

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

MONDAY, 24 JANUARY 2005
9.43 A.M
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Mr Alain Werner
Mr Christopher Dunn (intern)
Mr Mark Wallbridge (Case Manager)

For the Principal Defender:

Mr Abdul Rahman Mansaray

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph
Ms Chloe Smythe

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh
Mr Ben Holden.

1 Monday, 24 January 2005

2 [Open session]

3 [The accused not present]

4 [The witness entered court]

09:38:36 5 [On commencing at 9.43 a.m.]

6 [HS240105A - JM]

7 PRESIDING JUDGE: Good morning, learned counsel. I hope you
8 had a nice weekend and that we are set for yet another
9 week of trial.

09:45:42 10 We are opening the session, and we will be calling
11 on Mr Harrison to proceed and maybe this time conclude
12 the examination-in-chief. We are not saying you should
13 conclude; we're saying that we hope that you can
14 conclude.

09:46:15 15 Good morning, Mr Witness. How are you? How was
16 your weekend?

17 THE WITNESS: It wasn't bad.

18 PRESIDING JUDGE: You had a good rest?

19 THE WITNESS: Yes, sir.

09:46:26 20 PRESIDING JUDGE: Because it appears you may still have a
21 little long way to go before you say a semi-goodbye to
22 us. I mean a semi-goodbye, I will tell you why.

23 So Mr Harrison, please, you may proceed.

24 WITNESS: TF1-071 [Continued]

09:46:47 25 EXAMINED BY MR HARRISON: [Continued]

26 Q. Mr Witness, if I could remind you that for the voice
27 distortion to be operating correctly, you should be
28 fairly close to the microphone when speaking.

29 A. Okay.

1 Q. Can you tell the Court if there were UN peacekeepers in
2 Sierra Leone in 2000?

3 A. Yes.

4 Q. Was there an incident involving them?

09:47:18 5 A. Yes.

6 Q. Can you tell the Court about that?

7 A. I was in Kono District in 2000 when I saw some troops who
8 have captured peacekeepers from Makeni, Lunsar axis and
9 Magburaka from Kono District.

09:47:58 10 JUDGE BOUTET: I didn't quite understand the description the
11 witness was giving. These were peacekeepers from all
12 these locations or he saw them at those locations?

13 MR HARRISON:

14 Q. Did you understand the comment from Mr Justice Boutet?

09:48:18 15 A. Yes, it was fully understood. I said I was in Kono in
16 the year 2000. I saw troops of captured peacekeepers
17 from Makeni, Magburaka, and were taken to Koidu.

18 PRESIDING JUDGE: Makeni, Magburaka?

19 THE WITNESS: Yes.

09:48:47 20 JUDGE BOUTET: You had mentioned more than two locations the
21 first time. So it was Makeni, Magburaka, and any other
22 place?

23 THE WITNESS: Yes, I understand they came also from Lunsar
24 area, Lunsar.

09:48:59 25 JUDGE BOUTET: Lunsar, thank you.

26 MR HARRISON:

27 Q. Do you know anything about the taking of these
28 peacekeepers?

29 A. Yes. According to what I heard, the peacekeepers were

1 adopted by the RUF in the year 2000 and were taken to
2 Koidu Yengema, and they were divided into two groups.
3 Most senior commanders were taken at Tombodu with their
4 artilleries, like the armoured car and other heavy
09:49:42 5 weapons. And the other ranks remain at Yengema training
6 base.

7 Q. Do you recall when this --

8 PRESIDING JUDGE: And the others were taken to?

9 THE WITNESS: To Tombodu.

09:50:14 10 PRESIDING JUDGE: No, those are the most senior ones, you
11 said.

12 THE WITNESS: Most senior ones were taken to Tombodu along
13 with their artilleries, and the others remained at
14 Yengema training base in Yengema.

09:50:32 15 MR HARRISON:

16 Q. Do you recall when this was?

17 A. Yeah, this was in 2000.

18 Q. Are you able to assist the Court any further as far as
19 season or month?

09:50:58 20 A. Yes.

21 THE INTERPRETER: Please, My Lord, let the speaker speak
22 through the mic so that we can get them clearly.

23 MR HARRISON: That is my error. Is my microphone not
24 operating properly? Am I easily audible now?

09:51:22 25 JUDGE BOUTET: It's when you speak to the witness, you sort of
26 talk away from the mic.

27 THE INTERPRETER: It's audible now, you are clear.

28 MR HARRISON:

29 Q. What I was asking you was you had indicated it was the

1 year 2000. I was asking whether or not you could give
2 the Court any further assistance as to season or month.

3 A. Yes. This was in the rainy season, in June.

4 Q. Are you able to say if any individuals were responsible
5 for this taking of peacekeepers?

6 A. Yes. I say it was RUF.

7 Q. And were there any particular individuals involved?

8 A. I was in Kono, but according to the information, reliable
9 information I had, was that Morris Kallon, Augustine Gbao
10 and Kailondo were the main, principal commanders
11 involved.

12 PRESIDING JUDGE: Kallon, Gbao, and who?

13 THE WITNESS: Morris Kallon, Augustine Gbao and one Kailondo,
14 Tamba Vanney.

15 JUDGE THOMPSON: How did you describe him? They were the
16 main?

17 THE WITNESS: They were the main, principal commanders.

18 JUDGE THOMPSON: Thank you.

19 MR HARRISON:

20 Q. Can you assist the Court any further as to why this
21 taking of peacekeepers took place?

22 A. Yes. As I said, I was in Kono, but the reliable
23 information reached me was that they went through the
24 abduction on the basis of disarmament agreement.

25 Q. What do you mean by that?

26 A. According to the sources, the -- I was informed that the
27 peacekeepers were held hostages or were abducted during
28 the agreement which was not proper. And some commanders
29 based in Makeni went into argument against the idea of

1 saying that the disarmament was not proper and so the
2 fighters were not to be armed by force -- were not to be
3 disarmed by force.

09:55:45 4 Q. You just used the expression that the "fighters were not
5 to be disarmed by force." Who was making that position
6 known? Who was saying that?

7 A. This was said -- as I have been saying, I was not in
8 Makeni. But according to the reliable information, this
9 was said by Augustine Gbao.

09:56:27 10 Q. Did he say anything else?

11 A. Yes. He further saying that if any combatant or fighter
12 happens to --

13 PRESIDING JUDGE: You are reporting him. Did you hear him?

09:56:47 14 THE WITNESS: Yes, this was an information, reliable
15 information.

16 PRESIDING JUDGE: You better make it clear. Don't make it as
17 if you heard from him and you're reporting that your
18 information.

09:56:54 19 THE WITNESS: Yes, that's why I started with according to
20 information.

21 MR HARRISON:

22 Q. Please continue.

23 A. That if any combatant --

09:57:03 24 JUDGE THOMPSON: Just a minute, is he sticking to the level of
25 reliable information?

26 MR HARRISON: Well, that's not for me to say. That's for you
27 to say.

28 THE WITNESS: Yes, this was from a reliable information.

29 JUDGE THOMPSON: Yeah, quite, I just want to know that.

1 THE WITNESS: From a reliable information.

2 PRESIDING JUDGE: That Augustine Gbao said what?

3 THE WITNESS: He said that if any combatant found disarming
4 secretly without their notice, that individual would be
5 faced with execution.

09:57:34

6 MR HARRISON:

7 Q. At the time that this happened, did Augustine Gbao hold
8 any position?

9 A. Yes. He was a chief of securities, chief of securities
10 boss at that time.

09:58:18

11 Q. And what are the responsibilities under that position?

12 A. He was in charge of all security matters.
13 Investigations, he was in charge.

14 PRESIDING JUDGE: Investigations and what else?

15 THE WITNESS: And all security matters.

09:59:04

16 PRESIDING JUDGE: Yes. We got you. In charge of all security
17 matters and you were enumerating them. Investigations?

18 THE WITNESS: Yes.

19 MR HARRISON:

20 Q. Is there anything further that you'd like to add?

21 A. He was in charge of investigations of both military and
22 civil.

23 Q. At this same time did Morris Kallon occupy any position?

24 A. Yes. At that time he was a battlefield commander.

25 Q. I understand, and I think we all understand, that what
26 you're relating to us is information that has been passed
27 on to you, but you've mentioned Magburaka, Makeni, and
28 Lunsar. Are you able to tell the Court anything further
29 as to what took place there?

09:59:49

10:00:54 1 A. Yes, according to reliable sources, when Augustine Gbao
2 and Morris Kallon noticed that some combatants are
3 secretly disarming without their notice, they proceed to
4 these positions - Magburaka and Lunsar axis - demanding
5 the weapons be disarmed by the combatants.

6 Q. Let me just pause you there.

7 PRESIDING JUDGE: Mr Kallon and Gbao went to?

8 THE WITNESS: The positions of the peacekeepers demanding for
9 the arms that they --

10:01:30 10 PRESIDING JUDGE: The towns. So they went to Magburaka?

11 THE WITNESS: Yes, Magburaka.

12 PRESIDING JUDGE: Magburaka and?

13 THE WITNESS: Lunsar.

14 PRESIDING JUDGE: Mm-hmm.

10:01:42 15 THE WITNESS: Demanding for the weapons that the fighters have
16 disarmed secretly without their notice.

17 PRESIDING JUDGE: Demanding from who?

18 THE WITNESS: From the peacekeepers.

19 MR HARRISON:

10:01:54 20 Q. Maybe you can just explain what you mean, and I realise
21 it may be straightforward in your mind, but some of us
22 are hearing this for the first time. If you can just try
23 to be as careful in explaining it as you can.

24 A. Okay.

10:02:09 25 JUDGE BOUTET: So you mean to say that these fighters had
26 already surrendered their weapons to UN peacekeepers.

27 THE WITNESS: Yes.

28 JUDGE BOUTET: And Gbao and Kallon went to these peacekeepers
29 and asked them that they give both Kallon and Gbao the

1 weapons back?

2 THE WITNESS: Yes.

3 JUDGE BOUTET: And they did that both in Lunsar and Magburaka?

4 THE WITNESS: Yes.

10:02:45

5 MR HARRISON:

6 Q. At different times in the past few minutes you said
7 "Lunsar" and "Lunsar axis". Is Lunsar a town?

8 A. Yes, it's a town.

9 Q. And does Lunsar axis indicate something else to you?

10:02:58

10 A. Yes. It is a town with the limit areas.

11 Q. All right. You're up to the point of explaining that
12 Mr Gbao and Mr Kallon asked that weapons be returned.
13 Can you please continue.

14 MR CAMMEGH: Before he does, can we have an explanation as to
15 what Lunsar axis means because that answer made no sense
16 to me.

10:03:29

17 MR HARRISON: I'm sorry.

18 Q. Perhaps, if at all possible, if you could try to explain
19 for the benefit of the Court what you mean when you're
20 using "Lunsar axis".

10:03:42

21 A. Yes, what I mean is that Lunsar has other nearby towns.

22 Q. So it refers to an area?

23 A. Sir?

24 Q. When you are using the term "Lunsar axis", are you
25 referring to a broader area?

10:04:07

26 A. Of course.

27 PRESIDING JUDGE: Tell us, I mean --

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: You say Lunsar has nearby towns. Nearby,

1 what do you call that, is it towns?

2 THE WITNESS: Well, there are other villages closer to Lunsar.

3 That's what I mean.

4 PRESIDING JUDGE: Lunsar has other villages near it, close to
10:04:51 5 it?

6 THE WITNESS: Yes, sir.

7 MR HARRISON:

8 Q. We're at the point where --

9 PRESIDING JUDGE: And what does Lunsar axis -- where does

10 Lunsar axis -- you've not yet answered counsel's
10:04:59 11 -- Mr Cammegh's interrogation of this. Where does Lunsar
12 axis form in all this?

13 THE WITNESS: Yes. According to the information -- the
14 reliable information I received, it was the peacekeepers
10:05:18 15 were occupying --

16 PRESIDING JUDGE: No, no, no. Where is Lunsar axis? What is
17 it? What is Lunsar axis?

18 THE WITNESS: Lunsar axis, as I say, were just townships.

19 PRESIDING JUDGE: It was a village near -- near Lunsar, is it?

10:05:34 20 THE WITNESS: Of course, yes.

21 PRESIDING JUDGE: How do you spell Lunsar?

22 THE WITNESS: It is L-U-N-S-A-R. Lunsar.

23 MR HARRISON:

24 Q. Now, I just asked you to try and remember where we were.

10:06:09 25 You had explained to the Court that there had been a
26 demand made that weapons that had been surrendered be
27 returned. Now, can you continue on with what you know?

28 A. Yes. Weapons could be returned until disarmament
29 conditions have been revised.

1 PRESIDING JUDGE: I don't understand who is saying this.

2 THE WITNESS: According to Augustine Gbao and Morris Kallon,
3 they said that these weapons should be retrieved because
4 the disarmament conditions have to be re-revised anyway.

10:07:06

5 JUDGE BOUTET: They were not agreeing with the conditions that
6 applied for disarmament?

7 THE WITNESS: Yes, they said they were not satisfied with the
8 agreement of the disarmament at that time.

9 MR HARRISON:

10:07:36

10 Q. Please go on.

11 A. Then some commanders, the fighters, asked -- raised the
12 concern that why did you allow Shegbema, Kambia to be
13 disarmed under the same condition?

14 PRESIDING JUDGE: S-H-E-G-B-E-M-A.

10:08:21

15 MR HARRISON: The second word was Kambia, K-A-M-B-I-A.

16 THE WITNESS: Port Loko as well.

17 MR HARRISON:

18 Q. Continue.

19 PRESIDING JUDGE: He said some fighters. Asked who?

10:08:56

20 THE WITNESS: They asked Morris Kallon and Augustine Gbao that
21 why do they allow disarmament to take place at Shegbema,
22 Port Loko and Kambia areas, why, under the same
23 conditions.

24 MR HARRISON:

10:09:26

25 Q. Continue.

26 A. The reply from Augustine Gbao was that they have
27 previously told the fighters that anyone caught secretly
28 disarming would be faced with execution.

29 Q. Do you know what happened to these peacekeepers that were

1 taken?

2 A. Yes. On that day, Morris Kallon, Augustine Gbao, they
3 returned to their previous places. Morris Kallon
4 returned at Magburaka. Augustine Gbao remained at
10:10:34 5 Makeni.

6 PRESIDING JUDGE: And what happened to the arms they were to
7 ask for?

8 THE WITNESS: The arms were not given to them. That was the
9 argument. According to the same information, Augustine
10:11:39 10 Gbao proceeded to the location at Lunsar, to the
11 peacekeepers.

12 MR HARRISON:

13 Q. Please continue.

14 A. Demanding for the same weapons.

10:12:34 15 Q. What happened next?

16 A. The peacekeepers told Augustine Gbao that the fighters
17 would only receive benefits out of the disarmament and
18 not the weapons.

19 Q. What happened next?

10:13:21 20 A. Bitter argument came between he, Augustine Gbao, and the
21 peacekeepers.

22 Q. Did anything happen?

23 A. The argument only ended in military confrontations.

24 Q. What do you mean by "military confrontations"?

10:14:17 25 A. I mean that according to the information, Augustine Gbao
26 ordered the securities to open arm at the peacekeepers in
27 order to retrieve the weapons.

28 Q. Could you just repeat that. I think one of the Defence
29 counsel may not have heard the answer.

1 A. The argument only ended in military confrontations by
2 Augustine Gbao giving order to his securities to open arm
3 against the peacekeepers in order to retrieve the
4 weapons.

10:15:14 5 Q. Do you know when this happened?

6 A. Yes. This was in 2000.

7 Q. Can you be any more specific?

8 A. Yes. It was 2000, May.

9 Q. And where was it?

10:15:58 10 A. It was at Lunsar.

11 Q. Now, you've already mentioned Magburaka. Did something
12 happen there?

13 A. Magburaka as well, when Augustine Gbao --

14 PRESIDING JUDGE: Can we go more systematically, please.

10:16:27 15 THE WITNESS: Let us finish with Lunsar.

16 PRESIDING JUDGE: Yes.

17 THE WITNESS: When Augustine Gbao gave order to his securities
18 to open arm against the peacekeepers, the fighting
19 extended to the -- extended, so at that point Augustine
10:17:02 20 Gbao only sent a communication to Morris Kallon at
21 Magburaka informing him that the peacekeepers have
22 attacked their positions, so they were at serious
23 fighting.

24 MR HARRISON:

10:17:55 25 Q. What happened next?

26 A. While Lunsar was at the same fighting, Magburaka also,
27 with Morris Kallon's order, the securities to also carry
28 on the same attack at Magburaka where the peacekeepers
29 were.

1 PRESIDING JUDGE: This was in Magburaka?

2 THE WITNESS: Yes. Magburaka and Lunsar were now both at
3 military positions of fighting.

4 MR HARRISON:

10:19:15

5 Q. Can you assist the Court any further with what happened
6 at Magburaka.

7 A. At Magburaka, according to information, the peacekeepers
8 were captured at Magburaka at the same time were captured
9 at Lunsar and were kept hostages.

10:20:09

10 Q. Did you ever see these peacekeepers who were taken
11 hostage?

12 A. Yes. I saw them in Koidu, Kono District, Yengema.

13 Q. How many did you see?

10:20:45

14 A. I was not able to check the number, but according to the
15 sources of information, there were over 300, to 300.

16 Q. Do you know what happened to these hostages?

17 A. They were taken to Koidu, Yengema training base. As I
18 have stated earlier, the most senior commanders were,
19 together with their artilleries, were taken to Tombodu.

10:22:02

20 And other rank and file commanders were left at the
21 Yengema training base.

22 Q. And after that, do you know what happened to them?

23 A. Yes. They were later taken to Kailahun upon the order of
24 Sam Bockarie.

10:22:29

25 PRESIDING JUDGE: You say -- who was Sam Bockarie?

26 THE WITNESS: Sam Bockarie was the chief of defense --

27 PRESIDING JUDGE: I know, I know. Who was taken to Kailahun?

28 THE WITNESS: The hostages were taken to Kailahun.

29 PRESIDING JUDGE: All of them?

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: All?

3 THE WITNESS: Yes, sir.

4 MR HARRISON: That concludes what is the substantive part of

10:23:21

5 the direct evidence. There is one remaining portion of
6 evidence that the Prosecution had wished to lead in what
7 it thought would be a more efficient manner, and that's
8 simply trying to submit a doc as an exhibit, which is
9 names and a very brief description, exactly the same
10 format as what is Table 7.

10:23:36

11 I understood that the Defence objected. And at the
12 time, the Court indicated that at the present time they
13 were not prepared to admit the document as an exhibit.
14 So unless I'm under a misunderstanding and the Defence
15 has changed their position, what I propose to do is
16 simply to put names to the witness and ask him to give a
17 very brief description of the witness. And then
18 ultimately, it's the Prosecution's suggestion that it
19 would be of some guidance to the Court ultimately that
20 names with spellings be before the Court in a document.

10:23:54

10:24:04

21 PRESIDING JUDGE: You may go on. It will depend on the
22 attitude of the Defence to this.

23 MR HARRISON:

24 Q. Witness, do you know the name Abu Bakar Jalloh?

10:25:06

25 A. Yes, I know Abu Bakar Jalloh.

26 Q. Does that person --

27 MR O' SHEA: Your Honour, I'm sorry. I would prefer frankly if
28 the witness was referred to -- taken through his evidence
29 and dealt with scenarios and asked "who was there," "who

1 do you know in relation to this," et cetera, et cetera.
2 We're not frankly happy with the idea of the Prosecution
3 simply saying to the witness "do you know X?" In a
4 number --

10:25:42

5 PRESIDING JUDGE: Because the answer would be yes.

6 MR O' SHEA: Well, the answer will be yes or no. And if the
7 Prosecution goes through the whole list, he may as well
8 put the document in front of the witness. We would
9 suggest that if a name is going to come into court, it
10 should come from the witness, not from the Prosecution.

10:26:05

11 JUDGE BOUTET: Are you objecting or not? You said you would
12 prefer. Are you objecting? And if so, on what basis?
13 What the Prosecution is intending to do is put the name
14 and ask if he knows and give additional information. So
15 are you objecting to the fact that the Prosecution is
16 asking "do you know Mr X, Y, Z?" If you're objecting, on
17 what ground?

10:26:24

18 MR O' SHEA: We're objecting on the grounds that they're
19 leading questions.

10:26:42

20 MR JORDASH: Could I --

21 JUDGE THOMPSON: So you're saying that because they're
22 leading, they can't be asked. Is that what you're
23 saying?

24 MR O' SHEA: Your Honour, yes.

10:27:04

25 JUDGE THOMPSON: Because my understanding of the jurisprudence
26 is that leading questions need not be forbidden if they
27 relate to uncontroversial matters. Isn't that what the
28 jurisprudence says?

29 MR O' SHEA: I agree. But these are controversial.

1 JUDGE THOMPSON: No, no, no. I'm asking us to agree on the
2 law first, before we go to the application of the law to
3 the particular instance. So the prohibition of leading
4 questions is really on issues which are controversial in
10:27:44 5 examination-in-chief, because realising that in
6 cross-examination you can still ask leading questions.
7 So if the objection is that the leading questions being
8 asked here are uncontroversial matters, I would take a
9 different attitude. But just to say because they're
10:28:12 10 leading does not help me.

11 MR O' SHEA: Well --

12 JUDGE THOMPSON: What would be your response then?

13 MR O' SHEA: My response would be this, Your Honour: As far as
14 I can see at the moment, a number of the names on this
10:28:26 15 list are not names which we have in the statements which
16 we have already received from the Prosecution. That's
17 the first thing. Now, that's not the basis of the
18 objection, but that contributes to the contentious nature
19 of the names because essentially what's going --

10:28:51 20 JUDGE THOMPSON: Let me tell you clearly. I want to shorten
21 this matter. If really I'm satisfied that the questions
22 about to be asked or the series of questions about to be
23 asked by the Prosecution are leading on controversial
24 issues, then you have my vote.

10:29:25 25 MR O' SHEA: Your Honour, these are controversial issues for
26 one simple reason: This witness is testifying to very
27 significant matters in relation to our client. His level
28 of knowledge and his closeness to the incidents and the
29 general structure of the RUF is controversial. We do not

1 controvert the fact that he was a member of the RUF, but
2 he is going into an enormous amount of detail. And we do
3 not necessarily accept -- I mean, this is difficult to
4 explain in front of the witness, but we would not
10:30:06 5 necessarily accept that his depth of knowledge is
6 justified. So from that point of view --

7 JUDGE BOUTET: Maybe it might be better if you are going to
8 pursue this argument that we ask the witness to be
9 excused. Because we don't want to preclude you from
10:30:23 10 making a full argument; at the same time, we want to be
11 able to fully understand what the objection is all about.

12 MR O' SHEA: I understand, Your Honour. But I think that I can
13 say that much and possibly make the argument clear. If
14 the argument's still not clear, then I'll consult with my
10:30:43 15 learned friend as to whether we need the witness to go
16 out. Because I don't want to waste the Court's time.

17 But essentially, what the Prosecution is doing --

18 JUDGE THOMPSON: To me, clearly, we would save much time if we
19 were to ask this witness to retire temporarily. Because
10:31:00 20 quite frankly, I have stated the law as I understand it.
21 And I have no doubt in my mind that there is no total ban
22 on asking leading questions in examination-in-chief, but
23 the ban is when they're contentious. If I am satisfied
24 that the matters that you're raising, then I am going to
10:31:22 25 vote for you.

26 PRESIDING JUDGE: In a plebiscite.

27 MR O' SHEA: Can I just say, Your Honour - I know Mr Harrison's
28 on his feet - but can I just say before the witness goes
29 out, I would like to consult with Mr Cammegh to be sure

1 where we're going here.

2 JUDGE THOMPSON: Right, okay.

3 MR HARRISON: The Prosecution has its eye on the clock. We're
4 very concerned about time management. We're in the third
10:31:44 5 week. We've finished one witness. The Prosecution has
6 no further questions for the witness.

7 JUDGE BOUTET: So you're not pursuing these questions?

8 MR HARRISON: No.

9 MR O' SHEA: I'm grateful.

10:32:00 10 PRESIDING JUDGE: That would be the end of your
11 examination-in-chief, Mr Harrison?

12 MR HARRISON: That's the end.

13 JUDGE THOMPSON: Learned counsel for the Defence, Mr Jordash,
14 your witness.

10:34:16 15 MR JORDASH: Thank you, Your Honour.

16 CROSS-EXAMINED BY MR JORDASH:

17 Q. Good morning, Mr Witness.

18 A. Good morning.

19 Q. Just so you know who I am, I represent Mr Issa Sesay.

10:34:33 20 I want to start, if I may, with the very early days,
21 and just to see if you can confirm some information.

22 JUDGE THOMPSON: Just a minute.

23 MR HARRISON: I'm sorry to interrupt. I don't know if
24 Mr Jordash can see, but there's an exhibit before the
10:34:52 25 witness. And I don't know if Mr Jordash wants it to be
26 there.

27 MR JORDASH: I won't be referring to it for some time.

28 MR HARRISON: Should it be removed?

29 MR JORDASH: I think it probably will help to keep things

1 simple.

2 JUDGE THOMPSON: Let it be removed, yes. Quite.

3 MR JORDASH:

4 Q. You told us, Mr Witness -- and before I start asking
10:35:20 5 questions, please feel free to ask me for clarification
6 if there's anything you don't understand.

7 A. Okay.

8 Q. You're captured by the RUF, is this right, in April 1991?

9 A. Exactly so.

10:35:42 10 Q. Which was, was it not, only shortly after the first entry
11 by the troops led by Sankoh a few days, weeks, after the
12 first of the invasion?

13 A. Yes. I said it was on the 3rd of April 1991. It was on
14 Wednesday.

10:36:19 15 PRESIDING JUDGE: But counsel's question is not answered as
16 yet. Mr Jordash, I imagine he has not quite answered.

17 MR JORDASH: Not quite, but perhaps I can be --

18 PRESIDING JUDGE: He is going to think he has answered.

19 MR JORDASH: I can be a bit more specific, I think.

10:36:33 20 PRESIDING JUDGE: All right.

21 MR JORDASH:

22 Q. Can you confirm, Mr Witness, that the first entry into
23 Sierra Leone was to a place called Bomaru on the 23rd of
24 March 1991?

10:36:50 25 A. That was not my location at the time when I was captured.
26 I was captured in Pujehun.

27 Q. But given -- you never learned, though, that the
28 first --

29 A. Yes, I heard of that. That was the 3rd of March 1991.

1 Q. Well, when I ask you questions, Mr Witness, please feel
2 free to give us the information you have, but just make
3 it clear to us where the information comes from

4 PRESIDING JUDGE: You said you were captured where?

10:37:20

5 THE WITNESS: I was captured in Pujehun District, Soro Gbema
6 Chiefdom

7 PRESIDING JUDGE: You had said so anyway.

8 MR JORDASH:

9 Q. You have --

10:37:35

10 PRESIDING JUDGE: And you confirm that the entry of the forces
11 was on what date?

12 THE WITNESS: At -- this is in the Kallon area or the first
13 entrance. That was on the 3rd of March 1991.

14 PRESIDING JUDGE: That would be of what forces? The RUF?

10:37:56

15 THE WITNESS: The RUF.

16 PRESIDING JUDGE: Into Sierra Leone.

17 THE WITNESS: Yes, into Sierra Leone.

18 PRESIDING JUDGE: On the 3rd of March.

19 THE WITNESS: Yes, sir.

10:38:15

20 PRESIDING JUDGE: 1991.

21 THE WITNESS: Yes, sir.

22 PRESIDING JUDGE: Okay.

23 MR JORDASH:

10:38:31

24 Q. Could I just suggest to you that it was, in fact, the
25 23rd of March 1991? Could that be right?

26 A. No. I say it was on the 3rd of March, that I understand.

27 Q. Okay. But in any event, you learnt, is this right, that
28 many of these men had been trained in a camp called Camp
29 Naama in Gbanga, in Liberia?

1 A. Yes, I heard of that later.

2 Q. And the camp was a camp which effectively was run by
3 Foday Sankoh?

4 A. Yes, as I heard.

10:39:15 5 Q. As you heard.

6 A. Yes.

7 PRESIDING JUDGE: What's the name of the camp again?

8 MR JORDASH: Naama, N-A-M-A.

9 PRESIDING JUDGE: Naama.

10:39:35 10 THE WITNESS: Naama. That was in Gbanga.

11 PRESIDING JUDGE: And what had Foday Sankoh had to do with
12 that camp?

13 MR JORDASH: He ran it.

14 Q. It was under the control of Foday Sankoh.

10:39:54 15 A. Yes.

16 Q. And the camp involved military training of conscripts.

17 A. Yes, as I heard.

18 Q. And within the camp, there were various trainers who were
19 effectively friends or colleagues of Foday Sankoh?

10:40:44 20 A. Yes, as I heard the information.

21 Q. Mohamed Tarawallie was one of the principal commanders.
22 Is that correct?

23 A. Yes, 1991 up to 1995, he was the battlefield commander of
24 the RUF.

10:41:28 25 PRESIDING JUDGE: 1991 to?

26 THE WITNESS: 1995, he was the battlefield commander of the
27 RUF.

28 MR JORDASH:

29 Q. Rashid Mansaray, have you heard that name?

1 A. Yes, I know him personally.

2 Q. Was he also -- was he a battle group commander in 1991?

3 PRESIDING JUDGE: Rashid, Mr Jordash?

4 MR JORDASH: Rashid Mansaray. R-A-S.

10:42:05 5 THE WITNESS: H-I-D.

6 Q. And Mansaray is spelled?

7 A. M-A-N-S-A-R-A-Y, Mansaray.

8 Q. Thank you. Battle group commander?

9 A. Yes.

10:42:20 10 PRESIDING JUDGE: You say you know him personally?

11 THE WITNESS: Yes, I knew him

12 MR JORDASH:

13 Q. So in 1991, he was battle group commander?

14 A. Yes.

10:42:31 15 Q. Mike Lamin?

16 A. Yes, I also know Mike Lamin.

17 Q. Was he the ideology and physical training instructor in
18 Camp Naama?

19 A. I knew Mike Lamin in Sierra Leone.

10:42:56 20 Q. That's not quite the question. Mike Lamin, was he the
21 ideology and physical training instructor in Camp Naama?

22 A. Yes, as I heard it.

23 PRESIDING JUDGE: Physical training and?

24 MR JORDASH: Ideology trainer.

10:43:22 25 Q. And Isaac Mongor?

26 A. Yes, I know Isaac.

27 PRESIDING JUDGE: Mongor.

28 MR JORDASH: Perhaps the witness knows better than I.

29 Q. Is it M-U or M-O?

1 A. M-O-N-G-O-R, Mongor.

2 PRESIDING JUDGE: Who was he?

3 THE WITNESS: He was the principal training instructor.

4 PRESIDING JUDGE: You also heard all this?

10:44:49 5 THE WITNESS: Yes, I heard it.

6 PRESIDING JUDGE: The principal training instructor?

7 THE WITNESS: Yes, he was the overall training instructor.

8 MR JORDASH:

9 Q. Now, when you were captured, you decided soon after, is
10:44:49 10 this right, to actually join the RUF?

11 A. Repeat your question, please.

12 Q. You were captured against your will. But after that, you
13 decided to say and fight with the RUF. Is that correct?

14 JUDGE THOMPSON: [Inaudible]

10:45:29 15 MR JORDASH: I beg your pardon, sorry.

16 Q. You were captured by the RUF?

17 A. Yes, I was captured by RUF.

18 Q. Remained willingly thereafter. Is that correct?

19 A. Yes, thereafter.

10:45:29 20 PRESIDING JUDGE: Thereafter, I remained.

21 MR JORDASH: Willingly.

22 THE WITNESS: I remained with the RUF, yes.

23 PRESIDING JUDGE: There is a word "willingly."

24 THE WITNESS: Yes, I was with the RUF willingly at that time.

10:45:35 25 PRESIDING JUDGE: I remained willingly.

26 MR JORDASH:

27 Q. Can I just ask you this: Was that because you came to
28 believe in at least the ideology which Sankoh was putting
29 forward at that time as the reason for the rebel

1 invasion?

2 A. Yes.

3 Q. Would you accept this: That however this ended up, in
4 reality, a strong ideological purpose was part of at
10:46:42 5 least what Sankoh said and trained the men to follow?

6 A. Huh?

7 MR JORDASH: It's a long question. Let me simplify that,
8 sorry.

9 PRESIDING JUDGE: Long and controversial.

10:46:56 10 MR JORDASH: Yes, perhaps it was. Let me simplify it.

11 Q. In the training camps, ideology was an important part of
12 the teaching?

13 A. Yes.

14 Q. That involved teaching about the purposes of the
10:47:34 15 revolution, including --

16 JUDGE THOMPSON: Let's have it first.

17 MR JORDASH: Sorry.

18 JUDGE THOMPSON: [Inaudible]

19 MR JORDASH: Sorry, yes.

10:47:44 20 Q. Is that right?

21 A. Yes, the ideology --

22 JUDGE THOMPSON: The training involved teaching about the
23 revolution, the purpose of the revolution.

24 MR JORDASH: Yes.

10:48:05 25 JUDGE THOMPSON: We can now go to the various ingredients of
26 the purpose.

27 MR JORDASH: Thank you.

28 Q. Part of that purpose was the changing of the government
29 which was responsible, it was said, for bad governance.

1 A. These were all the purpose of the revolution.

2 JUDGE THOMPSON: And Mr Witness, could you just answer
3 specifically because it's so important that we get the
4 so-called ingredients of this grand design.

10:48:35

5 THE WITNESS: Yes.

6 JUDGE THOMPSON: So to speak.

7 PRESIDING JUDGE: But part of the purpose was the changing of
8 the government that was --

9 JUDGE THOMPSON: Changing of the government?

10:48:44

10 MR JORDASH: That was responsible for bad governance.

11 PRESIDING JUDGE: Bad governance.

12 JUDGE THOMPSON: Responsible for bad governance.

13 MR JORDASH:

14 Q. It was supposed to be a revolution for the people, for
15 the masses, for those living in poverty?

10:49:04

16 A. Exactly.

17 PRESIDING JUDGE: That was supposed to involve the masses.

18 MR JORDASH: A revolution for the masses.

19 JUDGE THOMPSON: For the masses who were living in poverty.

10:49:35

20 MR JORDASH: Yes.

21 JUDGE THOMPSON: Revolution for the masses who were living in
22 poverty. You agree?

23 THE WITNESS: Yes.

24 JUDGE THOMPSON: Yeah.

10:49:52

25 MR JORDASH:

26 Q. And you were told, as part of that ideology, that there
27 was no justice in the country?

28 A. I was told, yes.

29 Q. Poor educational facilities for most people?

1 A. Yes.

2 JUDGE THOMPSON: What is the question?

3 MR JORDASH: That they were told --

4 JUDGE THOMPSON: This is all the ingredients --

10:50:33 5 MR JORDASH: Yes.

6 JUDGE THOMPSON: Right. Agrees that?

7 MR JORDASH: There was poor educational facilities for most.

8 Q. Women were not respected or given rights?

9 A. Yes.

10:51:06 10 Q. And the economy was bad largely because of corruption in
11 the government?

12 A. Yes.

13 Q. And the teaching of this ideology, firstly by Lamin and
14 Mongor, was an important part of Sankoh's revolution?

10:51:53 15 A. Yes.

16 JUDGE THOMPSON: I didn't get the first part. You said the
17 teaching --

18 MR JORDASH: The teaching of this ideology was a large part of
19 Sankoh's revolution as taught by Lamin and Mongor.

10:52:27 20 PRESIDING JUDGE: It was an important part of Foday Sankoh's?

21 MR JORDASH: Revolution.

22 Q. And just before I move on from this, Sankoh chose his
23 ideology teachers carefully because it was so important
24 to him Is that right?

10:53:01 25 A. It was.

26 JUDGE THOMPSON: Shall we have the first part. That he
27 chose --

28 MR JORDASH: I will. I will break it down.

29 JUDGE THOMPSON: That he chose, and then you might ask for the

1 reason.

2 MR HARRISON: I don't want to belabour things. But from the
3 Prosecution's point of view, there's nothing
4 controversial here. If Mr Jordash wishes to make it a
5 two-part question, that's perfectly fine with the
6 Prosecution just so we can get through this.

10:53:26

7 PRESIDING JUDGE: It is not only for the Prosecution. It
8 should be convenient for the Court because we are also
9 keeping records.

10:53:39

10 JUDGE THOMPSON: Remember we have to evaluate this.

11 PRESIDING JUDGE: We know when the Prosecution and the Defence
12 should agree. But where, you know, it is done and it is
13 not convenient to the Court, you know, we would have to
14 interject.

10:53:52

15 JUDGE THOMPSON: Let's have an answer as to whether he chose
16 them carefully.

17 MR JORDASH:

18 Q. Did Foday Sankoh choose his instructors carefully?

19 A. Yes.

10:54:07

20 Q. From those he trusted to properly educate the conscripts.

21 A. Yes.

22 JUDGE THOMPSON: What's the answer there, Mr Jordash?

23 MR JORDASH: Yes. From those he --

24 JUDGE THOMPSON: Trusted.

10:54:27

25 MR JORDASH: -- trusted to --

26 PRESIDING JUDGE: Educate.

27 MR JORDASH: -- educate the conscripts properly.

28 PRESIDING JUDGE: The conscripts properly.

29 JUDGE THOMPSON: Thank you.

1

2 MR JORDASH:

3 Q. I just want to move forward a little bit to -- nearer to
4 1996. Now, we know, is this right, that the Abidjan
10:55:21 5 Peace Agreement was implemented in November 1996?

6 A. Yes, I heard of that.

7 Q. Now, I want to take you just before that. Well, actually
8 before arriving to that place, can you confirm this:

9 That in April of 1992, Mike Lamin was a commander in the
10 Pujehun District?

10:55:59

11 A. Yes, he was an area commander.

12 PRESIDING JUDGE: Mike Lamin.

13 JUDGE THOMPSON: In Pujehun District?

14 THE WITNESS: Yes, sir. He was an area commander.

10:56:33

15 MR JORDASH:

16 Q. And at that stage, Foday Sankoh was the leader?

17 A. Yes.

18 Q. Mohamed Tarawallie was still the battlefield commander?

19 A. Yes.

10:56:56

20 Q. Eldred Collins, was he a commander in the Kailahun
21 District?

22 A. I was in Pujehun. I cannot give much answer relating to
23 Kailahun.

24 [HS240105B - SGH - 11.00 a.m.]

25 Q. Well, can you answer that if you can't answer --

26 A. No.

27 Q. No?

28 A. I don't know.

29 Q. Isaac Mungo; where was he April 1992?

- 1 A. I was in Pujehun, he also was in Kailahun. I don't know
2 much about that.
- 3 Q. Okay. Were you aware of a coup by the NPRC led by
4 SAJ Musa and Strasser in April of 1993?
- 5 A. Yes, I was in Pujehun.
- 6 Q. I just want to --
- 7 PRESIDING JUDGE: A coup led by?
- 8 MR JORDASH: SAJ Musa and Strasser Kai, which lead to Strasser
9 becoming President.
- 10 PRESIDING JUDGE: That was in April 1992?
- 11 MR JORDASH: April 93, sorry, I think I said 1992.
- 12 Q. 1993; is that right?
- 13 A. April 1993.
- 14 Q. Yeah. And just if I can ask you --
- 15 PRESIDING JUDGE: And this led, as you said, to Strasser
16 becoming the President.
- 17 MR JORDASH:
- 18 Q. Strasser became President, SAJ Musa became
19 Vice-president?
- 20 A. Yes.
- 21 Q. I beg your pardon, let me just clarify that. It was 1992
22 actually this coup, wasn't it?
- 23 A. 1992. Of course, that was 1992.
- 24 Q. Yes, thank you, my mistake.
- 25 A. I remember now it was '92.
- 26 Q. And can you confirm this: That at the time Sam Bockarie
27 was a commander in Kono --
- 28 A. I was in Pujehun, so I cannot say anything concerned
29 about Kono. Sorry.

1 Q. At the end of 1992, can you recall this, was when a push
2 by the Sierra Leonean RUF led to a large number of the
3 Liberians leaving?

4 A. Yes, I was in Pujehun and that --

5 PRESIDING JUDGE: There again, make it clearer, please.

6 MR JORDASH: I can make it clearer. I am sorry.

7 PRESIDING JUDGE: Yes.

8 MR JORDASH:

9 Q. At the end of -- let me start that again. At the
10 beginning of this revolution, there was a large number of
11 Liberians taking part.

12 A. Yes.

13 PRESIDING JUDGE: Was that at the beginning?

14 MR JORDASH: At the beginning from --

15 Q. During 1991, 1992; is that right, Mr Witness?

16 A. U-huh.

17 Q. A large number of Liberians were taking part?

18 A. They are mostly commanders, senior commanders.

19 Q. Isaac Mungo was a battle group commander who mobilised
20 the Sierra Leonean RUF men to attack Liberians to push
21 them into Liberia; is that right?

22 A. I heard of that when I was in Pujehun.

23 PRESIDING JUDGE: Too long for us.

24 MR JORDASH: Isaac Mungo was the battle group commander.

25 PRESIDING JUDGE: Stop there.

26 MR JORDASH:

27 Q. Is that right?

28 A. It was true.

29 Q. Yes.

1 PRESIDING JUDGE: What did he do?

2 MR JORDASH:

3 Q. He led an attack on the Liberians to push them out into
4 Liberia?

5 A. Yes.

6 PRESIDING JUDGE: And where was this attack?

7 THE WITNESS: It was Kailahun District and even extended the
8 Pujehun District as well.

9 MR JORDASH:

10 Q. For completeness sake, that was because -- what did you
11 hear it was for?

12 A. According to the information that we got in the Pujehun
13 was that the most senior Liberian commanders were not
14 treating the revolution in the best image, and so some of
15 them were practising --

16 JUDGE THOMPSON: Slowly, slowly. According to the
17 information --

18 A. Yes, according to the information as instructions sent to
19 us in Pujehun, the most senior commanders of the Liberian
20 commanders of RUF were not treating the revolution in the
21 best interests of the civilians.

22 MR JORDASH:

23 Q. So, put shortly --

24 PRESIDING JUDGE: The best interests of the civilians?

25 THE WITNESS: Yes, and the revolution.

26 MR JORDASH:

27 Q. Put shortly, they were committing offences against
28 civilians which was against the ideology?

29 A. Yes, that's why I said they were not in the best

1 interests of the civilians.

2 PRESIDING JUDGE: Yes, but you didn't explain that.

3 JUDGE THOMPSON: Specifically.

4 PRESIDING JUDGE: Specifically.

5 MR JORDASH:

6 Q. Specifically, that they were committing crimes against
7 civilians?

8 A. Crimes, yes.

9 JUDGE THOMPSON: It is true that specifically senior
10 commanders, you say, were committing.

11 MR JORDASH: Crimes against civilians.

12 Q. And so Sankoh ordered that attack led by Mungo?

13 A. Yes.

14 Q. Now moving, as I said I would a few minutes ago, to 1996.
15 This was a time when Camp Zogoda existed; is that right?

16 A. Yes.

17 Q. In Kenema?

18 A. In Kenema District.

19 PRESIDING JUDGE: 1996?

20 MR JORDASH: 1996.

21 PRESIDING JUDGE: Camp what?

22 MR JORDASH: Zogoda.

23 THE WITNESS: Zogoda.

24 MR JORDASH:

25 Q. Zogoda, is it?

26 A. Yes.

27 Q. Please spell it, if you would, Witness.

28 A. It's Z-O-G-A-D-A, Zogoda. G-O-D-A. Z-O-G-O-D-A.

29 PRESIDING JUDGE: [Inaudible] Camp Zogoda existed?

- 1 MR JORDASH: Yes.
- 2 Q. This was Foday Sankoh's main base.
- 3 A. Main base.
- 4 PRESIDING JUDGE:
- 5 Q. And this was in what district?
- 6 A. Kenema.
- 7 Q. Kenema?
- 8 A. Yes, sir.
- 9 MR JORDASH:
- 10 Q. Is this also correct, that at that time there was also a
11 main deployment of RUF in the northern jungle Kangari
12 Hill?
- 13 A. Yes, I heard of that, Kangari Hill.
- 14 Q. Otherwise known as the northern jungle?
- 15 A. Northern jungle.
- 16 PRESIDING JUDGE: The deployment of who?
- 17 MR JORDASH: RUF.
- 18 THE WITNESS: RUF.
- 19 PRESIDING JUDGE: In?
- 20 THE WITNESS: Kangari Hill.
- 21 MR JORDASH:
- 22 Q. Northern jungle?
- 23 A. Northern jungle, Kangari Hill.
- 24 Q. And another main deployment in the Western Area,
25 Bradford?
- 26 A. Yes, I heard of that also.
- 27 PRESIDING JUDGE: [Inaudible] which time? Bradford?
- 28 MR JORDASH: Bradford.
- 29 PRESIDING JUDGE: Can you spell Bradford, Mr Witness?

1 MR JORDASH: Mr Witness, can you spell Bradford, please?

2 A. Bradford?

3 Q. Yes.

4 A. It's B-R-A-F-A-U-D.

5 Q. Brafaud [phoen], not Bradford? My mistake.

6 PRESIDING JUDGE: B-R-A-F.

7 THE WITNESS: R-A-U-D.

8 MR JORDASH:

9 Q. Were these the three principal deployments of RUF at this
10 time?

11 A. Yes, those were the principal deployments.

12 Q. Thank you. And there was also Kailahun.

13 A. Kailahun was also another deployment.

14 Q. So it was effectively four main areas?

15 A. Huh?

16 Q. Four main areas of the RUF; is that right?

17 A. Yes, yes. '96.

18 PRESIDING JUDGE: He said it might be six. We are at four.

19 MR JORDASH: No, no, 1996.

20 A. I said 1996.

21 PRESIDING JUDGE: Oh, 1996. Okay. All right.

22 THE WITNESS: Yes, sir.

23 MR JORDASH:

24 Q. Is this correct, Peter Vandey was the commander in
25 Kailahun?

26 A. I cannot give much concern about Kailahun at that time
27 because I was in Pujehun, but I knew Peter Vandey very
28 well.

29 Q. He was one of the commotion, was he?

- 1 A. Yes, he heard that. He was one of the commanders.
- 2 Q. In Kailahun.
- 3 A. In Kailahun.
- 4 Q. Mohammed Tarawallie still a battle field commander based
5 in Camp Zogoda; is that right?
- 6 A. Yes, up to 1996.
- 7 Q. Sam Bockarie, battle group commander Kailahun?
- 8 A. Yes.
- 9 Q. 1996?
- 10 A. 1996.
- 11 Q. That Superman, commander of the Western Area?
- 12 A. Yes.
- 13 Q. Do you know who was --
- 14 PRESIDING JUDGE: Superman was what?
- 15 MR JORDASH:
- 16 Q. Superman was the --
- 17 A. Western area commander.
- 18 Q. Isaac --
- 19 PRESIDING JUDGE: This was still in 1996.
- 20 MR JORDASH: Yes.
- 21 Q. Isaac Mungo, area commander of the northern region?
- 22 A. Yes, I heard of that also. It's true.
- 23 Q. Did you hear about an attack by Kamajors on Camp Zogoda,
24 November 1996?
- 25 A. Yes.
- 26 Q. Can you confirm that Mohamed Tarawallie divided the RUF
27 at Camp Zogoda into two groups following that attack?
- 28 A. Yes.
- 29 Q. And one of the groups was headed by Mike Lamin for

1 Puj ehun?

2 A. Yes.

3 Q. And the other by --

4 PRESIDING JUDGE: One led by?

5 THE WITNESS: Mike Lamin.

6 MR JORDASH:

7 Q. And one group headed by Mohamed Tarawallie for Kailahun?

8 A. Yes.

9 Q. And as Mohamed Tarawallie and his group moved to
10 Kailahun, Mohamed Tarawallie was killed by the CDF. Is
11 that right?

12 A. What I heard was that he escaped and went to Guinea.
13 That was what I heard as information.

14 Q. He disappeared at that stage anyway?

15 A. Well, it is very difficult for me to say, but I heard
16 that he escaped to Guinea.

17 Q. Mike Lamin and his men were pushed over the border to
18 Liberia.

19 A. Exactly, yes.

20 Q. Were you in that group?

21 A. I was part of that group.

22 MR JORDASH: Sorry, can I just have a moment?

23 Q. Did Superman remain in the northern jungle until the time
24 of -- I beg your pardon. Did he remain in the Western
25 Area until the time of the junta?

26 A. If he remained in the northern jungle?

27 Q. My suggestion is that Superman was, as you have agreed,
28 in the Western Area until 1996. My suggestion is that he
29 stayed there until he went to Freetown as part of the

- 1 junta?
- 2 A. Yes, he remained in the jungle.
- 3 Q. Thank you. In 1996, were you aware of Issa Sesay?
- 4 A. Yes.
- 5 Q. And according to you, what was he doing?
- 6 A. In 1996 I knew Issa Sesay as one of the commanders in the
7 Kailahun District, as one of the senior commanders.
- 8 Q. Did you hear about an investigation into Sesay a few days
9 after the Abidjan Peace Accord, an investigation
10 instigated by Sankoh?
- 11 A. I was in Pujehun, as I have no knowledge of that.
- 12 Q. Okay. Just for completeness` sake, did you ever hear
13 that around that time he was demoted as a result of the
14 investigation? Demoted to captain.
- 15 A. Issa Sesay?
- 16 Q. Yes.
- 17 A. No, I don't have no knowledge of that.
- 18 Q. Okay. The incident you have described with Massaquoi,
19 B.S. Massaquoi, I just want to ask you a little about
20 that.
- 21 A. Okay.
- 22 Q. That happened -- well the investigation and subsequent
23 beating of Massaquoi and death occurred in Kenema; is
24 that correct?
- 25 A. Yes.
- 26 Q. In 19 --
- 27 A. 97.
- 28 Q. Q. 1997?
- 29 A. Yes.

1 Q. What was Sam Bockarie's position in the RUF at that time?

2 A. Sam Bockarie was the Chief of Defence staff.

3 Q. And you were witness -- before I ask that question, this
4 was November 1997?

5 A. Yes '97.

6 Q. At the time of the junta?

7 A. Yes.

8 Q. And as far as you were aware Sesay was in Freetown at
9 that time?

10 A. Sesay was not in Kenema, but was in Freetown.

11 Q. Can I just ask this, you were witness to him being
12 effectively beaten and tortured; is that correct?

13 A. Yes, I was present.

14 Q. Could I ask you why it was you did not prevent that
15 attack on B.S. Massaquoi?

16 A. Yes, I could not prevent any attack because I was not
17 involved.

18 PRESIDING JUDGE: First of all, you did not prevent the
19 beating and the torture of Massaquoi.

20 A. Never.

21 Q. You never prevented it, nor did you intervene?

22 A. Sir.

23 Q. You neither prevented or intervened?

24 A. Neither intervened, no.

25 Q. Right.

26 MR JORDASH:

27 Q. Why not?

28 A. Already the board of investigations had been set up by
29 Bockarie and the security, so they were concerned with

1 that. I was just an observer.

2 Q. Presumably you did not agree with it.

3 A. Sir?

4 Q. Presumably you didn't agree with Sam Bockarie's
5 behaviour.

6 A. Well at that time I can't say I don't agree, but it was
7 not in the right way. So I don't agree at all.

8 Q. Major Rocky was there as well; was he?

9 A. Yes, he was there.

10 Q. He was a commander; is that not right?

11 A. He was only a senior officer, but not a commander.

12 Q. And did he do anything to try and stop this incident,
13 this beating?

14 A. No, I didn't see him stop any incident neither I -- he
15 also was not a member of the board of investigation.

16 Q. But did you have to be on the board of investigation to
17 object and try to prevent a man being beaten to death?

18 A. Of course, the people who were all set out to go into the
19 case were there already. So I cannot judge that for his
20 own opinion, but that was how I get the feel of it,
21 because he was not a member of the board, he was just
22 also as an observer.

23 PRESIDING JUDGE: Counsel is asking you: To intervene did you
24 need to be a member of the board of investigation?

25 THE WITNESS: Of course, in some of the investigations --
26 because Rocky did not even first knew what was the nature
27 of the case. We only met the case on. So I can't say --
28 neither in my own position to go in between on high level
29 cases or to give adviser and positions.

1 PRESIDING JUDGE: [Inaudible]

2 THE WITNESS: Well, that was a case which was above our own
3 level. It was set up by Sam Bockarie and his other
4 officials based in Kenema.

5 MR JORDASH:

6 Q. From what you observed of Sam Bockarie, what would have
7 been his reaction to your intervention or any
8 intervention?

9 A. If I was to intervene?

10 Q. Yes.

11 A. I don't think he was to do any other thing, but I didn't
12 take part because I never knew the nature of the case
13 that was starting, and up to almost to the end was the
14 only time I understood the nature of the case.

15 Q. Did Sam Bockarie have control over Kenema at that time?

16 A. Sir.

17 Q. Did Sam Bockarie have control over Kenema at that time?

18 A. He was in control of Kenema.

19 Q. When I use the word control, I am not talking about a
20 democracy here. A dictatorship type of control; is that
21 correct?

22 A. Yes, it was -- he was in control.

23 Q. But what he said went. What he said happened?

24 PRESIDING JUDGE: [Inaudible] democratically elected?

25 THE WITNESS: No, he was not. He was not a democratically
26 elected man.

27 PRESIDING JUDGE: I'm just -- I am asiding here with counsel.

28 THE WITNESS: Okay.

29 PRESIDING JUDGE: So was he democratically elected for his

1 instructions to have any democratic colouring? I don't
2 think so.

3 THE WITNESS: No.

4 PRESIDING JUDGE: Let's proceed.

5 MR JORDASH:

6 Q. He was in effect a dictator, wasn't he?

7 A. Well, as a commander, you know, it is not in all cases --
8 someone like go around confront a commander in such
9 cases, it was very difficult. Sometimes he did listened,
10 sometimes he cannot. So it was very difficult.

11 Q. He had, is this right, a number of very loyal security?
12 Is this right?

13 A. Sir?

14 Q. Sam Bockarie, did he have loyal security?

15 A. Yes, he has his securities.

16 Q. Were they loyal?

17 A. They were loyal.

18 Q. Sometimes, you have told us, he would listen, sometimes
19 not.

20 A. Yes.

21 Q. And is this fair, that given his position, his security
22 and his personality, he controlled Kenema tightly?

23 A. Yes.

24 Q. Now, is it not right that those who held the most
25 influence in the RUF immediately before the junta was Sam
26 Bockarie, Superman and Colonel Isaac Mungo?

27 A. If they were what.

28 Q. Well, were they not the three most influential men in the
29 RUF just before the RUF joined the AFRC in Freetown? And

1 I should include on that list Mike Lamin.

2 A. Yes, they were -- they were the most senior commanders,
3 even though other commanders were there, but as you have
4 just mentioned, before the junta, you know, Superman was
5 one of the most senior men, Colonel Isaac, you know, and
6 the rest -- Sam Bockarie.

7 PRESIDING JUDGE: Take the names again for the junta.

8 MR JORDASH:

9 Q. Sam Bockarie?

10 A. Yes.

11 Q. Superman; Dennis Mingo?

12 A. U-huh.

13 Q. Isaac Mungo?

14 A. Mike Lamin.

15 Q. And Mike Lamin?

16 A. Yes, they were the most senior officers.

17 JUDGE BOUTET: Did you include Bockarie in this?

18 MR JORDASH:

19 Q. Yes.

20 A. Sam Bockarie, that is Mosquito.

21 Q. Sam Bockarie, Superman, Colonel Isaac Mungo and Mike
22 Lamin.

23 PRESIDING JUDGE: Were you using the word most influential or
24 most senior? I got counsel to use the word, I thought he
25 used the word influential at a certain stage.

26 MR JORDASH:

27 Q. I did, most influential?

28 A. I said they were most senior commanders, you know.

29 Q. I am using the word influential.

1 A. They were in control of the rest of the RUF at that time.

2 Q. Thank you. Now, at that time, what was Sam Bockarie's
3 position?

4 A. '96?

5 Q. This is just before the RUF joined the AFRC in Freetown.

6 A. Yeah, Sam Bockarie was still the head.

7 Q. Did he have a title?

8 A. Yes.

9 Q. What was it?

10 A. He was the [inaudible] field commander.

11 Q. Now, I want to refer you to the transcript of Foday
12 Sankoh's speech telling the RUF to join the AFRC. I
13 think that is exhibit -- I am not sure what exhibit that
14 is.

15 MR HARRISON: I think it is 18.

16 MR JORDASH: Thank you.

17 MR HARRISON: I am sorry, it is 17.

18 MR JORDASH: Thank you, Mr Harrison.

19 PRESIDING JUDGE: Can Court Management please update and keep
20 in front of it the list of the exhibits so that when a
21 reference is made to it, you know, you echo the number of
22 it, please.

23 MS EDMONDS: The list is up-to-date, sir.

24 PRESIDING JUDGE: Yes, but you should echo it when people like
25 the accused -- you should stand up and echo it to
26 counsel.

27 MR JORDASH:

28 Q. Now, if there is reference there to -- I am looking at
29 the -- I beg you pardon, I will just find the transcript.

1 Now, the third paragraph I want to have a look at. "The
2 field commanders and all commanders you will get
3 instructions from me through Major Koroma."

4 PRESIDING JUDGE: Paragraph what?

5 MR JORDASH: Paragraph 3, Your Honour. "They are our
6 brothers, let no-one fool you. You have to work with
7 them to put the situation under control especially in the
8 Western Area. You the field commanders instruct your
9 brother Commander Bingo," it says here. As far as you
10 are aware there wasn't a Commander Bingo, it's a
11 Commander Mingo this is referring to.

12 A. It's Mingo, not Bingo.

13 Q. Exactly.

14 A. That was just misspelling.

15 Q. So Foday Sankoh, is this right, directly addressing at
16 this stage Sam Bockarie, as the field commander,
17 instructing -- to instruct Commander Mingo?

18 A. Yes.

19 Q. Yes, thank you. Can I just ask you to turn over the page
20 of this exhibit, please, Mr Witness.

21 A. Uh?

22 Q. Could I ask you to turn to the second page of the
23 exhibit. Just the first paragraph there, "Power to the
24 people and wealth of our people should be in the hands of
25 the people. RUF be strong, intelligent, Bai Bureh," and
26 then a name which sounds like Nyagoa and Kailondo.

27 A. Kailondo.

28 Q. Bai Bureh, what was he at the time of his transmission;
29 do you know?

1 A. This part of the media which is read here, Bai Bureh was
2 not -- it was just as a warrior title.

3 Q. I see.

4 A. Putting into the fighters.

5 Q. Right.

6 A. It's the same thing as Nyagoa and also Kailondo, you now.

7 Q. Okay.

8 A. These were just names of fighters; nicknames. Fighting
9 names as well.

10 Q. Is Sankoh referring to specific people?

11 A. No, he is just referring to our great ancestors who have
12 been warriors before.

13 Q. I see. Thank you.

14 PRESIDING JUDGE: Learned counsel, I think we will take a
15 break from the ancestor warriors and resume in the next
16 couple of minutes. The Court will rise, please.

17 [Break taken at 11.45 a.m.]

18 [Resuming at 12.18 p.m.]

19 PRESIDING JUDGE: Right, resuming the session. Yes,
20 Mr Jordash, continue your cross-examination.

21 MR JORDASH: Your Honour, thank you. I would like to now just
22 ask for a document to be put in front of the witness, so
23 if I can just explain what it is. There should be copies
24 for Your Honours. There is copies given to my learned
25 friends and my learned colleagues on the Defence side.
26 And it should be labelled, I think, F, which is labelling
27 which doesn't make any sense in this context, but it does
28 help to identify the document. It is headed, "Restricted
29 speech by AFRC chairman." As Your Honours can see on the

1 top right-hand corner of it, it has the number 5157 that
2 is on the second -- 5156 and 5157 and so on. And it is a
3 document which has been served on the Defence by the
4 Prosecution and as yet hasn't been exhibited. But I
5 would like to ask the witness about the contents of the
6 document. There is a copy for the witness, with Your
7 Honours' leave.

8 JUDGE BOUTET: And do you intend to produce this document as
9 an exhibit subsequently?

10 MR JORDASH: Your Honour, yes, I will ask for it to be
11 exhibited.

12 JUDGE THOMPSON: What is the Prosecution's disposition?

13 MR HARRISON: Regarding what?

14 JUDGE THOMPSON: This particular document. Have you been
15 served with it?

16 MR HARRISON: I just got it, yes.

17 JUDGE THOMPSON: Okay, well then we can [inaudible]

18 MR HARRISON: I can tell you that I have absolutely no idea
19 what, if anything, this witness can say.

20 JUDGE THOMPSON: We must receive [inaudible]. Counsel has
21 indicated that he may be asking the Court to receive it
22 in evidence. So I thought you had studied it. I was
23 merely finding out what the Prosecution's disposition
24 was, but if you need some time to produce it, then you
25 should have that time.

26 MR HARRISON: I am not asking for any time, but I think the
27 witness has to be asked if he has ever seen it before.

28 JUDGE THOMPSON: No, I am not -- we are not going into that
29 yet, I am just asking, since counsel has indicated that

1 he may intend to tender it, if at some -- if you have any
2 appropriate response to make to that intention, we have
3 not actually gone through the motions of putting it to
4 the witness or anything yet.

5 MR HARRISON: My suggestion is that it be put to the witness.

6 JUDGE THOMPSON: So that would be your suggestion.

7 MR HARRISON: Yes.

8 JUDGE THOMPSON: All right.

9 JUDGE BOUTET: If I may, Mr Prosecutor. The Defence has
10 indicated that these documents were documents that you
11 served upon them or were served -- disclosed to them --
12 disclosed to them at some given time. So these are
13 documents that you are familiar with, I would suggest.

14 MR HARRISON: I personally am not familiar with them, but I
15 take him at his word that they are part of Prosecution's
16 disclosure and I don't dispute that.

17 JUDGE THOMPSON: Go ahead.

18 MR JORDASH: Thank you. Could a copy please be given to the
19 witness. Just the top document if you would. It is
20 labelled document headed, "Restricted Speech." Actually
21 there is a document underneath it, I will be coming to it
22 in a minute.

23 PRESIDING JUDGE: That will be document number 5156?

24 MR JORDASH: 5156, yes.

25 RESIDING JUDGE: 51563.

26 MR JORDASH: Yes, Your Honour.

27 Q. Could I ask you, Mr Witness, to have a read through it
28 just to familiarise yourself with its contents.

29 JUDGE THOMPSON: Certainly. Certainly.

1 MR JORDASH: I am grateful. Thank you.

2 JUDGE THOMPSON: Mr Jordash.

3 MR JORDASH: Your Honour --

4 JUDGE THOMPSON: You may proceed.

5 MR JORDASH: I am grateful. Thank you.

6 Q. Do the contents of that speech trigger any memories,
7 Mr Witness?

8 A. When I was in Liberia I heard of this.

9 Q. You heard of this speech being made or you heard the
10 speech?

11 A. I heard the speech.

12 Q. And this really -- just two or three questions I want to
13 ask you about it. Then could I ask you to turn to page 1
14 which is five 5157 on the top right-hand corner. Second
15 paragraph, "Since my last broadcast to the nation," I
16 should put this so that it goes into the record. This is
17 a speech by Johnny Paul Koroma; is that right,
18 Mr Witness?

19 A. Yes.

20 Q. And it is a speech you said you heard when you were in
21 Liberia?

22 A. Yes.

23 Q. And the second paragraph read, "Since my last broadcast
24 to the nation announcing the overthrow of former
25 President Tejan Kabbah, I now wish to appraise you of the
26 following," and so it appears to Foday Sankoh's second
27 speech to the nation; is that right?

28 MR HARRISON: There may just be a slip of the tongue, I think
29 Mr Jordash said Foday Sankoh and I think he just meant to

1 say --

2 MR JORDASH: I beg your pardon. Thank you very much.

3 A. It's not Foday Sankoh, it's --

4 Q. Johnny Paul Koroma?

5 A. Yes.

6 Q. Thank you. And so, did you hear the first speech.

7 A. Which other one.

8 Q. Johnny Paul Koroma's first speech. He refers to a
9 broadcast before this broadcast?

10 A. Yes, I heard of such through the media of VOA when I was
11 in Liberia.

12 Q. Okay. This is just a very quick thing I want to ask you
13 about, which is on page 5163, which is the last page of
14 the speech or last page that I have.

15 A. 5162?

16 Q. 5163.

17 A. Okay.

18 Q. Second paragraph, "Ladies and gentlemen, we assure you
19 that we are reliably informed by the RUF that the rebel
20 war is over. This has been confirmed by very influential
21 members of the RUF: Sam Bockarie, Superman,
22 Colonel Dennis and Colonel Isaac. What is important to
23 us is to bring back peace to Sierra Leone so that our
24 people can move freely and engage themselves in economic
25 activities for the good of the nation." Now
26 Colonel Isaac refers to Colonel Isaac Mungo; is that
27 right?

28 A. Yes.

29 Q. Now, there is nothing in that paragraph which surprises

1 you referring to those three as influential members of
2 the RUF?

3 A. Not at all.

4 Q. Not at all. Were you aware of any contact between any of
5 those three and Johnny Paul Koroma around the beginning
6 of the time of the junta?

7 A. Not at all.

8 Q. You are not aware of it?

9 A. I am not aware of that.

10 Q. But you obviously spoke to Sam Bockarie soon thereafter,
11 I think in at least October 1997, is that right?

12 A. Yes.

13 Q. And by then Sam Bockarie had been in touch with Johnny
14 Paul Koroma.

15 JUDGE BOUTET: I am sorry, Mr Jordash, you did mention what
16 date?

17 MR JORDASH: October 1997 which is when I think this witness
18 said he visited Kenema.

19 A. Visited Kenema, I came from Liberia.

20 Q. With Sam Bockarie?

21 A. Yes.

22 Q. One last question, if I may, on that document. It is
23 right that Superman was a colonel, as was Isaac Mungo at
24 that time?

25 A. They were all colonels and all were senior officers.

26 Q. Thank you. Now, is it right, Mr Witness, that
27 Foday Sankoh was somebody who considered ranks to be
28 important? When I say ranks, I mean such as colonel,
29 major, captain, those types of ranks?

1 A. Yes.

2 Q. Did you ever hear reported an approach by Foday Sankoh
3 which was that where you came from didn't matter so much
4 as where you -- what your rank was? Words to that
5 effect?

6 [HS240105C - RK - 12.40 p. m.]

7 A. It was not like that, no.

8 Q. What was it like?

9 A. Ranking of our commanders or fighters, at that time it
10 was not on no tribalism, or whatever, or group you are
11 from It derived from your hardworking in the RUF at
12 that time.

13 Q. Right. Combined with rank?

14 A. Yes.

12:35:20 15 Q. Thank you.

16 MR JORDASH: Could I ask for this document to be exhibited,
17 please. I think we're up to number --

18 MS EDMONDS: 19.

19 MR JORDASH: Thank you.

12:35:56 20 MR HARRISON: There are just two points and I think both are
21 fairly minor. The first is I wonder if Mr Jordash would
22 just kindly ask the witness, as he has already asked if
23 he heard the speech, if what is transcribed is consistent
24 with his recollection of the speech just to round off
12:36:10 25 that circle. Secondly, I would just ask if Mr Jordash
26 would delay in his application to have this admitted as
27 an exhibit simply so the Prosecution could look for a
28 better copy and perhaps a more complete copy, because, as
29 I see, we've gone up to the page 7 and then it has

1 automatically -- it's cut off.

2 PRESIDING JUDGE: The document is not complete. After page 7
3 there is supposed to be a continuation.

4 MR JORDASH: Yes, I noticed that.

12:36:38 5 PRESIDING JUDGE: 5164 is not there.

6 MR JORDASH: Certainly.

7 PRESIDING JUDGE: In addition to Mr Harrison's point about
8 there's some -- take, for instance, page 5158 paragraph
9 3, it is not very, very clear. We don't know what is
10 there. The same goes, to some extent, with 5159.

12:37:03

11 MR JORDASH: I agree with what Mr Harrison has just said.

12 PRESIDING JUDGE: Finally, page 5162 in the last paragraph, it
13 looks blurred in its contents.

14 MR JORDASH: Yes. I agree with those suggestions.

12:37:29

15 Mr Harrison had said that to me before -- during the
16 break and I had forgotten. But I will ask the witness,
17 if I may, to confirm whether they represent or not what
18 he recalls.

19 JUDGE THOMPSON: Do you accept the first part of his proposal?

12:37:49

20 MR JORDASH: I do.

21 JUDGE THOMPSON: Well, you can then proceed to put it to the
22 witness.

23 MR JORDASH: Thank you.

24 JUDGE THOMPSON: And then we can postpone the admission of
25 this statement, of this document, into evidence --

12:38:05

26 MR JORDASH: Thank you.

27 JUDGE THOMPSON: -- until we have a clear copy.

28 MR JORDASH: Your Honour, yes.

29 PRESIDING JUDGE: It is considered that most of the document

1 is clear. Don't you think that it would be better for
2 the witness to talk about the clearer copy for him to see
3 whether it reflects entirely what he must have gotten out
4 of the broadcast? Don't you think we could also defer
5 that?

12:38:38

6 MR JORDASH: Certainly, I am happy to just leave those couple
7 of questions.

8 PRESIDING JUDGE: I would think so.

9 MR JORDASH: Certainly. Just picking up on the issue of rank,
10 I would like to put another document to this witness,
11 please. Your Honours, it is document marked C with a
12 blue flag. It is the minutes the Supreme Council meeting
13 held on the 11th of August 1997. I would just like to,
14 if I may, ask the witness about one aspect of it which is
15 contained on the first page of the document. Could the
16 witness please be given a copy of this document.

12:38:59

12:39:41

17 [Document handed to witness]

18 Q. If I may just guide you with this, Mr Witness, thank you.
19 You see the title there, just so there's no confusion,
20 Minutes of the Emergency Council Meeting of the AFRC.
21 Before I ask you to look at it can I ask you this: There
22 was, as we -- there was a Supreme Council within the
23 junta period; is that right?

12:40:20

24 A. I was in Liberia, so I cannot say there was a council of
25 such, I don't know.

12:40:46

26 Q. But you came, didn't you, to Freetown during the junta
27 period?

28 A. Of course, yes, I got here in the latter part of the
29 junta time.

1 Q. And were you not aware when you got into the town that
2 there was a Supreme Council?

3 A. I never knew of that.

4 Q. Do you know if it had been dissolved by then or not?

12:41:06

5 A. Well, I cannot say to that level. I don't know.

6 Q. Let me just ask you this then. Can you turn to page 2 of
7 the document. It is actually the first page after the
8 title and it has got copy number 2 of 41 which is on the
9 right-hand side corner. I'm just interested, Mr Witness,
10 in the list of names there, who was present, and I just
11 want to ask you this -- do you see the list of names
12 there?

12:41:28

13 A. Yes.

14 Q. I just want to see if you can confirm it is your
15 recollection that at the time of the junta Mr Sesay's
16 rank was lieutenant colonel; are you able to confirm
17 that, as indicated on this document?

12:41:40

18 A. Yes.

19 Q. Thank you. And, as we also can see from that document,
20 Mike Lamin's rank is that of colonel. Do you see that
21 just above? Can you see that, Mr Witness?

12:42:08

22 A. I cannot see Mike Lamin yet.

23 Q. The list of names present -- the title of the list is
24 Minutes of the Emergency --

12:42:42

25 A. Okay, I've seen it.

26 Q. You've seen it?

27 A. I have seen it, Mike Lamin.

28 Q. Colonel Mike Lamin?

29 A. Yes.

1 Q. Is that right?

2 A. Yes.

3 Q. Thank you. Now, when you arrive in Kenema to speak to
4 Mr Bockarie in October of 1997 he tells you of his
12:43:13 5 disappointment with the AFRC; is that correct?

6 A. Yes.

7 Q. Before I move on to that, could I ask for the witness,
8 please, to be given a copy of his statement to the
9 Prosecution dated November the 14th 2002?

12:43:47 10 While that is happening, could I just pick up on
11 something I missed out earlier. I should have asked you
12 this earlier, Mr Witness, but Rashid Mansaray was a
13 commander in the early days, in the early 1990's, with
14 the RUF; is that right?

12:44:35 15 A. Yes.

16 Q. Do you know what happened to Rashid Mansaray?

17 A. Yes. I was in Pujehun when a confrontation came between
18 Rashid Mansaray and Corporal Sankoh in terms of
19 leadership and he was finally later claimed to be
12:44:58 20 deceased at that time.

21 Q. Was he killed by Sam Bockarie?

22 A. I was -- I was in Pujehun. I only heard the death of
23 Rashid Mansaray and I don't know who killed him

24 Q. But did you hear that he had been killed by Sam Bockarie?

12:45:16 25 A. I heard that he was only killed.

26 Q. Okay, but it was following a confrontation with Sankoh
27 about the leadership?

28 A. Yes.

29 Q. Do you know what the detail of that confrontation was?

- 1 A. What I learned about the confrontation was that Corporal
2 Sankoh is not getting on the track of the agreement that
3 was made and how the war was to be positioned in Sierra
4 Leone and, due to that, number one point of his
12:46:02 5 confrontation was leadership have been giving more to the
6 foreigners, which were the Liberians, and not the Sierra
7 Leoneans themselves to have handled their war situations.
8 That was one of the first confrontation, as I learned.
- 9 Q. So, in other words, it was basically a subordinate
10 challenging a superior about the way in which the war was
11 being conducted and which may have led to his death?
- 12 A. Yes.
- 13 Q. And would you agree with this: That the likes of Foday
14 Sankoh and Sam Bockarie were not men who enjoyed
12:47:11 15 challenges to their behaviour?
- 16 A. Yes, it is true.
- 17 Q. Death was not an unlikely consequence of such a
18 challenge?
- 19 A. In some cases that is the only aftermath of some
12:47:37 20 confrontations.
- 21 Q. Thank you. Just continuing that, in that given situation
22 in 1990/1991 if you tried to leave the RUF -- where would
23 people go if they tried to leave the RUF?
- 24 A. Leaving the RUF in which way?
- 12:48:07 25 Q. When you were captured, could you have left?
- 26 A. If there was a possibility.
- 27 Q. Yeah?
- 28 A. I could have left.
- 29 Q. Where would you have gone?

1 A. To Liberia.

2 Q. What would you done in Liberia?

3 A. I was attending school in Liberia and I was also working
4 in Liberia.

12:48:30

5 Q. Now, I want to ask you about your statement. Could you
6 just have a look at that statement that is in front of
7 you?

8 JUDGE BOUTET: What is the page at the top?

9 MR JORDASH: It is 9738 at the top, it should be.

12:48:51

10 THE WITNESS: Yes.

11 MR HARRISON: I want to apologise in advance to Mr Jordash

12 because I am quite confident from this distance that he

13 actually has a different copy than the one before the

14 witness. It is a different format of printing, so as he

12:49:06

15 says turn the page it is very likely to be the case that

16 the witness is going to be somewhat confused as to what

17 page he should be on. And it is the Prosecution's fault

18 for obviously sending a version to Mr Jordash which is

19 different from the one that the Prosecution has submitted

12:49:24

20 to the Court.

21 MR JORDASH: I think, due to the diligence of my team, we may

22 have corrected the error. So I think 9739 should start

23 of with "who were combatants". If it does I think we are

24 on the right track. Yes.

12:49:47

25 JUDGE THOMPSON: What is the date of that statement?

26 THE WITNESS: 14th of November 2002. I think there is some

27 confusion about the date actually. I was told this by my

28 learned colleague

29 JUDGE BOUTET: The one that we have says 17.

1 MR JORDASH: There is some discrepancy whether it is 14th or
2 17th. On the old statement which I have it says 14th but
3 I think on the new it says 17th.

4 JUDGE BOUTET: But the one you have, 17th, starts with, "My
5 name is"?

6 MR JORDASH: Yes.

7 JUDGE BOUTET: And the second paragraph, "I was captured in"?

8 MR JORDASH: Yes. We're definitely working from the same one.

9 Q. Now, if we can turn to 9740, please. Before we do, could
10 you just have a look at that statement and just have a
11 quick skim through it to just to confirm that is the
12 statement you gave to the Prosecution and that the
13 contents of it match what you recall?

14 A. Yes, on the 17th of November 2002, yes.

15 Q. Be careful not to refer to anything in that that would
16 reveal your identity?

17 PRESIDING JUDGE: Is it 14th or 17th?

18 MR JORDASH: We don't know.

19 JUDGE THOMPSON: Was it 14th or 17th?

20 MR JORDASH: There is something which might assist. If one
21 turns to 9746, and this something which I'd been meaning
22 to ask the Prosecution about but had forgotten. But
23 9746, the last paragraph there starts off with, "In
24 addition to my statement of November 14th."

25 JUDGE THOMPSON: So it must be 17th.

26 MR JORDASH: Yes. And, in case I forget again, what I would
27 be seeking is any additional statement, if there is an
28 additional statement. I'm not suggesting that there is,
29 but just in case there is.

1 Q. So that is your statement, I think probably from 14th and
2 17th of November; is that right, Mr Witness?

3 A. Yes.

12:52:13

4 Q. Thank you. Now turning to 9740 and the paragraph which
5 starts off with "On May 25th 1997" which I think is the
6 third paragraph. You say there: "On May 25th 1997 we
7 were called to join the AFRC government. First there was
8 an announcement on the radio by Johnny Paul Koroma. From
9 the speech he gave I remember that he called on RUF to
10 join forces." Is what I have just read an accurate
11 reflection of what your evidence is? Do you agree with
12 those remarks? There is no trick.

12:52:46

13 A. It is.

12:53:05

14 Q. "Then Mosquito, who was battle group commander, gave an
15 order to a transmission that all RUF fighters should move
16 from the bush to the towns"; is that correct?

17 A. Yes.

12:53:30

18 Q. "The RUF came out of the bushes within 72 hours of the
19 announcement and went to Bo, Kenema and Freetown"; is
20 that correct?

21 A. Yes.

12:53:45

22 Q. I'm just skipping a couple of lines. "The battalions
23 collapsed. There was no RUF in the bush. I was told
24 that Mosquito was in Kailahun at this time"; is that
25 correct?

26 A. Yes.

27 Q. "He gave communications on announcements through field
28 radio communications"; correct?

29 A. Yes.

1 Q. "The chain of command flowed from Mosquito to the
2 battalion commanders"; is that correct?

3 A. Yes.

4 Q. Thank you. Now, moving back to Mr Bockarie's
12:54:06 5 disappointment with the junta, he felt, did he not, that
6 he was not, at the time you saw him, ready to be actively
7 involved with the AFRC? I could take you -- it might
8 shortcut things. Let's have a look at 9741.

9 A. 9741. Okay.

12:54:39 10 Q. We can start with the -- well, let's actually go a bit
11 higher, sorry. 9740. The paragraph at the end of that
12 page: "Mosquito had told me that he was not going to be
13 part of the junta government because Johnny Paul Koroma
14 was not living up to the true image of what he said he
15 would do for unity"; is that right?

16 A. Yes.

17 Q. "The RUF were called from the bush" -- I beg your pardon.
18 Sorry, Your Honour. "The RUF were called from the bush
19 for peace and unity, but there was no sign of such";
12:55:02 20 correct?

21 A. Yes.

22 Q. "If he were to join, there would be a problem with
23 positions, so he decided to wait and see what the
24 lifespan of the junta was going to be"; correct?

12:55:19 25 A. Exactly.

26 Q. "The junta gave assignments to the SLA and not to the
27 RUF"; is that correct?

28 A. Yes.

12:55:30 29 Q. "Mosquito was not in Freetown; he was in Kenema. He too

1 did not have a government assignment"; is that correct?

2 MR HARRISON: I'm sorry to interrupt. I just see the witness
3 is flipping pages and I wonder if he could just be
4 directed again to 9741.

12:56:08

5 THE WITNESS: Please direct me to the number.

6 MR JORDASH:

7 Q. I beg your pardon. Sorry, Mr Witness. 9740 I was
8 looking at first.

9 A. 97 --

12:56:14

10 Q. 40 and the final paragraph, which begins: "Mosquito told
11 me that he was not going to be part of the junta
12 government"?

13 A. Just a minute. Okay, second paragraph.

14 Q. What does your paragraph start off with?

12:56:32

15 MR HARRISON: No, it should be the last paragraph.

16 MR JORDASH: Yes, it should be.

17 Q. The last paragraph: "Mosquito had told me that he was
18 not going to be part of the junta government." 9740.

19 A. Okay. Yes, yes, yes. I've seen it. Yes.

12:56:49

20 Q. Okay. So that there is no doubt, Mosquito had told you
21 he was not going to be part of the junta government; yes?

22 A. Exactly.

23 Q. And he said that there was no sign of unity?

24 A. Yes.

12:57:11

25 Q. And that the AFRC were effectively keeping control of the
26 government posts for the SLA and not for the RUF?

27 A. Yes.

28 Q. And in effect, it was his view expressed to you that the
29 real power of the AFRC was in the hands of the SLA?

1 A. Exactly, yes.

2 MR JORDASH: I notice the time, Your Honours. This is, as you
3 will appreciate, a relatively large area, so I'm happy to
4 stop it before I really get into it.

12:57:56

5 JUDGE BOUTET: May I suggest that maybe you leave the
6 statement to the witness, because if you are to ask him
7 questions about that, he should read it so he knows what
8 is -- it may help him to bring back his memory or
9 recollection and to assist you further when you proceed
10 ahead. I presume you have more questions to ask about
11 the statement.

12:58:13

12 MR JORDASH: I would be very happy for the witness to have a
13 look at this because I will be referring to it quite a
14 lot.

12:58:26

15 JUDGE BOUTET: Well, maybe in fairness to the witness, we
16 should allow him to read the statement so he has some
17 recollection as to what he may have said during that
18 time.

19 MR JORDASH: I agree, Your Honour, yes.

12:58:38

20 JUDGE BOUTET: Maybe during the break he might wish to read
21 it.

22 THE WITNESS: Okay.

23 MR HARRISON: If there's any other direction Mr Jordash would
24 like to give to as to any other thing that should be
25 given to the witness, we could do so.

12:59:19

26 MR JORDASH: At this stage I would like to limit it to that
27 statement, if I may do so.

28 JUDGE BOUTET: Mr Presiding Judge, I was not trying to usurp
29 your function.

1 PRESIDING JUDGE: No. I'm in harmony with you. We'll rise
2 for the lunch break and resume at 2.30. The Court will
3 rise, please.

4 [Luncheon recess taken at 1.04 p.m.]

14:31:57

5 [On resuming at 2.55 p.m.]

6 PRESIDING JUDGE: Learned counsel, good afternoon. We're
7 resuming the session. Mr Jordash.

14:54:44

8 MR JORDASH: Thank you. My learned friend Mr Harrison has
9 kindly provided a better copy of what hopefully will
10 become Exhibit 19. The only difficulty with this exhibit
11 -- well, two difficulties. The print in the places Your
12 Honour indicated is not much better and, secondly, the
13 missing pages at the end would appear not to bear much
14 relationship to the actual speech by Johnny Paul Koroma,
15 but I think from the vaults within the Prosecution
16 compound these pages emerge attached to the speech and
17 I'm not sure there's an indication one way or the other
18 where these additional pages come from. Perhaps I can
19 pass these pages up to Your Honours so Your Honours can
20 see them

14:55:22

14:55:45

21 PRESIDING JUDGE: Perhaps Mr Harrison can give us some
22 clarification.

14:55:56

23 MR HARRISON: No, as I indicated to Mr Jordash, there are
24 three pages attached to the end of the bundle which we
25 had received earlier. To my eye, they are completely
26 unrelated but that is the way they have been stored and
27 I thought, in fairness to Mr Jordash, he ought to be able
28 to have the opportunity to review them and determine for
29 himself if they are of use to him or not.

1 MR JORDASH: I am grateful to Mr Harrison. There was no
2 criticism of the Prosecution, I hope there was none
3 taken.

14:56:37 4 PRESIDING JUDGE: So would you want to tender the document as
5 it is?

6 MR JORDASH: Yes, please, as it is. As Your Honours know, it
7 was really, at this stage, only a couple of paragraphs
8 which I was concerned with.

9 PRESIDING JUDGE: Mr Harrison?

14:56:49 10 MR HARRISON: I was just asking of Mr Jordash before the break
11 if he could ask that final question. I think that was
12 not in issue.

13 PRESIDING JUDGE: Final question as to whether he
14 recognises -- whether that reflects the speech he heard
14:57:05 15 over the radio.

16 MR JORDASH: Yes. If I could just hand him the better copy.

17 Q. Mr Witness, if you could just have a look and consider
18 whether it reflects, in general terms, the speech you
19 heard. It is the same document as before but just a
14:57:25 20 better copy?

21 A. Yes.

22 Q. Yes, thank you.

23 MR JORDASH: If that could be exhibited as Exhibit 19, I would
24 be grateful.

14:57:35 25 JUDGE THOMPSON: It is so received in evidence and marked
26 Exhibit 19.

27 [Exhibit No. 19 was admitted]

28 JUDGE THOMPSON: You're not asking for it to be sealed or
29 anything?

1 MR JORDASH: No.

2 JUDGE THOMPSON: No.

3 MR JORDASH:

4 Q. We were about to look at your statement of 14th and 17th
14:59:05 5 of November, Mr Witness?

6 PRESIDING JUDGE: Mr Jordash, there was an attachment to that.
7 What do you intend to do with this one? Are you just
8 dropping it off?

9 MR JORDASH: Sorry, is Your Honour referring to the speech or
14:59:19 10 to the council minutes?

11 PRESIDING JUDGE: Minutes of the council meeting.

12 MR JORDASH: I wasn't asking for it to be exhibited. It was
13 simply to -- it was more a memory refreshing document.

14 PRESIDING JUDGE: Because you showed us the two so we thought
14:59:39 15 that the two were going in. That's all right.

16 JUDGE BOUTET: [Microphone not activated]

17 MR JORDASH: Exactly.

18 Q. Did you have a chance over the lunch break to look at
19 your statement?

14:59:55 20 A. Yes.

21 Q. Can we then move back to 9740, please.

22 We dealt with, if you recall, before lunch,
23 Mr Witness, the view of Mosquito at that time, at the
24 time of the October 1997, that the SLAs in Freetown were
15:00:42 25 effectively keeping all the positions to themselves; do
26 you recall?

27 A. Yes, I recall that.

28 Q. And I think you agreed, in effect, that it was the AFRC
29 who were controlling the junta government?

1 A. Yes.

2 Q. And the RUF whilst -- would you agree with this, whilst
3 participating insofar as attending meetings and the like,
4 were not equal partners with the AFRC?

15:01:26

5 A. Yes.

6 Q. And Mosquito himself had said he did not have a
7 government assignment; is that right?

8 A. Yes.

9 Q. And the same went for Mr Sesay?

15:01:46

10 A. Yes.

11 Q. Peter Vandey, another influential member of the RUF, also
12 did not have a government post; is that right?

13 A. Yes, that was the only area where it's not too correct on
14 this.

15:02:08

15 Q. Would you like to give us the correct --

16 A. Yes, Peter Vandey was involved in taking assignment with
17 the AFRC. I think at that time he was the deputy
18 minister of country planning.

19 Q. Of what planning?

15:02:31

20 A. Country and planning. Country planning.

21 Q. Country planning?

22 A. Yes, planning. You know, minister of planning the
23 country.

24 Q. Right. Would you agree with this: That it was the men
25 who were involved in the coup who were the ones where
26 power derived?

15:02:45

27 A. Repeat your question, please. I don't understand.

28 Q. Okay, let me break it down a bit?

29 A. Yes.

1 Q. The real power of the AFRC government lay in those first
2 and foremost who were involved in the coup; Johnny Paul
3 Koroma and his close friends?

4 A. Yes.

15:03:18

5 Q. Yes, the likes of Brima. Do you know Brima?

6 A. Which Brima, Tamba Brima?

7 Q. Yes, Tamba Brima.

8 A. Yes, I have just been hearing his name frequently but
9 I do not know him physically in person, I don't know him.

15:03:45

10 Q. Okay. What about SAJ Musa? He was influential, wasn't
11 he?

12 A. Yes, as well as SAJ Musa himself, I don't see him
13 personally.

14 Q. Okay. The key posts of the ministries were given to AFRC
15 men; is that right?

15:04:25

16 A. Yes.

17 Q. With Johnny Paul Koroma in charge of those key AFRC men?

18 A. Yes.

19 Q. And during the junta, the situation on the ground was
20 that the AFRC maintained control of their men, the
21 soldiers, and the RUF fell under their own command?

15:04:52

22 A. Yes, during the junta time.

23 Q. Thank you.

24 PRESIDING JUDGE: Are you saying that during the junta time
25 the RUF men fell under the command of the AFRC?

15:05:28

26 MR JORDASH: No, the opposite, Your Honour; that there was
27 separate commands.

28 PRESIDING JUDGE: During the junta time the AFRC kept control
29 of their men.

1 MR JORDASH: Of their own men.

2 PRESIDING JUDGE: Of their own men, yes.

3 MR JORDASH: Yes, and their RUF fell under their own command
4 structure.

15:05:55 5 PRESIDING JUDGE: I see.

6 JUDGE BOUTET: May I ask what is meant by the junta time?

7 MR JORDASH:

8 Q. Would you agree that the junta time was from -- well,
9 what would you refer to as the junta time?

15:06:08 10 A. From where I came to understand that was from the time of
11 -- from 25th of May, 1997 and up to the time we went
12 partly into the bush. It was in 1998.

13 Q. So that would have been February '98?

14 A. Yes, February '98.

15:07:09 15 Q. And is this right: Mosquito, Sam Bockarie, told you that
16 he was not ready to be actively involved with the AFRC
17 and he was not going to participate?

18 A. Yes, he told me that in a previous conversation with some
19 other commanders.

15:07:41 20 Q. Now, there came a time when Mosquito gave you
21 instructions to take to Freetown to tell all RUF
22 combatants to leave Freetown; is that right?

23 A. Yes, he gave the letter as well as verbal instructions
24 for Issa Sesay at that time. He was second in command to
25 him.

15:08:04 26 Q. So what you would say is that the -- such an important
27 assignment should go directly to the person who was
28 control of the RUF in Freetown?

29 A. Yes.

1 Q. And you say that was Issa Sesay?

2 A. Yes.

3 Q. And such an important message, which might ultimately
4 lead to the breakup of the -- whatever relationship
15:09:19 5 existed, should therefore be sent straight to the man in
6 charge; is that right?

7 A. Yes.

8 Q. Could I ask you to look at your statement, please? Page
9 9741.

15:09:36 10 A. 9741.

11 Q. Paragraph 2 starting with "Then Mosquito told me and my
12 friends that he was not ready to be actively involved
13 with the AFRC and that he was not going to participate.
14 He gave me instructions to take to Freetown to Mike Lamin
15:10:03 15 to tell all RUF combatants to leave Freetown and go to
16 existing RUF positions in Kailahun, Kenema, Makeni and
17 Bo. "

18 Now, would you like to then consider your answer
19 again as to who was the real man in charge in Freetown
15:10:25 20 from the RUF?

21 A. The letter was addressed to Issa Sesay, even though it
22 also involved Mike Lamin as one of the senior commanders.
23 It was not directly for Mike Lamin, but for Issa Sesay.

24 Q. Well, why did he -- Mr Bockarie then give you
15:10:41 25 instructions to take to Freetown to tell Mike Lamin to
26 all RUF combatants if the letter was to Issa Sesay?

27 A. Well, I said it was just a matter of what the sentence
28 made up here. It was not the correct meaning as I meant.

29 Q. Well, what meaning did you mean when you said: "He gave

1 me instructions to take to Mike Lamin"?

2 A. The letter was given to me and Rocky CO for Issa Sesay
3 and not Mike Lamin.

4 Q. Well, let's read on then: "This was the end of 1997. I
15:11:23 5 remember because Christmas Day 1997 found me in Freetown.
6 I told Mike Lamin and I believe he told Issa Sesay who
7 sent the message to others in command." So you express
8 it here as if is a belief that it arrived with Mr Sesay,
9 but you say a moment ago, in fact, "No, it was addressed
10 to him and I gave it to him", which is true?

11 A. Yes, the true information here is that Mike Lamin and
12 myself and Rocky CO we all travelled together from Bo for
13 Freetown and which already he Mike Lamin knew of the
14 mission, but the letter was addressed to Issa Sesay not
15 to Mike Lamin.

15:12:04 16 PRESIDING JUDGE: Just wait. Hold on. Hold on. So when you
17 were leaving --

18 THE WITNESS: When we were leaving from Bo, we met Mike Lamin
19 in Bo together with Rocky CO and myself and he was
15:12:39 20 informed of our mission for Freetown.

21 PRESIDING JUDGE: That's Mike Lamin?

22 THE WITNESS: Yes.

23 MR JORDASH:

24 Q. Do you know why it is expressed like this in your
15:13:11 25 statement?

26 PRESIDING JUDGE: So just a minute. You travelled down? You
27 came from Bo to Freetown?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: With Mike Lamin?

1 THE WITNESS: Yes, from Bo to Freetown.

2 PRESIDING JUDGE: With the letter?

3 THE WITNESS: Yes, but verbally Mike Lamin was informed about
4 the mission.

15:13:32 5 JUDGE BOUTET: So you came down from Bo with Mike Lamin not
6 with Rocky?

7 THE WITNESS: Yes, we came from Bo. We met Mike Lamin in Bo
8 and he even travelled with us to Freetown.

9 MR JORDASH:

15:14:34 10 Q. What had Mike Lamin been doing in Bo?

11 A. Well, as a citizen he has a right to be in Bo.

12 Q. Yes, but what was he doing there?

13 A. I only met him there. I don't know what he was doing
14 there.

15:14:56 15 Q. How long had he been there?

16 A. He, Mike Lamin?

17 Q. Yeah.

18 A. Well, upon our travelling to Freetown was the only time
19 I saw him in route for Freetown, and he travelled
15:15:14 20 together with us.

21 Q. Was he with men in Bo? Did he have a command there?

22 A. Commander?

23 Q. Did he have a command of men there?

24 A. Yes, I understand Morris Kallon was in charge of Bo.

15:15:36 25 Q. But what was Mike Lamin doing there then?

26 A. In Bo?

27 Q. Yes.

28 A. I don't know.

29 Q. So, going back to the statement, your English is very

1 good, isn't it?

2 A. Yeah, I do try.

3 Q. And this statement was read back to you, presumably, when
4 you had given that information?

15:16:17 5 A. Whether it was read back to me?

6 Q. Yes, you checked the contents of this statement as an
7 accurate reflection of what you wanted to say; is that
8 not right?

9 A. Well, the content was not given to me to read over. They
15:16:25 10 only give it as a statement. Maybe it might have been a
11 mistake of the statement taker, you know.

12 Q. Well, you read it over at lunchtime and you didn't
13 indicate that you had seen that as a strange thing
14 written in your statement?

15:16:44 15 A. Well, they didn't read through as I have read this
16 exactly. She only read it to me and then I just took
17 everything to be exactly what I told, what I told in my
18 statement.

19 Q. So what do you think you told then the Prosecutor about
15:17:02 20 this sentence: "He gave me instructions to take to
21 Freetown to Mike Lamin"?

22 A. I think she might have misquoted Mike Lamin. It was
23 Issa. The letter was addressed to Issa and not to Mike
24 Lamin.

15:17:18 25 Q. Who then, when you say a few lines down, "I told Mike
26 Lamin and I believe he told Issa Sesay", who should we
27 replace for the words "Issa Sesay" there?

28 A. Issa Sesay was second in command to -- he was
29 representing Sam Bockarie in Freetown. By telling or

1 just saying that to Mike Lamin, we were just in a
2 conversation and I would brief him, because it concerns
3 him as one of the commanders in Freetown.

4 Q. But, Mr Witness --

15:17:54

5 A. We don't need to hide any secret of our mission to him.

6 Q. Mr Witness, I know that's what you say. I'm just
7 exploring whether it is true. And when you say -- it
8 appears to say in your statement, "I told Mike Lamin and
9 I believe he told Issa Sesay." Who then do you believe

15:18:07

10 Issa Sesay told, if we are to replace Mike Lamin with
11 Issa Sesay?

12 A. Issa Sesay is the second in command to --

13 Q. No, no, no. Let's have a look at the statement. "I told
14 Mike Lamin and I believe he told Issa Sesay." You appear
15 to have been saying: "I told a man, Mike Lamin, who I
16 believe passed message on to Issa Sesay." Now you want
17 us to replace Mike Lamin with Issa Sesay. Who then do
18 you believe Issa Sesay told who sent the message to
19 others in command? Do you see my drift?

15:18:29

20 A. Look, I've seen the part you are trying to tell me about.
21 I have already stated seeing that. This was not a
22 mistake from me. Maybe it was from the time the
23 statement was taken down and I didn't carefully look at
24 the statement as it is now. But actually already I have
25 met with Mike Lamin and he was informed of our mission
26 and the letter which was given to us for Issa Sesay.

15:19:07

27 Q. Okay. Can you confirm for us -- for this Court that Mike
28 Lamin was a colonel?

29 A. Was in Kono?

1 Q. A colonel?

2 A. A colonel, yes, a colonel

3 Q. So a higher rank than Mr Sesay at this time?

15:19:40

4 A. Yes, Issa Sesay was a lieutenant colonel during the junta
5 time and Mike Lamin was a colonel, but in any case, rank
6 and assignment are not the same. Sometimes it can be
7 lower in assignment or in rank, but assignment is greater
8 than rank.

9 Q. Well, what was Mr Sesay's assignment during the junta?

15:20:08

10 A. Yes, but I'm not leading to the junta. I was talking
11 about the RUF command structure at that time was Issa
12 Sesay next to Sam Bockarie and, in fact, he was
13 representing him in Freetown. So we had already sent to
14 Issa Sesay.

15:20:21

15 Q. Well, what his assignment, Mr Sesay, whether for the
16 junta or for the RUF?

17 A. Well, during the time of the junta, Issa Sesay was one of
18 the senior commanders. As we left from the bush and met
19 him, he was, yes, one of the senior commanders. It was
20 only of late when we were travelling to Freetown, we were
21 told by Sam Bockarie that Issa Sesay was representing him
22 in Freetown and, therefore, we are going directly to Issa
23 Sesay.

15:20:42

24 Q. Therefore we are going to?

15:20:55

25 A. We are to go to Issa Sesay.

26 PRESIDING JUDGE: Directly to Issa Sesay?

27 THE WITNESS: Yes, and we went to Issa Sesay.

28 MR JORDASH:

29 Q. But on a day to day then, what was Mr Sesay's function?

1 A. Well, I have just to tell he was just one of the senior
2 commanders, senior officers in the RUF. I do not know
3 his main function. I was only told that he was
4 representing Sam Bockarie in Freetown, second in command.

15:21:28

5 Q. So let's -- let's break this down then. Up until the
6 point your travelling to Freetown in October 1997,
7 Mr Sesay is not then, as you put it now, the second in
8 command of the RUF; is that correct? Is that what you're
9 telling us?

15:21:53

10 A. If he was not the second in command?

11 Q. Well, you suggested that upon travelling to the --
12 Freetown, you were told by Bockarie that Issa Sesay was
13 now not just a senior commander but the senior commander
14 under Bockarie?

15:22:16

15 A. Yes, he was representing Sam Bockarie in Freetown.

16 Q. But up until that point he was, to you, just a senior
17 commander amongst many others?

18 A. Yes.

15:22:27

19 Q. And as we know from what you told us before, not the most --
20 in the most influential four, which was Sam Bockarie,
21 Denis Mingo, Isaac Mongor and Mike Lamin; is that right?

22 A. Yes.

23 Q. So his authority, if there was any, came from the say so
24 of Sam Bockarie?

15:22:57

25 A. Yes, the order came from Sam Bockarie to Sesay.

26 PRESIDING JUDGE: What you're saying is that Sesay's authority
27 emanated from Sam Bockarie?

28 MR JORDASH: Yes.

29 PRESIDING JUDGE: Is that what you're saying?

1 MR JORDASH: Exactly. If he had any. I'm going to explore
2 that.

3 PRESIDING JUDGE: Okay.

4 MR JORDASH:

15:23:29

5 Q. Now, just dealing with the junta and the role Sesay may
6 have played in the junta, you say he was Sam Bockarie's
7 representative during the junta period; yes?

8 A. Exactly.

15:23:46

9 Q. But we know, don't we, that Sam Bockarie had said that he
10 was not participating in the junta; is that right?

11 A. Yes.

12 Q. And so is it right then, that Sesay was the
13 representative of somebody not participating in the
14 junta?

15:24:01

15 A. But, that is not my own facts to the question so far to
16 run decision for Sam Bockarie.

17 Q. I'm not criticizing --

18 A. Perhaps I was only told we are sent to Issa Sesay on his
19 behalf so that we can prepare the men to retreat from
20 Freetown, tactically to be retreated from Freetown.

15:24:24

21 Q. So you would say then that Sam Bockarie was giving you an
22 indication the person, i.e. Sesay, who was going to lead
23 the troops from Freetown?

15:24:42

24 A. Yes, he told us that, to meet Issa Sesay when Issa Sesay
25 would in turn meet with the other commanders.

26 Q. So as far as you can say, Issa -- well, let me start that
27 again. You cannot give this Court any evidence of Sesay
28 being in control of the RUF before that time during the
29 junta period; is that correct?

1 MR HARRISON: Sorry, I may be the only one, but I'm just
2 wondering what is meant by "that time", if that could be
3 specified.

4 MR JORDASH:

15:25:26

5 Q. Let me clarify that. You travelled on this journey with
6 Sam Bockarie when?

7 A. Where?

8 Q. Sorry, not with Sam Bockarie. When you were told by Sam
9 Bockarie that Issa Sesay was now going to be number 2,
10 when was that?

15:25:42

11 A. When we came from Liberia during my second trip, when we
12 were sent to Freetown, that was the time he gave us the
13 letter to be taken to Issa that his representative is he,
14 Sam Bockarie.

15:25:57

15 Q. October 1997?

16 A. 1997, that was roughly in May -- yes, in --

17 Q. Roughly when, sorry?

18 PRESIDING JUDGE: That happened in October 1997.

19 THE WITNESS: 1997 that was the time we came from Liberia and
20 our second trip from Liberia now finally we took for
21 Freetown was in November 1997.

15:26:18

22 MR JORDASH:

23 Q. So let me try to keep this clear. November 1997 was the
24 first time you became aware of Sesay playing this
25 heightened role above the other senior commanders; is
26 that correct?

15:26:38

27 A. Yes, that was the time I came to know this.

28 [HS240105D - EKD - 3.30 p.m.]

29 Q. And that elevation was Bockarie's instruction, you would

1 say, to Sesay to start -- to lead the troops from
2 Freetown?

3 A. Yes, to start to allow the combatants to tactically
4 withdraw from Freetown.

15:27:21

5 Q. Do you know how the likes of Mike -- well, the three
6 influential members, Mingo, Lamin and a third who I've
7 forgotten?

8 A. Isaac.

15:28:20

9 Q. Thank you. Do you know what their response was to
10 Mr Sesay's sudden elevation?

11 A. Well, I can't tell because I was not in their command
12 circle.

13 Q. Because you would agree this, that their authority, as
14 you told us, derived at least in part from a
15 long-standing relationship with Foday Sankoh?

15:28:36

16 A. Yes.

17 Q. Which Sesay, would you agree with this, did not have in
18 the same way?

19 A. With Sankoh?

15:28:52

20 Q. Yes.

21 A. Well, there was relationship with Sankoh.

22 Q. But at this stage Sesay had not been an instructor at
23 Sankoh's camps, had he?

24 A. No.

15:29:02

25 Q. He was a forced conscript in Foday's camp, are you aware
26 of that?

27 A. For?

28 Q. Camp Naama. I'm suggesting that Sesay, rather than being
29 one of Foday Sankoh's colleagues, was a forced conscript

1 at Camp Naama?

2 A. Of course, he was not a colleague to Foday Sankoh.

3 JUDGE BOUTET: But was he a forced conscript, that is the
4 question.

15:29:28

5 THE WITNESS: Yes, he was also trained in Camp Naama by
6 Sankoh's order.

7 JUDGE BOUTET: And in Camp Naama those that were trained there
8 were all conscripts?

9 THE WITNESS: Of course they were.

15:29:40

10 JUDGE BOUTET: I don't know, that's why I'm asking you.

11 PRESIDING JUDGE: It's of course to you.

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: That lawyer asking you questions does not
14 know that.

15:29:49

15 THE WITNESS: But what I know is what I will answer.

16 PRESIDING JUDGE: [Overlapping speakers] or he may be
17 partially informed because he knows, that's why he's
18 putting it to you. Let us get these details properly on
19 record. You say Sesay was --

15:30:11

20 THE WITNESS: Was also trained in Camp Naama.

21 PRESIDING JUDGE: You say he was a conscript?

22 THE WITNESS: Yes, he was.

23 PRESIDING JUDGE: And you say he was not Sankoh's colleague?

24 THE WITNESS: Not at all.

15:30:55

25 MR JORDASH:

26 Q. And so you know Lamin, or you knew Lamin and Mongor and
27 Mingo; is that correct?

28 A. Yes, I knew them later during the time of the war in
29 Sierra Leone.

1 Q. Was this, to your mind, Sam Bockarie's attempt to usurp
2 authority from those three? Do you understand the
3 question?

4 A. Repeat.

15:31:37

5 Q. Well, the four people who are influential before the
6 junta, as you told us, are Lamin, Mongor, Mingo, Sam
7 Bockarie. We have now a situation, it appears, where Sam
8 Bockarie is promoting somebody above them; is that right?
9 Is that what you're suggesting?

15:31:56

10 A. Yeah, well, I can't say it was a promotion, because I was
11 only told to go to him and the purpose of our going to
12 Issa was already explained to us, and so we knew.

13 Q. But it wasn't a promotion for Sesay or what?

14 A. Well, I don't know. I can't tell.

15:32:24

15 Q. Well, suddenly to be put ahead of the influential
16 members, the four, didn't that seem to you like quite a
17 promotion?

18 A. Well, I can't say it was a promotion because I'm not
19 going to run into the opinion of Sam Bockarie, but he
20 just had that belief in Issa and that's why he gave us a
21 mission to be carried to him. I don't know.

15:32:41

22 Q. Now we know, don't we, that Denis Mingo, Superman, had
23 come from the western area close to Freetown; yes?

24 A. Yes, it was.

15:33:13

25 Q. And we know that he had been there with his troops for a
26 number of years; is that right?

27 A. Yes.

28 Q. We know that Isaac Mongor had his own troops too because
29 he'd been based in the northern area; is that right?

1 A. Yes.

2 Q. And he'd come to Freetown with his own troops; is that
3 right?

4 A. Yes.

15:33:35

5 Q. Issa Sesay didn't come to Freetown with his own troops,
6 did he?

7 A. Well, I don't know. I was not in Sierra Leone when Issa
8 was going to Freetown. I only heard of him being in
9 Freetown.

15:33:51

10 Q. You were there in Freetown, you didn't see him with a
11 large contingent of troops comparable to Superman or to
12 Isaac Mongor, did you?

13 A. Well, as officer he has his securities with him

14 Q. Well, we are not talking securities, we are talking
15 troops?

15:34:07

16 A. Troops, no. I didn't see him with troops. I only met
17 him in Freetown.

18 Q. Because I would suggest -- maybe you do or don't know
19 this, I don't know, but he came from Kailahun with about
20 securities and that was his command, if you can call
21 it that. Do you agree with that?

15:34:20

22 A. Yes, as a commander he's liable to have such securities
23 with him

24 Q. But no troops in the case of Sesay, that's the point?

15:34:34

25 A. No, I don't see him with troops or I never heard of him
26 carrying troops.

27 Q. Thank you. I want to ask you again to look at some
28 minutes of the meeting. Again you may not know what they
29 are but it may assist you with some questions.

1 MR JORDASH: Your Honours, if I could just pass them up. I'd
2 like to go through the same procedure, if I may, with
3 this document, just to see if it assists the witness. I
4 want to see if he recognises it or can assist with any
15:36:02 5 questions on it. May I put a copy in front of the
6 witness to ask him about its content? I'm grateful.

7 JUDGE BOUTET: If he knew what this document is all about?
8 [Document handed to the witness]

9 MR JORDASH: Yes.

15:39:36 10 Q. Mr Witness, if you would have a look, it is similar to
11 the document I handed to you earlier. It is the minutes
12 of a Supreme Council meeting in Freetown dated 9th of
13 December 1997. Have you ever seen such a document?

14 A. Yes, I have seen the document.

15:40:21 15 Q. Can I ask you then to turn to 5287 on the top right-hand
16 corner, page 1 on the bottom of the page, and we've got
17 the list of names present again. Can you see that? It
18 is page 1 at the bottom, Mr Witness?

19 A. Page 1?

15:40:54 20 Q. Yes. You see that at the top it is the minutes of
21 meetings held on 9th December '97?

22 A. Okay.

23 Q. AFRC Secretariat, 5287 on the right-hand corner. You
24 see?

15:41:03 25 A. Yes.

26 Q. Just looking at the people present, from your knowledge
27 of what was happening in Freetown during that time,
28 witness number 5, is that more likely to be Colonel Isaac
29 Mongor?

1 A. Yes.

2 Q. Just spelt badly. It's Isaac Mbrengo it's spelt as but
3 Isaac Mongor you would think?

4 A. Yeah, Isaac.

15:41:35

5 Q. And we have also have Mike Lamin there as colonel, you
6 see that?

7 A. Yeah.

8 PRESIDING JUDGE: What about the fourth name?

9 THE WITNESS: That's not colonel.

15:41:45

10 PRESIDING JUDGE: That's not colonel, is that Isaac -- H
11 Sesay, who's that one?

12 THE WITNESS: That is Issa.

13 MR JORDASH: Somebody's got bad spelling, would you agree?

14 THE WITNESS: Issa H Sesay. That was a bad spelling anyway,
15 but that is Issa.

15:41:58

16 PRESIDING JUDGE: H stands for what?

17 THE WITNESS: Hassan.

18 PRESIDING JUDGE: Okay. His name is Issa Hassan Sesay?

19 THE WITNESS: Yes.

15:42:10

20 MR JORDASH: Yes.

21 Q. Looking at paragraph 2 of the introduction, he called on
22 -- I'm looking at: "The chairman reassured members that
23 the problem in the armed forces will soon be over and
24 alerted all members to remain security conscious. He
15:42:29 25 called on Colonel Isaac to ensure that he brings in more
26 of his men to Freetown in readiness for any eventuality."
27 What I want to ask you is this, Mr Witness: Can we infer
28 from your evidence that before Sam Bockarie gave this
29 promotion to Mr Sesay, Colonel Isaac Mongor and the other

1 three - Bockarie, Mingo and Lamin - were addressed
2 themselves by the AFRC government, they wouldn't be
3 addressed through Sesay? Are you with me? It is a
4 long-winded question and I can rephrase it.

15:43:29 5 A. Yes, I can't say --

6 PRESIDING JUDGE: [Microphone not activated]

7 MR JORDASH: No, I don't think I was with me either,
8 Your Honour.

9 Q. What I'm trying to get at, here we have the AFRC
10 government, it would appear, or parts of it, instructing
11 Colonel Isaac Mongor to bring his men to Freetown?

12 A. Mmm.

13 Q. But Mr Sesay appears to have been present during this
14 meeting, you agree?

15:43:58 15 A. I agree [inaudible]

16 Q. But they are not addressing Sesay to bring him his men,
17 they are addressing Colonel Isaac to bring his men. Do
18 you know why that would be so?

19 A. Well, I don't know. I was in Liberia when this committee
15:44:14 20 was set up. I do not know the structure.

21 Q. Okay, but Isaac Mongor had his own men in Freetown and
22 outside of Freetown, would you agree, during this time?

23 A. During the junta time?

24 Q. Yes.

15:44:32 25 A. Well, I believe yes, because when even the AFRC came to
26 power some part of the RUF body was also in Liberia, so
27 it could be any command.

28 Q. Sorry, could you repeat that, Mr Witness?

29 A. It is the same thing I am trying to address your

1 statement, by saying it could have been any commander or
2 heavy men who when we are in Liberia could have command
3 like such. Because even when the junta took over, there
4 are some men still in Liberia as RUF.

16:04:14

5 Q. RUF commandos?

6 A. Yes.

7 Q. I'm a bit unclear. It's probably me, but what are you
8 trying to say? I am not following it, sorry.

16:04:15

9 A. I am just trying to put more information to what you have
10 stated here, that Isaac was having more troops outside.

11 Q. Right.

12 A. That's why I just keep on putting up information, even
13 though yes, some RUF were still in Liberia when the junta
14 took over power.

16:04:15

15 Q. I see.

16 JUDGE BOUTET: But I thought, Mr Jordash, your question had to
17 do with the western area of Freetown and around Freetown
18 as to Mongor being a commander in an area and had his
19 troops there. You were not making reference to Liberia.
20 At least that is my understanding of your question.

16:04:15

21 MR JORDASH: That's right. I was trying to elicit evidence
22 about Isaac Mongor's men being based in Freetown and in
23 the northern area still.

24 JUDGE BOUTET: Yes, because you have established that Mongor
25 was the commander of western area.

16:04:15

26 THE WITNESS: That is the Kangari region.

27 [Overlapping speakers]

28 MR JORDASH: Denis Mingo. This is Mongor, who is northern.
29 It's confusing.

1 Q. The point is this, isn't it --

2 JUDGE BOUTET: Mingo.

3 MR JORDASH:

4 Q. The point is that from the information you have it wasn't
16:04:15 5 Sesay ordering commanders such as Mongor, Mingo and
6 Lamin, because they had their own troops under their
7 control; isn't that right?

8 A. Yes.

9 Q. And so what we see in this minutes of meeting is Colonel
16:04:16 10 Isaac asked to bring in his men rather than Sesay being
11 asked to bring in his men. Do you follow?

12 A. I'm following up.

13 Q. What I'm saying is that Sesay is not in control of
14 Colonel Isaac and his men. That's what I'm trying to put
16:04:16 15 to you.

16 A. Yes.

17 Q. I want to refer you again to your statement at page 9741,
18 same paragraph we were looking at, Mr Witness.

19 A. 9741, okay. Which paragraph?

16:04:16 20 Q. Same paragraph beginning, "Then Mosquito told me and my
21 friends"; yeah?

22 A. Mm-hm.

23 Q. Looking at the two lines -- sorry, let's look at the
24 fourth line from the bottom. It is the consequence of
16:04:16 25 the message being sent, you say, to Issa Sesay to
26 instruct RUF to leave; okay?

27 A. Yes.

28 Q. The statement says, "The RUF people did not announce the
29 leaving of Freetown, but they started to leave. So I do

1 not know if JPK was aware of it or how he reacted." Is
2 that correct?

3 A. This was a message not sent to JPK. It was not a
4 nation-wide issue, but was only RUF issue. So this was
16:04:17 5 only RUF problem.

6 Q. Well, presumably there was some anxiety that if the AFRC
7 were aware that the RUF were leaving it might lead to
8 some confrontation?

9 A. Exactly, that's why in his verbal information given to us
16:04:17 10 for the commanders that the RUF fighters should leave
11 tactically from Freetown.

12 Q. Following on that in the paragraph, "Issa Sesay left for
13 Makeni, once these instructions were given, with his
14 family. The RUF exit started before the day of the
16:04:18 15 intervention, but it was slow." Is that correct?

16 A. Yes, because some RUF fighters, I saw some of them used
17 to travel along the peninsula, coming down towards
18 Makeni, so I knew that it was a mission that was going
19 on.

16:04:18 20 Q. Just to be clear, Mr Sesay leaves Freetown before the
21 main ejection of the junta?

22 A. Yes.

23 Q. Thank you.

24 PRESIDING JUDGE: Ejection from Freetown?

16:04:18 25 MR JORDASH: Yes, Your Honour.

26 THE WITNESS: It's the invasion.

27 MR JORDASH:

28 Q. He was, in effect, out of Freetown and then the ejection
29 took place several days later?

1 A. [Witness nodded]

2 MR HARRISON: Just for the sake of the transcript, the witness
3 was nodding his head up and down to that last question.

4 MR JORDASH: Thank you, I appreciate that.

16:04:18

5 Q. So despite the fact that Mr Sesay had been given this
6 important message and this important elevation, you agree
7 then he didn't perform any function besides informing
8 some commanders to start leaving Freetown -- any function
9 in relation to the leaving of the troops later on when
10 the main troops left?

16:04:18

11 A. Yes. No, I did see him leading troops to leave Freetown,
12 but at one time I saw he, Issa Sesay, informing Denis
13 Mingo, Colonel Isaac, Peter Vandey and the rest of the
14 other fighters. I saw them in one time informing them
15 about the plight of Sam Bockarie.

16:04:19

16 Q. Let's stick with that for a minute then. So basically
17 what you're saying is Sam Bockarie gave the order, the
18 other commanders implemented the order, Issa Sesay gave
19 some Sam Bockarie's order to the other commanders?

16:04:19

20 A. Yes.

21 Q. He was the messenger?

22 A. Yeah.

23 Q. Mr Sesay.

24 A. Sesay was a messenger.

16:04:19

25 Q. Thank you. And hence, was not required to play a role in
26 leading troops from Freetown, do you agree?

27 A. No, I did see him doing that.

28 Q. Thank you. And in fact, him and his -- well, I don't
29 need to go there. And we also know, is this right, by

1 the time the troops -- the main troops left and emerged
2 in Masiaka and Makeni, it was Superman who was in control
3 of those troops; is that right?

16:04:20

4 A. Yes, Superman from the time of the leader telling us to
5 join with the AFRC, he was assigned a battle group, so he
6 was carrying on his functions.

7 Q. Sorry, could you repeat that, Mr Witness?

16:04:20

8 A. I said that during the time when Corporal Sankoh gave
9 instructions to join the AFRC, Superman was assigned as
10 battle group of the RUF, the junta. So in his capacity
11 he was still performing his duty as a battle group.

12 Q. On the way from Freetown, you mean?

13 A. From Freetown, Makeni --

14 Q. To Masiaka?

16:04:20

15 A. From Freetown, Masiaka, Makeni and Kono.

16 Q. Right. I just want to keep going through your statement
17 a bit. 9741 --

18 A. 9741, okay. Which paragraph?

19 Q. The paragraph second from the bottom

16:04:21

20 A. Mm-hm.

21 Q. "All those associated with the junta, RUF and AFRC had to
22 run. I saw the people running from Freetown in Makeni.
23 JPK was also in Makeni with his men. I saw him at the
24 Arab school in Makeni. In Makeni Superman was the boss."
25 Yes?

16:04:21

26 A. Yes.

27 Q. "And the other bosses that I saw were Issa Sesay,
28 Five-Five, Cali, Bakah, Savage, Rambo and Colonel Isaac"?

29 A. Yes.

1 Q. You have told us that Mr Sesay had received this
2 promotion from -- well, had received instructions from
3 Sam Bockarie about leading the troops from Freetown;
4 yeah?

16:04:22

5 A. Yes.

6 Q. But it is clear, isn't it, by the time they are in Makeni
7 there is one boss and that boss is Superman?

8 A. Yes.

9 Q. And he is the boss over the other commanders?

16:04:22

10 A. Yeah, the battle group, he was.

11 Q. So, aside from what you have said to us about Sam
12 Bockarie giving Mr Sesay a certain role, the only
13 manifestation of that role, as far as you can say, during
14 the junta - or by the time we get to Makeni is that

16:04:22

15 Mr Sesay ran around telling the other commanders that
16 they should leave. That's the only manifestation of that
17 instruction from Sam Bockarie to Sesay?

18 A. I think that was all he could do, because as a messenger
19 for Sam Bockarie, he did what he was told to do.

16:04:22

20 Q. Right. Would you also consider -- well, let me start
21 again. By the time the troops had arrived in Makeni,
22 there were a number of commanders with a number of their
23 own troops; is that right?

24 A. Yes.

16:04:23

25 Q. In broad terms, you have the AFRC there with their troops
26 and you have the RUF --

27 A. RUF with their own men.

28 Q. -- with their own men. Of course, they would only be
29 with their own men in Makeni if they'd had their own men

1 in Freetown?

2 A. Same.

3 Q. Was that the reason why Superman was the boss in Makeni,
4 because he had the most men?

16:04:23

5 A. No, that was not the only reason because he has his own
6 men. As I told you from the war, onset of the AFRC,
7 Superman was a battle group.

8 Q. But you've also said to us, Mr Witness, I think it was
9 Friday or Thursday, that Mr Sesay was battlefield

16:04:24

10 commander whilst in Freetown during the junta. Would you
11 like to reconsider that answer? Was Mr Sesay really the
12 battlefield commander?

13 A. In Freetown?

14 Q. Yes.

16:04:24

15 A. No, Issa Sesay was not a battlefield commander in
16 Freetown as I could remember. It was only when we went
17 back into the bush that I came to know that Issa Sesay
18 was a battlefield commander. In the bush.

19 Q. Thank you. We'll come to that in due course. Would you

16:04:24

20 agree with this, Mr Witness: That the unhappy
21 relationship between the RUF and the SLA that had existed
22 in Freetown only got worse upon arrival at Makeni? Would
23 you agree with that?

24 A. Yes.

16:04:24

25 Q. In a time of panic and emergency, the conflicts which had
26 existed between the groups were only magnified?

27 A. Yes, it was going worse.

28 Q. Can you give any specific descriptions of what was
29 happening?

1 A. In Makeni?

2 Q. Yep, to do with this conflict?

3 A. In my own person -- not in my own person, but I was in
4 Kono - that was 1999 - there was still existence of
16:04:25 5 conflicts between the former SLA and the RUF due to
6 leadership tussling.

7 Q. Which time period are you speaking about?

8 A. That was 1998.

9 Q. What about in Makeni, 1998, following --

16:04:25 10 A. Sorry, 1999 in Makeni.

11 Q. What I am interested in, and I will come to 1999 Makeni,
12 but at this stage isn't there a tussle for leadership
13 amongst the various bosses between the AFRC and the RUF
14 whilst in Makeni February 1998?

16:04:26 15 A. No, I didn't observe that.

16 Q. What about, rather than tussles for commandership, just
17 conflict? You agree that there had been conflict in
18 Freetown. What happened in Makeni?

19 A. If there were conflicts in Freetown?

16:04:26 20 Q. Well, you have told us that the RUF were not treated as
21 equal partners; yes?

22 A. Yeah, but that was only on the level of leadership
23 conversation with Sam Bockarie. He only brought that
24 topic up. So I heard they stayed much longer in Freetown
16:04:26 25 than the invasion took place.

26 Q. How come SAJ Musa did not go to Kono with the largest
27 contingent?

28 A. Well, as a commander he knows his reason. I cannot tell
29 much about that.

1 Q. SAJ Musa was no great respecter of the RUF, who he
2 regarded as bush rebels; didn't he?

3 A. That was his feeling.

4 Q. That was his view?

16:04:26

5 A. Yes.

6 Q. And he was not going to be subordinated to the likes of
7 Superman?

8 A. I think that's it.

16:04:27

9 Q. And hence headed off with his own troops to form his own
10 separate camp in Kabala or thereabouts?

11 A. Yes, that was in Krubola. You see, I've stated that
12 already. When we are leaving for Kono from Makeni, some
13 troops of the AFRC took en route for Koinadugu, Krubola
14 axis and the rest followed with us to Kono. But in other
15 due courses, you know, if another tussling came between
16 the AFRC and the RUF, split came in between, and then --

16:04:27

17 Q. Sorry, the split at this stage, you mean with SAJ going
18 to Krubola?

19 A. SAJ have already left and then another group of
20 commanders travelled with us to Kono. While in Kono
21 there was another misunderstanding, which have been
22 stated already in my other statements. They couldn't
23 bear the tensions, you know. Some good number of the
24 AFRC en route for Koinadugu axis, and they were there
25 like Mansofinia, Krubola and so forth.

16:04:28

26 Q. So just rewinding to Makeni, Superman, whilst being the
27 boss of the troops, was not in control of SAJ Musa?

28 A. Not at all.

29 Q. Not at all?

1 A. Not.

2 Q. Despite the fact he was the overall boss?

3 A. Yes.

4 JUDGE BOUTET: Is it because SAJ Musa was not in Makeni?

16:04:28

5 THE WITNESS: Our relationship in that manner, I could not
6 express, is very much according to my own level because I
7 was a junior commander at that time.

8 JUDGE BOUTET: I am just asking what you know.

9 THE WITNESS: Yeah, there was a problem actually.

16:04:28

10 JUDGE BOUTET: Was Musa in Makeni?

11 THE WITNESS: SAJ Musa and his good number of men, most of
12 them remain in Makeni when we are leaving for Kono, and
13 they went en route to Koinadugu. That is, Krubola and
14 Mansofinia.

16:04:37

15 JUDGE BOUTET: Is it still in 1998 or what you're talk about
16 is --

17 THE WITNESS: Yeah, this was 1998.

18 JUDGE BOUTET: 1998, okay, thank you.

19 THE WITNESS: Yes.

16:05:00

20 MR JORDASH:

21 Q. I want to ask you about, very briefly, your route from
22 Freetown. What you've told us is that it took you to
23 Masiaka, is that right, first of all?

16:05:26

24 A. From Freetown to Tombo; from Tombo, cross along the
25 riverbank of Tombo to Four Mile; then from Four Mile,
26 Masiaka; Masiaka, Makeni; Makeni, Kono.

27 Q. Is it right that when you got to Tombo village you saw
28 JPK, Mike Lamin, Denis Mingo, Colonel Isaac in a
29 speedboat heading --

1 A. For Four Mile.

2 Q. -- for Four Mile?

3 A. Indeed, yes I saw them.

4 Q. Together?

16:06:06 5 A. Yes, I saw them

6 Q. And presumably, given the influential characters, you
7 were not surprised that the four of them were sharing a
8 boat fleeing Freetown?

9 A. No, they all use a speedboat crossing over from Tombo to
16:06:28 10 Four Mile, and from Four Mile they took en route for
11 Masiaka.

12 Q. You say that in Masiaka a meeting was held by Superman
13 and he ordered Operation Pay Yourself. Is that true or
14 not?

16:06:53 15 A. It is true.

16 Q. Do you remember that clearly?

17 A. Very clearly, yes, I remember it.

18 Q. Because if it happened it is quite significant. It is
19 not the sort of thing you would forget, is it, Operation
16:07:09 20 Pay Yourself?

21 A. Operation Pay Yourself, I heard it from Masiaka and it
22 was later reemphasised in Makeni.

23 Q. Who was present during that meeting?

24 A. Meeting, big guys of both the RUF and the AFRC.

16:07:24 25 Q. Well, names, please?

26 A. On the side of the AFRC, as I have earlier said, I do not
27 know them all in persons, but only by names.

28 Q. Shall we say then -- let's start with the RUF?

29 A. Of course, RUF was -- I saw Issa Sesay was there.

- 1 Q. Yeah, but who else?
- 2 A. Denis Mingo was there.
- 3 Q. Denis Mingo was giving the order?
- 4 A. Yeah, he was there, he was present.
- 16:07:52 5 Q. Well, you say he gave the order?
- 6 A. He was there in the meeting.
- 7 Q. Didn't you say that he gave the order?
- 8 A. He read the most apparent order of that day to us, to the
- 9 fighters.
- 16:08:04 10 Q. Who gave the order Operation Pay Yourself?
- 11 A. Denis Mingo, I heard it from him
- 12 Q. Was the meeting in open --
- 13 PRESIDING JUDGE: He was enumerating --
- 14 THE WITNESS: Sir?
- 16:08:18 15 PRESIDING JUDGE: [Microphone not activated]
- 16 THE WITNESS: Sesay, Denis Mingo, Rambo -- Liberian Rambo,
- 17 Rocky CO, Colonel Isaac. So many other commanders were
- 18 also present.
- 19 MR JORDASH:
- 16:09:07 20 Q. You say you remember that clearly. Was that a meeting in
- 21 the open air or in a building?
- 22 A. It was in an open place where side of the -- there was a
- 23 big church where bulk of RUF soldiers were residing and
- 24 right in a open place. It was not in the [inaudible], it
- 16:09:49 25 was in an open place.
- 26 Q. Was that the main meeting in Masiaka at that time before
- 27 people moved on to Makeni?
- 28 A. Uh?
- 29 Q. Was that the main meeting in Masiaka or were there any

1 others?

2 A. There were other meetings held in Makeni.

3 Q. What was your understanding of what he was ordering the
4 troops to do and where was he ordering them to do it?

16:10:29

5 A. He gave us instructions. After addressing the fighters,
6 then he said, "Gentleman, at this time now is Operation
7 Pay Yourself." That was openly said and I heard it from
8 Superman.

9 Q. Do you have a picture of him saying that in your mind?

16:10:29

10 A. Picture?

11 Q. A picture in your mind, a memory?

12 A. I remember very well, very well. When this thing was
13 said, it was said to us in Masiaka.

16:10:37

14 MR JORDASH: Can the witness please be given a copy of his
15 statement dated the 12th of February 2003, please? Just
16 so that you know where I'm coming from, Mr Witness.

17 THE WITNESS: Okay.

18 MR JORDASH: I think it might be dated 2004, is it? 2003. So
19 it is 2003.

16:11:13

20 [Document handed to the witness]

21 We think it is 2004, because it refers to the statement
22 in November 2003. No, sorry, November -- I beg your
23 pardon, my fault. I am muddying the waters. It is 12th
24 of February 2003. While that statement is --

16:12:00

25 MR HARRISON: If it helps, there are page numbers at the top
26 and it starts 9751.

27 MR JORDASH: Thank you.

28 Q. Mr Witness, before you look at it, I am going to suggest
29 to you that you have made a mistake about Mr Sesay being

1 present during that meeting. Just before you answer,
2 think carefully. Could you have made a mistake about
3 Mr Sesay being present at that meeting?

4 A. Where? In --

16:12:31 5 Q. In Masiaka when --

6 A. Masiaka.

7 Q. -- Superman you say gave the order?

8 A. Issa Sesay was present.

16:12:47 9 Q. And I'm going to suggest also that, in fact, you don't
10 have a clear recollection of that meeting and it is an
11 afterthought. What do you say?

12 A. As I've told you often, often, Issa Sesay and the rest of
13 the other commanders were present in that meeting, except
14 Morris Kallon was not there. I remember that very well.

16:13:12 15 Q. What you say is that you used the highway from 4 Mile to
16 get to Masiaka --

17 PRESIDING JUDGE: Do you say that you don't have a good
18 reflection of that meeting?

19 THE WITNESS: I have good reflection of that meeting, sir.

16:13:31 20 MR JORDASH:

21 Q. Would you look, please, Mr Witness, at 975 -- before we
22 do, can you just confirm that is your statement? It is
23 an addition to the statement which you made in 2002.
24 Just have a flick through it.

16:13:48 25 A. 2003 or 2?

26 Q. Well, the first statement we have been looking at relate
27 to 2002, yeah, and the statement I am asking you to look
28 at now with the page number 9751, the one you just put on
29 the table --

1 A. 9751, mm

2 Q. -- is dated the 12th of February 2003.

3 A. Yes.

4 Q. Just have a flick through just to confirm you recognise
16:14:15 5 that statement.

6 PRESIDING JUDGE: I see the witness is amused. Mr Witness --
7 [microphone not activated] -- amused by what you're
8 discovering there.

9 MR JORDASH: Actually, I think I have made a mistake. I need
16:14:46 10 the next statement, page number 9756. So I hope he's
11 still amused.

12 JUDGE BOUTET: I was trying to find that in that statement.

13 MR JORDASH: Yes, it is very hot.

14 JUDGE BOUTET: Yes. I thought I was the only one suffering
16:15:04 15 from that problem. Obviously there is a problem with the
16 control, air conditioning this afternoon.

17 MR HARRISON: Do you wish that statement returned or is it to
18 be before the witness? We have the other one here.

19 MR JORDASH: Perhaps just so that the witness doesn't get
16:15:18 20 confused as much as anything else. If we could give him
21 9756, statement dated the 13th of September 2004.

22 [Document handed to the witness]

23 THE WITNESS: 9756.

24 MR JORDASH: Thank you.

16:15:43 25 Q. 13 September 2004, same procedure, Mr Witness. If you
26 would just look through it to see if you recognise the
27 content? Do you recognise the statement?

28 A. Yes.

29 Q. Take your time, cause I don't want to --

1 A. No, no, no, I'm going through. I recognise this.

2 PRESIDING JUDGE: How many pages is the statement?

3 MR JORDASH: It's quite a big statement actually.

4 THE WITNESS: Quite a lot.

16:16:41 5 MR JORDASH: It's 5, 6, 7 pages long. Lots of details.

6 THE WITNESS: Can you just keep --

7 PRESIDING JUDGE: Do you think we would sit here for him to --

8 THE WITNESS: You can ask your questions, please, ones
9 relating to the statement.

16:16:54 10 PRESIDING JUDGE: I don't know. Yes, why -- yes, yes, ask him
11 questions, you know.

12 MR JORDASH: Thank you.

13 THE WITNESS: Ask your questions.

14 MR JORDASH:

16:17:05 15 Q. I want to move straight to near the bottom of the page,
16 about the fifth line from the bottom. You are talking
17 about joining a convoy of RUF and AFRC men with
18 families --

19 MR HARRISON: Sorry, what page are we on?

16:17:28 20 MR JORDASH: 9756 first page of the 13th of September 2004.

21 Q. Are you talking there about Johnny Paul Koroma, Mike
22 Lamin and Superman boarding a speedboat, you saw them
23 before you left?

24 A. Yes.

16:17:41 25 PRESIDING JUDGE: He said so, he said so.

26 MR JORDASH:

27 Q. "Earlier I could hear ECOMDG bombing from a distance. In
28 Masiaka we found a contingent of Guinean ECOMDG troops,
29 but we did not bother them nor did they bother with us."

1 A. That's good.

2 Q. "Many commanders also came here. JPK, Superman, SAJ Musa
3 and many more." Yeah?

4 A. Yes, go ahead.

16:18:05

5 Q. And over the page: "The Guineans did not attack us
6 perhaps because of our number. We were too disorganised
7 to have mounted any effective attack on them" Is that
8 true? 9756 top of the page.

9 A. 9756?

16:18:27

10 Q. Yeah.

11 MR HARRISON: I think it is actually 57.

12 MR JORDASH: Sorry, it says 9757 on my page.

13 Q. 9757 top of the page, Mr Witness. "The Guineans did not
14 attack us perhaps because of our. We were too
15 disorganised to have mounted any effective attack on
16 them About a week later we started experiencing air
17 raids." Do you see that?

16:18:43

18 A. Yes, I have seen that.

19 Q. Is that right, you were too disorganised to have mounted
20 any effective attack on them?

16:18:57

21 A. On ECOMDG?

22 Q. Yes.

23 A. No, there wasn't any plan for that. When we got to
24 Masiaka, the Guinean contingent as ECOMDG we met there,
25 they did not bother us and we also never bothered them.
26 So we're just there looking at each other.

16:19:08

27 Q. Would you agree that at this stage everybody's very
28 disorganised, everybody's panicking and fleeing Freetown?

29 A. Yes, there was -- we are disorganised because of the

1 panic and everybody was just trying to survive for his
2 life.

3 Q. Such was the lack of command and control there couldn't
4 have been an effective attack if the Guineans had
16:19:40 5 attacked; that's your view, is it not?

6 A. Yes, there was no command given even to attack.
7 Everybody was just retreating for survival.

8 Q. No, what I'm asking is specific. The disorganisation was
9 such that the lack of command and control meant an
16:19:58 10 effective attack could not have been made on the
11 Guineans?

12 A. That was not the reason.

13 Q. Well, you say here, "We were too disorganised to have
14 mounted any effective attack"?

16:20:12 15 A. Yes, that place we were not in any position to fight and
16 we are not even having any plan to fight except to
17 retreat, that's all.

18 Q. Why weren't you in a position to attack or fight?

19 A. We are not ready to fight.

16:20:17 20 Q. Why not?

21 A. Why not? Because we are told to -- previously we have
22 been informed to retreat to our previous locations and
23 then we shall receive further instructions as well.

24 Q. What did you mean by "We were too disorganised to have
16:20:35 25 mounted any effective attack"?

26 A. That is -- what I mean in that, there was not even a plan
27 to say as we are moving, in case of any eventuality, you
28 can attack. No, it was not given like that. That was
29 not in fact the plan.

1 Q. There was not a plan then?

2 A. There was not a plan to fight at all.

3 Q. There wasn't a plan to do anything but to get out?

4 A. Just to leave, go into our hiding places.

16:21:04

5 Q. Reading on: "About a week later we started experiencing
6 air raids from the Alpha jets, so I joined a group of
7 fighters RUF and headed for Makeni on foot"?

8 A. Yes.

16:21:18

9 Q. "There were many of us. I cannot say how many." You
10 seem to -- well, is that correct?

11 A. Yes, because what I mean by this, the number was so large
12 I cannot even tell you it was 100 men or 1,000 men. So
13 it was a large number.

16:21:41

14 Q. But the point I want to make is this -- well, two points,
15 Mr Witness. In your description of what was happening in
16 Masiaka, only a few months ago you don't include Mr Sesay
17 and you don't include Operation Pay Yourself. Are you
18 with me?

19 A. If I don't include that.

16:22:01

20 Q. [Overlapping speakers] included in your description of
21 the events in Masiaka?

22 A. In this other additional statement?

23 Q. Exactly. We'll come to the earlier ones in a minute.

24 A. Well, I have already spoken of that.

16:22:12

25 Q. No, I know you've spoken in this Court.

26 A. So it was not even necessary for me to keep on saying the
27 same thing over and over and over and on.

28 Q. You say you have mentioned this in previous statements,
29 Operation Pay Yourself before --

1 A. Operation Pay Yourself was heard in Makeni -- sorry, in
2 Masiaka.

3 Q. Let's just slow things down a minute, Mr Witness. Are
4 you saying that you did not mention it in this statement
16:22:37 5 because you'd mentioned it before in earlier statements
6 or is there another reason why you didn't mention it?

7 A. Yes, I am always giving my statement upon questions that
8 may come before me as a statement. Whatever comes I will
9 answer. If I were not asked about Operation Pay Yourself
16:22:55 10 I don't have to talk about it.

11 Q. You knew at this time, did you not, that this statement
12 was going to be part of your evidence to this Court in
13 the trial of Mr Sesay?

14 A. Yes.

16:23:07 15 Q. Is that not right?

16 A. Yes.

17 Q. You knew that when you were giving this statement to the
18 Prosecution; is that right?

19 A. Yes.

16:23:15 20 Q. But you didn't mention that Issa Sesay had been in
21 Masiaka?

22 A. In this particular statement?

23 Q. Yes.

24 A. Yes, even if I don't say -- but I've said it in my
16:23:29 25 previous statements.

26 Q. Well, let's have a look at your previous statements.

27 A. Issa Sesay was at Masiaka and so I don't keep on saying
28 one thing over and over.

29 Q. Okay, let's have a look at them. 9751 is your statement

1 12th of February 2003.

2 A. 9751.

3 Q. 9751.

4 MR HARRISON: That's the one we took back from the witness.

16:23:55

5 Should we return it to the witness?

6 MR JORDASH: Yes, please. Although we can shortcut this if it
7 helps.

8 Q. I can assure you, Mr Witness, that there is no mention in
9 this statement of Mr Sesay being in Masiaka.

16:24:17

10 A. Where, in the last statement?

11 Q. In the second to last statement. We'll come to the first
12 statement made in a minute. I don't want to take any
13 unfair points, Mr Witness, but have a look at your
14 statement February 2003 and you will see that there is no

16:24:32

15 mention there of Masiaka and seeing Issa Sesay or
16 Operation Pay Yourself in Masiaka?

17 A. Yes, but there is one thing I would like to bring to your
18 attention.

19 Q. Please?

16:24:48

20 A. I'm a human being, I'm not like a computer to just plug
21 on information immediately you spark up on it.

22 Q. No, but you say now you have a good recollection of it,
23 you have a good recollection of Mr Sesay being present
24 during it, and this was --

16:25:11

25 A. At Masiaka?

26 Q. Yes, and this was February 2003.

27 A. Yes, I've been saying -- I say Issa Sesay was at Masiaka.
28 I saw him there, I saw Denis Mingo, I saw Rambo, I saw
29 Colonel Isaac, I saw other commanders present there.

1 Even I saw one General Bropleh, he was also in that
2 meeting at Masiaka.

3 Q. Well, let's have a look at your first statement.

4 A. So I'm just sorry if it's not mentioned or it could be
5 very difficult to trace out.

16:25:40

6 PRESIDING JUDGE: Saw General?

7 MR JORDASH:

8 Q. Is it General Bropleh I think that you mentioned?

9 A. Bropleh, yes, I saw him there.

16:25:57

10 PRESIDING JUDGE: You say one General Bropleh?

11 THE WITNESS: Yes.

12 PRESIDING JUDGE: Was also present in Masiaka?

13 THE WITNESS: Sir?

14 PRESIDING JUDGE: Was also present in the meeting at Masiaka?

16:26:11

15 THE WITNESS: Yes, at Masiaka.

16 MR JORDASH:

17 Q. Have you had an opportunity, Mr Witness, to look through
18 that statement of September 2003 -- sorry, February 2003,
19 just so that you can confirm that you --

16:26:32

20 A. On the 12th?

21 Q. The 12th, yes.

22 A. Yes, I've seen it.

23 Q. So there is no mention, is there, of Masiaka or Mr Sesay
24 in Masiaka or Operation Pay Yourself? You agree?

16:27:03

25 A. He was not mentioned.

26 Q. Okay, let's come to the next statement. Your first ever
27 statement many moons ago, November 2002, which would have
28 been then just over four years after the event, and let
29 me take you, if I can, to page 9741. We have looked at

1 this paragraph before.

2 A. 97?

3 Q. 9741 and it is the paragraph --

4 A. 9741, yes.

16:27:37

5 Q. -- which is the third paragraph: "Then Mosquito told me
6 and my friends that he was not ready to be actively
7 involved in the AFRC." You see that?

8 A. Yes, I have seen that.

16:27:52

9 Q. The end of that paragraph reads, and I think we have read
10 this before: "Issa Sesay left for Makeni once these
11 instructions were given with his family. The RUF exit
12 started before the day of the intervention but it was
13 slow." You recall us going through that?

14 A. Yes.

16:28:06

15 Q. "So in early February 1998, when the intervention
16 happened by ECOMOG, there was still some RUF forces in
17 Freetown. I was already in Makeni because I left when
18 Issa left with his family."

19 A. Yes.

16:28:24

20 Q. "Commander Rocky left with more than a hundred RUF
21 combatants. He was not in charge of the group, we just
22 travelled together. We walked through Waterloo and
23 followed the main road to Makeni. It took more than a
24 week to get to Makeni." Next paragraph: "All of those
25 associated with the junta, RUF and the AFRC had to run."

16:28:47

26 And then you relate who was boss was Superman and Sesay
27 being present with other commanders. So no mention there
28 of a meeting in Masiaka which Mr Sesay was present at
29 which involved an order to pay yourself. Is it that your

1 memory is not quite as good as you now think it is?

2 A. Not a matter of that. You see, as I have told you, how
3 the statement was taken, it was taken upon questions, and
4 how the questions were coming that was how I was
16:29:35 5 answering the questions. It was not just a reflecting
6 statement of [inaudible], stage by stage, stage by stage
7 up to the time we enter in Kono. If it was that, Masiaka
8 could have been mentioned in it.

9 Q. Well, let's have a look a bit further down in the 9742,
16:29:55 10 because you do talk about Masiaka?

11 A. I spoke of Masiaka.

12 Q. Yeah, you do mention it.

13 [HS240105E - SGH - 4.34 p.m.]

14 Q. 9742, the first paragraph, "The same February we heard of
15 an attack in Masiaka by the Ghanaian ECOMDG contingent.
16 Masiaka is close to Port Loko on the way to Makeni. We
17 immediately decided to retreat from Makeni." So you
18 appear to suggest there, Mr Witness, don't you, that the
19 most that you can say about Masiaka is that you heard of
20 an attack by the Ghanaian ECOMDG contingent; is that not
21 correct?

22 A. I also mention in my previous statement of the same
23 meeting held in Masiaka telling the fighters of Operation
24 Pay Yourself. I don't know whether it wasn't recorded,
25 but I spoke of that so many times.

26 Q. At that time, or are we talking about the time you did
27 tell the Prosecution about it, which was 12th October
28 2004?

29 A. Even from the onset of the statement taking, it was in

1 2002 I spoke of that.

2 PRESIDING JUDGE: Mr Jordash, don't you think you have made
3 the point you intend to make?

4 MR JORDASH: I am moving on.

5 THE WITNESS: I spoke of that.

6 PRESIDING JUDGE: Yes. Because we are going to know where he
7 says he said it, he further says well he was responding
8 to questions put to me and so and so forth. I think you
9 have made the point.

10 MR JORDASH: I will move on.

11 PRESIDING JUDGE: The point you are making that in the
12 statements he never talked of Sesay's presence during the
13 Operation Pay Yourself meeting in Masiaka. Is that not
14 the point?

15 MR JORDASH: Well the point is that, but it's larger than that
16 which is that our case is Mr Sesay was never present in a
17 meeting in which that was ordered in Masiaka.

18 PRESIDING JUDGE: [Inaudible]

19 MR JORDASH: Yes, I think so. Yes.

20 PRESIDING JUDGE: [Inaudible]

21 MR JORDASH: I can move on, Your Honour.

22 PRESIDING JUDGE: Yes. What you are saying is you are not
23 contesting the fact that Operation Pay Yourself may have
24 been mentioned; what you are contesting is the presence
25 of --

26 JUDGE THOMPSON: I agree, yes.

27 PRESIDING JUDGE: The presence of your client.

28 MR JORDASH: Well I am.

29 PRESIDING JUDGE: During that -- the mention of that meeting,

1 isn't it?

2 MR JORDASH: Well, I am about to contest the latter.

3 PRESIDING JUDGE: We see it coming.

4 MR JORDASH: But I am about to contest that the order was
5 given at all.

6 PRESIDING JUDGE: Well, okay. All right.

7 MR JORDASH: But Your Honour is exactly right, that's exactly
8 what I was doing then and I can move on from that point.

9 Q. Now, we know that the movement to Kono from Makeni had
10 Superman continuing to be in command; is that right?

11 A. Yes.

12 Q. And we know that from what you have told us he was the
13 part of the advance group whose job was to fight its way
14 into Kono and into Koidu Town.

15 A. Yes.

16 Q. And just picking up on something we saw in your statement
17 a minute ago, when I, read can you remember this,
18 "Masiaka is close to Port Loko on the way to Makeni," I
19 am looking at 9742 again. I am sorry I keep jumping you
20 round?

21 A. Where?

22 Q. 9742. I know it is has been a long day.

23 A. 9742. Yes.

24 Q. I am conscious that this witness has been or may be
25 wilting under the heat? I am simply trying to be -- I
26 don't want to take any unfair points and make any points
27 when the witness is very tired.

28 PRESIDING JUDGE: Yes. You are not suggesting a break for the
29 witness, are you? My colleague says we should be

1 breaking anyhow.

2 MR HARRISON: If he suggests it for me, I would accept.

3 PRESIDING JUDGE: What does Mr Harrison say?

4 MR HARRISON: If Mr Jordash had suggested it for me, the
5 break, I would have accepted it.

6 PRESIDING JUDGE: Okay. Well, I think we will take a break.

7 MR JORDASH: Thank you.

8 PRESIDING JUDGE: For counsel and the witness to relax and
9 resume the session, you know, with a better consistency.
10 Thank you. We would rise and come back in a few minutes.
11 The Court rises, please.

12 [Break taken at 4.40 p.m.]

13 [Resuming at 5.07 p.m.]

14 PRESIDING JUDGE: We resume the session, Mr Jordash.

15 MR JORDASH: Thank you, Your Honour.

16 Q. Could I -- is it right that on -- well, let me re-phrase
17 that. On the way to Kono the advanced group you have
18 told us were responsible for various crimes against
19 civilians; is that right?

20 A. Yes.

21 Q. You were in the second-to-last group out of Makeni to
22 Kono?

23 A. Yes.

24 Q. And so what you have told us about what was happening
25 with the advance group is things you heard afterwards and
26 things you observed on the way?

27 A. Yes, observation on the way to Kono.

28 Q. And what about your group; were any people committing
29 crimes?

1 A. There were some attacks, [inaudible] of attacks on the
2 route by the same group.

3 Q. Attacks on the CDF and Kamajors, or are we talking
4 civilians?

5 A. Yes.

6 Q. Which? Or both?

7 A. There was confrontation between the Kamajors and the RUF
8 on the way to Kono.

9 Q. Did you understand that the attacks on civilians in that
10 movement to Kono were ordered or were directionless
11 because of a lack of command and control?

12 A. There wasn't a specific commander to control the troop
13 for Kono at that time.

14 Q. Was that in the whole of the group or was that just the
15 advance group there was no specific commander?

16 A. In the group we are travelling or I was travelling with
17 to Kono.

18 Q. Sorry, could you repeat that?

19 A. The advance troop already have reached to Kono and have
20 confirmed to us that Kono is under control by the RUF and
21 the junta. And on the way to Kono from Makeni there were
22 some pockets of attacks between the RUF and the Kamajors.
23 So, in that manner there was not a specific commander
24 contain the group from Kono from Makeni to Kono.

25 Q. Right, so the only commander who led the troops to Kono
26 that you are aware of is Superman leading the advanced
27 group?

28 A. Yes, he has already reached to Kono.

29 Q. And was that when most of the crimes against the

1 civilians were committed by this advance group?

2 A. Yes, in the advanced group, yes, I saw some towns where
3 points them. Some villages alongside the main highway,
4 corpses and so forth.

5 Q. Is it right that before the journey to Kono there was a
6 group of rebels who were led to Bo to attack the CDF at
7 Bo?

8 A. Well, I don't know of that.

9 Q. Just have a think, if you can, Mr Witness, if you recall.
10 You don't recall? You don't recall?

11 A. I don't recall that.

12 Q. Yes.

13 A. Well, I don't know whether the troops were sent to Bo to
14 attack the position of the Kamajors, I never knew of
15 that. I only know that we are going from Makeni to Kono
16 and a route for Kailahun. That was the instruction.

17 Q. Well, let me try to trigger your memory. 9742, please,
18 in the statement of the --

19 A. 9742.

20 Q. 17 December statement. Paragraph 1, the same February --
21 9742, Mr Witness. Do you see that?

22 A. Yes, I have seen it. Some of --

23 Q. Some of us -- well, let's get the context, "The same
24 February we heard of an attack by the Ghanaian ECOMOG
25 contingent. Masiaka is close to Port Loko on the way to
26 Makeni. We immediately decided to retreat from Makeni.
27 Some of us went to Bo, and I and others came here to
28 Kono."

29 A. Yes.

- 1 Q. You see that. So some --
- 2 A. Some of the fighters -- when we decided to leave from
3 Masiaka for Kailahun -- for Makeni to Kono and Kailahun,
4 you know, there were some groups that directed themselves
5 towards Bo. That is the RUF. I knew of that, they went
6 to Bo.
- 7 Q. Right. And now your memory has been triggered, can I
8 just ask you whether you can confirm that the attack on
9 Bo involved Mr Sesay? If you don't know, Mr Witness, you
10 don't know.
- 11 A. I don't know. I was not in Bo, so I don't have nothing
12 to say about Bo.
- 13 Q. And you don't have anything to say about Mr Sesay on the
14 way to Kono either?
- 15 A. I only knew of Sesay travelling from Freetown to Kono and
16 Kailahun.
- 17 Q. Well, what do you know about that?
- 18 A. How do I know about that?
- 19 Q. No, what do you know?
- 20 A. What do I know?
- 21 Q. Yes?
- 22 A. As I explained, I knew Issa Sesay went to Makeni, and
23 from Makeni we all travelled for Kono and travelled later
24 to Kailahun.
- 25 Q. Okay, well --
- 26 A. Along with JPK.
- 27 Q. Well, let us just break that down. He wasn't in the
28 advance team with Superman, was he?
- 29 A. Never, he was not in the advance team.

- 1 Q. And you say that the rest of the group did not involve a
2 commander in charge?
- 3 A. No.
- 4 Q. So where was Sesay then?
- 5 A. Well, as a commander I don't know how he travelled to
6 Kono.
- 7 Q. Well, that's --
- 8 A. He has his own way of travelling.
- 9 Q. That's the point, you cannot say how he --
- 10 A. He travelled to Kono, that's what I know, whether by
11 plane, by foot or by what, I don't know.
- 12 Q. Well, you didn't see him on the way to Kono; did you?
- 13 A. I only saw him at Makeni. A day I heard of -- my only
14 way of going to Kono on this -- a day after that and I
15 left for Kono.
- 16 Q. Because what I suggesting is that he did not travel with
17 the main group because he was involved in an attack on Bo
18 in which he was injured. Do you have any information
19 about that?
- 20 A. He was a senior officer. I don't know how he travelled;
21 whether he was among the group, whether he came later,
22 but I only saw him later on in Kono.
- 23 Q. Right. Thank you. What about other commanders though on
24 the trip to Kono? Did you not see any of the other
25 commanders?
- 26 A. Which of them?
- 27 Q. Brima, Tamba Brima?
- 28 A. Well, I told you most of those SLA commanders were not
29 known to me in persons so I cannot relate that.

- 1 Q. Okay. CO Rocky?
- 2 A. Yes.
- 3 Q. Did you see him on the way to Kono?
- 4 A. Yes, yes, I saw him on the way to Kono.
- 5 Q. What about General Bropleh.
- 6 A. Bropleh?
- 7 Q. Yes.
- 8 A. I never saw him in Kono. Maybe he was there but I didn't
- 9 see him.
- 10 Q. On the way to Kono?
- 11 A. No, I didn't see him on the way.
- 12 Q. Colonel Isaac?
- 13 A. Isaac, I only met Colonel Isaac in Kono.
- 14 Q. Okay. Now, just arriving in Kono, is it right that again
- 15 command and control was absent in the first -- upon the
- 16 group arriving there?
- 17 A. Yes. This was how command channels were going on. SLAs
- 18 were grouped in SLA group and RUF were in RUF group with
- 19 their commanders.
- 20 Q. So there was the same split that we have had in Freetown?
- 21 A. It was, I can say, almost the same. Everybody was just
- 22 going his own way that is better for him. The RUF to
- 23 RUF, SLA to SLA.
- 24 Q. With Superman being in charge of the RUF?
- 25 A. Superman was a battle group commander of the RUF.
- 26 Q. And he was in charge over Sesay?
- 27 A. At the time we entered in Kono and then when the -- when
- 28 he went to Kailahun along with JPK, there we got another
- 29 information that he was the battlefield commander. But

- 1 prior to our entry in Kono Superman was the battle group.
- 2 Q. So let me just get this straight, if I can. Superman was
3 acting as the superior commander in the journey to Kono
4 and upon arrival at Kono and thereafter until a message
5 came from Sam Bockarie once again that Mr Sesay was to be
6 promoted?
- 7 A. Yes. That was the time I came to know that Issa Sesay
8 was the battlefield commander.
- 9 Q. And up until that time there had been no doubt that
10 Superman was the boss of Kono under the instruction of
11 Sam Bockarie?
- 12 A. Yes, there is no doubt of that.
- 13 Q. And is it right, as you referred to in your statement in
14 relation to May 1997, the chain of command flowed from
15 Mosquito to Superman in effect. What you said in your
16 statement was flowed from Mosquito to the battalion
17 commanders, but, in this specific example, from Mosquito
18 to Superman?
- 19 A. Yes, Mosquito was a battlefield commander claimed as
20 chief of defence staff and Superman was a battle group
21 commander.
- 22 Q. So what we have is this, don't we: We have Superman as
23 the boss of Kono, battle group commander?
- 24 A. Yes, 1998.
- 25 Q. 1998?
- 26 A. Part of 1998.
- 27 Q. Upon arrival in 1998 until Superman left and we'll come
28 to that in a minute, okay?
- 29 A. Yes.

1 JUDGE BOUTET: But, Mr Jordash, in your question you had in
2 May 1997, that's how you started your question.

3 MR JORDASH: I confused it unnecessarily. I will clarify
4 that.

5 Q. The way it worked, is it not, with Mbsquito is that as
6 the man at the top of the tree, if you like, in the
7 absence of Foday Sankoh -- the chain of command is
8 flowing from him to his battle group commanders?

9 A. Yes.

10 Q. And I'm talking from 1997 when he is in Kailahun and
11 Kenema and when he is still in Kailahun when Superman is
12 now in Kono.

13 A. Mm-hm.

14 Q. You don't disagree with that? You agree with that?

15 A. I agree.

16 Q. Like, if you like, Mbsquito at the centre of a wheel with
17 the spokes -- chain of command Superman, battle group
18 commander, Mbsquito directly to Superman. Are you with
19 me?

20 A. Yes.

21 Q. Is that correct?

22 A. It is correct.

23 Q. Thank you. Mbsquito was not the sort of person, was he,
24 to relinquish control, direct control, of somewhere like
25 Kono, a very important strategic area?

26 A. Yes, he was in Kailahun and Superman and the other
27 commanders were in Kono.

28 Q. And so if anything -- if Mbsquito had an order to be
29 implemented in Kono then he would tell Superman what to

1 do?

2 A. Exactly.

3 Q. And Superman would listen to him, but certainly no-one
4 else?

5 A. Superman can listen to any other commander but in
6 superiority he listens more to Sam Bockarie at the top
7 head.

8 Q. Thank you.

9 A. Besides Sankoh as the leader.

10 Q. So in Kono through 1998 until Superman left, the chain of
11 reporting was the command structure which you have told
12 us below Superman; yes?

13 A. Yes.

14 MR HARRISON: Well, that is not quite the evidence. The
15 evidence was that there is a significant change when
16 there is an instruction from Kailahun.

17 MR JORDASH: I'm going to come to that.

18 Q. But before that specific instruction from Bockarie about
19 Sesay, the chain of command is, and the chain
20 communication of commands, is up through the battalion to
21 the battle group commander Superman to Mosquito --
22 battlefield commander?

23 A. Yes, from the battlefield commander to the battle group
24 and then from the battle group to the battalion
25 commanders. That was the partial command structure in
26 Kono before Issa Sesay became the battlefield commander.

27 Q. Right. Well, we'll come to that in a minute?

28 A. Yes.

29 Q. But up until that stage, if Superman received information

1 about Kono which Mosquito needed to know Superman would
2 speak to Mosquito?

3 A. Yes, directly.

4 Q. Thank you. And vice versa?

5 A. Yes.

6 Q. Orders that --

7 A. Order would come in and report would go in to Sam
8 Bockarie.

9 Q. Thank you. And this presumably would include matters
10 such as reinforcements, crimes committed against
11 civilians, all matters to do with Kono.

12 A. Yes, all relevant issues concerning Kono were reported to
13 Superman.

14 Q. Now that obviously is just a picture of the RUF. Now,
15 what we have also in Kono at this particular time before
16 the SLAs leave is the SLAs with their own command
17 structure?

18 A. As commanders I didn't know in their own way how maybe
19 they were communicating with Mosquito on high level, but
20 I don't know. But what only I used to know as I used to
21 observe was that SLA live together with SLA commanders,
22 RUF with RUF commanders. That was initially the
23 structure and how the fighters were living in Kono.

24 Q. And you didn't take orders from the AFRC/SLAs?

25 A. The AFRC/SLA were also there.

26 Q. You didn't take orders from them yourself?

27 A. No, because I was not assigned with them

28 Q. Thank you. And you took orders from Rocky; is that
29 right? Rambo, I beg your pardon. You took orders from

- 1 Rambo?
- 2 A. Rambo became the battalion commander and as a unit
3 commander I used to take instructions from Rambo.
- 4 Q. Would you agree with this: That the real problem of
5 crimes against civilians during this period was that --
6 were those committed by the SLAs.
- 7 A. Yes, mostly was committed by the SLA.
- 8 Q. And even Superman?
- 9 A. Yeah, because he was a boss.
- 10 Q. But let me finish. Superman himself could not control
11 them and hence why he asked them to leave?
- 12 A. Why he cannot control them?
- 13 Q. No, no. I am just asking you to confirm something. Is
14 it right that Superman could not control them and that's
15 why he asked them to leave?
- 16 A. Of course yes.
- 17 Q. And why couldn't he control them?
- 18 A. As we all know, in the structures of -- we know JPK was
19 the leader of the AFRC, Foday Sankoh was the leader of
20 the RUF, battlefield commander or Chief of Defence Staff
21 was Sam Bockarie unlike the other was to the SLA like
22 Five-Five, Basilla [phoen], Bakah and the others. They
23 also were controlling their men in their own way. So the
24 command structure was not in one direction.
- 25 Q. You are going to have to break that down a bit for some
26 of us who were a bit slow.
- 27 A. Huh?
- 28 Q. Can you break that down a little bit?
- 29 A. Yes. I said JPK was the head of the AFRC junta time, as

1 the head. Then Corporal Sankoh was the head of the RUF.
2 On the battlefield or the battle commanders Sam Bockarie
3 was the head of the RUF and, unlike the AFRC, there were
4 other commanders whom I used to hear their names like
5 Five-Five, Gullit, 05 and the others.

6 Q. And their command structure was ineffective and there was
7 no proper control; is that right?

8 A. Well, I can't rule that out, it was effective or not,
9 because they were having their men under their control.

10 Q. Okay, but nevertheless they were committing lots of
11 crimes against civilians?

12 A. Yes.

13 Q. Now, you have given evidence about a number of meetings
14 in Kono at the Tankoro Police Station?

15 A. Yes.

16 Q. The first meeting chaired by Superman and you say that
17 occurred when after arrival at Kono?

18 A. That was in 1998 when we arrive in Kono, somewhere around
19 in April.

20 Q. And at that meeting you say Sesay was present?

21 A. Nearly every commander of RUF were now present in Kono.

22 Q. And you would say that that meeting took place
23 approximately a month after arrival at Kono?

24 A. Yeah, it was within that range, within that time because
25 we were arriving Kono by March and by April we had a
26 first meeting.

27 [HS240105F - RK - 5.30 p.m.]

28 Q. I want you to think about this, Mr Witness, you see, I'm
29 going to suggest that Mr Sesay and JPK left for Kailahun

1 within a few days of the arrival -- of their arrival in
2 Kono, which was several weeks before this meeting?

3 A. Look, let me tell you, Mr Jordan [sic], I do not rule out
4 saying that JPK and Issa Sesay never went to Kailahun.
17:26:58 5 They went to Kailahun after which we've had up to two
6 meetings and went to Gandorhun and went to Gandorhun it
7 was very impossible for us to go through Kailahun, and we
8 received an information as instructions from Sam Bockarie
9 for all fighters to retreat to Koidu and defend Koidu,
10 and for the other reason and for economic purposes. And
17:27:23 11 upon that reason he only allowed JPK and Issa Sesay to
12 travel to Kailahun. That was the only time that JPK and
13 Issa Sesay went to Kailahun.

14 Q. I'm suggesting to you, Mr Witness, that that took place a
15 few days after JPK's arrival, which would have been a few
16 days after Superman first entered Koidu Town?

17 A. JPK arrived in Koidu Town. I saw him; he was in Koidu
18 Town. He was stationed in an outcast locality called
19 Sokogbeh, which is just about a half kilometre away from
17:28:10 20 Koidu Township. He was there until we went to Gandorhun
21 and we came back. Then the second time -- the second
22 time now we had a meeting, it was that time he and Issa
23 Sesay went to Kailahun.

24 Q. So JPK was a still a man of influence, was he not?

17:28:35 25 A. Huh?

26 Q. JPK was still a top commander at the time he entered
27 Kono?

28 A. JPK he was in Kono.

29 Q. No, no. He had been the top man in Freetown. He was,

1 was he not, the top man in Kono when you arrived?

2 A. When we arrived in Koidu or in the bush, at that time
3 every body went to their denominations. The AFRC were
4 with JPK and the RUF with were the RUF commanders.

17:29:06

5 Q. Well, wasn't he the top man of the AFRC?

6 A. He was the top man of the AFRC, but when we went to Kono
7 now, RUF was RUF and AFRC was AFRC. That is, command
8 goes to the AFRC, command goes to the RUF by the RUF.

9 Q. But he wasn't at that first meeting, was he, JPK?

17:29:22

10 A. Huh?

11 Q. JPK was not at the first meeting in Tankoro?

12 A. I told you JPK did not even attend that meeting. I only
13 heard of his bodyguards and his representatives, not JPK
14 himself, but he was within Koidu.

17:29:39

15 Q. Well, JPK wasn't at the second meeting either?

16 A. He was not even attending any of the meetings only his
17 bodyguards and representatives.

18 Q. Well -- Sesay wasn't at the second meeting or the third
19 meeting either, was he?

17:29:55

20 A. Sesay was for the first one, second one, but the third
21 meeting he wasn't there. He was now in Kailahun.

22 Q. You're sure he was at the second meeting?

23 A. I told you that, yes, there were meetings from first,
24 second until the third one they went finally into hiding
25 places.

17:30:22

26 Q. I'm going to ask you to look at some notes. Starting at
27 9765, please. I don't think you have got the copy there,
28 Mr Witness?

29 A. 97 --

1 Q. No, no, I don't think you have --

2 A. Okay, you read it; I will pick up.

3 Q. Well, I would rather you had a look at it, to be honest.

4 A. Well, no problem.

17:31:11

5 Q. Now, just so we've got the chronology straight, was it
6 the second meeting in Tankoro where there was a warning
7 to the SLAs to leave? Before we look at that,
8 Mr Witness.

9 A. Yes, second meeting.

17:31:28

10 Q. Second meeting was the warning to the SLAs to leave?

11 A. Warning, warning, yes, second meeting.

12 Q. And the SLAs left at that stage?

13 A. Some left within the areas Tombodu and some already left
14 for Krubola axis.

17:31:54

15 Q. And was it at that meeting --

16 PRESIDING JUDGE: Some left, but did others remain? Did some
17 of them remain?

18 THE WITNESS: Yes, some remained within Kono.

19 MR JORDASH:

17:32:08

20 Q. When was the instruction in relation to that meeting for
21 JPK to go to Kailahun with Issa Sesay?

22 A. It was the time when we went to Gandorhun and when it was
23 we came in contact with confrontation with the Kamajors
24 and we were asked to return to Koidu. It was in that
25 light JPK and Issa Sesay were asked to report to
26 Kailahun.

17:32:39

27 Q. Wasn't that, though, at the time of this second meeting
28 or not?

29 A. The second meeting was held before we went to Gandorhun,

1 to my own notice?

2 Q. Let's return to these notes then. Would you have a look
3 at 9765, please?

4 A. 9765, yes.

17:33:14

5 Q. Just have a flick through this. Can you -- and I want to
6 ask you a few questions so you understand what these
7 documents are. Do you remember seeing the Prosecution on
8 a number of days in September, October -- September and
9 October of 2004?

17:33:41

10 A. Yes.

11 Q. And what happened during those meetings?

12 A. Well, in --

13 Q. Were they in Freetown, the meetings?

14 A. Which meetings?

17:33:55

15 Q. In September/October when they were speaking to you in
16 2004?

17 A. If I was in Freetown?

18 Q. Let me start again.

19 JUDGE BOUTET: Maybe you should talk about interviews rather
20 than meetings. It might be confusing to the witness.

17:34:09

21 MR JORDASH: I think so.

22 Q. Were you interviewed by the Prosecution in September and
23 October of last year?

24 A. Yes.

17:34:21

25 Q. Was that in Freetown? I don't want to know if it was in
26 your hometown. I don't want to know the name. Was that
27 in Freetown or not?

28 A. I got that in -- in Freetown.

29 MR HARRISON: I'm sorry. Could I just warn the witness that

1 there is at no point any need for him to reveal anything
2 that would disclose his identity.

3 THE WITNESS: Okay.

4 MR JORDASH:

17:34:46

5 Q. And the process involved the Prosecution reading your
6 statement to you?

7 A. If my statements were read to me?

8 Q. Were they read to you?

9 A. Yes, some were read to me.

17:34:59

10 Q. Did you add any further comments that you wanted to say?

11 A. During the reading of the -- yes, some other information
12 were related to the questions that were asked.

13 Q. Some other information came to your mind and you --

14 A. During the time they interviewed me and the questions

17:35:20

15 came across.

16 Q. And then they wrote down what you said?

17 A. Yes.

18 Q. And -- right. Well, let me just refer you, if I can, to
19 page 9767?

17:35:40

20 A. 9767.

21 Q. And the title I'm looking at is "Proofing on the 10th of
22 October 2004".

23 A. Yeah.

24 Q. Do you see that? Paragraph 20.

17:36:02

25 A. Um- hum

26 Q. "There were two or three meetings at Tankoro. Superman,
27 Colonel Isaac, Kallon and Sesay were at the first
28 meeting"; do you see that?

29 A. Um- hum

1 Q. "A warning was given to stop the burning of property at
2 the second meeting at Tankoro. There were no senior SLAs
3 there."

4 A. Yes.

17:36:25

5 Q. Is that the information you gave to the Prosecution?

6 A. Exactly.

7 Q. So it is right, you would have us -- well, is it right
8 that Sesay was at the first meeting?

17:36:38

9 A. Sesay was at the first meeting. He attended the second
10 meeting as well. Only the third meeting he was absent.
11 He has already left for Kailahun.

12 Q. So why was it you said he was at the first meeting?

13 A. Why did I say he was at the first meeting?

17:36:54

14 Q. Well, do you not understand the point? You're saying
15 that he was at the first meeting which suggests, on one
16 reading, that you're limiting his presence to the
17 meetings to the first meeting. Do you see what I mean?

18 A. Yes, I did not limit his presence in the meeting. He
19 only attended twice and that third meeting. That is all
20 that I know.

17:37:11

21 Q. Well, given that Superman was in charge, what was Sesay
22 doing in Koidu?

23 A. Look, when we got to Koidu, it took a big time before
24 command structure changed and later we heard from
25 Mosquito saying -- sending information that Issa Sesay
26 automatically was the battle field commander. And battle
27 group commander was Superman temporarily until when we
28 got into the bush Superman was changed and he went to
29 Krubola. In fact, not only changed, he went on a

17:37:34

1 mission. According to the information, he went to arrest
2 SAJ Musa by the instruction of Sam Bockarie.

3 Q. So your evidence is then, that JPK was in Koidu for over
4 a month?

17:38:35

5 A. The time I saw him, I only saw him once. But he never
6 went to Kailahun until when we went to Gandorhun and
7 there was no way for the whole group to go to Kailahun.
8 Very few of his bodyguards and Issa's bodyguards,
9 together with Issa and JPK went to Kailahun. That was
10 the time I saw him again at Gandorhun.

17:39:02

11 Q. Okay. I'll move on. Just so you understand what I'm
12 saying, I'm suggesting they left together within two or
13 three days and were in Kailahun soon thereafter.

17:39:19

14 A. No, it was not just within two days time, because when we
15 went to Gandorhun, we kept a bit time there, over a week.
16 There was no way in fact to go from Gandorhun to
17 Kailahun; it was very impossible.

18 PRESIDING JUDGE: Mr Jordash, please be thinking of a
19 convenient point where we could stop.

17:40:13

20 MR JORDASH: I would be very happy to stop now, Your Honour,
21 to be honest. It is that I would be able to gather my
22 thoughts, because I've reached a point where I really
23 need to.

24 PRESIDING JUDGE: Okay. We took note of that.

17:40:27

25 MR JORDASH: Thank you.

26 PRESIDING JUDGE: That is why we thought we would look at our
27 timeframe.

28 MR JORDASH: If it assists, Your Honours, I'll be probably
29 another two hours or so. I'll be another two hours or so

1 tomorrow.

2 PRESIDING JUDGE: Okay.

3 JUDGE BOUTET: That will be it -- [microphone not activated].

4 MR JORDASH: No, no, I think that will be it. So I don't get
17:40:59 5 myself into trouble, I'll say two to three hours, to be
6 on the safe side.

7 PRESIDING JUDGE: Right. That's all right. Well, counsel, I
8 think we'll rise and resume sitting tomorrow at 9.30.
9 The Court will rise, please.

17:42:04 10 [Whereupon the hearing adjourned at 5.45 p.m. to be
11 reconvened on Tuesday, the 25th day of January, 2005, at
12 9.30 a.m.]

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EXHIBITS:

Exhibit No. 19 64

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-071 1

EXAMINED BY MR HARRISON 1

CROSS-EXAMINED BY MR JORDASH 18