



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

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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 Alagenda, 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.

11:05:46 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  
12:49:02 15 was that he had prepared charges against?

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  
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.

12:51:25

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. Where were you, 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.

14 MS ALAGENDRA: Your Honours, if I can spell Kamakwie for  
13:04:37 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.

24 A. Okay. Amadu Toure and Ibrahim Sidi ebay. Those were the  
13:05:19 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 Balfas.

12           PRESIDING JUDGE: I think this might be Ms Balfas'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 Alagenda, 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 Ngaiya 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  
20 areas that you were in charge of?

14:41:55 20

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 Alagenda, 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 I DU.

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  
15:32:50 10 civilians were ever acted upon?

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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