



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

TUESDAY, 07 MARCH 2006
9.45 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 Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Walbridge (Case Manager)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [RUF07FEB06A - EKD]
2 Tuesday, 07 March 2006
3 [Open session]
4 [The accused present]
09:32:32 5 [Upon resuming at 9.45 a.m.]
6 WITNESS: TF1-113 [Continued]
7 [The witness answered through interpreter]
8 PRESIDING JUDGE: Good morning. Good morning,
9 Madam Witness, and good morning, Mr Cammegh. We were -- if I am
09:46:04 10 not mistaken we were still in a closed session when we adjourned
11 yesterday.
12 MR CAMMEGH: We were in open.
13 PRESIDING JUDGE: We were back in open, okay. That's fine.
14 So we were to go in a closed session at the end of your
09:46:17 15 cross-examination.
16 MR CAMMEGH: That remains the case, yes.
17 PRESIDING JUDGE: So you are ready to resume your
18 cross-examination of the witness?
19 MR CAMMEGH: I am, indeed.
09:46:32 20 PRESIDING JUDGE: Please do so.
21 MR CAMMEGH: Thank you, Your Honour.
22 CROSS-EXAMINED BY MR CAMMEGH: [Continued]
23 Q. Madam, good morning.
24 A. Good morning, sir.
09:46:44 25 Q. Madam, after the 67 Kamajors had been arrested and detained
26 in the Kailahun Police Station, I think it is right, isn't it,
27 that they were issued passes to leave the custody of the station
28 every day so they could rejoin their families, and then they'd
29 come back to the station to spend the night. Would that be

1 right?

2 A. They didn't give them passes to go to their relatives.
3 They were only there in the morning. They were released, they
4 would go out to do some work and then return. There were people
09:47:39 5 behind them, guarding them.

6 Q. I suggest that indeed they were given passes and in fact
7 they operated day to day on that basis for several weeks before
8 Mosquito came into town and things worked quite well.

9 PRESIDING JUDGE: To avoid any confusion, Mr Cammegh, when
09:48:07 10 you make statements of that nature, presumably it is a question
11 you are posing to the question as such. Make sure the witness
12 understands that to be a question otherwise the record will be a
13 bit confusing.

14 MR CAMMEGH: That's fair enough.

09:48:20 15 Q. Madam, isn't it right that those detainees were let out
16 every day for several weeks before Mosquito came into town?

17 A. There was not a day they were released to go on their own.
18 In fact, when they are released there will be people behind them
19 guarding them. They will only release them to do some work. In
09:48:56 20 the evening they return them into the cells.

21 Q. Well, I suggest that is incorrect, but I will move on.
22 Returning to Augustine Gbao, my suggestion to you was that at
23 this particular period of time he was living in Kailahun. Do you
24 agree that he was in Kailahun while those men were detained in
09:49:20 25 the station?

26 A. He was in Kailahun. Before even the people were detained
27 he was in Kailahun. We were all in Kailahun.

28 Q. I agree with that. But my suggestion is that he was not G5
29 at that stage. He was the chief of the Internal Defence Unit.

1 Can you clarify that for me, please?

2 A. He was the G5. He was the overall commander for the G5 in
3 the RUF.

4 Q. Well, I suggest you're wrong about that. But moving on --

09:50:15 5 PRESIDING JUDGE: Yes, we have explored that enough
6 yesterday.

7 MR CAMMEGH: Yes.

8 Q. Moving on, madam, do you remember that those detainees were
9 investigated by not only G5 and MPs, but by other units within
09:50:45 10 the RUF as well? It wasn't just G5, was it, many units were
11 involved in investigating those suspected Kamajors? Do you
12 agree?

13 A. I never knew any other group that investigated them. What
14 I knew, they were taken to the G5 office. I don't know about
09:51:10 15 another group.

16 Q. There was a great deal of fear and tension in Kailahun Town
17 at that particular period of time, wasn't there? Fear of attacks
18 from the enemy; do you agree?

19 PRESIDING JUDGE: Haven't we been around and over all of
09:51:31 20 that yesterday, Mr Cammegh? I have a feeling that we are now
21 getting into the same type of evidence that you canvassed
22 yesterday. It is not my -- my comments are not to unduly try to
23 restrict you, but I would appreciate if -- and these kinds of --
24 because I do remember that you did put that question to the
09:51:50 25 witness more than once yesterday.

26 MR CAMMEGH: That is probably true, Your Honour. I will
27 come at it from a different direction, if I may.

28 Q. Madam Witness, do you remember ECOMOG jets troubling
29 Kailahun District at that time? Aircraft.

1 A. I don't know about a jet.

2 Q. You don't know about ECOMOG jets attacking the
3 Kailahun District at that period?

4 A. I did see a jet, but I never knew if it was an ECOMOG jet.

09:52:39 5 Q. No, but you knew it was an enemy jet, didn't you?

6 A. I saw an airplane, but I never knew if it was an ECOMOG jet
7 or somebody else's jet.

8 Q. Madam --

9 A. Or an enemy jet. But I never saw it landed where I saw
09:53:15 10 ECOMOG people coming down from it.

11 Q. No, but you know that those jets were attacking RUF
12 positions, don't you?

13 A. Jets used to go there to attack, but I never knew what sort
14 of jets they were because I never knew their names.

09:53:37 15 Q. Right, thank you. So the jets used to attack. And there
16 was a motto being spread around Kailahun Town at that time,
17 wasn't there, I suggest, SOS, security on security? Do you
18 remember that? People were saying SOS, security on security.
19 Everybody was watching each other is what I'm suggesting.

09:54:11 20 A. I don't know that. I was a civilian. I didn't go to
21 school.

22 THE INTERPRETER: Sorry, interpreter. I was not a fighter
23 instead of "going to school". Thank you.

24 JUDGE ITOE: Mr Cammegh, you say SOS.

09:54:36 25 MR CAMMEGH: Security on security. It was a kind of
26 watchword or phrase, I am suggesting, that was in use at that
27 time under those particular conditions.

28 THE WITNESS: I never got that from a civilian, because
29 that was not the talk for a civilian. They were soldiers. I

1 don't know.

2 MR CAMMEGH:

3 Q. All right. Well, I want to come on then to the day of the
4 killings. On the day of the killings, madam, certainly on the
09:55:21 5 morning of the killings, Augustine Gbao was not in fact in
6 Kailahun Town, was he?

7 A. They were not killed in the morning. They were killed in
8 the evening. Augustine Gbao was there.

9 Q. If you just listen to the question. During the morning
09:55:44 10 Augustine Gbao wasn't there, was he? I suggest he was at a
11 village called Sandialu in the Kailahun District. Now, is that
12 right?

13 A. I said Augustine Gbao was in Kailahun when those people
14 were killed. I don't know whether Augustine Gbao went to Sandaru
09:56:07 15 before they were killed, but he was there when they were killed.

16 Q. I suggest that yes, he did arrive in Kailahun Town that
17 day, but it was after Sam Bockarie had shot those men outside the
18 police station and that -- well, is that right or could that be
19 right?

09:56:39 20 A. I said Augustine Gbao was there when those people were
21 killed.

22 Q. Right. Well, I suggest, that is wrong.

23 A. I'm saying the truth because I was there when it happened.

24 Q. Well, let's try and establish who else was in Kailahun Town
09:56:57 25 that afternoon, shall we? First of all, were you aware of
26 Augustine Gbao's rank in February of 1998.

27 A. What do you call rank?

28 Q. Well, you have heard of corporals, sergeants, captains,
29 generals, haven't you?

1 PRESIDING JUDGE: Haven't we been through that again
2 yesterday?

3 MR CAMMEGH: No, Your Honour, we haven't been through his
4 rank at the time, not through this witness. His rank at the time
09:57:34 5 of the killings and this is very important because it is leading
6 on to the command responsibility issue on the ground on that day.

7 PRESIDING JUDGE: You asked what rank he held and she
8 answered to you, "I don't know the rank. I don't know anything
9 about the military, I'm a civilian."

09:57:46 10 MR CAMMEGH: Your Honour, with respect she needs -- well --

11 PRESIDING JUDGE: It is a question of being repetitive
12 again, Mr Cammegh. I mean, why do we need again to get into the
13 rank business so many times?

14 MR CAMMEGH: Because, Your Honour, this is the single -- if
09:58:05 15 I may say my piece on this because I do feel I am being
16 pressurised. This is the single most appalling atrocity of the
17 entire indictment concerning any of these three men.

18 PRESIDING JUDGE: Well, we don't want any argument on this.
19 I am just asking you -- I say to you that we have canvassed that
09:58:23 20 and you say no for a very specific reason. Fine, I will listen
21 to that question, but I am just telling you that I have the
22 feeling that you are being repetitive in your questions.

23 MR CAMMEGH: Your Honour, this witness over the last three
24 years has had many opportunities to speak to the Prosecution.
09:58:40 25 This is the only chance I get. This is the third witness who has
26 dealt with Kailahun. I am not the sort of defence counsel who
27 sees it as my job to get somebody off at all costs or even to
28 believe what they are telling me, but I do believe it is my
29 job --

1 PRESIDING JUDGE: That is not my comment either,
2 Mr Cammegh.

3 MR CAMMEGH: But, Your Honour, I want to be able to do my
4 job as I see best and this is the only opportunity we have.

09:59:07 5 PRESIDING JUDGE: Carry on, please.

6 MR CAMMEGH: Augustine Gbao --

7 JUDGE ITOE: Mr Cammegh, we want you to do your job as best
8 as you can, but our preoccupations, like we mentioned yesterday,
9 is to avoid being repetitive. That is all. That is our concern
09:59:25 10 because we want to proceed, we want to move expeditiously.

11 MR CAMMEGH: I do too, Your Honour.

12 JUDGE ITOE: You may put your question again, but we just
13 want to remind you that we are on the repetitive end which we
14 ordinarily should not tolerate. But you can put your question
09:59:41 15 and let's move. Let's move on.

16 MR CAMMEGH: Your Honour, this is, if I may say this, the
17 third witness we have heard on Kailahun and it is my intention to
18 defeat this count on the indictment, bearing in mind not only the
19 content of what these three witnesses have given and also their
09:59:59 20 demeanour -- [overlapping speakers]

21 PRESIDING JUDGE: We are not disputing that, Mr Cammegh.
22 Absolutely not. And if you have perceived and understood my
23 comments to be that, absolutely not. All I am talking about --
24 and I can say what I have in my notes about the rank, you asked a
10:00:11 25 question yesterday and the witness said yesterday well Gbao was
26 the G5 commander and you asked her what rank he had, she said, "I
27 don't know anything about ranks," and then you suggested that in
28 '96 he was promoted by Sankoh and you asked that question of the
29 witness at that time. So these are the questions you asked and

1 canvassed yesterday. So that is why I say why do we go over that
2 again?

3 MR CAMMEGH: Because 19 --

4 PRESIDING JUDGE: Unless there is something new and that
10:00:38 5 may be the case. That's why I said carry on.

6 MR CAMMEGH: '96 was two years before this event. The
7 Prosecution are using command responsibility to impugn
8 Augustine Gbao on this particular count. I am suggesting or I am
9 going to put it to this witness that at that time he was still

10:00:50 10 only a captain and that there are --

11 PRESIDING JUDGE: That is fine.

12 MR CAMMEGH: -- there were others on the scene who were far
13 senior to him.

14 PRESIDING JUDGE: As I say, you can put these arguments
10:01:00 15 forward I -- I have absolutely no problem. All I am saying is
16 your questions on that issue appear to be repetitive. But you
17 want to go more precisely, I agree with you that the question
18 yesterday was in '96 he was promoted by Sankoh and we are not now
19 in '96, we are a few years later. He may or may not have been of
10:01:20 20 the same rank. That's fine.

21 MR CAMMEGH:

22 Q. Let me approach it this way, madam. Do you recall a man
23 called Vandi Kosi a, because I suggest Vandi Kosi a --

24 JUDGE ITOE: Why don't you allow her to answer the first
10:01:52 25 arm of your question. Do you know a man. Let us get it on the
26 notes and then you can proceed to the next lap of your question.

27 MR CAMMEGH: I would venture to ask Your Honours for a
28 favour and that is to tell this witness to answer questions
29 promptly, because we see this time and time again. With the

1 Prosecution, they're fluent, they give the answers. With us,
2 every single witness is the same. They play for time over and
3 over again. This man is in his mid-50s. If he is convicted of
4 this offence he will probably die in prison and I am not --

10:02:22 5 PRESIDING JUDGE: Again, Mr Cammegh, we don't want to hear
6 any arguments on these matters this morning. You have your own
7 perception of the witness. We are looking and observing the
8 witness very carefully as well, as closely as you do.

9 MR CAMMEGH: I am grateful for that. But I would be
10:02:41 10 grateful if Your Honours could, just as you are inciting me to
11 hurry up, give the same advice to the witness as well because we
12 are all trying to do our best here, with the greatest of respect.

13 PRESIDING JUDGE: And we are not saying anything that is
14 contrary to what you're saying in --

10:02:56 15 MR CAMMEGH: I know.

16 JUDGE ITOE: But you know very well that this Court has
17 always expressed an opinion against double barreled or triple
18 barreled questions. It is in that context that I said,
19 Mr Cammegh, that you should allow her to answer the first leg of
10:03:07 20 your question.

21 MR CAMMEGH: I agree with that, but it an easy trap to fall
22 into when there is such a long pregnant pause. So I will ask the
23 question again.

24 Q. Madam, you've now had plenty of time to consider the
10:03:19 25 question. Did you know a man called Vandi Kosi a?

26 A. I don't know him.

27 Q. I suggest that Kosi a was the RUF commander based in
28 Kailahun Town when those men were killed.

29 A. I never saw a person called Vandi Kosi a there. It was

1 Augustine Gbao I saw there.

2 Q. For the record, I am going to suggest that Vandi Kosia was
3 senior to Augustine Gbao who was just a captain in the IDU.

4 PRESIDING JUDGE: Do you agree with that or not,

10:04:06 5 Madam Witness?

6 THE WITNESS: He was more senior or not more senior, I only
7 saw Augustine Gbao. It was Augustine Gbao that was in Kailahun.

8 MR CAMMEGH:

9 Q. You in reality have no idea as to the command structure of
10:04:23 10 the RUF in Kailahun Town at that period of time, have you?

11 A. I haven't come here to testify on command. What I saw and
12 what happened is what I've come to explain in this Court. It was
13 Augustine Gbao I saw there.

14 PRESIDING JUDGE: Madam Witness, please answer the
10:04:51 15 question. The question was did you have --

16 THE WITNESS: That is what I have answered.

17 PRESIDING JUDGE: But the question was did you have any
18 knowledge of the command structure of the RUF in Kailahun at that
19 time?

10:05:09 20 THE WITNESS: No, I was not always there when that was
21 being arranged. I was not a soldier.

22 MR CAMMEGH:

23 Q. Madam, you've told us yourself that you were not familiar
24 with military matters, haven't you?

10:05:23 25 A. No.

26 Q. I think you have. Well, I won't bother with following that
27 up. But, madam, given you are not well versed in military
28 matters, how is it that you can tell this Court that
29 Augustine Gbao was the most senior man in Kailahun Town?

1 A. He was the one there I knew as a senior man. Like you
2 people sitting here, I don't know the ranks amongst you all, but
3 the ones I'm seeing sitting up there, I will always say they are
4 the senior ones here because they are the ones I am seeing.

10:06:12 5 Q. All right. You knew him as a senior man, I will accept
6 that. Now, what I'm going to suggest is this: That
7 Augustine Gbao was there in Kailahun Town later that afternoon.
8 But I want to go back first to what happened at the roundabout.

9 MR CAMMEGH: At page -- it's 56 of Your Honour's
10:06:47 10 transcript.

11 PRESIDING JUDGE: And the transcript is of?

12 MR CAMMEGH: Your transcript.

13 PRESIDING JUDGE: But which date again?

14 MR CAMMEGH: Sorry, 2nd March, I think. 2nd March.

10:07:04 15 PRESIDING JUDGE: Could you repeat the page again,
16 Mr Cammegh.

17 MR CAMMEGH: Yes. It is your page 56 and the excerpt is at
18 line -- I am hoping it is at line 25. It begins, "After I'd
19 heard these gunshots." Does Your Honour's copy tally with mine?

10:07:25 20 PRESIDING JUDGE: I'm getting there.

21 MR CAMMEGH: Line 25, page 56.

22 PRESIDING JUDGE: Yes, it is 22, "After I'd heard these
23 gunshots".

24 MR CAMMEGH: Is that Your Honour's line 25?

10:08:06 25 PRESIDING JUDGE: Line 22.

26 MR CAMMEGH: I'm so sorry. I have annotated mine in such
27 detail it's difficult to work with a new copy now.

28 PRESIDING JUDGE: So it's page 56 of the final transcript,
29 line 22.

1 MR CAMMEGH: Okay.

2 Q. You see, I'm going to suggest that you didn't witness
3 Mosquito doing anything. I'm going to remind you of what you
4 told Mr Harrison last week. He asked you, "You say you heard
10:08:36 5 shooting. What happened next?" You said in answer, "After I'd
6 heard these gunshots, I ran to the roundabout. When I came
7 there, I met a large crowd. There were two corpses there.
8 Mosquito had a pistol. When I stood there, we were there, there
9 were eight people whom he shot in their heads. The MP commanders
10:09:02 10 were there."

11 Now, you don't mention at that point -- and I would invite
12 Mr Harrison to object if I am taking anything out of context
13 here, but I hope I am not. When you say, "The MP commanders were
14 there", you don't mention Augustine Gbao at this stage, do you?
10:09:31 15 Why don't you mention Augustine Gbao at this point?

16 A. I mention him there. Since I started giving my statements
17 I said -- I mentioned his name. He was there.

18 Q. To be fair to you, over the page on page 57 - and I think
19 it would probably be Your Honour's line 15 on page 57 - you later
10:09:58 20 say --

21 PRESIDING JUDGE: That's 15, "The other big men..."

22 MR CAMMEGH: That's going to be line 15 on page --

23 PRESIDING JUDGE: Page 57, line 15.

24 MR CAMMEGH: Yes.

10:10:11 25 Q. And it reads -- you then go on to tell Mr Harrison:
26 "The other big men who were there were Issa Sesay,
27 Mosquito, Augustine Gbao, MP commander and their
28 bodyguards. They were all there."
29 Can I suggest straightaway that at that point Issa Sesay

1 was certainly not there?

2 A. I'm saying he was there.

3 Q. And that Augustine Gbao was certainly not there either.

4 A. I was standing there. I'm saying he was there. I'm not
10:10:51 5 saying that was what I was told. I'm saying I was there and he
6 was there.

7 Q. I understand what you're saying, but I'm suggesting that
8 this is something that you have concocted in order to -- for
9 whatever reason in order for you to help the Prosecution. I'm
10:11:15 10 not of course suggesting that the Prosecution have invited her to
11 do so. You see --

12 PRESIDING JUDGE: Can you answer that question,
13 Madam Witness?

14 THE WITNESS: The Prosecution know nothing about the war.
10:11:27 15 I was -- with the war, I was there until the war was over.
16 Prosecution didn't tell me what to say. Even they themselves,
17 they are only explaining to them. I was there. What met me in
18 that war is what I'm saying. You too were not there. What I saw
19 is what I'm saying. I am not assisting the Prosecution. I am
10:11:51 20 assisting myself.

21 MR CAMMEGH:

22 Q. So you stand by -- you are asserting Augustine Gbao and
23 Issa Sesay were there. Are you also asserting that Mosquito shot
24 eight people at that time? Is that what you saw?

10:12:13 25 A. I was there when he shot them with a gun. I was there.

26 Q. Yes, eight of them; right?

27 A. Eight of them.

28 Q. Thank you. You see, I'm going to suggest that you're lying
29 about this. You gave the Prosecution a statement on 27th March

1 2003.

2 MR CAMMEGH: Your Honours, I may have been out of the room
3 when Mr Jordash would have introduced this statement. I hope the
4 ground for this statement has been laid already. Can I go
10:12:55 5 straight to the line in question?

6 JUDGE ITOE: I think you're defending a different client.
7 That's my view and you may probably exploit that statement as far
8 as your client is concerned.

9 MR CAMMEGH: I understand that, Your Honour. I just
10:13:17 10 wondered if the formality had been set out for the making of this
11 statement.

12 PRESIDING JUDGE: Yes, the formality as to whether such
13 statements and when and so on.

14 MR CAMMEGH: So with Your Honour's leave I'll go straight
10:13:31 15 to the relevant line, if I may.

16 PRESIDING JUDGE: Yes, yes. By this, what my brother
17 Justice Itoe was alluding to more precisely is that whatever
18 lines you may or may not use is for your cross-examination --

19 MR CAMMEGH: I understood that.

10:13:38 20 PRESIDING JUDGE: -- which is different than and for other
21 purposes than the one by Mr Jordash.

22 MR CAMMEGH: Indeed. And, to assuage any fears, I have
23 underlined it and it is ready to be served.

24 PRESIDING JUDGE: Thank you. You may proceed. Just for my
10:13:53 25 own understanding, this statement that you are alluding to now is
26 the one of March 2003.

27 MR CAMMEGH: 27th March 2003 and can I take Your Honours,
28 please, to page 10750.

29 PRESIDING JUDGE: Yes.

1 MR CAMMEGH: Forgive me if this is repetitive, but for my
2 purposes on the transcript I have to revisit the issue that I
3 think Mr Jordash raised already.

4 JUDGE ITOE: Mr Cammegh, what page is that?

10:14:20 5 MR CAMMEGH: It's 10750 and in particular, Your Honours, it
6 is the second full paragraph on the page. It is about --

7 PRESIDING JUDGE: The one starting with, "Then one day"?

8 MR CAMMEGH: Yes and I am going to take it about eight
9 lines down at the beginning of the sentence, "At the roundabout."

10:14:48 10 That is where my underlining begins.

11 Q. Madam, on 27th March 2003, so that's almost exactly three
12 years ago, and so this would be only five years after the event
13 in question, you told the Prosecution this -- and this was the
14 first time you spoke to them about what happened in Kailahun.

10:15:19 15 You said:

16 "At the roundabout at the centre of town I saw eight dead
17 bodies. In my presence I saw Mosquito kill two others.
18 Mosquito used a pistol. The two civilians were standing in
19 a line. He shot them at short range, less than a metre, in
10:15:45 20 the head."

21 Why three years ago did you tell the Prosecution that
22 Mosquito shot only two and that there were already eight dead?

23 A. Since I started talking, I met two corpses lying. Mosquito
24 killed eight people in my presence. Probably the person who
10:16:22 25 wrote it, wrote that one. And since I've been coming here that
26 is what I said and even these three days I've been here, that was
27 what I said. What you are saying now, I don't know. What those
28 Pas are writing up there, I don't know. What I'm saying is what
29 I know of.

1 Q. Well, there is more, I suggest, because just a year ago on
2 28th April last year, all right, so less than a year ago. It's
3 11 months - you gave a different story again.

10:17:04 4 MR CAMMEGH: Your Honours this is page 11291 of the
5 additional information provided by this witness. 11291 at line
6 1.

7 Q. So this is what you said nearly a year ago.
8 "I saw Mosquito when he killed seven of the ten men
9 suspected of being Kamajors at the roundabout. Three had
10:17:28 10 already been killed before I arrived at the scene."

11 Now, madam, if you were really there, why on 28th April
12 last year are you giving that account?

13 A. I've not said that before. Mosquito killed eight people.
14 I met two corpses lying. In my presence Mosquito killed eight
10:17:59 15 people. Probably those who wrote it, wrote it that way but that
16 was not what I said.

17 Q. So you are blaming the Prosecution employee, are you, for
18 taking the numbers down wrong? Is that what you are saying, that
19 it is the fault of the person writing the --

10:18:19 20 A. I will not blame them. I will not blame them. What I knew
21 of is what I'm saying. I will not blame them, because probably
22 they didn't write it that way. You have turned it some other
23 way, because you are holding on the paper now.

24 JUDGE ITOE: Madam, madam.

10:18:45 25 THE WITNESS: Sir.

26 JUDGE ITOE: You should watch your words, okay.

27 THE WITNESS: Okay, sir.

28 JUDGE ITOE: [Overlapping speakers] in those papers is not
29 written by the lawyer who is putting questions to you. So do not

1 impute motives on the lawyer which are very farfetched. Answer
2 the questions and don't get into some careless talking, okay.

3 MR CAMMEGH:

4 Q. And careless talking, madam, I suggest is exactly what --

10:19:18 5 A. I will not say something that will hurt him. But what I
6 said is what I'm saying.

7 Q. Madam, don't worry, I don't take offence at what you are
8 saying, but I want to pursue this further. This isn't the first
9 time that you have given evidence in the Special Court - is it? -

10:19:36 10 because you were here on 18th July of last year, three months
11 after you gave the figures of seven dead and Mosquito killing
12 three, or was it the other way around? On 18th July of last
13 year --

14 MR CAMMEGH: And I don't know if Your Honours have that
10:20:03 15 transcript before you, but if you do, please turn to page 88. It
16 is, to be precise, at line 10. Page 88 of the transcript of 18th
17 July from the AFRC chamber.

18 Q. On that day you were being asked questions by a different
19 Prosecutor about what happened at the roundabout. And you said
10:20:30 20 this:

21 "When I came at the roundabout at Kailahun, I saw eight
22 corpses there and I was standing right in my presence when
23 Mosquito shot two of them. So that summed up the number to
24 ten corpses."

10:20:52 25 PRESIDING JUDGE: Can you just give me the reference again?

26 MR CAMMEGH: Page 88 of 18th July at line --

27 PRESIDING JUDGE: That's fine.

28 MR CAMMEGH: Between lines 10 and 13.

29 PRESIDING JUDGE: That's fine. Thank you.

1 MR CAMMEGH:

2 Q. So, madam, you changed the figures again. In April of 2005
3 you are telling the Prosecution he killed seven of the ten men.
4 In July you're telling the Prosecution that he only killed two
10:21:28 5 and that there were eight dead already. How did that happen?

6 A. I met -- I came across two corpses there when I arrived
7 there. I was there when he killed the eight people.

8 Q. Well, that is what you are telling this Trial Chamber.
9 That's what you have been saying since last Thursday. But it is
10:21:54 10 different to what you said last July; isn't it?

11 A. That was what I said.

12 JUDGE ITOE: [Overlapping speakers] put it to her again.

13 MR CAMMEGH: I'm sorry.

14 JUDGE ITOE: What she said in July.

10:22:13 15 MR CAMMEGH: Yes.

16 Q. What you said in July of last year --

17 JUDGE ITOE: Before Trial Chamber II.

18 MR CAMMEGH:

19 Q. Before Trial Chamber II, the AFRC trial --

10:22:25 20 MR CAMMEGH: Again, Your Honours, it is lines 10 to 13,
21 page 88.

22 Q. Was:

23 "I saw eight corpses there and I was standing right in my
24 presence when Mosquito shot two of them."

10:22:36 25 It is almost as if, madam, every time you open your mouth
26 on this subject you give a different story. Why is that?

27 A. I've not said a different thing. Since I started coming
28 here that was what I've been saying. I came across two corpses
29 there. I was there when the eight people were killed. I've not

1 given another figure. That has been the figure I've always
2 given.

3 Q. Had you ever seen anybody being shot dead before, before
4 this incident, in your presence?

10:23:14 5 A. I have never witnessed somebody being killed. That was the
6 only one I saw.

7 Q. Right.

8 A. I've never witnessed some other person be killed. It was
9 only those people being killed.

10:23:37 10 Q. It must have been both an awful and an unforgettable sight
11 right in your presence, mustn't it?

12 A. No. To kill somebody is something wrong. I will not
13 forget it.

14 Q. That's my point, that you have forgotten it, haven't you,
10:23:58 15 because you keep giving different accounts?

16 A. I've not said a different thing.

17 Q. Well, you clearly have on several occasions and the reason
18 I suggest your accounts keep changing is because you're lying and
19 you didn't see anything at all because you weren't there.

10:24:24 20 JUDGE ITOE: Were you there, madam? Were you there during
21 that incident?

22 THE WITNESS: I was there when it happened.

23 MR CAMMEGH:

24 Q. Moving on to what happened --

10:24:46 25 JUDGE ITOE: And are you lying?

26 THE WITNESS: I don't tell lies.

27 MR CAMMEGH:

28 Q. Well, madam, do you remember you admitted to me that you
29 had lied to me yesterday about counting the Kamajors. So you do

1 tell lies, don't you? You have told this Chamber you told a lie
2 yesterday.

3 A. Which Kamajors?

4 Q. Let's move ahead to what happened at 6.30. Now you have
10:25:20 5 told this Court that as Mosquito was leaving for Buedu he told
6 Joe Fatoma he wanted the other 57 to be killed. I don't disagree
7 with you there. So let's move to 6.30. You told the Court --

8 MR CAMMEGH: And it is at page 60, although it is probably
9 not necessary for Your Honours to look it up at this time.

10:25:54 10 Q. You said:
11 "I went there. I was standing at the station. They were
12 bringing them out, one after the other, out of the cell,
13 and they'd kill that person."

14 Is that really what you saw, one after the other?

10:26:12 15 A. Yes, they would bring them, one after the other. They
16 would bring this one and they would kill him and he would fall.
17 Then they'd go and bring the other one from the cell. That's
18 what I saw. Those who were killed at the station.

19 Q. And just to be sure, you are talking about the police
10:26:33 20 station, aren't you, the cell beneath the police station? That
21 is where they were kept, yes?

22 THE INTERPRETER: Can learned counsel take it again,
23 please.

24 MR CAMMEGH: Sorry.

10:26:42 25 Q. Were these men being taken from the cell in the police
26 station at the roundabout, one by one?

27 A. Repeat the question. [Overlapping speakers] understand.

28 Q. You say they were being brought out one by one to be shot;
29 yes?

1 A. Yes, at the police station. The ones who were being
2 killed, according to Joe Fatoma, at the roundabout, they were
3 bringing them out, one after the other, killing them.

10:27:28 4 Q. Okay. What would you say if somebody suggested that they
5 were not brought out one by one, but they were actually brought
6 out five by five? Would you agree with them?

7 A. What I saw is what I'm talking about. What that person saw
8 is what he would say, but what I saw is what I'm talking about.

9 Q. You saw one by one, not five by five; is that right?

10:28:02 10 A. I said they were bringing them out one after the other and
11 killing them. They were bringing them out one after the other
12 and killing them at the police station.

13 Q. Okay.

14 JUDGE ITOE: So they were not bringing them out in fives,
10:28:19 15 bunches of five, five, each, according to you?

16 THE WITNESS: At the station. The ones at the station,
17 they were bringing them out one after the other.

18 JUDGE ITOE: Not five, a bunch of a group of five each,
19 according to you?

10:28:34 20 THE WITNESS: Yes, the ones they killed at 6.00 at the
21 station, they were bringing them out one after the other. When
22 they bring out one, they would shoot that person and they would
23 bring out another and they would shoot that person. Those who
24 were killed at the roundabout, those 10 people, they brought them
10:28:52 25 together and brought them to the roundabout but those others they
26 were bringing them out one after the other.

27 JUDGE THOMPSON: Mr Cammegh, what is your alternative
28 thesis?

29 MR CAMMEGH: Well, I was actually --

1 JUDGE THOMPSON: What were you putting to her?

2 MR CAMMEGH: Well, I wasn't putting anything. I was simply
3 canvassing previous testimony from a previous witness.

4 JUDGE THOMPSON: That they were brought out in batches of
10:29:16 5 five but not shot in batches of five.

6 MR CAMMEGH: Brought out and shot in batches of five.

7 JUDGE THOMPSON: That is what I wanted to know because I
8 wonder whether that distinction is important because I thought
9 you were really saying they were brought out in batches of five
10:29:31 10 and she was saying -- she is saying they were brought out one by
11 one and shot one by one, which is a different --

12 MR CAMMEGH: Exactly.

13 JUDGE THOMPSON: -- scenario from what I understand you to
14 be saying.

10:29:44 15 MR CAMMEGH: His Honour Justice Itoe explored that quite
16 forensically and we now have -- well, I won't comment on the
17 evidence but Your Honours know where I am coming from I think.

18 Q. Moving on from that, you have also told the Court that
19 there were four people doing the shooting. At page 61 you told
10:30:06 20 the Court that the MPs doing the shooting were two SLAs and two
21 RUF. Do you stand by that evidence that there were just four
22 shooters?

23 A. That is what happened and that is what I have -- I am still
24 saying.

10:30:24 25 Q. Right. Again, madam, if somebody were to suggest that it
26 was more than four and it was actually quite a large mob of RUF
27 soldiers doing the shooting, would you agree or disagree with
28 that person?

29 A. Those who were shooting I saw four of them. I wouldn't

1 agree to any other. The ones I saw are the ones I'll agree to.

2 I wouldn't agree to anybody's testimony. What I saw is what I'm
3 explaining.

10:31:19 4 Q. Are you able to say whether those doing the shooting lived
5 in Kailahun Town? Did you recognise them?

6 A. Those MPs were in Kailahun Town.

7 Q. So you recognised them, did you?

8 A. I used to meet them at the gates, but we were not in the
9 same house.

10:31:46 10 Q. Okay. When you met them at the gates, did you speak to
11 them at all?

12 A. When I'm going to some place and I have a pass, I will show
13 it to them and they'll look at it and they'll allow me to pass
14 through. That was what was between us.

10:32:05 15 Q. And how long had that been going on for before the
16 shooting? How often would you have passed through their
17 checkpoint at the gates and shown you their pass -- shown them
18 your pass?

19 A. It took quite some time.

10:32:25 20 Q. A few months; would that be right?

21 A. I said it took quite some time. I do not count the months.

22 Q. Well, was it more than a few weeks? Was it longer than a
23 few weeks?

24 A. Yes.

10:32:39 25 Q. So what were their names?

26 A. I do not know their names because I never asked their
27 names. Even as those whom we meet at the -- the police we meet
28 on the way, I do not ask their names. If we have something to do
29 with our documents, after that I'll just go my way. I wouldn't

1 ask for their names.

2 Q. You really didn't know their names? Are you sure you
3 didn't know their names, madam?

4 A. I said I did not ask for their names.

10:33:11 5 Q. Madam, you must have known their names, surely.

6 A. If I knew the names, I would have told them. I wouldn't
7 deny that. We just know them by the dress they were wearing,
8 because on the shoulders of their shirts it is written that there
9 was an insignia "MP".

10:33:39 10 Q. When the shooting took place the senior person at that
11 police station was Joe Fatoma, who was the MP commander. That's
12 right; isn't it?

13 A. Yes.

14 Q. Where exactly was Augustine Gbao when you saw these men
10:34:02 15 being shot?

16 A. That evening that they were killing those people at the
17 police station he was not present, but he was still in
18 Kailahun Town. But he was not there when they were killing those
19 people on that evening. He was not standing there. I didn't see
10:34:23 20 him there.

21 Q. All right. You told the Court - this is at page 63 -
22 that -- because Mr Harrison asked you what happened to the 57
23 bodies. And you said at line 8:

24 "They didn't do anything with them. They abandoned them
10:35:08 25 until they went bad. They were all abandoned there until
26 they went bad."

27 Do you have a clear memory of that?

28 A. Yes.

29 Q. Right.

1 A. That's what happened. They were not buried.

2 Q. They were not buried, and --

3 A. No.

4 Q. So they were just left there to rot, were they?

10:35:35 5 A. Till they rot completely, I didn't see them being buried.

6 In fact, disturbed us up to one month. I didn't see where they
7 were buried; no, I didn't see that.

8 MR CAMMEGH: Can I return to the statement of 27th March
9 2003 towards the bottom of the first paragraph on page 10751. It
10:36:41 10 is just a brief reference.

11 Q. Madam, on 27th March 2003 - so, again, three years ago now
12 and just five years after the event - you were asked what
13 happened to the bodies, presumably. And you told the Prosecution
14 this: "The victims were all killed in generally the same area."

10:37:09 15 Well, I accept that. But then you said, "After which the bodies
16 were thrown into the ravine." If that is what you were telling
17 the Prosecution on 27th March 2003, why do you insist today that
18 the bodies were left where they fell until they rotted, causing a
19 stench for a month? Why have you changed your account?

10:37:44 20 A. The place where they fell in that gutter, that's where they
21 remained until they rot. I did not see a hole being dug for them
22 to be buried. Where they fell in that gutter at the police
23 station, that's where they remained till they rot.

24 Q. I've pointed out what I suggest is an inconsistency and I
10:38:10 25 will move on.

26 MR CAMMEGH: Your Honours, just give me a moment, please.

27 Q. Did you see Sam Bockarie return that day from Buedu -- that
28 evening from Buedu?

29 A. What day?

1 Q. On the day that the men were killed, did you see
2 Sam Bockarie again?

3 A. When they killed those people at the roundabout on that
4 evening, they went to Buedu. On that evening he was not there.

10:39:10 5 As soon as he killed those people, he and Issa bordered a vehicle
6 and they went to Buedu. He was not there.

7 JUDGE ITOE: But counsel is asking you whether you saw him
8 later on that day.

9 THE WITNESS: Did not see him. I did not see him any more.
10:39:30 10 That's what I have said, that he was not there.

11 MR CAMMEGH:

12 Q. All right, I won't pursue that. Madam, it comes to this:
13 I suggest that whoever issued those orders that day for those men
14 to be killed, Augustine Gbao was not in any position to interfere
10:39:52 15 with what happened because he was simply not the ground commander
16 in Kailahun Town. Now, that's right; isn't it?

17 A. I wouldn't say that, because he was a G5 commander. If
18 something was happening to any civilian he should have known, he
19 should have said something. He was supposed to have said
10:40:22 20 something. I wouldn't say he had nothing to do. That man
21 sitting there is a judge here. We are all here on his account.
22 If anything happens to me he is supposed to ask. That's an
23 example. He was a G5 and if they were killing those people he
24 was supposed to have known nothing, he was supposed to have said
10:40:41 25 something. That's what I saw.

26 Q. I am going to move on from the killings now. I have made
27 the suggestions that I have made. I am going to move on to
28 another subject.

29 MR CAMMEGH: And Your Honours will be pleased to hear I am

1 getting through this a lot more quickly than I thought I would.

2 Q. Can I move now on to the subject of SBUs and SGUs. In
3 fact, no, before I do briefly, I want to ask you about the farms
4 in Kailahun, very briefly. There was an AU, wasn't there, an
10:41:28 5 agricultural unit which was -- well, was there an agricultural
6 unit within the RUF?

7 A. I don't know that.

8 Q. Right. See if this jogs your memory. Do you remember
9 whether there was a master farmer within the RUF called Lahai?

10:42:00 10 No?

11 A. There was a master farmer, I heard of that. But he was a
12 civilian.

13 Q. I am suggesting he was precisely that, he was a civilian,
14 and his name was Lahai. I understand you don't remember that
10:42:17 15 name. Can I just put this to you briefly, madam: It was not
16 Augustine Gbao's --

17 JUDGE ITOE: We are moving. Let her answer the question.
18 Does she know Lahai? She has admitted that she knew of the
19 existence of a master farmer in the RUF. Was it Lahai? Can she
10:42:43 20 answer that?

21 MR CAMMEGH: I saw her shaking her head and I --

22 Q. Did you know --

23 A. There was a master farmer in the RUF but I did not know
24 that he was called Lahai because I was not in the agricultural
10:42:55 25 unit.

26 Q. All right. Well, I bear in mind what you told Mr Jordash
27 about farming in Kailahun. But can I just suggest this, madam:
28 That Augustine Gbao's job was not to collect people to send for
29 farming and he didn't do that? He didn't, did he?

1 A. That was his job. That agricultural unit, in fact, they
2 were working under him, because he was G5 commander and they were
3 working under him. No civilian had to give orders in the RUF.

10:43:47 4 Q. Madam, you told me not two minutes ago that you hadn't
5 heard of the agricultural unit. So how do you know it was
6 working under Augustine Gbao?

7 A. I didn't say I didn't hear about it. You said he was
8 called Lahai but I said I do not know him. But there was an
9 agricultural unit.

10:44:02 10 Q. Please don't try to shift the ground. You told this Court
11 about three or four minutes ago you had never heard of the
12 agricultural unit. Now you are saying it was under
13 Augustine Gbao?

14 A. I did not say so. I did not say so. What I said was that
10:44:17 15 I did not know whether he was called Lahai. I said I did not
16 know whether he was called Lahai. That's what I said. Look on
17 the paper. Those who are writing on the paper, let them look at
18 it. You asked me about his name and I said I was not in
19 agricultural unit so I do not know his name.

10:44:32 20 Q. What you had actually said, madam, was that you had heard
21 of a master farmer but you hadn't heard of an agricultural unit.
22 Well, it will be on the transcript. I suggest anything you say
23 about farming or forced labour simply can't be trusted because
24 you have just demonstrated another example of you changing your
10:44:53 25 story.

26 A. I'm not ready for that. When you asked me if I knew any
27 agricultural person called Lahai, I said I did not know his name.
28 But I knew that there was an agricultural unit, but I do not know
29 whether he was called Lahai because I was not in agricultural

1 unit. That's what I said. That was what I answered. And I did
2 not know his name.

3 [RUF07MAR06B - CR]

4 Q. Okay, well, let's move on to small boys, small girls units.

10:45:24 5 You told the Court that you'd heard -- not that you'd witnessed
6 it personally, but that you'd heard that nine to 10-year-olds
7 were taken to a training base in Bunumbu. Do you remember that?

8 A. It's not just hearing. I did see them being taken to the
9 base. I just didn't hear. Even since yesterday I've been

10:45:58 10 telling you that I don't listen to hearsay. What I saw is what I
11 talk about.

12 MR CAMMEGH: Forgive me, Your Honours, please. I can't
13 find the reference. I'll move on.

14 Q. Madam, it was often the case, wasn't it, that children,
10:46:51 15 together with their families, would go and live on training
16 bases; do you agree?

17 THE INTERPRETER: Can learned counsel please repeat?

18 MR CAMMEGH:

19 Q. It was often the case, wasn't it, that children, together
10:47:16 20 with their families, would go to live on training bases in
21 Kailahun? Do you agree?

22 A. They were capturing children and bringing them when the
23 parents are not even there. They would capture children from
24 their parents and bring them. In fact, they would not come with
10:47:39 25 their parents.

26 Q. Weren't children even sometimes taken by their families to
27 the front line to live with commanders on the basis that the
28 family could be sure that the child would definitely be fed?
29 That happened, didn't it?

1 A. No, I did not see any parent with a young child taking that
2 child for him to be trained. No, no, I did not see any parent do
3 that. Just like the RUF were fighting, the way they were
4 behaving, the way the SBUs were doing things, there was no parent
10:48:37 5 who could have been brave enough to take that child to them.

6 PRESIDING JUDGE: Would you repeat your question, if you
7 don't mind, Mr Cammegh?

8 MR CAMMEGH: My question was: Wasn't it true that, on
9 occasion, families would take their children to live with
10:48:58 10 commanders on the front line with the assurance, or with the
11 knowledge that those commanders would ensure their children would
12 indeed be fed.

13 THE WITNESS: I did not see that happen.

14 MR CAMMEGH:

10:49:19 15 Q. Okay. But then again, madam, you were never on the front
16 line, were you?

17 A. I did not go to the front line, but I did not see that, and
18 I didn't even hear any of my colleague parents tell me that he
19 has taken his child to the rebels instead of that child going to
10:49:41 20 school. No, I did not see that happen.

21 Q. All right. I suggest, madam, that overall you have very
22 little knowledge of the issue of small boys or girls units anyway
23 because you don't know much about the military, do you?

24 A. Before you became an SBU, you would first be a civilian.

10:50:20 25 Before you could be transformed into an SBU, you would first be a
26 civilian. And I was in Kailahun when they brought them. When
27 they captured them and brought them, they would first take them
28 to the G5 for them to be screened and it is in this process that
29 they would receive them and take them to the base.

1 Q. And of course you're saying that the G5 commander
2 was Augustine Gbao, aren't you?

3 A. Augustine Gbao, indeed, he was the one.

4 Q. Whereas of course the commander of the IDU, the Internal
10:50:56 5 Defence Unit that was concerned with security and intelligence
6 gathering, would have had nothing to do with the welfare of
7 civilians, would he?

8 PRESIDING JUDGE: Mr Cammegh, I mean, this is getting
9 argumentative. You have asked that question. She knows nothing
10:51:16 10 about IDU.

11 MR CAMMEGH: I take your point.

12 PRESIDING JUDGE: It serves no useful purpose.

13 MR CAMMEGH: Your Honour, I will wrap up SBUs very quickly.
14 Your Honours, page 67, but again I don't think you need to turn
10:51:29 15 it up now.

16 Q. Madam, you told us about an incident involving a boy called
17 Morie, do you remember, who you say was one of Augustine Gbao's
18 bodyguards?

19 A. Yes.

10:51:41 20 Q. Just to remind you of what you said, you said that you were
21 out one day and Morie tried to take your son to go on a mission -
22 you remember - and you refused to let them take your son.

23 A. Yes, the children with whom I was going on the way, he went
24 there and he wanted to take one of them for a mission, but I said
10:52:07 25 no, they were not mission children, they were somebody's
26 children.

27 Q. Right. Well, I must put to you immediately
28 that Augustine Gbao never had a bodyguard called Morie, young or
29 old. Could that be right?

1 A. I saw him with him. And he was the one -- in fact, that
2 group that went, he was the one who gave them that mission. They
3 went, he sent them.

4 Q. How do you know he sent Morie, because you came across
10:52:47 5 Morie in the bush, he was on his own with some other SBUs,
6 according to you, Gbao wasn't there. How do you know he
7 was sent --

8 A. He was not by himself. He was with him in Kailahun. He
9 was the one who sent him, because when we -- after that
10:53:03 10 encounter, when he came he reported me to him and it was
11 he, Augustine Gbao, who said that they should arrest me and bring
12 me to Kailahun. Had it not been for him, he wouldn't have sent
13 somebody to arrest me.

14 Q. Gbao, I accept, had two bodyguards in Kailahun. One was
10:53:26 15 called Gassimu, who was about 25 years old, and the other one was
16 called Sheku, who was about 30. Sheku died in a battle. Do you
17 remember those two men?

18 A. I do not know them. It was Morie that he sent. They were
19 the ones who went on that mission, Morie. I do not know about
10:53:55 20 those bodyguards, the one who died at the war front, the one
21 named Gassimu, no, I don't know them. The one whom he sent and
22 who reported me to him and whom he sent to go and arrest me when
23 I was disgraced, he was the one I knew.

24 JUDGE ITOE: Let me have details about this. Gassimu you
10:54:10 25 say was how old?

26 MR CAMMEGH: I suggested that Gassimu was about 25, this
27 would have been in 1998, and that Sheku was about 30 and Sheku
28 was the one who died in action.

29 Q. Madam, I don't want to spend too much time on this, but I

1 hear you when you say that Augustine Gbao authorised your arrest
2 in Bunumbu, that's at page 68.

3 A. Yes.

4 Q. And he ordered you to be brought to Kailahun.

10:54:56 5 A. Yes.

6 Q. Okay. You told us that Augustine Gbao refused to allow you
7 to explain your side of the story about the Morie incident and
8 then he had you beaten up.

9 A. He didn't allow me to explain. He didn't give me any
10:55:19 10 chance to explain.

11 Q. All right. Okay. That is what you've told us. I accept
12 that that is what you've told us. You've told us that when you
13 were brought into Kailahun Town you spent the night at the MP
14 office. Do you remember that?

10:55:36 15 A. Yes.

16 Q. Page 68. At line 5 you said you reached Kailahun at 2.30,
17 and you'd slept with the MPs. "I was in their custody." Okay?

18 A. Yes.

19 Q. Now, this was a very disturbing event for you, wasn't it,
10:56:13 20 because they told -- you told us that they beat you and serrated
21 your body completely, left you with just your chemise on;
22 remember?

23 A. They beat me. They beat me up and in the morning he
24 brought me to their formation where the soldiers were and Morie
10:56:35 25 explained completely. He didn't allow me to explain my own side
26 about what happened and he said I should be beaten.

27 Q. Okay.

28 A. And they stripped me naked and beat me up.

29 Q. All right.

1 JUDGE ITOE: That is the state of the evidence, that she
2 was stripped naked.

3 MR CAMMEGH: Yes. I'm just laying the ground for one or
4 two quick questions.

10:56:54 5 Q. This happened in Kailahun Town, didn't it, where you'd been
6 living for a long time?

7 A. It was in Kailahun Town indeed where this thing happened.

8 Q. Right. Now bearing in mind your - if I can use the word -
9 connection with the MPs, perhaps you could tell us who the MPs
10:57:21 10 were with whom you stayed overnight before you were beaten. "I'd
11 slept with the MPs." I assume, madam, you know their names or
12 you would have known their names. Can you tell us what they
13 were?

14 A. I did not sleep with an MP. I was placed in a cell. They
10:57:49 15 locked me up in a cell. I did not say I slept with an MP. I was
16 a prisoner, how could I sleep with an MP. They put in me in a
17 cell. He said I should be put in a cell.

18 Q. Madam, I'm simply reading literally off the transcript.
19 I'm not suggesting that you slept with, in a sexual sense, the
10:58:10 20 MPs. Not for one moment. I appreciate you were in their
21 custody. But your words were, "I'd slept with the MPs. I was in
22 their custody." I am just wanting you to tell us, please, who
23 those MPs were. Given your particular background, I suggest you
24 must have known their names. No?

10:58:29 25 A. I did not ask for their names. The MP whom I met at the
26 office, it was the MP commander who was there. His boys who
27 brought me there, the sooner they brought me there, they told
28 them that they should take me to the MP office for me to be
29 locked up. And when I went there, they even explained that I was

1 locked up and they went away. In the morning, they brought me
2 out to the formation. That night, they placed me in a cell.
3 They did not even bring me out to drink water. So I didn't speak
4 to anybody there. I slept there. I didn't eat any food.

10:59:03 5 Neither did I drink water.

6 Q. Madam, what was the name of the MP boss or commander who
7 was dealing with the matter that day or over those two days?
8 What was his name?

9 A. Joe Fatoma.

10:59:20 10 Q. And you were beaten by how many people?

11 A. At the formation, those whom I saw, they were up to three,
12 the SBUs. That boy -- he had one of his boys there. I knew him.
13 The others, I did not know them, because at the formation, they
14 all come there in the morning.

10:59:43 15 Q. What were the names of the people who had beaten you up;
16 can you remember?

17 A. The one whom I know was that his boy Morie, because at the
18 formation, it's a large crowd that assembles there, I do not know
19 their names. But it was the one who had the bigger stick that he
20 was beating me with. Up to now, I have the mark on my back.

11:00:11 21 Q. Madam, I'm going to put it to you, pure and simple, that if
22 you were beaten by some MPs or by some young soldiers, whoever it
23 was in Kailahun Town, Augustine Gbao had absolutely nothing to do
24 with it whatsoever.

11:00:46 25 A. It was not an MP who beat me up. It was he, Augustine Gbao
26 who gave the order to the formation for them to beat me up. In
27 fact, the MPs, I just slept there and in the morning, they
28 brought me to the formation.

29 Q. So who are you saying actually beat you up then if it's not

1 the MPs?

2 PRESIDING JUDGE: She has been saying these were the boys,
3 the SBUs. She was beaten by Morie and others at the formation.
4 The words she's used -- [overlapping speakers]

11:01:15 5 THE WITNESS: It was out there, right at the roundabout.
6 That was where they held the formation. That's where I was
7 stripped naked and the SBUs beat me up.

8 MR CAMMEGH:

9 Q. Madam, I understand what you're saying. All I suggest is
11:01:29 10 that it is not true that Augustine Gbao played any part in
11 whatever happened at all. That's right, isn't it?

12 A. I know that he had something to do with it. What I have
13 told you, there is a God. For tomorrow, in fact, not for today.
14 They are not giving judgment today. You are defending bad people
11:01:59 15 too, but there is a God. Even if I did not explain this,
16 whatever evil you are doing to somebody else, there is a God who
17 is witnessing it. Whenever they will be giving judgment, you
18 might not be there and I will not be there, but the truth will
19 come out and they will say it in God's grace.

11:02:16 20 Q. But, madam, I have asked you on a few occasions now to give
21 names of MPs. I have asked you, for example, of the names of the
22 MPs you stayed with, or the names that night. I have asked you
23 for the names -- [overlapping speakers]

24 A. I have not reported any MP to you. I have not spoken about
11:02:34 25 MP to you. I have told you since yesterday when you started
26 talking. Whenever you asked me, I tell you I do not know. I do
27 not know and you keep insisting. What I know, the sooner you ask
28 me, I will explain.

29 Q. All right, let's move on. We're coming towards the --

1 well, we're on the final lap now. Can I ask Your Honours - I
2 keep forgetting - when you intend to have a morning break? Is it
3 at 11 or 11.30?

4 PRESIDING JUDGE: 11.30.

11:03:07 5 MR CAMMEGH: Thank you. I will endeavour to finish by
6 then.

7 Q. Madam, can I move on to Johnny Paul Koroma. He arrived in
8 Kailahun Town after the 67 men were killed, didn't he? Not
9 before, afterwards.

11:03:31 10 A. No.

11 Q. Well --

12 A. They did not kill them first before Johnny Paul Koroma
13 could arrive.

14 Q. Well, madam --

11:03:43 15 A. They were in detention when Johnny Paul Koroma arrived
16 there.

17 Q. Madam, I suggest that you are most emphatically wrong, that
18 Johnny Paul Koroma entered Kailahun Town with the convoy, the
19 bodyguards, about a week after those men were killed. Now, that
20 is right, isn't it?

11:04:09 21 A. I was there. I said he reached there first before they
22 could kill them. I was there. He was, in fact in Kangama when
23 he killed those people.

24 Q. No, madam, I suggest you're wrong, but I'm not going to
11:04:36 25 pursue that point. You told the Court that evening, at page 52,
26 "The first evening when they came, we saw them with some people,
27 Johnny Paul Koroma." How many nights do you say Johnny Paul
28 Koroma spent in Kailahun Town, please? Maybe it's none, I don't
29 know. Did he spend any nights in Kailahun Town and if so --

1 A. He spent two nights there. On the third day, they took
2 them along. He was there. He slept there.

3 Q. Okay. Are you sure it's two nights, madam? I just want
4 you to be sure about your evidence. Are you sure it's two
11:05:34 5 nights?

6 A. That's what I know, that it was two days. That's what I
7 know.

8 Q. No, nights. I want to be fair to you. I want you to tell
9 this Court how many nights Johnny Paul Koroma spent in Kailahun
11:05:53 10 Town before he left? Is it one or two? If you can't clearly
11 remember, just say so.

12 A. What I know is that when he reached that evening, they
13 passed the night and in the morning there was a jet threat and
14 they took him out of the house where he was. Wherever they took
11:06:20 15 him, I did not know, but he was in Augustine Gbao's house the
16 other night. But I knew that --

17 THE INTERPRETER: Your Honours, she is going very fast.

18 MR CAMMEGH: I'm not getting a translation.

19 PRESIDING JUDGE: Can you repeat the last part of your
11:06:43 20 answer, madam witness, and slowly, please, because the
21 translators have not been able to translate that last part.

22 THE WITNESS: That evening that he went, he slept in
23 Kailahun. In the morning, there was a jet threat in Kailahun.
24 The house where he had slept, he was taken out of that house. I
11:07:08 25 did not know where they took him, whether they took him to Buedu,
26 but he slept in Kailahun. The house where he slept to
27 Augustine Gbao, he did not sleep there on that evening. Because
28 we ourselves at the time that the jet was there, we would sleep
29 in town and in the evening we would go into the bush. That is

1 what I knew.

2 MR CAMMEGH:

3 Q. Right. First of all, you were aware at that time then of
4 the jet threat; correct? Just bearing in mind what you told the
11:07:43 5 Court earlier on. You did or you were aware, when JPK was in
6 Kailahun, that these were enemy jets threatening your welfare;
7 correct?

8 A. Since the war started, we did see jets coming, yes. When
9 the war started in 1992, that was when the jets started coming
11:08:04 10 there.

11 Q. Yes. And you use the words "jet threat", which is why JPK
12 had to be moved away. So you were aware of a jet threat from the
13 enemy in Kailahun, weren't you?

14 A. I did see jets coming to Kailahun, dropping bombs.

11:08:25 15 Q. Thank you. Now, Madam, I don't want to take too much time
16 on this. I just want you to answer a simple question in a simple
17 way, please. How many nights did Johnny Paul Koroma sleep in
18 Kailahun Town? Can you just make it clear for me? It may be my
19 fault. Make it clear for me, please; one or two?

11:08:51 20 A. That evening when I saw him in Kailahun at Augustine Gbao's
21 house, he spent one night there. The other day he was not there.
22 I did not know whether he was taken to Buedu or they hid him.

23 Q. Okay. So he spends one -- according to you, one night
24 at Augustine Gbao's house. Are you able to say whether he left
11:09:15 25 Kailahun the next day for sure or not?

26 PRESIDING JUDGE: She just said she doesn't know,
27 Mr Cammegh. She said she knows -- [overlapping speakers]

28 MR CAMMEGH: She said, "I don't know if he was hidden." I
29 was trying to clarify whether she thought he might have been

1 hidden in Kailahun or hidden outside Kailahun.

2 PRESIDING JUDGE: I think she said she doesn't know, but
3 anyhow, go ahead. She says she knows for that night when he
4 arrived, but after that, there were attacks.

11:09:39 5 MR CAMMEGH: Okay.

6 Q. Madam, in your witness statement of 27th March 2003, you
7 said, quite clearly -- Your Honours, page 10748, final paragraph.
8 It's 10748, final paragraph, first line. I'm just going to read
9 to you what you told the Prosecution three years ago on this
10 subject. Can I go ahead, Your Honour?

11:10:37

11 PRESIDING JUDGE: Yes.

12 MR CAMMEGH:

13 Q. "JPK was not an abductee, but he came with the retreating
14 rebels. I saw him in Kailahun. He spent two nights
15 there."

11:10:55

16 Now, does that help you remember how many nights he spent
17 there?

18 A. I know about one night when I saw him. The other night I
19 do not know whether he slept in Kailahun or not. That was what I
20 said.

11:11:16

21 Q. Now, the one night that you are certain he was there, where
22 did he sleep? Are you saying it's Augustine Gbao's house?

23 JUDGE ITOE: That's what she said.

24 THE WITNESS: Yes.

11:11:41

25 JUDGE ITOE: Mr Cammegh, I think that's what she said, do
26 you want her to go over that again?

27 MR CAMMEGH: Well I think it's what she said, but I want to
28 be sure because I'm about to make a point. I don't want to be
29 unfair.

1 Q. Did you say that he spent the night in Augustine Gbao's
2 house that night?

3 A. That's where he slept. When they took him, that's where he
4 was lodged, that's where he slept. That first night that he was
11:12:00 5 brought.

6 Q. I just want to be fair to you, madam, to give you the
7 opportunity to state your case. I'm going to continue to that
8 paragraph.

9 "He spent two nights here. I wasn't around when he entered
11:12:13 10 Kailahun. In Kailahun, he stayed in a house (don't know
11 who owns it) in Gbanyawalu section, in Kailahun. This is
12 after the Chief's compound."

13 Now, Madam, there is nothing there about Augustine Gbao
14 spending that night in Augustine's -- sorry, there is nothing
11:12:40 15 there about JPK spending the night in Augustine Gbao's house, is
16 there, because you say, "I don't know who owns it"?

17 A. Augustine Gbao was in Gbanyawalu, that was where JPK came
18 and slept. He was in Gbanyawalu, indeed.

19 Q. You say that now, madam, but you didn't tell the
11:13:02 20 Prosecution that, did you, in 2003?

21 A. I've said it ever since. I have said it ever since
22 that Augustine was in Gbanyawalu, that was where JPK came and
23 slept.

24 MR CAMMEGH: Okay. Just a little bit more on this
11:13:17 25 particular subject. Your Honours, page 52 of the 2nd March
26 transcript at line - I think it will be your line 22.

27 Q. I'm suggesting you're, at best, very confused about this
28 evidence, madam. You told Mr Harrison the first evening they
29 came, you said that you were told to go and cook

1 at Augustine Gbao's house, some strangers had arrived.

2 Mr Harrison asks you after you cooked, "What happened next?" You
3 said this:

4 "When we slept, in the morning he was taken from Kailahun
11:14:12 5 to Kangama."

6 A. No.

7 Q. Only last Thursday you were telling this Court in no
8 uncertain terms that JPK spent one night -- not two, but one
9 night in Kailahun and that you were sure that the next day he
11:14:39 10 went to Kangama. You have changed your story again, haven't you?

11 A. I have not changed the story. JPK slept once
12 in Augustine Gbao's house. Because there was a jet threat, the
13 other day, I did not see him there. Up to now, that's what I'm
14 saying. He slept once in Augustine Gbao's house. When they took
11:15:06 15 him out of that house, I do not know where they took him, whether
16 it was Buedu or elsewhere, but that's what I said.

17 Q. Madam, you have been caught once again changing your story,
18 I suggest. Can I put this to you that --

19 A. No, I have not changed my story.

11:15:25 20 Q. Okay. The reality of JPK's visit is pure and simple: He
21 did arrive, he did stay, but for no more than about three hours
22 before he left because of the jet threat that you've already told
23 us about. He didn't spend the night there at all. That's right,
24 isn't it?

11:15:45 25 A. They reached Kailahun in the evening. That evening, so he
26 slept there. The person who told you that is telling lies. He
27 reached in Kailahun in the evening, so he slept there. In the
28 morning, they took him out.

29 Q. Madam, since you raise the word, I have to suggest that if

1 anyone is lying about this, it's you, and that you've been caught
2 out, yet again, haven't you? My final question on the JPK
3 subject is this: You told the Court last Thursday that you were
4 called by Augustine Gbao to go and cook for JPK

11:16:56 5 at Augustine Gbao's house.

6 A. Yes.

7 Q. The reality is that you have never, or you had never, gone
8 or you never went to Augustine Gbao's house ever, did you, in
9 Kailahun Town?

11:17:17 10 A. I used to go there every day, apart from Johnny Paul
11 Koroma's incidence. I used to go there every day. I used to do
12 go there every day at his house. When I went to see him, if he's
13 not at his house, I would go to the office. If he's at his
14 house, I would go there.

11:17:36 15 Q. Augustine Gbao had a very young wife in those days, who is
16 still his wife and the mother of his children, Sylvester One and
17 Sylvester Two. Her name is Hawa and she was the lady who cooked
18 the meal for JPK that night, wasn't she? Not you, not even with
19 your help, you weren't there.

11:18:03 20 A. I was not the only person. I was with some other people
21 who went there, because that crowd was large who went -- their
22 wives, did they ever cook for strangers? Their wives did not
23 cook for strangers. When strangers came, we were the ones who
24 went and cooked for them.

11:18:22 25 Q. Whatever happened at Augustine Gbao's house, JPK left very
26 promptly with Mike Lamin and Issa Sesay to safety. He didn't
27 spend that night at all. That's what I suggest. Now --

28 PRESIDING JUDGE: Are you putting the question to the
29 witness, Mr Cammegh? Again, if you want us to make sense with

1 all of us, because you are sort of giving evidence, but it is not
2 clear what it is. You are commenting, but not asking the witness
3 to respond to this.

11:19:02 4 MR CAMMEGH: Your Honour, yes. I'm just wrapping up the
5 subject. I've finished with JPK. I don't need a response. She
6 has already given it. You're quite right.

7 Would Your Honour give me a moment, please? I just have to
8 look at some instructions.

9 PRESIDING JUDGE: Yes.

11:19:25 10 MR CAMMEGH: I will be very brief.

11 Q. Madam, to your knowledge, would any RUF commander have been
12 in a position to challenge an order from Mosquito?

13 A. I don't know that.

14 Q. Maybe you can help me with this, madam, given that you
11:20:36 15 lived in Kailahun for quite some time. Are you able to tell us
16 what sort of communications may have taken place between
17 Augustine Gbao and other RUF commanders? By "what sort of
18 communications", I mean --

19 A. I did not know any communication between them, because I
11:21:15 20 never -- I was not there when they spoke.

21 Q. You weren't there. Okay.

22 A. I was not there when he used to talk to the other
23 commanders, so I do not know what was happening between them.

24 Q. Madam, I've asked you a lot of questions about Kamajors and
11:21:42 25 attacks on Kenema, the jet threats from ECOMOG, what happened at
26 the Moa River crossing. Let me ask you this: The amputations
27 and slicing of pregnant women and the killings and all the other
28 atrocities that you've heard about during the war, were they, so
29 far as you're concerned, only done by the RUF or the AFRC?

1 A. I don't know if it was just them, because in Kailahun
2 District where I was, I did not see anybody being amputated, not
3 a day, so I wouldn't say anything relating to amputation. When I
4 was in Kailahun, I never saw somebody being amputated. I don't
11:22:49 5 know about that. I wouldn't testify that they were the only
6 persons who did it. What I saw is what I would testify to.

7 MR CAMMEGH: Your Honour, there are one or two questions,
8 and I mean one or two, that I would like to deal with in closed
9 session. I don't think it's going to take any more than 15
11:23:16 10 minutes.

11 PRESIDING JUDGE: 15 minutes?

12 MR CAMMEGH: 15 minutes.

13 PRESIDING JUDGE: And this is the end of your
14 cross-examination?

11:23:24 15 MR CAMMEGH: This is the end of my cross-examination in
16 open session.

17 PRESIDING JUDGE: In open session, but if we go into closed
18 session this 15 minutes will be --

19 MR CAMMEGH: I think I will need another 15 minutes.

11:23:38 20 PRESIDING JUDGE: -- the end of it?

21 MR CAMMEGH: Yes.

22 PRESIDING JUDGE: And this is to deal with matters that
23 were discussed in closed session as well, related matters?

24 MR CAMMEGH: Yes, and to introduce one other issue.

11:23:50 25 PRESIDING JUDGE: That, again, is likely to deal with --
26 could reveal the identity of the witness?

27 MR CAMMEGH: Very much so. I'm going to name names, yes.

28 PRESIDING JUDGE: Very well. So for the reasons we have
29 stated before, for the same reason we go into closed session for

1 the Prosecution and for the first accused closed session, we will
2 move into a closed session now. But given the time, we will just
3 take the recess and then fix the technical arrangements that need
4 to be made to do that.

11:24:21 5 MR CAMMEGH: I'm obliged.

6 PRESIDING JUDGE: The Court is moving into a closed
7 session. Thank you. And we are taking a recess at this moment.

8 [Break taken at 11.25 a.m.]

9 [At this point in the proceedings, a portion of the
11:24:50 10 transcript, pages 48 to 67, was extracted and sealed under
11 separate cover, as the session was heard in camera.]

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OPEN SESSION

1 [Open session]

2 MS EDMONDS: Court's now in open session.

3 PRESIDING JUDGE: Thank you very much. Mr Cammegh, we're
4 back in open session.

12:48:44 5 MR CAMMEGH: Thank you, Your Honour.

6 PRESIDING JUDGE: I know you have indicated in the closed
7 session that these questions were the last questions in your
8 cross-examination. Can you confirm that in the open session?

9 MR CAMMEGH: Yes, your Honour, I've completed my
12:48:59 10 cross-examination.

11 PRESIDING JUDGE: And what is it that you want to tender,
12 so we have a description of it?

13 MR CAMMEGH: Right. I've weeded out the relevant documents
14 because, as Your Honour knows, there are several documents
12:49:10 15 pertaining to this witness on diverse dates. The statements that
16 I'm referring to is the statement of 27th March 2003, the
17 interview notes of 4th February 2004 --

18 PRESIDING JUDGE: Yes, but before you get there, 27th March
19 2003, obviously you're not tendering the whole of it. It's
12:49:44 20 presumably a part or portion of it.

21 MR CAMMEGH: It's a part or -- yes. Do you want me to give
22 Your Honour the page numbers?

23 PRESIDING JUDGE: Yes, because I presume that you're
24 tendering that because you're alleging some inconsistency and, if
12:49:52 25 you do, it is with reference to particular places or portions of
26 that statement.

27 MR CAMMEGH: Yes, well I can --

28 PRESIDING JUDGE: That's what I mean. Otherwise it's of
29 little use unless you indicate to the Court what it is you're

1 claiming consists of inconsistency.

2 MR CAMMEGH: Well, the first one comes at page 10748 in the
3 final paragraph. Does Your Honour want me to read out the text?

4 PRESIDING JUDGE: No, no.

12:50:26 5 MR CAMMEGH: Right. The second one --

6 PRESIDING JUDGE: Again you're saying the whole of that
7 paragraph or up to, "I knew one SLA soldier"?

8 MR CAMMEGH: It's essentially --

9 JUDGE ITOE: Mr Cammegh, are those portions highlighted?

12:50:41 10 MR CAMMEGH: Yes, they are. They're underlined.

11 JUDGE ITOE: They're underlined.

12 MR CAMMEGH: It's the second and third line of that final
13 paragraph.

14 PRESIDING JUDGE: So, "In Kailahun he stayed."

12:50:54 15 MR CAMMEGH: No, in entirety it reads:

16 "He spent two nights here. I wasn't around when he entered
17 Kailahun. In Kailahun, he stayed in a house (don't know
18 who owns it) in Gbanyawalu section in Kailahun."

19 PRESIDING JUDGE: That's the portion?

12:51:08 20 MR CAMMEGH: Yes.

21 PRESIDING JUDGE: Fine.

22 MR CAMMEGH: The next one is on page 10750.

23 PRESIDING JUDGE: Always the same dates, same statement?

24 MR CAMMEGH: Same statement.

12:51:25 25 PRESIDING JUDGE: Which paragraph?

26 MR CAMMEGH: Would Your Honour look at the second full
27 paragraph there.

28 PRESIDING JUDGE: "Then one day Mosquito," that's the
29 paragraph we're talking about. Paragraph starting with, "Then

1 one day."

2 MR CAMMEGH: Correct. Seven lines down you will see a
3 sentence, "At the roundabout," and it is those two sentences, "At
4 the roundabout at the centre of town I saw eight bodies. In my
12:51:55 5 presence I saw Mosquito kill two others." It's those two
6 sentences.

7 PRESIDING JUDGE: So that's up until "killed two others."

8 MR CAMMEGH: Correct.

9 PRESIDING JUDGE: That's the sentence, fine.

12:52:05 10 MR CAMMEGH: At the end of that paragraph, the final two
11 sentences.

12 PRESIDING JUDGE: "I found him already dead."

13 MR CAMMEGH: No, Your Honour.

14 PRESIDING JUDGE: "Mosquito used a pistol."

12:52:14 15 MR CAMMEGH: No, the last two sentences. "The two
16 civilians were standing in a line. He shot them in the head."

17 PRESIDING JUDGE: Okay. Yes.

18 MR CAMMEGH: Page 10751.

19 PRESIDING JUDGE: That's the one where, "The victims were
12:52:31 20 all killed"?

21 MR CAMMEGH: Yes, it's just that sentence.

22 "The victims were all killed in January, the same area,
23 after which the bodies were thrown into the ravine."

24 PRESIDING JUDGE: Fine.

12:52:41 25 MR CAMMEGH: That completes references in that statement.

26 PRESIDING JUDGE: Yes.

27 MR CAMMEGH: Secondly, can we turn, please, to page 10753,
28 interview notes 4th February 2004. 10753.

29 PRESIDING JUDGE: Yes.

1 MR CAMMEGH: I'll read it in full because it's not all of
2 the sentence. "At the time I saw the killing of 65 people who
3 were accused of being Kamajors in Kailahun." It's just that
4 portion, because she has stated that Gbao was commander on the
12:53:17 5 ground. So it's "At the time" until the word "Kailahun".

6 Finally, page 11291, and that is --

7 PRESIDING JUDGE: 11291, 28th April.

8 MR CAMMEGH: Correct.

9 PRESIDING JUDGE: First line.

12:53:40 10 MR CAMMEGH: It's point 1. First two lines.

11 PRESIDING JUDGE: First two lines.

12 MR CAMMEGH: In entirety. That is all.

13 PRESIDING JUDGE: Thank you. Mr Prosecutor, any comment
14 about that?

12:53:51 15 MR HARRISON: No, there's nothing to say.

16 PRESIDING JUDGE: Madam Court Officer, what's the exhibit
17 number we're at?

18 MS EDMONDS: The next number is 73.

19 PRESIDING JUDGE: 73. So to make sure that we have proper
12:54:10 20 references to that, the first statement, the one of 27th March
21 2003 with the paragraphs you have described will be -- what's the
22 exhibit number again?

23 MR CAMMEGH: 73.

24 PRESIDING JUDGE: 73A. Page 10750 will be B. 750 will be
12:54:53 25 C. The other one, 11291, will be 74. There's one missing. 751,
26 yes. 10751 is one that you had indicated, that's the two lines
27 in the middle of the first paragraph, am I right?

28 MR CAMMEGH: That's "The victims were all killed...into the
29 ravine." That's right.

1 PRESIDING JUDGE: So I may not have referred to that one.
2 So that should be 73C. So all of this is in the statement of
3 27th March?

4 MR CAMMEGH: Correct.

12:56:05 5 PRESIDING JUDGE: Very well. The next one which was at
6 page 10753, that line and a half, will be 74. There's one more.

7 MR CAMMEGH: 11291.

8 PRESIDING JUDGE: 11291 which will be 75.

9 MR CAMMEGH: Thank you.

12:56:21 10 [Exhibit No. 73A was admitted].

11 [Exhibit No. 73B was admitted].

12 [Exhibit No. 73C was admitted]

13 [Exhibit No. 74 was admitted]

14 [Exhibit No. 75 was admitted]

12:56:24 15 PRESIDING JUDGE: So these are all the statements you're
16 seeking to introduce and, again, these are admitted as exhibits
17 for the limited purpose of alleged inconsistency between these
18 statements and the evidence of the witness.

19 MR CAMMEGH: Can I just confirm with Your Honours that
12:56:41 20 Your Honours are only requiring inconsistencies derived from
21 previous statements rather than from previous testimony such as
22 the AFRC?

23 PRESIDING JUDGE: Well, if you are alleging that, you have
24 to -- we do have copies of that and you have referred to some of
12:57:03 25 it indeed in your --

26 JUDGE ITOE: I think you can exhibit that as well. Those
27 inconsistencies could well be material in our final
28 determination.

29 MR CAMMEGH: Obviously they're clearly marked on the

1 transcript. The difficulty is a number of us in this room,
2 including one of the court officers, discussed this matter
3 yesterday. I think our conclusion was that we were not required
4 to serve transcripts from previous testimony in the same way.

12:57:33 5 PRESIDING JUDGE: What do you mean by "serve"?

6 MR CAMMEGH: Sorry, submit as exhibits. I think we would
7 be grateful for a direction on that, because although
8 Your Honours have made it very clear in relation to statements,
9 proofing notes, et cetera, I think the position in relation to
10 previous transcripts is ambiguous.

12:57:50 11 PRESIDING JUDGE: Well, even if for ease of reference as
12 such, if this is part of your case with this particular witness
13 that is in cross-examination that there are inconsistencies,
14 well, I think it should form part of the whole transaction and
15 that will be -- that will certainly make our life easier when we
16 do deal with that. So if only for that, I would certainly
17 suggest to you that you should file them.

18 MR CAMMEGH: Very well.

19 JUDGE ITOE: Because the transcript is part of your
12:58:13 20 inconsistency package.

21 MR CAMMEGH: This was what seemed to be anomalous about
22 what we discussed yesterday. Now, clearly, I haven't prepared
23 the transcripts because our understanding was that they were not
24 required.

12:58:27 25 PRESIDING JUDGE: Given that understanding, or
26 misunderstanding, we will allow you to underline these portions
27 and file them as well even though it may be a bit later.

28 MR CAMMEGH: I'm obliged, thank you.

29 PRESIDING JUDGE: And we'll give it an exhibit number when

1 you do file that.

2 MR CAMMEGH: I'm very grateful and I'm sure we're all
3 grateful for the clarification.

4 PRESIDING JUDGE: I would appreciate you do that before we
12:58:49 5 move with another witness, if you can, because that move will be
6 after the lunch break anyhow, to avoid confusion in the numbering
7 of exhibits.

8 MR CAMMEGH: I'll ensure that it's submitted by the end of
9 today. Thank you.

12:59:03 10 PRESIDING JUDGE: Thank you. Mr Harrison, it is one
11 o'clock so we will have to do the hearing of that after the lunch
12 recess.

13 MR HARRISON: Should I just confirm in open session that
14 there's no re-examination?

12:59:17 15 PRESIDING JUDGE: Yes, please.

16 MR HARRISON: The Prosecution makes that statement.

17 PRESIDING JUDGE: Thank you, for the record. Thank you.

18 So that concludes your evidence, Madam Witness. We thank
19 you very much for having come to this Court and we wish you good
12:59:30 20 luck. Don't stand up, don't move yet, because we have to close
21 the curtains so you can be escorted and assisted out of the
22 Court. Thank you very much.

23 So, having said that, we will recess for the lunch and come
24 back at 2.30. Please stay there. Thank you, court is adjourned.

12:59:56 25 THE WITNESS: Thank you too.

26 [Luncheon recess taken at 1.00 p.m.]

27 [RUF07MAR06D - SV]

28 [Upon resuming at 2.44 p.m.]

29 PRESIDING JUDGE: Mr Prosecutor.

1 MR HARRISON: We are ready to proceed but I think

2 Mr Cammegh wished to deal with a --

3 PRESIDING JUDGE: Mr Cammegh?

4 MR CAMMEGH: Sorry, I missed that.

14:46:09 5 PRESIDING JUDGE: I have been informed that --

6 MR CAMMEGH: No, I can't yet, Your Honour. I've only just

7 got access to them because I couldn't get a security guard who

8 would be kind enough to let me into the room over lunch time. So

9 I have promised Miss Welsch that I will serve them or submit them

14:46:28 10 by the end of the day and hopefully by the time we have our break

11 this afternoon.

12 PRESIDING JUDGE: That's fine.

13 MR HARRISON: In that case, the Prosecution is prepared to

14 call the next witness. The Prosecution is asking for a closed

14:46:42 15 session. I'm not sure whether it is the Court's pleasure, as far

16 as procedure, whether to have the witness sworn first and then

17 have the application or have the application first and then swear

18 the witness.

19 PRESIDING JUDGE: We should swear the witness first.

14:46:56 20 MR HARRISON: The witness is a Muslim and the language is

21 Mende. For the Court record, it's TF1-108 and this would be the

22 61st witness called and the 60th Prosecution witness.

23 PRESIDING JUDGE: Thank you.

24 JUDGE THOMPSON: Could you repeat that, TF1?

14:47:25 25 PRESIDING JUDGE: 108.

26 MR HARRISON: Yes, it's 108.

27 PRESIDING JUDGE: And this is 61 and 60 for the

28 Prosecution.

29 MR HARRISON: That's correct.

1 WITNESS: TF1-108 [Sworn]

2 [The witness answered through interpreter]

3 MR HARRISON: The Prosecution is applying now that we enter
4 into a closed session so that an application can be made.

14:48:24 5 PRESIDING JUDGE: For the governance of people in the
6 public gallery, can you give an estimate of the time required
7 should the closed session be granted?

8 MR HARRISON: The application we anticipate taking
9 approximately five minutes. Should the application be granted,
14:48:43 10 we would anticipate 10 to 15 minutes of closed session.

11 PRESIDING JUDGE: Which means about half an hour, should it
12 be granted?

13 MR HARRISON: It's going to be close, 20 to 30 minutes.
14 Very close.

14:48:59 15 PRESIDING JUDGE: Thank you. So, Mr Court Officer, could
16 you make sure that we are now moving into a closed session.
17 Members of the public in the public gallery, you've heard we are
18 going into a closed session now and we may be out for about half
19 an hour. Thank you very much.

14:49:15 20 [At this point in the proceedings, a portion of the
21 transcript, pages 77 to 85, was extracted and sealed under
22 separate cover, as the session was heard in camera.]

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1 [Open session]

2 MR WALKER: Court is now in open session, Your Honour.

3 PRESIDING JUDGE: Thank you, Mr Court Officer.

4 [Ruling]

15:23:34 5 JUDGE THOMPSON: This is the ruling of the Chamber in
6 respect of the partial closed session hearing of the testimony of
7 witness TF1-108.

8 Consistent with the general requirement that criminal
9 proceedings are to be held in public, as mandated by Rule 78 of
15:23:52 10 the Rules of Procedure and Evidence of this Court, and taking
11 cognizance of Article 17(2) of the Statute of the Court, but
12 exceptionally as authorised by Rule 79(A)(ii) of the said Rules
13 of Procedure and Evidence and the need to protect witnesses as
14 provide for in Rule 75, this Chamber on the application of the
15:24:23 15 Prosecution for certain portions of the testimony of
16 Witness TF1-108 to be heard in closed session, did by way of an
17 exceptional procedure, grant the said application on the grounds
18 advanced by the Prosecution.

19 PRESIDING JUDGE: And for the information and governance of
15:24:48 20 the public, reference will be made in the course of the evidence
21 of this witness to the word "New York". It does refer to the
22 village where the -- it is a pseudonym for the village where the
23 witness is coming from and obviously it is not the city of
24 New York. So if reference is made to that it is to be understood
15:25:08 25 to be a pseudonym for the real village where the witness is
26 coming from. Thank you.

27 Mr Prosecutor, you may proceed.

28 MR WERNER: Thank you, Your Honour.

29 Q. Mr Witness, from 1996 to 2000 what did you do as a civilian

1 commander?

2 A. What my work was?

3 Q. What were your duties, if any?

4 A. Whatever thing they needed, they will tell us and then we

15:26:18 5 will explain to the civilians. Including jobs, when they want to

6 do something, if they needed something, if they needed tools they

7 will explain to us.

8 JUDGE ITOE: They who? Be specific, please. "They",

9 "they", "they", "they".

15:26:25 10 MR WERNER: Yes, sir. I was just having the witness finish

11 his sentence. I will clarify that, Your Honour.

12 THE WITNESS: The RUF rebels.

13 MR CAMMEGH: I apologise for interrupting my friend.

14 Mr Gbao has asked if he could briefly leave to use the restroom.

15:26:49 15 PRESIDING JUDGE: Yes, he may. Thank you, Mr Cammegh.

16 MR WERNER:

17 Q. Mr Witness, how did instructions get passed to you?

18 A. The way I received it?

19 Q. Yes.

15:27:39 20 A. The commander that was with us in Kailahun will tell us

21 what to do and then we would tell our people.

22 Q. And who, Mr Witness, who was that commander?

23 A. The commander that was the go-between the civilians and the

24 RUF fighters was C0 Augustine Gbao.

15:28:52 25 Q. Who was C0 Augustine Gbao?

26 A. C0 Augustine Gbao was the G5 commander.

27 Q. When was he the G5 commander?

28 A. Beginning from 1995 till 1996 he was the G5 commander.

29 Q. Did he hold any other position after that in the RUF,

1 Mr Witness?

2 A. Him, Augustine Gbao?

3 Q. Yes.

4 A. Yes.

15:30:04 5 Q. Which one?

6 A. When he left that position he was made the chief security
7 officer.

8 Q. Do you remember when that happened, which year?

9 A. I believe since the end of 1996 going to 1997 he was in
15:31:04 10 that position. In 1997 he was chief security officer. He was in
11 that position till 1999.

12 Q. Now, Mr Witness, did Augustine Gbao report to anyone?

13 A. Well, yes.

14 Q. To whom did he report?

15:32:07 15 A. I according to what he told us, the civilians, he reported
16 to Sam Bockarie.

17 Q. Did he report to anyone else?

18 A. Yes, and CO Issa Sesay.

19 Q. Did he report to anyone else?

15:32:36 20 A. Yes, and Morris Kallon.

21 Q. Mr Witness, you talked about Sam Bockarie. Who is
22 Sam Bockarie?

23 A. Sam Bockarie, Mosquito is the same name. He was the big
24 commander apart from Pa Sankoh.

15:33:27 25 Q. You told us about Issa Sesay. Who is Issa Sesay?

26 A. From Sam Bockarie was Issa Sesay. Issa Sesay was
27 Sam Bockarie's deputy.

28 Q. And you told us about Morris Kallon. Who is Morris Kallon?

29 A. According to the position they held, like they explained to

1 us, Morris Kallon was next to Issa Sesay. Augustine Gbao was
2 next to Morris Kallon. There were several other commanders but
3 those ones I've mentioned had the bigger positions.

15:34:52 4 Q. Now, Mr Witness, you answered this question in relation to
5 Sam Bockarie, but how do you know Augustine Gbao was reporting to
6 Morris Kallon and Issa Sesay?

7 MR JORDASH: Sorry to get to my feet. Could I invite my
8 learned friend to specify a date. We've had hierarchy, we are
9 dealing with reporting. We could be in any time frame from '91
15:35:19 10 to 2000.

11 PRESIDING JUDGE: Well, I thought it was from '97 up
12 to '99. Anyhow, you may be -- because the witness has been
13 describing Gbao being chief security officer and describing the
14 situation then. So I took it to be, but greater clarity can only
15:35:35 15 assist.

16 MR JORDASH: Thank you.

17 MR WERNER: I have the same understanding but I am happy to
18 clarify.

19 PRESIDING JUDGE: Please do.

15:35:46 20 MR WERNER: I will.

21 Q. Mr Witness, you told us that Augustine Gbao reported to
22 Morris Kallon, Issa Sesay and Sam Bockarie. When was that, in
23 which time frame?

24 A. Beginning with the time he was in the G5 position till when
15:36:24 25 he held the chief security position.

26 Q. So was it until 1999, because you told us that Augustine
27 Gbao was chief security officer until 1999?

28 A. Yes.

29 Q. So let me repeat the last question. How do you know Gbao

1 was reporting to Kallon and Issa Sesay? How do you know that?

2 A. How I came to know?

3 Q. Yes, yes.

4 A. The year called 1996, those of us who were civilian

15:37:39 5 commanders, he called us all to come to Kailahun.

6 Q. Mr Witness, sorry to interrupt you, but you said --

7 A. When we were in Kailahun.

8 Q. "He called us." Who are you talking about?

9 A. CO Gbao.

15:37:48 10 Q. Please carry on.

11 A. So, he called us, the civilian commanders, to come to
12 Kailahun. So that whatever orders he will give to us, like to do
13 a particular job or to give something, we will be there and then
14 he will inform us. He will not find it difficult to inform us.

15:38:31 15 So that we too will tell our people.

16 Q. Sorry to interrupt you again but, before you carry on, let
17 me repeat my question just for you to try to answer as precisely
18 as you can my question. My question was: How do you know Gbao
19 was reporting to Morris Kallon and Issa Sesay? How do you know
15:38:52 20 that?

21 A. How I came to know that, he told us in a meeting.

22 Q. Who told you?

23 A. CO Augustine Gbao.

24 Q. Now, Mr Witness, you told us that CO Augustine Gbao held
15:39:31 25 the function of chief security officer until 1999. Did anyone
26 hold this function after him in the RUF, as far as you know?

27 A. Yes.

28 Q. And who did that?

29 A. He was called Martin George.

1 Q. Now, Mr Witness, you told this Court that you were in
2 New York in the beginning of 1996. Did you stay in New York
3 throughout 1996?

4 A. No.

15:40:41 5 Q. So where did you go?

6 A. I went to Kailahun.

7 Q. When you say Kailahun, are you referring to Kailahun Town
8 or Kailahun District?

9 A. Kailahun Town.

15:41:09 10 Q. Why did you move to Kailahun Town?

11 A. In the war, a civilian, you will not have a way on your
12 own. The man who was in charge of us, CO Augustine Gbao, said
13 we, the civilian commanders, should be in Kailahun. That was why
14 I was in Kailahun.

15:42:06 15 Q. Did CO Augustine Gbao explain why the civilian
16 representatives should move to Kailahun Town?

17 A. Yes.

18 Q. What did he say?

19 A. He said those of us who were civilian commanders to be in
15:42:47 20 Kailahun so that if we are in Kailahun, whatever thing they
21 needed in support of the war, he will be able to hold a meeting
22 with us so that we too would inform our people. That was the
23 reason why we were in Kailahun.

24 Q. And when you say, "whatever thing they needed in support of
15:43:11 25 the war," who are you talking about?

26 A. That whatever the RUFs needed to pursue the war, they would
27 tell us, the civilians, then we too would tell our people and
28 then we would subscribe what they needed to pursue the war.

29 Q. We will talk about that in a minute. Let me ask you this

1 question before. How many civilian commanders were appointed for
2 Kailahun District?

3 A. I can't answer the question about Kailahun District. I
4 will be able to answer a question about the Luawa Chiefdom. We,
15:44:31 5 the civilians, were there about 100. Men and women.

6 Q. So 100 for Luawa Chiefdom; correct?

7 A. We were more than that.

8 JUDGE ITOE: More than 100 what?

9 MR WERNER: More than 100 civilians commanders for Luawa
15:44:44 10 Chiefdom appointed by the RUF.

11 THE WITNESS: Yes. We are more than that.

12 PRESIDING JUDGE: It is more than 100 civilian
13 commanders --

14 MR WERNER: Yes, Your Honour.

15:45:21 15 PRESIDING JUDGE: -- appointed by the RUF, this is what you
16 are saying? And this more than 100 commanders were all in
17 Kailahun?

18 THE WITNESS: Yes. Yes.

19 MR WERNER:

15:45:54 20 Q. Mr Witness, did anything happen when you moved to Kailahun
21 Town?

22 A. Yes.

23 Q. What happened?

24 A. Well, in 1996 our commander called us in the Kailahun court
15:46:24 25 barri and held a meeting with us. Mr CO Augustine Gbao.

26 Q. Did you attend this meeting yourself?

27 A. Oh, yes. Many.

28 Q. Now we are talking about 1996. What happened at these
29 meetings?

1 A. Mr Gbao used to call us to meetings when we were in
2 Kailahun so he will tell us, the civilian commanders, to inform
3 our people that we should give subscriptions to support the war,
4 that we should cultivate a farm to support the war. Upland farm
15:48:13 5 and a swamp land farm, and that was what happened. That was what
6 we used to discuss in those meetings and the women should go out
7 to fishing.

8 Q. Now, in those meetings in 1996, was anything said about
9 what would happen if the men didn't go to do this farming or the
15:49:01 10 women did not go to fish - the women didn't go fishing?

11 A. Yes. If you refused to go, if a woman refused to go to
12 fish, if you, the man, refused to go hunting --

13 THE INTERPRETER: Your Honours, the witness has mentioned
14 something that was not very clear. Can he be asked to repeat the
15:49:53 15 last bit of his answer?

16 PRESIDING JUDGE: Mr Witness, can you repeat the last part
17 of your answer about the refusal to go hunting or fishing?

18 THE WITNESS: Okay. When C0 Gbao informed us about those
19 things, a civilian, if you refused to go to do that work or to go
15:50:37 20 out hunting or to brush a farm, or to brush a swamp, or to
21 transport properties, you would be in trouble. You would prefer
22 death to be alive. You will be preferring death than to being
23 alive.

24 MR WERNER:

15:51:39 25 Q. Now, Mr Witness, you told us about instruction for the men
26 to prepare farms and for the women to go fishing. Was anything
27 else said in these meetings with C0 Gbao in 1996 in Kailahun
28 Town?

29 A. Yes.

1 Q. What else was said?

2 A. To transport property.

3 Q. [Microphone not activated] anything else?

4 PRESIDING JUDGE: Maybe you should repeat the question.

15:52:50 5 MR WERNER: Yes, I will.

6 Q. Was anything else said?

7 A. Okay. Please repeat your question.

8 Q. Sure. Was anything else said in these meetings with

9 CO Gbao?

15:53:03 10 A. Yes.

11 Q. What else was said?

12 A. We contributed palm oil.

13 Q. Who are "we"?

14 A. We, the civilians.

15:53:42 15 Q. For whom did you contribute palm oil?

16 A. For the RUFs. And cacao.

17 Q. Now, Mr Witness, talking about you, did you do anything as
18 a result of these meetings yourself?

19 A. Yes.

15:54:34 20 Q. What did you do?

21 A. After those meetings in Kailahun Town, we were returned to
22 our homes and gather our people together and explain to them that
23 this is what Mr Gbao has asked us to give.

24 Q. When did you do that, Mr Witness?

15:55:25 25 A. Whenever such meetings were held, we would go back to our
26 villages and explain to them. It was our responsibilities.

27 Q. In which years, Mr Witness, did that happen?

28 A. In 1996 Mr Augustine Gbao did hold meetings with us
29 pertaining to those things.

1 Q. Did that happen at any other times?

2 A. And in 1997. He held meetings with us almost always. And
3 in 1998.

4 Q. And any --

15:56:42 5 A. And in 1999.

6 Q. Now, Mr Witness, you told us what you did in 1996 as a
7 result of this meeting. You told us that you went back to your
8 village and talked to your people. Did you do that as well
9 in 1997, 1998 and 1999?

15:57:17 10 A. Yes. All of them I did. Would I say I wasn't going to do
11 it?

12 Q. Sorry, I didn't get that. Could you just repeat your
13 answer, Mr Witness, your last answer?

14 A. I said I did it. Nobody will say they wouldn't do it. I
15:57:36 15 did do it.

16 Q. So could you explain to us these meetings you had back in
17 your village after the meeting in Kailahun Town? What happened
18 in these meetings?

19 A. When we held those meetings in Kailahun, when I returned to
15:58:38 20 New York, the town cryer would assemble the people. Then I would
21 explain to them what had transpired at the meeting. If he had
22 said we should subscribe cacao, we would dispute it among
23 ourselves. I would be the first person to subscribe.

24 Q. When you say "if he had said", who are you talking about?

15:59:01 25 A. CO Gbao himself.

26 Q. What happened after that? After that speech that you did
27 when you came back to your village, did anything happen as a
28 result of that?

29 A. Oh, yes. Something would happen after that. The thing

1 that would happen after that is nothing else. He would share the
2 things amongst us. If he had said that we should subscribe
3 cacao, that's what we would subscribe. I would share it among my
4 colleague civilians and we would provide it.

16:00:18 5 Q. So let's talk then about cacao, Mr Witness. Did the
6 civilians of New York from 1997 to 2000 deliver anything?

7 A. Yes.

8 Q. What did they deliver?

9 A. The thing that we, the civilians, subscribed was -- were
16:00:54 10 cacao, palm oil, we would go hunting and we would provide meat
11 and we would farm. We would transport properties.

12 Q. I would like to go into some specifics, Mr Witness. My
13 question was about cocoa. So you told us you came back to your
14 village and you had these meetings and then things happened as a
16:01:48 15 result. So what did happen exactly, if you can try to be
16 specific, if you can, concerning cocoa during that year 1996
17 to 1999?

18 A. We would share these things among our colleague civilians.
19 For instance, five civilians would provide two bushels, dried
16:02:31 20 ones. Sometimes if he said ten bags of cacao or 20 bags of
21 cacao, we would go all out to get it, we, the civilians, and we
22 would provide that.

23 Q. And when you say, "When he said," who are you talking
24 about?

16:02:49 25 A. Mr Augustine Gbao.

26 Q. Okay. So can you remember if he said anything concerning
27 cacao from 1996 to 1999? Can you remember if he said anything
28 for you village?

29 A. Yes, we were subscribing cacao.

1 Q. Do you remember the quantities, Mr Witness?

2 A. It was not static, that he would say you would give this
3 exact number of bags of cacao. Sometimes he will show a number
4 that would be more than what he had earlier shown. So in '96 we
16:03:39 5 subscribed 10 bags in New York.

6 Q. Did it happen in any other times than 1996?

7 A. Yes.

8 Q. When did that happen?

9 A. '97.

16:04:05 10 Q. Can you remember the quantities?

11 A. We subscribed 15 bags.

12 Q. Did that happen at any other time?

13 A. Yes, in '98.

14 Q. And did that happen at any other time?

16:04:40 15 JUDGE ITOE: In '98 how much was supplied?

16 MR WERNER: Sorry, Your Honour.

17 Q. What was the quantity, the requirement for 1998?

18 A. 1998, 15 bags. The double bags, the PK bags.

19 Q. And concentrating on civilians of New York, are you able to
16:05:36 20 say how many -- about how many civilians had to work to meet this
21 requirement concerning the cacao?

22 A. The civilians who were in New York?

23 JUDGE ITOE: Supplies, supplies, supplies. Supplied to
24 who?

16:06:01 25 MR WERNER: I will clarify that, Your Honour.

26 Q. You told us how there was requirement for cacao to be
27 supplied. To whom did you -- the civilians of New York supply
28 these goods?

29 A. They said RUF. But the commander who was over all the

1 civilians and the soldiers, it was CO Gbao. He was the one that
2 we handed these things over to.

3 Q. How did you deliver this cocoa to CO Gbao?

4 A. The way we handed it over to him, the cacao, at that time
16:07:01 5 the PK bags were not many so we would use the clothing of our
6 wives. At that time they did not have enough clothing, so we
7 would use the clothing of our wives. I mean, he was in
8 Gbanyawalu. I said that was a section in Kailahun.

9 Q. So coming back to the previous questions, if I may,
16:07:31 10 Mr Witness. How many civilians did work in '96, '97, '98, in
11 New York to meet these requirements concerning cacao?

12 A. We were over 400 from New York. But we were in the zoo
13 bushes, they wouldn't allow us to be in the towns. In New York
14 we were in the outskirts, outskirts, the bushes, the zoo bushes.

16:08:04 15 Q. You said that the civilians had to carry this cacao to
16 Kailahun Town. How many civilians? How was this cacao brought
17 to Kailahun Town?

18 A. We were over 200. We would carry them on our heads,
19 together with our wives.

16:09:03 20 PRESIDING JUDGE: Is it 200 that includes your wives, or it
21 is 200 plus your wives?

22 THE WITNESS: We carried these loads on our heads with our
23 wives from New York to Kailahun to CO Gbao.

24 PRESIDING JUDGE: But you were saying that you were
16:09:28 25 over 200. When you say you were over 200, that included your
26 wives?

27 THE WITNESS: With our wives.

28 MR WERNER:

29 Q. Now, Mr Witness, in New York in '96 to '99 was anything

1 else produced by the civilians?

2 A. Yes.

3 Q. What else?

4 A. We subscribed palm oil.

16:10:13 5 Q. When was it?

6 A. We subscribed palm oil in '96. In '97 as well and '98.

7 Q. Any other time?

8 A. And '99.

9 Q. And what would be the requirement in terms of quantities
16:11:08 10 concerning the palm oil, if you can say?

11 A. We provided four drums of palm oil in New York.

12 Q. When you said drum, what are you talking about? How many
13 gallons in one drum?

14 A. In one drum --

16:11:50 15 JUDGE ITOE: How relevant is that?

16 MR WERNER: If that is clear for Your Honours I will move
17 on.

18 JUDGE ITOE: If you have an answer you can put it to him.

19 MR WERNER: It's not my metric system.

16:12:12 20 MR JORDASH: Sorry to jump up. I would like to know, with
21 Your Honour's leave, so that I have an idea of the quantity we
22 are talking about.

23 PRESIDING JUDGE: Okay, that's fine.

24 JUDGE ITOE: Okay, that's fine.

16:12:21 25 MR WERNER:

26 Q. Mr Witness, if you can, do you know -- and I'm talking
27 about what happened in New York at that time. You said that you
28 had to deliver a number of drums. How many gallons in a drum,
29 according to you?

1 THE INTERPRETER: His microphone has been switched off.

2 PRESIDING JUDGE: Mr Witness, can you open your microphone.

3 Yes, that's fine, thank you.

4 MR WERNER:

16:13:11 5 Q. Do you need me to repeat the question, Mr Witness, or can
6 you answer my question?

7 A. Yes.

8 PRESIDING JUDGE: Repeat your question.

9 MR WERNER:

16:13:24 10 Q. Do you know how many gallons can be contained in one drum?

11 A. If I were talking about jerrycans filled to the brim, there
12 are some which take nine and others 10.

13 Q. Jerry cans.

14 PRESIDING JUDGE: You are talking of jerrycans of nine or

16:13:56 15 10 gallons? No. You mean nine or 10 jerrycans to a drum?

16 THE WITNESS: Yes.

17 PRESIDING JUDGE: Okay.

18 MR WERNER:

19 Q. And about how many civilians from New York --

16:14:18 20 PRESIDING JUDGE: What's the size of a jerrycan? Five
21 gallons?

22 MR WERNER:

23 Q. Mr Witness, do you know when you say about jerrycans -- I
24 am just trying to figure out --

16:14:30 25 A. Two jerrycans --

26 THE INTERPRETER: There is a confusion here. The witness
27 is using some synonyms that are not clear to us here.

28 PRESIDING JUDGE: Mr Witness, could you repeat your answer
29 again. The interpreters have some difficulties so can you just

1 repeat the last answer about jerrycans.

2 THE WITNESS: Five gallons.

3 MR WERNER:

4 Q. For one jerrycan?

16:15:03 5 A. Yes, for a jerrycan.

6 PRESIDING JUDGE: Thank you. So a jerrycan is 5 gallons
7 and you take 9 to 10 jerrycans to a drum. Is that what you are
8 saying?

9 THE WITNESS: This jerrycan that My Lord is talking about,
16:15:37 10 there is this one that is pole to pole. In fact two of those
11 jerrycans go into the pole to pole.

12 MR WERNER: Maybe it will be clearer if I ask how many
13 people have --

14 [RUF07MAR06F - RK]

16:16:02 15 PRESIDING JUDGE: Because Mr Witness, you've been talking
16 of drums of palm oil, so that is why I'm asking about jerrycans
17 and drums so I have some understanding. So when you say, you
18 have used a jerrycan as the quantity, how many jerrycans would
19 you put in one of those drums?

16:16:27 20 THE WITNESS: What you are talking about jerrycans. And
21 these jerrycans and the batter they are not the same. And I
22 don't want to answer a question that would entangle me and you
23 would think I'm telling lies.

24 PRESIDING JUDGE: We're not trying to entangle you. We are
16:16:48 25 just trying to understand. Because you have said that you were
26 providing four drums of palm oil.

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: So we're trying to understand what is the
29 quantity contained in one drum.

1 THE WITNESS: Ten batter go into a drum. Two jerrycans
2 make one batter?

3 PRESIDING JUDGE: Good. Thank you. You may proceed.

4 MR WERNER: Thank you, Your Honours.

16:17:29 5 Q. Mr Witness, now, when you talked about four drums of palm
6 oil, what are you talking about? Is it for one year or for when
7 was it required?

8 A. That palm oil drum it's for a season, it's for a year.

9 Q. And which year are we talking about again?

16:18:02 10 A. We subscribe palm oil in 1996, four drums; 1997, four
11 drums; in 1998, too, we provided palm oil, four drums.

12 Q. And you are still talking about the civilians from
13 New York; right?

14 A. Yes, my hometown New York, that's where we are talking
16:18:28 15 about. No other place else.

16 Q. So for 1996, 1997, 1998, how many civilians from New York
17 had to work to meet this requirement?

18 A. Because in New York the crowd -- there was -- there were
19 more people there than the other places in Luawa. Those of us in
16:19:01 20 Luawa were 400, more than 400, because there are displaced people
21 among us.

22 Q. Mr Witness, without giving us too many details about New
23 York. I'm going to repeat my question. If you can tell us, do
24 you know about how many people about from 1996, 1997, 1998, did
16:19:21 25 work to meet this requirement?

26 A. We were more than 500. We, the civilians.

27 Q. Now, were these goods delivered?

28 A. Yes, they were.

29 Q. Who whom -- where were they delivered?

1 A. We did give these things to Mr Gbao.

2 Q. Where?

3 A. In Kailahun.

4 Q. How were they transported there?

16:20:13 5 A. We carried them on our heads.

6 Q. How many people had to do that to carry the result of the
7 requirement for one year?

8 A. We were up to 200 who would carry these things along.

9 Q. Now, Mr Witness, did you, as a civilian commander of
16:20:46 10 New York, during these meetings with the civilians from New York,
11 did you tell them anything else? You told us about palm oil and
12 cacao. Did you tell them anything else?

13 A. Yes.

14 Q. So what else?

16:21:15 15 A. We did go hunting for meat.

16 Q. Who did that?

17 A. We, the civilians.

18 Q. When did you do that? Which year?

19 A. Starting from 1996 up to 2000.

16:21:53 20 Q. And how many times a year did you do that?

21 A. If I say I'm going to count now, I wouldn't want to tell
22 lies because hunting -- whenever they said we should go hunting
23 we would do it. So we used to do it frequently.

24 Q. Fine. Frequently for which year? For all the years that
16:22:31 25 you told us about?

26 A. Yes.

27 Q. All right. And can you just tell us what does that mean,
28 frequently in a year?

29 A. For instance, today, the commander who would be here if he

1 says today you go hunting, you would have to go. There is no
2 specific day. And there is no specific week saying this week you
3 would go hunting or this week you don't go. You would do it
4 whenever.

16:23:21 5 Q. Fine. Did you say anything else to the civilians of
6 New York in these meetings that you had? You told us about palm
7 oil, you told us about cacao, you told us about hunting, did you
8 tell them anything else?

9 A. Yes.

16:23:43 10 Q. What did you say?

11 A. We cultivated a farm, a rice farm.

12 Q. When you say "we", who are you talking about?

13 A. We, the civilians.

14 Q. Why did you cultivate a farm?

16:24:14 15 A. When Mr Gbao said we should cultivate a farm to support the
16 war, we would do the farming, the RUF farming, we, the civilians.

17 Q. How many civilians did cultivate a farm?

18 A. We were up to 200 to 300. More than that even.

19 Q. Did anything happen as a result of the civilians
16:24:57 20 cultivating farms?

21 A. Yes.

22 Q. What happened?

23 A. The civilians would not refuse -- would not be reluctant to
24 do that job and were doing it and gunmen would be guarding us.

16:25:42 25 Q. Could you describe what do you mean by that, Mr Witness?
26 Could you describe that process?

27 A. We worked -- we farm, we did the RUF farming. It is an
28 upland farming.

29 Q. What do you mean by RUF farming?

1 A. The warrior who came there said we should farm to support
2 the area. So we did that farming, the RUF farming and we farmed
3 for Mr Issa and he said we should farm for ourselves.

4 Q. Who said you should farm for yourselves?

16:26:54 5 A. The commander who was over us; Mr Gbao.

6 Q. And you told us about RUF farm and now you told us about
7 private farms, so let's take that in stages. How were these RUF
8 farms organised?

9 A. The RUF farms -- Mr Gbao, whenever he calls us to a meeting
16:27:33 10 and he says we should do the war farming and that we should do
11 our own farming, that RUF farm, when we returned to our
12 hometowns, we would do that job and our own job.

13 Q. Okay. So you say you would do that job and our own job.
14 So let's -- I want to concentrate for one second about the RUF
16:28:14 15 farms. How were they organised? Can you talk about the
16 organisation of these RUF farms?

17 A. This RUF farm, we would do it and gunmen keeping guard over
18 us. And we, the civilians, when we would be working they
19 wouldn't feed us. We would not eat any food there. And we did
16:29:12 20 not do it freely. At all times the RUF boys would be behind us
21 and they would prescribe the time that we would stop working. So
22 that is how we did that work.

23 Q. You said -- Mr Witness, you said, "They wouldn't feed us."
24 Who are they?

16:29:39 25 A. The RUF. This very commander who would tell us to do the
26 farming, Mr Gbao, he wouldn't feed us.

27 Q. And you said, "We did not do it freely," what do you mean
28 by that?

29 A. They would force us and ask us to do the RUF farming and if

1 that person is wielding a gun, whatever he commands you to do you
2 would have to do. That is why I said we were not doing it
3 freely.

4 Q. And when you said, "They would force us," who are they?
16:30:49 5 Who are you talking about?

6 PRESIDING JUDGE: He has already said that the RUF boys
7 were behind them.

8 JUDGE THOMPSON: Yes, the records seem to suggest -- it
9 seems as if the suggestion, expressly and implied, was this was
16:31:00 10 not a voluntary exercise.

11 MR WERNER: Very well, Your Honour.

12 PRESIDING JUDGE: It is 4.30. It is the usual time for the
13 afternoon recess. So we will recess now and come back after.
14 Thank you. Court is in recess.

16:31:52 15 [Break taken at 4.32 p.m.]

16 [Upon resuming at 5.00 p.m.]

17 PRESIDING JUDGE: Yes, Mr Prosecutor, you may resume your
18 examination-in-chief of this witness.

19 MR WERNER: Thank you, Your Honour.

17:01:28 20 Q. Mr Witness, before the break, you told us about
21 governmental farms; do you remember?

22 THE INTERPRETER: Could learned counsel please repeat the
23 question.

24 MR WERNER: It is my French accent. I apologise for that.

17:01:56 25 Q. You told us about governmental farms?

26 JUDGE ITOE: The accent of Moliere.

27 MR WERNER: Not quite, unfortunately.

28 A. Yes.

29 Q. Mr Witness, how many civilians were working on these

1 governmental farms?

2 A. I am talking about New York.

3 Q. Yes?

4 A. Those of us who were in New York, we, the civilians who
17:02:31 5 were doing the RUF farms, we were more than 200.

6 Q. Okay. And --

7 PRESIDING JUDGE: When you say RUF farms, is government
8 farms or governmental farms the same as RUF farms or are we
9 talking about two different things, Mr Witness?

17:02:55 10 THE WITNESS: Yes.

11 PRESIDING JUDGE: It is the same thing?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Okay, thank you.

14 MR WERNER:

17:03:06 15 Q. When you said 200, for which year in New York are you
16 talking about?

17 A. 1996, we cultivated the RUF farm in New York. We were more
18 than 200. In 1997, the RUF farm that we cultivated we were more
19 than 400. I'm talking about New York, no other place else. In
17:03:45 20 1998, it is the same. The population was -- we are having more
21 people because they were capturing people and bringing them.

22 Q. What quantity of rice was produced in those years in
23 New York?

24 A. Oh, barns of rice.

17:04:32 25 Q. Are you able to give a figure or you are not able?

26 A. For us traditionally when we talk about barns, for
27 instance, when we harvest the rice, the bundle of rice when we
28 harvest the rice it is a very large bundle. Sometimes it's a
29 thousand of those bundles that make up a barn. Sometimes, in a

1 particular year, sometimes we would build four barns for the RUF
2 farm.

3 Q. Mr Witness, are you talking about barns or band?

4 A. I am talking about barns.

17:05:52 5 JUDGE THOMPSON: B-A-R-N-S, that is what it is. Barns.

6 MR WERNER:

7 Q. Did anything happen once this rice was harvested,
8 Mr Witness?

9 A. We would take all to Mr Gbao in Kailahun.

17:06:24 10 Q. In which year are we talking about now?

11 A. 1996 we cultivated an RUF farm. We carried it on our heads
12 to him in Kailahun. In 1997 we cultivated a farm. In 1998 we
13 cultivated a RUF farm. Up to the end of this war we always
14 cultivated the RUF farm. It was the responsibility of us the
17:06:57 15 civilians to the end of the war.

16 Q. You said that in 1996 you carried that rice to Kailahun
17 Town. Did you do that as well as in 1997 and 1998? Did the
18 civilians from New York do that as well in 1997 and 1998?

19 A. Yes.

17:07:18 20 JUDGE ITOE: End of the war.

21 MR WERNER:

22 Q. Did they do that in any other times?

23 A. From 1996 we continued doing it. In fact we did a large
24 farm that yielded over 100 bushels between Kailahun and Pendembu.

17:07:45 25 So that people can go there and see it so that everybody will
26 know I'm not telling lies.

27 Q. Now, Mr Witness, you talked of governmental farms. Were
28 there other farms in New York?

29 A. Oh, yes, but I'm talking about mine, where RUF had

1 liberated, we cultivated farms there. But I'm talking about my
2 own village, New York.

3 Q. Yes, but in New York, you told us about government farms in
4 New York. Now my question is: In New York were there other
17:08:58 5 farms other than governmental farms?

6 PRESIDING JUDGE: You mean during 1996 to 1998?

7 MR WERNER: Yes. Yes.

8 THE WITNESS: Oh, yes. We, the civilians, had our farms.

9 Q. What happened in the farms of the civilians in these farms,
17:09:30 10 what happened?

11 A. They would just say these farms are for civilians, but they
12 would take everything from us so we had nothing on our own,
13 including -- in addition to the RUF farm which we cultivated.

14 Q. When you say "they," who are "they"? "They" were taking,
17:09:56 15 who are you talking about?

16 A. The RUF.

17 Q. And which year are we talking about now?

18 A. Every year that we cultivated the RUF farm they would tell
19 us to -- cultivate it, cultivate it -- no, I beg your pardon,
17:10:21 20 they would tell us to cultivate our own farms. They would wait
21 until we finished cultivating our farm, when it's time to harvest
22 they would wait for us to harvest everything and would take it in
23 addition to the RUF farm to the barns.

24 Q. And in New York how many --

17:10:54 25 JUDGE THOMPSON: Slowly. Let's get that.

26 MR WERNER: Sorry, Your Honour.

27 JUDGE THOMPSON: In other words, you're saying that even
28 your own products harvested from your farms were appropriated by
29 the RUFs.

1 THE WITNESS: Yes.

2 MR WERNER:

3 Q. What years did that happen, Mr Witness?

17:11:47

4 A. The same years that I have been recounting. Nobody had
5 anything on his own.

6 Q. Now, Mr Witness, you talked about governmental farms in
7 New York. You talked about just now the private farms. Were
8 there any other farms in New York?

9 A. Yes.

17:12:46

10 Q. Which other farms?

11 A. We would farm for Issa, apart from the RUF farm. We used
12 to farm for CO Gbao apart from this RUF farm. We used to farm
13 for Sam Bockarie, Mosquito, apart from the RUF farm.

14 Q. When did that happen, Mr Witness?

17:13:41

15 A. The farming for Issa, it started in 1995. All this that
16 I'm talking about is in relation to New York and no other place
17 else, because where you would settle, that is the place you
18 should talk about.

19 Q. So did the civilians from New York work there in any other
20 time than 1995, Mr Witness?

17:14:24

21 A. I said the farming we started it in 1995 for these
22 commanders whom I have named, onwards.

23 Q. So?

24 JUDGE ITOE: He only said Issa and not for other commanders
25 in 1995.

17:14:59

26 JUDGE THOMPSON: Did he also mention the third accused?
27 Did he mention that? And also Sam Bockarie? Three commanders.

28 JUDGE ITOE: Yes, he did, but when he came to specifying,
29 he said he started farming for Issa in 1995.

1 JUDGE THOMPSON: In 1995. [Overlapping speakers].

2 MR WERNER: I will take the note, Your Honours.

3 JUDGE THOMPSON: In New York, yes. Ask him.

4 MR WERNER:

17:15:24 5 Q. So let's talk now about the farm for Issa. You said that
6 civilians from New York started that farm in 1995 and you said
7 1995 onwards. Can you try to assist this Court and tell us when
8 did that end?

9 A. Issa's farming, it was all-inclusive in the RUF farm.

17:16:04 10 Q. What do you mean, Mr Witness?

11 A. Just like I said awhile ago when I was talking, I said the
12 farming that started in 1995 started with Issa. We started doing
13 a farm for him. So when we started doing it in 1996, we farmed
14 for Issa, Sam Bockarie and Mr Gbao. In 1997 we did it again. In
17:16:45 15 1998 we did it again. In 1999 we did it again. The one we did
16 in 2000, it was done on the main highway before the war could
17 end. That was more than 100 bushels.

18 THE INTERPRETER: He has used an expression that is not
19 clear. Can he please repeat?

17:17:21 20 PRESIDING JUDGE: Mr Witness, can you repeat the last
21 expression you used?

22 THE INTERPRETER: This last one.

23 THE WITNESS: The one we combined with those from
24 Kissi Tongi, Kissi Kama Chiefdom, we did it together. Kissi Teng
17:17:47 25 Chiefdom, we did it together with them. Luawa Chiefdom, Upper
26 Bambara Chiefdom, and Malema Chiefdom and Dia Baiwala. We did
27 that farming together on the main highway towards the end of the
28 war.

29 PRESIDING JUDGE: This is the last farming that you're

1 talking about [microphone not activated].

2 THE WITNESS: Yes, sir.

3 PRESIDING JUDGE: Mr Witness, you said 1996, 1997, 1998,

4 1999 and 2000 you did this farming for Issa, Bockarie, Gbao as

17:18:32 5 part of -- did you say inclusive in the RUF farming? Can you

6 explain what you mean by this? Do you mean when you were doing

7 RUF farming, that is what you meant?

8 THE WITNESS: Just as the men there that were doing it for

9 him, but when we continued doing it, it stopped in 1999. That is

17:18:54 10 when we said it should all become CO Issa's farm. But in all

11 those years, 1995, 1996, 1997, 1998, we were doing it for those

12 individual commanders. It was in 1999 that we combined them.

13 PRESIDING JUDGE: Only in 1999 it became RUF farming, but

14 before that it was Issa, Bockarie and Gbao? Were you doing

17:19:34 15 separate farming for each and every one of them?

16 THE WITNESS: No, there was an RUF farm separate and these

17 commanders whom I have named, we would farm for them separately.

18 PRESIDING JUDGE: Okay. Thank you.

19 MR WERNER:

17:19:58 20 Q. How many civilians would work on these private farms?

21 A. You mean our own farms?

22 Q. No, no, the private farms for the commanders you have

23 named, before they were combined, before 2000. 1996 to 1999, how

24 many civilians worked on these farms?

17:20:29 25 A. Oh, mister, we were over 400 in those commanders' farms.

26 We were over 400 in number.

27 Q. Mr Witness, did you ever see any of these farms for

28 individual commanders? Did you ever see any of those yourself?

29 A. We were doing the cultivation there, yes. If it comes to

1 swamp land farming or upland farming, we were the ones doing it.

2 Q. Which one are you talking about? You talked about private
3 farms for three different commanders, so which one did you see
4 yourself?

17:21:59 5 A. I saw Mr Gbao's farm; we brushed it. I saw Issa's farm; we
6 brushed it. I saw Sam Bockarie's farm and we brushed it. This
7 one farm that was cultivated by Issa, he did it in my home
8 village, New York. Up to now, it carries his name, Issa's Swamp.

9 Q. Now, talking about the one civilians did for Issa Sesay
17:23:00 10 which is, as you said, the swamp farming in New York, did you
11 see -- you said working there. Did you see anyone you can
12 remember when you were working there for the years 1996 to 1999?

13 A. Repeat your question.

14 Q. What did you see, Mr Witness? What did you see in New York
17:23:41 15 in the private farm of Issa Sesay? What did you see?

16 A. Kids used to come that kept guard over us, RUF kids,
17 carrying guns.

18 Q. Do you know the name of any of them that you saw there?

19 A. Yes.

17:24:53 20 Q. Please could you tell to this Court the name that you
21 remember?

22 A. There was a boy whom they called -- his rebel name was
23 Boys, but his real name was Musa Vandí.

24 Q. Pause.

17:25:23 25 A. Because when we were --

26 Q. Who was Musa Vandí?

27 A. He was Mr Issa's bodyguard. Whenever we were brushing
28 Mr Gbao's farm, there was his bodyguard called Korpomeh. He too
29 used to come to keep guard over us.

1 Q. Mr Witness, you told us about Musa Vandí. Did you see
2 anyone else you can remember in New York in the private farm of
3 Issa Sesay?

4 A. Yes. There was a boy whose rebel name was X. His real
17:26:29 5 name was Abdul ai Musa.

6 Q. Who was Abdul ai Musa?

7 JUDGE ITOE: What was his rebel name?

8 THE WITNESS: X.

9 MR WERNER:

17:27:02 10 Q. Mr Witness, who was Abdul ai Musa?

11 A. He was Mr Issa Sesay's SBU.

12 Q. Do you remember anyone else?

13 A. Yes.

14 Q. Who do you remember?

17:27:30 15 A. There was a boy called Moses.

16 Q. Who was Moses?

17 A. He too was Mr Issa Sesay's SBU.

18 Q. Now, Mr Witness, how old were the boys Moses and Abdul ai
19 Musa?

17:28:17 20 A. Abdul ai Musa he was not up to ten years. He was between
21 nine and 11 years.

22 Q. When was that? Which year are you talking about now?

23 A. 1996. Abdul ai Musa. He was very small.

24 Q. What about Musa Vandí?

17:29:04 25 A. Musa Vandí was older than Abdul ai Musa and Moses.

26 Q. Are you able to say about how old he was?

27 A. Musa Vandí, he was between 18 to 20 years.

28 Q. What about Moses?

29 A. Moses was, from what I saw, he was -- he was up to

1 12 years. It was Abdulai who was between nine and ten. He was
2 very small.

3 PRESIDING JUDGE: Between nine and what?

4 THE WITNESS: Eight and ten.

17:30:09 5 THE INTERPRETER: Correction, interpreter. Eight and ten.

6 MR WERNER:

7 Q. When you say that Moses was 12 years old --

8 PRESIDING JUDGE: Up to 12 years.

9 MR WERNER:

17:30:28 10 Q. When was it?

11 JUDGE ITOE: Was he not testifying as to the age when he
12 saw them also?

13 MR WERNER: Yes.

14 Q. When did you see Moses?

17:30:37 15 A. The time that I saw him, when he was 12 years old, up to
16 12 years old, that was in 1996 when I saw him.

17 Q. Did you see Moses after 1996?

18 A. Yes.

19 Q. When?

17:31:21 20 A. I saw Moses in 1997.

21 Q. Now, Mr Witness, the three persons you have told us about,
22 did you see them carrying anything when they came to this swamp
23 in New York?

24 A. Yes.

17:31:55 25 Q. What did they carry?

26 A. Those things which they used to have and that is their guns
27 that they used to carry. We would be working and they would be
28 standing behind us with their guns.

29 Q. Do you know what were they doing there?

1 A. They were supervising the job. You, the civilian, if you
2 refused to work as you were supposed to do, they would give you a
3 very serious beating.

17:32:41 4 MR JORDASH: Could I please register an objection, which is
5 this: There is nothing in the statement I have seen about these
6 boys having weapons. There is nothing in the statement about
7 these boys beating people and I'm just wondering why two
8 straightforward questions in court can elicit that information
9 and yet substantial proofing sessions doesn't elicit it so that
17:33:21 10 it can be disclosed to defence. That is my objection.

11 PRESIDING JUDGE: Mr Prosecutor, your response.

12 MR TOURAY: Before your response, I also wish to add that
13 there is no allegation of physical violence in the Kailahun
14 District so far as the indictment is concerned.

17:33:45 15 MR O'SHEA: Can I just add one more thing which is that my
16 learned friend used the phrase: "Were they carrying anything?"

17 PRESIDING JUDGE: Any response?

18 MR HARRISON: Didn't I hear what Mr Touray said. I'm
19 sorry.

17:34:06 20 PRESIDING JUDGE: There is no allegation about Kailahun
21 district, is it, Mr Touray?

22 MR TOURAY: Yes.

23 PRESIDING JUDGE: No allegations in the indictment about
24 beatings and this kind of mistreatment in the Kailahun District,
17:34:25 25 if I'm not misquoting you. In other words, it is not relevant
26 because there is no allegations about that.

27 JUDGE THOMPSON: [Microphone not activated].

28 PRESIDING JUDGE: One of the difficulties, on the one hand
29 it's 5.30 and we would like to hear these kind of arguments in

1 the absence of the witness, so can we have the witness escorted
2 out of the courtroom.

3 [The witness stood down]

4 MR CAMMEGH: I don't know whether at this late hour Your
17:36:06 5 Honour had wanted to entertain these arguments now, anticipating
6 that they might --

7 PRESIDING JUDGE: No.

8 MR CAMMEGH: -- take some time.

9 PRESIDING JUDGE: No.

17:36:13 10 MR CAMMEGH: In that case, I wonder if I could take this
11 opportunity to submit proposed exhibits as discussed earlier on.

12 PRESIDING JUDGE: The proposed exhibits now are the
13 transcript?

14 MR CAMMEGH: Yes, they are ready.

17:36:25 15 PRESIDING JUDGE: This is the portion of the exhibit
16 consisting of the transcript of the previous witness evidence in
17 the AFRC trial?

18 MR CAMMEGH: Yes, I will be guided by Your Honour on this,
19 I have also prepared one in relation to her testimony in chief
17:36:45 20 last Thursday.

21 PRESIDING JUDGE: In this trial.

22 MR CAMMEGH: In this trial.

23 PRESIDING JUDGE: Well, in this trial it is less because
24 this is really part of -- again, it is not a question of having -
17:36:53 25 we need not to file the one in this Chamber of evidence here as
26 an exhibit because it is part of the evidence in this trial.
27 What is different is whatever evidence that might be in a
28 different trial.

29 MR CAMMEGH: Yes. Your Honour, the document I propose to

1 submit now is derived from the transcript from Monday, the 18th
2 July, Trial Chamber II, the AFRC trial.

3 PRESIDING JUDGE: Yes.

4 MR CAMMEGH: I don't know if Your Honour has a copy before
17:37:21 5 you --

6 PRESIDING JUDGE: I don't.

7 MR CAMMEGH: I will spell it out then. It is page 88,
8 lines 11 to 13 inclusive. They read as follows:

9 "I saw eight corpses there and I was standing right in my
17:37:51 10 presence when Mosquito shot two of them."

11 So that summed up the number to ten corpses.

12 PRESIDING JUDGE: I'm sorry, Mr Cammegh, you said this is
13 July 20th?

14 MR CAMMEGH: No, July 18.

17:38:05 15 PRESIDING JUDGE: 18 and it is page 88?

16 MR CAMMEGH: Page 88, lines 11 to 13 inclusive. Following
17 that --

18 PRESIDING JUDGE: Same date?

19 MR CAMMEGH: Same date. Page 119, lines 27 to 29

17:38:27 20 inclusive.

21 "So the eight corpses that you saw you didn't know them;
22 not so? You just saw their corpses."

23 Well, that is a question which places the following into
24 context and, therefore, we go to page 120, lines 1 to 9

17:38:48 25 inclusive. There is a dialogue between the Prosecutor and the
26 witness there. Which again refers to the specific numbers as to
27 who was already dead and who Mosquito allegedly killed.

28 PRESIDING JUDGE: Was this last part put to the witness
29 when she was giving evidence? I know the page 88, line 11 to 13,

1 I don't have any problem with that. But was this last part put
2 to her at all?

3 MR CAMMEGH: I certainly meant to. It has become a bit
4 fogged in my memory.

17:39:31 5 PRESIDING JUDGE: I don't have that recollection but it may
6 be so.

7 MR CAMMEGH: I honestly don't remember. I certainly
8 prepared it as such, but -- I'm afraid it has been a long day and
9 I honestly I can't remember.

17:39:58 10 [Defence counsel conferred]

11 MR CAMMEGH: I think Mr Jordash is right. I don't think I
12 specifically put the dialogue, but what it refers to is another
13 example of the witness using precisely the same numbers as she
14 did on page 88.

17:40:17 15 PRESIDING JUDGE: No, it not whether she has or has not.
16 The question is I do remember that what you have as her evidence
17 at page 88, line 11 to 13, you put it to that witness and "I read
18 to you here this is what you testified to in the AFRC trial."
19 But I don't recall that you did the same with that last part.

17:40:38 20 MR CAMMEGH: I think Your Honour may well be right. What
21 we have on page 88 is the witness being taken in chief. The
22 excerpt at pages 119 to 120 are derived from the
23 cross-examination on behalf of Brima Bazzy Kamara by Mr Mohamed
24 Fofanah and what it demonstrates is the witness describing the
17:41:09 25 exact name numbers. It maybe this morning - I honestly don't
26 remember - I chose not to go into repetition by putting what she
27 said in cross-examination. But it refers to the same numbers. I
28 think it is probably more sensible that I don't propose to
29 exhibit that.

1 PRESIDING JUDGE: Indeed. I think you will avoid
2 difficulties.

3 MR CAMMEGH: It makes life much simpler. It is therefore
4 just one page.

17:41:40 5 PRESIDING JUDGE: This morning we said that this would be
6 marked as -- I think we were at 75.

7 MR CAMMEGH: We were. So this would be, I believe,
8 Exhibit 76.

9 PRESIDING JUDGE: Let me just confirm with the Court
17:41:55 10 Officer. It should be 76. 76, yes. So this excerpt of the
11 transcript of 18 July of the evidence of witness --

12 MR CAMMEGH: TF1-113.

13 PRESIDING JUDGE: TF1-113, 18 July in the AFRC trial at
14 page 88, line 11 to 13 inclusive is marked as Exhibit 76.

17:43:04 15 [Exhibit No. 76 was admitted]

16 MR CAMMEGH: I'm grateful. That concludes the
17 contradictions I seek to submit as exhibits for that witness.

18 PRESIDING JUDGE: Thank you. As to the objections raised
19 by Mr Jordash and Mr Touray, we will not ask your response right
17:43:18 20 now. We will take it tomorrow morning and see what the other
21 comments might be then. For the time being we will adjourn until
22 9.30 tomorrow morning. Thank you.

23 [Whereupon the hearing adjourned at 5.40 p.m.
24 to be reconvened on Wednesday, the 8th day of
25 March, 2006, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 73A	72
Exhibit No. 73B	72
Exhibit No. 73C	72
Exhibit No. 74	72
Exhibit No. 75	72
Exhibit No. 76	120

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-113	2
CROSS-EXAMINED BY MR CAMMEGH	2

WITNESS: TF1-108	76
EXAMINED BY MR WERNER	86