



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

WEDNESDAY, 5 MARCH 2008
9.30 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Teresa Doherty, Presiding
Justice Richard Lussick
Justice Julia Sebutinde
Justice Al Hadji Malick Sow, Alternate

For Chambers:

Mr Simon Meisenberg
Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura

For the Prosecution:

Mr Mohamed A Bangura
Ms Shyamala Alagendra
Ms Julia Baly
Ms Kirsten Keith

**For the accused Charles Ghankay
Taylor:**

Mr Terry Munyard
Mr Morris Anyah

1 Wednesday, 5 March 2008

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.30 a.m.]

09:29:24 5 PRESIDING JUDGE: Good morning. I notice there's changes
6 of appearances at both bars. So, Ms Alagenda, if you would give
7 us appearances for the Prosecution, please.

8 MS ALAGENDRA: Yes. For the Prosecution is Ms Julia Baly,
9 Mohamed Bangura, myself Shyamala Alagenda and Kirsten Keith,
09:29:52 10 your Honour.

11 MR MUNYARD: Good morning, Madam President, your Honours
12 and counsel. On the Defence bar there is myself Terry Munyard
13 and Morris Anyah.

14 PRESIDING JUDGE: Thank you, Mr Munyard. If there are no
09:30:00 15 other matters - Mr Bangura, you're on your feet.

16 MR BANGURA: Good morning, your Honours. Your Honours,
17 with your leave may I raise a matter to do with a witness who has
18 already testified before this Court and that is 362. Your
19 Honours, it's got to do with exhibits which were introduced
09:30:19 20 through this witness, were tendered through this witness.

21 The Prosecution's attention was drawn to the fact last
22 evening by CMS that the exhibits which were tendered through this
23 witness and marked were about to be circulated publicly, but,
24 your Honours, the Prosecution's position has been that documents
09:30:46 25 which are introduced through witnesses in closed session ought to
26 be treated confidentially and should not be circulated publicly.

27 PRESIDING JUDGE: Mr Bangura, there was no application to
28 make them either confidential or under seal. It's incumbent upon
29 the party moving to make such an application.

1 MR BANGURA: Your Honours, be that as it may, the
2 Prosecution at this point wishes to crave your Lordships'
3 indulgence to ask that this application be entertained at this
4 stage, otherwise Court Management is about to actually circulate
09:31:28 5 the documents as public documents, your Honours. If
6 your Lordships would be indulgent to hear the Prosecution and our
7 application.

8 PRESIDING JUDGE: We will certainly hear the application.

9 MR BANGURA: Thank you, your Honours. Your Honours, the
09:31:46 10 Prosecution respectfully applies that the documents which were
11 introduced through witness TF1-362 and marked as exhibits P-86,
12 P-87, P-88 and D-13 be marked as confidential and kept under
13 seal.

14 PRESIDING JUDGE: Are you moving a Defence exhibit as well
09:32:57 15 as a Prosecution exhibit?

16 MR BANGURA: Your Honours, I was going to do that but --

17 PRESIDING JUDGE: Well, let us hear that application and
18 why you should move a Defence exhibit.

19 MR BANGURA: I take the view that if we are treating the
09:33:11 20 exhibits introduced through the evidence by the Prosecution as
21 confidential and those also introduced by the Defence, which have
22 not been objected to by the Prosecution, they should be marked
23 confidential equally, your Honour.

24 PRESIDING JUDGE: Fundamentally you haven't addressed why
09:33:33 25 these witnesses - this witness exhibits 86, 87, 88 and D-13
26 should be marked as confidential.

27 MR BANGURA: Your Honours, in exhibit I believe P-86 the
28 witness's name and I believe in other - in the other exhibits as
29 well the witness's name appears and her signature as well and I

1 would take the view --

2 PRESIDING JUDGE: Not in P-87.

3 MR BANGURA: Your Honours, in P-86 and P-87 the witness's
4 name and position are mentioned as - are mentioned in the
09:34:57 5 position the witness occupied.

6 MR ANYAH: [Microphone not activated]

7 PRESIDING JUDGE: Mr Anyah, I will obviously give you an
8 opportunity to reply.

9 MR ANYAH: I'm just concerned about the degree of
09:35:10 10 specificity with which our learned friends are proceeding in
11 describing the witness's identifying information on these
12 documents and we're in open session and I don't want them now to
13 come forward with an argument that, well, they have indicated the
14 particulars.

09:35:26 15 PRESIDING JUDGE: I can appreciate your point, Mr Anyah.
16 Mr Anyah, whilst we appreciate your point we don't think it's
17 necessary at this point to take the matter in closed session.
18 Mr Bangura, please continue.

19 MR BANGURA: Your Honours, while I'm on my legs I've just
09:36:09 20 been informed by my colleague here that there is information
21 indicating that CMS has circulated and marked all the exhibits
22 tendered through this witness as confidential. Maybe we could
23 get a clarification on this from the Court Officer. I've just
24 been informed.

09:36:35 25 MS IRURA: Your Honour, they were sent out as confidential
26 as a precautionary measure pending the decisions that are pending
27 before the Chamber and the confidentiality was a precautionary
28 measure which can be removed when the Chamber grants its
29 decision.

1 PRESIDING JUDGE: I'm not going to go into it, but I would
2 observe that documents that are marked confidential and/or under
3 seal are by order of a court and until the Court so orders they
4 should not be confidential and/or under seal. Continue with your
09:37:10 5 application, Mr Bangura.

6 MR BANGURA: Thank you, your Honour. Your Honours, might I
7 mention in P-86 and P-87 we have descriptions of the witness and
8 positions that the witness held and we believe that these are
9 clearly - these could clearly identify this witness to the public
09:37:33 10 generally. P-88 has got the witness's signature on it and we
11 believe that these documents taken together could easily identify
12 who the witness is.

13 Your Honours, the Defence exhibit, I believe counsel tried
14 to get the witness to make a marking on it, I'm not sure whether
09:38:08 15 that marking was made, which was to indicate that this was an
16 exhibit which came from the witness.

17 PRESIDING JUDGE: My recollection is that was not pursued,
18 however I will be subject to correction when the Defence make
19 their reply if necessary.

09:38:28 20 MR BANGURA: But, your Honour, as counsel had argued before
21 this Court, and the Prosecution I believe argued against, but the
22 decision - the ruling of this Court is that the documents looked
23 at and read together would suggest that they came from the same
24 lot or were made at the same time. Your Honours, we would adopt
09:38:52 25 that same view, that these are documents which came from the same
26 source, and that's the ruling of the Court right now, and that
27 they should be treated in like manner. To that extent, your
28 Honour, I apply also that the Defence exhibit be marked as
29 confidential.

1 JUDGE SEBUTINDE: Mr Bangura, I don't understand, which
2 documents came from the same source? Which documents are you
3 referring to?

4 MR BANGURA: The Defence exhibit, the document which the
09:39:22 5 Defence introduced as an exhibit, they had argued that this
6 document was about - well, it's dated about the same period as
7 the other documents which the Prosecution had introduced and they
8 had argued further that that suggested strongly that they came
9 from or were part of the same set of documents, if I am right,
09:39:50 10 and then there was a ruling by this Court that in fact the
11 document be admitted and tendered as an exhibit.

12 So our position, your Honours, is if that is the ruling and
13 the Prosecution seeks to have its documents which were introduced
14 as exhibits marked confidentially, then the document which the
09:40:14 15 Defence also introduced should in like manner be marked
16 confidentially since the ruling of this Chamber based on the
17 argument of the Defence is that they came from or were treated as
18 documents that came from the same source.

19 JUDGE SEBUTINDE: Mr Bangura, as I recall the Defence
09:40:35 20 exhibit resembled in content and date and time frame another
21 handwritten document that was never exhibited by either party. I
22 don't recall the Chamber ruling that the Defence exhibit fell
23 within the same time frame as the Prosecution exhibits per se. I
24 don't recall that at all. But I do recall that there was a
09:41:00 25 handwritten document within the same tab number where exhibit
26 D-13 came from that resembled in content the typed exhibit D-13.
27 That's what I recall. Now that handwritten document was never
28 tendered by either party in evidence.

29 MR BANGURA: I clearly recollect, your Honour. But the

1 document which the Defence tendered, I stand corrected, was one
2 which my learned friend argued bore not the same date but was
3 created about the same time as the other documents which the
4 Prosecution had introduced and that was one of the bases on which
09:41:49 5 the Defence argued that the document be admitted; that it could
6 have come from the same set of documents from which the others -
7 the Prosecution applied to be admitted in the trial.

8 JUDGE SEBUTINDE: I'm sure we will hear from the Defence in
9 due course.

09:42:16 10 PRESIDING JUDGE: Mr Anyah, you've heard the application.
11 It relates to the three Prosecution documents and one Defence
12 document which have been tendered and the application is to have
13 them marked confidential.

14 MR ANYAH: Thank you, Madam President. I understood
09:42:39 15 counsel for the Prosecution to also suggest that they were
16 seeking to have all Defence exhibits marked as confidential and,
17 just so the record is clear, we also introduced D-12. I don't
18 know if they're seeking to have D-12 also.

19 PRESIDING JUDGE: I only have a note of D-13.

09:42:59 20 JUDGE LUSSICK: Isn't D-12 a public document already? It's
21 the Truth and Reconciliation report that's been publicised.

22 MR ANYAH: Exactly.

23 JUDGE LUSSICK: And I think that's why the Prosecution
24 didn't make any application in respect of that document.

09:43:10 25 MR ANYAH: Yes, I just wanted to seek clarification on
26 that. There are a number of issues that are implicated in this
27 discussion. In the first instance there's a matter sub judice
28 before the Chamber, this very issue is pending before the
29 Chamber.

1 The Prosecution I believe on 25 February filed a motion in
2 respect of TF1-371 where in addition to seeking that exhibits
3 which were introduced through that witness be treated as
4 confidential they also sought a general remedy that all exhibits
09:43:44 5 which are introduced in closed sessions be automatically treated
6 as confidential, meaning only the Chamber, its staff and the
7 parties would have access to it.

8 We filed a response to that motion I believe on Monday 3
9 March. That matter is still pending. I don't know if as of
09:44:05 10 today they have filed their reply, because your Honours in a
11 decision last week called for expedited filings on this issue.
12 So we have circumvented procedurally the general rule that we do
13 not raise issues that are sub judice and the Chamber in its
14 discretion has granted them leave to do so this morning. They
09:44:27 15 did not raise the issue yesterday.

16 A second issue that's implicated is what CMS has
17 undertaken. CMS has now felt the pressure of this issue and on
18 its own initiative has decided to mark as confidential exhibits
19 which I would propose to your Honours the presumption is that
09:44:46 20 they are public until otherwise ruled so by the Chamber. CMS has
21 now classified them as confidential. There is no order from the
22 Court directing that.

23 Third of all, we are now before the Chamber, no written
24 application has been made. They prepared these exhibits before
09:45:05 25 we came to court to examine this witness. I would point out that
26 exhibit D-13 which I introduced was a Prosecution document. It
27 was not a Defence document. That document came from their set of
28 documents. So of the four exhibits in question, P-86, P-87, P-88
29 and D-13, all of them are their documents. Before they called

1 this witness and before they introduced those documents they
2 could have moved in writing to the Chamber that they wished to
3 have these documents classified as confidential. They did not do
4 so.

09:45:47 5 Then we are faced with the rules that govern these issues,
6 Rule 69, Rule 75 and Rule 79. All of them - built into all those
7 rules consistently is a presumption that all these documents and
8 protective measures have to be balanced against the rights of the
9 accused and the presumption is in favour of their public nature.
09:46:06 10 It stems from Article 17(2) where Mr Taylor has the right to a
11 public and a fair trial.

12 So now not only did they not move before they called the
13 witness to have these treated confidentially, they now come and
14 they want even documents they produced that we introduced,
09:46:24 15 Defence exhibits, to be treated as confidential. We of course
16 oppose this and the Chamber has the matter before it. We will be
17 governed by whatever ruling is forthcoming in respect of the
18 preceding motion and I just think it is highly inappropriate that
19 CMS would go ahead and cave into the pressure and classify these
09:46:46 20 as confidential.

21 Now with respect to the specific arguments as to the merits
22 of marking these exhibits as confidential, our learned friend
23 indicates that on P-86 and P-87 there is information that would
24 disclose the identity of this witness. Well, my recollection of
09:47:03 25 those exhibits is that there are several other names in addition
26 to the witness's name that appear on those documents. There are
27 signatures of others besides the witness. It would be highly
28 unlikely that somebody, out of all of those names, would know the
29 particular witness to which these documents pertain.

1 Then with respect to P-88 he refers to a signature. Well,
2 there are two or more other signatures on that document as the
3 Court will recall and I don't see how but for counsel mentioning
4 that the witness's signature is one of them - I don't see how
09:47:38 5 somebody would be able to discern amongst the three signatures
6 which one pertains to this witness. So I don't see that there is
7 any merit to this suggestion that the witness's identity is
8 invariably and automatically disclosed once these documents are
9 made public.

09:47:59 10 Again I would just perhaps stress that these procedures
11 that we follow are there for a reason and when we try to
12 circumvent them it invariably interferes with our client's rights
13 and it does not serve the process well and I would oppose this
14 application. I would ask that if they wished to make this
09:48:33 15 application they could do so consistent with whatever decision is
16 forthcoming from the Chamber in respect of the issue which is
17 already pending. Now the Chamber has the discretion if it finds
18 that a document so clearly identifies the witness and that it
19 vitiates its prior protective measures orders, the Chamber has
09:48:54 20 the discretion to order CMS to black out certain portions of a
21 document, but again the presumption would remain in favour of its
22 public nature. Thank you, Madam President

23 PRESIDING JUDGE: Thank you, Mr Anyah. We will discuss
24 this.

09:49:11 25 JUDGE LUSSICK: Just before we begin that discussion,
26 Mr Anyah, perhaps you could assist me. As you've mentioned the
27 Trial Chamber has a duty to balance the rights of the accused
28 against the protection of the witness concerned. Now if these
29 documents were made public it seems to me that they would serve

1 no purpose because they would not be linked to any available
2 sworn evidence. They would be just be disparate documents that
3 the public can make whatever it chooses from. So how do they
4 affect the rights of the accused?

09:49:52 5 Whereas, on the other hand, if they were published there is
6 some chance, because the witness's name appears in them, that he
7 may be identified.

8 MR ANYAH: Thank you, Justice Lussick. The Chamber will
9 recall in our submission on Monday we made clear the need to
09:50:16 10 approach these issues on a case by case basis and indeed the
11 rules do speak to a presumption that these documents are public.
12 The Chamber nonetheless retains the discretion on a case by case
13 basis after undertaking this balancing act, if you will, between
14 the rights of the accused and the purposes or utility of having
09:50:41 15 these documents in the public domain. The Chamber does have the
16 discretion to say in this particular instance perhaps it will not
17 serve much of a purpose if these documents were public. That is
18 for your Honours to determine.

19 Our position at the fundamental level is that the
09:51:01 20 presumption is in favour of the public nature of these documents
21 and to the extent on an individual basis your Honours determine
22 that a particular exhibit should not be public, the Chamber of
23 course has the right to do so.

24 I would stress again that any automatic classification of
09:51:20 25 closed session documents into a confidential category would
26 substantively vitiate the rights of the accused to a public
27 trial. Our position remains that we have to approach these on a
28 case by case basis.

29 JUDGE LUSSICK: Yes, thank you, Mr Anyah. I do appreciate

1 the Defence position.

2 MR ANYAH: Thank you, your Honour.

3 PRESIDING JUDGE: We have considered the applications
4 and --

09:58:51 5 MR BANGURA: Your Honour, just before your Lordship makes
6 your ruling, gives your ruling on this point, there is an issue
7 that I just wish to raise and it hasn't to do with the way
8 your Lordships are going to rule on this either way.

9 Your Honours, it has got to do with a comment, a remark,
09:59:11 10 made by my learned friend in his response to the argument that I
11 made this morning and this has got to do with some kind of
12 insinuation that he seemed to have cast on the conduct of the
13 Prosecution here. I will read straight from the record, your
14 Honour.

09:59:29 15 PRESIDING JUDGE: I think I recall. It was the use of the
16 word "pressure", is that what you're referring to?

17 MR BANGURA: "Pressure", "inappropriate" and so on, your
18 Honours. I'm not sure this is the sort of conduct that the
19 Prosecution would engage in and I don't know where my learned
09:59:46 20 friend is coming from with this sort of allegation or
21 insinuation, but maybe he would need to clarify for
22 your Lordships and for the public. It's wholly inappropriate for
23 the Prosecution to be cast in this sort of light, your Honour.

24 PRESIDING JUDGE: Mr Anyah, it appears to be an argument
10:00:12 25 concerning your conduct in court. I think in the circumstances
26 I'd like to get this ruling out of the way and then we will deal
27 with the conduct issue.

28 The Court has considered the applications and submissions
29 of both parties. The Court has a duty to balance the rights of

1 the accused and the public to be aware of a public trial against
2 their duties to security of witnesses and with that in mind we
3 have considered the applications. We note that the documents do
4 not identify the witnesses by name, some of them by name, and
10:01:05 5 certainly there are signatures which do, and the documents do not
6 clearly identify the witness in question. We do not see any
7 threat to the witness from the public nature of these documents
8 and accordingly we refuse the application to have them made
9 confidential.

10:01:25 10 We would add by way of observation that the Court
11 Management services should not take it upon themselves to make
12 documents confidential if no order has been made and, secondly,
13 that an application of this nature should be made appropriately
14 and timeously and the appropriate time to make such an
10:01:47 15 application is when the documents are tendered. Accordingly the
16 application is refused.

17 Now Mr Bangura has raised an issue of the use of
18 terminology by counsel for the Defence. I use the word "conduct"
19 very broadly. I don't imply that it - but you've heard the
10:02:11 20 allegation and I invite you to reply.

21 MR ANYAH: Thank you, Madam President. I will make a few
22 observations. First of all, when we argue some of us argue
23 vociferously for our clients and occasionally terminology might
24 be misused. There is a basis for my suggestion that there might
10:02:33 25 have been pressure to CMS and I'm not suggesting by the
26 Prosecution. Counsel for the Prosecution and I spoke late
27 yesterday evening and a lot of the conversation centred around
28 whether or not these documents should be circulated and in
29 particular there was a concern that CMS was about to circulate

1 them publicly. I'm referring to Mr Bangura and I, we spoke. He
2 gave me a call yesterday evening and I returned his call and at
3 the end of the discussion I recall counsel saying to me that it
4 appears that CMS had decided to hold off circulating them until
10:03:15 5 this morning. And I had acquiesced with counsel that he could
6 raise the issue this morning before the Chamber.

7 So clearly it was my understanding when I spoke with
8 counsel that CMS was contemplating what to do under these
9 circumstances and this morning we come to court and it turns out
10:03:38 10 that they had opted to actually circulate it but to do so
11 confidentially. My impression as of yesterday evening was that
12 it would not even be circulated until we came to court. Of
13 course I made clear that none of us had the authority to
14 intervene in the manner in which CMS functioned.

10:03:59 15 So when I say that there is pressure, the basis for that is
16 that as of yesterday evening I had a conversation that suggested
17 that CMS was unsure of what to do and as of this morning it turns
18 out that they had taken a course of conduct or action that in my
19 view is far from neutral.

10:04:21 20 PRESIDING JUDGE: Can I clarify then, you are not saying
21 that the decision of CMS was influenced by any intervention by
22 the Prosecution.

23 MR ANYAH: I am not saying that and --

24 PRESIDING JUDGE: Because I must say that my first initial
10:04:40 25 reaction was that there was some sort of intervention.

26 MR ANYAH: And to the extent --

27 PRESIDING JUDGE: I'm just clarifying that point and
28 putting it on record.

29 MR ANYAH: Yes.

1 JUDGE LUSSICK: The pressure you're referring to, Mr Anyah,
2 was the pressure of having to make a decision, is it?

3 MR ANYAH: It appears to be the case, yes, and I certainly
4 did not mean to insinuate or suggest that the Prosecution did
10:05:05 5 anything underhanded under the circumstances.

6 PRESIDING JUDGE: Thank you for that clarification.
7 Mr Bangura, you have heard the clarification and you have heard
8 the comments of the Bench. I do not speak for my learned
9 colleagues, but I'm satisfied that there was no intervention on
10:05:20 10 the part of the Prosecution.

11 MR BANGURA: Thank you, your Honour.

12 PRESIDING JUDGE: Counsel, I think we've dealt with all
13 preliminary matters and I will therefore proceed to remind the
14 witness of the oath and we will proceed.

10:05:46 15 Mr Witness, the talk that has just taken place is not to do
16 with you. We are now going to continue to hear your evidence. I
17 will therefore remind you of the oath you took yesterday and the
18 obligation on you to answer questions truthfully. Do you
19 understand?

10:06:16 20 THE WITNESS: Yes.

21 WITNESS: TF1-337 [On former oath]

22 EXAMINATION-IN-CHIEF BY MS ALAGENDRA: [Cont.]

23 Q. Good morning, Mr Witness.

24 A. Good morning.

10:06:34 25 Q. Witness, when we left off yesterday you were telling the
26 Court that Sam Bockarie and Issa Sesay used to sell those items,
27 meaning coffee and kola nuts, to buy arms and ammunition. I'm
28 going to continue from that point, witness.

29 A. Well, that was --

1 Q. I haven't asked a question. I just wanted to remind you
2 where we stopped. Is that okay?

3 A. Yes, okay.

4 JUDGE SEBUTINDE: Ms Alagendra, you notice that if you
10:07:14 5 speak too quickly after or at the same time there is nothing on
6 the record. You're just not picked up. Just to caution you to
7 be mindful.

8 MS ALAGENDRA: I will be mindful of that, your Honour,
9 thank you:

10:07:32 10 Q. Witness, how did Sam Bockarie and Issa Sesay get these
11 items, the coffee and kola nut?

12 A. Well, it was from the people's plantation in the Kailahun
13 where we were. There Sam Bockarie, Issa Sesay got the coffee,
14 cocoa and the kola nut from.

10:08:08 15 Q. Who did those plantations belong to?

16 A. The people who owned those plantations were descendants
17 from the Kailahun District. They planted them.

18 Q. What kind of people were they?

19 A. Those are the people who hailed from those areas. They
10:08:45 20 owned those plantation. The war took me there. That was the
21 understanding I caught. The civilians who were residing in those
22 areas before the war, those who cultivated those plantations,
23 they owned them.

24 Q. Witness, how did Sam Bockarie and Issa Sesay get these
10:09:06 25 items from the civilians in Kailahun?

26 A. Well, there came a time they will tell the G5 then the G5
27 would tell the chiefdom commander, the section commander and the
28 town commanders. From the chiefdom commanders to the section
29 commanders and then to the town commanders they were civilians.

1 So when Sam Bockarie and Issa Sesay gives the order to the G5 the
2 people I have named, the chiefdom commanders, section commanders
3 and the town commanders, they will ask them that each town and a
4 village where they have civilians, they always taxed the people
10:10:35 5 according to the number of people residing in that town to give
6 coffee, cocoa and kola nut. So when they receive that they will
7 give the information to Issa Sesay, Mosquito Sam Bockarie. So
8 they received those items from the civilians.

9 Q. Did the civilians give these items voluntarily?

10:11:22 10 A. No, it was not like that.

11 Q. Can you explain how it was then?

12 A. Yes. A command was given for those people to produce those
13 items, they will ask them to give the RUF movement. So some
14 people grumbled to produce those items, yet they would do that.

10:12:11 15 Q. Was there ever a situation when you were based in Buedu
16 when civilians refused to comply with these instructions?

17 A. Yes, it did happen in some villages where civilians were
18 reluctant to give their coffee, cocoa and kola nuts.

19 Q. Did anything happen to those civilians?

10:12:50 20 A. Yes. The areas where civilians had refused to give those
21 items, they were forced to do so. If they continued to refuse,
22 some of those civilians were held and then placed in a guardroom.
23 Then later they would be released and ensured that they produce
24 the amount they were supposed to give.

10:13:36 25 JUDGE SEBUTINDE: Ms Alagenda, is this a hypothetical
26 situation or are you going to give some foundation of an actual
27 place where this happened?

28 MS ALAGENDRA: I was going to proceed to the locations,
29 your Honour:

1 Q. Witness, can you tell the Court where in Buedu this
2 happened, where civilians were taken to the guardroom and held
3 there for refusing to give their products?

4 JUDGE SEBUTINDE: Did the witness mention the word Buedu?

10:14:13 5 MR MUNYARD: It was counsel who mentioned the word Buedu in
6 introducing the matter, as I recall. I'll be corrected if I'm
7 wrong.

8 PRESIDING JUDGE: I have a note that the witness mentioned
9 descendants from Kailahun District which is different to Buedu.

10:14:31 10 MS ALAGENDRA: Your Honour, I will rephrase the question
11 taking into account the witness's answer:

12 Q. Witness, are you able to tell the Court in which locations
13 in Kailahun District this happened?

14 A. This happened in Buedu where I was when a document came out
10:14:58 15 produced by Sam Bockarie and Issa Sesay. It happened in the
16 villages around Buedu.

17 Q. Are you able to recall the names of some of these villages?

18 A. It happened in a town called Kangama, people refused to
19 give their coffee, cocoa and kola to the RUF. Then there were
10:15:39 20 other villages but I have forgotten the names. Later when I left
21 Buedu and went to Kailahun Town it happened in a town called
22 Kollah Boama. So I could recall those two towns and the other
23 villages I could not recall.

24 Q. Witness, can you spell Kollah Boama for the Court, please?

10:16:11 25 A. Yes.

26 Q. Please do, witness.

27 A. K-O-L-L-A-H, Kollah, Boama, B-O-A-M-A. Kollah Boama.

28 Q. Witness, do you know what happened to the civilians in
29 Kangama who refused to give their coffee, cocoa and kola nut to

1 the RUF?

2 A. Yes.

3 Q. What happened, witness?

4 A. Well, at the time I was in Buedu as the area IDU commander.

10:17:15 5 Those who refused to give the coffee, cocoa and kola nut, the
6 bodyguard for Sam Bockarie, Issa Sesay went to Kangama. The
7 coffee, cocoa and kola nut that was discovered in the houses of
8 civilians or even a fighter having it in his house were taken
9 from them and then taken to the business site where RUF and the
10:18:07 10 Guinean people were doing business. That is what I know.

11 Q. Besides taking the products from the house did anything
12 else happen to these civilians?

13 A. Well, at the time civilians who had wanted to stand against
14 that, you would be flogged and the property taken from you.

10:18:53 15 Besides beating I don't know about any other thing that happened
16 to them.

17 Q. Who would beat the civilians, witness?

18 A. The bodyguards of Sam Bockarie and Issa Sesay.

19 Q. Witness, as the area IDU commander in Buedu did you do
10:19:30 20 anything about this?

21 A. Well, I used to give the information to the district IDU
22 commander who himself was in Buedu.

23 Q. Could you remind us of his name again, please, witness?

24 A. The deputy district IDU commander was Sheku Coomber.

10:20:04 25 Q. You've told us you gave the information to the district IDU
26 commander, is that correct?

27 A. Yes.

28 Q. And I'm asking you the name of the district IDU commander?

29 A. The name of the district IDU commander was Francis Musa.

1 Q. Did anything happen after you reported this matter to
2 Francis Musa?

3 A. Nothing happened after.

10:21:04

4 Q. Did the IDU unit in Kailahun take any action for this
5 conduct?

6 A. No.

7 Q. Witness, you testified yesterday that between June 1997
8 until February 1998 you were based in Zimmi Makpele as the IDU
9 commander. Do you recall that?

10:21:34

10 A. Yes.

11 Q. Who were you reporting to?

12 A. At the time I reported directly to Augustine Gbao, the
13 overall IDU commander and the chief security officer for the
14 RUF/SL.

10:22:02

15 Q. Witness, before I proceed on this issue I want to take you
16 back a little bit. Can you tell the Court who was the G5
17 commander based in Kailahun at the time you were in Buedu as the
18 area IDU commander?

19 A. Yes.

10:22:25

20 Q. Please do so, witness.

21 A. The G5 commander that was in Kailahun at the time, at the
22 time was one Morie Fekai.

23 Q. Are you able to spell that for the Court?

24 A. Yes.

10:22:47

25 Q. Please do so, witness.

26 A. M-O-R-I-E, Morie, F-I-E-K-A, Fekai.

27 Q. Witness, going to the time when you were in Zimmi Makpele
28 in 1997 you said you were reporting to Augustine Gbao. Where was
29 Augustine Gbao based at this time?

1 A. At the time he was based in Kenema Town.

2 Q. At this time do you know where Sam Bockarie was based?

3 A. Yes.

4 Q. Where was he based?

10:23:46 5 A. Sam Bockarie was based in Kenema Town.

6 Q. How do you know that?

7 A. Well, there was a time I came and passed a night with him
8 in the area where he was. I came from Zimmi and passed the night
9 with him in the house where he was.

10:24:17 10 Q. Where was his house located?

11 A. His house was at - when you are leaving Kenema to go to
12 Blama, there was a highway from the left-hand side leaving Kenema
13 for Blama. There the house was.

14 MS ALAGENDRA: Your Honours, I believe the word Blama is a
10:24:50 15 word this Court is familiar with.

16 PRESIDING JUDGE: I'm not sure if Defence are so maybe for
17 caution we should spell it.

18 MS ALAGENDRA: It's B-L-A-M-A, your Honour.

19 PRESIDING JUDGE: I thought it was G-B-L-A-M-A.

10:25:08 20 MS ALAGENDRA: Perhaps I should ask the witness to provide
21 us with the spellings:

22 Q. Witness, can you spell Blama for the Court, please?

23 A. Yes.

24 Q. Please do, witness.

10:25:19 25 A. B-L-A-M-A, Blama.

26 Q. Witness, when you went to visit Sam Bockarie in Kenema for
27 that one night do you recall if you met anyone there?

28 MR MUNYARD: Can we try to be a little bit more specific
29 about when this is?

1 MS ALAGENDRA: Your Honour, the witness has just testified
2 he went to Kenema on one night. That's the one night I'm
3 referring to, your Honour.

4 MR MUNYARD: I know that, I'm asking --

10:26:01 5 PRESIDING JUDGE: Of the 365 in the year?

6 MR MUNYARD: Thank you.

7 MS ALAGENDRA:

8 Q. Witness, are you able to tell the Court when is it that you
9 went to visit Sam Bockarie in Kenema?

10:26:16 10 A. Yes.

11 Q. When was that, witness?

12 A. The time, it was in 1997 August. It was the time I went
13 there. It was only one - it was not only once. I went there
14 more than one time.

10:26:46 15 Q. Witness, when you visited Sam Bockarie in August 1997 are
16 you able to recall the other people that you might have met
17 there?

18 A. Yes, I can recall some of the people I met there, those he
19 was residing with in that house, Sam Bockarie.

10:27:13 20 Q. Who was the person that Sam Bockarie was residing with in
21 the house?

22 A. The time I went there I saw somebody whose name was Jungle.
23 He was at the house. I also saw one Junior Vandi, his other name
24 is JR. That very night I was there when Mike Lamin too arrived
10:27:56 25 there. There were some other people who were also junior
26 fighters. Even Sam Bockarie's wife too was there as well.

27 Q. Witness, you have said that you went to Kenema Town to
28 visit Sam Bockarie more than once. On how many occasions did you
29 meet these people that you've named?

1 A. Well, the other visits I made to Sam Bockarie in Kenema,
2 the person I had not been meeting all the time at the house was
3 Mike Lamin, but the others had been residing there together with
4 Sam Bockarie. Even though the house was divided into apartments,
10:29:05 5 Sam Bockarie residing in one apartment and even Jungle himself
6 was residing in one of the apartments.

7 Q. Witness, who is Jungle, do you know?

8 A. Yes, I knew Jungle.

9 Q. Who was Jungle?

10:29:30 10 A. Jungle, I knew him as one of the fighters.

11 Q. Do you know where he is from?

12 A. Yes.

13 Q. Where?

14 A. He is from Liberia. He's a Liberian.

10:29:53 15 Q. And when you say fighters are you able to say which group
16 he was a fighter for?

17 A. Jungle was an NPFL member. He was an NPFL fighter.

18 Q. How do you know Jungle?

19 A. I knew Jungle at Zogoda in 1995. I met him there together
10:30:28 20 with Foday Sankoh. When I was called by Foday Sankoh to meet him
21 at Zogoda, there I met him and I knew him.

22 Q. Do you know what he was doing with Foday Sankoh in Zogoda?

23 A. The information I heard about him when I met him, he was
24 one of the person, like Jungle, Foday Sankoh would send them from
10:31:15 25 RUF territories to Liberia to Guinea. That was what I knew about
26 Jungle.

27 Q. Do you know what was the purpose that Foday Sankoh was
28 sending Jungle to Liberia and Guinea?

29 A. Well, the way I understood it, he was somebody whom Foday

1 Sankoh would send to Liberia for us to get arms and ammunition.
2 Then also he used to go to Guinea to get food items for the RUF.
3 That was what I understood.

10:32:22 4 Q. What made you understand or why did you understand that
5 Foday Sankoh was sending Jungle to Liberia for arms and
6 ammunition?

7 A. The time when Foday Sankoh called me, I would sit very
8 close to him whilst they sit to discuss some of those issues.
9 There I was able to gather some information. He will ask Jungle
10:33:00 10 about patrols he had made with other people. They would be
11 sitting, discussing. Because myself, Foday Sankoh considered me
12 as an experienced person so when I used to visit him I would sit
13 very close to him. So that was the way I gathered information
14 about the movement of Jungle.

10:33:30 15 Q. Do you know where in Liberia Jungle was getting arms and
16 ammunition from during this time?

17 A. Well, that one I wouldn't say because I had not been
18 travelling with him.

19 Q. Witness, you told the Court that between March and December
10:34:03 20 1998 you were based in Qui va and you said Qui va is in Kailahun
21 District?

22 A. Yes.

23 Q. And you told the Court your assignment there was as 2nd
24 Battalion IDU commander?

10:34:29 25 A. Yes. I was the 2nd Battalion IDU commander at Qui va.

26 Q. Who were you reporting to when you were in Qui va?

27 A. At the time I reported to the 1st Brigade IDU commander.

28 Q. What was his name?

29 A. His name was John Ngevoa.

1 Q. Are you able to spell his second name, Ngevoa?

2 A. Yes.

3 Q. Please do so, witness.

4 A. N-G-A-V-O-A.

10:35:34 5 THE INTERPRETER: Correction interpreter. The witness said
6 N-G-E, not A. N-G-E-V-O-A.

7 MS ALAGENDRA:

8 Q. Witness, what was your assignment in Qui va as 2nd Battalion
9 IDU commander?

10:36:03 10 A. Assignment was to give reports about crimes that are
11 committed by people in the RUF against the civilians or even the
12 civilians committing crimes. As long as you find yourself in the
13 territories of the RUF it was my duty to obtain statements from
14 you and then investigate you.

10:36:39 15 Q. Witness, during the time you were based in Qui va did
16 anything happen to civilians?

17 A. Yes.

18 Q. What happened?

19 A. For us to base in Qui va we met civilians there. They were
10:37:06 20 forced to move out from there and then we established a battalion
21 headquarter there. That night some civilians lost their lives,
22 some lost their properties.

23 Q. How did these civilians lose their lives?

24 A. Well, some of them were killed by RUFs and AFRC fighters
10:37:42 25 with a gun. It was in the evening that we entered there, so
26 people were finding houses to stay. So throughout that night
27 everything was in disarray. And the next morning, the following
28 morning, there were dead corpses around the town.

29 Q. How did the civilians lose their properties?

1 A. Well, those that we met, by then some had gone to the bush.
2 When they came back they were unable to enter into their houses.
3 RUF and AFRC fighters had taken their houses away from them
4 forcefully.

10:38:45 5 Q. Witness, as the 2nd Battalion IDU commander based in Qui va
6 at this time did you take any action for this?

7 A. Yes.

8 Q. What action did you take?

9 A. I compiled that and then compiled the report of that, my
10:39:21 10 weekly reports, my monthly report, and then sent that to the
11 brigade IDU commander.

12 Q. Was any action taken on your report?

13 A. Action was taken.

14 PRESIDING JUDGE: Mr Interpreter, did you say, "Action was
10:39:45 15 taken"?

16 THE INTERPRETER: No action was taken, your Honour.

17 THE WITNESS: No.

18 MS ALAGENDRA:

19 Q. Witness, at this time where was Augustine Gbao based?

10:40:06 20 JUDGE SEBUTINDE: Ms Alagendra, you had better get your
21 record straight. The interpreter says no action was taken and
22 then the witness says no, meaning what? Was action taken or was
23 action not taken?

24 MS ALAGENDRA: I will clarify that with the witness, your
10:40:23 25 Honour:

26 Q. Witness, was any action taken on your report with regards
27 to what was happening in Qui va?

28 A. No action was taken against those people that committed the
29 crimes against the civilians.

1 Q. Witness, at this time where was Augustine Gbao based?

2 A. He was based in Kailahun Town.

3 Q. Was he aware of what took place in Qui va?

4 A. Yes, he was aware of it.

10:41:15 5 Q. How do you know that he was aware of it?

6 A. Besides the report I sent to the 1st Brigade IDU commander
7 I also met him and explained the situation that happened in Qui va
8 with the civilians.

9 Q. What was his reaction when you explained it to him?

10:41:50 10 A. He didn't do anything.

11 Q. Witness, at the time you were based in Qui va do you know if
12 anything happened in Kailahun Town?

13 A. Yes, I learnt that something happened in Kailahun Town.

14 Q. What did you learn happened?

10:42:28 15 A. I learnt that during the AFRC time in 1998 some civilians
16 who had come from Guinea, Liberia and from the Daru area and came
17 to Kailahun Town and the surrounding villages, they had just
18 returned there because they lived there before then, Sam Bockarie
19 gave an order that those civilians should be jailed.

10:43:11 20 Q. Do you know why he gave that order?

21 A. When I came I tried - I inquired from my commander himself
22 Augustine Gbao and he said that Sam Bockarie had placed the
23 people in a cell because he said they were suspected to be
24 Kamajors.

10:43:45 25 Q. Witness, are you able to say when this happened?

26 A. Yes.

27 Q. When?

28 A. That was around third week of March to April 1998.

29 Q. Do you know how many people were jailed by Sam Bockarie?

1 A. I don't know the exact number but they were more than 20.

2 Q. Did anything happen to these people who were suspected to
3 be Kamajors?

4 A. Yes.

10:44:41 5 Q. What happened?

6 A. Sam Bockarie killed those people without investigating
7 them.

8 Q. How do you know that?

9 A. Well, just after he had killed those people, when he
10:45:15 10 visited us, when he returned to Kailahun, between three and five
11 days I visited my people in Kailahun Town, my relatives. I went
12 there on a pass.

13 THE INTERPRETER: Your Honours, can the witness repeat the
14 last bit.

10:45:45 15 PRESIDING JUDGE: Pause, Mr Witness. The interpreter
16 requires you to repeat the last part of your answer. I would ask
17 you to speak a little slower to allow the interpreter to
18 interpret.

19 JUDGE SEBUTINDE: You just finished saying, "I visited my
10:46:02 20 people in Kailahun Town, my relatives. I went there on a pass".
21 Now please continue from there.

22 THE WITNESS: When I was passing, going to my house, the
23 people Sam Bockarie had killed, he had done the thing between
24 three and five days before I got there, so I got the smell. I
10:46:31 25 inhaled the smell when I was passing, the odour. But before I
26 went there, when he killed those people I heard it from the radio
27 communication that Sam Bockarie, his bodyguards and some other
28 people had killed civilians from the guardroom, they took them
29 from the guardroom and killed them. And I went and met my former

1 commander Augustine Gbao. I asked him if he knew about the
2 killing of the people and Augustine Gbao responded yes, he said
3 he knew.

4 MS ALAGENDRA:

10:47:29 5 Q. Witness, at this time when you went to Kailahun and you saw
6 these bodies do you know where Sam Bockarie was?

7 JUDGE SEBUTINDE: Did the witness say he saw the bodies?
8 We don't have that in evidence.

9 PRESIDING JUDGE: He said he smelt the odour.

10:47:51 10 JUDGE SEBUTINDE: For that matter we don't know what odour
11 he smelt. I certainly don't.

12 MS ALAGENDRA:

13 Q. Witness, when you told the Court that you went to Kailahun
14 Town and you smelt some odour what was that odour?

10:48:12 15 A. It was the odour of the corpses, the people Sam Bockarie
16 had killed, that was the odour I smelt.

17 Q. How do you know that was the odour?

18 A. The odour, everybody knew that there was a particular area
19 where the killings took place, everybody - everybody got the
10:48:48 20 odour. It was not difficult to know.

21 Q. How were you able to say specifically that the odour was
22 for that reason?

23 A. In the morning when I was passing I saw the flies hovering
24 around the corpses. There was nothing else around there. The
10:49:27 25 smell, the odour was from the corpses.

26 Q. Did you see the corpses, witness?

27 A. I saw the corpses from afar but I didn't go close to them.

28 Q. Witness, at this time when you went to Kailahun and saw
29 these corpses do you know where Sam Bockarie was?

1 A. At that time when I was in Kailahun I heard that he had
2 gone to Buedu.

3 Q. Did you hear if he went anywhere else after going to Buedu?

4 A. Yes. I learnt that he had left Buedu and gone elsewhere.

10:50:39 5 Q. Do you know where elsewhere he had gone?

6 MR MUNYARD: He can't say that he knows. He can only say
7 what he heard.

8 PRESIDING JUDGE: That is correct, Ms Alagendra. You must
9 lay some foundation for the knowledge that you're putting to him.

10:51:02 10 MR MUNYARD: And before any further question is put can I
11 make a general point here, because there's so much hearsay coming
12 in through all of these witnesses, that if the Prosecution are
13 intending leading hearsay then they should do so in the proper
14 manner and make it clear that the witness is telling something
10:51:21 15 that he has been told, not something that he has personal,
16 direct, actual knowledge of.

17 MS ALAGENDRA: Your Honours, the witness has been
18 testifying about what he heard. His answer was, "At the time I
19 was at Kailahun I heard he had gone to Buedu" and my question was
10:51:39 20 did you hear he went anywhere else.

21 MR MUNYARD: The question was do you know where Sam
22 Bockarie was and this is not a proper question. If my learned
23 friend is going from one of the many documents that record
24 accurately or otherwise the account that this witness has been
10:51:59 25 giving over the years to the Office of the Prosecutor then she
26 must know that it's not a proper question to ask him do you know,
27 if in the documentation that she's going from he merely is saying
28 he has been told.

29 PRESIDING JUDGE: Ms Alagendra, the Court depends entirely

1 on the evidence that comes from the witness. You cannot impute
2 knowledge either to us or to the witness. It must come from him
3 directly and if it is hearsay there must be some form of foundation
4 or it must be clear it is hearsay. If he has knowledge then
10:52:35 5 where that knowledge emanates from must be made clear through the
6 witness.

7 MS ALAGENDRA: Your Honour, I was intending to first
8 establish knowledge and then find out where he got the knowledge
9 from, but I will proceed as your Honour pleases:

10:52:59 10 Q. Witness, you testified that you learnt he had left Buedu
11 and gone elsewhere. How did you learn that?

12 A. When I returned to the battalion base where I was at IDU
13 2nd Battalion commander I visited the radio communication office.
14 The two radio communication operators showed me the radio log
10:53:33 15 book and they told me that Sam Bockarie had left Buedu to
16 Liberia. Then I read the message myself which stated that
17 ex-President Charles Dankpannah Ghankay Taylor had sent one of
18 his commanders to take Sam Bockarie to Liberia so that they could
19 meet in Monrovia. That was how I knew that he left Buedu to
10:54:16 20 Liberia, through the operators that were at the battalion
21 headquarters.

22 Q. Witness, you've testified that Augustine Gbao said he knew
23 about the killings of the suspected Kamajors. Do you know if he
24 did anything about these killings?

10:54:45 25 A. He did not do anything else. He did not take any action.

26 Q. Witness, you told the Court that you were based in Segbwema
27 in Kailahun District as IDU commander from December 1998 to
28 March/April 1999. Do you recall that?

29 A. Yes, I recall.

1 Q. Who were you reporting to as IDU commander in Segbwema?

2 A. I reported directly to Francis Musa.

3 Q. Do you know at that time who Francis Musa was reporting to?

4 A. Yes. He reported directly to Augustine Gbao.

10:55:58 5 Q. What was Francis Musa's position at this time when you were
6 based in Segbwema?

7 PRESIDING JUDGE: Ms Alagenda, another one "I knew" has
8 slipped in and we don't know how he knew.

9 MS ALAGENDRA:

10:56:17 10 Q. Witness, how do you know that Francis Musa reported to
11 Augustine Gbao?

12 A. At that time he was the defence IDU commander, Francis
13 Musa, so he reported directly to Augustine Gbao.

14 Q. How do you know that, witness?

10:56:48 15 A. Well, Francis Musa himself came and met me in Segbwema.
16 Then he made me to understand that he was the defence IDU
17 commander. He even gave me some reports to be taken to Augustine
18 Gbao, which I did.

19 Q. Witness, at this time what was Francis Musa's position in
10:57:21 20 Segbwema?

21 A. He just paid a visit to Segbwema, but he was based in Buedu
22 as defence IDU commander. He went to pay a visit in Segbwema.

23 Q. Witness, what were your responsibilities as IDU commander
24 when you were based in Segbwema?

10:58:11 25 A. My duties at Segbwema as IDU commander was to report on
26 crimes against the people, the human rights abuses. Any fighter
27 or junior or senior officers who committed crimes, it was my duty
28 to write reports about that, send that report and inform the
29 other senior commanders to me.

1 Q. When you say to report on crimes against the people, what
2 kind of people are you talking about?

3 A. If an RUF or AFRC fighter committed a crime against a
4 civilian it was my duty to write a report. Even between fighters
10:59:25 5 themselves like RUF and RUF, between the two fighters. Everybody
6 who committed a crime against each other, it was my duty to write
7 an action - to write a report so that an action could be taken
8 against that person and if a commander committed a crime it was
9 my duty to write a report to the immediate commander in charge.

10:59:50 10 Q. At the time you were based in Segbwema do you recall if
11 anything happened to civilians in Segbwema?

12 A. Yes, something happened to the civilian population in
13 Segbwema.

14 Q. What happened?

11:00:13 15 A. Well, when we captured Segbwema, in two to three weeks time
16 an RUF fighter killed civilians in Segbwema. Then I wrote a
17 report about him and sent it to the defence IDU commander who was
18 Francis Musa and he received the report.

19 Q. How do you know that an RUF fighter killed civilians in
11:00:59 20 Segbwema?

21 A. We in Segbwema, the two of us, myself and that particular
22 fighter, were living very close to each other. Our residences
23 were close to each other. I went out of the house. When I
24 returned home I met the civilian had - the soldier had just
11:01:37 25 killed the civilians and his bodyguards were with him.

26 Q. What was the name of this soldier?

27 A. His name was Alhaji Put More.

28 Q. Could you spell Put More?

29 A. Yes. P-U-T, Put, M-O-R-E, More.

1 Q. How many civilians did he kill?

2 A. There were more than 25.

3 Q. You were telling the Court that when you returned home you
4 saw that he had killed the civilians, he and his bodyguards.

11:02:25 5 Please continue from there.

6 A. I met him having the gun in his hands - in his hand and I
7 saw the corpses myself on the ground and I asked him, "Alhaji Put
8 More, why have you killed these civilians?" And he asked me to
9 get out of his sight. He said those people were Kamajors. And I

11:03:01 10 told him that, "We have captured this town and we've been living
11 together with these people for about one to two weeks, how would
12 you just kill them now claiming that they are Kamajors?" I said,
13 "Those people are innocent people that you've killed." And he
14 said if I kept on saying the same thing that I was saying he will

11:03:35 15 do something bad to me, because I was an IDU personnel who was
16 just there to write about them. So I stopped the argument and I
17 wrote the report against him and I sent it to Francis Musa and
18 included the names of his bodyguards who were involved too.

19 Francis Musa met me in Segbwema and told me that he had received
11:04:12 20 the report about Alhaji Put More.

21 Q. Do you know if any action was taken against Alhaji Put More
22 and his bodyguards for these killings?

23 A. I did not see them take any action against him.

24 Q. Witness, was Augustine Gbao made aware of these killings in
11:04:52 25 Segbwema?

26 MR MUNYARD: By whom?

27 MS ALAGENDRA: That was going to be my next question, your
28 Honour.

29 MR MUNYARD: It should be the first question because the

1 next question cannot be posed until the first question is asked.

2 MS ALAGENDRA: Your Honours, I first need to make it clear
3 that Augustine Gbao knew about it and only then establish how he
4 knew. If I put both the questions together it would be a
11:05:21 5 compound question.

6 PRESIDING JUDGE: The first question - you're saying -
7 asking him in a vacuum did another person know. You've got to
8 establish that he or someone within his knowledge communicated to
9 Gbao.

10 MS ALAGENDRA:

11 Q. Witness, do you know if these killings in Segbwema were
12 reported to Augustine Gbao?

13 A. Yes.

14 Q. How did you know that it was reported?

11:06:08 15 A. The same report that I gave to Francis Musa, he in turn
16 made some other reports and gave them to me to be taken to
17 Augustine Gbao in Makeni and I took the reports to Augustine Gbao
18 myself.

19 Q. Do you know if Augustine Gbao looked at the reports you
11:06:45 20 carried to him?

21 A. Yes, he read it as I gave him the reports. I was there
22 when he read the reports that I gave to him. In my presence he
23 read them.

24 JUDGE SEBUTINDE: Ms Alagenda, when the witness says and
11:07:08 25 Francis Musa in turn made some other reports does he mean copies
26 of his report or what does he mean?

27 MS ALAGENDRA:

28 Q. Witness, when you told the Court that Francis Musa made
29 some other reports what do you mean by that?

1 A. The other reports that he made, at the time that he was at
2 the defence headquarters, the activities that were going on,
3 those were the reports that he compiled and gave them to me to
4 take to Augustine Gbao.

11:07:49 5 Q. Did you see the contents of the reports that you were
6 carrying to Augustine Gbao?

7 A. Yes, like the one that Francis Musa gave to me, he opened
8 it and we read it, the two of us, and he closed it again and gave
9 it to me to be taken to him.

11:08:19 10 Q. Besides the incident of the 25 killings --

11 PRESIDING JUDGE: I'm not sure which he. Is this he Musa
12 or Gbao?

13 MS ALAGENDRA:

14 Q. Witness, when you say he gave it to me to be taken to him,
11:08:38 15 who gave it to you?

16 A. Francis Musa gave me the reports to be taken to Augustine
17 Gbao.

18 Q. Besides the incident of the 25 killings by Alhaji Put More
19 what else did the reports contain?

11:09:06 20 A. The other report which I said Francis Musa gave to me
21 concerned the - Sam Bockarie's travel from Buedu to Liberia, the
22 ammunition he brought, that was the report he wrote. That was
23 what I saw in the report that I took to Augustine Gbao.

24 Q. Ammunition who brought?

11:09:36 25 A. Sam Bockarie brought the ammunition from Liberia.

26 Q. Did the report state where in Liberia this ammunition was
27 coming from?

28 A. Well, it was in it.

29 Q. What did it state? Where did the ammunitions come from?

1 A. According to the report it was stated that the trips that
2 Sam Bockarie made to ex-President Charles Taylor, the ammunitions
3 that he gave to him and that Francis Musa made the report about,
4 those were the information that was in the reports that was given
11:10:47 5 to me to be taken to Augustine Gbao.

6 Q. Witness, at the time when you were based in Segbwema to you
7 know if anything happened to civilians in Kono?

8 A. Yes, I got information about bad things that happened to
9 civilians in the Kono District.

11:11:23 10 Q. Where did you get this information from?

11 A. That was the time I travelled to Makeni. I went through
12 Kono District headquarter, I passed a night at Koakoyima, that
13 was where the Joint Security office was. I passed the night
14 there. Then the following morning I continued the journey to
11:11:55 15 meet Augustine Gbao in Makeni.

16 Q. So where did you get the information from that bad things
17 happened to civilians in Kono?

18 A. It was at the Joint Security office when I went to visit my
19 comrades that were working in that office, I got that information
11:12:28 20 from them.

21 Q. What were the bad things that they told you were happening
22 to civilians in Kono?

23 A. They explained to me that the time we withdraw from -
24 withdrew from areas like Freetown, right up until the time we
11:12:53 25 went to the jungle, the killings that happened, the civilians who
26 were killed, were amputated, and later when ECOMOG took over Kono
27 and when they in turn later recaptured the place and the killings
28 and amputations that happened there as well were explained to me,
29 that many people were killed innocently in Kono District and many

1 amputations took place in Kono District.

2 Q. I just want to clarify some things with you from the answer
3 you've just given us. When you say the time we withdrew from
4 areas like Freetown, what time is that?

11:13:48 5 A. That was February - second week of February 1998, that was
6 when we withdrew from Freetown. Those who were in Freetown
7 withdrew and those who were in Zimmi Makpelle, we withdrew from
8 the place. That was the second week of February 1998.

9 Q. Witness, who do you mean by we?

11:14:10 10 A. The Revolutionary United Front of Sierra Leone fighters and
11 the Armed Forces Revolutionary Council, AFRC fighters.

12 Q. When you say right up until the time we went to the jungle
13 what jungle are you talking about?

14 A. That is the RUF and AFRC jungle.

11:14:41 15 Q. Witness, when you say the killings had happened, the
16 civilians who were killed, were amputated, where were these
17 civilians killed and amputated?

18 A. The way my comrades at the Joint Security briefed me about
19 the amputations, they told me it took place in Kono District, a
11:15:19 20 placed called Tombodu. And also the highway leading to Njaiama
21 Sewafe, they also spoke about that.

22 MS ALAGENDRA: Your Honours, the spelling --

23 JUDGE SEBUTINDE: After the spelling I want you to clarify
24 the phrase, "Civilians were killed innocently".

11:15:45 25 MS ALAGENDRA: Your Honours, the spelling of Tombodu and
26 Njaiama Sewafe has been given to this Court before:

27 Q. Witness, when you say civilians were killed innocently what
28 do you mean?

29 A. What my colleague Joint Security personnel told me, that

1 was when a fighter would just meet a civilian and kill that
2 civilian. Whether there was an enemy there or no enemy was
3 there, he would just open fire and kill the civilians and if the
4 civilian had property like vehicles or money, they would take it
11:16:48 5 from the civilians. That was how those innocent civilians were
6 killed.

7 Q. Witness, who was killing and amputating civilians in
8 Tombodu and Njaiama Sewafe area?

9 A. The killings and amputations were perpetrated by both RUF
11:17:28 10 and AFRC fighters. But for the amputation, when I was at the
11 Joint Security office what my colleagues told me, two people's
12 names were more notorious with regards the amputation. My
13 colleagues mentioned a Savage, they said he was one of the
14 commanders who was doing the amputations in the Tombodu area,
11:18:19 15 cutting off of arms, and another lady called Adama. In fact they
16 used to call her Adama Cut Hand. That was the information I got
17 from my colleague Joint Security personnel at Koakoyima and I
18 moved from there and went to Makeni.

19 Q. What if anything did you do with this information that you
11:18:54 20 received?

21 A. Yes.

22 Q. What did you do?

23 A. When I met with the overall IDU commander and chief
24 security officer for the RUF Augustine Gbao I explained to him
11:19:28 25 that those were the pieces of information I had got from my
26 colleague joint securities personnel at Koakoyima and Augustine
27 Gbao in turn told me that he had got similar pieces of
28 information.

29 Q. Do you know if any action was taken against the AFRC and

1 RUF for the killings and amputations of civilians in these areas?

2 A. No action was taken against anybody.

3 Q. How do you know that?

4 A. I was a member of the joint security. If any action was

11:20:25 5 taken against anybody, if anybody was brought to justice, I would

6 have known. But that did not happen. No fighter was brought to

7 Joint Security office at either Kono, Buedu or Makeni for the

8 things that they were doing against the civilians, the innocent

9 civilians who were killed and the amputations that they did. I

11:21:03 10 did not see any fighter arrested for that.

11 Q. Witness, you told the Court that in March - I beg your

12 pardon, April 1999 you were based in Makeni as an IDU personnel.

13 Do you recall that?

14 A. Yes.

11:21:29 15 Q. Who were you reporting to in Makeni?

16 A. To Augustine Gbao.

17 Q. What were your duties in Makeni as IDU personnel?

18 A. It was to report crimes committed against civilians or

19 crimes committed by a fighter against another fighter or any

11:22:12 20 crime committed that was against the rules and regulations of the

21 RUF, it was my duty to report to Augustine Gbao.

22 Q. While you were based in Makeni did anything happen?

23 A. Yes, something happened in Makeni.

24 Q. What happened?

11:22:42 25 A. There was an infighting between RUF and AFRC, that is

26 Dennis Mingo and Gibril Massaquoi, Sam Bockarie was --

27 THE INTERPRETER: Your Honours, can the witness repeat that
28 answer.

29 PRESIDING JUDGE: Which part of the answer, Mr Interpreter?

1 THE INTERPRETER: The whole piece of this last answer.

2 PRESIDING JUDGE: Mr Witness, the interpreter requires you
3 to answer the piece of your last answer. We have on record there
4 was infighting between RUF and AFRC and you gave the names.

11:23:31 5 Continue from there, please. The names you gave were Mingo,
6 Massaquoi and Bockarie. Continue from there, please.

7 THE WITNESS: There was an infighting amongst us, the RUF
8 and the AFRC. We were divided into two groups. One of the
9 groups was the RUF and AFRC fighters. That was Sam Bockarie,
10 Issa Sesay, Morris Kallon, they constituted one group. Then
11 Dennis Mingo and Gibril Massaquoi constituted the other group
12 which fought against each other.

13 MS ALAGENDRA:

14 Q. Witness, did you leave Makeni at some point?

11:24:42 15 A. Yes.

16 Q. Why did you leave Makeni?

17 A. That infighting made me to leave Makeni and came to
18 Magburaka.

19 Q. Why did it make you leave Makeni?

11:25:12 20 A. I was afraid because we knew one another, we had stayed
21 long together and then we had now taken arms against one another,
22 so that was why afraid so I left Makeni for Magburaka.

23 Q. How did you know that during this infight arms and
24 ammunition - I beg your pardon, arms were going to be taken
11:25:42 25 against each other?

26 A. The two groups were attacking each other. They had their
27 fighter forces, both groups have their fighting forces, they were
28 attacking each other.

29 Q. During the time you were in Makeni did you attend any

1 muster parade?

2 A. No, I did not attend a muster parade in Makeni.

3 Q. Did you attend any meetings?

4 A. In Makeni, no.

11:26:36 5 Q. Did you attend any meetings even if not in Makeni but
6 during the time you were based in Makeni as IDU personnel?

7 A. Yes, I attended a muster parade.

8 Q. Where was this muster parade held?

9 A. The muster parade was held near the government hospital in
11:27:18 10 Magburaka Town.

11 Q. When was this muster parade held? Do you remember the
12 date?

13 A. It was in 1999, around April 1999, I can remember. That
14 was when we held the muster parade in Magburaka.

11:27:58 15 Q. What happened during this muster parade in Magburaka?

16 A. During the muster parade I saw two senior RUF officers, one
17 of them was Morris Kallon, then the other one was Siem Kolleh. I
18 saw Siem Kolleh with an AAC twin barrel, anti-aircraft gun. He
19 had arms and ammunition in that vehicle together with RPG bombs.
11:29:01 20 Then Siem Kolleh told Morris Kallon that Sam Bockarie had sent
21 those materials, he brought them from Liberia to go and fight
22 against Dennis Mingo and others.

23 PRESIDING JUDGE: Just pause, Mr Witness. Ms Alagendra, I
24 understand the tape has just run out and unfortunately that means
11:29:31 25 we will have to adjourn at this point. Mr Witness, you may or
26 may not have finished your answer, but unfortunately we have to
27 adjourn at this point and we will resume court again at 12
28 o'clock.

29 [Break taken at 11.30 a.m.]

1 [Upon resuming at 12.00 p.m.]

2 PRESIDING JUDGE: Please proceed, Ms Alagendra.

3 MS ALAGENDRA: Thank you, your Honour:

4 Q. Witness, before we went on break you mentioned the name
12:00:32 5 Siem Kolleh. Can you spell that for the Court, please?

6 A. Siem Kolleh. S-I-E-M, Siem. Kolleh, K-O-L-L-E-H.

7 Q. Witness, who is Siem Kolleh?

8 A. He was an RUF vanguard.

9 Q. Witness, you testified earlier that Siem Kolleh told Morris
12:01:31 10 Kallon that Sam Bockarie had sent those materials, meaning the
11 arms and ammunition and the anti-aircraft gun, and that he
12 brought them from Liberia. Did Siem Kolleh say where in Liberia
13 Sam Bockarie got these materials from?

14 A. Yes, he said that in the muster parade where I was there,
12:02:09 15 including RUF and AFRC members.

16 Q. What did he say about where in Liberia Sam Bockarie got
17 these materials from?

18 A. Siem Kolleh told us that Sam Bockarie got those materials
19 from Charles Taylor.

12:02:38 20 Q. Witness, when you left Makeni where did you go?

21 A. From Makeni I went to Magburaka. There I attended the
22 muster parade I am talking about.

23 Q. Where did you go after Magburaka?

24 A. I took a travelling pass from Augustine Gbao and went back
12:03:15 25 to Kailahun.

26 Q. Where in Kailahun did you go to?

27 A. I went back to Kailahun Town for some time, then later
28 I was posted to Pendembu.

29 Q. Witness, when you were in Kailahun Town did you hear what,

1 if anything, happened in Makeni?

2 A. It was all about the infighting that was going on there.
3 That was what I was even afraid of, that made me to go back to
4 Kailahun.

12:04:00 5 Q. Did you hear if anything happened during this infight?

6 A. Yes.

7 Q. What happened?

8 A. Well, the two groups that was fighting between themselves,
9 I heard that they were killing themselves.

12:04:33 10 THE INTERPRETER: Your Honours, they were killing each
11 other.

12 MS ALAGENDRA:

13 Q. Are you able to recall the names of any persons who died
14 during this infight?

12:04:47 15 A. Yes. I can recall one Rambo that died during the
16 infighting. Then I recall another fighter called Bruno. He too
17 died during the infighting.

18 Q. Which group did Rambo belong to?

19 A. Rambo was part of Sam Bockarie, Morris Kallon and Issa
12:05:26 20 Sesay's group.

21 Q. Witness, you told the Court that around May/June you were
22 assigned to Pendembu. May/June of 1999 you were assigned to
23 Pendembu, which is in Kailahun District.

24 A. Yes.

12:05:47 25 Q. And your assignment was as 1st Brigade IDU chief clerk. Do
26 you recall that?

27 A. Yes.

28 Q. Who were you reporting to in Pendembu?

29 A. I reported to the 1st Brigade IDU commander.

- 1 Q. What was his name?
- 2 A. John Ngevoa.
- 3 Q. Do you know who John Ngevoa was reporting to?
- 4 A. Yes.
- 12:06:28 5 Q. Who?
- 6 A. He reported to the overall IDU commander.
- 7 Q. Who was that, witness?
- 8 A. Augustine Gbao.
- 9 Q. What were your duties as --
- 12:06:49 10 JUDGE SEBUTINDE: Have we spelt Ngevoa before?
- 11 MS ALAGENDRA: Yes.
- 12 JUSTICE SEBUTINDE: Did I just miss it? I beg your pardon.
- 13 MS ALAGENDRA: If your Honours could give me one second to
- 14 check the transcript. Your Honour, it was spelt at page 31, line
- 12:07:17 15 14.
- 16 MR MUNYARD: I wonder if we could have it again. It will
- 17 be quicker if it is spelt than we go back searching through the
- 18 record.
- 19 MS ALAGENDRA: Your Honours, the spelling that was given by
- 12:07:31 20 the witness was N-G-A-V-O-A:
- 21 Q. Witness, what were your duties as 1st Brigade IDU chief
- 22 clerk?
- 23 A. Well, my functions were, as 1st Brigade IDU chief clerk,
- 24 I was responsible to issue out travelling pass to civilians and
- 12:08:15 25 fighters to travel to Liberia, or Guinea. Also, the civilians
- 26 that fighters had captured, that were brought, we used to screen
- 27 them at the Joint Security, under the Joint Security unit.
- 28 Q. Witness, explain what you mean by screening of captured
- 29 civilians at the Joint Security unit?

1 A. Well, when civilians were captured by the fighters and
2 brought, we write down their names, their date of birth, where
3 they hail from, the town or village where they were born. We
4 asked them some questions to know if they were civilians, or to
12:09:35 5 know whether they were fighters as well in the places they came
6 from. So, after those processes, as Joint Security, those
7 captured civilians, their families would come and append their
8 signatures for them and then they will take them along to stay
9 together. Those were some of the duties I performed, together
12:10:23 10 with some other security personnels.

11 Q. Witness, what do you mean when you say the families would
12 come and append their signatures for them? Can you explain that?

13 A. The families will come and sign their signatures for those
14 captured civilians, because we were not having places to keep
12:10:48 15 those civilians, or to provide food for them. But if you have a
16 family and then he comes and signed his signature for you, you
17 will take that person and stay together. After the screening,
18 they will sign for them and take them along. We keep the record,
19 the records of the number of them that they captured.

12:11:21 20 Q. Witness, where were these civilians captured from?

21 A. Some were captured around Daru, Segbwema area. Some came
22 in as returnees from Liberia.

23 Q. Witness, can you repeat your answer as to where they were
24 captured from?

12:11:55 25 A. Some were captured around the Daru area and also around the
26 Segbwema area.

27 Q. Witness, who captured these civilians?

28 A. The RUF and AFRC fighters.

29 Q. How many captured civilians were there with the RUF in

1 Pendembu?

2 A. There were people who were staying with us. Those captured
3 civilians, they could amount to 500 that stayed with us in
4 Pendembu.

12:12:59 5 Q. Now, you told us what happens to civilians who had family
6 members there. What about those civilians who did not have
7 family members to come and sign for them? What happened to those
8 civilians?

9 A. Well, those that were without families, some of them
12:13:31 10 fighters came and signed for them and took them along. They took
11 them to their houses.

12 Q. Do you know for what purpose these civilians were taken by
13 the fighters to their houses?

14 A. Yes.

12:13:54 15 Q. What was the purpose, witness?

16 A. Some were taken to their houses to undertake domestic work.

17 Q. Did these civilians go to do domestic work with fighters
18 voluntarily?

19 A. No.

12:14:27 20 Q. Under what circumstances did civilians --

21 JUDGE SEBUTINDE: Ms Alagenda, again we are in this area
22 where I don't know if this is hypothetical, or we are referring
23 to a particular circumstance? Is this hypothetical?

24 MS ALAGENDRA: I will ask the witness, your Honour.

12:14:44 25 JUDGE LUSSICK: I was in the same quandary, Ms Alagenda.

26 If you will notice that what sparked off this line of evidence
27 was your question, "What about those civilians who did not have
28 family members to come and sign for them?" Well, it has never
29 been established that there ever were civilians who didn't have

1 any family to come and sign for them, so I too am in doubt
2 whether this is just a hypothetical situation, or whether
3 something like this really happened.

4 MS ALAGENDRA: I understand, your Honour. I will clarify
12:15:18 5 from the witness:

6 Q. Witness, when you were in Pendembu screening civilians, was
7 there a situation where the civilians who had been captured and
8 screened did not have family members who could come and take them
9 from the Joint Security office?

12:15:46 10 A. Yes, sometimes it did happen.

11 Q. What happened to those civilians that were captured and in
12 Pendembu who did not have family members to come and sign for
13 them?

14 A. There were some of them, fighters will come and sign for
12:16:08 15 them and take them along. There were some civilians, other
16 civilians will come and sign for them and take them to their
17 houses.

18 Q. Those civilians, when you were in Pendembu, who were signed
19 for by fighters and taken to their houses, do you know what they
12:16:29 20 were taken for?

21 A. Well, to work for them and to stay with them as human
22 beings.

23 Q. And those civilians who were taken by fighters, did they go
24 with them voluntarily?

12:16:56 25 A. Please repeat your question.

26 Q. Those civilians who were taken by fighters to their houses,
27 the fighters' houses to do work, did they go with these fighters
28 voluntarily?

29 A. Well, for that I don't have the answer because I never knew

1 what was in their mind, but those who came and signed for them,
2 those who were not having family members to come for them,
3 I wouldn't know whether they were willing or not.

12:17:47 4 Q. Witness, how did you know that civilians who were being
5 signed for by fighters were being taken to do domestic work in
6 the houses of these fighters?

7 A. Well, in our office we prepared the documents as a Joint
8 Security body, so after doing our work, after screening them, we
9 will have the documents. Whosoever comes to sign for those
12:18:18 10 people, you signed for the number of people you want to stay with
11 you. We were working in that office, I was one of the members,
12 so I came to know.

13 Q. Witness, among the civilians that were captured and were in
14 Pendembu, can you tell the Court if there were women amongst
12:18:40 15 these civilians?

16 A. Yes, there were women among them.

17 Q. What, if anything, happened to these women?

18 A. Well, the only thing I knew about that, there were some
19 women captured by fighters, there were some they never brought
12:19:25 20 them to our office. They stayed with them. Those that they
21 brought to us, we undergo the process we were conducting, but
22 those that they kept with themselves, I never knew what happened
23 to them.

24 Q. Those that were brought to your office, do you know what
12:19:46 25 happened to them?

26 A. Yes. We asked them questions when they were captured. We
27 asked them questions.

28 Q. From the questions you asked them were you able to know
29 what happened to them?

1 MR MUNYARD: Sorry, is this question directed to, "Do you
2 know what happened to them which led up to their being captured
3 and then questioned?", or, "Do you know what happened to them in
4 the future?" If it is the latter then we need to know on what
12:20:29 5 basis this witness has any knowledge of women once they passed
6 through his office and presumably out of his hands.

7 MS ALAGENDRA: Your Honours, I am still at the stage where
8 the witness is telling us the women were being brought and
9 screened. That is the stage I am with this witness. What
12:20:45 10 happened after will follow on from that.

11 PRESIDING JUDGE: That is not entirely clear. You said,
12 "Those that were brought to the office, do you know what happened
13 to them?" "We asked them questions." He said, "We asked them",
14 and you said, "From the questions were you able to tell what
12:21:10 15 happened to them?"

16 MS ALAGENDRA: Meaning the past.

17 PRESIDING JUDGE: So you are talking about what happened
18 prior to their being asked the questions?

19 MS ALAGENDRA: Yes, so they are being asked questions about
12:21:20 20 what happened to them before they were being asked questions.

21 PRESIDING JUDGE: Maybe that could be a little clearer.

22 MS ALAGENDRA:

23 Q. Witness, what were you asking these women questions about?

24 A. Well, we asked them when the fighters captured them, the
12:21:42 25 way they were treated at the time they were captured. Some
26 explained that they lost their properties, some complained that
27 they were forced to come. Those two complaints were many. Some
28 said they were not willing to come, some complained that they
29 lost their property.

1 Q. Did they tell you how they lost their property?

2 A. Well, some explained that they were taken from them by the
3 fighters forcefully. Some will say he or she had left his
4 property behind and he is not sure whether, going back, he or she
12:23:00 5 will get the same property. So, I got the ideas from them.

6 Q. What happened to these women after you asked them questions
7 and they told you what happened?

8 A. Well, some will say they were not willing to come, but they
9 were forced to come.

12:23:38 10 Q. What happened to them after the procedures of the Joint
11 Security office, of screening them, was completed?

12 JUDGE SEBUTINDE: Ms Alagendra, I totally do not understand
13 the answer in light of the question you asked.

14 MS ALAGENDRA: That is why I am trying to rephrase the
12:23:54 15 question again, your Honour.

16 JUDGE SEBUTINDE: I don't think the witness probably
17 understood what you are asking either. Perhaps you could
18 rephrase.

19 MS ALAGENDRA:

12:24:08 20 Q. Witness, I am going to rephrase the last question I asked
21 you. You have told this Court that women were brought before the
22 Joint Security office and they complained to you about
23 circumstances of their capture and what happened during that
24 time, and this you explained was part of the screening process.
12:24:38 25 Now, my question to you is what happened after the screening
26 process?

27 A. Those that had relatives, their relatives would come and
28 sign for them at the office.

29 Q. Were there women in Pendembu, that were brought to you and

1 went through this screening process, who did not have relatives
2 in Pendembu who came and signed for them?

3 A. Yes, there were women among those groups that were there
4 without families, but there will be fighters who will come and
12:25:30 5 sign for those women and take them to their houses.

6 Q. During your time in Pendembu did fighters come and sign for
7 women and take them to their houses?

8 A. Some fighters came and signed for women. There were some
9 fighters who did not report about women they captured from the
12:26:00 10 front line.

11 Q. Those women who were signed for by fighters and taken with
12 them to their houses, do you know what, if anything, happened to
13 these women?

14 A. Well, what I knew, they were taking them to their houses to
12:26:38 15 live with them at the house, to stay with them. When they
16 encounter problems, that was their domestic affair, but what
17 I knew, they will come to the office and sign for them and take
18 them to the houses to live with them.

19 Q. Witness, you said you received the complaints from these
12:27:04 20 women about what happened during the time they were being
21 captured. What did you do with these complaints?

22 A. Those complaints we will forward to our commanders, our
23 senior commanders.

24 Q. What, if anything, did your senior commanders do about the
12:27:34 25 complaints you forwarded to them?

26 A. Well, there were some complaints, if we were able to
27 identify the person, then we will do what we want to do with the
28 person, but if we could not trace the person there was no way we
29 could hold the person responsible.

1 Q. Witness, while you were in Pendembu, how many such women
2 that were captured by the fighters and brought to your office
3 were sent with fighters to their homes?

12:28:43 4 A. About that, it was many. The fighters used to take women
5 to their houses and stay with them. They took several of them to
6 their houses.

7 Q. While these women were staying with the fighters do you
8 know what, if anything, they were doing in their houses?

12:29:13 9 A. Some took them to their houses to have sexual intercourse
10 with them. There were some who were there to be performing
11 domestic duties at the house, especially those who were not much
12 old enough to have sexual intercourse with them, but those that
13 were matured enough were taken to the houses to have sexual
14 intercourse with them.

12:29:37 15 Q. How do you know this, witness?

16 A. Well, all of that were part of the experiences I gathered
17 when I was working as a security personnel, because I know a
18 fighter who is not having a wife during that time wouldn't just
19 take a woman to his house to be with him, so when they come to
12:30:18 20 take those women from us, sometimes they will say they had
21 married them. Those that were not matured to have sexual
22 intercourse with them were taken to their houses to perform
23 domestic chores.

24 Q. Witness, during the time that you were based in Pendembu,
12:30:55 25 did you learn of anything which happened relating to UNAMSIL
26 peacekeepers that were based in Sierra Leone?

27 A. Yes.

28 Q. What did you learn happened?

29 A. Well, in May 2000 there was a morning I was in the radio

1 communication room, together with the radio operator. The
2 brigade commander himself was present that morning.

3 Q. Who was he, witness?

4 A. The brigade commander at the time was Denis Lansana. So,
12:32:04 5 then the operator, the radio operator, told us that RUF and AFRC
6 fighters have started shooting at the peacekeepers in Makeni and
7 Magburaka. He also informed us that the 2nd Battalion commander,
8 Mohamed Lukulay, his other name is Manawa, he too had arrested 21
9 UN peacekeepers at Qui va. So, later Denis Lansana went to
12:33:06 10 Kailahun. He said Issa had given him an order to go and arrest
11 the UN peacekeepers in Kailahun.

12 PRESIDING JUDGE: Ms Alagendra, are we on to a whole new
13 subject now?

14 MS ALAGENDRA: Yes, your Honour.

12:33:30 15 PRESIDING JUDGE: Because I still haven't worked out what
16 happened to those civilians that were signed for by family
17 members and went and stayed with "them".

18 MS ALAGENDRA:

19 Q. Witness, I am going to take you back to Pendembu. You said
12:33:46 20 that some of the civilians that were captured were signed for by
21 family members. What happened after family members signed for
22 them, for those captured civilians?

23 A. Some of those civilians, if they had no family member that
24 is a civilian, fighters will come and sign for them.

12:34:17 25 PRESIDING JUDGE: Mr Witness, I know about the fighters
26 coming to sign for those that had no family, but you also said
27 that those that had family, the family signed for them and they
28 went and stayed. Now, does that mean they just went and never
29 came back and you just had a name in your screening process, or

1 what happened to them when they went?

2 THE WITNESS: If we find out that something happened to
3 them during their capture, if they can identify the fighter that
4 did that bad thing to them, Joint Security will investigate about
12:35:25 5 the fighter and they will investigate the fighter in the Joint
6 Security office. But if the civilian could not recall the
7 fighter that did that bad thing to her, or him, we too, whatever
8 report we prepare about the complaint, the commander that was the
9 leader for that particular mission will have his name included in
12:36:10 10 that report: That so and so commander was the leader of a
11 mission and that was what happened to the civilian, but he could
12 not - we could not get the fighter that did the act. So, that
13 was the way we worked in this Joint Security office.

14 MS ALAGENDRA:

12:36:50 15 Q. Witness, did you have civilians that were captured and
16 brought to Pendembu to you for screening who were signed for by
17 family members?

18 A. Yes, it happened.

19 Q. After these family members signed for the civilians, where
12:37:12 20 did these civilians go?

21 A. We take them to their residence. They were free to stay
22 with them. As long as they had undergone the screening, we will
23 have nothing to do with them. They were free to stay in the
24 RUF/AFRC territories.

12:37:38 25 PRESIDING JUDGE: Thank you, Ms Alagenda. I am clear now.
26 Thank you.

27 MS ALAGENDRA: Your Honours, the witness had provided a
28 name, Mohamed Lukulay, Manawa, if I can spell it for the Court.
29 Lukulay is L-U-K-U-L-A-Y, Manawa is M-A-N-A-W-A:

1 Q. Witness, you were telling the Court, just before I started
2 asking you questions again about Pendembu, about the UN
3 peacekeepers and you stopped where you were telling the Court
4 that Denis Lansana went to Kailahun and he said Issa had given
12:38:43 5 him an order to go and arrest UN peacekeepers in Kailahun.

6 Witness, who is this Issa you are referring to?

7 A. Issa Sesay. He was the overall commander for the RUF at
8 the time when the peacekeepers business happened in Sierra Leone.

9 Q. What happened after Denis Lansana told you that?

12:39:22 10 A. He went to Kailahun and arrested some UN peacekeepers,
11 officers.

12 Q. Do you know the nationality of these peacekeepers that were
13 arrested?

14 A. Yes, I knew some of them. I knew the nationality of some
12:39:58 15 of them.

16 Q. What was the nationality of those that you knew?

17 A. Those that were arrested at Qui va by the 2nd Battalion
18 commander, Manawa, they were Indians.

19 Q. What about those that were arrested by Denis Lansana?

12:40:41 20 A. They too, many of them were Indians that were in Kailahun
21 Town.

22 MS ALAGENDRA: Your Honours, just to repeat my question for
23 the record. I think I spoke - my question was: What was the
24 nationality of those UN peacekeepers that were captured by Denis
12:41:11 25 Lansana:

26 Q. Witness, what happened to these peacekeepers after they
27 were captured?

28 A. Those that were captured by Manawa in Qui va were brought to
29 Pendembu. Those that were arrested by Denis Lansana in Kailahun

1 Town were taken to Giema.

2 Q. Yes, what happened after they were taken to Giema?

3 A. They were there for three days, then later they were taken
4 to Kailahun Town.

12:42:12 5 Q. What happened to those peacekeepers that were brought to
6 Pendembu?

7 A. They were there - they were there under house arrest. They
8 were placed in a house and were prevented from moving outside
9 that house to go anywhere.

12:42:42 10 Q. Who had placed them under house arrest?

11 A. It was Issa Sesay that gave the order that the people
12 should not move to anywhere.

13 Q. Did you come to know why these peacekeepers were arrested?

14 A. Yes.

12:43:09 15 Q. How did you come to know?

16 A. I knew this directly from my former commander who was
17 Augustine Gbao, overall IDU commander. At the same time he was
18 the chief security officer for the RUF movement. I knew this
19 from him, what happened, what happened that led to this arrest
12:43:49 20 through - that Issa Sesay, Morris Kallon, himself did.

21 Q. Did he tell you what led to this arrest by Issa Sesay and
22 Morris Kallon?

23 A. Yes, Augustine Gbao told me and there were other Joint
24 Security commanders at present.

12:44:15 25 Q. What did he tell you?

26 A. Manawa asked Augustine Gbao a question saying that, "Why
27 did Issa Sesay give him an order to arrest the peacekeepers?"
28 Augustine Gbao took out two sheets of papers and on these papers
29 something was written. Those two sheets of papers he showed to

1 us, one of them he gave to Ben Kenneh.

2 MS ALAGENDRA: Your Honours, Ben Kenneh is a name we have
3 heard before:

4 Q. Please proceed, witness.

12:45:19 5 A. Augustine Gbao told us that we, the junior officers, should
6 not be bothered about the arrest of the UN peacekeepers. He said
7 in the future, if they were brought before justice, they, the
8 senior officers, would be answerable. He said he had prepared
9 charges against the UN peacekeepers, the commander of the UN
12:46:02 10 peacekeepers in Sierra Leone and the Government of Sierra Leone
11 he too had prepared its own charges.

12 Q. Witness, did he tell you the name of the UN commander
13 against whom he had prepared charges?

14 A. Yes, his name was on the paper.

12:46:29 15 Q. Witness, the record says here that "the Government of
16 Sierra Leone too had prepared its own charges." Is that what you
17 said?

18 A. Please repeat. I don't understand that.

19 Q. You said that Augustine Gbao told you he had "prepared
12:46:54 20 charges against the UN peacekeepers the commander of the
21 peacekeepers in Sierra Leone and the Government of Sierra Leone
22 he too had prepared its own charges."

23 A. Yes, yes.

24 Q. Did he say that the Government of Sierra Leone had prepared
12:47:18 25 its own charges?

26 A. I don't understand this question. I would like you to
27 repeat it.

28 MS ALAGENDRA: Your Honours, perhaps I will just put my
29 question again so that I am not leading the witness.

1 PRESIDING JUDGE: Mr Witness, something was said in the
2 interpretation that is not clear and counsel is just clarifying
3 what was said to us in the interpretation. She will put that
4 question again. Please put it again, Ms Alagenda.

12:48:02 5 MS ALAGENDRA:

6 Q. Witness, can you repeat for the Court what Augustine Gbao
7 told you in relation to the arrest of the peacekeepers?

8 A. Augustine Gbao told us that they, as senior commanders for
9 the RUF/SL, were responsible for the arrest of the UN

12:48:32 10 peacekeepers in Sierra Leone. He said for that reason he had
11 prepared charges against the UN peacekeepers, the commander in
12 Sierra Leone and also he had prepared charges against the
13 Government of Sierra Leone.

14 Q. Did he tell you who the commander of the UN peacekeepers it
15 was that he had prepared charges against?

12:49:02 16 A. Yes, his name was on the charge list that he produced. The
17 commander of the UN peacekeepers, his name was there.

18 Q. Did you see the name?

19 A. Yes, I saw it clearly.

12:49:24 20 Q. What was the name that you saw?

21 A. The name of the UN - the commander of the UN peacekeepers
22 that Augustine Gbao wrote was Major General Jetley.

23 Q. Did Augustine Gbao tell you what were the charges he
24 prepared against the UN peacekeepers' commander and the
12:49:51 25 Government of Sierra Leone?

26 A. Yes.

27 Q. Was it the same charges for both of them?

28 A. No, there were differences. They were not the same.

29 Q. What did he tell you were the charges against the UN

1 peacekeepers' commander?

2 A. There were six charges, according to Augustine Gbao, which
3 he prepared. Then he gave the sheet of paper to Ben Kenneh to be
4 read to us who were present.

12:50:37 5 Q. What were the charges that were read out to you?

6 A. The first one that I can recall from amongst the six, the
7 first charge was that Augustine Gbao alleged that the commander
8 of the UN peacekeepers had joined hands with the Government of
9 Sierra Leone to destroy the RUF organisation, that he had

12:51:25 10 abandoned his duties that he had come to do. That was the first
11 charge that I can recall. There were some other five charges,
12 but those I cannot recall now.

13 MS ALAGENDRA: Your Honours, for the record Jetley is spelt
14 J-E-T-L-E-Y:

12:51:50 15 Q. Witness, for how long did these peacekeepers remain in
16 Pendembu?

17 A. They took some time, they spent some time.

18 Q. How did they come to leave Pendembu?

19 A. You mean the 21 UN peacekeepers?

12:52:29 20 Q. Those peacekeepers that were detained in Pendembu where you
21 were?

22 A. I was in Pendembu.

23 Q. You have said there were UN peacekeepers who were detained
24 in Pendembu; am I right?

12:52:47 25 A. Yes.

26 Q. How did they come to leave Pendembu, these UN peacekeepers?

27 A. Well, some of them were taken by helicopters and some
28 others, Issa Sesay took them and went with them.

29 Q. Do you know where they were taken to?

1 A. Yes.

2 Q. Where?

3 A. Some were airlifted. The helicopter came from Liberia,
4 took them from Pendembu and they were airlifted. The first batch
12:53:47 5 that Issa Sesay moved with, he took them into a vehicle, put them
6 into a vehicle, and they went to Liberia.

7 Q. Those that were taken by the helicopter that came from
8 Liberia, where were they taken to?

9 A. I knew they were taken to Liberia.

12:54:22 10 Q. How do you know this?

11 A. The helicopter came from the Liberian end and I saw
12 soldiers came from out of the helicopter and met us in Pendembu.
13 At the Pendembu court barri, they met us there, the soldiers.
14 Even the UN peacekeepers who were arrested, all of us were
12:55:06 15 together with the brigade commander, who was Denis Lansana.

16 Q. Who were these soldiers that came out of the helicopter?

17 A. Those were Liberian soldiers.

18 Q. How did you know that?

19 A. When they met us at the court barri, they called the
12:55:41 20 brigade commander, Denis Lansana. They said it was ex-President
21 Charles Dankpannah Taylor who had sent them to come and receive
22 the UN peacekeepers and take them to Liberia. That was how
23 I knew that they came from Liberia and they were taking them to
24 Liberia.

12:56:11 25 JUDGE SEBUTINDE: Ms Alagendra, sorry to interrupt.

26 I notice at page 79, line 12, I think the witness said that this
27 happened at the Pendembu court barri, but the transcript shows
28 Pendembu "barracks". I hope that this is corrected later.

29 MS ALAGENDRA: Your Honours, I heard the witness say court

1 barri as well. Should I ask the witness again?

2 MR MUNYARD: I think earlier on in the transcript it does
3 say court barri.

4 MS ALAGENDRA:

12:56:53 5 Q. Witness, you testified yesterday that in July 2000 you were
6 assigned as a secretary to Komba Gbundema. Do you recall that?

7 A. Yes, I can recall that.

8 Q. You told the Court that at this time Komba Gbundema was the
9 operational commander for the RUF?

12:57:20 10 A. Yes.

11 Q. Witness, what were your duties as secretary to Komba
12 Gbundema?

13 A. At that time my duties were to take record of arms and
14 ammunition, the number of fighters. The reports that were sent
12:58:02 15 to Komba Gbundema from the various areas, at times he gave them
16 to me for safekeeping. Those were my duties.

17 Q. What do you mean by reports from the various areas?

18 A. The missions that they were going out on in areas where
19 other commanders were. The two of us will take patrol, go there
12:58:39 20 on a patrol and they will give him the report and at times he
21 will give the report to me for safekeeping.

22 Q. Witness, you have said one of your duties was to take
23 record of arms and ammunition. Was there arms and ammunition in
24 Makeni at that time?

12:59:07 25 A. At the time I was working with him we used to have arms and
26 ammunition.

27 Q. Where did those arms and ammunition come from?

28 A. Issa Sesay brought those arms and ammunition to him to run
29 our operations.

1 Q. What operations did he bring those arms and ammunition for
2 you to run?

3 A. Well, for the time that I was with him, the arms and
4 ammunition that Issa Sesay brought to him, Issa Sesay gave the
13:00:02 5 order to Komba to attack Guinea.

6 Q. How do you know that Issa Sesay gave this order to Komba?

7 A. It was not a hidden thing because even my former commander
8 knew about it. That was Augustine Gbao. Morris Kallon himself
9 was there and many other RUF and AFRC fighters were there.

13:00:37 10 Q. Were where, witness?

11 A. At this time I was at Kamakwie Number 3 with Komba Gbundema
12 when Issa Sesay, Morris Kallon and my former commander, Augustine
13 Gbao, came and met us at Kamakwie and we all slept in the same
14 house. Then the following morning Komba Gbundema held a muster
13:01:23 15 parade and Issa Sesay and Morris Kallon addressed the fighters
16 there to go and attack the Guinean territory to oust Lansana
17 Conte.

18 Q. Who spoke at this muster parade and said that?

19 A. Issa Sesay was the first person to talk to us. Later
13:01:58 20 Morris Kallon addressed us and I also saw a Guinean who also
21 addressed us a bit.

22 Q. Witness, what did Issa Sesay say when he was addressing
23 this muster parade?

24 A. Issa Sesay told us at the muster parade that ex-President
13:02:37 25 Charles Taylor had given him that mission to launch an attack
26 against Lansana Conte in Guinea.

27 Q. Witness, did he say anything else?

28 A. Yes, he said the mission that Charles Taylor had given to
29 him, we should ensure that we accomplished it, that we should

1 attack the Guinean territory, that he had given him arms and
2 ammunition and bombs, so we should launch the attack and the
3 mission should be accomplished.

13:03:32

4 Q. I will stop you there. Who had given who arms and
5 ammunition and bombs to accomplish this mission?

6 A. According to Issa Sesay, he said it was ex-President
7 Charles Dankpannah Ghankay Taylor who had given him the arms,
8 ammunition, together with RPG bombs, to go and fight in Guinea to
9 overthrow Lansana Conte.

13:04:05

10 Q. Witness, who was this Guinean who was present and also
11 addressed the muster parade?

12 A. The first person who addressed us was called Amadu Toure.
13 Then the second one was Ibrahim Sidi ebay.

13:04:37

14 MS ALAGENDRA: Your Honours, if I can spell Kamakwie for
15 the Court, K-A-M-A-K-W-I-E:

16 Q. Witness, can you repeat the names again that you just
17 called out?

18 A. Yes.

19 Q. Please do, witness.

13:04:54

20 A. Which of the names?

21 Q. All the names, please.

22 A. You mean the Guinean nationals?

23 Q. Yes, that is right.

13:05:19

24 A. Okay. Amadu Toure and Ibrahim Sidi ebay. Those were the
25 Guineans who introduced themselves to us. After Issa Sesay had
26 introduced them to us, they themselves introduced themselves to
27 us.

28 Q. Witness, are you able to spell Ibrahim Sidi ebay?

29 A. Yes.

1 Q. Could you spell Si di ebay witness?

2 A. S-I-D-I-E-B-A-Y, Si di ebay.

3 MS ALAGENDRA: Your Honours, Toure is spelt T-O-U-R-E and
4 Amadu, A-M-A-D-U, phonetically, your Honours:

13:06:15 5 Q. Witness, do you know what happened after this meeting?

6 A. Yes, after the meeting, yes.

7 Q. What happened?

8 A. After Issa Sesay had passed the command to Komba Gbundema,
9 we put some of the materials into the vehicle and brought them to

13:06:57 10 Kambia District headquarters town.

11 Q. What was the name of that town?

12 A. Kambia.

13 Q. Did anything happen after that?

14 A. Yes.

13:07:16 15 Q. What happened?

16 A. After we left Kambia Town we came to Kambia Town junction.
17 We held a meeting there too. The brigade commander in the area
18 was present at that meeting.

19 Q. What was his name?

13:07:48 20 A. His name was Abubakar Jalloh and his other name was Tall
21 Bai Bureh.

22 Q. Which group did he belong to?

23 A. RUF.

24 Q. Did anything happen after this meeting?

13:08:11 25 A. Yes.

26 Q. What happened?

27 A. The first mission, they went and entered the Guinean
28 territory and launched an attack against the Guineans.

29 Q. Who launched an attack against the Guineans?

1 A. At that time Komba Gbundema went on the mission, Short Bai
2 Bureh too went and Tall Bai Bureh appointed one commander whose
3 name was Osho. Those were the senior commanders who went on that
4 mission, the first one.

13:09:04 5 MS ALAGENDRA: Your Honours, Bai Bureh is spelt B-A-I, the
6 second word is B-U-R-E-H. The other names the witness called is
7 Short Bai Bureh.

8 PRESIDING JUDGE: Tall.

9 MS ALAGENDRA: He said a short one after that as well:

13:09:24 10 Q. Witness, do you know another name for Short Bai Bureh?

11 A. Yes.

12 Q. What was his name?

13 A. Andrew Swaray.

14 Q. Who was he?

13:09:50 15 A. At that time he was one of the commanders for the Guinea
16 mission.

17 Q. Which group did he belong to?

18 A. He was an RUF member.

19 MS ALAGENDRA: Your Honours, Swaray is S-W-A-R-A-Y:

13:10:25 20 Q. Witness, you told the Court yesterday that on 14 January
21 2001 you were assigned as mining commander in Ngaiya in Kono
22 District. Do you recall that?

23 A. Yes.

24 Q. Who gave you this appointment, witness?

13:10:47 25 A. The overall mining commander appointed me to work at Ngaiya
26 as mining commander.

27 Q. The overall mining commander for which group?

28 A. RUF.

29 Q. What was his name?

- 1 A. Amara Peleto.
- 2 Q. Do you know who Amara Peleto was reporting to at the time?
- 3 A. Yes.
- 4 Q. Who?
- 13:11:32 5 A. He reported directly to Issa Sesay.
- 6 Q. Witness, as mining commander in Ngaiya, how many areas did
7 you have control over?
- 8 A. There were six towns and villages that I controlled.
- 9 Q. Are you able to name them?
- 13:12:04 10 A. Yes.
- 11 Q. Please do so, witness?
- 12 A. Ngaiya, Yengema, Tongoma, Bandafay, Small Ngaiya, then
13 another town, but I cannot remember the name now of that town.
- 14 MS ALAGENDRA: Your Honours, Tongoma is spelt
13:12:45 15 T-O-N-G-O-M-A:
- 16 Q. Witness, can you spell Bandafay?
- 17 A. Yes.
- 18 Q. Please do so.
- 19 A. B-A-N-D-A-F-A-Y, Bandafay.
- 13:13:04 20 Q. Can you spell Ngaiya?
- 21 A. Yes.
- 22 Q. Please do so.
- 23 A. N-G-A-I-Y-A.
- 24 MS ALAGENDRA: Your Honours, Yengema is a place this Court
13:13:29 25 has heard before:
- 26 Q. Witness, were there mining pits in these six areas?
- 27 A. Yes.
- 28 Q. What kind of mining pits?
- 29 A. They were mining pits where people were working.

1 Q. What was being mined in those pits?

2 A. Diamonds.

3 Q. How many pits were there in these six areas that you had
4 control over?

13:14:24 5 A. It was more than 200 mining pits in those six areas where
6 I had control over.

7 Q. Who was working in those mining pits at the time you had
8 control over them?

9 A. Civilians were working at those mining pits and even
13:14:52 10 RUF/AFRC fighters were also working there.

11 Q. As mining commander, what were your duties?

12 A. Some of my duties assigned to me by my commander were that
13 I should select days in a week that towns, members of it all
14 should work for the government to wash gravels for the RUF.

13:15:37 15 Q. What do you mean by "government"?

16 A. At that time RUF/AFRC, that was how we referred to
17 ourselves. We said we were a government.

18 Q. Who did the commanders say should be working for the
19 government to wash gravel for the RUF? Who should be doing this
13:15:59 20 work?

21 A. The civilians who the commander told me to bring together
22 to be doing the work, to work for the RUF, to wash the gravels
23 for the RUF.

24 Q. To bring what together to be doing the work?

13:16:32 25 A. The civilians.

26 Q. Did you bring the civilians together to be doing diamond
27 mining for the RUF?

28 A. Yes.

29 Q. How did you do it?

1 A. I did it just as the overall mining commander had told me.
2 I had personnel in the mining office, so when it would come to
3 the time for the work, I would instruct them to gather the
4 civilians to go and wash the gravel for the RUF/AFRC movement.

13:17:23 5 Q. What do you mean by personnel? Who were these personnel?

6 A. Those were the other RUF/AFRC fighters who were with me as
7 a commander. I used to send them to bring the civilians together
8 to do the mining for the RUF/AFRC movement.

9 Q. How were civilians brought to be doing mining for the
13:17:57 10 RUF/AFRC movement?

11 A. The personnel would bring the people forcefully.

12 Q. Witness, what do you mean by "forcefully"?

13 A. If, for example, we were to wash gravel today for RUF/AFRC
14 movement in Ngaiya, we would wait until the civilians would start
13:18:34 15 doing their own work, so the personnel would go there and put
16 them under gun point and bring them. If anybody resisted coming,
17 that person would be beaten and the order that the commander gave
18 to me, if the civilian persisted in his resistance he should be
19 killed.

13:19:03 20 Q. Witness, during the time that you were mining commander,
21 were civilians beaten and killed while being gathered and brought
22 to mining pits?

23 A. Yes, that happened.

24 Q. Do you know how many civilians were killed?

13:19:33 25 A. You mean the area where I had control over?

26 Q. Yes.

27 A. I noticed that civilians were killed during the mining. It
28 happened there was an incident between my personnel and the
29 civilians and civilians died there.

1 Q. Do you recall how many civilians died?

2 A. My own area of control, I can recall it was about three
3 civilians who died.

4 Q. Was there mining going on in Kono other than the six areas
13:20:32 5 you have mentioned that were under your control?

6 A. Yes, there were many other places where mining was going
7 on.

8 Q. Are you able to name some of these places?

9 A. Yes.

13:20:59 10 Q. Please do so.

11 A. Mining was going on in Tombodu, Kaisambo, Bumpe and other
12 places like Tongo Field and some other places. Mining was going
13 on there.

14 MS ALAGENDRA: Your Honours, Kaisambo is spelt

13:21:37 15 K-A-I-S-A-M-B-O and I believe your Honours have the spelling for
16 the other areas.

17 JUDGE LUSSICK: The witness referred to civilians dying,
18 three civilians, as a result of an incident between his personnel
19 and the civilians. That is where the evidence stays. We don't
13:22:01 20 know what type of incident, or what kind of death they met.

21 MS ALAGENDRA:

22 Q. Witness, you told the Court that there was an incident
23 between your personnel and some civilians and three of them died.
24 Can you describe what happened during that incident?

13:22:23 25 A. Yes.

26 Q. Please do so, witness?

27 A. The time when those people died, I visited the place. They
28 said they had refused to do the mining, so the pit where they
29 were, according to the explanation that I got, the mud fell on

1 them and so they died there, in the pit where they were working.

2 JUDGE SEBUTINDE: In other words, this was an accident? Is
3 that the evidence? Sounds like a mining accident.

4 MS ALAGENDRA: That is the testimony of the witness, your
13:23:21 5 Honour:

6 Q. Witness, you testified earlier that in the area where you
7 were, when civilians refused to come to work in the mines they
8 were beaten and killed by the AFRC/RUF fighters. Did this happen
9 during the time you were mining commander in these areas?

13:23:49 10 A. Yes, it happened.

11 Q. Are you able to say how many civilians were killed for this
12 reason?

13 A. The area where I was, I only knew about the three civilians
14 who died.

13:24:18 15 Q. Were these the three civilians you just told the Court died
16 in a mining accident?

17 A. Yes.

18 Q. Now, what about the civilians you said who were killed for
19 refusing to come to mine? How many civilians were killed because
13:24:53 20 they refused to come to mine?

21 A. I would not know the exact number of people that were
22 killed because I was not there. I don't actually know how it
23 happened.

24 Q. How did you know that the civilians were killed though?

13:25:19 25 A. The miners escaped from the mining field and they went -
26 I left the town and they left - when I left my area, Ngaiya, when
27 I returned I got the information. I found out that civilians
28 were killed.

29 Q. This information that you received when you left and

1 returned back to Ngaiya, did it include reasons why the civilians
2 were killed?

13:26:24 3 A. The personnel told me that the people refused to go and
4 wash gravel on that day, so when they asked them, when they met
5 them, they put up a fight and during the fighting people started
6 shooting and the civilians were killed.

7 Q. Witness, can you describe how mining was being done in Kono
8 at this time?

9 JUDGE SEBUTINDE: Ms Alagenda, surely, who are these
13:26:46 10 people who killed the civilians? Are you satisfied with that
11 kind of answer?

12 MS ALAGENDRA:

13 Q. Witness, who were the people who killed these civilians?

14 A. The mining personnel who were under my control. They did
13:27:05 15 the killings. They killed the civilians.

16 Q. Witness, can you describe how mining was being done in Kono
17 at this time?

18 A. Yes.

19 Q. Please do so, witness?

13:27:27 20 A. It was a two part system. If civilians had dug out gravel,
21 as a mining commander I would instruct them to pack the gravel.
22 One would be for the AFRC movement and the other would be for the
23 civilians. That was how we worked with them and it came to a
24 point that we would take these shovels and the sieve that the
13:28:20 25 civilians used to work with, we took them from them and we did
26 our own work.

27 PRESIDING JUDGE: Ms Alagenda, I am noticing the time. Is
28 this a convenient point?

29 MS ALAGENDRA: It is, your Honour. Thank you.

1 PRESIDING JUDGE: We will take the lunch break adjournment.
2 Mr Witness, we are now taking the lunch break adjournment. We
3 will resume court at 2.30. Please adjourn court.

4 [Lunch break taken at 1.30 p.m.]

14:12:27 5 [Upon resuming at 2.30 p.m.]

6 PRESIDING JUDGE: Good afternoon. I note a change of
7 appearance at the Defence Bar.

8 MR MUNYARD: Madam President, that is correct. There is
9 myself Terry Munyard, Morris Anyah and we are joined this
14:30:03 10 afternoon by one of our longest standing legal assistants and
11 witness management officer, Ms Fatiah Bal fas.

12 PRESIDING JUDGE: I think this might be Ms Bal fas's first
13 time in Court.

14 MR MUNYARD: It is her first time and it is rather overdue,
14:30:23 15 but we are very pleased to have her here today.

16 PRESIDING JUDGE: We will welcome her to Court. Thank you,
17 Mr Munyard.

18 MR MUNYARD: Thank you, Madam President.

19 PRESIDING JUDGE: Ms Al agenda, please proceed.

14:30:32 20 MS ALAGENDRA: Thank you, your Honour:

21 Q. Witness, just before we broke for lunch you were explaining
22 to the Court the system of mining that was in place in Ngai ya at
23 the time you were mining commander. Just for the record,
24 witness, can you repeat what the system was called?

14:30:57 25 A. Yes.

26 Q. Please do so, witness.

27 A. It was a two pile system. The mining that we were doing
28 for the RUF and AFRC movement, it was a two pile system that we
29 applied.

1 Q. Thank you, witness. And can you briefly describe what the
2 two pile system is about?

3 A. Yes.

4 Q. Please do so, witness.

14:31:30 5 A. If civilians dug out the gravel, if I got there as mining
6 commander I would instruct my personnel to pack the gravels, or
7 at times I would do it myself. I would divide it into two. One
8 is - one would be for the RUF/AFRC movement and the other one for
9 the civilians themselves.

14:32:09 10 Q. What was for the RUF/AFRC movement on one - on one part and
11 the other part for civilians, what is that that you are referring
12 to?

13 A. It was the gravel. If we met the civilians and dug out the
14 gravel, we would divide their gravel into two and we give one to
14:32:40 15 AFRC/RUF movement and the other one to the civilians.

16 Q. What is in that gravel?

17 A. We used to see diamonds in the gravels.

18 Q. The part that was given to the civilians, what happened to
19 that part?

14:33:15 20 A. At times we would tell them to wash theirs for themselves.
21 After we would have divided it, we just tell them that, "This one
22 is yours, so you should wash it for yourselves".

23 Q. What would happen after they washed it?

24 A. We would still be around. They would have security around
14:33:46 25 them. If they had a big diamond, that one we seized from them.

26 Q. When you say, "We would still be around them", what do you
27 mean? Who is "we" that you referred to?

28 A. We, the mining unit, because that was what my commander -
29 overall mining commander always told me that after we would have

1 divided the gravel you should not go too far away from them,
2 because it could be possible they will get a very big diamond and
3 if that happened we should take that one from them and take it to
4 the diamond office and maybe if the diamond office had anything
14:34:41 5 to give in return to that civilian they will do so.

6 Q. You should not go too far away from them, who do you mean by
7 "them"?

8 A. The mining unit. The mining unit personnel and the
9 personnel who would be doing the mining for themselves. That is
14:35:06 10 what I am referring to as "we", the mining unit personnel and the
11 civilians. After we would have done the division of the gravel
12 we, the mining personnel, like for example me the commander and
13 the personnel, they will be around to observe just so that in
14 case they got a big diamond we will seize that from them.

14:35:37 15 Q. In case who got a big diamond? Who would you seize this
16 diamond from?

17 A. From the civilians.

18 Q. Witness, when you were based in Ngaiya as mining commander,
19 did civilians find big diamonds doing the two pile mining system?

14:36:11 20 A. Yes, it happened.

21 Q. According to what you described, were these big diamonds
22 then taken away from them?

23 A. Yes, we will take it from them. The diamonds that they
24 will get from their own gravel, if we were around and we saw that
14:36:39 25 we will take it away from them.

26 Q. Was there ever an occasion when civilians did not want to
27 give their big diamond to the RUF?

28 A. Well they would refuse to give it, but we used force. We
29 will force them to give the diamond to us.

1 Q. Did anything happen to civilians who refused to give their
2 diamonds?

3 A. Yes.

4 Q. What happened?

14:37:24 5 A. Well, the order that the overall mining commander gave to
6 me was that if a civilian refused to give a big diamond to us we
7 should either beat that civilian, or kill him.

8 Q. Were civilians beaten or killed for refusing to give their
9 diamonds to you, or the personnel working under you, when you
10 served in this position?

11 A. That used to happen. We used to beat civilians who
12 attempted to resist giving us the diamonds. We would beat them
13 up if they refused giving the diamonds to us. We, the mining
14 unit.

14:38:23 15 Q. Were any civilians killed for this reason?

16 A. Well in my own mining areas I cannot recall that that
17 happened, but for the beating, yes, it happened. It used to
18 happen.

19 Q. Witness, you told the Court that one of the areas under
14:38:54 20 your command as mining commander was Yengema. During the time
21 that you were based in Yengema, do you know if there was an RUF
22 training base in Yengema?

23 A. Yes, yes, the time I was at Ngaiya I knew about a training
24 base at Yengema.

14:39:20 25 Q. Do you know if there was a commander in charge of that
26 training base?

27 A. Yes.

28 Q. Did you know the name of the commander?

29 A. Yes.

1 Q. What was the name of the commander?

2 A. It was Monica Pearson. She was the overall training
3 commander at the training base at Yengema.

4 [Redacted]

14:40:16 5

6 MS ALAGENDRA:

7 Q. Witness, at the time you were based in Kono, did you know
8 if there was an IDU Office that was operating in Kono?

9 A. Yes, there was an IDU Office in Kono.

14:40:38 10

Q. Where was this office located?

11 A. It was at Koakoyima.

12 Q. Was there a Joint Security office located in Kono?

13 A. Yes, it was located at Koakoyima.

14 Q. Do you know who were the IDU commanders who were based in

14:41:21 15

Koakoyima at the time?

16 A. I did not know the commander, but I knew some of the
17 personnel.

18 Q. Are you able to tell the Court if the IDU personnel in Kono
19 were aware of how civilians were treated in the diamond mining

14:41:55 20

areas that you were in charge of?

21 A. Yes.

22 Q. How did you know that the IDU Office was aware of this?

23 JUDGE SEBUTINDE: Was that yes he is able to tell us, or
24 yes they did know, because it is not clear?

14:42:34 25

MS ALAGENDRA:

26 Q. Witness, did the IDU Office in Kono, did they know about
27 how civilians were being treated in the diamond mining areas that
28 you were in charge of?

29 A. Well, they were supposed to know.

1 Q. Why do you say they were supposed to know?

2 A. Because they were security personnel. They were supposed
3 to have representatives in those areas to be reporting about the
4 activities in the areas.

14:43:28 5 Q. Did they have representatives in those areas where you
6 were?

7 A. For the IDU I did not see their representatives. I only
8 saw the MPs.

9 Q. Were the MPs aware of how civilians were being treated at
14:44:03 10 the diamond mining areas where you were?

11 A. Yes, they were aware.

12 Q. Yesterday you described to the Court the duties of the MP.
13 Now, can you tell Court whether the MPs took any action?

14 MR MUNYARD: Well before he does that, he hasn't told us
14:44:26 15 how the MPs were aware, what they were aware of and so on.
16 Before we move on to this next area, we have really got to have
17 some foundation for it.

18 MS ALAGENDRA: I will do so, your Honour.

19 PRESIDING JUDGE: Very well.

14:44:41 20 MS ALAGENDRA:

21 Q. Witness, how do you know that the MPs were aware of how
22 civilians were being treated in the diamond mining areas where
23 you were?

24 A. There were times I will see - I saw Issa Sesay's
14:45:07 25 bodyguards. They will come and capture civilians to go and mine
26 for the RUF movement, so they were aware about the mistreatment
27 of the civilians regarding the mining.

28 Q. How were the MPs aware that Issa Sesay's bodyguards used to
29 capture civilians?

1 A. Issa Sesay used to give the order to them to go and capture
2 civilians. It happened in my area, my own base. He sent them to
3 capture civilians and they did, took them to Number 11 mining to
4 mine for the RUF.

14:46:00 5 Q. Issa Sesay used to give the order to who to go and capture
6 civilians for mining?

7 A. I saw his bodyguards and the MPs. They used to come and
8 arrest civilians.

9 Q. You described yesterday to the Court the duties of the MPs.
14:46:28 10 Now, can you tell the Court whether the MPs took any action for
11 the mistreatment of civilians in diamond mines?

12 A. I don't understand the question. I would like you to
13 repeat it.

14 Q. Did the MPs take any action for the mistreatment of
14:47:12 15 civilians in diamond mines?

16 A. No, they did not take any action against any fighter for
17 the things that they were doing to the civilians with regards the
18 mining.

19 Q. Witness, during the time that you were in Ngaiya and
14:47:43 20 overseeing those areas you spoke about, do you know if anything
21 happened at the training base in Yengema?

22 A. Yes, I learnt that something happened at the training base
23 at Yengema.

24 Q. How did you learn that something happened at the training
14:48:07 25 base?

26 A. Well, one evening I was in Ngaiya and Issa Sesay passed
27 through in a vehicle together with his bodyguards.

28 THE INTERPRETER: Your Honours, can the witness repeat his
29 answer?

1 PRESIDING JUDGE: Mr Witness, the interpreter asks that you
2 repeat your answer. If you pick up from the bit after you said
3 that Issa Sesay had passed through together with his bodyguards.
4 Continue from there, please.

14:48:52 5 THE WITNESS: Issa Sesay and his bodyguards passed through
6 Ngaiya one evening, went and arrived at Yengema and then he
7 returned and passed through Ngaiya. I learnt from the miners
8 that used to go to Yengema that Issa Sesay had gone and killed
9 recruits at the training base. Then I went to enquire from one
14:49:55 10 Pa Kosi a. I asked him - I said I had heard that Issa Sesay had
11 gone and killed recruits at the training base and he said, "Yes".
12 He said, "Yes", but he himself would have to go and investigate
13 or enquire from him.

14 MS ALAGENDRA: Your Honours, Pa Kosi a is spelt P-A and the
14:50:27 15 next word is K-O-S-I-A:

16 JUDGE SEBUTINDE: Ms Alagenda, while we are at spellings,
17 I notice that the location Ngaiya is always spelt as Geiya, but I
18 think it is the location you described as N-G-A-I-Y-A previously,
19 isn't it?

14:50:47 20 MS ALAGENDRA: Yes, your Honour, that is the spelling given
21 by the witness. Your Honours, if it please the Court I could
22 provide a phonetic spelling if that would assist?

23 PRESIDING JUDGE: I think my learned colleague is referring
24 to the record where it is misspelt.

14:51:05 25 MS ALAGENDRA: Okay. Yes, that should be with an "N", your
26 Honours:

27 Q. Witness, what happened after Pa Kosi a told you that he
28 himself would have to go and investigate or enquire from him, but
29 before that when he said he himself would have to go and enquire

1 or investigate from him who was Pa Kosi a talking about?

2 A. He was talking about Issa Sesay.

3 Q. What did he do after he said that?

4 A. Later in the evening I met Pa Kosi a again. He told me that
14:51:58 5 he went and asked Issa Sesay about what he had heard about the
6 death of the recruits. He said if - he said Issa Sesay told him
7 that if he pursued those lines of questioning he too would get
8 his own punishment. He said he molested him and so he returned.
9 Later he himself went and confirmed that he killed recruits at
14:52:47 10 the training base. That is why I believed that Issa Sesay indeed
11 went and killed recruits at the training base.

12 MS ALAGENDRA: If I can seek some guidance from the Court.
13 My understanding is the word used by the Court is "molest", which
14 is a Krio word, if I can verify that?

14:53:08 15 PRESIDING JUDGE: I believe it is an English word as well,
16 but there is no harm in clarifying it because it is misspelt.

17 THE INTERPRETER: Your Honours, the witness used "molest"
18 and molest is M-O-L-E-S-T. It is an English word.

19 MS ALAGENDRA:

14:53:25 20 Q. Witness, when you say "molest", what do you mean?

21 A. He said he will disgrace him.

22 MR MUNYARD: Can I just point out that molest in English is
23 one word, not two.

24 PRESIDING JUDGE: We had noticed that.

14:53:58 25 MR MUNYARD: I was simply trying to be helpful.

26 MS ALAGENDRA:

27 Q. Witness, when you say that he himself went and confirmed
28 that he killed recruits at the training base, who is the "he"
29 that you are talking about?

1 A. That was Pa Kosi a.

2 Q. Did - who did he confirm killed recruits at the training
3 base?

14:54:39

4 A. He said he went and asked the training commander who was at
5 that training base.

6 Q. And what did the training commander tell him, did he say?

7 A. He said Issa came and killed some recruits and some of his
8 bodyguards too shot some of the recruits.

9 Q. Witness, who is Pa Kosi a?

14:55:11

10 A. The title I knew for Pa Kosi a was GS01.

11 Q. What was GS0 stand for?

12 A. General security officer.

13 Q. For which group?

14 A. For Revolutionary United Front of Sierra Leone.

14:55:36

15 Q. Witness, you have testified yesterday and today about your
16 various positions with the IDU unit from 1994 to 1999. In these
17 areas where you were assigned as part of the IDU unit, did the
18 civilians know what the IDU unit and the Joint Security Board
19 was?

14:56:05

20 PRESIDING JUDGE: How would he know?

21 MR MUNYARD: We are in exactly the same territory as we
22 were is it yesterday, or today, I don't remember. How could he
23 possibly answer a question like that?

14:56:16

24 PRESIDING JUDGE: I was just about to ask the same myself,
25 Mr Munyard. You are asking him to go into the minds of
26 civilians. How would he know? If you think he knows, lay the
27 foundation.

28 MS ALAGENDRA: Your Honours, I am trying to lay a
29 foundation without leading the witness:

1 Q. Witness, do you know if in these areas where you were
2 stationed with the IDU unit whether the civilians knew about the
3 existence of the IDU unit?

4 MR MUNYARD: Well, it is exactly the same point. I can see
14:56:51 5 a way in which the question could be properly asked, but I am not
6 prepared to assist the Prosecution to build something that at the
7 moment they don't even have the foundations of.

8 MS ALAGENDRA: Your Honours, if you could give me a minute
9 to seek some assistance from my colleagues.

10 MR MUNYARD: And can I also add this. I think my learned
11 friend is about ready. Can I also add this. That in the very
12 large number of pages of interviews with this particular witness,
13 as far as I can tell there is no basis in there for the question
14 that is being asked. I know that does not preclude my learned
14:58:07 15 friend from asking it, but we have the same incidents gone over
16 time and again in all sorts of different types of interview, but
17 as far as I am aware - and I will happily be corrected if I am
18 wrong - there isn't any information in there that we have been
19 supplied with that gives any indication at all as to how, if at
14:58:27 20 all, civilians will have known of the role of the IDU.

21 PRESIDING JUDGE: Ms Alagendra, please proceed.

22 MS ALAGENDRA:

23 Q. Witness, during the time that you were based in Peyama, did
24 IDU units receive complaints from civilians?

14:59:53 25 A. Peyama, no.

26 Q. During the time that you were based in Buedu as IDU
27 commander, did the IDU Office receive complaints from civilians?

28 A. Yes, civilians complained.

29 Q. When you were based in Kailahun Town, did civilians make

1 complaints to the IDU Office?

2 A. They made complaints. Civilians made complaints.

3 Q. What sort of complaints did they make when you were in
4 Kailahun Town?

15:00:57 5 A. At that time when Sam Bockarie, also known as Mosquito, and
6 Issa Sesay stopped the people from going to their plantation and
7 so the people were --

8 THE INTERPRETER: Your Honours, can the witness slow down?
9 Can he repeat his evidence?

15:01:20 10 PRESIDING JUDGE: Mr Witness, you are going too fast for
11 the interpreter. Please speak a little slowly and also pick up
12 again from the point where you said the people - "Issa Sesay
13 stopped the people from going to their plantation". Continue
14 from there, please.

15:01:36 15 THE WITNESS: At that time, I was in Buedu. The people
16 came - a lot of them came from Kangama and the other villages and
17 made a complaint at the Buedu Joint Security office. So the case
18 was still in Buedu when I transferred to Kailahun, but even when
19 I got to Kailahun similar complaints were there as well.

15:02:19 20 MS ALAGENDRA:

21 Q. Do you know if any action was taken on these complaints
22 from the civilians?

23 A. The Joint Security office was not able to take any action.

24 Q. When you were based in Quiva, the 2nd Battalion IDU
15:02:44 25 commander, did civilians bring complaints to the IDU Office?

26 A. Yes, that used to happen. Civilians used to make
27 complaints against fighters who used to do bad things to them.

28 Q. What kind of bad things did they complain about that was
29 being done to them by fighters?

1 A. At that time they used to go and loot the civilians'
2 property at night, then some of them had sexual intercourse with
3 some of the women at night in the villages. We used to get the
4 complaints at the Joint Security office.

15:03:45 5 Q. Was any action taken with regards these complaints that
6 were lodged by the civilians?

7 A. We could not take any action.

8 Q. When you were based in Segbwema as IDU commander, did the
9 IDU Office receive complaints from civilians?

15:04:20 10 A. Yes, that happened there.

11 Q. What kind of complaints did the civilians bring?

12 A. They complained some fighters who would go to the villages
13 at night and loot their property.

14 Q. Which fighters were they complaining about?

15:04:53 15 A. RUF and AFRC.

16 Q. Was any action taken on these complaints?

17 A. No.

18 Q. When you were based in Pendembu as 1st Brigade IDU chief,
19 do you know if civilians brought complaints to the IDU office?

15:05:34 20 A. It used to happen. The civilians will make complaints.

21 Q. What kind of complaints did civilians make in Pendembu?

22 A. Those whom they captured, they will bring the complaints
23 how they were captured and what they did at the front line and
24 stuff like that.

15:06:04 25 Q. Was any action taken on their complaints?

26 A. No.

27 Q. Why is it that complaints brought by civilians when you
28 were in Buedu, Qui va, Segbwema and Pendembu, why were they not
29 acted upon?

1 A. Like the ones in Buedu and Kailahun, that was different.
2 At that time, the RUF were together. The two commanders violated
3 the law.

4 Q. Which two commanders?

15:06:57 5 A. Sam Bockarie and Issa Sesay.

6 Q. Please continue with your answer, witness.

7 A. The one at Pendembu, Qui va, Segbwema, that was the RUF and
8 the AFRC. The bad things that the fighters were doing to the
9 civilians, it was difficult for us to get rid of the fighters who
10 used to do that. We did not see them do the acts, we only got
11 the complaints, except where if they said it happened and we were
12 there then we would write that a commander did this, or a soldier
13 did this. We would write a report about that.

14 Q. Witness, I asked you a question as to why no actions were
15:08:25 15 taken when civilians complained and you answered that, "The ones
16 in Buedu and Kailahun, that was different. At that time the RUF
17 were together. The two commanders violated the law", and you
18 named Sam Bockarie and Issa Sesay. How does that explain why no
19 action was taken on complaints?

15:08:55 20 A. You mean the complaint about the two commanders? Is that
21 what you mean?

22 Q. I am asking you to explain your answer, witness. I asked
23 you why no action was taken and you answered because Sam Bockarie
24 and Issa Sesay violated the law. How does that answer the
15:09:13 25 question, can you explain?

26 A. Yes.

27 Q. Please do so.

28 A. At that time the two of them were the most senior
29 commanders in that area where we were, Kailahun District. We

1 were there as RUF. At that time we had not joined forces with
2 the AFRC yet. They just took the law into their own hands. They
3 never respected human rights where we were. We used to fear
4 them, we the Joint Security personnel. We used to fear
15:10:12 5 Sam Bockarie and Issa Sesay. We feared them. They just violated
6 the law as they wished.

7 Q. Have you completed your answer, witness?

8 A. Yes.

9 MS ALAGENDRA: Thank you. Your Honours, I have no further
15:10:33 10 questions.

11 PRESIDING JUDGE: Thank you, Ms Alagenda.

12 Cross-examination? Mr Munyard, are you leading the witness?

13 MR MUNYARD: Your Honour, yes, I will conduct the
14 cross-examination of this witness. I have moved microphones and
15:10:59 15 I know that in the past when I have used this particular
16 microphone it sometimes doesn't pick up what I'm saying so if the
17 transcribers notice that, if they could let us know I will try
18 and do something about it.

19 CROSS-EXAMINATION BY MR MUNYARD:

15:11:32 20 Q. Mr Mansaray, I think that your first name is Mustapha, but
21 you also go by another name as well as Mustapha. Is that right?

22 A. Yes.

23 Q. By the name of Marvin. What are you most well known by,
24 Mustapha or Marvin?

15:11:56 25 A. Marvin.

26 Q. Is that an alternative name or is that your nickname?

27 A. It is my middle name, not a nickname.

28 THE INTERPRETER: Your Honours, can counsel wait for
29 interpretation.

1 PRESIDING JUDGE: Mr Munyard, you may have heard the
2 interpreter. If you could wait until the interpretation is
3 finished before starting your question.

4 MR MUNYARD: I am very sorry, I had failed to notice I
15:12:30 5 wasn't in the interpreter's channel on this particular
6 microphone. Do you want me to start again with that?

7 PRESIDING JUDGE: Mr Interpreter, have you heard
8 Mr Munyard's question?

9 THE INTERPRETER: Yes, your Honour, it was interpreted. It
15:12:43 10 was just a caution for the next questions.

11 PRESIDING JUDGE: Very well. Please proceed, Mr Munyard.

12 MR MUNYARD: Thank you:

13 Q. While we are dealing with this question of civilians and
14 the IDU, the matter that you have just been dealing with when you
15:13:02 15 were giving your evidence to the Prosecution, as it's fresh in
16 our minds can I ask you a little bit more about that, please,
17 before I go back to general issues. You have told us that the
18 whole time that you worked in the IDU wherever you worked in the
19 IDU nothing was ever done about complaints made by civilians.
15:13:35 20 That's correct, isn't it?

21 A. I don't understand that question. I would like you to
22 repeat it.

23 Q. I am perfectly happy to repeat it. I will go back to the
24 evidence that you gave just a moment ago. I will try to do it
15:13:55 25 shortly, but if that confuses you please let me know and I will
26 break it down into a longer series of questions.

27 You have told us that when you were in Peyama you didn't
28 receive complaints from civilians, so it follows that no
29 complaints were ever pursued by you when you were in the IDU

1 there. That's right, isn't it? You didn't ever put in any
2 reports about complaints from civilians because you never got
3 any, yes?

15:14:53 4 A. Civilians were not living together with us. We went and
5 captured them from the front line. We - I only reported about
6 some of the bad things that --

7 MS ALAGENDRA: Your Honour, in the witness's testimony
8 yesterday he did speak about a complaint he made of an incident
9 which took place in Peyama which was the two incidents of killing
15:15:14 10 by Sam Bockarie.

11 MR MUNYARD: If that's right then he's given an incorrect
12 answer to Ms Alagenda herself within the last 20 minutes, so I
13 am going to explore that if I may.

14 MS ALAGENDRA: Your Honours, if I can just clarify another
15:15:30 15 thing. My last few questions were about civilians making
16 reports. The other incidences which the witness testified he
17 reported about was what he saw himself personally and was
18 present.

19 MR MUNYARD: I am talking about civilians as well, or at
15:15:46 20 least I thought I was.

21 PRESIDING JUDGE: Yes, I was fairly clear that counsel was
22 pursuing civilian's complaints and action, if any, upon them.
23 Mr Witness, the question is to do with whether at Peyama
24 witnesses complained and you're telling us about witnesses being
15:16:11 25 captured. Could you answer the question.

26 MR MUNYARD:

27 Q. Mr Mansaray, I will put it again and I will tell you the
28 only thing that I want to know. I don't want to know whether or
29 not they were captured. I just want to know this: Will you

1 confirm that when you were at Peyama you never made any reports
2 of complaints from civilians because you never received any
3 complaints from civilians; yes or no?

4 A. No.

15:16:54 5 Q. Thank you. And just so that - do I take it that by your
6 answer no you are agreeing that you never made any reports about
7 complaints from civilians because you never got any? Am I right
8 in putting it that way?

9 A. I don't understand this question.

15:17:28 10 Q. Let me repeat to you what I wrote down when you were asked
11 this question by Ms Alagendra. "In Peyama we didn't receive
12 complaints from civilians". Is that right?

13 A. Peyama, civilians were not making complaints. We made
14 complaints on their behalf. The bad things that were happening
15:18:06 15 to them, we made the complaints on their behalf. We, the
16 security staff, we made the complaints. We made the complaints
17 on their behalf, the bad things that the commanders were doing to
18 them when they captured them.

19 Q. Right, that's not what you said earlier. You said, "We
15:18:28 20 didn't receive complaints from civilians" and it was left at
21 that. Let me ask you this: How were civilians in Peyama to know
22 what your job in the IDU was?

23 A. Well, the ones who were living with us in Peyama, the
24 civilians, those were women, they were living with us. But
15:19:14 25 captured civilians besides women that we had were not staying -
26 living with us in Peyama.

27 Q. Right. Would you now go back and answer the question that
28 I asked you. How were civilians in Peyama to know what your job
29 in the IDU was?

1 A. If we had kept them there we would have been able to -
2 would have called a meeting and explained things to them. We
3 used to send them to Kailahun District because Peyama was a
4 battlefield. We used to send the captured civilians to Kailahun.

15:20:16 5 Q. Mr Mansaray, you were asked questions by Prosecuting
6 counsel. All I am doing is I am following the same line of
7 questions and I am trying to get a little bit more information
8 from you. Do you mean by the answer that you gave that if you
9 had kept the civilians with you you would have held a meeting,
15:20:47 10 but because you didn't keep the civilians with you you didn't
11 hold a meeting and explain anything to them?

12 A. No, because we did not keep civilians there, so that's why
13 we could not explain anything to them. We were soldiers. All of
14 us who were there were soldiers and we knew our own job.

15:21:18 15 PRESIDING JUDGE: Mr Witness, that does not really answer
16 the question. The question is if the civilians had been kept at
17 Peyama instead of being sent to Kailahun, would you have called a
18 meeting and told them about your - the IDU.

19 MR MUNYARD: With respect, your Honour, that was not the
15:21:40 20 question.

21 PRESIDING JUDGE: Was it not? I'm sorry.

22 MR MUNYARD: That's exactly what I am trying to avoid, with
23 great respect to you.

24 PRESIDING JUDGE: Well, in that case I withdraw that.

15:21:51 25 Please ignore what I have said and listen to Mr Munyard.

26 MR MUNYARD:

27 Q. You never told the captured civilians in Peyama of your
28 role in the IDU, did you?

29 A. No, because we did not keep civilians there to stay with

1 us, the captured civilians.

2 Q. You said in Buedu you did receive complaints from
3 civilians. How were the civilians in Buedu to know of your role
4 in the IDU?

15:22:41 5 A. We used to hold a meeting with them and in fact we had the
6 chiefdom commander, the section commander, the town commander,
7 all of them were civilians. The G5 will hold a meeting. They
8 will come and they will explain the duties of the Joint Security
9 unit. So the civilians who were living with the RUF were aware
15:23:08 10 of our duties, the IDU, G5, IO, MP, those who were living with
11 RUF knew.

12 Q. And you have told us this afternoon that in none of these
13 places was any action ever taken on civilians' complaints.
14 That's what you told us this afternoon when you were answering
15:23:36 15 questions to Ms Alagendra, is it not?

16 A. Exactly. That is what I said.

17 Q. So at no time when you were - when you had IDU duties was
18 any action ever taken on any complaint relating to civilians.
19 That's your evidence, is it?

15:24:11 20 A. That is what I am saying.

21 Q. Thank you.

22 A. The complaints that were brought to us - thank you.

23 Q. You have told us --

24 MS ALAGENDRA: Your Honours, if the witness can be allowed
15:24:26 25 to finish his answer. His last answer was the complaints that
26 were brought to us and.

27 JUDGE SEBUTINDE: But nobody stopped him.

28 MS ALAGENDRA: I think my learned friend said thank you.

29 MR MUNYARD: Then he thanked me. If he'd had anything to

1 add I'm sure he would have put it in before he thanked me. Can
2 we move on, please?

3 PRESIDING JUDGE: Please move on.

4 MR MUNYARD:

15:24:50 5 Q. You have told us today --

6 A. No.

7 Q. Go on.

8 A. No, I mean when you said thank you I thought you just
9 wanted to cut me off. I wanted to complete my sentence.

15:25:03 10 Q. Mr Mansaray, take your lead from Ms Alagendra and say
11 whatever you like within reason.

12 A. Okay, let me answer that question. Would you like me to go
13 on?

14 PRESIDING JUDGE: Please complete the answer you felt was
15:25:33 15 interrupted, Mr Witness.

16 THE WITNESS: I said at that time when we were based at
17 Buedu and Kailahun the reports that were brought by the
18 civilians, Joint Security could not take any action, because even
19 the two commanders violated the law. And we who were there as
15:25:57 20 junior officers had less power as compared to theirs. So they,
21 the senior commanders, were taking the laws in their hands. They
22 did not cultivate the plantations. They just went ahead and
23 prepared documents saying the civilians could not access their
24 plantations, they could not harvest it, they never allowed that
15:26:27 25 except after we had joined forces with the AFRC.

26 MR MUNYARD:

27 Q. What period of time are you now talking about when the two
28 commanders violated the law? Give us some dates, please?

29 A. I am telling you now that it was from 28 November 1996

1 right up to 2001, the time of the disarmament. All of those
2 commanders who were in command, Sam Bockarie, Issa Sesay, Morris
3 Kallon and even my former commander Augustine Gbao, all of them
4 violated the laws that were guiding the RUF because they were
15:27:26 5 taking the laws into their own hands. They were not following
6 the rules or regulations of the RUF movement.

7 Q. And when do you say in 2001 the disarmament process
8 started? Can you give us a date for that as well, please?

9 A. Yes, 2001, starting from January to June. In July - where
15:28:15 10 I was the disarmament started in July. Disarmament started in
11 July. The people who were there, they were not respecters of the
12 law. In fact they were just using the name of the RUF as a
13 criminal club.

14 Q. Mr Mansaray, I want to understand the dates that you are
15:28:40 15 telling us about in relation to complaints not being acted upon.
16 If I have understood you correctly, you say that from November 28
17 1996 until you were disarmed in July of 2001, no complaint in
18 relation to a civilian was ever acted upon. Is that right?

19 A. There were many complaints that actions were not taken for.

15:29:24 20 Q. No complaints was any action taken on is what you were
21 telling us earlier. Is that what you are still saying now at
22 half past three?

23 A. Yes.

24 Q. You joined the IDU, if I have recalled your evidence
15:29:47 25 correctly, at some date in 1994. Is that right?

26 A. Yes.

27 Q. What date in 1994?

28 A. 28 February 1994. That was the time I had an appointment
29 in the RUF from the Leader Corporal Foday Sankoh to work as an

1 IDU.

2 Q. You obviously have a very good memory for dates, would you
3 agree?

15:30:38

4 A. Yes, some dates I can recall. Not all of them, but some I
5 can recall.

6 Q. Well, nothing happened to you on 28 November 1996, did it,
7 but you have a very good memory of that particular date, don't
8 you? That's probably two questions in one. Let me break them
9 down. The 28 November 1996, you remember that date well, don't
10 you, because you have just told us about it?

15:31:02

11 A. Yes.

12 Q. It is not a date on which you were given a particular job
13 or title, is it?

14 A. No.

15:31:23

15 JUDGE SEBUTINDE: Mr Munyard, wasn't the 1994 or am I
16 mistaken?

17 MR MUNYARD: No, your Honour, I moved off slightly from the
18 specific dates just to ask the witness if he has got a good
19 memory of dates. He then developed that by saying, "Some dates I
20 can remember very well because" and he gave the example of how on
21 a date in February 1994 he was appointed by whoever it was to
22 this particular role and I am trying to establish that his memory
23 for dates is not only based on things that happened to him
24 personally on those particular dates and I think he has --

15:31:36

25 JUDGE SEBUTINDE: And you quoted a different date
26 deliberately.

27 MR MUNYARD: Yes. Well, the one that he had given us a few
28 moments ago.

15:31:59

29 JUDGE SEBUTINDE: Okay.

1 MR MUNYARD: If you remember, your Honour, I was asking
2 about the two commanders who violated the law and he gave a very
3 specific time period for that, 28 November 1996 to disarmament in
4 July of 2001:

15:32:22 5 Q. Now back to your first appointment in the IDU in - and I
6 don't remember it even after only a few minutes, but in February
7 of 1994 you were appointed to the IDU. Between February 1994 and
8 28 November 1996 when the commanders started to violate the law,
9 is it also your evidence that no complaints in relation to
10 civilians were ever acted upon?
15:32:50

11 A. What year are you referring to now?

12 Q. February 1994 when you are first appointed to the IDU to 28
13 November 1996 when you say the rules and regulations are
14 effectively completely torn up by the commanders?

15:33:26 15 A. Well, from 28 February 1994 to November 1996 the law was
16 effective in the jungle. The civilians came and made complaints,
17 the soldiers were complaining if - if a commander did something
18 and he was found guilty he would be punished, but from that date
19 onwards the commanders became lawless.

15:33:59 20 Q. Well, that's different from what you told us when you were
21 being questioned this afternoon by Ms Alagenda. She started off
22 her questions on this subject to you by asking you that between
23 1994 and 1999 when you were in the IDU how did civilians know of
24 the IDU's existence. Now we then had some discussion about
15:34:24 25 whether that was a proper question and she then broke it down
26 into all the various places where you had been in the IDU. Do
27 you remember that; that she took you then through each location
28 that you had been in in the IDU starting with, if I have got it
29 correct, Peyama.

1 Let me just - do say if you want to answer that, but do you
2 want me to remind you of the different places that she asked you
3 about and we will see if she's missed out or if I've missed out
4 any of the places that you were a member of the IDU in? Would
15:35:16 5 you like me to do that so as to jog your memory about the answers
6 you gave earlier on this subject?

7 A. Yes.

8 Q. The first place I made a note of that you were asked about
9 by my learned friend opposite was Peyama. Is that the first
15:35:40 10 place that you were in the IDU?

11 A. No.

12 Q. Where was the first place that you were in the IDU?

13 A. The first place was the Pujehun District, then - do you
14 want me to continue?

15:36:04 15 Q. Yes.

16 A. Then the second place was Kori bundu jungle.

17 Q. Right. And are you saying that complaints were acted on
18 then?

19 A. Yes.

15:36:42 20 Q. Well, that is different from the answer that you gave me
21 just a little while ago when I asked you the whole time that you
22 were in the IDU are you saying that no complaints were ever acted
23 upon and your answer began with the word, "Exactly that". So
24 just help the Judges with a clarification of your evidence. Is
15:37:14 25 it what you told me a few moments ago that no complaints were
26 ever acted upon, or is it what you are saying now that complaints
27 were acted upon whilst in the jungle?

28 A. If I can recall the questions, there was mention of Koidu,
29 Kailahun, Pendembu, Segbwema, Qui va and if you check the dates it

1 cannot correspond to the complaints that were coming. I could
2 not say that the complaints that were coming, actions were taken
3 regarding them. So I don't think the person referred me to 1994.
4 The time I started the IDU operation, it just started from Buedu,
15:38:15 5 Pendembu, Kailahun, Qui va, Segbwema and that was 1997 to 1998.

6 Q. All right. Well, let's finish this if we can. What is
7 your evidence about complaints? Were complaints about civilians
8 ever acted upon whilst you were in the IDU in any capacity in
9 that organisation?

15:39:01 10 A. Yes, there were sometimes when I was an IDU civilians
11 brought complaints and we took actions.

12 Q. When you say we took action, do you mean you personally
13 took action?

14 A. I said there were times when I was in the RUF when I was
15:39:29 15 working, there were reports coming in and actions were taken with
16 regards to those reports.

17 Q. I'm talking about while you were in the IDU, only that
18 time. Do you understand?

19 A. Yes, I understand.

15:39:59 20 Q. And you say that this stopped happening from November of
21 1996, no action was ever taken after that date?

22 A. That was what happened, really.

23 Q. Now you also said this afternoon that when complaints were
24 made you couldn't act on them, or rather what you said was it was
15:40:39 25 - "We didn't see them do the act, we only got the complaint, and
26 except where an incident happened and we were actually there,
27 only then could we write a report". Are you saying that in the
28 IDU unless you actually saw some bad things happen to a person
29 you couldn't make a report and nobody could be punished for it?

1 A. Well, that question was talking about the captured
2 civilians who were brought, but what was happening when I was an
3 IDU I reported about it and gave it to the commander in charge,
4 but no actions were taken regarding the reports that I made about
15:41:53 5 the bad things that some fighters did.

6 Q. Are these bad things that you actually saw fighters doing
7 and that's why you made a report, or are these bad things that
8 you didn't see but somebody else told you about?

9 A. Some bad things happened in my presence. Some of them,
15:42:24 10 other people gave me information about them.

11 Q. And when other people gave you information about them were
12 you able to pass a report on that then somebody took some action
13 about?

14 A. No.

15:43:05 15 Q. Let me try and clarify that. Before November of 1996 you
16 are now telling the Court that sometimes your IDU reports were
17 acted upon. Is that right?

18 A. Yes.

19 Q. Were these reports that were acted upon only reports of
15:43:33 20 things you, the report writer, had actually seen with your own
21 eyes, or were they also things that other people had complained
22 to you about and that you had made a report about?

23 A. It was a Joint Security operation that we were doing. We
24 came together, like Kori bundu jungle when we were there, it was a
15:44:05 25 Joint Security work so - but anybody had to be in his own unit
26 and whatever information we had, we put that together, compiled
27 it and sent it so the reports that we sent '94, '95, actions were
28 taken for the acts. It was not an individual's work.

29 Q. All right. So action was taken in 1994 and 1995, you say,

1 but after that you are not aware of any action being taken on any
2 IDU or Joint Security organisation reports?

3 A. There were many reports that went to them and they did not
4 take any action. Many. I want to ease myself.

15:45:34 5 PRESIDING JUDGE: Please assist the witness, Madam Court
6 Officer.

7 [In the absence of the witness]

8 Madam Court Attendant, can you assist us, is the witness
9 unwell, or is there --

15:54:03 10 MS IRURA: Your Honour, they are not yet back, your Honour.
11 The WVS is with the witness.

12 PRESIDING JUDGE: Thank you.

13 [In the presence of the witness]

14 MR MUNYARD:

15:56:41 15 Q. Mr Mansaray, just when we broke off you were saying that
16 there were reports in 1994 and 1995 that were not acted upon,
17 many of them were not acted upon. But are you saying that some
18 reports in 1994 and 1995 were acted upon?

19 A. Yes.

15:57:24 20 Q. So that is different from what you told me earlier that the
21 whole time you were in the IDU no reports were ever acted upon.
22 Is that right?

23 A. Well, I could not recall saying that all the rest of the
24 time I was in the IDU.

15:57:56 25 Q. Let us try to identify the dates, please, of the times when
26 you say some reports were acted upon. You were taken through all
27 the places and the periods of time when you were in the IDU and
28 the first period of time you were in Pujehun District from 28
29 February 1994 until July of 1995. That is what you told us

1 earlier. Then in July of 1995 you go to Peyama and we know that
2 no complaints were made by civilians in Peyama because they
3 weren't living with you. So the period of time when you say that
4 you know some reports were acted upon is between 28 February 1994
15:58:56 5 to July of 1995. Is that right?

6 A. No actions were taken about the reports? 28 February 1994.

7 Q. I am not quite sure if we have got all of your answer. Let
8 me put the question again. The only period of time when you are
9 actually saying any reports were acted upon while you were in the
16:59:38 10 IDU is between 28 February 1994 and July of 1995 when you are in
11 Pujehun District. Is that correct?

12 A. Yes, actions were taken about the reports we sent as a
13 Joint Security unit. Actions were taken.

14 Q. Well, I am going to ask you about the units in a moment.
16:00:16 15 You said many reports even during that time were not acted upon.
16 Can you help us with this: Were the majority of reports not
17 acted upon, or what sort of figure - what percentage would you
18 put on it? How many were acted upon and how many were not?

19 A. Well, when Sam Bockarie took over the commands as acting
16:00:55 20 field commander I will say about 90 per cent of the reports that
21 we sent, especially actions against the civilians, no action was
22 taken. If actions were taken, I will say it was only 10 per
23 cent.

24 Q. I am talking about the period of time between February 1994
16:01:20 25 and July 1995. Are you talking about that period?

26 A. Well, no, it was not that time, because at that time I will
27 say at that time the reports we sent, 90 per cent of them actions
28 were taken. There were 10 per cent that no action was taken
29 against --

1 THE INTERPRETER: Your Honours, can the witness be made to
2 speak slowly and to repeat his whole answer.

3 PRESIDING JUDGE: Mr Witness, I am afraid you have speeded
4 up again and the interpreter cannot keep up with you. So please
16:02:13 5 repeat your answer and please try and speak more slowly.

6 THE WITNESS: I am saying to the Court that from 28
7 February 1994 to July 1995 about 90 per cent of the reports that
8 we sent, actions were taken about them. I can say it was only 10
9 per cent that actions were not taken, especially those that we
16:02:54 10 did not see, but those that we sent they acted upon.

11 MR MUNYARD:

12 Q. Right, thank you. And tell us then about this period of
13 time when you say Sam Bockarie had taken over as acting field
14 commander and 90 per cent were not acted upon. When is that?

16:03:24 15 A. Well, that was in - on 28 February 1996 to December 1999.

16 Q. An awful lot seems to happen on the 28th day of each month.
17 Is that just a coincidence or is there some significance in the
18 28th?

19 A. No, that is the exact date given to you. 28 November 1996,
16:04:09 20 I will tell you exactly what happened on that day. If you
21 investigate that you will come to know that that date is correct.

22 Q. We will leave that until tomorrow. I am going to stick on
23 the general question of complaints at the moment. So we now know
24 the picture between February '94 and July '95. We now know that,
16:04:35 25 contrary to what you told us earlier, complaints were acted upon
26 between February '96 and December '99, although only a small
27 percentage were acted upon. Why did you tell the learned Judges
28 earlier today, including to me this afternoon, but also to
29 Ms Alagendra, that no complaints were acted upon, particularly

1 after you went to Peyama in July of 1995?

2 A. No, if I gave you that date and I mentioned '95 I am sorry
3 about it. It should be '96, not '95. When I said - when I told
4 you about the two incidents that happened in Peyama where no
16:05:38 5 action was taken it should be 1996.

6 Q. Mr Mansaray, you were asked questions by Ms Alagendra about
7 your different postings in the IDU and you told her that you were
8 in Peyama between July of 1995 to November of 1996. You also
9 told me that no complaints were ever received from civilians
16:06:06 10 while you were in Peyama because they weren't living with you.
11 You also told me, and indeed you told Ms Alagendra, that no
12 action was ever taken on any of the complaints from Peyama all
13 the way through to the end of your time in the IDU. Do you
14 remember saying that to both Ms Alagendra and myself?

16:06:46 15 A. I am not sure I said that. I don't think so.

16 Q. You can be sure that there are plenty of people in this
17 Courtroom who will stand up and correct me if I am wrong and I am
18 quite willing to be corrected if I am wrong, I don't want to do
19 you any injustice. Now can you just tell us you used an
16:07:21 20 expression a moment ago, "A Joint Security operation". Can you
21 just define what you mean, please, by a Joint Security operation?

22 A. Yes.

23 Q. Can you tell us what it means?

24 A. A Joint Security operation was we had different units that
16:08:03 25 came together and formed the Joint Security. That was the IDU,
26 the IO, the MP and the G5s. We were the Joint Security.

27 Q. Is IO intelligence officers?

28 A. Yes.

29 Q. And the G5, is that one individual, or more than one

1 person?

2 A. It was a unit. It is - it has a structure from brigade
3 level commandant to the battalion level. There were so many
4 people in the G5.

16:08:46 5 Q. So what was a Joint Security operation that pursued
6 complaints?

7 A. Which year are we talking about? Like I said, in 1994/95
8 they acted upon the reports we sent, but in 1996 when
9 Sam Bockarie took over many of the reports we sent, he did not
10 act on them because his comrades themselves violated the laws.

16:09:41 11 Q. Well, it's not as late as 1996, is it, because you have
12 told us that you didn't receive any complaints from the time you
13 went to Peyama in July of 1995?

14 A. Yes, what I am trying to tell you, when we were at Peyama
16:10:18 15 it was a jungle. To say a civilian came to the Joint Security
16 office with a report, that did not happen. But whatever mission
17 we were going for, a Joint Security operation would be there.
18 The IDU will go, the IO will go. Wherever there was a mission
19 the Joint Security operation - operators would be there. The
16:10:48 20 civilians would not come with the reports, but we reported for
21 them on behalf of the civilians because by then we were in the
22 jungle.

23 Q. In Peyama?

24 A. Yes, in Peyama. And even in Koribundu it was the same
16:11:14 25 operation.

26 Q. Were you in the IDU also fighters?

27 A. Well, we were not fighters anyway. We were not combatants.

28 Q. So are you saying that members of the IDU are full-time
29 investigating officers looking into complaints who never actually

1 did any fighting?

2 A. Yes, we were people who did not take part in fighting, but
3 wherever fighters were we would be there.

4 Q. Right. Did any members of the IDU ever take part in any

16:12:18 5 looting?

6 A. Yes, that happened.

7 Q. Including yourself?

8 A. Yes, because all what I was using in the jungle were looted
9 items. What I ate, I looted it.

16:12:46 10 Q. Right. So if you were able to go looting why were you not
11 able also to take part in the fighting?

12 A. Well, the revolution trained us that we are office workers,
13 we should be with the fighters because some of us were fighters,
14 but later we were withdrawn and made security so we will be with

16:13:33 15 them, after capturing the town we will be there observing what is
16 going on. So we were not fighters.

17 Q. Let me just try and get you to explain how many people were
18 involved in this IDU work. What was your organisation's
19 complement? How many people were involved in the IDU when you
16:14:10 20 first started in it?

21 A. We were many. I cannot recall the exact number. I cannot
22 say the exact number that were IDU members.

23 Q. Well, give us some sort of rough idea. When you say many
24 are you talking about tens or hundreds?

16:14:59 25 A. Well, we were about that number. About a hundred.

26 Q. So about a hundred of you were employed as full-time
27 investigators of complaints. Is that what you're telling the
28 Court?

29 A. Yes, in the IDU those were our duties, to investigate

1 matters and to record bad things that were happening in the RUF
2 organisation.

3 Q. And was it a full-time job? In other words, were you
4 occupied all day long investigating these complaints?

16:16:04 5 A. No.

6 Q. So were you not also fighters?

7 A. We are not fighters. If you are an IDU and you are willing
8 to fight, it is left to you. We were not combatants. We were
9 administrators.

16:16:29 10 Q. Did you say it was up to you if you wanted to fight?

11 A. Yes, but the movement excluded us from fighting. Fighting
12 was not our task.

13 Q. If there is around a hundred of you and it is not a
14 full-time job and no complaints are being acted on from 1996

16:17:05 15 onwards can you explain to the Court what was the purpose of
16 being in the IDU?

17 A. Yes.

18 Q. What did you do all day long in the IDU from 1996 onwards
19 when there was absolutely no point in putting forward complaints
20 because they weren't being acted upon?

16:17:33

21 A. Well, we continued to stay in the IDU because the leader
22 Foday Sankoh created that administration. It was not the
23 commanders. So we had worked to keep some of those reports for
24 reference purposes. Even though he was not with us at all times
25 we were hoping that one day when he comes back he will be able to
26 see those reports. So it was not the commander that appointed
27 us. It was the leader. So we were working for the people. That
28 was the reason why we continued doing the work, to get some facts
29 about the behaviours of commanders so that we could have a record

1 about what they were doing.

2 Q. Mr Mansaray, are you telling these Judges that you spent
3 from 1996 to 1997, 1999, 2000 until January 2001 when you went to
4 work as a mining commander writing reports so that one day Foday
16:19:13 5 Sankoh could come and read all the reports that a hundred or so
6 of you had written all those years long? Is that what you are
7 saying you were doing during those years of the guerilla war in
8 Sierra Leone?

9 A. Well, yes, it was not all the reports, but there were some
16:19:40 10 important reports. Even when I was a mining commander I kept
11 those because the leader appointed me so I kept them.

12 Q. But by 1996, by the time you say commanders were violating
13 the law, the IDU was an organisation in name only, wasn't it? It
14 had no practical effect whatsoever, did it?

16:20:18 15 A. I want you to explain that phrase, practical effect.

16 Q. I will. The hundred or so of you in the IDU were wasting
17 your time doing these reports because nothing was ever happening
18 to them and the commanders had taken the law into their own
19 hands. That's right, isn't it?

16:20:47 20 A. That was what I said, but we were not just wasting our
21 time. In fact, let me say we were up to hundred. We were all
22 not staying in the same place. We were in various parts where
23 RUF was. So we were the sort of people who were endeavouring to
24 protect the laws of the organisation. So if there was a
16:21:19 25 commander who was not upholding the law, we wouldn't go to fight
26 him. So we continued to obey. Besides we continued to observe
27 the attitudes, those bad attitudes they manifested against
28 civilians. That made us today to have very good records about
29 them.

1 Q. The laws and the rules and regulations of the RUF had been
2 in effect torn up by these commanders from 1996 onwards, hadn't
3 they?

4 A. Yes.

16:22:02 5 Q. As far as rules and regulations protecting civilians was
6 concerned, there weren't any in real terms from 1996 onwards,
7 were there?

8 A. Please repeat this question.

9 Q. In 1996 onwards it was anarchy in the RUF as far as rules
16:22:33 10 and regulations protecting civilians, wasn't it?

11 A. That's true. It was a very big trouble at the time.

12 Q. Your job was a complete waste of time from 1996. At least
13 your work in the IDU was a complete waste of time, wasn't it?

14 A. Well, it was not a waste of time. It was not a waste of
16:23:15 15 time. We were the people who were fighting for justice. If the
16 commanders had maintained justice the people would have welcomed
17 the revolution, but when they violated the laws in the RUF that
18 is the reason why all the bad things they did exposed to the
19 entire nation. So we were in the RUF to ensure that there is
16:23:47 20 justice and justice prevails to the people of Sierra Leone. So
21 we were not wasting our time.

22 Q. What happened to all of these reports that you had been
23 writing from 1994 onwards?

24 A. Well, like in 1994 to 1995 I am saying now that the reports
16:24:18 25 we sent showed good examples in the RUF. The organisation was so
26 nice at the time.

27 Q. Sorry for interrupting you. What has happened to those
28 reports from 1994 to January of 2001 that you spent all those
29 years writing? Do you know where they are now?

1 A. Well, they are the examples I am telling you now about the
2 behaviours of the commanders that has now become exposed. This
3 is now telling you that we are not lying on them.

4 PRESIDING JUDGE: Mr Witness, counsel has asked you what
16:25:12 5 happened to the reports? We are not talking about the content.
6 We are talking about what happened to them.

7 THE WITNESS: Well, those reports, like when you started
8 talking about 1994, we had submitted those reports in 1994/95. I
9 will only tell you about 1996 which we kept to ourselves when we
16:25:53 10 reported and they did not act on them. So we kept them for
11 reference purposes. That is the reason why I can now recall some
12 of those references.

13 PRESIDING JUDGE: Mr Witness, you haven't actually answered
14 the question. What happened to them? You said we kept them, but
16:26:18 15 that doesn't answer what happened to them.

16 THE WITNESS: Well, those reports were kept for reference
17 purposes, but being that we are unable to submit them to the
18 leadership, so the commanders I have mentioned like Sam Bockarie,
19 Issa Sesay, Morris Kallon and Augustine Gbao, they proved to the
16:27:09 20 rest of the world that the reports we wrote were true even though
21 we did not submit them.

22 MR MUNYARD:

23 Q. Mr Mansaray, what is the point of writing a report and then
24 not submitting it? How can it be acted upon if you don't submit
16:27:27 25 it?

26 A. Well, at the time when Sankoh came it was peace time, then
27 we should start all over. Even though we were supposed to
28 adequately brief him about the events that took place, he told us
29 that we should forget about everything so those reports were kept

1 to ourselves. Later the attitudes of the commanders, even though
2 we did not submit those reports, acted against them.

3 MR MUNYARD: Madam President, do I have time for one final
4 question?

16:28:15 5 PRESIDING JUDGE: I think you have one before the bell
6 tolls.

7 MR MUNYARD: Yes, exactly:

8 Q. Mr Mansaray, you just told us in 1996 that you didn't
9 actually send the reports, that you kept them for yourselves.

16:28:37 10 How could anyone act on a report if you didn't send it to them?

11 A. No, if you listen to me carefully I told you that we sent
12 some reports but they did not act on them and the reports we gave
13 to the commanders that they did not act on, we had a duplicate
14 copy of them.

16:29:10 15 MR MUNYARD: Right. I won't have much more than this, I
16 hope, but I will have a little more but it will be tomorrow.

17 PRESIDING JUDGE: Thank you, Mr Munyard. I think we have
18 reached our deadline.

19 Mr Witness, we are now going to adjourn until tomorrow
16:29:24 20 morning. I will remind you, as I have done yesterday, that you
21 are under oath and you must not discuss your evidence with anyone
22 else until all your evidence is finished. Do you understand?

23 THE WITNESS: Yes.

24 PRESIDING JUDGE: Very good. We will adjourn now. Please
16:29:43 25 adjourn court until 9.30 tomorrow.

26 [Whereupon the hearing adjourned at 4.30 p.m.
27 to be reconvened on Thursday, 6 March 2008 at
28 9.30 a.m.]

29

I N D E X

WITNESSES FOR THE PROSECUTION:

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EXAMINATION-IN-CHIEF BY MS ALAGENDRA	5289
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