



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

WEDNESDAY, 13 JULY 2005
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsh Mr Matteo Crippa
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Ms Melissa Pack Ms Suzanne Mattler (intern)
For the Principal Defender:	No appearances
For the accused Issa Sesay:	Mr Wayne Jordash Ms Elizabeth Shackelford Ms Ellen Rogers
For the accused Morris Kallon:	Mr Shekou Touray Ms Rachel Irua Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh Ms Nikki Walsh

1 Wednesday, 13 July 2005

2 [RUF13JUL05A - CR]

3 [Open session]

4 [The accused Kallon and Gbao present]

09:44:26 5 [The witness entered Court]

6 [Upon resuming at 9.50 a.m.]

7 WITNESS: TF1-361 [Continued]

8 JUDGE THOMPSON: Mr Jordash, we've been advised about the
9 indisposition of your client. Do you have anything to say?

09:52:05 10 MR JORDASH: I do. Yesterday when I spoke to Mr Sesay, he
11 was in some pain. I'm just conscious of being in front of the
12 witness.

13 JUDGE ITOE: If you wanted, he could be asked out of Court.

14 JUDGE THOMPSON: We're in closed session. Would the
09:52:33 15 courtroom officers assist us or the victim witness unit, could
16 you assist us?

17 MR JORDASH: I should have thought of that before Your
18 Honours came in. Sorry.

19 MR CAMMEGH: Your Honours, while that is being done, can I
09:52:55 20 introduce a new member of the Gbao team, Ms Nikki Walsh will be
21 here for two weeks and will appear hereinafter the trial
22 thereafter.

23 JUDGE ITOE: What is her name?

24 MR CAMMEGH: Her full name is Ms Nicola Walsh.

09:53:41 25 [The witness stands down]

26 MR JORDASH: I spoke to Mr Sesay yesterday. He had been in
27 some pain all day. Your Honours may be aware of this, this came
28 out in the last trial session. He has an unremoved bullet in his
29 hip. I think there are plans afoot to have an operation. The

1 details of when that will be are yet to be decided. He was in
2 pain. Apparently he had been up half the night with that pain.
3 My co-counsel spoke to one of the detention guards, who confirmed
4 that. I spoke to Mr Sesay yesterday about the possibility of him
09:54:19 5 not coming to Court today. He was content to proceed this
6 morning without being in Court. I'm mindful, however, that this
7 is an important witness. What I would say at this stage is that
8 I'm happy to continue, but I would, with Your Honours' leave,
9 keep the situation under review, and if I felt I needed Mr Sesay
09:54:44 10 here in Court, I would alert Your Honours to that and make the
11 appropriate application at that time.

12 PRESIDING JUDGE: It is likely, if I understood the
13 Prosecution yesterday, that you will be moving in your
14 cross-examination sometime this morning. I say "likely". That's
09:55:04 15 based on what the Prosecution had stated yesterday afternoon. If
16 we do move in your cross-examination, you have a bit more leeway
17 in the sense that there are areas that are less important to have
18 the accused with you because, even though it may not necessarily
19 follow a sequence you would like to follow, we have a bit more
09:55:30 20 latitude to control that otherwise. It is the Prosecution and
21 you have to take it as it comes.

22 MR JORDASH: I feel quite confident I can continue most of
23 the morning, if not all of the morning without him.

24 JUDGE THOMPSON: Thank you.

09:55:46 25 JUDGE ITOE: But we are not underestimating his
26 contribution to the quality of your cross-examination. I am not
27 underestimating it, anyway.

28 MR JORDASH: Thank you.

29 JUDGE ITOE: I'm not underestimating it because his

1 presence would certainly contribute to the quality and strength
2 of your cross-examination, as it has always done.

3 MR JORDASH: It has. I am grateful for that, thank you.

09:56:17

4 JUDGE THOMPSON: Thank you. We can proceed with the
5 examination-in-chief. Let's have the witness back in Court,
6 thanks.

7 [The witness entered Court]

8 JUDGE THOMPSON: Proceed, Ms Pack.

09:57:48

9 MS PACK: Thank you, Your Honour. As I recall, yesterday I
10 had asked to tender the book, the collection of documents I had
11 passed to the witness. They are not with him now. That was the
12 subject, I think, of some argument. Perhaps I can allow my
13 learned friend Mr Jordash to indicate to what extent he's
14 pursuing his objection.

09:58:11

15 MR JORDASH: I'm not. No opposition to the Prosecution's
16 cause.

17 JUDGE THOMPSON: Mr Touray, do you have any response to the
18 Prosecution's request for the document to be received in
19 evidence?

09:58:26

20 MR TOURAY: Your Honour, I'm minded to restrain myself,
21 although I have some reservations about the authenticity of these
22 documents.

23 JUDGE THOMPSON: Which you would be at liberty to raise
24 that at a later stage.

09:58:41

25 MR TOURAY: Sufficient foundation has not been laid on the
26 authenticity, even at this stage.

27 JUDGE THOMPSON: Perhaps we should have it on record. But
28 you are not making a firm objection, as such?

29 MR TOURAY: Not really at this stage.

1 PRESIDING JUDGE: You are familiar with the decision of our
2 Court of Appeals Chamber about authenticity, saying these are the
3 factors to be considered when deciding about the admissibility.
4 [Overlapping speakers] it is our Appeal Chamber's decision so we
09:59:15 5 are bound by it, as you know.

6 MR TOURAY: I have due respect for the Chamber's
7 jurisdiction.

8 JUDGE ITOE: Like we do, too.

9 JUDGE THOMPSON: The principle of judicial hierarchy
09:59:28 10 precludes us from doing anything, other than accept that.

11 MR TOURAY: As Your Honour pleases.

12 JUDGE THOMPSON: Except if we can distinguish it.

13 MR TOURAY: I'm not prepared to do that at this stage.

14 JUDGE THOMPSON: Mr Cammegh, what's your objection?

09:59:41 15 MR CAMMEGH: No objection.

16 JUDGE THOMPSON: In the light of that, we should now
17 receive the document in evidence and mark it Exhibit 32.

18 MS PACK: Perhaps if the copied document could be passed
19 back to the witness. I hope Your Honours now have copies of this
10:00:03 20 document in front of you.

21 [Exhibit No. 32 was admitted]

22 JUDGE THOMPSON: I have.

23 MS PACK:

24 EXAMINED BY MS PACK: [Continued]

10:00:20 25 Q. Witness, I'm going to ask you to turn to one of the pages
26 of this document in front of you. I would ask you to look at the
27 numbers which are the eight digit numbers, which appear usually
28 around the top of the page, and go to 8649, please. I ask you to
29 look at the second entry on page 8649. It starts, "To the Lion".

1 Do you see that?

2 A. I don't see it.

3 JUDGE ITOE: You're referring to the entry dated the 24th
4 of May 1999?

10:01:26 5 MS PACK: '99 it looks to me.

6 A. I have seen it.

7 Q. Witness, I would ask you to look, please, at the heading of
8 this entry that you have open and read that entry, the heading,
9 to yourself.

10:01:39 10 A. I have seen it.

11 Q. Now this entry says "to the Lion, FM", which I take to be
12 Superman, "info all stations subj" and then the response and then
13 the date, 24th July 1999. I would like to ask you about this
14 entry. Do you know what is meant by "to the Lion"?

10:02:13 15 A. To the Lion. Yes, I know.

16 Q. What does it mean?

17 A. This tells you that this message went to Foday Sankoh.
18 Lion is the code name for Foday Sankoh.

19 Q. The next bit "FM Superman", what does that mean? It is
10:02:48 20 probably obvious, but it you tell us?

21 A. FM is an abbreviation; it is "from", that the message came
22 from Denis Mingo. His code name was Superman.

23 Q. What does the entry "info all stations" mean?

24 A. Say it back.

10:03:17 25 Q. What does the entry "info all stations" mean? You see the
26 third of the entries at the heading?

27 A. This tells us that this message, all the other stations in
28 the various frontline areas where there were radios should listen
29 to it so that they could understand what does that mean.

1 Q. The next entry, just explain what that means, "subj -
2 response", what does that mean?

3 A. This tells us the subject matter of the message. Means
4 response; it was a response message.

10:04:11 5 Q. Witness, before I ask you to read to yourself this message,
6 I'd ask you to turn to the fifth page of it, which is 8653. If
7 you look at the very top of page 8653, do you see that?

8 A. I've seen it.

9 Q. Are you able to recognise the signature at the very top of
10:04:55 10 that page?

11 A. Yes. It was Superman, Denis Mingo. He sent this message
12 to Foday Sankoh's station. The operator that received this
13 message in Foday Sankoh's radio station was Daff. It was he who
14 wrote his signature on the top of it.

10:05:22 15 Q. And is it the date we see there, 24 May 1999?

16 A. Exactly. To identify that, he was the one that received it
17 and it was the time he received it, so if there was any confusion
18 and a commander could not understand, he could be able to prove
19 that this was the time he received it.

10:05:49 20 Q. Where do we see the time?

21 A. The time is by the side here.

22 Q. Is that on page 8653?

23 A. Yes, on the top.

24 Q. What does that say? Are you able to read it?

10:06:11 25 A. Yes. It says it was received on --

26 Q. If you can't read it, don't worry. Witness, are you unable
27 to read it, I just want to clarify?

28 A. He said he received it 10 hours. It is complicated. The
29 time is complicated.

1 Q. Leave it. We'll ask you to go back to the front of the
2 message, the beginning of the message, which was at page 8649.

3 PRESIDING JUDGE: Before you go there, Witness, we're
4 looking at page 8653 that you were just looking at. You said
10:07:09 5 when you were asked to look at the top of that page that this is
6 from Denis Mingo. Is there anything in there that tells you
7 that? Why did you say this?

8 THE WITNESS: Yes. The font there is referring to where
9 the message came from, that is Superman.

10:07:31 10 PRESIDING JUDGE: I'm not talking of the first page, I know
11 the first page says "To the Lion from Superman". But when you
12 were looking at 8653 at the end of the message, you say this is
13 from Superman. Is there anything there that tells you that or is
14 it just because you had seen it on the first page?

10:07:51 15 THE WITNESS: No, it is the conclusion of 8649. That's
16 what I'm saying. I'm referring to that, the message came from
17 Superman. The other message over here. I have not talked about
18 it yet.

19 PRESIDING JUDGE: Thank you.

10:08:17 20 MS PACK:

21 Q. Go back, please, to page 8649. I would like you to take
22 your time to read this message through, please. Don't read it
23 out loud. Just read it to yourself.

24 A. Okay.

10:08:30 25 MS PACK: Your Honour, I'm going to allow the witness a few
26 minutes to do that.

27 JUDGE THOMPSON: Ms Pack, you can sit down if you want to.

28 MS PACK: Thank you, Your Honour.

29 Q. Witness, when you reach the end of that entry, just let us

1 know.

2 JUDGE THOMPSON: Learned counsel, perhaps you might help
3 us. Yes, Ms Pack. Do you need some time for a process of
4 refamiliarisation with regard to some other messages or entries
10:14:50 5 in this particular logbook?

6 MS PACK: No, Your Honour, this is the longest entry.

7 JUDGE THOMPSON: I thought if you needed time, then the
8 Court might advise itself to give you some break so that the
9 witness can refamiliarise himself. That's entirely up to you.

10:15:10 10 MS PACK: Your Honour, I'm only going to refer the
11 witness --

12 THE WITNESS: I've gone through.

13 MS PACK: -- to a very limited number of entries, and
14 that's the longest one.

10:15:21 15 JUDGE THOMPSON: I just thought it necessary to clarify.
16 Proceed then.

17 MS PACK:

18 Q. You've completed the reading?

19 A. Yes.

10:15:29 20 Q. I'm going to ask you a couple of questions about this
21 entry, witness, and listen to my questions. Firstly, I would ask
22 you to look at the first page of this entry and I would ask you,
23 please, to go down six lines. In the third line of the second
24 paragraph, beginning, "ENCE by Lieutenant Colonel by JP Koroma
10:15:57 25 and log". Do you see that?

26 A. Yes.

27 Q. Are you able to say what is meant by the word "log"?

28 A. Log, that's the codename for Brigadier Sam Bockarie.

29 Q. I would ask you to turn over to the following page, please.

1 Look at the third paragraph on that page, the sixth line down
2 which starts, "Area of responsibility. Zeno. Of course." Do
3 you see that line?

4 A. Yes, I have seen it.

10:16:47 5 Q. Can you explain to us what is meant by Zeno?

6 A. He deputised Foday Sankoh. His real name is Lieutenant
7 Colonel Mohamed Tarawallie.

8 Q. If you can just --

9 JUDGE ITOE: Just a minute, please. Mohamed Tarawallie?

10:17:28 10 THE WITNESS: Tarawallie, yes.

11 JUDGE ITOE: Yes, Ms Pack, continue.

12 MS PACK:

13 Q. I don't want you to provide an explanation, but if you
14 could tell us, if you're able, approximately when it was that you
15 say Mohamed Tarawallie deputised Foday Sankoh? Approximately.

10:17:45

16 A. He was the senior man amongst all the people that came that
17 were very close to Foday Sankoh.

18 Q. Just help us with this. Was it before or after the period
19 that you've called the AFRC time when the AFRC was in government?
20 Before or after that?

10:18:21

21 A. He was not a party to AFRC. He did not experience it. He
22 was dislodged in 1996.

23 Q. Now I would ask you to go to the following page, please.

24 I'm going to ask you to go -- it's the first paragraph. It's the
25 fourth line down. I'm going to read the next couple of
26 paragraphs and I'll ask you a couple of questions about those.

10:19:05

27 "And I can tell that since our withdrawal from Freetown the enemy
28 never captured the entire township of Koidu, Kono. Every
29 combatant in Kono can attest to that. From Kono, I organised" --

1 THE INTERPRETER: Your Honours, the attorney --

2 MS PACK: My apologies to the interpreters. "From Kono I
3 organised operations for Kabala, Makeni and F/Town. But before
4 that there were lot of apprehensions from the SLA towards the RUF
10:20:00 5 because of the unlawful reputation of their brothers. Upon
6 arrival in their midst, MSG after the May 25 coup, I was able to
7 ease their tension and they gave their fullest cooperation that
8 has reached us to this point. In Koinadugu, again, after the
9 ATTK and capture of Kabala, I was threatened by Log after all my

10:20:33

10 efforts. Of course, that problem according to the People's War
11 Council was harmonised. But when we got again to Makeni after a
12 tedious fight and casualty, a troop was also organised by Brig
13 Morris Kallon and others to harm me, but by God's praise I was
14 able to escape." I'm going to ask you a little about that. Just
10:21:01 15 looking at the bottom two lines I've just read out, do you know
16 who Brig Morris Kallon is?

17 A. Yes, I know him very well.

18 Q. Who is Brig Morris Kallon?

19 A. He was RUF High Command who was a vanguard.

10:21:28

20 Q. Have you ever seen Brig Morris Kallon?

21 A. Yes. Both of us have lived -- we've lived together up to
22 nine years.

23 Q. Where did you see Brig Morris Kallon?

24 JUDGE ITOE: You've lived with him for nine years.

10:22:00

25 THE WITNESS: Yes.

26 PRESIDING JUDGE: You lived with him for nine years or up
27 to nine years?

28 THE WITNESS: I have lived with him for nine years.

29 MS PACK:

1 Q. Where?

2 A. From 1991 up to the time the disarmament took place.

3 Q. I'll ask you about the period after the AFRC government
4 came in. Where did you see him after that?

10:22:31 5 A. He had to join us in Kono and all of us were in Kono.

6 Q. Do you know him by another name?

7 A. Yes. We gave him a codename.

8 Q. What was that?

9 A. He was called Friend too. He was called Sparrow.

10:23:00 10 JUDGE ITOE: The first one is what?

11 THE WITNESS: Friend.

12 JUDGE ITOE: Friend?

13 THE WITNESS: F-R-I-E-N-D.

14 MS PACK:

10:23:10 15 Q. Is this a different Kallon to Brigadier Morrison Kallon who
16 you've been talking about in your testimony?

17 A. This name refers to the same Brigadier Morris Kallon that
18 I've talked about.

19 Q. Just to ask you, if you look at the second paragraph where
10:24:06 20 it starts, "From Kono I organised," and so on, do you know what
21 this paragraph is talking about? Just keep it brief. I'm just
22 asking about that one paragraph. Do you see where I'm meaning?

23 A. Yes, I've seen that.

24 JUDGE THOMPSON: Mr Jordash, yes.

10:24:53 25 MR JORDASH: My learned friend appears to be asking for
26 comment. Now, if the witness heard the message, if the witness
27 spoke to Superman about the message, if the witness spoke to
28 Superman about the subject, that's one thing. If none of those
29 apply, however, and my learned friend is simply saying, "What do

1 think Superman meant", it is comment.

2 MS PACK: I will ask the witness about the matters my
3 I learned friend has raised.

4 JUDGE THOMPSON: Yes, go ahead.

10:25:26 5 MS PACK:

6 Q. Witness, having read this whole message and having seen the
7 date 24 May 1999, do you know where Superman was based at the
8 time this message was sent? If you don't, please say.

9 A. Superman was based in Lunsar when he sent this message.

10:25:54 10 Q. Where were you based when this message was sent?

11 A. Me, I was in Kambia myself.

12 Q. At that time when you were in Kambia, did you know anything
13 about this message?

14 A. Yes, we monitored it. We copied it on desk.

10:26:32 15 JUDGE ITOE: You said you monitored the message.

16 MS PACK: Yes.

17 JUDGE ITOE: You said you monitored the message and did
18 what? And copied it also?

19 THE WITNESS: We monitored it, how the operation was going.
10:26:49 20 If a message sent from the other side, you monitored it, copied
21 it so that you get a better understanding.

22 THE INTERPRETER: The interpreter is sorry. Could the
23 witness be advised to go slowly so that he can be interpreted
24 properly.

10:27:07 25 MS PACK:

26 Q. Take it again, witness. I would like to you complete the
27 sentence you started. You said you monitored this message in
28 Kambia. What did you do next? Keep it brief and take it slowly
29 for the interpreters, please.

1 THE INTERPRETER: Sorry, the interpreter would advise that
2 the witness comes closer to the mic.

3 THE WITNESS: When they sent the message, we copied it and
4 put it on the desk so we can understand what is going on. From
10:27:45 5 there, we briefed our commanders concerning this message that was
6 sent by Super to Foday Sankoh in Freetown.

7 MS PACK:

8 Q. Now, witness, just going back to that passage that I
9 identified for you at page 8651, second paragraph starting, "From
10:28:14 10 Kono I organised," have you got that?

11 A. Yes, yes.

12 Q. Now, witness, you have testified that you were with
13 Superman in Kono, Kabala, Makeni. What did you understand this
14 paragraph to be talking about when you received this message?

10:28:41 15 A. This message is telling us that it was Superman who led the
16 people to come to Kabala and, from Kabala, which is in Koinadugu
17 district, he led them to Makeni. From Makeni, then he was the
18 same person who led the people to Waterloo, because he did not
19 reach Freetown. I deny that part.

10:29:15 20 Q. Thank you, witness. I'm going to ask you to look at a new
21 message now. If you would just turn the pages to page 8674,
22 please.

23 A. I have turned to that page.

24 Q. Thank you, witness. I would like you just to take a couple
10:30:08 25 of minutes to read. It's not a long message this time. The
26 message that starts, "From the leader," and turns over the page
27 to end halfway down the following page. If you would just take a
28 couple of minutes to read that.

29 A. I have read it through.

1 Q. Look at page 8675, please. Look halfway down and tell us
2 this: do you recognise the signature that appears halfway down
3 that page?

4 A. I've seen it.

10:32:35 5 Q. Do you recognise it?

6 A. This was Foday's Sankoh's operator that was sent in
7 Freetown. That is Daff.

8 Q. Thank you, witness. Witness, I'd like you to turn back to
9 the beginning of this message at page 8674. You can see the date

10:33:00 10 appears on 7 July 1999. Could you tell us, please, who that
11 message is from and to?

12 A. This message came from Foday Sankoh. It went to Brigadier
13 Sam Bockarie in order to inform all men and women in the RUF
14 areas.

10:33:35 15 Q. The heading, "Subj Information", what does that mean?

16 A. That shows that the subject matter is information.

17 Q. Is this a message that you --

18 A. He sent a message.

19 Q. Yes, witness. Wait for the question. Is this a message
10:34:06 20 that you monitored or received at the time that it was sent in
21 July 1999?

22 A. We monitored it. On our own desk we copied it so that we
23 could understand, because during that time, everybody was eager
24 in order to be in line with the latest developments. So, we,
10:34:31 25 too, had it on our own desk.

26 Q. Just remind us, where were you based at this time?

27 A. At the same time, we were still in Kambia district.

28 Q. Witness you can see at the bottom of the first paragraph -
29 I will read, if I may - "In formal the men and women of RUF/SL

1 the civil society and religious groups" --

2 THE INTERPRETER: The attorney is moving so fast.

3 MS PACK: My apologies. I do apologise to the interpreters
4 "...that I will be signing the peace accord today. I and my
10:35:28 5 delegation in Lome have negotiated in good faith and have reached
6 a compromise." Going to the bottom of that paragraph, "I will be
7 released before the signing of the accord today." You have told
8 us Daff is the signatory to this message. Do you know where he
9 was at time that this message was sent or received by you?

10:35:56 10 A. I want to tell the Court one thing that was going on
11 because Foday Sankoh had a satellite phone. It was with him in
12 Freetown. At any time he went for international matters, most of
13 the time he relayed messages here in Freetown and to us. This
14 message was relayed to us at the time when he was at the --

10:36:26 15 Q. Take it slowly, please witness.

16 THE INTERPRETER: Would the witness go over in order for
17 the interpreter to get him clearly.

18 THE WITNESS: Okay.

19 MS PACK:

10:36:34 20 Q. Take it slowly. You said that most of the time he relayed
21 messages to you in Freetown. I would like you to take that
22 slowly and explain what you mean.

23 A. Foday Sankoh, he was not in Freetown when he sent this
24 message, but he had a satellite phone, through which he
10:36:59 25 transmitted messages. Sometimes he left it on the desk and went
26 away, but this was a message that he sent, because the radio in
27 Freetown was here in Freetown with Daff. It was Daff that sent
28 this message. But it was not in Freetown here that Foday Sankoh
29 sent this message.

1 Q. Witness, I'm going to ask you to turn to another message.

2 That's at page 8696, please.

3 A. I have turned there.

4 Q. Thank you, witness. Again, I would ask you to look at this
10:38:03 5 short message. It starts halfway down the page and ends over the
6 following page. Just take a couple of minutes to read that,
7 please. It is 8696 to 97.

8 A. I have read it.

9 Q. Again, witness, I'll ask you the same question about the
10:38:48 10 second page of the message, the very end of it. Do you recognise
11 the signature at the bottom at the end of the message?

12 A. Yes. It was Daff who signed this message. He sent it.

13 Q. Just look, please, at the first page of the message, the
14 heading. I'd like you, please, to explain that for us. The date
10:39:14 15 is 27 July 1999, the message says, "From Smile". Who is Smile?

16 A. Smile is another codename to which they used to call Foday
17 Sankoh.

18 Q. Then "To Brig Mani", who is that?

19 A. Brigadier Mani was the SLA officer with whom we were all in
10:39:51 20 Koinadugu, Krubola with whom we came to Makeni.

21 Q. What does it mean when it says, "Info all commanders"?

22 A. That all other commanders who were within the RUF should
23 know about this message.

24 Q. Is this a message you either received or monitored at the
10:40:22 25 time?

26 A. All stations should copy it, that's the instruction.
27 That's why it says "all commanders". We all received that
28 message.

29 Q. Remind us where you were based at this time?

1 A. I, I was still in Kambia district.

2 Q. Witness, I'm going to ask you to close that book and I'm
3 going to ask that the witness is passed another book.

4 MS PACK: Same sort of thing, Your Honour, I will ask him
10:41:21 5 some questions about that and I will be asking to tender that
6 book as a further exhibit. For my learned friends and for Madam
7 Court Attendant, it is radio logbook three.

8 Q. Witness, what I would ask you to do is turn to the title
9 page and then flick through the first three or four pages of that
10:42:03 10 document you have in front of you. Just familiarise yourself
11 with the first three or four pages. Witness, looking at the
12 first pages of the document that I had passed up to you, are you
13 able to say what this document is, the whole of it?

14 A. This document is also a message that was sent to Foday
10:43:00 15 Sankoh from the RUF territory.

16 Q. Pause a moment, witness. I'm not just asking you about one
17 of the entries, I'm asking you about the whole thing. If you
18 take the whole document you have been handed. Perhaps it would
19 assist you if you look at the first couple of pages and then if
10:43:18 20 you look, please, at the last two or three pages of that
21 document. Just tell me, having looked at the whole thing, if you
22 recognise or are able to say --

23 A. This is Foday Sankoh's book.

24 Q. What sort of book is it?

10:43:51 25 A. It is a message book.

26 Q. Tell us, please, how you were able to say that this is
27 Foday Sankoh's message book?

28 A. Because the way it is addressed, it came to Foday Sankoh,
29 then the operator that was on the desk with him was Daff. Then I

1 went through I saw the operator who was Eddie Murphy.

2 Q. Pause, please. Tell us where you see a reference to
3 Eddie Murphy. Just call out a page number and we can all look at
4 that.

10:44:35 5 A. 0008733.

6 Q. Tell us where is the signature that you're able to
7 recognise on that page?

8 A. The signature is done. He's signed it because there were
9 three that were operators for Foday Sankoh in Freetown.

10:45:03 10 Q. With the signature, is that the signature that appears
11 halfway down, page 8733?

12 A. Yes.

13 Q. Whose signature --

14 A. That was Eddie Murphy.

10:45:16 15 Q. You said there were three radio operators for Foday Sankoh
16 in Freetown. Who was the third? You've named two.

17 A. The last one that was sent was Ebony Prince.

18 MS PACK: Your Honours, I would like to tender the whole of
19 this book as an exhibit.

10:45:46 20 JUDGE THOMPSON: Mr Jordash, any objections?

21 MR JORDASH: No objections.

22 JUDGE THOMPSON: Mr Touray, any objection?

23 MR TOURAY: None, Your Honour.

24 JUDGE THOMPSON: And Mr Cammegh?

10:45:56 25 MR CAMMEGH: No.

26 JUDGE THOMPSON: The document will be received in evidence
27 and marked Exhibit 33.

28 [Exhibit No. 33 was admitted]

29 MS PACK: Thank you, Your Honour.

1 Q. Witness, I would ask you to turn to one of the pages in
2 this, 8764, please.

3 JUDGE ITOE: What page is that?

4 MS PACK: 8764.

10:47:00 5 Q. Witness, just look at the message that appears there on
6 that page. Just take a moment to read that, please.

7 [RUF13JUL05 10.45 a.m. - AD]

8 A. I have gone through.

9 Q. Witness, just asking you about the heading "To the RUF/SL
10 From Maj Gen Sam Bockarie Sub: Information and Resignation, Date
11 14/12/99" and then the text: "On this day 14/12/99 as a result
12 of the increasing tension within the RUF/SL and in a bid to
13 prevent more bloodshed in this our beloved country I, Major Gen
14 Sam Bockarie Maskita, declared that I am no longer a member of
10:48:52 15 the RUF/SL".

16 Witness, just look at the heading. Indicate to us, please,
17 who this message is from and to. It is probably quite obvious,
18 but if you'd explain.

19 A. This message came from Buedu to Foday Sankoh, then to all
10:49:17 20 RUF stations for them to monitor it and to know that it was
21 Mosquito who sent it, who is Sam Bockarie.

22 Q. Did you either monitor or receive this message at the time?
23 It is dated December '99.

24 A. Yes, I well knew about this message.

10:49:42 25 Q. Witness, I am going to ask you, please, to turn to page
26 00008854, please.

27 PRESIDING JUDGE: What is the page again?

28 MS PACK: 8854.

29 THE WITNESS: I have turned there.

1 MS PACK:

2 Q. Thank you. I will read it because it is short. "FM Black
3 Moses date 23/10/99 to Survival. You are hereby instructed to
4 mobilise all soldiers to occupy the barrack instead of the
10:51:00 5 people's houses. People are escaping from Makeni with a lot of
6 complaints about harassment from soldiers. All soldiers are
7 warned to stop harassing the people forthwith. You should bear
8 in mind that the only way to win the people's mind is by
9 encouraging them and I have planned to come and talk to everybody
10 on the ground not on matters relating to such issues except for
11 your infos, quick action and so on".

12 Witness, look at the heading FM Black Moses. Who is black
13 Moses?

14 A. It was Foday Sankoh that had that same name, Black Moses.
10:51:49 15 It referred to Foday Sankoh.

16 Q. Who is Survival?

17 A. Survival was Brigadier Issa Sesay. That was his own
18 nickname, Survival, Solar System, these were his names.

19 Q. Witness, just look at the signature. Is that a signature
10:52:15 20 you are able to recognise at the bottom of this message?

21 A. This was Ebony Prince's signature. The other operator who
22 was with Foday Sankoh. There were three, remember.

23 Q. Is this a message that you either monitored or received at
24 the time? It is dated October '99.

10:52:54 25 A. We too monitored it at our own desk because it was
26 widespread in Makeni.

27 Q. And you were based where, just remind us again?

28 A. My own radio set was in Kambia. I operated in Kambia at
29 this time.

1 Q. Witness, I'd ask you, please, to turn to another message in
2 this book at page 8869.

3 MR JORDASH: Your Honour, sorry to leap to my feet, could I
4 just again complain that the Prosecution appeared to have been
10:53:46 5 aware of evidence to be adduced in this Court which the Defence
6 were not -- and I am referring again to the identification of
7 Ebony Prince's signature. That is the first time I have heard of
8 that. Could I respectfully ask if the Prosecution have any other
9 evidence they wish to adduce that they disclose it to us
10:54:10 10 forthwith.

11 MS PACK: There aren't any other signatures in this book
12 that I was going to ask the witness about.

13 JUDGE THOMPSON: Proceed then.

14 MS PACK: I am grateful.

10:54:28 15 Q. It is 8869. If you would just look at the message halfway
16 down the page to the end of the page, please.

17 A. I had finished it.

18 Q. I just wanted to ask you about the heading in fact. I
19 think you might have dealt with these earlier on in your evidence
10:55:28 20 but just tell us, "From Smile", who is that a reference to?

21 A. Smile refers to Foday Sankoh.

22 Q. And "To Survival", who is that?

23 A. It referred to General Brigadier Issa Sesay.

24 Q. And "Infos Superman and Sparrow", who does Sparrow refer
10:55:53 25 to?

26 A. Superman is Denis Mingo and Sparrow is Brigadier Morrison
27 Kallon.

28 Q. What does it mean to say when the message says "Infos
29 Superman and Sparrow"?

1 A. That meant that the message is directly sent to Brigadier
2 Issa Sesay, but he should inform Brigadier Denis Mingo and
3 Brigadier Morrison Kallon for them to work on that instruction
4 together.

10:56:34 5 Q. Witness, is this a message that you either received or
6 monitored at the time? It is dated November '99.

7 A. We monitored it, but it was directly sent to Survival,
8 Brigadier Issa Sesay's station and Superman, who was Denis Mingo,
9 and Brigadier Morrison Kallon. We only monitored it for us to
10 understand.

11 Q. Were you still based in Kambia at this time?

12 A. Yes, at that time I was still in Kambia but I used to come
13 to Makeni and return, but Kambia was my station.

14 Q. Witness, I'm going to ask you to close up that book and I'm
10:57:40 15 going to ask you to be shown a third book, please.

16 MS PACK: Your Honours, for my learned friends it's the
17 message book, radio logbook number four. I will ask again for
18 that to be tendered once the witness has looked at it.

19 PRESIDING JUDGE: And you thought yesterday that you would
10:58:03 20 be finished in less than 20 minutes.

21 MS PACK: That was very optimistic, Your Honour.

22 Q. Witness, I'd ask you, please, just to flick through that
23 book you have got in front of you, just the first four or five --
24 six pages. In fact let me ask you just to look at the second
10:58:47 25 page, 8079. If you would look at that page, please, firstly.
26 Have you got that open?

27 A. I have opened it. I am looking at it.

28 Q. Thank you, Witness. I would ask you -- just firstly if I
29 read "FM Control Station Through the Overall Signal Commander to

1 All Stations. Sub: Instruction. Date 9th April 2000". What
2 does that heading mean to you, Witness?

3 A. This tells us that this message came from Foday Sankoh's
4 station which was the senior station among all the stations. It
10:59:33 5 was sent, this message, to all the stations that were under RUF
6 and the subject was an instruction that was given.

7 Q. Now, Witness, I would ask you, please, then to turn to page
8 8082. And I'd ask you can you read the names that appear at the
9 bottom of the first paragraph?

11:00:13 10 A. This message came from Foday Sankoh's station in Freetown
11 here. The operator who sent this message was Eddie Murphy, but
12 the operator who received this message was in Bo. He was called
13 Brutus.

14 Q. Pause a moment and I'm going to ask you how do you know,
11:00:32 15 firstly, that the message was sent by Eddie Murphy? What do you
16 see that is -- how are you able to tell us that?

17 A. Because it is indicated and control was -- it was Eddie
18 Murphy that was operating with Daff and Ebony Prince. So he
19 indicated that, he wrote his name, then the operator who received
11:00:57 20 the message signed, who was Brutus.

21 Q. Now, Witness, I would ask you, please, to go to the first
22 page and then take a few moments to read this message through.

23 MS PACK: It is the last message to which I will be
24 referring the witness, Your Honour. Your Honour, while the
11:01:32 25 witness is doing that I'd ask that this book be tendered as an
26 exhibit.

27 JUDGE ITOE: What page, Ms Pack?

28 MS PACK: My apologies, Your Honour. I was going to ask
29 the witness to read the message at 8079 to 8082 and, while he was

1 doing that, to ask Your Honours if the whole book might be
2 tendered as an exhibit.

3 JUDGE THOMPSON: Mr Jordash, do you have any objection?

4 MR JORDASH: No, Your Honour.

11:02:04 5 JUDGE THOMPSON: Mr Touray, any objection?

6 MR TOURAY: No objections, Your Honour.

7 JUDGE THOMPSON: Mr Cammegh?

8 MR CAMMEGH: No.

9 JUDGE THOMPSON: The document will be received in evidence
11:02:18 10 and marked Exhibit 34.

11 [Exhibit No. 34 was admitted].

12 MS PACK: I am grateful, Your Honour. I do apologise for
13 any discourtesy, it is not intended. But I am afraid my witness
14 in the other Chamber has to now testify. They have been waiting
11:02:45 15 for me, apparently, for some time. Matters were going quicker in
16 that Chamber than had been estimated originally by the
17 Prosecution. There are very few questions to ask this witness.
18 It is just about this exhibit, and my learned friend Mr Harrison
19 has indicated that he would be in a position to take over the
11:03:03 20 last two or three questions of this witness. I do apologise but
21 I have been called to the other Chamber.

22 JUDGE ITOE: One thing at a time. You can't share yourself
23 into two. The other Chamber will be informed and if we were
24 informed of a situation like that, we would wait for you. You
11:03:24 25 are not wasting time here.

26 JUDGE THOMPSON: Consistent with that, we will accept the
27 compromise, and proceed as you have suggested.

28 MS PACK: I am extremely grateful, Your Honour. Thank you.

29 JUDGE THOMPSON: Right.

1 MR HARRISON:

2 Q. Mr Witness, my name is Harrison and I am Ms Pack's
3 colleague. Because of a matter that cannot be otherwise
4 resolved, I am going to ask you the final few questions. You
11:04:17 5 have had a chance to look at the document that Ms Pack referred
6 you to. If you can just open the book to pages 8079 to 8072. It
7 appears there is some numbering beside the paragraphs. I draw
8 your attention to the one that appears to be point two. Can you
9 tell the Court what the duties of a radio operator were?

11:05:12 10 A. Yes. According to number two, the control station was put
11 in AFRC to the radio operators that they should send weekly
12 reports. Those weekly reports should come to the control station
13 or to Brigadier Issa Sesay's station so that effective operation
14 should be there.

11:05:38 15 Q. Without actually looking at the document, can you tell the
16 Court if there are any other duties or responsibilities of radio
17 operators?

18 A. Yes. I will elaborate on it a little. The duty of a radio
19 operator, one, your duty is to receive messages and transmit
11:06:19 20 messages effectively with accurate understanding. Number two, as
21 stated here, you should make weekly report on all the operations
22 that you have done within the week. You submit that to the --

23 THE INTERPRETER: My Lord, let the witness repeat.

24 Mr HARRISON:

11:06:46 25 Q. Sorry to interrupt you, Mr Witness, but try to bear in mind
26 that there is an interpreter who is trying to give us an accurate
27 interpretation of your words as they possible can. There are
28 also people in the court who are trying to write down as
29 accurately as they can everything you are saying. If you could

1 just try to pace yourself and perhaps say one or two sentences
2 and then pause to give everyone a chance to catch up with you.

3 A. Okay. So am I to start again?

4 Q. Yes, if you would.

11:07:25 5 A. Okay. The functions of a radio operator, one, is to send
6 message and receive message from various commanders. That is
7 one. Then two, within a week, at the end of a week you are
8 supposed to prepare a report. You submit it either to the
9 control station or to Brigadier Issa Sesay's station for

11:08:06 10 acknowledgment. Then, number three, you should honour the
11 leadership of the signal unit, whose leader was Captain Mohamed
12 Kabbah, alias "Tourist". Number four, all stations should resume
13 seven to seven -- from 7.00 a.m. to 7.00 p.m. And you should
14 make your direct contact to control to submit your morning

11:09:03 15 report. Number five, it is stated here that you should - the
16 motto of the signal honour unit is loyalty and dedication. It
17 means you should respect your commanders and all other commanders
18 that you meet.

19 Q. That is fine, thank you. I have one final question that
11:09:46 20 may clarify a matter. It appears that there may be the letters
21 SSB used. Does that mean something?

22 A. Signal Security Broadcasting.

23 Q. What is that?

24 A. Signal Security Broadcasting.

11:10:14 25 Q. What does that mean?

26 A. It means unit by communication -- which sent his message
27 and received message, and it is a unit by itself but their
28 function is to communicate message and receive message. The
29 communication should be secured. You should not expose it to

1 everybody who was not concerned. That means SSB, Signal Security
2 Broadcasting.

3 Q. It is a unit in what?

11:11:14

4 A. In the RUF operation. It is one of the units that we use
5 for communication to commanders.

6 MR HARRISON: Those conclude the questions for the
7 Prosecution of this witness.

8 JUDGE THOMPSON: Thank you.

11:12:03

9 MR TOURAY: May it please, Your Honour, my client wants to
10 step out of the room. Mr Kallon wants to step out of the room
11 for a while - for five minutes.

12 PRESIDING JUDGE: Not permanently, just for a short pause?

13 MR TOURAY: Yes.

14 JUDGE THOMPSON: Right, we will take a break.

11:12:30

15 [Break taken at 11.07 a.m.]

16 [On resuming at 11.27 a.m.]

17 MR HARRISON: If the Court will allow me, I will step out
18 of the courtroom to try to locate counsel for the first and third
19 accused.

11:27:56

20 JUDGE THOMPSON: You have our leave.

21 MR JORDASH: I do apologise Your Honours for keeping you
22 waiting.

23 PRESIDING JUDGE: I don't think you should speculate that
24 we will take longer than you think we will, but we accept your
11:29:10 25 apology.

26 MR JORDASH: Thank you.

27 JUDGE THOMPSON: Please commence your cross-examination.

28 MR JORDASH: Thank you.

29 CROSS-EXAMINED BY MR JORDASH:

1 Q. Good morning, Mr Witness.

2 A. Good morning too.

3 Q. So you understand who I am, I represent Issa Sesay. I
4 would like to ask you some questions about what you've said over
11:29:40 5 the last two days.

6 A. I am ready to answer your questions.

7 Q. Was the first time you saw Mr Sesay in Freetown 1997? Do
8 you have a problem understanding?

9 A. It was in 1997 when the AFRC called us here in Freetown.

11:30:30 10 That was the time I saw him.

11 Q. Thank you.

12 A. With Sam Bockarie.

13 Q. Now, from what you have told us, is this right: when you
14 have given evidence about Mr Issa Sesay being, effectively,
11:30:59 15 second in control, that too began in Freetown 1997?

16 A. Yes, if you allow me I will make things very clear to you.

17 JUDGE ITOE: Let's have your answer first. You are saying
18 that the second in command position which you have attributed to
19 Sesay was his position in Freetown?

11:31:28 20 THE WITNESS: Yes, sir.

21 PRESIDING JUDGE: It was his position in Freetown or dated
22 as of the time in Freetown?

23 MR JORDASH: Which began as at the time of Freetown.

24 A. Yes, he was second in command to Brigadier Sam Bockarie.

11:31:47 25 Q. You are not suggesting, are you, that he was second in
26 command before Freetown 1997?

27 A. There is no suggestion about it, he was second in command
28 to Brigadier Sam Bockarie.

29 Q. Mr Witness, we are going to move a lot faster if you listen

1 to the question. Are you suggesting he was second in command
2 before Freetown 1997 junta period?

3 A. I just wanted to not lie in the word "suggest". I said he
4 was the second in command. No suggestion about it, he was the
11:32:44 5 second in command.

6 JUDGE ITOE: Counsel is asking for a time frame. Was he
7 second in command --

8 THE WITNESS: 1997.

9 JUDGE ITOE: -- before 1997?

11:33:00 10 THE WITNESS: No.

11 JUDGE THOMPSON: Try to follow counsel's question very,
12 very carefully. Do you understand?

13 THE WITNESS: Okay, sir.

14 MR JORDASH:

11:33:11 15 Q. So you understand what this is, Mr Witness, and why I am
16 going to put things to you as suggestions --

17 JUDGE THOMPSON: Mr Jordash, let's get that answer because
18 it is so important. There has been a clarification. The answer
19 that he agrees with you that he was not second in command prior
11:33:32 20 to Freetown 1997?

21 MR JORDASH: Yes.

22 JUDGE THOMPSON: Right.

23 MR JORDASH: Thank you.

24 Q. Mr Witness, I will use the word "suggestion" on many
11:33:57 25 occasions in the next few days. So you understand why, if you
26 don't already, it is because what you say about the events is not
27 what Mr Sesay says about the events. So, your suggestions versus
28 his suggestions; do you understand?

29 A. Okay.

1 Q. It is for the judges to decide who is right.

2 A. Okay.

3 Q. I want to ask you this: When did you stop working for the
4 RUF?

11:34:48 5 A. It was from the time when I was disarmed.

6 Q. When was that?

7 A. It was during 2000.

8 Q. And the month?

9 A. I cannot recall.

11:35:06 10 Q. Well, have a try, Mr Witness. Your memory over '96, '97,
11 '98 appears to be excellent. So, when did you disarm, what month
12 in 2000?

13 A. I would not want to lie, I cannot recall.

14 Q. Give us an estimation, beginning, middle or end?

11:35:37 15 A. Except if you encourage me to lie, but I was disarmed in
16 2000. So I cannot tell you precisely now.

17 Q. I am not asking precisely. I am asking, beginning of the
18 year, middle of the year, end of the year?

19 A. I don't want to give you any answer. I cannot recall
11:36:17 20 again.

21 Q. What did you do after disarmament?

22 A. I went to school.

23 Q. When does school start -- when did it start?

24 A. It was in September.

11:36:36 25 Q. 2000 or 2001?

26 A. I started to attend in 2003; 2003, that was the time I
27 started attending.

28 Q. What did you do in between disarmament and school?

29 A. First, I went and did a computer course. From there I went

1 to college.

2 Q. Let me ask you this, Mr Witness: You recall book four that
3 was put to you, the last book that you went through with the
4 gentlemen to your left? Do you remember that, about 20 minutes
11:37:33 5 ago?

6 A. I cannot recall again.

7 Q. I think you can, Mr Witness.

8 JUDGE ITOE: This is the small one, the last one.

9 MR JORDASH: Book four.

11:37:46 10 PRESIDING JUDGE: Exhibit 34.

11 MR JORDASH: Thank you, Your Honour.

12 A. Except if it is given to me so I can go through it again.

13 Q. I am not asking for it to be given to you at the moment.
14 Do you remember when you went through it with the gentlemen to
11:38:08 15 your left?

16 A. I only went through it briefly. I am unable to memorise
17 anything in it.

18 Q. Just listen to the question. Do you remember that the
19 message which you looked at was dated the 9th of April 2000?

11:38:29 20 Could the book be given to the witness?

21 A. Okay.

22 Q. Look at page 00008079. Do you see that?

23 A. I have seen it.

24 Q. Am I right that you monitored that message?

11:39:01 25 A. Yes, I monitored this message.

26 Q. Were you disarmed at that point?

27 A. This time, the disarmament process had begun. But I was
28 almost disarmed in Kambia district. We were the first people to
29 be disarmed.

1 Q. Were you still working at the time of this message? Is
2 this why you monitored it, because you were still working?

3 A. This message I received it before the disarmament time.
4 That was the time Foday Sankoh was in Freetown, when Eddie Murphy
11:39:51 5 was operating.

6 Q. Mr Witness, try to keep your answers to the point. Listen
7 to the question and answer questions to the point, because I
8 would like to finish as soon as I can.

9 A. Okay.

11:40:06 10 Q. Do you remember monitoring this message, do you?

11 A. Yes, I monitored it.

12 Q. Where were you?

13 A. I was in Kambia at this time.

14 Q. How long after this message did you disarm?

11:40:29 15 A. It was not a long period; that was the time I disarmed.

16 Q. Are we talking several weeks, days, months?

17 A. I had not already given that time, not even a book to
18 record anything. I cannot say lies. But I received this message
19 before I was disarmed.

11:40:55 20 Q. Okay, thank you. Now, I want to ask you about your
21 interaction with the Prosecution over the last couple of years.

22 Am I right that you are presently staying in a safe house? I am
23 not interested where, but are you staying in a safe house?

24 A. Yes, I am in a safe place.

11:41:35 25 Q. Do you have any witness statements with you in that place?

26 A. No, I don't have any witness statements with me where I am
27 sitting now.

28 Q. Where you are sleeping now, do you mean? Do you have any
29 where you are sleeping?

1 A. Yes, I have a place to sleep.

2 Q. Do you have in that place where you sleep any witness
3 statements?

4 A. No, I don't have any witness statement there.

11:42:26 5 Q. Are you staying with anyone in that safe house?

6 A. Yes, I am sleeping there with some people.

7 Q. With an ex-radio operator?

8 A. Not at all.

9 Q. Did you first see the Prosecution in 2004?

11:43:10 10 A. No, I was in my own business.

11 Q. When did you first see the Prosecution?

12 A. From the time we were disarmed we presented everything. We
13 had already moved out of RUF and we were trying to learn.

14 Q. When did you first see the Prosecution, Mr Witness?

11:43:41 15 A. It was in 1991.

16 PRESIDING JUDGE: Mr Witness, would you please just listen
17 carefully to the question that was asked. Not when you joined
18 the army. The question is when did you first see the
19 Prosecution?

11:43:59 20 THE WITNESS: It was not the time when I saw the
21 Prosecution -- Prosecutor, the accused. The time I saw the
22 accused.

23 JUDGE THOMPSON: Perhaps we should have it explained to
24 him.

11:44:18 25 PRESIDING JUDGE: That is probably the term you are using.

26 JUDGE THOMPSON: Quite. Mr Jordash, please help him.

27 MR JORDASH:

28 Q. What is this Court for, Mr Witness, according to you?

29 A. This Court it was established in order to punish those who

1 have done bad things in this country and to maintain peace and to
2 increase the standard of the people's living so that Sierra Leone
3 could become a better Sierra Leone.

4 Q. Who are the people to your left?

11:45:05 5 A. They are the judges.

6 Q. Mr Witness, I can stay here, we can all stay here for as
7 long as you want, but questions will be asked and answered. You
8 understand, don't you, that the judges are in front of you; you
9 understand that don't you?

11:45:28 10 A. Okay.

11 Q. You understand that?

12 A. Yes.

13 Q. Can we have some answers, who is to the left of you?

14 A. They are the lawyers.

11:45:41 15 Q. For who?

16 A. For the Prosecution.

17 Q. Thank you. You know, don't you, that I am a lawyer for the
18 defence of Mr Sesay; you know that?

19 A. Yes, you have told me.

11:46:03 20 Q. You knew that before, didn't you?

21 JUDGE THOMPSON: Counsel, let's go back to the original
22 question of time. You remember your question was when did he
23 first see the Prosecution.

24 MR JORDASH: Certainly.

11:46:18 25 Q. When did you first see the Prosecution to give your version
26 of events?

27 A. It was -- I cannot recall now, but it is over a year now.

28 Q. Would it have been around June of last year ?

29 A. I would agree with you on that, but I cannot recall now.

1 Q. How did they make contact with you?

2 A. I was in my room studying, then I heard a knock on the door.

3 Then I responded, I responded to the person to enter and when he

4 entered I offered him a seat. But while we were discussing, I

11:47:33 5 gave my exact name as Albert Boima. Then I recommended him as

6 somebody who knew me.

7 Q. Wait. The translators have to translate.

8 A. Okay, I am sorry.

9 Q. Did they ask you to give your version of events, your

11:47:55 10 experience of being a radio operator with the RUF?

11 A. Yes, that was what exactly they discussed with me.

12 Q. Did you give them in June last year your version of events?

13 A. I perfectly did it.

14 Q. Perfectly?

11:48:27 15 A. Yes, yes.

16 Q. Was the interview you had with them conducted in English?

17 A. Yes, I gave my events in English.

18 Q. Did they write it down?

19 A. Yes, they wrote it down.

11:48:55 20 Q. Did you read it afterwards?

21 A. Yes, they gave it to me back and I reviewed it. From there

22 they gave me a snapshot.

23 Q. Gave you what?

24 A. A snapshot; they gave me a photo. They took a photo of me.

11:49:24 25 Q. Are you sure you reviewed that statement, Mr Witness?

26 A. I did so.

27 PRESIDING JUDGE: The snapshot is a photocopy of the

28 documents? Is that what you mean?

29 MR JORDASH:

1 Q. Was it a photograph of you?

2 A. No, they gave me a snapshot, a photo, yes. It was not a
3 photocopy. After they snapped me, they gave me the statement and
4 I went through it.

11:50:00 5 Q. Did they take a photograph of your face?

6 A. Yes.

7 Q. You say you reviewed the statement.

8 A. I went through it.

9 Q. Why did you go through it?

11:50:28 10 A. They gave it to me to go through it to confirm if what I
11 had said was correct.

12 Q. Did you confirm it?

13 A. I did it perfectly.

14 Q. Were you asked to sign it; can you remember?

11:50:58 15 A. Yes.

16 JUDGE ITOE: What was the question, Mr Jordash?

17 MR JORDASH: Whether he was asked to sign it; if he could
18 remember.

19 A. Yes.

11:51:14 20 Q. Did you understand, Mr Witness?

21 JUDGE ITOE: Did he sign it?

22 MR JORDASH: Yes.

23 JUDGE ITOE: He was asked to sign it.

24 MR JORDASH: Yes, he said.

11:51:24 25 Q. Did you understand, Mr Witness, that what you said in your
26 statement could be used as evidence in Court?

27 A. Yes, because I discussed with a white lady, who was Mandy,
28 and she explained to me that I am a witness.

29 Q. Did she explain to you that you had to tell the truth in

1 that statement?

2 A. Yes.

3 Q. Did she explain to you that it could be a criminal offence
4 in this Court if you did not tell the truth in that statement?

11:52:49 5 A. Yes.

6 Q. And that if you did not tell the truth and it was a
7 criminal offence, that you could be punished a sent to prison?
8 Was that explained to you?

9 A. Yes.

11:53:16 10 Q. Do you understand that the same applies in this Court about
11 telling the truth?

12 A. Yes.

13 Q. Do you suggest that you told the truth about Mr Sesay in
14 every way?

11:54:07 15 A. Yes, that was why I swear on the Bible to say the truth.

16 Q. You met Mr Sesay a number of times during your experience
17 with the RUF; is that right?

18 A. Yes, you are perfectly right.

19 Q. Do you also understand that what you have to say could send
11:54:55 20 Mr Sesay to prison; do you understand that?

21 A. I cannot attest to that because with regard my testimony,
22 what I have experienced and what I believe is fact.

23 Q. I am asking you if you understand what your evidence may
24 do. I am asking you about your evidence. Do you understand what
11:55:25 25 your evidence may do?

26 PRESIDING JUDGE: I have some concerns with this line of
27 questioning, Mr Jordash. I am not at ease with these kinds of
28 questions for the time being. You are just beginning to ask the
29 questions of the witness, and this line of cross-examination of

1 witness about truthfulness, going to gaol and all is borderline
2 with intimidation of witnesses.

3 [Overlapping speakers - transcript incomplete]

4 JUDGE THOMPSON: Will the witness be restrained.

11:56:00 5 MR JORDASH: May I explain why?

6 JUDGE THOMPSON: Witness, please, would you --

7 PRESIDING JUDGE: You may explain.

8 JUDGE THOMPSON: You don't need to saying anything whilst
9 there is a dialogue between the Bench and the lawyer so that we
10 clear this up.

11:56:19

11 [Microphone not activated]

12 JUDGE THOMPSON: Do you think we should excuse him for a
13 while if you really want to pursue this legally? Because I was
14 going to ask what was the objective of this exercise.

11:56:35 15 MR JORDASH: I will explain the objective. Perhaps the
16 witness can be --

17 JUDGE THOMPSON: Temporarily excused. Victims and witness
18 unit, please take the witness out for a brief period.

19 [The witness stands down]

11:57:03 20 MR JORDASH: As Your Honours will know, the first and third
21 accused have a motion pending before Your Honours concerning the
22 signing of witness statements. Now, part of the argument in that
23 motion is that it is important for the Prosecution to have their
24 witnesses sign witness statements in order to be sure that the
11:57:29 25 witness understands the purpose of giving a witness statement,
26 the purpose of giving evidence in Court and the consequences if
27 false testimony is given in both regards. This witness has not
28 signed his witness statement and the Court and the Defence, but
29 more importantly the Court, has no way of knowing, except through

1 questions such as these, whether this witness understands why he
2 has given a witness statement, understands the need to tell the
3 truth and understands the consequences if he does not. I would
4 prefer not to have to waste 35 minutes or so going through these
11:58:15 5 questions. But in the absence of an affirmation from the
6 Prosecution that that process has been gone through, and the
7 witness is not under some misapprehension that he is coming here
8 to say what he chooses to say rather than the truth, then those
9 questions are essential, I would submit.

11:58:30 10 PRESIDING JUDGE: You may question the witness on his
11 ability to understand, as you have said, you have made signed,
12 understood and read back statements. I do not have any problem
13 with that at all. It is the subsequent questions -- you know
14 that it could be a criminal offence if you make a statement that
11:58:48 15 is false, there is the direct implication that you are lying at
16 this moment. If that is what you intended to do, put it to him
17 that you are lying and you are under oath. But you go further
18 than that and say, "Do you know now that you can put my client
19 Mr Sesay in gaol?"

11:59:08 20 MR JORDASH: It is perfectly true. His evidence, if as
21 accepted on a number of issues will send Mr Sesay to prison.

22 PRESIDING JUDGE: I am not sure of that. It may be a
23 factor, it may. But I am not sure it will send him to gaol
24 necessarily.

11:59:21 25 MR JORDASH: On the basis of his evidence, if believed,
26 without any other evidence --

27 JUDGE THOMPSON: That is your legal assessment?

28 MR JORDASH: That's my legal assessment.

29 JUDGE THOMPSON: Is it that your line of cross-examination

1 at this preliminary level is meant to lay foundation for a
2 possible impeachment of whatever this witness has said to the
3 extent that he is not just -- a witness that is not credible but
4 someone who might in fact have perjured before this Court?

12:00:00 5 MR JORDASH: Yes.

6 JUDGE THOMPSON: I am just trying to stretch myself to see
7 whether that may well be what you are trying to do. If that is
8 what you are trying to do, I probably would ask the question,
9 does not the taking of the oath itself before testimony take care
12:00:28 10 of what you do now, or are you acting from an abundance of
11 caution? He has already sworn to tell the truth.

12 MR JORDASH: This is a witness who claimed at first he did
13 not understand who the Prosecution was.

14 JUDGE THOMPSON: Right.

12:00:38 15 MR JORDASH: So there is no guarantee, in the absence of
16 signatures, in the absence of a clear explanation from him as to
17 when he understands the oath.

18 JUDGE THOMPSON: I am not in any way even disputing that.
19 I am just trying to understand perhaps that the way you are going
12:00:55 20 in this particular case you may not just be seeking to undermine
21 the Prosecution's case as presented by this witness but to even
22 go on to say that it is not that he is not just a credible
23 witness but a witness who may well in fact have come here
24 deliberately to perjure.

12:01:20 25 MR JORDASH: Your Honour is right in that he is a witness
26 who is purposefully trying to send Mr Sesay to prison.

27 JUDGE THOMPSON: Yes, which means he might not have the
28 kind of ultimate or utmost regard for the truth; he has a motive.

29 MR JORDASH: I don't know what his motive is. I hope to

1 discover that. Well, I do have a suggestion as to what his
2 motive is. The questions were directed to set the foundation for
3 what I will suggest throughout this cross-examination is a real
4 malicious intent.

12:02:02 5 JUDGE THOMPSON: Quite. That is what I want to just find
6 out.

7 MR JORDASH: That is --

8 JUDGE THOMPSON: Whether that is the line that your
9 pursuing.

12:02:11 10 MR JORDASH: A lack of memory or perhaps some slight bias.
11 But with the witness --

12 JUDGE THOMPSON: The learned Presiding Judge was right in
13 intervening, but I wanted to know what the legal objective behind
14 this.

12:02:25 15 MR JORDASH: I am happy to move on. I have asked the
16 questions I wanted to ask about this and I wanted to ensure that
17 this witness didn't in due course say, "Well, I did not
18 understand the consequences; I didn't understand process." I
19 wanted to be sure he did understand the process.

12:02:38 20 PRESIDING JUDGE: He will let you go with these questions
21 until the very last question. As I said, I would dispute your
22 statement that his evidence alone would send your client to gaol.
23 I am not prepared to go there. That is what I mean by this. It
24 is a very bold statement on your part. Maybe you are right, but
12:02:53 25 I am not prepared at this stage to say so. I am not sure I would
26 agree with you in any event. That is the kind of statement that
27 I am saying may be intimidating to the witness. That is why the
28 previous questions, I let it go because I sort of sensed what you
29 were trying to determine with him. But that last one was, to me,

1 over the line slightly.

2 MR JORDASH: I can move on from this.

3 PRESIDING JUDGE: Thank you.

4 JUDGE THOMPSON: May we have the witness back in Court,

12:03:27 5 please?

6 [The witness entered court]

7 JUDGE THOMPSON: Continue, Mr Jordash.

8 MR JORDASH: Thank you, Your Honour.

9 Q. Having come here to tell the truth, Mr Witness, just so

12:04:21 10 that we understand more of who you are, did you commit any crimes

11 during your time with the RUF?

12 A. The crime that I committed, except when I operate the radio
13 set, that was my duty. But I never did any other thing.

14 [RUF13JUL05C - SV]

12:04:28 15 Q. Nothing?

16 A. Absolutely.

17 Q. What about abducting women?

18 A. I have no woman.

19 Q. You didn't have an abducted wife?

12:05:24 20 A. The woman I had, we arrange -- I and her mother arrange and

21 she was given to me. I went through the traditional rite,

22 procedures. I went through them.

23 Q. Could I ask that the witness please be given -- well,

24 before that happens, we've dealt with the statement you gave in

12:05:57 25 June of 2004. Do you remember meeting the Prosecution in January

26 of this year on a number of days to go through your evidence?

27 A. Yes.

28 Q. And was that process dealt with in English?

29 A. Yes, we did it in English.

1 Q. Did you have your June 2004 statement there with you?

2 A. No, they did not give me any statement.

3 JUDGE ITOE: Mr Jordash, the interview with the
4 Prosecution was when?

12:06:51 5 MR JORDASH: In January 2005, over several days.

6 Q. We'll come back to that in a minute, Mr Witness. Am I
7 right that it was 18th, 19th, 21st, 24th, 25th, 26th and 27th of
8 January? Does that sound right to you?

9 A. Yes, you are correct.

12:07:16 10 PRESIDING JUDGE: Mr Jordash, you had asked a question
11 before that about the June 2004 statement, whether he was given
12 or he had --

13 MR JORDASH: Whether he had a copy of that in that
14 interview.

12:07:28 15 PRESIDING JUDGE: In the interview in January 2005.

16 MR JORDASH: Yes.

17 PRESIDING JUDGE: And what was the answer?

18 MR JORDASH:

19 Q. Mr Witness did you ever --

12:07:39 20 A. I don't have it.

21 Q. Did you have it during the January 2005 interview? Just so
22 I understand you clearly whether you had it then or not.

23 A. I did not receive any statement. I did not carry any
24 statement copy with me.

12:07:57 25 PRESIDING JUDGE: No, that's not the question, Mr Witness.
26 Please listen carefully to the question. The question was during
27 these interviews or meetings in January 2005 with the
28 Prosecution, did they give you a copy or did you have in front of
29 you during these interviews copy of the statements of June 2004.

1 MR JORDASH: No.

2 THE WITNESS: I did not get it.

3 MR JORDASH:

12:08:31

4 Q. So in effect then you were giving evidence to the
5 Prosecution anew, afresh?

6 A. Say it again.

7 Q. During the January 2005 interviews you were giving the
8 Prosecution your evidence anew, again, afresh?

12:09:05

9 A. Except I confirmed that but I thought I was explaining the
10 same event. I did not add, I did not subtract.

11 PRESIDING JUDGE: Mr Jordash, it's not clear to me. The
12 answer is confusing more. Maybe you can ask the question and --
13 maybe he himself didn't have the statement but maybe they had and
14 read it to him. I mean, that appears to be the case. If you
15 could clarify that for me I would appreciate it.

12:09:35

16 MR JORDASH: Certainly.

17 Q. Can you remember who you met in January 2005 from the
18 Prosecution?

19 A. Yes.

12:09:51

20 Q. Who was it?

21 A. Melissa Pack.

22 Q. Melissa Pack?

23 A. Melissa Pack, yes.

24 Q. Did she have a copy of your June 2004 statement?

12:10:06

25 MR HARRISON: I think the problem becomes just a question
26 like --

27 THE WITNESS: She might have.

28 MR HARRISON: You got the answer she might have it. The
29 question was: did she have a copy? Well, she might have it in

1 her office, she may have it in her car. The question ought to
2 be: did you see her with a copy of the statement in the room
3 where you were being interviewed? Then we would have a clear
4 answer.

12:10:30 5 MR JORDASH: Well, I had presumed from -- well, I won't.

6 PRESIDING JUDGE: Thank you for your observation,
7 Mr Harrison. Can you carry on, Mr Jordash?

8 MR JORDASH:

9 Q. Did Melissa Pack have a copy of your June 2004 statement
12:10:49 10 with her in January 2005?

11 A. She should have that.

12 Q. Would you explain to the Court what happened during your
13 time with Melissa Pack in January 2005?

14 A. It was the same that I had explained these past two days.

12:11:22 15 Q. Were you asked questions by Melissa Pack in January 2005?

16 A. Yes. She asked me what had happened and I explained to her
17 what I saw and what I experienced.

18 Q. Did you understand Melissa Pack when she asked you those
19 questions?

12:11:58 20 A. Perfectly.

21 Q. Were you careful to answer as accurately as you could?

22 A. Yes.

23 Q. Did Ms Pack write down or type what you had to say?

24 A. Yes.

12:12:39 25 Q. Which one, did she write or type?

26 A. At times she used laptop computers. Sometimes she wrote.

27 Q. When she didn't understand what you were saying did she ask
28 you to explain it again?

29 A. Yes. She gave me chance. I was not under duress.

1 MR JORDASH: Thank you. Could I ask, please, with Your
2 Honour's leave, for the witness to be given the proofing notes
3 which are page 10667.

4 PRESIDING JUDGE: What's the page again, Mr Jordash?

12:14:16 5 MR JORDASH: The first page is 10667 and the page 10667 is
6 proofing notes 2005.

7 PRESIDING JUDGE: Thank you.

8 MR JORDASH:

9 Q. Turn to page 17, if you would, Mr Witness. Seventeen on
12:14:43 10 the bottom of the page but I think on the top right-hand corner
11 10683.

12 MR JORDASH: I wonder if not for today but for tomorrow and
13 Friday whether all of the statements could be put into a folder
14 so the witness could move through them? I'm just suggesting that
12:15:24 15 for Thursday that the witness has the witness statements in a
16 folder so he can move them. Mr Harrison, I think, thought that I
17 might be saying something else.

18 JUDGE THOMPSON: Mr Harrison, did you want to respond to
19 that?

12:15:38 20 MR HARRISON: I didn't have my earphones on. It's just
21 been explained to me.

22 JUDGE THOMPSON: Very well. Could you repeat that?

23 MR HARRISON: No, it has been explained to me. I didn't
24 hear it the first time.

12:15:50 25 JUDGE THOMPSON: Right. Thanks.

26 PRESIDING JUDGE: So where we were?

27 THE WITNESS: I have seen the --

28 MR JORDASH:

29 Q. Page 10683. If you count the paragraphs down, seven

1 paragraphs down, "Superman ground" it starts with, do you see
2 that? Do you see that, Mr Witness?

3 A. Yes, yes. I have seen there.

4 Q. This is what it says: "Superman ground. There were
12:16:31 5 civilians at the camp from Freetown and Kono. The majority were
6 collected from Kono area. They were used for domestic work" --

7 PRESIDING JUDGE: That's the second paragraph of that,
8 Superman ground, civilians?

9 MR JORDASH: Yes.

12:16:43 10 Q. Are you with me, Mr Witness?

11 A. Yes, I am with you.

12 Q. "They were used to carry rice for commanders, fetch water
13 for commanders, collect food. The women and girls were used for
14 cooking, working at the commanders' houses. Some of them were
12:17:03 15 married by capture. They were married to commanders. Some of
16 them had two. I had a wife. She was abducted from Freetown."
17 So you understand, Mr Witness, these are notes which --

18 A. Yes, I understand it.

19 Q. So Melissa Pack, Ms Pack, took down this note following
12:17:38 20 your meeting?

21 A. Yes.

22 Q. Did you tell her you had an abducted wife?

23 A. She was not abducted.

24 Q. Did you tell Ms Pack that you had? You did tell her that?

12:18:00 25 A. I told her that.

26 Q. Why did you tell her that?

27 A. I said my own wife was not captured. She was given to me.

28 Q. But you've just told us that you did tell Ms Pack that your
29 wife was abducted, so why did you tell Ms Pack that your wife was

1 abducted if she was given to you?

2 MR HARRISON: It's just an administrative matter and I was
3 wanting to ask the Court for some consideration. It may
4 facilitate the speed of the proceedings if documents, large

13:03:56 5 documents, were given to the interpreters so that they could then

6 have the document that's being read out in court in front of them

7 and it may assist in the accuracy of the interpretation. One

8 possibility would be that the Prosecution would ensure that the

9 documents are brought here, Court Management could give the

13:04:18 10 document to the translation unit to be used during the course of

11 the proceeding that day and at the end of the day Court

12 Management could ensure that that document -- I'm considering

13 only exhibits at this point, but it may be the case with

14 statements as well, but Court Management would ensure that at the

13:04:38 15 end of the day the document is returned. That may assist the

16 interpretation unit and it may lead to a somewhat quicker

17 proceeding.

18 JUDGE THOMPSON: Thank you. Mr Jordash, any response to

19 that?

13:04:52 20 MR JORDASH: That seems eminently sensible, in my view.

21 JUDGE THOMPSON: Mr Touray, what would be your response?

22 Any comments on the Prosecution's proposal?

23 MR TOURAY: I'm sorry, I didn't get him quite clearly

24 because I was having a discussion.

13:05:09 25 JUDGE THOMPSON: Yes. The question of having the

26 interpreters have in advance documents that may in fact be --

27 MR TOURAY: Used in cross-examination?

28 JUDGE THOMPSON: Used in the proceedings or may be about to

29 be tendered so as to expedite the process.

1 MR TOURAY: We'll try to comply.

2 JUDGE THOMPSON: I beg your pardon.

3 MR TOURAY: We'll comply.

4 JUDGE THOMPSON: If we come out with -- I don't know
13:05:38 5 whether this would be a matter between the Prosecution and the
6 Defence but the Bench can come out with a directive on that. But
7 let me hear Mr Cammegh.

8 MR CAMMEGH: It sounds eminently sensible to me.

9 JUDGE THOMPSON: Yes. I think it's a matter that had come
13:05:57 10 up before. We will certainly take it on advisement and come out
11 with some directive in the short time.

12 JUDGE ITOE: Has it failed to work somewhere? You know,
13 has it? Does it require something on paper as a directive?

14 MR HARRISON: I wasn't asking for a directive at all. I
13:06:25 15 was just making a suggestion that perhaps could informally be
16 tried tomorrow. If it works we could perhaps consider expanding
17 it. If it doesn't work, we'll know tomorrow and we can move on
18 to plan B, whatever that may be.

19 JUDGE THOMPSON: I was thinking that this is an issue which
13:06:42 20 was not new. There are some aspects of it which had come before
21 the Bench at some point in time direct from the translation unit
22 themselves. That's why I thought we might in fact have to take it
23 on advisement, because there were certain pros and cons on this
24 question. The option of the directive is just one option but
13:07:04 25 there may be some other options.

26 PRESIDING JUDGE: We'll give you an answer tomorrow
27 morning. Thank you.

28 JUDGE THOMPSON: The Court is adjourned to 9.30 tomorrow.

29 [Whereupon the hearing adjourned at 1.03 p.m,

1 to be reconvened on Thursday, the 14th day of
2 July, 2005, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 32	5
Exhibit No. 33	19
Exhibit No. 34	25

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-361	2
EXAMINED BY MS PACK	5
CROSS-EXAMINED BY MR JORDASH	28