not even make it.

16:03:53 25 PRESIDING JUDGE: To add to what my brother Justice
26 Thompson has just said, if your application has to do to future -
27 that is, about disclosure of the same nature, but in the future -
28 well, then, I don't think we should hear your submission now.
29 Let's complete this and then make a motion in due course, in

1 writing, and then we'll have proper response. That is why I say
2 if what you are intending to do is to -- you had said you were
3 asking the record to be noted at the time for that but it was
4 noted, whatever it meant. But if you are now raising an issue
16:04:29 5 that disclosure of that nature is or is not acceptable from your
6 perspective, and in the future should not, well, we will hear
7 your motion in due course. As I say, our preference if that is
8 the case and you are talking of future scenario, we would much
9 prefer to have that in writing with proper response and replies.
16:04:50 10 That is our preferred option if your motion is not to do with the
11 immediacy of this case now.

12 MR TAKU: The extent, Your Honour, that I will be referring
13 to part of disclosure that was done in this case, I think it has
14 some relevance. But the order that I will be praying from your
16:05:14 15 Your Honours will be for an immediate order that will have effect
16 for the future on how disclosure in this matter should be done.

17 [RUF24NOV05E-SGH]

18 PRESIDING JUDGE: Well, then let's wait for the future. So
19 the fact that you do refer to some of this during this case to
16:05:26 20 support your application, you will not, and you are telling us,
21 that you are not seeking any remedy for this particular
22 cross-examination at this moment?

23 MR TAKU: Yes, Your Honour.

24 JUDGE ITOE: So there is no relevance for us to -- there is
16:05:42 25 no urgency --

26 MR TAKU: Yes, Your Honour.

27 JUDGE ITOE: For us to take your application at this point
28 in time?

29 MR TAKU: Exactly, Your Honour.

1 JUDGE ITOE: May we then proceed with the
2 cross-examination.

3 MR TAKU: Thank you, Your Honour.

4 PRESIDING JUDGE: And may I remind you what I've just said.
16:05:54 5 In that case, we ask you to file a motion in due form in writing
6 and I will follow the proper process and we'll dispose of it in
7 due course.

8 JUGE THOMPSON: I would rather prefer you advise yourself
9 whether you need to do that.

16:06:06 10 MR TAKU: Yes, Your Honour.

11 JUGE THOMPSON: I don't think an order should come from us,
12 but you advise yourself after deliberation whether you want to do
13 that.

14 MR TAKU: Yes, Your Honour. I consider it a very important
16:06:21 15 application, and I will make it all the same, Your Honour.

16 PRESIDING JUDGE: I hope you did not consider my comments
17 to be an order to you to do so. If you are intending to do so,
18 we suggest you do so in writing.

19 MR TAKU: Yes, Your Honour. I will do that in writing.

16:06:34 20 PRESIDING JUDGE: Thank you. So you are ready to proceed
21 with your cross-examination of this witness for the second
22 accused?

23 MR TAKU: Yes, Your Honour. We are making an application,
24 Your Honour, to the Chamber for us to start our cross-examination
16:06:51 25 in a closed session. The reason Your Honour is because --

26 PRESIDING JUDGE: We will stop you right away, Mr Taku. It
27 is not that we don't want to hear you, but it is not much use for
28 you to say so in the public hearing, because you have to make
29 your application. You are telling us you want to go in a

1 session, we'll go into a session, hear your application,
2 determine if it is granted, then we'll proceed.

3 MR TAKU: Yes, Your Honour.

4 PRESIDING JUDGE: Just to save your energy and some time,
16:07:18 5 we'll better do it that way.

6 MR TAKU: Thank you, Your Honour.

7 PRESIDING JUDGE: So can we move to a closed session again,
8 please.

9 [At this point in the proceedings, a portion of the
10 transcript, pages 86 to 111, was extracted and sealed under
11 separate cover, as the session was heard in camera.]

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1 [Open session]

2 JUDGE THOMPSON: Counsel, this is a brief ruling for the
3 purposes of the resumption of this open session.

4 [Ruling]

17:38:57 5 JUDGE THOMPSON: Consistent with the general requirement
6 criminal proceedings are to be conducted in public and as
7 mandated by Rule 78 of the Rules of Procedure and Evidence of
8 this Court, but that exceptionally as authorised by Rule
9 79(A)(ii) of the said Rules and having regard to the need to
17:39:22 10 protect the witnesses as provided for in Rule 75, this Chamber,
11 in response to the application for counsel for the second accused
12 for certain portions of the cross-examination of Witness TF1-045
13 to be conducted in closed session, did grant by way of an
14 exceptional procedure the said application.

17:39:49 15 Proceed, counsel.

16 PRESIDING JUDGE: We are now back in open session, but
17 before we proceed further with you I would like to inform you
18 that we will adjourn now because we have some matters to go to
19 this afternoon. We will resume with your cross-examination
17:40:12 20 tomorrow afternoon at 2 o'clock. So hopefully we'll be able to
21 finish with your cross-examination in the afternoon.

22 MR TAKU: Well, we will see, Your Honour. We are trying
23 not to repeat what my colleague has said, but with more focus.

24 PRESIDING JUDGE: That's fine.

17:40:38 25 MR TAKU: Yes, Your Honour.

26 PRESIDING JUDGE: Thank you very much. Court is adjourned.

27 [Whereupon the hearing adjourned at 5.42 p.m., to be
28 reconvened on Friday, the 25th day of November 2005, at 2.00
29 p.m.]

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-045 3

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