

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

FRIDAY, 25 NOVEMBER 2005
2.10 P.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Ms Suzanne Mattler
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash
For the accused Morris Kallon:	Mr Melron Nicol-Wilson Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh

1 Friday, 25 November 2005
2 [RUF25NOV05A - AD]
3 [Open session]
4 [The accused Sesay and Kallon present]
5 [The accused Gbao not present]
6 [Upon commencing at 2.10 p.m.]
7 JUDGE THOMPSON: Mr Taku.
8 MR TAKU: Thank you, Your Honour.
9 JUDGE THOMPSON: Are you prepared to proceed?
14:12:18 10 MR TAKU: Yes, Your Honour.
11 JUDGE THOMPSON: Then proceed.
12 MR TAKU: Thank you, Your Honour.
13 WITNESS: TF1-045 [Continued]
14 CROSS-EXAMINED BY MR TAKU: [Continued]
14:12:23 15 Q. Good afternoon, Witness.
16 A. Good afternoon, sir.
17 Q. Just one minute, let me -- Witness, if I understood you
18 correctly, you stated that you came to Freetown some time in late
19 September or early October 1997 to meet Mr A; correct?
14:12:55 20 A. Yes, sir. Both of us came.
21 Q. Witness, can you confirm, if you know, whether while in
22 Freetown you realised that AFRC council meetings took place at
23 Johnny Paul Koroma's residence?
24 JUDGE THOMPSON: Why not rephrase it? It sounds a little
14:13:42 25 entangled. I said it sounds a little entangled. Rephrase it.
26 MR TAKU: Okay, sir, thank you.
27 Q. Now, Witness, is it true that council meetings took place
28 or normally held at Johnny Paul Koroma's residence here in
29 Freetown?

1 A. Yes.

2 Q. Did you, Witness, know a building here in Freetown called
3 Youyi building? Youyi building, Y-O-U-Y-I?

4 A. Yes.

14:14:55 5 JUDGE ITOE: Is it notice or knowing?

6 MR TAKU: Whether he knew, Your Honour.

7 JUDGE ITOE: Whether he knows?

8 MR TAKU: Yes, Your Honour.

9 Q. Did you know, Witness, whether SAJ Musa had an office in
14:15:20 10 that building?

11 A. Yes.

12 Q. And did you know, Witness, whether SAJ Musa was the Chief
13 Secretary of State of the AFRC government?

14 A. Yes, so I heard.

14:15:52 15 Q. Were you aware, Witness, that cabinet meetings, AFRC
16 cabinet meetings took place in the Youyi Building where SAJ Musa
17 had his office?

18 A. Yes.

19 Q. Witness, did you say that you took part in a meeting that
14:16:58 20 was held at Wilberforce Officers' Mess some time in October 1997?

21 A. Yes.

22 Q. And that you attended that meeting because you were an
23 officer?

24 A. Yes, sir.

14:17:45 25 Q. Is it your evidence, Witness, that all other officers who
26 came to Freetown took part in that meeting?

27 A. The majority of us, yes.

28 Q. And, Witness, you stated that Morris Kallon took part in
29 that meeting also.

1 A. Yes.

2 Q. Is it true, Witness, that at that time Morris Kallon had
3 the rank of a major?

4 A. Yes, sir.

14:18:56 5 Q. What assignment did Morris Kallon have then in the RUF?

6 A. Well, by then he was the deputy battle group commander.

7 Q. Is it not true, Witness, that at the time Morris Kallon was
8 assigned to Bo; he was stationed at Bo?

9 A. Yes.

14:19:52 10 Q. You stated that while -- you came to Freetown with Mr A,
11 did you also see Colonel Isaac Mongor while you were in Freetown?

12 A. Yes. We were staying close to each other; we were staying
13 opposite each other.

14 Q. Did you also see Lieutenant-Colonel Peter Vandi?

14:20:42 15 A. Yes.

16 Q. When you say that Morris Kallon was deputy area
17 commander --

18 JUDGE THOMPSON: You said battle group commander. Battle
19 group.

14:21:05 20 MR TAKU: Yes.

21 Q. Witness, he was deputy group commander?

22 JUDGE THOMPSON: Battle group.

23 PRESIDING JUDGE: Battle group commander.

24 JUDGE ITOE: [Microphone not activated]

14:21:15 25 MR TAKU: Yes.

26 Q. Witness, you said that at the time you were in Freetown he
27 was battle group commander.

28 JUDGE THOMPSON: No, deputy.

29 MR TAKU: Deputy. Yes, that's what I am saying, Your

1 Honour. I am sorry.

2 JUDGE ITOE: [Microphone not activated]

3 MR TAKU: Deputy group commander.

4 PRESIDING JUDGE: No, deputy battle group commander.

14:21:33 5 MR TAKU: Thank you, Your Honour.

6 Q. When you say he was deputy battle group commander, who was
7 the substantive battle group commander?

8 A. Well, during that time the understanding I got, it was Issa
9 Sesay for the RUF.

14:22:06 10 Q. Witness, I know it is a very long time, I have forgotten.
11 May I suggest to you, Witness, that he might have or that he was
12 a deputy area commander under Colonel Isaac Mongor. Does that
13 jog your memory?

14 JUDGE THOMPSON: Who?

14:22:38 15 MR TAKU: Morris Kallon.

16 Q. Does that jog your memory?

17 A. Yes, I now recalled.

18 JUDGE ITOE: You have to be very careful. You don't enjoin
19 to answers to questions which are not accurate, particularly
14:22:58 20 where they have the effect of prejudicing the interests of
21 accused persons. You have to be very careful, if you don't have
22 an answer, say you do not know. You have just called Sesay, you
23 said according to you it was Sesay. Now it is some other person.
24 So be careful, please.

14:23:21 25 JUDGE THOMPSON: What is his answer now, that he recalls
26 that at the time it was Morris Kallon was deputy area commander.

27 MR TAKU: Deputy area commander.

28 JUDGE THOMPSON: Not deputy battle commander?

29 MR TAKU: Yes, Your Honour.

1 JUDGE THOMPSON: He knows agrees that he --

2 MR TAKU: Deputy area commander under Colonel Isaac Mongor.

3 JUDGE THOMPSON: Yes. Mr Jordash was leaping to his feet.
4 Just sit down.

14:23:50 5 MR JORDASH: I am very sorry to interrupt my learned
6 friend, it has got nothing to do with this. It was to do with
7 the fact that I intended to apply for Mr Sesay to be absent this
8 afternoon for the same reasons as earlier on last week simply to
9 engage in other work. I did mean to ask at the beginning and for
10 some reason it completely slipped my mind.

11 PRESIDING JUDGE: As we had agreed this week, earlier this
12 week, if you say it is justified and required for the preparation
13 of his case, we granted it and we will grant it again.

14 MR JORDASH: I am grateful. Thank you. I am sorry to
14:24:24 15 interrupt.

16 JUDGE THOMPSON: That's okay.

17 PRESIDING JUDGE: So he may be taken out.

18 JUDGE THOMPSON: So the witness has revised his position.
19 Is that --

14:24:31 20 MR TAKU: Yes, Your Honour.

21 JUDGE THOMPSON: That he now recalls that it is true that
22 Morris Kallon was at the time deputy area commander?

23 MR TAKU: Yes, Your Honour.

24 JUDGE THOMPSON: And not deputy battle group commander.

14:24:44 25 MR TAKU: Yes, Your Honour.

26 JUDGE THOMPSON: All right.

27 MR TAKU: And that was under Colonel Isaac Mongor and not
28 Issa Sesay.

29 PRESIDING JUDGE: Yes, Mr Harrison.

1 MR HARRISON: I do not think it was at all clear from the
2 questioning or from the answers the time frame when this took
3 place.

4 JUDGE THOMPSON: At the time -- I think when he said at the
14:25:03 5 time it goes back to the context of the time of the meeting in
6 Freetown. That seems to be the context of the argument -- the
7 evidence.

8 MR HARRISON: If the Court is satisfied that it is clear in
9 the witness's mind?

10 JUDGE THOMPSON: That is the time focus that I understood
11 the evidence.

12 MR HARRISON: I wasn't able to follow it as well as the
13 Court.

14 PRESIDING JUDGE: I have the very same understanding as
14:25:29 15 Justice Thompson on that. That it started off by the meeting in
16 the officers' mess in '95, but was the rank of colonel at that
17 time, that's all, and then back --

18 JUDGE THOMPSON: Is that correct, counsel?

19 MR TAKU: Yes, Your Honour.

14:25:38 20 JUDGE THOMPSON: Mr Harrison, are you satisfied?

21 MR HARRISON: I'm simply saying that I have not as good a
22 recollection as the Court and I'm prepared to live with the
23 Court's recollection.

24 JUDGE THOMPSON: Very well.

14:25:47 25 MR TAKU:

26 Q. Witness, Colonel Isaac Mongor was a commander in the
27 Northern Jungle in an area called Kangari Hill; is that correct?

28 A. Yes, in '96. It was during that time Kallon was with him
29 as an advisor. That one, I knew about it in the Northern Jungle

1 in the Kangari Hills.

2 PRESIDING JUDGE: You say, Mr Witness, that this was in
3 '96?

4 THE WITNESS: It was in '96 I knew about that.

14:26:36 5 PRESIDING JUDGE: But the question you had been asked
6 before was in 1995 you have testified --

7 MR TAKU: No, 1997, Your Honours, before the -- they came
8 to Freetown from Northern Jungle when they were called to
9 Freetown and he met him here.

14:26:54 10 PRESIDING JUDGE: Then I was wrong because I said I had it
11 right at '95 and now you're saying it's '97 so I was wrong.

12 MR TAKU: Ninety-seven, Your Honour.

13 PRESIDING JUDGE: You were right, Mr Harrison. It was not
14 as clear as I thought it was. So the meeting at the officers'
14:27:10 15 mess is in '97.

16 JUDGE THOMPSON: Ninety-seven, according to him. Wasn't
17 that the answer he gave, in October 1997?

18 MR TAKU: Yes, Your Honour.

19 JUDGE THOMPSON: That seems to be the --

14:27:23 20 PRESIDING JUDGE: Starting point of that.

21 JUDGE THOMPSON: Yes, quite right. So at the time he was a
22 major, he held the rank of a major.

23 JUDGE ITOE: [Microphone not activated]

24 MR TAKU: Yes, Your Honour.

14:27:41 25 THE INTERPRETER: Your mic, Your Honour.

26 MR TAKU:

27 Q. Now, witness, do you know a villa in Freetown called OAU
28 villa?

29 A. Yes, there are so many villas there, I know about OAU

1 villas at Hill Station.

2 Q. And were those villas allocated to the high command of the
3 RUF while they were in Freetown in 1997?

4 A. Yes, some were there. Many of the RUF high commands were
14:28:29 5 there.

6 Q. Indeed, Lieutenant-Colonel Peter Vandi was there; correct?

7 A. Yes, he was here in Freetown. He was there.

8 Q. Mr A was there, he was lodged there; correct?

9 PRESIDING JUDGE: What was the question?

14:29:02 10 MR TAKU: I asked him about the OAU villas.

11 PRESIDING JUDGE: I know, but your last question.

12 MR TAKU: And the question was Lieutenant-Colonel
13 Peter Vandi --

14 PRESIDING JUDGE: Yes, he was there. But the next
14:29:09 15 question.

16 MR TAKU: And Mr A, that Mr A --

17 PRESIDING JUDGE: Mr A, okay.

18 MR TAKU:

19 Q. -- Was lodged there; correct?

14:29:18 20 A. Yes.

21 Q. Colonel Isaac Mongor, he too was lodged there; correct?

22 A. Yes.

23 Q. Even Mosquito, he too had accommodation there; correct?

24 A. Yes.

14:29:36 25 Q. Witness, you testified, I think on 18th November 2005, in
26 your evidence-in-chief that while in Freetown you visited a
27 location off Wilkinson Road where Mr Kallon and his wife Ester
28 lodged; correct?

29 A. Yes.

1 Q. Witness, did you at any time in October 1997 leave to
2 Kenema with Mr A to deliver a PZT weapon to Mosquito?

3 THE INTERPRETER: Your Honours, can counsel please go over
4 the last question?

14:31:11 5 JUDGE THOMPSON: Counsel, take the interpreter's advice.

6 THE WITNESS: I didn't get you clearly.

7 MR TAKU: Thank you, Your Honour. I'm sorry about that.

8 Q. Witness, did you at any time in October 1997 go to Kenema
9 with Mr A to deliver a PZT weapon to Mosquito?

14:31:46 10 A. Yes. Mr A went with it.

11 Q. Did you stop at Bo where you saw Morris Kallon on your way
12 to Kenema on that instance? Did you see Morris Kallon at Bo?

13 A. I said it was Mr A that went with it during that time I was
14 in Kenema. But when they said Mr A was coming with the weapon
14:32:42 15 together with T-Boy [phon], we went and received it in Bo from
16 Kenema.

17 Q. Now, while in Bo, did you see Morris Kallon?

18 A. Yes, he was there.

19 Q. Witness, you testified --

14:33:11 20 JUDGE ITOE: Where in Bo did you see Morris Kallon?

21 MR TAKU:

22 Q. While in Bo did you see Morris Kallon, Witness?

23 PRESIDING JUDGE: Was it "where" or "while"?

24 MR TAKU: I said "while". While he came to Bo to receive
14:33:23 25 the PZT weapon from Mr A, did he see Morris Kallon. That was
26 this October 1997.

27 PRESIDING JUDGE: My question to you is: Was the question
28 "while in Bo" or "where in Bo"?

29 MR TAKU: While.

1 PRESIDING JUDGE: While.

2 MR TAKU: Yes, Your Honour. While in Bo.

3 THE WITNESS: Yes.

4 MR TAKU:

14:33:44 5 Q. Let's move to something else, Witness. You testified that
6 you were instructed to go to Gandorhun Gbane to receive JPK and
7 others; do you remember that?

8 A. Yes.

9 Q. And you testified, Witness, that when you arrived at that
14:34:37 10 location Gandorhun Gbane you were present in the meeting in which
11 Morris Kallon was instructed to be in charge. All items there
12 were left behind by JPK and others and to make sure that these
13 items reached Kailahun; correct?

14 A. Yes.

14:35:27 15 Q. Witness, did you, in that meeting, hear that Colonel
16 Superman, Colonel Isaac Mongor, Colonel Peter Vandi and Major
17 Komba were the senior RUF commanders in Koidu Town?

18 A. Yes, they were there. I didn't see them in the meeting,
19 but they were there.

14:35:53 20 JUDGE THOMPSON: He didn't ask you whether you saw them in
21 the meeting. He said did you know or were you aware that they
22 were commanders? That's the question.

23 THE WITNESS: Yes.

24 MR TAKU:

14:36:17 25 Q. If I put to you, Witness, that Colonel Superman was
26 appointed by JPK as overall commander for Kono, will you agree?

27 A. Well, that might be the case, but I didn't get that from
28 JPK.

29 Q. You got it from whom?

1 A. My colleague soldier. It was like a rumour that I got.

2 Q. Can you, without revealing your identity, advance the names
3 of some of your colleagues who told you that?

4 A. Yes.

14:37:11 5 Q. Witness, if you still have any doubt about that fact, if I
6 may, maybe I can refresh your memory with some of the exhibits
7 that have been tendered here.

8 PRESIDING JUDGE: What's the doubt? Are you challenging
9 his answer on that?

14:37:41 10 MR TAKU: I am not challenging, Your Honour. I thought
11 that he was doubting the fact.

12 Q. Now when you got that information from your colleague did
13 you believe that information that Colonel Superman had been
14 appointed --

14:37:53 15 PRESIDING JUDGE: But whether he believed it or not, what
16 does it change? I mean, he's telling you -- my understanding of
17 his answer is he never heard it from JPK himself. He said he may
18 have appointed him, I heard it from colleagues. That's his
19 evidence. He is not denying it at all.

14:38:14 20 MR TAKU: Thank you, Your Honour.

21 Q. Witness, I want just to ask you a question about something
22 you said which we agree entirely with what you said. You
23 testified to the fact that you heard that Morris Kallon was
24 ordered to arrest the perpetrators of a bank robbery in Koidu
14:38:43 25 Town. That fact we do not dispute.

26 PRESIDING JUDGE: Would you repeat that again?

27 MR TAKU: That he testified to the fact that he heard that
28 Morris Kallon was ordered to arrest the perpetrators of a bank
29 robbery in Koidu.

1 PRESIDING JUDGE: Are you suggesting this is his
2 evidence-in-chief?

3 MR TAKU: Yes, Your Honour.

4 PRESIDING JUDGE: I must say I absolutely do not have that
14:39:09 5 recollection, but I may be wrong.

6 MR TAKU: We will leave that subject for the end. We will
7 check it in transcript, Your Honour, the fact that he testified
8 to that fact. That he was asked to arrest those who stole, he
9 recovered the money and that he saw some of the money with
14:39:29 10 Mosquito. The money was brought to Koidu to Mosquito and he saw
11 some of the money.

12 PRESIDING JUDGE: But the question I had is not whether the
13 money was brought to Mosquito. It was whether or not Kallon was
14 ordered to arrest people. That's the portion.

14:39:43 15 MR TAKU: Exactly.

16 JUDGE THOMPSON: I have a vague recollection of that, yes.

17 MR TAKU:

18 Q. So, Witness, you heard about --

19 A. Yes.

14:39:54 20 JUDGE THOMPSON: He said he did testify to that?

21 MR TAKU: Yes, he said he heard.

22 Q. Witness, did you also hear that prior to arresting the
23 perpetrators of that criminal act, a commission --

24 MR HARRISON: I agree that counsel can put any question he
14:40:21 25 wants but if he is misstating the record, and the Prosecution
26 submits that he is -- we don't recall any evidence of Morris
27 Kallon arresting anyone involved with that bank robbery.

28 JUDGE THOMPSON: I think there is a shade of difference
29 here, Mr Harrison. I recall evidence that he heard that

1 Morris Kallon was ordered to arrest the perpetrators of a bank
2 robbery. What I don't recall is whether he actually did arrest
3 anyone. Perhaps we may be on the same radar screen on this one.
4 But I did recall that, indeed, Morris Kallon was ordered to
14:40:59 5 arrest. What was the outcome of that, I don't now remember the
6 state of the evidence.

7 MR TAKU: Let me have Exhibit 44, please? I am applying to
8 have Exhibit 44, Your Honours.

9 PRESIDING JUDGE: What is the transcript? Do you have that
14:41:16 10 in the transcript?

11 MR TAKU: No, it was tendered by the Defence. It was
12 disclosed to Defence by the Prosecution and tendered by
13 Mr Touray. It is a letter from Major AS Kallon, chairman joint
14 security Kono, to Colonel Sam Bockarie, dated 6th May 1998, in
14:41:34 15 respect of the inquiry investigation into the bank robbery and
16 what transpired.

17 PRESIDING JUDGE: We are talking of two different things
18 now. If you are talking of a Mr AS Kallon or Major AS Kallon,
19 this is --

14:41:50 20 MR TAKU: Yes, Your Honour. He says that Morris Kallon was
21 ordered to arrest. But I wanted to put another question about a
22 commission, if he heard about a commission that investigated that
23 crime prior to Morris Kallon arresting. If he heard about that.
24 That was the next question, Your Honour.

14:42:08 25 PRESIDING JUDGE: My question to you if you're saying that
26 the witness has said this, I was just asking you where in the
27 transcript, when was the witness -- so I will go and look at the
28 transcript. That is the best way to know if he did or did not
29 say so when questioned on that issue.

1 MR TAKU: Since we were not disputing that fact, that he
2 said that, Your Honour, but whatever the case let us continue
3 with our cross-examination. We'll leave that document in
4 suspense and we will be able to draw attention to the transcript
14:42:34 5 thereafter.

6 PRESIDING JUDGE: Yes, that's fine.

7 JUDGE THOMPSON: The difficulty, of course, is the nexus
8 you are now trying to establish between whether what he said, if
9 he did say that - as I recall he did; that he heard that Morris
14:42:48 10 Kallon was ordered to arrest - and the commission thing. That is
11 the difficulty we are in now in terms of --

12 MR TAKU: Well, we can drop that.

13 JUDGE THOMPSON: -- what nexus you are trying to establish
14 between the two.

14:43:01 15 MR TAKU: We will drop that, Your Honour. We will drop
16 that.

17 JUDGE THOMPSON: Which I don't think he tried -- he did
18 establish in his own testimony.

19 MR TAKU: We wouldn't pursue that. We wouldn't pursue
14:43:12 20 that. Let's move to the next topic, Your Honour.

21 Q. Witness, let's move to the next topic. You testified,
22 Witness, that you heard that Morris Kallon went to Tongo Field
23 and removed Amara Peleto, whom you accused of committing some
24 atrocities.

14:43:46 25 JUDGE ITOE: Removing first. Split your questions, please.

26 MR TAKU: Thank you, Your Honour.

27 Q. You heard that Morris Kallon went and removed Amara Peleto;
28 correct? You testified to that yesterday, correct, that you
29 heard?

1 A. I heard that. During that time I was at his house in
2 Makeni under arrest. There I was when he came to Tongo to
3 collect Peleto there. I heard about it.

4 Q. Let's move quickly to another subject and complete with
14:44:59 5 this cross-examination. Witness, you testified yesterday that
6 all the towns and villages in the district of Kailahun were
7 occupied by civilians; correct?

8 A. I did not get you clearly at the tail end.

9 Q. [Overlapping speakers] and villages in the district of
14:45:25 10 Kailahun were occupied by civilians; correct?

11 A. Most of the towns and villages were occupied by civilians.

12 Q. Would I be right, Witness, to say that the farming that you
13 testified about in Kailahun yesterday, that the farming was done
14 by civilians in that district?

14:46:01 15 A. Yes, they were the people that were doing the physical
16 work.

17 Q. Did you ever hear that civilians were sent from any other
18 district to come and do farming in Kailahun?

19 A. No.

14:46:27 20 Q. Witness, when you went to Kallon's house at Wilkinson Road
21 in Freetown, in October 1997, did you see young boys and young
22 girls in that compound?

23 A. Well, at that moment I did not see young people around.

24 Q. Now, in 1998, did you see the mother and the mother-in-law
14:47:47 25 of Morris Kallon in Buedu?

26 A. Yes.

27 Q. Did you see Morris Kallon's children, younger brothers and
28 sisters, as well as younger brother and sister of his wife,
29 living with him in Buedu?

1 JUDGE THOMPSON: Would you go through the list again?

2 MR TAKU: Morris Kallon's children, younger brothers and
3 sisters.

4 THE INTERPRETER: The interpreter cannot get witness
14:48:42 5 clearly because the attorney spoke at the same time.

6 JUDGE THOMPSON: Put the list.

7 MR TAKU:

8 Q. Whether he saw Morris Kallon's children, younger brothers
9 and sisters, as well as younger brothers and sisters of his wife,
14:49:03 10 and children living with him and his parents in Buedu? Wife,
11 please.

12 A. Yes, yes. Morris Kallon had a lot of people that were with
13 him.

14 Q. Witness, I am putting to you that all those young people or
14:49:40 15 persons you may have seen in Morris Kallon's house at Buedu were
16 members of his family, those of his wife and extended family;
17 they have not SBUs combatants. Correct?

18 A. Well, it might be so, because I don't know most of his
19 family members. But I saw young boys, children, women. I saw
14:50:12 20 his wife herself. I saw his mother-in-law. But I wouldn't say
21 if all the rest of the people that were with him were members of
22 the same family.

23 MR TAKU: Your Honour, that will be all for the witness.
24 Thank you for your patience. Thank you very much, Mr Witness.

14:50:41 25 PRESIDING JUDGE: That concludes the cross-examination?

26 MR TAKU: Yes, Your Honour.

27 PRESIDING JUDGE: You don't want to revisit the issue
28 that --

29 MR TAKU: Your Honour, we'll look at the transcripts and

1 perhaps with permission from my colleague -- okay, Mr Harrison.

2 MR HARRISON: It's page 59 of 21st November 2005, question
3 and answer at lines 23 to the end of the page.

4 PRESIDING JUDGE: Just a second, please. 21 November.

14:51:02 5 Page?

6 MR HARRISON: Fifty-nine, starting at line 23.

7 MR TAKU: Thank you, Mr Harrison; thank you so much.

8 PRESIDING JUDGE: So Mr Taku, you are not pursuing this,
9 even though --

14:52:49 10 MR TAKU: No, Your Honour, we will leave it at that. Since
11 we do not dispute that those instructions were given to him.
12 What he said, he heard. We are not disputing that.

13 PRESIDING JUDGE: Okay, fine.

14 JUDGE THOMPSON: Mr Cammegh, your turn. Please begin.

14:53:31 15 MR CAMMEGH: Thank you, Your Honour. I have been
16 considering one I hope minor matter overnight. I would
17 appreciate Your Honour's guidance on it. It is in relation to
18 ambit of my cross-examination, a matter I'd rather not have to
19 deal with. It may be Your Honours can help me on that. But I
14:53:50 20 think in all fairness to me, it is a question that I should raise
21 in the absence of the witness, if Your Honours don't mind. It
22 will be very brief.

23 PRESIDING JUDGE: You know what it is you are intending to
24 raise, so you are in the best place to know if the witness may or
14:54:08 25 may not be there. If you say he should not, we will ask that be
26 taken out.

27 MR CAMMEGH: I would be grateful if he could be taken
28 outside for a brief time.

29 JUDGE THOMPSON: The Witness and Victims Unit, please

1 attend to the witness.

2 [The witness stood down]

3 JUDGE THOMPSON: We will hear you now.

4 MR CAMMEGH: Thank you, Your Honour. There was a matter
14:55:37 5 that Mr Taku read into the record yesterday. Can I refer Your
6 Honours to the statement, or the additional information provided
7 by this witness dated 16 to 23 June 2005? Specifically, Your
8 Honours, page -- I will just pause --

9 PRESIDING JUDGE: This is the last one?

10 MR CAMMEGH: No, I think October is the last one. I think
11 16 June is the penultimate one. It is page 13190.

12 PRESIDING JUDGE: That is information 16, 20, 23 June?

13 MR CAMMEGH: Yes, paragraph five.

14 PRESIDING JUDGE: Five?

14:56:35 15 MR CAMMEGH: Yes.

16 PRESIDING JUDGE: Wait a second please.

17 MR CAMMEGH: Shall I continue, Your Honour?

18 PRESIDING JUDGE: Yes.

19 MR CAMMEGH: The paragraph reads as follows:

14:56:59 20 "Up to 70 persons took part in that meeting" -- this is a
21 meeting in Buedu, October/November 1998, as referred to in
22 paragraph four.

23 "Amongst them were Mosquito, Issa Sesay, Augustine Gbao and
24 others."

14:57:16 25 Now, this matter was not adduced in chief by the witness.
26 In actual fact, I am pretty sure in saying that it is the first
27 time I have ever read such a declaration by any witness in this
28 entire trial that Gbao was present at that meeting in late '98 at
29 Buedu. As I recollect yesterday, Your Honours will remember that

1 I jumped up when Mr Taku read this out. I don't recall the
2 witness affirming this or adopting this or not. Now that it has
3 been read into the record, it would seem to me under ordinary
4 circumstances that I have to revisit this issue to formally put
14:58:09 5 it to the witness -- well, I can't formally put it, but to put
6 the witness to proof as to whether Gbao was there or not. But
7 given what Your Honours have ruled earlier on in this session
8 that what witnesses say during cross-examination by co-accused
9 against an accused is not to be held against the accused, I
14:58:29 10 wonder whether I have to do that. I would obviously rather not
11 have to do that, for obvious reasons, in case the witness was
12 suddenly to adopt it and then it goes in as evidence against
13 Augustine Gbao adduced by me. I would rather leave it well alone
14 on the basis of indications Your Honours gave earlier this
14:58:47 15 session. But I am in your hands. I am anxious to do the right
16 thing.

17 PRESIDING JUDGE: We will consult briefly on that. But you
18 are quite right, we said so and not only with this particular
19 witness vis-a-vis your client but we said so with other witnesses
14:59:03 20 vis-a-vis other accused and co-accused. Evidence in
21 cross-examination that may cause harm to any co-accused is not to
22 be used as evidence against that accused per se. That is what we
23 said, and we still stand by that, but let me just confer with my
24 colleagues. We haven't changed our mind on this.

14:59:22 25 MR CAMMEGH: Can I briefly indicate why I am so concerned?

26 PRESIDING JUDGE: To be able to fully answer your question,
27 let me just consult with my two brothers here and we will come
28 back to you right away.

29 [Trial Chamber conferred]

1 PRESIDING JUDGE: I can certainly confirm to you that there
2 has been no change in our approach to this. This is the reality,
3 unless you wish to pursue that, you wish to adopt that on behalf
4 of your client. That is a different issue. The ruling is as we
15:00:24 5 have stated.

6 MR CAMMEGH: I am obliged. My grave concern was that it
7 was apparent that it was following this meeting that Operation
8 Spare No Soul came into force as the forces marauded their way
9 through Kailahun, Kono on the way to Freetown.

15:00:39 10 JUDGE ITOE: Allegedly.

11 PRESIDING JUDGE: But that applies, Mr Cammegh, to that
12 answer given to a question by your colleague for the second
13 accused. Now if you go around that issue and it comes back, well
14 that is different.

15:00:50 15 MR CAMMEGH: Of course. I am grateful for that indication.
16 Your Honours, before the witness comes back in order that we can
17 proceed efficiently, can I, because I have not had the time to
18 speak to your learned legal officer, but I will be referring to
19 various document. In particular, it will be from the first of
15:01:16 20 March interview with John Berry -- 1 March 2003. I will be
21 putting pages 13154 and 13155. As for statements, the only
22 statement I will hopefully have to refer to is that same
23 statement of June 16, 2005, specifically paragraph three at
24 13189. And in relation to the transcript, various pages in the
15:02:05 25 transcript of 21 November, which is when this witness was
26 answering questions in chief.

27 PRESIDING JUDGE: This is the one that we don't have a copy
28 of. So if you refer to the transcripts of 21 November --

29 MR CAMMEGH: I can give them now if Your Honours wish.

1 PRESIDING JUDGE: We can ask the legal officer to get to
2 these pages, print them now, so we can have them available when
3 you get there.

4 MR CAMMEGH: Right, I can do so now: 21 November, pages
15:02:37 5 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 60, 61, 62, 63, and 66.
6 Your Honours will be relieved to know that I will probably not
7 have to refer to every one of those pages. I may do.

8 PRESIDING JUDGE: And you have copies of these pages?

9 MR CAMMEGH: It appears we do. Thanks to Mr Jordash, I
15:03:40 10 have three copies here.

11 PRESIDING JUDGE: Fine. That will facilitate the work of
12 everybody.

13 MR CAMMEGH: Your Honours, I am ready to proceed when you
14 are.

15:03:56 15 JUDGE THOMPSON: May we have the witness back in Court?

16 MR CAMMEGH: I can also state, Your Honours, there will be
17 no need for a closed session during my cross-examination.

18 [The witness entered court]

19 CROSS-EXAMINED BY MR CAMMEGH:

15:06:57 20 MR CAMMEGH: May it please Your Honours.

21 Q. Mr Witness, I represent Augustine Gbao. You became aware
22 that there was a wide-scale investigation from the Office of the
23 Prosecutor quite some time ago; is that correct?

24 A. Yes.

15:07:32 25 Q. In fact, you would have discovered that the Office of the
26 Prosecutor was conducting a widespread investigation into
27 atrocities and war crimes in this country as far back as 2002;
28 would that not be right?

29 A. Yes.

1 Q. You were no doubt concerned, worried, about your own
2 position, were you, when you discovered that the OTP were
3 announcing their intention to track down perpetrators of war
4 crimes?

15:08:25 5 A. Yes.

6 Q. As you told us yourself in answer to a question from
7 Mr Jordash the other day, it came to your attention that the OTP
8 were looking for colonels, majors and captains; do you remember
9 that?

15:08:48 10 A. Yes.

11 Q. And you were worried?

12 A. Yes.

13 Q. You felt you may have been on the wanted list?

14 A. Yes.

15:09:04 15 Q. You told us of many acts that you were involved in during
16 the period of the war. You told us, in particular, of the
17 shooting of Kamajors in Kailahun Town in February of 1998. Have
18 you ever been punished for what you did on that day, Mr Witness?

19 A. No, it was an order. If I would have done it on my own, I
15:09:47 20 would have been punished for that.

21 Q. Were you worried when you heard about the OTP's
22 investigation that you may one day be punished for committing
23 such an act in Kailahun?

24 A. Well, as far as I am concerned I did not hear that. I did
15:10:13 25 not hear it from them, that what I did, I would be punished
26 later.

27 Q. When you say that you felt that you were on the wanted
28 list, what exactly was it that you were afraid of being
29 prosecuted for?

1 A. Well, I don't know. I had lived within the RUF, so I had
2 stayed there as a commander. So, I thought there would be
3 somebody to prosecute me.

4 Q. You first spoke to the OTP on 31 January 2003, when you
15:11:10 5 gave a lengthy statement indicating the history of your
6 involvement in the RUF; do you remember giving that statement?
7 A. Yes.

8 Q. Before giving that statement, or I should say, before
9 agreeing to give that statement, Mr Witness --

15:11:31 10 A. Yes.

11 Q. Had you been told whether or not you were going to be
12 prosecuted?
13 A. No.

14 Q. Had you been given an assurance by the OTP that you were
15:11:52 15 not going to be charged with any war crimes offences?
16 A. Well, that was what they said.

17 Q. And as far as you were concerned, Witness, you were making
18 a deal, were you? Is that what was going on -- your evidence in
19 return for their assurance that you would not be charged with any
15:12:24 20 criminal offences resulting from atrocities in the war?
21 A. Well, they told me that there were people that were
22 responsible for that.

23 Q. In your mind, Mr Witness, were you making a deal with the
24 OTP?
15:12:57 25 A. I did not bargain with them, not at all. They asked me to
26 say the truth.

27 Q. But as you have already indicated, you were confident,
28 weren't you, after agreeing to testify, that you were not going
29 to be prosecuted yourself, and that you were safe?

1 A. Yes.

2 Q. And it was only after you realised that you were safe that
3 you agreed to testify for the OTP. Would that be a fair
4 suggestion?

15:13:45 5 A. Yes.

6 JUDGE ITOE: Mr Cammegh, the question again.

7 MR CAMMEGH: It was only after he felt safe from being
8 charged, in brackets, with criminal offences, that he agreed to
9 testify. I think those were the words of the question.

15:14:15 10 Q. And in the course of the next two and a half years you
11 proceeded to give the OTP and awful lot of information; correct?

12 A. Yes.

13 Q. A seven-page typed statement on 31 January 2003; a 146-page
14 interview with Mr Berry on 26 February of that year; a 57-page
15:15:05 15 interview with the same man on 1 March of that year; a further
16 short four-page statement on 7 May of this year; followed a week
17 later by a one-page statement; a three-page statement on 23 June
18 this year.

19 MR CAMMEGH: I use the word "statement", Your Honours, as a
15:15:33 20 generic term.

21 Q. A further five-page document in October of this year. That
22 is the sum total of the information you have given to the OTP;
23 isn't it?

24 A. Well, that might be the correct thing.

15:15:50 25 [RUF25NOV05B - SGH]

26 Q. And you have given some information about Augustine Gbao,
27 haven't you?

28 A. Yes.

29 Q. I just want to try and summarise the information that you

1 have given in a general sense. And dealing specifically with
2 what you have told this Court, particularly in answer to
3 questions to the gentleman who sits opposite from me,
4 Mr Harrison, you have given great detail as to your early history
15:16:31 5 within the movement; yes?

6 A. Yes.

7 Q. You have given further detail about the May 1997 coup?

8 A. Yes.

9 Q. Followed by your conduct in Tongo, in the mines in Tongo,
15:16:56 10 in 1997?

11 A. Yes.

12 Q. You have listed the commanders in Tongo at that time?

13 A. Yes.

14 Q. You have named many of the AFRC and RUF soldiers in Tongo
15:17:23 15 at that time?

16 A. Yes.

17 Q. You talked about SBUs at that time?

18 A. Yes.

19 Q. And you mentioned the problems with harassment, looting and
15:17:38 20 raping in that period?

21 A. Yes.

22 Q. Then I don't want to go into too much detail, but you dealt
23 with your trip to Freetown in, I think, September 1997?

24 A. Yes.

15:17:53 25 Q. Whereupon you became bodyguard to Mr A?

26 A. Yes.

27 Q. And you talked about the meetings in Freetown, the three of
28 them, between September and December?

29 A. Yes.

1 Q. And you mentioned a whole host of names as to those who
2 attended those meetings?
3 A. Yes.
4 Q. I think it's right that in December '97 you returned to
15:18:20 5 Tongo; correct?
6 A. Yes, later on.
7 Q. Then by February 1998 you were in Kenema with Manowa, Eagle
8 and others; yes?
9 A. Yes.
15:18:42 10 Q. Doing what? Mining?
11 A. Where, in Kenema?
12 Q. Yes. Were you still mining when you were based in Kenema?
13 Tongo is only up the road from Kenema, isn't it?
14 A. No.
15:19:02 15 Q. What were you doing in Kenema in February 1998?
16 A. I was there as an RUF/AFRC officer. Then anywhere, like
17 the road leading from Bo to Kenema or Daru to Kenema or Joru to
18 Kenema, wherever there was an attack or where the road will have
19 been blocked by Kamajors, we were there to fight them.
15:19:58 20 Q. Thank you. I do not dispute what you just said. And
21 moreover, Mr Witness, I would like you to help me, please, with
22 what exactly was going on in Kenema in February 1998, because in
23 February '98 Kenema came under attack from ECOMOG, didn't it? I
24 mean Kenema Town.
15:20:31 25 A. In '98 I was not there when ECOMOG attacked Kenema. By
26 then we had left before they entered there.
27 Q. Are you able to help this Court about what happened after
28 the Kamajors entered ECOMOG in about February of 1998? Did you
29 hear anything as to what the Kamajors did in Kenema Town at that

1 stage?

2 A. Well, the Kamajors, what I saw and what I heard, they
3 attacked us until they came to the centre of the town closer to
4 the Bank of Sierra Leone. So we too attacked them and pushed
15:21:35 5 them out of the town.

6 Q. But a time came when the Kamajors actually took Kenema,
7 didn't it? The RUF were pushed out.

8 A. Yes, but during that time -- it was that attack. When they
9 attacked us and then we were able to repel them, we retreated
15:22:03 10 before they too came back and entered there. We were not just
11 seated and they attacked us.

12 Q. All right. Is it correct that for a few days after the RUF
13 had retreated once and for all the Kamajors were in Kenema alone?
14 That is to say, ECOMOG had not yet arrived.

15:22:43 15 A. Well, I can't say now because I was not there when they
16 attacked us. But when they took over, the following day, when we
17 were at Daru, some troops came and attacked Kenema. They said
18 they saw Kamajors and ECOMOG there.

19 Q. Let me see if I can jog your memory with some events in
15:23:10 20 Kenema Town perpetrated by the Kamajors. Did you hear anything,
21 any rumours or any hearsay accounts, to the effect that Kamajors
22 had randomly executed a lot of the inhabitants of Kenema Town on
23 the suspicion that they were RUF or AFRC?

24 A. Yes. When we left there they killed so many people. And
15:23:44 25 even policemen up to the total number of 24. We heard that.

26 Q. Yes, thank you. In particular, Mr Witness, did you hear
27 stories of burning tyres being put over the necks of various
28 civilians in the marketplace near Hangha Road?

29 A. Yes, at the junction toward to enter the brigade along

1 Hangha Road.

2 Q. Is it right that the Kamajors burned these civilians to
3 death in full view of the passing members of the public?

4 A. Yes, they were burnt. They placed tyres on them and burnt
15:24:27 5 them. They said they were sympathisers to RUF and AFRC.

6 Q. Right. Was this in February of 1998?

7 A. Repeat.

8 Q. Did those events take place in February 1998?

9 A. Yes.

15:24:53 10 Q. So would it be fair to say that in the immediate aftermath
11 of those events, fear was running high amongst the retreating RUF
12 and AFRC forces of Kamajor infiltration?

13 A. Yes. The people who left there later fell into Kamajor
14 ambushes from when they were moving from Kenema going to Daru.

15:25:29 15 Q. What happened to them?

16 A. So some were killed, some were wounded.

17 Q. How were they killed?

18 A. With weapons. They were shot. If you were captured alive
19 your body would be mutilated with machetes.

15:26:07 20 Q. You told us about an incident in Kailahun Town in which,
21 according to you, 65 people were shot dead by the roundabout.
22 Can you give us some estimate, please, of how many days had
23 passed since the Kamajor executions in Kenema Town and the
24 execution in Kailahun Town that you took part in yourself? Just
15:26:40 25 give us a rough idea, if you can?

26 A. Clearly repeat what you said, the Kenema incident.

27 Q. Approximately how many days went by between the Kenema
28 incident in which you say people were burnt to death with tyres
29 around their necks and the shooting at the roundabout in Kailahun

1 Town.

2 A. It took up to three to four days.

3 Q. So the Kailahun incident happened very soon after the
4 Kenema incident?

15:27:29 5 A. Yes. After we left Kenema it was not too long.

6 Q. Right. When you were interviewed by the Office of the
7 Prosecutor, or representatives from the OTP, were you asked
8 whether you could help them in relation to a man called Augustine
9 Gbao?

15:28:13 10 A. Well, it was later on I was asked to explain what I knew.

11 Q. And is it correct for me to suggest that the first time you
12 were asked about the name of Augustine Gbao was in June of this
13 year?

14 A. Well, it could be so, but I have been saying something
15:28:48 15 about Augustine Gbao's name before this time.

16 Q. Well, what I'm putting to you as a fact --

17 A. Yes.

18 Q. -- is you did not mention his name at all in any of your
19 previous statements, or indeed your lengthy interviews with
15:29:14 20 John Berry. The first time you mentioned him on paper, or at
21 all, I would suggest, was five months ago in June.

22 A. Well, you may be correct.

23 Q. Remembering of course, Mr Witness, that the first time you
24 gave information that was recorded by the OTP was in January
15:29:45 25 2003, some two and a half years previously; correct?

26 A. Yes.

27 Q. It's right to say, isn't it, that you didn't know
28 Augustine Gbao very well?

29 A. I know him very, very well.

1 Q. It's right to say, isn't it, that you don't appear to have
2 had any personal dealings with him, so far as your statements are
3 concerned, until February of 1998?

4 A. Yes.

15:30:29 5 Q. That's right, okay. I want to ask you, please, a little
6 bit more detail about who Augustine Gbao was.

7 MR CAMMEGH: Your Honours, I am now going to refer to the
8 transcript here and there. It is commencing page 40 of
9 21st November.

15:30:42 10 Q. Let's go to the Kailahun incident now then, please,
11 Mr Witness. You were asked a while ago by Mr Harrison why it was
12 that the civilians who had surrendered were sent to Augustine
13 Gbao. And you told us, at the foot of the page, it was for
14 investigations. "He was the security commander for the RUF
15 overall." Was that correct?

16 A. Yes.

17 Q. Does the branch of the RUF -- or the RUF unit concerned
18 with investigations was the IDU; correct? The Internal Defence
19 Unit?

15:31:45 20 A. Yes.

21 Q. Were you aware of the existence of the IDU throughout the
22 history of the war?

23 A. Yes.

24 Q. So for example, at around the time of the coup in May 1997
15:32:15 25 if someone had asked you, "What is the IDU, please, Mr Witness,"
26 you would have been able to tell them; correct?

27 A. Yes.

28 Q. And if you had been asked who was boss of the IDU, say in
29 1997, you would have been able to tell them, would you? Who was

1 boss of the IDU in 1997?

2 A. I have forgotten his name a bit.

3 Q. Right, okay. In 1998, Mr Witness, was Augustine Gbao chief
4 of the IDU?

15:33:40 5 A. Well, it was not the IDU. I knew about Augustine Gbao. We
6 had different security branches. We had the IDU, we had the IO.
7 All of those people, the man who was the overall man for all of
8 them was Augustine Gbao. That was what I knew.

9 Q. Well, the overall man for the IDU since 1997 was
15:34:11 10 Augustine Gbao, wasn't it?

11 A. Yes.

12 Q. And you must have always known that?

13 A. It was Augustine Gbao. All throughout it had been him. He
14 was the overall security commander. They had different
15:34:29 15 commanders. IDU had their own commander. IO had their own
16 commander. But all of these commanders were overseen by
17 Augustine Gbao.

18 Q. His job was security commander. In other words, he was
19 chief of investigations, wasn't he?

15:35:07 20 A. Everything, yes, as far as it was concerned. The chief
21 investigators were there. But all of them, whatever thing they
22 did, Augustine Gbao was their boss, their overall man.

23 Q. Boss of the investigators?

24 A. They had different people on the board to investigate. But
15:35:35 25 that particular investigation under IDU or the IDU commander
26 himself, everybody was directly under the supervision of
27 Augustine Gbao.

28 Q. Yes, and I accept that he was in charge of the IDU.

29 A. Yes.

1 Q. And I want you to be very careful, please, Mr Witness,
2 about what it is you are saying he was the overall boss of.
3 Because he was not overall boss of the MP, was he; the military
4 police?

15:36:04 5 A. Yes.

6 PRESIDING JUDGE: Yes, he was or yes, he was not?

7 MR CAMMEGH:

8 Q. Do you agree that he was not the boss -- the overall boss
9 of the MP?

15:36:31 10 A. For the MPs, yes. There was an MP commander who was the
11 overall man, who was Kaisuku.

12 Q. Yes. But Gbao, I am suggesting to you, was not superior to
13 that man. Gbao was in charge of the IDU, the investigation unit,
14 not the military police. That's right, isn't it?

15:36:45 15 A. Yes. He was not for the MPs, yes.

16 Q. Thank you. And the MPs had, if you like, their own
17 command -- their own chain of command?

18 A. Yes.

19 Q. Which was separate from other units or other branches of
15:37:17 20 the RUF?

21 A. Yes.

22 Q. And what was the name of the overall boss of the MP again?
23 Can you just repeat that name?

24 A. Yes. During that time?

15:37:37 25 Q. Yes. The overall boss of the MP, you just gave us a name.
26 Could you repeat it, please, so we can write it down?

27 A. Yes. Kaisuku

28 Q. And as overall boss of the MP, who would he report to?

29 Would it be Sam Bockarie himself or the battle-field commander?

1 Who?

2 A. Yes, he reported to battle-field commander, battle group
3 commander. It was like that.

4 Q. Right. So completely separate chain of command to other
15:38:33 5 branches of the RUF?

6 A. Yes, which was different from the other branches.

7 Q. Thank you. Now I want to go back to the MP office, the
8 police station in Kailahun. And as you have told us this was an
9 old police station, to quote you, which was situated right in
15:39:09 10 front of the roundabout in the centre of Kailahun Town. Correct?

11 A. Yes. Where those people were jailed, yes.

12 Q. And as you have told us, I think there was an intersection
13 at that point. There was a road coming from Buedu, a road coming
14 from Daru and a road coming from Kailahun Town. Could you just
15:39:43 15 remind us where the roads led to from that roundabout, please?

16 There was Buedu.

17 A. Yes.

18 Q. Which other towns would one get to from that roundabout?
19 Was Daru one of them?

15:40:18 20 A. From the roundabout, the very first big town you would come
21 across would be Giehun, because that is coming to Pendembu. Then
22 you come to Daru. The other is from Kailahun Town, going to
23 Balahun and Buedu.

24 Q. And how many roads meet at that junction? Is it three? I
15:40:42 25 believe it's three, is it not?

26 A. It is three. And one leading to the town that we cross
27 over going to Beidu along the Guinea border.

28 Q. Thank you.

29 A. Thank you.

1 Q. At this, four days after the killings in Kenema Town, as
2 you have already told us, there was widespread anxiety in the RUF
3 movement about Kamajors infiltrators; correct?

4 A. Yes.

15:41:30 5 Q. And so it was important, at that time in particular, that
6 investigations take place as to the true identity of unknown
7 individuals?

8 A. Yes.

9 Q. In other words, unknown individuals, whether they were
15:42:08 10 inhabitants or said they were inhabitants of Kailahun Town or
11 not, were being screened, were they; being checked in order that
12 the RUF could be sure that they were not enemies?

13 A. Yes.

14 Q. And the man in charge of those particular in
15:42:33 15 investigations, that screening, in Kailahun Town was who?

16 A. Well, it was -- I can't say now the individual people who
17 were involved. But Augustine Gbao was there, who was a security.
18 In fact, he was in fact organising that.

19 Q. Okay.

15:43:06 20 A. Thank you.

21 Q. So it was Augustine Gbao's responsibility, was it, to check
22 who these people were and whether they could be safely admitted
23 within the ranks of the RUF passing through?

24 A. To investigate, yes, people where you enter our territory
15:43:38 25 newly, for them to know if you are bad somebody or not.

26 Q. And that is the job that he was doing at the time you
27 arrived, as far as you were concerned?

28 A. It was one of his job.

29 Q. Now, I think you had been in Kailahun Town as part of

1 Mosquito's group; correct?

2 A. Yes.

3 Q. You had left Kenema a few days before with your Honda and
4 whatever properties you had managed to loot along the way, and
15:44:36 5 you were part of the general retreat led by Mosquito to deep
6 within the Kailahun District.

7 A. Yes.

8 Q. And this retreating force comprised both RUF and AFRC
9 forces; correct?

15:44:54 10 A. Many, yes.

11 Q. Would you agree that it was a combination of RUF and AFRC?
12 A. Yes.

13 Q. Thank you. So, would it be fair for me to suggest that the
14 command structure within that moving group was a little bit
15:45:34 15 confused because you had a combination of both factions, RUF and
16 AFRC?

17 A. Yes.

18 Q. This was a group that was on the move, wasn't it?
19 A. Yes.

15:45:58 20 Q. There was no plan to stay permanently in Kailahun Town?
21 A. Not at all at that time, yes.

22 Q. I accept that. The plan was to move around in Kailahun
23 District until a safe place could be found from where the RUF and
24 AFRC could regroup; is that not so?

15:46:27 25 A. Yes.

26 Q. And at that stage the war was going very, very badly for
27 the RUF/AFRC and there was a degree of panic within the ranks;
28 correct?
29 A. Yes.

1 Q. How many -- just roughly estimate if you can, please, but
2 please do your best because it is important -- how many were in
3 that group that you travelled in that left Kenema and eventually
4 arrived in Kailahun Town?

15:47:18 5 A. There were many; we were close to 100, both the AFRC and
6 the RUF.

7 Q. And I suppose that the fighting that had taken place in
8 Kenema had put a great strain on the RUF's resources of manpower?

9 A. Yes.

15:47:42 10 Q. It would have been sensible, wouldn't it, for the RUF to
11 have brought as many combatants to defend Kenema as were
12 available?

13 A. I don't clearly understand.

14 Q. When the fighting was taking place in Kenema Town,
15:48:14 15 Mr Witness, were the RUF and AFRC forces there -- were they
16 receiving reinforcements occasionally?

17 A. No.

18 Q. Is that because there were no reinforcements left?

19 A. Yes. There was no area that a reinforcement could come
15:48:42 20 from in order to reach us at Kenema.

21 Q. Because there were none left, they had all been used up?

22 A. Who are they?

23 Q. Well, for example, Mr Witness, in Kailahun District -- well
24 Kailahun District didn't have any combatants left, did it,
15:49:08 25 because they had all gone to Kenema to try and hold back ECOMOG?

26 A. Yes.

27 Q. And if we talk in particular about Kailahun Town, at the
28 time your force entered Kailahun Town, were there any RUF
29 combatants staying in Kailahun at all when you arrived?

1 A. Yes, some were there.

2 Q. But not many?

3 A. Yes, there were not many.

4 Q. Would you be able to estimate how many? Was it less than
15:49:50 5 30?

6 A. Sometimes it would be around that, around 30.

7 Q. What was the impression on the day that your force moved
8 into Kailahun Town? Are you able to give us any indication of
9 how many RUF combatants were actually resident in Kailahun Town
15:50:20 10 on that day?

11 A. Yes. I said there would be around 30 people, the RUF
12 combatants who were present there.

13 Q. But your force contained how many men? Did you say more
14 than 100, or was it more?

15:50:50 15 A. Yes, around 100. We are about 100 when we entered. It was
16 a convoy. We had vehicles, Hondas, many people, AFRC soldiers.

17 Q. And these 100 men were armed and experienced fighters who
18 had just been fighting the Kamajors in Kenema; correct?

19 A. Yes.

15:51:19 20 Q. And many of them no doubt were particularly angry about
21 what had happen in Kenema?

22 A. Yes.

23 Q. And by virtue of the figures you have given us, they
24 significantly outnumbered the RUF combatants based in Kailahun
15:51:32 25 Town, didn't they?

26 A. Yes.

27 Q. Are you sure there were as many as 30 combatants in
28 Kailahun before your force arrived, or could it have been
29 actually less than that? I am going to suggest there were less

1 than 30; could that be right?

2 A. Yes. Because I didn't pay much attention on them. But
3 they were not many.

4 Q. Now, I don't want you to say 30 just because that was a
15:52:18 5 figure that I mentioned. If you believe it was a figure less
6 than 30, please say so. I am suggesting there were very few
7 indeed. It was like a skeleton presence because Kailahun was
8 deep in RUF territory and didn't need defending at that time.
9 Could that be right?

15:52:37 10 A. There were about 30.

11 Q. All right. When you arrived, I think you were aware that
12 Augustine Gbao had been conducting an investigation.

13 A. Yes.

14 Q. And you told us -- it is in the middle of page 41; it is
15:53:18 15 line 14:

16 "That according to investigations, the people were all
17 Kamajors"?

18 A. Yes.

19 Q. "He said they were many people that were within that area,
15:53:33 20 which was Kailahun, so they should no live amongst us."

21 So Augustine Gbao wanted them to be removed from the area,
22 didn't he?

23 A. Yes, I said. Yes, that was the plan. He did not say it
24 directly, that they should be removed from the area. But he said
15:54:01 25 all these people, through investigations, all of them are
26 Kamajors, and most of them were from Kailahun.

27 Q. So Gbao wasn't actually suggesting anything in relation --
28 Gbao wasn't suggesting what should be done with them, he was just
29 suggesting that he didn't believe them; is that right?

1 A. Yes. Gbao said that they were Kamajors according to
2 investigations. And he said their presence in our midst was a
3 threat; he said that.

4 Q. Okay. But one thing that you are sure of is this, isn't
15:54:54 5 it, that nothing was said about them being killed until Mosquito
6 arrived? Now that's right, isn't it?

7 A. Yes. For them to be killed, it was Mosquito that ordered,
8 although Augustine Gbao was present. But for them to be killed,
9 it was Mosquito that gave the order.

15:55:31 10 Q. Yes, and I accept what you say about that.

11 MR CAMMEGH: Can I address Your Honours to the bottom of
12 that page?

13 Q. When Mosquito ordered that they should be killed, he
14 addressed that to the MP commander, didn't he?

15:55:46 15 A. Yes.

16 Q. And the local MP commander was man called Joe Vand?

17 A. Yes.

18 Q. Right. And the MP, or an MP commander, is somebody who
19 reinforces order, isn't it?

15:56:11 20 A. Yes.

21 Q. He has, as you have told us, a completely different
22 function from the investigator. It is the investigator who
23 decides what the truth is; it is the MP commander who decides
24 what to do about it? Is that not so?

15:56:46 25 A. Well, it was a commander that will decide what will be
26 done. The MP would only reinforce what the commander told him.

27 Q. And on this occasion, the commander was Mosquito telling
28 Joe Vand, MP commander, "These people must die." Correct?

29 A. Yes.

1 Q. It was one man to the other?

2 A. Yes.

3 Q. At this stage, where were you?

4 A. I was present in the Kailahun Town itself, where Augustine
15:57:45 5 Gbao was at the roundabout opposite Baya's [phon] compound.

6 Q. Thank you.

7 A. Thank you, sir.

8 Q. As this conversation was going on, you indicated that there
9 were many AFRC and RUF fighters around; correct?

10 A. Many of them, I've told you. I said those of us who met
11 them there, both the AFRC and the RUF soldiers, were about 100.

12 Q. I just -- well, you have confirmed it, but I just want to
13 make this absolutely clear. The people, the AFRC and RUF you saw
14 at the roundabout, they were your group, the group that was
15:58:42 15 travelling through?

16 A. Yes.

17 Q. The 100?

18 A. Yes.

19 Q. They were Mosquito's men?

15:58:48 20 A. Yes.

21 Q. They were nobody else's men; they were Mosquito's and they
22 were under his command, correct?

23 A. Yes, everybody.

24 Q. And as far as they were concerned, Mr Witness, if somebody
15:59:12 25 of a lesser rank than Mosquito had told them not to carry out one
26 of Mosquito's commands, what would have happened to them?

27 A. He would not attempt that even, because at that time
28 Mosquito will do anything he had wanted to do to you.

29 Q. Right. And as you have told us, when Augustine Gbao was

1 one of the senior men in Kailahun --

2 MR CAMMEGH: This is, Your Honours, page 43, line 15.

3 Q. Although he was overall security commander for the RUF, as
4 you said, above him there was General Mosquito himself. So

15:59:59 5 Mosquito was superior to Augustine Gbao even though

6 Augustine Gbao was one of the senior men in Kailahun; correct?

7 A. Yes.

8 Q. The suspected Kamajors were kept in the basement of the old
9 police station, weren't they?

16:00:33 10 A. Yes.

11 Q. Was that basement one solitary room or was it a number of
12 cells, or perhaps you didn't go down there? What can you tell
13 us?

14 A. I did not enter. I did not enter the place, but it was
16:00:56 15 down, down.

16 Q. Where were the suspected Kamajors when you first saw any of
17 them?

18 A. It was inside the jail.

19 Q. Whereabouts?

16:01:22 20 A. At the roundabout where I was present. Near there.

21 Q. As they were being led outside in fives, is that where you
22 first saw them before they were shot?

23 A. Yes, after we've arrived, when Mosquito said they should be
24 killed. When they opened the cell, first of all I saw them
16:01:51 25 before they were taken out from the cell to be killed.

26 Q. Okay. Just so we are all in the picture, how long had you
27 been in Kailahun Town before they started being led to the
28 roundabout to be executed? Just give us an idea how long you had
29 been in town.

1 A. Before they were killed? Within 30-minute period.

2 Q. Right. So all this was happening very, very quickly
3 indeed. Is that fair?

4 A. Yes.

16:02:40 5 Q. Gbao had already been undertaking investigations with these
6 suspects. Mosquito then arrived and decided what must be done
7 with them. Mosquito tells the MP commander what must be done
8 with them; and they are led out to the roundabout to be shot. Is
9 that a fair summary of what you saw happen?

16:02:56 10 A. Yes.

11 Q. And as you have said, nobody under Mosquito's command would
12 ever even consider going against one of his commands?

13 A. Yes.

14 MR CAMMEGH: The bottom of page 45, Your Honour, line 28.

16:03:31 15 Q. You were asked this by Mr Harrison:

16 "Do you know who took these people to the junction?"

17 And you said this:

18 "Yes, sir. It was the MP that we remove them. Then the
19 AFRC/RUF soldiers, there were many. I cannot name them now
16:03:59 20 because I cannot recall so many of them."

21 You appear to be describing there, Witness, a mass of
22 RUF/AFRC soldiers taking the suspects out of the jail; is that
23 correct?

24 A. Yes, after the MP had opened the door. Yes.

16:04:31 25 Q. These AFRC/RUF men taking the suspect to the roundabout
26 were part of your group, were they, the 100?

27 THE INTERPRETER: Your Honour, could counsel repeat his
28 question?

29 THE WITNESS: Yes, yes, there was a problem, but it has

1 been adjusted. Yes, it was part of the group to which I belong.

2 MR CAMMEGH: Yes.

3 Q. Did you recognise all of the soldiers taking the suspects
4 out to be shot? As part of your group.

16:05:15 5 A. I said most of them, yes. The majority was part of the
6 group that came with Mosquito.

7 Q. Okay. And the others were local MPs, were they, under
8 Joe Vandí?

9 A. Yes.

16:05:33 10 Q. And that is it. So AFRC and RUF from your group and the
11 rest were Vandí's MPs?

12 A. Yes, it was Mosquito's group. The other one was
13 Joe Vandí's group.

14 Q. Right. And nobody else?

16:06:07 15 A. Yes. Augustine Gbao was present but he did not fire a
16 shot.

17 Q. I accept that -- I will take your word for it that
18 Augustine Gbao was present, but want to ask you some more
19 questions about this. And I am going to continue at the top of
16:06:27 20 page 46. Just to repeat your answer, you said,.

21 "Yes, sir, it was the MP that we removed them. Then the
22 AFRC/RUF soldiers. There were many. I cannot name them
23 now, because I cannot recall so many of them. When they
24 have been removed by the MPs there, you see so many
16:06:52 25 soldier. We pushed them to the junction until they have
26 been killed?"

27 When you used the words "so many soldiers", are you
28 referring to so many of your AFRC and RUF group? Are those the
29 soldiers you mean?

1 A. The AFRC and the RUF soldiers that -- the ones that came
2 along with Mosquito with few of the MPs.
3 Q. When you say "so many", can you perhaps give an estimate of
4 how many of Mosquito's men were taking these suspects to the
16:07:40 5 roundabout to be shot? Just give us a rough idea, please.
6 A. We were many. We are up to 40, 50.
7 Q. Right. And who was it who shot them as they came out five
8 by five? The same men, Mosquito's men?
9 A. Yes.
16:08:26 10 Q. Did the MPs shoot anybody?
11 A. Yes.
12 Q. Augustine Gbao did not?
13 JUDGE ITOE: Augustine Gbao did not fire a shot.
14 THE WITNESS: Not at all.
16:08:37 15 JUDGE ITOE: He has said so.
16 MR CAMMEGH:
17 Q. You yourself shot and killed about five people.
18 A. Yes.
19 Q. Why did you do that?
16:08:55 20 A. It was an order. He said the people should be killed.
21 They should die.
22 Q. But there were, as you have said, a large proportion of
23 about 100 soldiers there, Mr Witness. Why did you -- why were
24 you one of the shooters? Why did you decide to carry out that
16:09:18 25 order?
26 A. It was an order from Mosquito and I was present. Then he
27 turned to us; he said, "Go and open this vehicle and kill them."
28 Q. Did you want to shoot them? Did you personally want to
29 shoot those people?

1 A. Yes, when the order had already been given. But on my own,
2 before that order, I wasn't willing.

3 Q. Right. Well, I accept that. Is there anything you could
4 have done by yourself to prevent that from having -- I will say
16:10:19 5 it again. Was there anything you could have done to stop the
6 shooting?

7 A. Yes, if I had had the power to stop it. But you would not
8 deny Mosquito. If he had ordered you to do something, you would
9 not say so.

16:10:43 10 Q. Right. So, if you were Mosquito's boss, you might have
11 done something. But you weren't his boss, were you?

12 A. Yes, sir.

13 Q. To return to the question. What rank did you hold at that
14 time?

16:11:10 15 A. At that time I had almost captain rank.

16 Q. Okay. So you, with almost captain, could you have done
17 anything to stop what was going on?

18 A. Yes.

19 PRESIDING JUDGE: Haven't we been through that extensively?

16:11:28 20 JUDGE ITOE: We have been through that.

21 THE WITNESS: If I had attempted that, I would have died --

22 MR CAMMEGH: Right.

23 THE WITNESS: That day.

24 Q. Well there is nothing Augustine Gbao could have done
16:11:48 25 either, was there?

26 JUDGE ITOE: Mr Cammegh.

27 MR CAMMEGH: Your Honour, this is very important.

28 JUDGE ITOE: I think we have visited this. There is no
29 question of insisting that it is important. You are belabouring

1 the point; you have made your point. It is pointless
2 insisting -- well, you shouldn't really. We are going round and
3 round and round and round.

4 JUGE THOMPSON: We thought this ground has been
16:12:11 5 comprehensively covered.

6 JUDGE ITOE: Covered.

7 JUGE THOMPSON: It is almost exhaustively covered. You
8 don't have a jury panel here; you have got judges.

9 PRESIDING JUDGE: What you are asking is opinion, because
16:12:27 10 he told you in his position what he was doing, what he would or
11 could not do. But if you go a step further -- are you asking his
12 opinion on that matter, I am not sure? On the other hand, if he
13 can, he could or should answer you question. But in any event,
14 as my two brothers have said, I think you have covered the ground
16:12:43 15 quite extensively.

16 MR CAMMEGH: I will draw a --

17 PRESIDING JUDGE: You should be able to draw the
18 inferences.

19 MR CAMMEGH: I was going to say that I shall draw an
16:12:52 20 inference from Your Honours' comments. In my defence, I should
21 say that the net of the entire theory of command responsibility
22 is drawn so wide, that is why -- and I ask your forgiveness if I
23 have laboured it too much. But that is why I feel that I had to.

24 PRESIDING JUDGE: You have not said too much. But if you
16:13:17 25 were going one more, you were going too much.

26 MR CAMMEGH: As I said, I will draw an inference from what
27 Your Honours have said, and I will leave the point there.

28 JUGE THOMPSON: Sometimes we try to put our best foot
29 forward very, very --

1 MR CAMMEGH: Yes. Okay.

2 Q. As this was happening, Mr Witness, do you remember if a man
3 called Peleto was present?

4 A. I cannot recall.

16:14:02 5 Q. Amara Peleto, do you know the name?

6 A. Yes, I know the name. I know the man himself.

7 Q. Okay. Can you help us? Do you recall whether he was
8 there?

9 JUDGE ITOE: Mr Cammegh, I think you called him Beneto. We
16:14:21 10 settled for Beneto, I think.

11 MR CAMMEGH: We did; that is absolutely right.

12 Q. The name, I will repeat that, Amara Beneto?

13 A. Yes, Beneto.

14 Q. Was he there, do you remember?

16:14:44 15 A. No, I cannot recall.

16 [RUF25NOV05C - CR]

17 Q. You don't know if he was there or not?

18 A. Yes.

19 Q. You're agreeing with me; you can't remember if he was there
16:14:52 20 or not?

21 A. I heard that he was there, but I did not see him.

22 Q. If I may make the observation, you appear to be smiling as
23 I ask you these questions about Beneto. Why is that?

24 THE INTERPRETER: Your Honour, could the counsel speak a
16:15:22 25 bit audible so that the interpreter can hear.

26 MR CAMMEGH:

27 Q. The question I asked --

28 THE INTERPRETER: The interpreter is sorry. There is a
29 problem with the mic. There are times when it fails to come on.

1 That's why there are times when we have some time before we
2 interpret certain information.

3 PRESIDING JUDGE: Which one?

4 THE INTERPRETER: We don't know. Ours here. Supposedly
16:15:47 5 there is not really now. But that is the problem it gives us.
6 There are times when it fails to come on.

7 MR CAMMEGH: I think it's on now.

8 PRESIDING JUDGE: If the problem comes on again, let us
9 know and we'll ask the technicians to look into it.

16:16:04 10 THE INTERPRETER: Okay, My Lord.

11 PRESIDING JUDGE: Let's try again, Mr Cammegh.

12 MR CAMMEGH:

13 Q. I asked you about Amara Beneto just now, Mr Witness. As I
14 did, it was my impression that you were smiling. I wondered
16:16:22 15 whether, by asking you whether you saw Beneto at the killings, I
16 had embarrassed you?

17 A. Yes, he was there.

18 Q. Thank you. I'll change the subject now. After the
19 shootings took place, you went to Buedu and, I think, a few hours
16:16:58 20 later you came back to Kailahun Town; is that right?

21 A. Yes.

22 Q. Although you tell us that when you arrived back at Kailahun
23 Town Augustine Gbao was the most senior commander there, you also
24 told us that it was Joe Vandí who Mosquito went to to ask whether
16:17:30 25 or not the executions had been completed. That's right, isn't
26 it?

27 A. Yes, he came and reported to Mosquito.

28 Q. Mosquito did not approach Augustine Gbao to ask whether the
29 executions had been completed, it was Vandí. That's right, isn't

1 it?

2 A. Yes, it was he and Augustine Gbao that were sitting. They
3 were talking about the death of those people, but the person he
4 went through was the MP commander. He came and gave the report
16:18:15 5 about the killing.

6 Q. Yes, thank you.

7 PRESIDING JUDGE: When you say it was he and Gbao that were
8 discussing, what do you mean by "he"? Who is "he"? Mosquito?

9 THE WITNESS: Yes, it was Mosquito, both of them, together
16:18:34 10 with Gbao, were sitting.

11 MR CAMMEGH: It was the MP commander.

12 PRESIDING JUDGE: I know, but after that they went to the
13 MP commander. That's why I was asking the question. Because his
14 answer was -- I got his answer to be it was he and Gbao, they
16:18:50 15 were discussing, and then they went to ask Vandí, then he went to
16 ask Vandí. That's why I say what do you mean by the "he". You
17 may clarify that.

18 MR CAMMEGH: I'll clarify it.

19 PRESIDING JUDGE: Yes.

16:19:05 20 MR CAMMEGH: It's quite important.

21 Q. Mr Witness, when Mosquito arrived back in Kailahun Town
22 later that day, he wanted to know whether the executions had been
23 finished, didn't he?

24 A. Yes.

16:19:21 25 Q. In order to find out, he went to Joe Vandí, the MP
26 commander, didn't he?

27 A. Yes, he didn't go to him. The MP commander came to him at
28 the junction where we were.

29 Q. To Mosquito?

1 A. Yes, yes.

2 Q. Carry on.

3 A. Then he gave a report. He said the mission given to him to
4 kill the people, he had done that.

16:19:56 5 Q. Right. This was a discussion between the MP commander and
6 Mosquito?

7 A. Yes.

8 Q. Two men?

9 A. They had spoke, yes, on that particular issue.

16:20:20 10 Q. Mr Witness, can you just tidy this up for me, please. You
11 said that Mosquito left at some point. Did he leave -- well, I'm
12 going to ask you this: Did you see Mosquito shoot anybody
13 yourself?

14 A. No.

16:21:02 15 Q. But he was there, was he, at the roundabout as the shooting
16 started?

17 A. Yes. He made sure that the killing started. He made sure
18 that the order he gave was implemented before he left.

19 Q. Okay. When did you leave?

16:21:33 20 A. About an hour's time. Between -- about 45 minutes, I
21 followed him after.

22 Q. Were all 65 dead by the time you left?

23 A. Yes, some of them, but it was not all of them that was dead
24 by then.

16:21:59 25 Q. Perhaps I'm better asking this question: Were there any
26 people left in the cell in the MP office by the time you left, or
27 had they all been brought out?

28 A. They were all there before.

29 Q. That doesn't answer the question. Was there anybody left

1 in the MP office or had they all been taken out to the roundabout
2 by the time you left?

3 A. They were all at the roundabout. They were no longer in
4 the cell. They were all at the roundabout.

16:22:47 5 Q. You were asked by Mr Harrison how long Augustine Gbao --

6 JUDGE ITOE: Mr Cammegh, let's get this one point clear.

7 You are asking a question as to whether by the time he left the
8 executions had been completed. Now he says that they were all at
9 the roundabout. At the time he left, were the executions

16:23:16 10 completed? Could you please ask him?

11 MR CAMMEGH: I will, if Your Honour pleases.

12 Q. I think you've already explained, haven't you, Mr Witness,
13 that when you left all 65 had been brought out, but they weren't
14 all necessarily dead?

16:23:43 15 A. Yes, I left some standing, up to a number of 13, 14 to 15,
16 around there. By then about 40 had been killed.

17 Q. Just give us an idea, please, how long had the shooting
18 lasted while you were there before you left? How many minutes?
19 Can you give us some idea of how long the shooting had taken

16:24:25 20 before you left?

21 A. About 20 minutes. About 20 to 30 minutes.

22 Q. Right. You were asked by Mr Harrison how long
23 Augustine Gbao had stood by while these killings were taking
24 place. Are you sure that he was still there after the shooting

16:25:02 25 started? I want you to be very careful about this answer,

26 Mr Witness. Did you see Gbao at the roundabout after the
27 shooting started, or is it possible that he had gone back to his
28 house that you told us about?

29 A. No, when the shooting started, when Mosquito too went,

1 later Gbao too went to his house. But both of them were there
2 when the shooting started.

3 Q. Right. On page 49, line 19, you said this: "

4 "Q. How long was he there?

16:25:58 5 "A. Well, the time I saw him was when the killing started
6 up to -- I mean, 10 minutes time. After those periods, I
7 was not very much concerned about him. I was only
8 concerned about the killing where I placed my attention."

9 Now you have already told us that he wasn't involved in the
16:26:23 10 killing, he wasn't involved in the shooting.

11 A. Yes, he was not involved in the shooting, the shooting of
12 the people individually. To kill the people, he was not
13 involved, but he was there.

14 Q. Did he do anything at all that made you think that he
16:27:17 15 approved of what was going on?

16 A. Yes.

17 Q. What?

18 A. He too was happy when Mosquito said they should be killed.
19 I saw it in his face. So I too realised it was an order given by
16:27:43 20 Mosquito. I saw it in his face.

21 Q. You haven't heard Gbao say anything, you haven't seen Gbao
22 do anything?

23 A. Yes, I didn't see him do something pertaining to that
24 killing unless when we initially arrived when he gave reports
16:28:23 25 about the investigations to identify the people to say who they
26 are.

27 Q. Right. So it's right, isn't it, Mr Witness, that what
28 happened to those men was completely out of Augustine Gbao's
29 hands?

1 PRESIDING JUDGE: Yes, Mr Harrison.

2 MR HARRISON: I have an objection. That would ultimately
3 be a question of law for the Court to decide.

4 JUDGE THOMPSON: Sustained.

16:29:02 5 MR CAMMEGH:

6 Q. What happened to those men was caused by an order from
7 Mosquito to the MPs. That's right, isn't it?

8 A. What would happen with them?

9 Q. They were shot, Mr Witness.

16:29:26 10 PRESIDING JUDGE: Mr Cammegh, Mr Cammegh, we have been very
11 patient on this. You have asked that question in many ways,
12 angles.

13 MR CAMMEGH: Very well.

14 PRESIDING JUDGE: You've got your answers. Please, let's
16:29:42 15 move.

16 MR CAMMEGH:

17 Q. Mr Witness, you mentioned there was a mine in Kailahun
18 District at Giema in 1998. Do you remember that, mining for gold
19 and diamonds?

16:30:11 20 THE INTERPRETER: Your Honour, could counsel give the date,
21 the year of --

22 MR CAMMEGH: 1998.

23 THE WITNESS: Yes.

24 MR CAMMEGH:

16:30:24 25 Q. At page 61, line 18, you stated that, amongst others,
26 Augustine Gbao knew about that mine. How on earth did you know
27 that?

28 A. Well, the way I understood it, Augustine Gbao was closer to
29 Giema. Whenever Mosquito, or even my commander, Mr A, was going

1 to Giema, they would go through Augustine Gbao. They would visit
2 him first before going. I don't believe that --

3 THE INTERPRETER: Your Honours, the interpreter is sorry,
4 but I'm not getting the witness clearly. Can he go back to his
16:31:35 5 last bit?

6 PRESIDING JUDGE: Why is it you're not getting it? Because
7 he's too far away from the microphone?

8 THE INTERPRETER: He's too far away from the microphone.

9 PRESIDING JUDGE: You are nearer now. Can you repeat your
16:31:50 10 answer again, Mr Witness, your last answer? You were saying that
11 Mosquito and Mr A visited Gbao.

12 THE WITNESS: Yes, I said whenever they were going to
13 Giema, when Mosquito or Mr A was leaving Buedu to go to Giema,
14 they would go through Kailahun. Whenever Mr A or Mosquito
16:32:21 15 arrived in Kailahun, they would always go to where Augustine Gbao
16 was before they could pass by, if they were passing by. It was
17 an arrangement they made for that mining activity, which was not
18 hidden to RUF soldiers, in fact. I cannot say the commanders.

19 MR CAMMEGH:

16:32:55 20 Q. Just two very brief questions I want to ask you on this
21 subject. The first one is this: By virtue of that answer, it's
22 right, isn't it, Mr Witness, that you're just making an
23 assumption that Gbao must have known about that mine?

24 A. Yes, because I didn't see him involved in that mining, but
16:33:27 25 I believe he was aware of the mining activity that was going on.

26 Q. Okay, as you say, an assumption. Now, the second question
27 on mining is this: Can you remember you agreed with Mr Jordash
28 the other day when he asked you about that particular mine that
29 you didn't know whether that mining was forced or not? You

1 remember saying that, don't you?

2 THE INTERPRETER: Your Honours, can counsel please go
3 over --

4 MR CAMMEGH: Your Honour, I won't bother. I will rely on
16:34:08 5 the answer that was given to Mr Jordash in his cross-examination.

6 Q. Similarly, Mr Witness, when you talk about the farms, and
7 you gave a list of farms on page 66, they were in Kailahun,
8 Giema, Giehun, Pendembu, Baiwala and Bomaru.

9 PRESIDING JUDGE: You say 66. We're talking about the
16:34:37 10 transcript here?

11 MR CAMMEGH: Yes, Your Honour. It's not contentious. I
12 don't ask you to look it up.

13 Q. You told us about farming in those particular locations,
14 and it's right, isn't it, that you also told Mr Jordash that they
16:34:56 15 were for the benefit of the RUF and the civilians, those farms?

16 A. Yes.

17 MR CAMMEGH: I have no further questions.

18 PRESIDING JUDGE: That concludes your cross-examination?

19 MR CAMMEGH: Yes.

16:35:38 20 PRESIDING JUDGE: Mr Harrison, do you have any
21 re-examination?

22 MR HARRISON: Could I stand down for 10 or 15 minutes
23 before giving the answer? As I think of it now, I don't think
24 there will be, but that might also provide the Prosecution with
16:36:08 25 an opportunity to inform the Court that we're caught short. I
26 had been under the understanding that the cross-examination would
27 be considerably longer, and I don't have a second witness.

28 PRESIDING JUDGE: Don't worry about that. We were not
29 intending to go much beyond 5 o'clock.

1 MR HARRISON: But what I could do is this: Defence counsel
2 have advised the Prosecution that with respect to one of the
3 Rule 92 bis witnesses there will be no cross-examination, so we
4 could take up 10 minutes or so simply tendering as exhibits the
16:36:45 5 transcripts from that particular witness so that would be
6 concluded this afternoon and we could obtain the photocopies now.

7 PRESIDING JUDGE: We will stand down until quarter to five,
8 look at your position, and we will come back and see where we go
9 from there. Thank you. Court is adjourned until quarter to
16:50:21 10 five.

11 [Break taken at 4.38 p.m.]

12 [Upon resuming at 4.50 p.m.]

13 JUDGE ITOE: Mr Harrison was seated when the Court was
14 coming in. Was that normal, Mr Harrison?

16:51:00 15 MR HARRISON: No, I apologise, I was trying to get the
16 attention of --

17 JUDGE ITOE: Well, it's just a remark to draw your
18 attention to that slight impropriety. It's not normal. Thank
19 you.

16:51:10 20 MR HARRISON: Thank you.

21 PRESIDING JUDGE: Yes, Mr Harrison.

22 MR HARRISON: If the Court wishes, I can inform you that
23 there will not be any questions, but I assume the Court wishes to
24 have the witness brought in to formally release him.

16:51:56 25 PRESIDING JUDGE: I did not know that the witness was out.

26 MR HARRISON: That is what I was trying to draw to the
27 attention of the staff.

28 PRESIDING JUDGE: In the meantime, just before we adjourn,
29 you were saying that -- you made reference to a 92 bis document.

1 MR HARRISON: Yes. It is with respect to what would have
2 been the next witness, which is TF1-023. We have been informed
3 by each Defence counsel that they do not wish to cross-examine
4 the witness.

16:52:41 5 PRESIDING JUDGE: Can you run the number again? TF1-023?

6 MR HARRISON: Correct. So what we would be suggesting
7 today would that the Prosecution would tender as exhibits those
8 documents referred to in the Rule 92 bis notice so that that
9 matter could be concluded and we'd simply go on with the next
16:53:11 10 witness on Monday.

11 PRESIDING JUDGE: That is fine. We will just ask if there
12 is any comment from the Defence. Mr Jordash?

13 MR JORDASH: No, there isn't. I agree with that procedure.
14 My only question was whether it should be exhibited, but I
16:53:29 15 suppose that must be right with 92 bis.

16 PRESIDING JUDGE: Yes, that's what we've done with other
17 documents.

18 MR JORDASH: Yes. No comments. No observations.

19 MR TAKU: No questions, Your Honour.

16:53:42 20 PRESIDING JUDGE: Mr Cammegh?

21 MR CAMMEGH: My comments mirrored Mr Jordash's precisely.
22 So nothing further.

23 [The witness entered court]

24 PRESIDING JUDGE: So you have that. We will dispose of the
16:53:57 25 witness and come back to you. You may keep the curtains closed.
26 We will be 30 seconds.

27 Mr Witness, that concludes your evidence in this Court. We
28 thank you very much for your coming to testify. We wish you good
29 luck in the future. Thank you.

1 THE WITNESS: Yes, sir. I am also saying thanks to you.

2 PRESIDING JUDGE: Thank you. You can proceed.

3 THE WITNESS: Thank you, sir.

4 [The witness withdrew]

16:55:04 5 PRESIDING JUDGE: While the Court officer is looking after
6 the curtains, on Monday morning what is the next witness you are
7 intending to call, Mr Prosecutor?

8 MR HARRISON: The witness order will be as follows:
9 TF1-029, TF1-101, TF1-104. Again, that is another of the
16:55:35 10 Rule 92 bis.

11 PRESIDING JUDGE: The 104?

12 MR HARRISON: Yes. And we have been informed by counsel
13 for the third accused that he has no questions for that. Counsel
14 for the second accused has said tentatively that they do not
16:55:51 15 foresee any questions and we are awaiting comments from counsel
16 for the first accused. And the next witness after that would be
17 TF1-097, followed by TF1-169. That's the third of the Rule 92
18 bis notice witnesses and we are in the same situation where the
19 third accused has affirmed that they are not interested in
16:56:24 20 cross-examining the second -- like I say they are not interested
21 and the first accused requires time to look at it.

22 PRESIDING JUDGE: Okay. So 029 and 101 that you have as
23 being the next one, 029 being the next one, how likely are we to
24 get through these next week?

16:56:43 25 MR HARRISON: It is extremely likely that we will be able
26 to proceed at the rate of two witnesses a day, perhaps even three
27 witnesses a day.

28 PRESIDING JUDGE: A day? You mean including
29 cross-examination?

1 MR HARRISON: Yes. Defence counsel can make their comment,
2 but I think everyone would agree that these are witnesses who
3 have a narrow scope of evidence which they can potentially give.

4 PRESIDING JUDGE: That's fine. We will see if it is as
16:57:07 5 promising when we get there next week.

6 MR CAMMEGH: Can I just ask Mr Harrison, please, about 054,
7 we were talking about the Bo witness and when he was likely to
8 come.

9 MR HARRISON: Yes, that is a witness that is being moved to
16:57:21 10 Freetown as we speak, and that's a problem witness for the third
11 accused because that witness may have some information about the
12 third accused and we must try to jump that witness up the list in
13 view of the commitments that Mr Cammegh has. So what we are
14 contemplating doing is try to perhaps on Wednesday deal with 054,
16:57:50 15 and if it means 054 would have to jump ahead of one of the ones
16 I've listed, that's what we would be asking the Court to agree
17 to.

18 PRESIDING JUDGE: That's fine. It was just to have an
19 indication as to what is coming up over the next few weeks. So
16:58:04 20 you have your documents?

21 MR HARRISON: Yes. I have given one full set of these
22 documents to Mr Walker. If I can just explain to the Court what
23 it is?

24 PRESIDING JUDGE: Yes.

16:58:17 25 MR HARRISON: It is three days of transcript. The days of
26 transcript are starting on 9 March 2003 --

27 PRESIDING JUDGE: We're talking here of evidence in the
28 AFRC trial?

29 MR HARRISON: Sorry, in the AFRC trial, yes. 9 March 2005

1 and it's pages 26 to 61 of that transcript. The second day of
2 transcript is 10 March 2005, pages 1 to 55 of the transcript and
3 almost the entirety of that is closed session. The third day of
4 transcript is 7 November 2005, pages 1 to 40.

16:59:13 5 The suggestion that I was going to make would that there
6 would be one number for the exhibit, each day could be A, B and C
7 and, in addition to that, there were three exhibits adduced
8 through this particular witness, which are simply names. It was
9 done on paper to protect the witness's identity and, in Trial
16:59:37 10 Chamber II, they have the practice of saying P1, presumably
11 meaning Prosecution's Exhibit 1. There is P1, P2, P3 and we have
12 copies and we are asking that copies of P1, P2 and P3 also be
13 exhibits in this trial, and we would be suggesting they be D, E
14 and F.

17:00:01 15 PRESIDING JUDGE: P1, P2 and P3 are exhibits referred to in
16 the portions of the transcript that you are exhibiting?

17 MR HARRISON: Yes.

18 PRESIDING JUDGE: Mr Court officer, we are 58?

19 MR WALKER: Yes, Your Honour, the next document will be 59.

17:00:32 20 PRESIDING JUDGE: TF1-023 transcript?

21 MR HARRISON: That's correct.

22 PRESIDING JUDGE: The evidence of TF1-023, or the days
23 referred to, 5 March 2005, 10 March 2005, 7 November 2005 and the
24 pages, most recently described by the Prosecution, are marked
17:00:51 25 together with P1, P2 and P3 Exhibit 59. 5 March will be 59A;
26 10 March will be 59B; 7 November being C; P1 being D; P2, E; and
27 P3, F.

28 [Exhibit No. 59A was admitted]

29 [Exhibit No. 59B was admitted]

1 [Exhibit No. 59C was admitted]

2 [Exhibit No. 59D was admitted]

3 [Exhibit No. 59E was admitted]

4 [Exhibit No. 59F was admitted]

17:01:19 5 MR HARRISON: If I could just ask that P1, P2 and P3 be
6 sealed as they were according to the order of Trial Chamber II
7 and for those portions of the transcript which are in closed
8 session, they don't need to be sealed, in my view, but if they
9 could remain confidential.

17:01:34 10 PRESIDING JUDGE: They will, indeed. Everything is
11 confidential.

12 MR HARRISON: Everything in the open session can remain.

13 PRESIDING JUDGE: Thank you. That concludes the day and
14 the week. We hoped to finish by 5. It is 5 almost on the dot.
17:01:49 15 That concludes the week. We are adjourning to Monday morning at
16 9.30. Thank you.

17 [Whereupon the hearing adjourned at 5.01 p.m.
18 to be reconvened on Monday, the 28th day
19 of November 2005, at 9.30 a.m.]
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EXHIBITS:

Exhibit No. 59A	61
Exhibit No. 59B	61
Exhibit No. 59C	62
Exhibit No. 59D	62
Exhibit No. 59E	62
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-045	2
CROSS-EXAMINED BY MR TAKU	2
CROSS-EXAMINED BY MR CAMMEGH	22