



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

TUESDAY, 4 JULY 2006
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa Ms Candice Welsch Ms Divya Prasad
For the Registry:	Mr Geoff Walker Mr Thomas George
For the Prosecution:	Ms Wendy Van Tongeren Mr Mohamed Bangura Ms Shyamala Alagendra
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash
For the accused Morris Kallon:	Mr Shekou Touray
For the accused Augustine Gbao:	Mr Andreas O'Shea

1 [RUF04JUN06A-RK]

2 Tuesday, 4 July 2006

3 [The accused present]

4 [The witness entered court]

5 [Open session]

6 [Upon commencing at 9.45 a.m.]

7 WITNESS: TF1-117 [Continued]

8 [Witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, counsel. Good morning,
10 witness. Mr Jordash, we are to begin this morning with the
11 exercise of exhibiting the statements made by this witness
12 alleged to be inconsistent with portions of his testimony here
13 and I hope you can take us through that exercise meticulously, so
14 that we can get that part of the process out of the way before we
15 ask counsel for the second accused to commence cross-examination.

16 MR JORDASH: Well, Your Honour, I'm afraid I can't at this
17 time and I'm asking for a little bit more time. I really --

18 PRESIDING JUDGE: Yes. Has there been some impediment?

19 MR JORDASH: We have original copies of statements without
20 markings in the office.

21 PRESIDING JUDGE: Yes.

22 MR JORDASH: We keep a full set of originals.

23 PRESIDING JUDGE: Right.

24 MR JORDASH: We wanted to photocopy the underlined, we
25 couldn't last night. This morning we could not get into the
26 photocopying room until 9.00. Certainly, we were unable to get
27 them to my learned friends until five past or ten past nine and,
28 sadly, they are unable to complete the task in time --

29 PRESIDING JUDGE: Given that impasse, we probably will have

1 to address that at some later stage. We might as well proceed
2 with the cross-examination on behalf of the second accused so
3 that we don't lose more valuable time, in dealing with matters
4 that should really not detain us.

5 MR JORDASH: Yes.

6 PRESIDING JUDGE: Mr Touray, your turn.

7 CROSS-EXAMINED BY MR TOURAY:

8 Q. Morning Your Honours. Good morning, Mr Witness.

9 A. Good morning, sir.

10 Q. From your evidence you were captured at Gbojibu in 1992?

11 A. Yes.

12 JUDGE BOUTET: Mr Witness, open your microphone.

13 MR TOURAY:

14 Q. Now, at that time, you were attending primary school; is
15 that correct?

16 A. Yes.

17 Q. Is it true to say you were almost getting to taking
18 selective entrance?

19 A. No.

20 Q. What class were you then?

21 A. Class 2.

22 Q. And you say you were about ten years old at the time?

23 A. Yes.

24 Q. And in Gbojibu, at that time, were you seeing SLA soldiers
25 around town?

26 A. No.

27 Q. Did you hear of them in the neighbourhood like Tongo; SLA
28 soldiers in Tongo? Did you hear that they were there?

29 A. Yes.

1 Q. And Tongo was not too far from Gbaojibu?

2 A. Yes.

3 Q. There was a fight between the -- no, let me come this way.
4 In 1992 did you hear of the coming of the NPRC government under
5 Captain Valentine Strasser?

6 A. Yes.

7 PRESIDING JUDGE: Of the what, the "coming" did you say?

8 MR TOURAY: Yes, I did.

9 Q. NPRC under Captain Valentine Strasser. And from your
10 senior studies, or from what you know, the NPRC was in government
11 at the time?

12 A. Yes.

13 Q. So you knew also that there was fighting between the RUF
14 and the SLAs then?

15 A. Yes.

16 Q. And this fighting came to Gbaojibu?

17 A. Yes.

18 Q. Between the SLA and the RUF?

19 A. But the fighting came to Gbaojibu.

20 JUDGE ITOE: When he says there was no soldiers in Gbaojibu
21 when they came, when who came?

22 THE WITNESS: The rebels.

23 JUDGE ITOE: I'm afraid I'm not even getting the
24 translation now.

25 JUDGE BOUTET: I'm not either so what is happening in the
26 translation booth?

27 JUDGE ITOE: I'm not getting the translation.

28 PRESIDING JUDGE: Is there anything wrong with the
29 technology there in the translation booth? We are not getting

1 any response. Mr Walker, can you investigate for us?

2 THE INTERPRETER: We cannot tell, Your Honour.

3 MR WALKER: No response, Your Honour.

4 PRESIDING JUDGE: So the technology is malfunctioning. How
5 could we -- I think the best thing to do is to find out from the
6 head of the Translation Unit, to contact that person.

7 JUDGE BOUTET: We could hear very, very far away some
8 voices.

9 PRESIDING JUDGE: Yes, quite. I mean I can -- so there is
10 no telephonic communication with them? What would be your advice
11 now? Do you want to contact them in person?

12 MR WALKER: There is no response from the head of the
13 translation unit.

14 PRESIDING JUDGE: I think the best thing to do is to stand
15 the Court down and have --

16 MR WALKER: I can make some inquiries.

17 PRESIDING JUDGE: -- and make some inquiries and see what
18 the position is. In the circumstances, the proceedings are stood
19 down until we have some response as to why we are not able to
20 function this morning. Court is recessed.

21 [Break taken at 10.55 a.m.]

22 [Upon resuming at 10.05 a.m.]

23 PRESIDING JUDGE: Mr Touray, we will proceed.

24 MR TOURAY: Thank you, Your Honour.

25 Q. Now --

26 MR BANGURA: Your Honours, I'm not so sure how much of the
27 translation we may have lost.

28 PRESIDING JUDGE: Yes, quite. We should -- counsel, can we
29 go -- I think we lost it around "I did know that there was

1 fighting between the RUF." Can we go through that episode again,
2 Mr Touray, this question of whether he heard of the coming of the
3 NPRC government? It was just after that that I think we lost the
4 translation. See if you can go through that again.

5 MR TOURAY:

6 Q. Now, Mr Witness, you recall I asked you whether you heard
7 of the coming of the NPRC under Captain Valentine Strasser around
8 1992?

9 A. Yes, I heard.

10 Q. And I asked you whether you knew they were fighting, that
11 is the SLA were fighting the RUF?

12 A. Yes.

13 Q. I also did ask you whether you knew that the SLAs were
14 based in Gbojibu at the time?

15 A. No.

16 Q. They were based in Tongo?

17 A. Yes.

18 Q. And they were also based in Kenema under Tom Nyuma?

19 A. Yes.

20 Q. And Gbojibu is not too far from Kenema as well?

21 A. Yes.

22 PRESIDING JUDGE: Did you say Tom Nyuma?

23 MR TOURAY: Yes. Tom Nyuma, yes.

24 PRESIDING JUDGE: Okay.

25 MR TOURAY: I think Nyuma is N-Y-U-M-A.

26 PRESIDING JUDGE: Thank you. Continue, counsel.

27 MR TOURAY:

28 Q. And Gbojibu is not too far from Kenema as well?

29 A. Yes.

- 1 Q. So the fighting came to Gbaojibu?
- 2 A. Yes.
- 3 Q. Now in Gbaojibu you saw combatants, some in uniform and
4 some in plain clothing, some in mixed uniform and plain clothing?
- 5 A. Yes.
- 6 Q. And the uniforms you saw some wearing were SLA uniforms?
- 7 A. Yes.
- 8 Q. And it was in those circumstances that you were captured?
- 9 A. Yes.
- 10 Q. And according to you you say you were captured by one Akim?
- 11 A. No.
- 12 Q. You don't know who captured you?
- 13 A. I knew who captured me.
- 14 Q. Who captured you?
- 15 A. It was Augustine Gbao's squad.
- 16 Q. Not Akim?
- 17 A. No.
- 18 Q. Okay. Out of the squad at least there must be a particular
19 individual who got hold of you; do you remember?
- 20 A. I don't remember the person. It was the squad who captured
21 me. It is the superior that I know.
- 22 Q. So you don't remember --
- 23 JUDGE BOUTET: Everything is dead.
- 24 PRESIDING JUDGE: Yes, there are more problems. The mic
25 has malfunctioned. Mr walker, make the necessary inquiries,
26 please again. We will have to stand down.
- 27 JUDGE BOUTET: I think it is back now.
- 28 MR WALKER: I think we just need to reactivate the
29 microphones now, Your Honour.

1 PRESIDING JUDGE: Right. Then let's continue and hope that
2 this limping situation will not continue. Mr Touray, you will
3 have to go back on some further evidence. You said, I think it
4 was we were at this point when he is responding to your question
5 saying that it was not -- it was not Akim who captured him but
6 the squad.

7 MR TOURAY: Yes, the squad.

8 PRESIDING JUDGE: And the squad was headed by Augustine
9 Gbao.

10 MR TOURAY: Augustine Gbao.

11 PRESIDING JUDGE: See if you can just re-focus us on that.

12 JUDGE ITOE: And that he does not remember the name of the
13 person who captured him.

14 PRESIDING JUDGE: Yes, who captured him. Then he went on
15 to say that --

16 JUDGE ITOE: That's where we stopped.

17 PRESIDING JUDGE: -- attributing it to superior persons.
18 So let's re-focus on that for the purposes of the record.

19 MR TOURAY:

20 Q. You did say you don't know the name of the individual who
21 actually captured you; not so?

22 A. Yes.

23 Q. It was a squad headed by Augustine Gbao?

24 A. Yes.

25 Q. And the squad was mixed; some uniform, some plain clothes,
26 some mixed uniform and plain clothes?

27 A. Yes.

28 Q. And the uniforms you saw were also SLAs uniforms?

29 A. Yes.

- 1 MR TOURAY: Sorry.
- 2 [Defence counsel conferred]
- 3 MR TOURAY:
- 4 Q. Now do you remember in your evidence in this Court you did
- 5 say you were captured by Akim?
- 6 A. No.
- 7 Q. You deny saying so?
- 8 A. Yes.
- 9 Q. Now, do you remember how the actual person who held you,
- 10 captured you, was dressed?
- 11 A. No.
- 12 Q. Now, you -- so you even don't know the name of the person
- 13 who captured you?
- 14 A. I know the name, but it was later on.
- 15 Q. When?
- 16 A. The time we came to Kono.
- 17 Q. That was how many years after?
- 18 A. Well, I don't know the year. Because we used to spend time
- 19 on the way.
- 20 Q. So, who was the one?
- 21 A. Augustine Gbao.
- 22 Q. Augustine Gbao captured you?
- 23 A. Yes, the squad.
- 24 Q. But not Augustine Gbao in person?
- 25 A. Yes.
- 26 Q. He actually captured you?
- 27 PRESIDING JUDGE: Let's have it clear.
- 28 MR TOURAY: Yes.
- 29 PRESIDING JUDGE: You actually make this distinction for

1 us, counsel, between the squad and the actual person. Otherwise,
2 we are left in doubt.

3 MR TOURAY: Yes.

4 Q. Now Augustine Gbao actually captured you?

5 A. It was not he himself who captured me. It was his boys.

6 Q. And you don't remember the names of any of the boys?

7 A. Later on I came to know the names.

8 PRESIDING JUDGE: Are we getting it or not?

9 MR TOURAY: We're not getting the translation.

10 PRESIDING JUDGE: Not, I am not either.

11 JUDGE BOUTET: I am.

12 PRESIDING JUDGE: Are you?

13 JUDGE ITOE: I am.

14 PRESIDING JUDGE: Then, of course, the channel has switched
15 over again. Yes, we are now on the right channel. Yes, quite.
16 So "it was not Augustine Gbao who captured me" he said. Who did?

17 MR TOURAY: He said it was the squad, but later on he knew
18 the name.

19 JUDGE BOUTET: That's right. He didn't know the name of
20 the individual at the time he was captured.

21 MR TOURAY: Yes.

22 JUDGE BOUTET: But would have known him when he was in
23 Kono.

24 PRESIDING JUDGE: That is my understanding.

25 JUDGE BOUTET: Is that what you are saying, Mr Witness?

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: He also said it was not Augustine Gbao
28 who actually captured him. Did he volunteer the name of the
29 person?

1 MR TOURAY: He was going to.

2 PRESIDING JUDGE: Right. Well, let's continue.

3 JUDGE BOUTET: You didn't ask him for it.

4 MR TOURAY: Yes, I did.

5 JUDGE BOUTET: Did you?

6 PRESIDING JUDGE: Yes.

7 MR TOURAY: The name of the person who actually captured
8 him? Yes.

9 JUDGE BOUTET: He says he knows the --

10 PRESIDING JUDGE: Well, let him give it, now.

11 MR TOURAY:

12 Q. Can you tell us who?

13 A. Well, the time we were captured, when we were inside, they
14 took us outside together with a squad. CO Mohamed was there, CO
15 Titus was there, CO Akim himself was there.

16 Q. CO Mohamed, CO Akim and --

17 PRESIDING JUDGE: CO Titus.

18 MR TOURAY: CO Titus.

19 PRESIDING JUDGE: So that is his answer.

20 MR TOURAY: Yes.

21 JUDGE ITOE: But it's still not clear. He says he knows
22 the name of a person or persons who captured him. It is not
23 clear as to the name. You see, we're moving between Gbao's squad
24 and the identity of the person who actually captured him, who was
25 part of that squad.

26 MR TOURAY: Your Honour, that's what I'm saying.

27 JUDGE ITOE: So, Mr Witness, do you know the name of the
28 person who actually you said you got to know later on in Kono?
29 The identity of a person who captured you? Do you have the name

1 of the person who actually captured you and who you say is from
2 Gbao's squad?

3 THE WITNESS: Well, the time I was captured, it is not that
4 they held me physically. When they got there, they started
5 shooting and told us to come outside. They said "Go and sit over
6 there." From then on they captured us and said we should move
7 along and they were Augustine Gbao's boys. Then we joined them.

8 JUDGE ITOE: Do you remember any of the names of the
9 Augustine Gbao boys?

10 THE WITNESS: Yes.

11 JUDGE ITOE: This is what the Court and this is what
12 counsel has been wanting to get from you; who are these boys?

13 THE WITNESS: CO Mohamed was there. Titus was there. CO
14 Akim was there because all of them led the attack.

15 JUDGE BOUTET: CO Mohamed and CO Akim, they are boys?

16 THE WITNESS: Titus.

17 JUDGE BOUTET: These people were boys, they are Gbao's
18 boys?

19 THE WITNESS: Yes.

20 MR TOURAY:

21 Q. Which one of these three people you named was dressed in
22 uniform? All of them or just few of them?

23 A. Few.

24 Q. And could you name those you saw you remember who were
25 dressed in uniform?

26 A. Well, Colonel Titus had on long trousers and soldier
27 combat, which was the clothing. And CO Mohamed wore soldiers --

28 JUDGE ITOE: When you say long trousers, what sort of long
29 trousers.

1 THE WITNESS: It was not soldier's property.
2 JUDGE ITOE: But the top was.
3 THE WITNESS: Combat.
4 MR TOURAY:
5 Q. And Akim?
6 A. CO Akim had on civilian clothing and he tied his head with
7 civilian muffler.
8 Q. Were you directly under the charge of any one of these
9 people at the time of -- after capture, immediately after
10 capture?
11 A. Yes.
12 Q. Who was the one?
13 A. It was CO Akim who was moving along with me, Augustine
14 Gbao's boy.
15 Q. Now, you were in the movement, according to your evidence,
16 from 1992, that is the time of capture, up to disarmament?
17 A. Yes.
18 Q. That is roughly about eight to ten years?
19 A. I was ten years.
20 Q. No, the period of time?
21 A. Well, I can't count unless after when they disarmed. I
22 used to hear it, but I did not count.
23 Q. Okay. Now, how many people you know at the time answered
24 to the name of Foday Saybana Sankoh?
25 A. I knew CO Mosquito.
26 Q. No, no. Listen to the question. How many people you knew
27 at the time you were, that is from 1992 up to disarmament, within
28 the RUF movement, answered to the name of Foday Saybana Sankoh?
29 PRESIDING JUDGE: You better simplify it.

1 MR TOURAY: Yes.

2 PRESIDING JUDGE: The answer, I think, seems complicated.

3 THE WITNESS: CO Mosquito.

4 PRESIDING JUDGE: You get the same answer.

5 JUDGE ITOE: The answer is complicated. -

6 PRESIDING JUDGE: The way you formulated it, try and
7 simplify it.

8 MR TOURAY:

9 Q. Now, you didn't know any other person that answered to the
10 name Foday Saybana Sankoh?

11 PRESIDING JUDGE: What does that mean? Find the right
12 answer.

13 JUDGE BOUTET: It was called, isn't that what you mean?

14 PRESIDING JUDGE: Is that what you mean? Called.

15 MR TOURAY: No.

16 PRESIDING JUDGE: Answered to the name? Would you explain
17 that for us?

18 MR TOURAY: If you don't want me to use the word "call" --

19 PRESIDING JUDGE: No, no, I mean, if we are really in any
20 way interfering with the nature of your cross-examination, I just
21 thought that "answered to" is very idiomatic or stylistic. You
22 know, why not the break it down for the witness?

23 MR TOURAY: I will take the queue from the Bench.

24 PRESIDING JUDGE: No, no, if you feel we are probably being
25 obstructive --

26 MR TOURAY: Certainly not.

27 Q. Now, how many people you know were called or was called --
28 Let me say -- how many people did you know were called Foday
29 Saybana Sankoh?

1 A. Only one person I know, Foday Saybana Sankoh, who was the
2 RUF leader.

3 Q. As far as you know, from your experience, nobody else
4 within the movement answered to that name?

5 A. The complete name, nobody. But we had others who they call
6 Sankoh rebels, but we did not get the complete name, Foday
7 Sankoh. I myself did not hear it.

8 JUDGE ITOE: He said they heard one was called the Sankoh
9 rebels.

10 MR TOURAY: Yes, Sankoh rebel.

11 Q. Now how many people did you know answered -- I mean who
12 were called Morris Kallon?

13 A. To me it was only one person, who was our senior commander
14 under the rebel movement.

15 Q. As far as you know no one else within the movement answered
16 to that name?

17 A. I cannot say there is no one: The one I saw and I heard
18 his name, that's what I will talk about.

19 Q. But from what you know, did any other person answer to that
20 name?

21 PRESIDING JUDGE: He cannot say. He says as I know, I
22 cannot say, that anyone answered to that name. That is what he
23 said.

24 MR TOURAY: Yes. Okay, I am satisfied with that.

25 Q. Now, how many people did you also know who were called
26 Augustine Gbao within the movement?

27 A. Only one person. He was also a senior commander in the RUF
28 movement.

29 Q. As far as you know, did any other person answer to that

1 name apart from one person?

2 A. Only I saw one person. I saw one person answer the name.
3 If there is another person, well, I don't know about him because
4 he was not in our squad.

5 PRESIDING JUDGE: Yes, counsel.

6 MR TOURAY:

7 Q. And from what you know, the person you said you knew as
8 Morris Kallon was also referred to as Morris Kallon by all the
9 other members in the movement?

10 A. Yes.

11 Q. And that was the same true for Augustine Gbao?

12 A. Yes.

13 Q. And from your experience, even when two people that is
14 within the movement have similar nicknames, there is some
15 differentiation, for example, if they have the same name as Bai
16 Bureh, one would be Short Bai Bureh, the other one would be
17 called Tall Bai Bureh, to avoid confusion?

18 A. It is not similar to the first one you asked me about.
19 When you said if there was somebody who had the name Foday
20 Saybana Sankoh, and I said no, I said we only have those who that
21 -- those of us who go to the jungle we only have Sankoh rebels.

22 Q. My question is: Even where nicknames are similar, there is
23 some differentiation done to avoid confusion, like if you have
24 Bai Bureh, two people called Bai Bureh, one would be Short Bai
25 Bureh the other one would be called Tall Bai Bureh?

26 A. Yes.

27 Q. To avoid confusion.

28 PRESIDING JUDGE: Continue, counsel.

29 MR TOURAY:

1 Q. And from your experience, throughout the period of your
2 stay with the movement, you did not experience combatants taking
3 the names of their other colleagues?

4 A. There is.

5 Q. Give one example.

6 A. Well, well, like the name I had for my boss, it came from
7 another senior commander.

8 Q. When you say your name, you remember -- that is your
9 nickname?

10 A. Yes.

11 Q. There was another commander by that name?

12 A. Yes.

13 Q. To avoid confusion, you were called young so-so-so?

14 A. Yes.

15 Q. So it is not the same?

16 PRESIDING JUDGE: But that was not what you asked him.

17 MR TOURAY: No, because what -- he volunteered that so I've
18 come back on that question.

19 PRESIDING JUDGE: You asked him whether there would be this
20 differentiation. So his name came from another commander's name.

21 MR TOURAY: Commander without name --

22 PRESIDING JUDGE: But there was a differentiation or
23 qualification --

24 MR TOURAY: Yes, he was called young, if he is young.

25 PRESIDING JUDGE: Yes. Continue.

26 MR TOURAY:

27 Q. And from your experience, no combatant will take the real
28 name of any senior commander?

29 A. Not at all, completely no.

1 PRESIDING JUDGE: Proceed, Mr Touray.

2 MR TOURAY: Yes, Your Honour.

3 Q. And it is also true, is it not, that one senior commander
4 will not take the name of another senior commander, real name of
5 another senior commander?

6 A. It can be.

7 Q. Taking the name, calling himself by the name of another
8 senior commander; that is what I mean?

9 PRESIDING JUDGE: In other words, are you asking for the
10 real name?

11 MR TOURAY: Their real name.

12 PRESIDING JUDGE: You preface it by the real name.

13 MR TOURAY: Yes, real name, real name.

14 PRESIDING JUDGE: What is his answer?

15 MR TOURAY: I have not got that translated yet, the real
16 name.

17 Q. One senior commander taking the real name of another senior
18 commander. Did you experience that?

19 PRESIDING JUDGE: Is that true or not true?

20 THE WITNESS: True.

21 JUDGE ITOE: Let's put it practically. Could Sesay take on
22 the name of Bockarie or Mosquito? Did it happen? Did you see it
23 happening, Foday Sankoh?

24 THE WITNESS: I'm not saying their real name, but the name
25 they have in the bush, it does happen.

26 MR TOURAY:

27 Q. Yes, but it is the real name we're talking about?

28 A. No.

29 PRESIDING JUDGE: Yes, so his answer relates to the bush

1 name.

2 MR TOURAY: The bush name, not the real name.

3 PRESIDING JUDGE: Continue.

4 MR TOURAY:

5 Q. As far as you know, Foday Saybana Sankoh is the real name
6 of the leader?

7 A. Yes.

8 Q. Issa Sesay is the real name of a senior commander?

9 A. Yes.

10 Q. Morris Kallon is the real name of a senior commander?

11 A. Yes.

12 Q. Augustine Gbao is the real name of a senior commander?

13 A. Yes, that I know of.

14 Q. Now, you remember you made statements to the Prosecution?

15 A. Yes, I made statements.

16 Q. Do you remember you made one in 2003, that is 17 January
17 2003, when you were at Caritas?

18 A. Yes.

19 JUDGE BOUTET: Mr Touray, just do be careful about these
20 locations.

21 MR TOURAY: I'm sorry, yes.

22 JUDGE BOUTET: You know what I mean.

23 MR TOURAY: Yes, I understand, yes.

24 PRESIDING JUDGE: What year was that?

25 MR TOURAY: That was 17 January 2003.

26 PRESIDING JUDGE: Yes.

27 MR TOURAY:

28 Q. And you remember you also made one additional to your
29 previous statements which you made on 28 February 2004?

1 A. Yes.

2 Q. And you made one proofing on the 25th, 26th, 27th and 28th
3 of October 2005?

4 A. Yes.

5 PRESIDING JUDGE: Those are proofing notes?

6 MR TOURAY: Yes. Proofing notes, yes.

7 Q. And you gave some additional information about 2nd November
8 2005, just after the October proofing?

9 A. Yes.

10 Q. And you finally gave some proofings on 28 February 2006?

11 A. Yes.

12 Q. Now, is it not the case that in your first statement you
13 never mentioned the name Morris Kallon?

14 A. The first one, I did not mention him. The first one.

15 PRESIDING JUDGE: Do you want to indicate at this stage
16 your method in terms of your objective? Are you just covering
17 preliminary ground? You are not ready to elect which particular
18 option you --

19 MR TOURAY: Yes, yes.

20 PRESIDING JUDGE: All right. You said in the first
21 statement he never mentioned Morris Kallon.

22 MR TOURAY:

23 Q. And so, too, in your second statement of February 28, 2004
24 do you remember what you said there, or do you want to refresh
25 your memory?

26 PRESIDING JUDGE: About what? Be specific.

27 MR TOURAY:

28 Q. You mentioned certain people there. Do you want to refresh
29 your memory or can you still remember what you said?

1 PRESIDING JUDGE: What are you probing?

2 JUDGE ITOE: Are you wanting to say that he did not mention
3 Kallon?

4 PRESIDING JUDGE: Put it in a specific way [Overlapping
5 speakers].

6 JUDGE ITOE: He did not mention Kallon.

7 MR TOURAY:

8 Q. Did you also mention Kallon on 28 February?

9 A. Well, I later on, later on I --

10 PRESIDING JUDGE: [Microphone not activated] witness,
11 counsel is pinning you down to the 20th [sic] of February 2004.
12 That statement, did you mention the name Morris Kallon there?
13 The one you made on 20th February 2004.

14 MR TOURAY: 28th of February.

15 THE WITNESS: I can't -- I can't tell the real time I
16 mentioned their name because we used to meet.

17 PRESIDING JUDGE: No, he is talking about [Overlapping
18 speakers].

19 THE WITNESS: We met with them frequently.

20 PRESIDING JUDGE: Is it Morris Kallon?

21 MR TOURAY: Yes, just Morris Kallon.

22 PRESIDING JUDGE: So you don't remember whether --

23 THE WITNESS: The time I mentioned his name, I mentioned
24 his name, but I can't tell the actual time.

25 PRESIDING JUDGE: [Overlapping speakers].

26 MR TOURAY: In that case may I ask court management to
27 provide the witness with his statement of 28 February 2004, just
28 to refresh his memory.

29 JUDGE BOUTET: Madam Prosecutor, do you have a copy of that

1 statement?

2 MR TOURAY:

3 Q. Now, Mr Witness, you can read very well, can't you?

4 A. [No audible response]

5 JUDGE BOUTET: Mr Witness, can you answer that question,
6 can you read that?

7 THE WITNESS: Yes. Should I read it openly?

8 MR TOURAY:

9 Q. Read it to yourself just to find out.

10 PRESIDING JUDGE: Are you finished reading it?

11 THE WITNESS: Yes.

12 PRESIDING JUDGE: Counsel, continue.

13 MR TOURAY:

14 Q. You did not mention any Morris Kallon in that statement,
15 did you?

16 A. No.

17 Q. That was --

18 JUDGE ITOE: It is the statement of 28 February 2004?

19 MR TOURAY: Yes.

20 Q. Even with the regard to the Caritas issue you did not
21 mention --

22 PRESIDING JUDGE: Well, you have been advised about --
23 perhaps it is sort of --

24 MR TOURAY: That was in open evidence.

25 PRESIDING JUDGE: That is okay. Let's continue.

26 MR TOURAY: That is why I say Caritas issues.

27 PRESIDING JUDGE: Very well, continue.

28 MR TOURAY:

29 Q. Is that not so, even with regard to the Caritas issue, you

1 made no mention of Morris Kallon?

2 A. Yes.

3 MR TOURAY: May the witness be shown his statements of
4 October 2005, please.

5 MR BANGURA: Your Honours, may we have clarification.

6 PRESIDING JUDGE: Which specific one?

7 MR TOURAY: October 2005, there is only one statement.

8 PRESIDING JUDGE: They are proofing notes of different
9 dates.

10 MR TOURAY: We have two pages for 25, 26, 27, 28 of
11 October.

12 PRESIDING JUDGE: Is that the entire package you want?

13 MR BANGURA: There is an additional one page of 28 of
14 October.

15 MR TOURAY: Well, give him both.

16 MR BANGURA: So that we are clear. We have 25, 26, 27, 28.
17 They are marked page numbers 16850 to 16851. And then for the 28
18 October, the single, for that date alone it is 16969.

19 PRESIDING JUDGE: What you are targeting, Mr Touray?

20 JUDGE ITOE: October of what year?

21 MR BANGURA: 2005, Your Honour.

22 PRESIDING JUDGE: Which do you want, counsel?

23 MR TOURAY: Both of them. Both.

24 PRESIDING JUDGE: Right. Yes.

25 MR TOURAY:

26 Q. Now, it is correct to say that insofar as your October 2005
27 statements are concerned, that is the two that have been handed
28 over to you, you only made mention of Morris Kallon --

29 JUDGE ITOE: Give him some time to read through his

1 statement, I learned counsel.

2 MR TOURAY: Yes.

3 MR BANGURA: Your Honours we must also not forget that the
4 witness has indicated that his level of education is at senior
5 secondary 2.

6 PRESIDING JUDGE: Can we not give him the benefit of the
7 doubt because he has read one statement to completion. Let's
8 assume he will do the best that he can.

9 MR TOURAY: Secondary school that is [overlapping
10 speakers] --

11 PRESIDING JUDGE: Yes, quite. We should proceed.

12 JUDGE BOUTET: Mr Touray, what was it you were saying?
13 Your microphone was not open.

14 MR TOURAY: I was saying the equivalent of lower six --

15 PRESIDING JUDGE: Yes, I thought so.

16 MR TOURAY: Senior secondary school, stage 2.

17 PRESIDING JUDGE: Thank you. We can grant you leave to sit
18 down for the time being, if it is your desire.

19 MR TOURAY: I am much obliged.

20 THE WITNESS: I'm finished with page 16850.

21 PRESIDING JUDGE: Counsel, do you want to take it on that
22 now, cross-examine on that page?

23 MR TOURAY:

24 Q. Yes, page 16850, you made no mention of Morris Kallon in
25 respect of any issue?

26 A. Yes.

27 Q. How about page 16851?

28 JUDGE ITOE: Page 16850 is the statement of what?

29 MR TOURAY: 26 to 28 October 2005.

1 JUDGE BOUTET: But just for the record, the 27th -- 26, 27,
2 28 is 850 up to 851, two pages.

3 MR TOURAY: Yes.

4 JUDGE BOUTET: So he has completed the first of these two
5 pages?

6 MR TOURAY: The first two, yes.

7 THE WITNESS: I'm finished with page 1651, 1685.

8 MR TOURAY:

9 Q. 16851?

10 A. Yes.

11 Q. Now, it is true, is it not, that in respect of that page,
12 you also made no mention of Morris Kallon, except at paragraph
13 15?

14 A. I did mention Morris Kallon.

15 Q. Except paragraph 15?

16 A. Yes.

17 Q. That is only in respect of the UNAMSIL issue?

18 A. Yes.

19 Q. Do you have the other statement for 28 October? I don't
20 remember the page.

21 JUDGE BOUTET: Which is only three lines, 16969.

22 MR TOURAY:

23 Q. 16969?

24 A. Yes.

25 Q. Again you gave additional information but you made no
26 mention of Morris Kallon in respect of any issue?

27 PRESIDING JUDGE: You mean on page 16969?

28 MR TOURAY: Yes.

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: He agrees he made no mention on that
2 page.

3 MR TOURAY: Yes. Finally, may the witness be shown page
4 18204; that is proofings of 28 February 2006.

5 PRESIDING JUDGE: Did you say 20th of February?

6 MR TOURAY: Sorry, 28.

7 PRESIDING JUDGE: 28, 2006.

8 MR TOURAY: 2006, yes.

9 THE WITNESS: I have finished.

10 Q. Thank you, Mr Witness. Now, it is true, is it not, that as
11 far as page 18204, your proofings of 28 February 2006, you made
12 mention of Morris Kallon in paragraphs 1 and 2?

13 A. Yes.

14 Q. And that was in connection with the Caritas issue and
15 UNAMSIL?

16 A. Yes.

17 Q. Only?

18 A. Yes, according to the paper in here.

19 Q. Yes.

20 JUDGE ITOE: Only relation to Caritas and?

21 MR TOURAY: Caritas and UNAMSIL.

22 PRESIDING JUDGE: Continue, counsel.

23 Q. Now, Mr Witness, at the time of the AFRC coup, according to
24 your evidence, you were in Kono?

25 A. Yes.

26 Q. Did you hear of the Northern Jungle at Kangari Hills?

27 A. No.

28 Q. Throughout your stay with -- alleged stay with the RUF you
29 never heard of the Northern Jungle?

1 A. No, from 1992 to 1995, up to the coup. At that time we had
2 no Northern Jungle.

3 Q. Did you hear of a Colonel Isaac Mongor?

4 A. No.

5 Q. At about the time of the coup, the AFRC coup, did you hear
6 of the Western Jungle, the RUF Western Jungle?

7 A. No, I only know about Northern Jungle East. Those are the
8 two areas I was nearby.

9 Q. Excuse me, I did not get your answer clear. You said you
10 knew of the Northern Jungle East, or what?

11 A. I know about the east and the north, because I was
12 travelling around those areas.

13 Q. My question specifically is whether you knew of the
14 existence of the Northern Jungle, Kangari Hills?

15 A. I know about Northern Jungle.

16 JUDGE BOUTET: You know about it?

17 THE WITNESS: Yes.

18 JUDGE BOUTET: And you know about Northern Jungle, Kangari
19 Hills?

20 THE WITNESS: I don't know about the Kangari Hills, I only
21 know about Northern Jungle.

22 JUDGE BOUTET: So Kangari Hills, you have no knowledge of
23 that?

24 THE WITNESS: Yes.

25 JUDGE BOUTET: I was confused as well, so that's why I had
26 to clarify.

27 MR TOURAY: Yes, I am much obliged, Your Honour.

28 Q. Did you know whether the RUF had a commander in the
29 Northern Jungle?

- 1 A. No, I don't know.
- 2 Q. About the time of the AFRC coup?
- 3 A. I don't know.
- 4 Q. So you say you don't know also about the existence of the
5 RUF Western Jungle about the time of the coup?
- 6 A. I don't know, I heard about it, but I don't know.
- 7 Q. You heard about it. Did you hear about the RUF commander
8 who was there?
- 9 A. No.
- 10 Q. So you never heard of Superman heading the Western Jungle?
- 11 A. I heard about Superman. I heard about Western Jungle, but
12 I don't know who was heading it.
- 13 PRESIDING JUDGE: Counsel, leave that area now. He has
14 given enough on that.
- 15 MR TOURAY: Yes, I'm moving on.
- 16 PRESIDING JUDGE: Don't press further on that one.
- 17 MR TOURAY: I'm moving on.
- 18 Q. Now, at the time of the junta period, that is the AFRC, you
19 were in Makeni; not so?
- 20 A. Yes.
- 21 Q. And, according to your evidence, with Father Victor?
- 22 A. Yes.
- 23 Q. You didn't go to Bo?
- 24 A. I did not go there.
- 25 Q. So you don't know which RUF combatants were based in Bo at
26 the time?
- 27 A. Not at all.
- 28 Q. Now, after the capture of Makeni in 1998, December, do you
29 remember?

- 1 A. Yes, I remember.
- 2 Q. For some time again you were in the hands of Father Victor?
- 3 A. Yes.
- 4 Q. You never went to Magburaka?
- 5 A. Not at all.
- 6 Q. Did you know that the 4th Brigade of the RUF was based
7 there at the time?
- 8 A. Makeni?
- 9 Q. Magburaka.
- 10 A. No, I don't know.
- 11 Q. Did you go to Lunsar about that time?
- 12 A. No.
- 13 Q. Did you know that the 5th Brigade of the RUF was based at
14 Lunsar at the time?
- 15 A. I don't know.
- 16 Q. Did you, whilst in Makeni, did you get to know of Brigadier
17 Kailondo, who was ground commander of Makeni?
- 18 A. No. I heard about Kailondo, but I don't know whether he
19 was a ground commander in Makeni.
- 20 Q. Did you know of one --
- 21 JUDGE ITOE: Learned counsel, let me get this clear. Is it
22 ground commander or grand commander?
- 23 MR TOURAY: Not grand, ground.
- 24 JUDGE ITOE: Ground, thank you.
- 25 PRESIDING JUDGE: Let's move on.
- 26 MR TOURAY:
- 27 Q. Did you hear the name AS Kallon, Colonel AS Kallon,
28 Sylvester Kallon?
- 29 A. No.

- 1 JUDGE ITOE: Are you saying Sylvester?
- 2 MR TOURAY:
- 3 Q. AS, the "S" for Sylvester. Sorry, the "S" for Saidu?
- 4 A. No.
- 5 MR BANGURA: Your Honours, may we get it a bit clearer?
- 6 PRESIDING JUDGE: Yes.
- 7 MR BANGURA: It was AS Kallon and they Sylvester and I was
8 wondering --
- 9 PRESIDING JUDGE: Well, what is it, counsel?
- 10 MR TOURAY: The "S" is for Saidu, Sylvester.
- 11 PRESIDING JUDGE: Okay, so that is your error.
- 12 MR TOURAY: Yes.
- 13 PRESIDING JUDGE: In other words, A Saidu Kallon?
- 14 MR TOURAY: A Saidu Kallon.
- 15 JUDGE ITOE: So the "A" is for what?
- 16 MR TOURAY: So the A is for Ansu Manna Saidu Kallon. Ansu
17 Manna, A, S, Saidu, Kallon.
- 18 PRESIDING JUDGE: That is while he was in Makeni?
- 19 MR TOURAY: Yes, while he was in Makeni.
- 20 JUDGE ITOE: Ansu Manna Saidu? Saidu or Sadu?
- 21 MR TOURAY: I think it's spelt S-A-I-D-U.
- 22 THE INTERPRETER: Your Honours, the microphone is not on.
- 23 PRESIDING JUDGE: Whose mic?
- 24 JUDGE ITOE: I'm sorry, it's mine. I'm sorry about that.
- 25 PRESIDING JUDGE: So the answer is that he didn't know Ansu
26 Manna Saidu Kallon while he was in Makeni?
- 27 MR TOURAY:
- 28 Q. So you didn't know who was the MP commander there?
- 29 A. I knew the MP commander.

1 Q. Who was that?

2 A. Hindolo.

3 Q. Hindolo what?

4 A. Hindolo Try.

5 JUDGE ITOE: Try, is it T-R-Y, or?

6 MR TOURAY: It's T-R-Y.

7 JUDGE ITOE: Mr Witness, would it be T-R-Y?

8 THE WITNESS: Yes, sir.

9 PRESIDING JUDGE: Let's move on, counsel.

10 MR TOURAY:

11 Q. Did you also hear of Miloskie Kallon?

12 A. No.

13 PRESIDING JUDGE: Counsel, do you want to spell the first

14 name?

15 MR TOURAY: It's M-E-L-O-S-K-Y [sic].

16 Q. Who was in charge of the 5th Brigade in Lunsar?

17 A. I don't know.

18 PRESIDING JUDGE: In other words, Miloskie Kallon was in

19 charge of the 5th Brigade at Lunsar?

20 MR TOURAY: Yes.

21 JUDGE ITOE: He doesn't know that.

22 MR TOURAY: He doesn't know that.

23 PRESIDING JUDGE: At Lunsar.

24 MR TOURAY: At Lunsar.

25 JUDGE ITOE: He doesn't even know that there was a 5th

26 Brigade in Lunsar.

27 MR TOURAY: Yes.

28 JUDGE BOUTET: In charge, does that mean he was the brigade

29 commander?

1 MR TOURAY: He was the brigade commander, yes.

2 PRESIDING JUDGE: At this juncture we will take the usual
3 morning break.

4 MR TOURAY: As Your Honour pleases.

5 [Break taken at 11.30 a.m.]

6 [Upon resuming at 12.05 p.m.]

7 PRESIDING JUDGE: Mr Touray, your witness.

8 MR TOURAY:

9 Q. Mr Witness, just one or two questions more. Now, in your
10 evidence you referred to Gullit's boys, not so, when you were
11 giving your evidence yesterday?

12 A. Repeat it so I will be able to understand.

13 Q. Gullit's boys, that is Gullit had some boys with him, and
14 one was your friend; you had a friend amongst them. When you
15 were leaving Makeni for Kabala?

16 A. Yes, yes.

17 Q. These were boys about your age?

18 A. He was a soldier.

19 PRESIDING JUDGE: Are we talking about singular or plural?

20 MR TOURAY: No, he is putting it as singular now.

21 PRESIDING JUDGE: What is he on --

22 MR TOURAY:

23 Q. The friend you had amongst them was a soldier?

24 A. Yes.

25 Q. And the other boys were also soldiers?

26 A. Soldiers, RUF, junta 2.

27 Q. No, I mean the boys with Gullit?

28 A. We were mixed.

29 Q. You also know the SLAs or AFRC had vigilantes with them who

1 were not soldiers?

2 A. I don't understand.

3 Q. You also know that the AFRC at the time of retreating,
4 heading from Makeni to Kabala, they had some vigilantes with them
5 who were not soldiers?

6 A. Yes.

7 Q. And there were young boys also about your age with them at
8 the time?

9 A. Yes.

10 JUDGE BOUTET: May I ask you, Mr Touray, when you say they
11 had young boys with the them, the "them" refers to the AFRC or
12 vigilantes?

13 MR TOURAY: The "them" refers to the AFRC.

14 JUDGE BOUTET: The AFRC. Okay. Thank you.

15 MR TOURAY:

16 Q. And according to your evidence again, I think in answer to
17 the question under cross-examination by my learned friend
18 Jordash, you said you used to leave Kabala, go do some mining at
19 Kono and return?

20 A. Yes.

21 Q. That also involved some of -- that is you and some of these
22 vigilantes?

23 A. Yes.

24 Q. And you said in evidence you finally left Kabala to head
25 for Kailahun where JPK was?

26 A. From Kabala to Kono, Kono to Kailahun.

27 Q. To Kailahun?

28 A. Yes.

29 Q. And the purpose was to hear from JPK who was head of the

1 junta then?

2 A. Yes.

3 Q. May I just put it to you that your real association has
4 been with the SLA, not with the RUF?

5 A. Well, that is how it would be, because I didn't stay long
6 with them.

7 MR TOURAY: Thank you. No further questions.

8 JUDGE ITOE: I'm not clear. I haven't gotten that answer
9 right, to your last question.

10 MR TOURAY: Pardon me?

11 JUDGE ITOE: I haven't gotten quite right the answer to
12 your last question.

13 MR BANGURA: I am also handicapped, Your Honour. I don't
14 think I'm very clear with what we got as an answer in relation to
15 the question asked.

16 PRESIDING JUDGE: Well, let's hear the answer again.

17 MR TOURAY:

18 Q. Could you please repeat your answer?

19 JUDGE BOUTET: Tell what you mean by this.

20 JUDGE ITOE: And the question, I would prefer the question.

21 PRESIDING JUDGE: Put the question again and put in exactly
22 the same terms. I think it began -- "You will agree your real
23 association" --

24 MR TOURAY: Yes, indeed so.

25 Q. What I said was: You would agree with me that your real
26 association has been with the SLA and not so much with the RUF?

27 A. No.

28 MR TOURAY: I have it clear, My Lord. No further
29 questions.

1 PRESIDING JUDGE: So he does not agree.

2 JUDGE BOUTET: I thought he had said "yes" when you asked
3 that question before.

4 PRESIDING JUDGE: So what do we have now? I now say --

5 THE WITNESS: He first told me that I was more with the RUF
6 than with the SLA. Then I said, yes. Then later he asked me if
7 I had been with the SLA more than with the RUF, then I said no.

8 PRESIDING JUDGE: I think the first question was whether
9 you were more associated with the SLA than the RUF, and your
10 answer was that you agree.

11 THE WITNESS: No.

12 PRESIDING JUDGE: I see. So now you are correcting your
13 previous answer?

14 THE WITNESS: Yes.

15 PRESIDING JUDGE: And now what is the final position then,
16 witness?

17 THE WITNESS: The final position is I was with the RUF
18 longer than with the SLA.

19 PRESIDING JUDGE: I see. He now says longer, we are
20 talking about the association. Right. We will take the answer.
21 That is the end of your cross-examination?

22 MR TOURAY: Indeed so, Your Honour.

23 PRESIDING JUDGE: Yes, Mr Jordash, did you want to
24 intervene.

25 MR JORDASH: If I may, I think from the nods from my
26 learned friends, they have had the opportunity to check the
27 underlining and I'm assuming, unless they jump up, that they
28 agree.

29 PRESIDING JUDGE: Well, what you want to do now is to,

1 before Mr O'Shea commences his cross-examination, you want to
2 tender those documents?

3 MR JORDASH: If I may. If there is no objection from any
4 party?

5 PRESIDING JUDGE: Well, let's embark upon the ritual then.
6 Can we do that now? Any difficulty with that?

7 MR BANGURA: Not particularly, Your Honour. I raised with
8 Mr Jordash one issue and a second one that we may -- we think we
9 might just take in re-examination [overlapping speakers].

10 PRESIDING JUDGE: Okay, that will be fine.

11 MR BANGURA: I think that is the position.

12 PRESIDING JUDGE: Yes, and I think you reserve your right
13 to do that.

14 MR BANGURA: Thank you.

15 PRESIDING JUDGE: Perhaps we should quickly get rid of that
16 particular aspect of the process. So which documents are you
17 seeking to exhibit now and begin with the dates of the statement
18 and then the --

19 MR JORDASH: 17 January 2003, statement of this witness,
20 page 12206 all the way to 12210.

21 PRESIDING JUDGE: Right, yes.

22 MR JORDASH: With underlinings on each page but the last.
23 Each page but 12210.

24 JUDGE ITOE: We would like to have the dates of the
25 statements, please.

26 MR JORDASH: This statement is dated 17 January 2003.

27 PRESIDING JUDGE: So pages 12206 to 12210 with underlinings
28 on each page, except for page 2210; is that correct?

29 MR JORDASH: Exactly, yes.

1 PRESIDING JUDGE: Did you say 28?

2 MR JORDASH: 28. Covering --

3 PRESIDING JUDGE: October 2005.

4 MR JORDASH: -- incorporating interviews on the 25th, 26th,
5 27th and 28th of October, pages 16850 to 16851.

6 PRESIDING JUDGE: Yes. Let's repeat that. 28 October 2005
7 incorporating interviews for the 25th, 26th, 27th.

8 MR JORDASH: And 28th.

9 PRESIDING JUDGE: And 28th. Pages 16850 to 16851.

10 MR JORDASH: Yes, with underlining on both pages. I am
11 sorry, I beg your pardon. Underlining on the second page, 16851.

12 PRESIDING JUDGE: Underlining on page 16851. Is that all
13 in respect of that document?

14 MR JORDASH: Yes, Your Honour.

15 PRESIDING JUDGE: Right. Mr Touray, any objection?

16 MR TOURAY: None, Your Honour.

17 PRESIDING JUDGE: Mr O'Shea, any objection?

18 MR O'SHEA: Your Honour, no.

19 PRESIDING JUDGE: Prosecution?

20 MR BANGURA: No objection, Your Honour.

21 PRESIDING JUDGE: The document will be received in evidence
22 and marked Exhibit 115.

23 [Exhibit No. 115 was admitted]

24 PRESIDING JUDGE: Let's proceed to the third document.

25 MR JORDASH: Is additional information, interview on 28
26 February 2006, the additional information.

27 PRESIDING JUDGE: 20 --

28 MR JORDASH: 28 February 2006. Page 18204.

29 PRESIDING JUDGE: Yes. That's just a single page?

1 MR JORDASH: A single page, yes, Your Honour.

2 PRESIDING JUDGE: Underlining the entire -- just the entire
3 page?

4 MR JORDASH: Two underlining, second and third paragraph,
5 or parts thereof.

6 PRESIDING JUDGE: All right. Mr Touray, any objection?

7 MR TOURAY: No, Your Honour.

8 PRESIDING JUDGE: Mr O'Shea, any objection?

9 MR O'SHEA: Your Honour, no.

10 PRESIDING JUDGE: And Mr Bangura, any objection?

11 MR BANGURA: No objection, Your Honour.

12 PRESIDING JUDGE: That document will be received in
13 evidence and marked Exhibit 116.

14 [Exhibit No. 116 was admitted]

15 MR JORDASH: Thank you, Your Honour.

16 PRESIDING JUDGE: So we can now proceed with the
17 cross-examination on behalf of the third accused.
18 Professor O'Shea, your witness.

19 MR O'SHEA: Your Honour, thank you.

20 CROSS-EXAMINED BY MR O'SHEA:

21 Q. Good afternoon, witness 117. You have described the
22 circumstances of your capture in 1992 in a village called
23 Gboajibu. Can I just confirm with you the spelling of Gboajibu
24 is B-O-A-G-I-B-U; is that correct?

25 A. G-B.

26 Q. G-B-O-A-J-I-B-U?

27 A. Yes.

28 JUDGE ITOE: Gboajibu or --

29 THE WITNESS: Gboajibu.

- 1 JUDGE ITOE: [Indiscernible] because Gboajibu is.
- 2 THE WITNESS: Gboajibu.
- 3 JUDGE ITOE: What is the spelling?
- 4
- 5 PRESIDING JUDGE: G-B.
- 6 THE WITNESS: G-B-O.
- 7 JUDGE ITOE: Okay.
- 8 PRESIDING JUDGE: But my advice is that "G" is silent. If
- 9 you try to call it with the "B" you can get into all kinds of --
- 10 MR O'SHEA: The "B" is silent or the "G" is silent?.
- 11 PRESIDING JUDGE: The "G" is silent. I think so.
- 12 MR O'SHEA: Thank you, Your Honour.
- 13 PRESIDING JUDGE: Except I'm subject to correction by
- 14 Mr Touray.
- 15 MR TOURAY: You are quite right, Your Honour.
- 16 MR O'SHEA:
- 17 Q. In which chiefdom is this Gboajibu?
- 18 A. I don't know about chiefdom because I was young.
- 19 Q. You don't know in which district?
- 20 A. Not at all.
- 21 Q. You've described it as being between Kenema and Tongo?
- 22 A. Yes.
- 23 Q. Is that on the highway that runs between Kenema and Tongo?
- 24 A. No, it is a village, the branch.
- 25 Q. It is a village and not a town; is that correct?
- 26 A. Yes.
- 27 Q. Is it near the highway that runs between Kenema and Tongo?
- 28 A. Yes.
- 29 Q. How close to the highway?

- 1 A. Well, from Kenema Highway to Tongo, I let me say about two
2 miles.
- 3 Q. Is it close to a place called Hangha?
- 4 A. No, it's further down.
- 5 Q. Is it close to a place called Bomaru?
- 6 A. No.
- 7 Q. What is the nearest village to it?
- 8 A. The nearest is Pendembu and Dodo.
- 9 Q. Can I suggest to you that there is no such village in that
10 area?
- 11 PRESIDING JUDGE: Which one?
- 12 MR O'SHEA: In the area which the witness has just
13 described.
- 14 PRESIDING JUDGE: No such village?
- 15 MR O'SHEA: Pendembu village, Dodo --
- 16 PRESIDING JUDGE: Which village?
- 17 MR O'SHEA: On the highway between Kenema and Tongo.
- 18 PRESIDING JUDGE: Which village is no such village?
- 19 MR O'SHEA: Gbaojibu.
- 20 Q. Can I suggest to you that there is no such village called
21 Gbaojibu in that area?
- 22 A. It's there. That was where I was born and that is where I
23 grew up.
- 24 Q. Now you were captured by a group led by Augustine Gbao; who
25 the other leaders within that group?
- 26 A. Titus, CO Akim, CO Mohamed and other SBUs.
- 27 Q. Was Titus a commander?
- 28 A. Yes, he was a junior man.
- 29 Q. What do you mean by a junior man?

- 1 A. He had no rank like those who were his leaders.
- 2 Q. Are you saying that others did have ranks at this time?
- 3 A. I didn't get you, sir.
- 4 Q. Are you saying that there were other people in 1992 who did
5 have ranks?
- 6 A. They existed. Some had no ranks but -- and they were not
7 high ranks.
- 8 Q. So who had ranks in 1992 that you know about?
- 9 A. CO Mohamed.
- 10 Q. What was his rank?
- 11 A. He was a lieutenant. CO Titus, he also was a lieutenant,
12 and he was an adjutant.
- 13 Q. These individuals were boys, were they?
- 14 A. Yes.
- 15 Q. Boys who had ranks in 1992; is that right? Boys who had
16 ranks in 1992?
- 17 A. Yes. They had ranks in our squad.
- 18 Q. Now, on your capture, you then went to Kono from your
19 village; is that correct?
- 20 A. Yes.
- 21 Q. And did you go with Augustine Gbao?
- 22 A. Yes.
- 23 Q. How long was the journey?
- 24 A. Well, I wouldn't be able to give a fixed time for the
25 journey because at times we will take two weeks, at times three
26 weeks. That is how we would go and attack and capture manpower
27 from the villages leading to Kono.
- 28 Q. Mr Witness, I am not asking for generalities about sometime
29 or the other. I'm talking about between the time of your capture

1 in Gbaojibu and your arrival in Kono. You went from Gbaojibu to
2 Kono. So how long did that journey take you?

3 A. That is what I'm saying. At that time I was scared and I
4 wouldn't note the time because we would hang around the villages
5 until we are ready to travel. Sometimes we would spend three
6 weeks at a particular location, sometimes a month. So I wouldn't
7 be able to tell the definite time.

8 Q. Did you stay sometime in Gbaojibu before you left or did
9 you leave immediately?

10 A. The time they attacked, which was 4.00, we stayed there
11 until the rest of the day.

12 Q. And did Augustine Gbao talk to you at that time?

13 A. No, I didn't even know he was called Augustine Gbao at that
14 time and he didn't talk to me.

15 Q. So when did you learn he was called Augustine Gbao?

16 A. Was on our way to Kono, when we got to Gandorhun.

17 Q. Now I know you don't remember exactly, because you say you
18 were scared, but do you know approximately how long it took you
19 before you got to Kono coming from Gbaojibu?

20 A. I wouldn't be able to tell the exact time.

21 Q. Approximately?

22 A. It wouldn't be above six months and it wouldn't be below a
23 month.

24 Q. So did it take you at least a month to go from Gbaojibu to
25 Kono?

26 A. Yes, it took us some time.

27 Q. All that time you were with Augustine Gbao?

28 A. Yes.

29 Q. Did Augustine Gbao talk you during that journey?

- 1 A. Yes, he used to talk to me.
- 2 Q. Did he talk to you regularly during that journey?
- 3 A. He didn't talk to me alone. He was talking to the entire
4 group.
- 5 Q. How big was the group?
- 6 A. The time they entered they were not many, but as we were
7 going along, the group would increase.
- 8 Q. How many were you when you left Gbaojibu?
- 9 A. I don't know the exact number because at that time I was
10 not my normal self. I was confused.
- 11 Q. Was it less than 50, more than 100?
- 12 A. It was more than 15, it was more than 30.
- 13 Q. By the time you got to Kono, how many were there in the
14 group?
- 15 A. Well, at that time we were many. We were close to 100.
- 16 Q. And was Augustine Gbao the most senior person on that
17 journey from Gbaojibu to Kono?
- 18 A. Yes.
- 19 Q. Were there any other adult commanders with him?
- 20 A. Yes.
- 21 Q. Who were they?
- 22 A. Those who went to Kono with us, we had General Bropleh,
23 Duclay was with us.
- 24 Q. Who. Sorry? Bropleh and --
- 25 A. Bropleh and Duclay and CO Mohamed.
- 26 Q. But I thought you said CO Mohamed was a boy?
- 27 A. Yes, he's a young man, but he was older than I during that
28 time.
- 29 Q. Was he an adult or a child?

- 1 A. He is between 20 and he used to learn RPG.
- 2 Q. When Augustine Gbao captured your village, was he carrying
3 a gun?
- 4 A. Yes, he had a pistol.
- 5 Q. Was he involved in the fighting?
- 6 A. Yes, he was leading us.
- 7 Q. So he was a fighter?
- 8 A. Yes.
- 9 Q. You arrive in Kono and you are then trained there. How
10 long are you trained there for?
- 11 A. A week.
- 12 Q. What do you know about Akim?
- 13 A. Well, Akim was slim, but he was in Sierra Leone then.
- 14 Q. Was he RUF?
- 15 A. Yes. He was an RUF at the latter part.
- 16 Q. What do you mean by that last phrase, "at the latter part"?
- 17 A. The time they had left Liberia and came here now, he was
18 with us and he was with the RUF.
- 19 Q. So he was an RUF?
- 20 A. Yes.
- 21 Q. Did he have a rank?
- 22 A. No, he was private.
- 23 Q. Did he later have a rank?
- 24 A. No, later he died.
- 25 Q. When is it you say he died?
- 26 JUDGE BOUTET: I'm not sure the witness has understood your
27 question, Mr O'Shea.
- 28 MR O'SHEA: Thank you, Your Honour.
- 29 Q. When do you say Akim died?

- 1 A. He was killed at the Kenema attack.
- 2 Q. So that was quite close in time to your capture?
- 3 A. That was after I had been captured.
- 4 Q. But not long after?
- 5 A. Let me say almost a month, going to two months.
- 6 Q. Would you be surprised if I told you that Akim was still
7 alive?
- 8 A. Well, we had two Akims. At this latter part we had him.
9 That one is alive.
- 10 Q. Which one is alive?
- 11 A. The one who was helping Papay Sankoh, this latter part, he
12 is still alive.
- 13 Q. What was his full name?
- 14 A. It is Akim I know him for.
- 15 PRESIDING JUDGE: [Overlapping speakers].
- 16 MR TOURAY: What was his full name, Your Honour.
- 17 PRESIDING JUDGE: No, the one he says is still alive. Who
18 was he helping?
- 19 MR O' SHEA: He said Papay Sankoh.
- 20 THE WITNESS: Yes, he was his bodyguard.
- 21 PRESIDING JUDGE: That is the one you say is still alive?
- 22 THE WITNESS: Yes.
- 23 MR O' SHEA:
- 24 Q. The one that is still alive, what is his full name?
- 25 A. I know him as Akim. The other name we used to call him is
26 War Tanker.
- 27 JUDGE BOUTET: What was the other name, Mr Witness?
- 28 THE WITNESS: War Tanker.
- 29 MR O' SHEA:

1 Q. The one who is still alive is he RUF?

2 A. No, he is SLA.

3 Q. What is the name of the one who died?

4 A. The one who died was called Akim.

5 Q. What was his other name?

6 A. That was how we used to call him.

7 Q. So in Kono you were trained for one week?

8 A. Yes.

9 Q. Are you quite sure about that?

10 A. Yes, I am sure.

11 Q. Was it seven days?

12 A. Before it was up to seven days, we had bulldozed.

13 Q. What do you mean by that?

14 A. We had advanced to go on attack.

15 THE INTERPRETER: Your Honour, can the witness please wait
16 for the interpretation.

17 PRESIDING JUDGE: Witness, the interpreters would like you
18 to wait for the interpretation before you answer the question,
19 the next question.

20 THE WITNESS: Okay.

21 PRESIDING JUDGE: Let's proceed, counsel.

22 MR O'SHEA: Thank you, Your Honour.

23 Q. So when you say you are sure it was a week, are you sure it
24 was six days?

25 PRESIDING JUDGE: Go ahead.

26 THE WITNESS: I can't get the interpretation.

27 MR O'SHEA:

28 Q. I will put the question again. When you say that you were
29 sure it was a week, are you sure it was six days?

1 A. It was almost five.

2 Q. Who was training you in Kono?

3 A. Well, at that time it was Bropleh, Duclay. They trained us
4 cock and fire.

5 Q. When you say "cock and fire," you mean trained in the use
6 of guns?

7 A. Yes.

8 Q. Were you trained in anything else during that short period?

9 A. They only trained us how to cock and fire and how to clear
10 arms, because we were urgent.

11 JUDGE ITOE: How to clear arms? What was he saying? How
12 to cock and clear arms?

13 MR O'SHEA:

14 Q. Do you mean clean arms?

15 A. Cleaning, yes.

16 Q. How do you clean an AK-47?

17 A. Well, first you remove the magazine.

18 MR BANGURA: I'm not sure whether we haven't had the
19 witness ask the same question before.

20 PRESIDING JUDGE: Yes, quite. Counsel, I recall that
21 particular question was put and the answer, of course, was
22 extensive and elaborate and I don't know what -- whether any
23 purpose would be achieved in having the witness repeat his
24 answer.

25 MR O'SHEA: May I answer --

26 JUDGE BOUTET: Mr Presiding Judge, I think the question at
27 the time was the dismantling of the gun and now it is the
28 cleaning of --

29 PRESIDING JUDGE: [Overlapping speakers] do you agree now

1 that it is different?

2 MR BANGURA: I take the point.

3 PRESIDING JUDGE: Yes, all right.

4 MR O'SHEA: I had not forgotten that.

5 PRESIDING JUDGE: Well, let's not make heavy weather out of
6 that. Go ahead. It is just a misconception there.

7 MR O'SHEA:

8 Q. So the first thing you do is remove the magazine?

9 A. You remove the magazine.

10 Q. Yes.

11 A. Then you will cock -- if there is a bullet in it, it will
12 drop off. From there you remove the top cover that covers the
13 cock and spring.

14 Q. What do you mean by the top cover?

15 A. The cover that is at the location of the spring. It has
16 something that you will press and roll and it will come out.

17 Q. What is that called? It has a name. What is it called?

18 A. I don't know the name.

19 Q. Then what do you do?

20 A. After that you remove the spring that is inside, then I
21 will wipe the inside of it. I will withdraw the firing pin and
22 remove it. Then I will break off the butt and clean it and oil
23 it. From then I will couple it up again and test it before I
24 will fix the magazine.

25 Q. Did you go through this procedure when you were ten?

26 A. Repeat it, please.

27 Q. Did you go through this procedure of cleaning an AK-47 when
28 you were ten years old?

29 A. Yes.

1 Q. It is your evidence that in order to clean the AK-47, you
2 would remove the butt; is that right?

3 A. I didn't get you, sir.

4 Q. When you were telling us how you clean an AK-47 one of the
5 last stages you went through was removing the butt of the gun?

6 A. Yes.

7 Q. And you did that, did you?

8 A. Yes.

9 Q. And according to you that is part of the process of
10 cleaning an AK-47. You are sure about that, are you?

11 A. Yes.

12 Q. Very well. Is it easy to remove the butt of an AK-47?

13 A. The one that has the butt is not easy, but the ones with
14 the irons at the back you will just bend it. If you like, you
15 will not remove it, you will just fold it. The one the butt it
16 is difficult to remove.

17 Q. Can I put to you that it would not be normal procedure to
18 remove the butt if you were cleaning it?

19 A. There were arms we would remove the butt, sometimes we
20 wouldn't want the butt because it was too long. We will remove
21 it and leave it like that.

22 JUDGE BOUTET: You mean to say that after you clean it, or
23 when you are using the AK-47, you don't put the butt on it? Is
24 that what you mean?

25 THE WITNESS: Yes, at times we wouldn't put it. We will
26 remove it because it will make the weapon look heavy. Some would
27 fix it.

28 MR O'SHEA:

29 Q. Well, if that is your evidence, that is your evidence.

- 1 Now, when you were in Kono training, was Augustine Gbao there?
- 2 A. Yes, he was our head. He was advancing with other men.
- 3 Q. Let me put the question again: When you were in Kono doing
- 4 your training, was Augustine Gbao there?
- 5 A. Yes.
- 6 Q. Was he there for that whole week?
- 7 A. He used to come where we were training.
- 8 Q. Did he participate in the training?
- 9 A. No.
- 10 Q. Then according to your evidence, you then attacked Koidu
- 11 Town; is that correct?
- 12 A. Yes, we attack Kono.
- 13 Q. Can you say that again, please?
- 14 A. We attacked Kono. At that time I did not know whether
- 15 Koidu Town was there or not, because I never knew that place.
- 16 Q. Was Augustine Gbao on this attack?
- 17 A. Yes, he was there.
- 18 Q. Was he armed?
- 19 A. Yes.
- 20 Q. Did he use his weapon during the attack?
- 21 A. Yes, as advance commander.
- 22 Q. Was he the most senior commander on that attack?
- 23 A. On our own squad he was the senior commander.
- 24 Q. So he was leading a fighting squad?
- 25 A. Yes.
- 26 Q. He was a fighter?
- 27 A. Yes.
- 28 Q. After that attack, you went to Camp Zogoda?
- 29 A. Yes.

- 1 Q. Did Augustine Gbao go with you?
- 2 A. No.
- 3 Q. What did he do?
- 4 A. When we left him in Kono, we came to Camp Zogoda.
- 5 Q. By the time you went to Camp Zogoda, you already knew him
6 quite as well; would that be correct?
- 7 A. I do not understand.
- 8 Q. By the time you left Kono to go to Camp Zogoda, you already
9 knew Augustine Gbao quite well at that stage?
- 10 A. Yes.
- 11 Q. Please describe Camp Zogoda?
- 12 A. Camp Zogoda is a forest. That was where we all were.
13 Before we started attacking, we used to hide there. We had
14 jorjor there.
- 15 Q. Now, apart from being a forest, can you tell us anything
16 else about Camp Zogoda?
- 17 A. Yes, we had jorjor in there.
- 18 JUDGE ITOE: Jorjor is what?
- 19 MR O'SHEA:
- 20 Q. What is jorjor?
- 21 A. Jorjor is a hole they dig. When you have committed a
22 crime, they put you in there and flog you.
- 23 Q. How was Camp Zogoda organised?
- 24 A. Well, we had arms. We ate there. That is where we used to
25 store our food. That was where we arrange to fight.
- 26 Q. How was the camp divided up? Was it divided up? If it was
27 divided up, how?
- 28 A. It was not divide.
- 29 Q. Are you sure about that?

1 A. Yes, the only thing we had the side of the commanders and
2 where we were, but we were guarding.

3 Q. Can I suggest to you that if you had really been to Camp
4 Zogoda, you would know that it was partitioned into sections and
5 as a member of the RUF, you would know that?

6 A. Yes, that is what I'm saying.

7 Q. Well, that is not what you're saying. What else can you
8 tell us about Camp Zogoda?

9 A. Camp Zogoda, we have the place where Papay, where the
10 Vanguards commander used to guard him. We had our own squad
11 where we would guard our superiors. We used to divide duties
12 among ourselves to guard. Then we had where the ammunitions were.

13 Q. Were there rules at Camp Zogoda?

14 A. We had bypass roads.

15 Q. I will say that again. Were there rules at Camp Zogoda?

16 A. Yes, we had laws.

17 Q. What were those laws?

18 A. The laws, we should not shoot at somebody. You should not
19 go to loot if they did not give you the order. You should not
20 the go on food-finding and rape.

21 Q. Anything else?

22 A. You should not steal somebody else's property and make it
23 your own. You should not off-load your companion's magazine and
24 make it your own. That is all I know of now.

25 Q. Now, those were general rules of conduct, but were there
26 specific rules as to how RUF conduct themselves within the camp?

27 A. I do not understand.

28 Q. Were there laws about what RUF combatants could and could
29 not do within the camp?

1 A. Yes.

2 Q. What were those rules? What were those rules?

3 A. I did not get you sir.

4 Q. What were the rules or what were the laws as to what RUF
5 combatants could or could not do within Camp Zogoda?

6 A. I have already told you the laws that they should not do.

7 Q. So there were no other rules about the internal
8 organisation of the camp?

9 A. There were other rules, but the commanders what they told
10 us is what we would do.

11 Q. If a commander was coming from outside Camp Zogoda, and he
12 wanted to speak to Foday Sankoh, what was the procedure that
13 would be followed?

14 A. Well --

15 JUDGE ITOE: [Microphone not activated] visiting the RUF
16 bureaucracy now.

17 MR O'SHEA: We are, Your Honour. He should know it.

18 Q. What was the basic well-known rule which would apply to a
19 commander and his group coming from outside Camp Zogoda wanting
20 to enter Camp Zogoda? What was the procedure that had to
21 proceed?

22 A. Before you enter we were all on alert. We would lead the
23 ambush if -- he would speak first to the top commanders before he
24 entered. He would not be close to Papay. We would all be on our
25 alert and hold our guns for emergency.

26 Q. What was the basic rule as to what the commander entering
27 Camp Zogoda must do before he enters?

28 A. Well, you should not enter with arms. You should go empty
29 handed holding nothing, no knife before you enter.

1 Q. After you were at Camp Zogoda, did you then go to Liberia?

2 A. Yes.

3 PRESIDING JUDGE: Perhaps counsel that would be an
4 appropriate point at which we could take the lunch break and so
5 then you can make that exploration away from here when we come
6 back. So we will break for lunch and resume at 2.30 p.m.

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

8 [RUF_04JULY06B - MD]

9 [Upon resuming at 2.45 p.m.]

10 PRESIDING JUDGE: Yes, Mr Nicol-Wilson.

11 MR NICOL-WILSON: Your Honour, Mr Kallon informed me that
12 he has a mild headache and will want to be excused from the
13 afternoon session, but then he doesn't have any objection to the
14 proceedings continuing in his absence.

15 PRESIDING JUDGE: And you confirm for the records that he
16 has waived his right to be present at the afternoon's session of
17 the trial.

18 MR NICOL-WILSON: Yes, Your Honour.

19 PRESIDING JUDGE: All right. Proceed. Professor O'Shea,
20 your witness.

21 MR O'SHEA: Before I proceed I just want to put the Court
22 on notice.

23 PRESIDING JUDGE: About what?

24 MR O'SHEA: There is a matter of concern that doesn't
25 concern the witness that all three counsel would wish to raise
26 after the afternoon break, if possible. We are just trying to
27 get some further information before we raise it, but I wanted,
28 for the purposes of planning, for the Court to know that.

29 PRESIDING JUDGE: That's okay, we will we ready to hear

1 you.

2 JUDGE BOUTET: By any chance, would it be related to the
3 issue raised by Mr Jordash this morning?

4 MR O'SHEA: What was that, Your Honour?

5 PRESIDING JUDGE: No, that's in connection to some
6 impediments he's been experiencing with the Defence Office.

7 MR O'SHEA: No.

8 JUDGE ITOE: The Principal Defender's office.

9 PRESIDING JUDGE: It's unrelated to that?

10 MR O'SHEA: I could go on forever about that, but I won't
11 even start.

12 PRESIDING JUDGE: No, no.

13 JUDGE BOUTET: I am just trying to --

14 MR O'SHEA: No. Totally unrelated, Your Honour.

15 PRESIDING JUDGE: It is just that the Court is becoming
16 quite adept at responding to clinical problems.

17 MR O'SHEA: Yes.

18 PRESIDING JUDGE: I'm not sure, because we judges are
19 supposed to be versatile in solving problems --

20 MR O'SHEA: Yes.

21 PRESIDING JUDGE: -- but I want to say sometimes they
22 exercise our creativity. But always look forward to guidance
23 from you.

24 MR O'SHEA: Thank you.

25 PRESIDING JUDGE: Let's go on.

26 MR O'SHEA:

27 Q. Mr Witness, just to take two steps back, if I may: Did you
28 ever meet Monica at Camp Zogoda?

29 A. No.

1 Q. Did you meet any girl SBUs there? Did you meet any girl
2 SBUs there?

3 A. Yes.

4 JUDGE BOUTET: You mean Small Girls Units. Not SBU.

5 MR O'SHEA: Thank you, Your Honour.

6 JUDGE BOUTET: That may have been the puzzling reaction of
7 the witness.

8 MR O'SHEA: Yes, quite.

9 Q. Yes, SGUs, not SBUs. So you did meet some girls at
10 Camp Zogoda, did you?

11 A. Yes.

12 Q. I would just like to remind you, if I may, that you are on
13 oath; you remember that, don't you?

14 A. Repeat the question, please.

15 Q. I said, I would just like to remind you that you are on
16 oath; you remember that, don't you?

17 A. Do you remember --

18 JUDGE ITOE: You have sworn to the Bible.

19 THE WITNESS: Yes.

20 JUDGE ITOE: Good. Okay.

21 MR O'SHEA: Right.

22 JUDGE ITOE: To tell the truth.

23 THE WITNESS: Yes.

24 JUDGE ITOE: And nothing but the truth?

25 THE WITNESS: Yes.

26 MR O'SHEA: Thank you, Your Honour.

27 Q. Now, I'm just going to ask you that question again and I
28 want you to think carefully about your answer. Did you meet
29 girls in Camp Zogoda?

- 1 A. Yes, women were there.
- 2 JUDGE ITOE: Not women, girls. Counsel's questions was did
3 you meet small girls, SGUs?
- 4 THE WITNESS: Yes.
- 5 MR O'SHEA:
- 6 Q. And you've just said that you met women there. Did you
7 meet women there, too?
- 8 A. Yes, that's the way I would call them because they were
9 older than me by then.
- 10 Q. Can you give the names of any of these women? Can you give
11 the names of any of these women that you met at Camp Zogoda?
- 12 A. Yes, those that I knew.
- 13 Q. Please proceed and give the names.
- 14 A. We had Piki n.
- 15 Q. Piki n?
- 16 A. Piki n, yes.
- 17 Q. How is that spelt? How is Piki n spelt?
- 18 A. P-E-K-E-I-N [sic].
- 19 JUDGE ITOE: Let me just ask the witness.
- 20 MR O'SHEA: Yes.
- 21 JUDGE ITOE: Piki n, you mean to say a small child?
- 22 THE WITNESS: No, that was the name we gave to her.
- 23 JUDGE ITOE: What does that name mean, Piki n.
- 24 THE WITNESS: Piki n?
- 25 JUDGE ITOE: Yes, the name you gave to her, what does it
26 mean?
- 27 A. No, that's the only name I knew. That's the way we called
28 her, Piki n.
- 29 JUDGE ITOE: Spell it for me again, please?

- 1 THE WITNESS: P-E-K-E-I-N.
- 2 JUDGE ITOE: Thank you.
- 3 MR O' SHEA:
- 4 Q. Who else?
- 5 A. Rachel .
- 6 Q. Yes. Anyone else?
- 7 A. I knew only those two.
- 8 Q. And who were these two women?
- 9 A. They were bodyguards too. They used to fight.
- 10 Q. So they were bodyguards and fighters?
- 11 A. Yes.
- 12 Q. They were not relations to other commanders?
- 13 A. For me, there I met them. I never knew the commanders they
14 were attached to.
- 15 MR O' SHEA: May I have one moment to take instructions,
16 Your Honour?
- 17 [Defence counsel and accused conferred]
- 18 PRESIDING JUDGE: Leave granted.
- 19 MR O' SHEA: Thank you.
- 20 Q. You see, Mr Witness, if you had really been to Camp Zogoda,
21 as a member of the RUF, you would know that with the strict
22 exception of the wives of commanders, women were absolutely not
23 allowed in the camp?
- 24 A. No. Those, they were also people that carried weapons who
25 go to the battlefield to fight. That's the reason why they were
26 allowed there. One of them was STF Piki n.
- 27 Q. And I further suggestion to you that the idea of small
28 girls in Camp Zogoda was absolutely unheard of within the RUF?
- 29 A. No. They were there. Those two were there. Because they,

1 too, had arms and they know how to manipulate arms.

2 Q. Well, you've said that Pikin was an adult; did you say
3 that, that Pikin was an adult?

4 A. He was older than me. He was above -- she was older than
5 me, sorry. She was above 18 years.

6 Q. And what about Rachel, was Rachel an adult?

7 A. Rachel too is the same. She was above 18 years.

8 Q. Can you name any of the small girls who were there?

9 A. I knew only those two people that carried arms.

10 Q. What was the name of the area where the civilians were
11 located in Camp Zogoda?

12 A. I didn't understand.

13 Q. What was the name given to the area where civilians were
14 located in Camp Zogoda?

15 A. We don't have civilians there.

16 THE INTERPRETER: Your Honours, can the witness kindly wait
17 for the interpretation before he answers the question.

18 PRESIDING JUDGE: Witness.

19 THE WITNESS: Yes.

20 PRESIDING JUDGE: The interpreters kindly request that you
21 wait for the interpretation before you answer the question. Do
22 you understand?

23 THE WITNESS: Yes, sir.

24 THE INTERPRETER: Your Honours, I think we have to
25 ascertain whether he is on the right channel, because he appears
26 to be on the wrong channel.

27 PRESIDING JUDGE: Could we check that, Mr Walker, please.

28 THE WITNESS: Yes, yes, I'm now getting you.

29 PRESIDING JUDGE: Well, let's proceed.

1 MR O' SHEA:

2 Q. Well, I suggest to you Mr Witness, that you are wrong about
3 that, that there were civilians located in Camp Zogoda?

4 A. Civilians were not there. Those that were there, they had
5 been with us the RUFs. They were not trained. But they carried
6 arms.

7 Q. Well, are you trying to step out of this, Mr Witness?
8 Obviously civilians are not trained. That goes without saying.
9 But you said there were no civilians there. Are you now
10 modifying that answer because I've challenged you on it? Were
11 there or were there not civilians in Camp Zogoda?

12 A. Where we were, in the RUF, as long as you do carry arms,
13 you are no longer a civilian because they used to go to the
14 front.

15 Q. So are you suggesting that everybody who was in Camp Zogoda
16 went to the front?

17 A. Yes. Those of us who were there that carried arms.

18 Q. I suggest to you that there was a group of people in
19 Camp Zogoda who did not go to the front and who were not armed
20 and that these were civilians? You disagree with that?

21 A. I will not accept that, because they didn't allow civilians
22 to go there. Because Papay used to go there. Whatever thing was
23 to be done, there we planned it. It was not everybody that was
24 allowed to go there.

25 Q. You see, if your story was true, you would know that there
26 was a specific area, with a specific name within Camp Zogoda
27 where the civilians were kept, and that that area was called
28 Target Q. Do you disagree with that?

29 A. No. No.

- 1 Q. Do you agree or disagree?
- 2 A. I will not accept.
- 3 Q. And that is because you've never been there, isn't it?
- 4 A. Yes, I will not accept.
- 5 Q. When you went from Camp Zogoda to Liberia, what route did
6 you take?
- 7 A. Where we entered Kailahun at first, there we boarded and
8 went.
- 9 Q. Yes, you believe that Zogoda is near Kailahun, don't you?
- 10 A. It is not in the town that Zogoda is.
- 11 Q. But you believe that Zogoda is near Kailahun, don't you?
- 12 A. Yes.
- 13 Q. And that's wrong as well, isn't it?
- 14 A. It is correct.
- 15 Q. And what are the names of the chiefdoms that surround
16 Camp Zogoda?
- 17 A. I don't know the names of the chiefdoms, but I recall some
18 villages around that area.
- 19 Q. Will you just answer my question. So when you were going
20 from Zogoda to Liberia, you say you entered Kailahun?
- 21 A. Yes.
- 22 Q. And then where did you go?
- 23 A. From there we went to Bunumbu.
- 24 Q. And then?
- 25 A. We went to Koindu.
- 26 Q. And then?
- 27 A. Then we went to Liberia.
- 28 Q. And what was the name of the first town you came across in
29 Liberia?

- 1 A. We went first to Kolahun.
- 2 Q. Can you spell that, please?
- 3 A. No, I don't know how to spell it. Let me don't lie.
- 4 Q. So, I will try to say it again and you say if my
5 pronunciation is correct; Kolahun?
- 6 A. No, Kolahun.
- 7 Q. Kolahun?
- 8 A. Yes.
- 9 Q. I will try a phonetic spelling?
- 10 PRESIDING JUDGE: Yes, it would be appropriate.
- 11 MR O'SHEA: K-U-L-A-H-U-N, would that be --
- 12 PRESIDING JUDGE: K-O would be more appropriate.
- 13 MR O'SHEA: Thank you, I will accept that.
- 14 JUDGE ITOE: These are frontier towns. They have similar
15 characteristics they have so many hunsi in Sierra Leone and you
16 would expect that in neighbouring border towns you would find the
17 same people who are divided by well what you know is geographic
18 divisions which we inherited from our colonial past.
- 19 MR O'SHEA: Indeed.
- 20 JUDGE ITOE: So they are the same people, the same towns
21 with the same spellings.
- 22 MR O'SHEA: Yes.
- 23 PRESIDING JUDGE: So let's settle for the phonetic
24 spelling.
- 25 MR O'SHEA: I am in Your Honour's hand.
- 26 PRESIDING JUDGE: Let's proceed. So they went first to
27 Kolahun.
- 28 MR O'SHEA:
- 29 Q. Was Augustine Gbao with you?

- 1 A. Yes, he accompanied us.
- 2 JUDGE ITOE: Not accompanied. He said he escorted. Is
3 that not what he said, Mr Interpreter?
- 4 THE INTERPRETER: Yes, Your Honour.
- 5 MR O' SHEA:
- 6 Q. Was he your commander on that journey?
- 7 A. Yes.
- 8 Q. How long was the journey from Camp Zogoda to the first town
9 in Liberia, Kolahun?
- 10 A. Well, from Camp Zogoda when we came to Kailahun then we
11 left. We first went to Bunumbu. We were there for some time.
12 In the evening we left and went to Koindu -- sorry.
- 13 Q. What do you mean for some time?
- 14 A. Well, we were there. We were there. We relaxed. We drank
15 and then prepared ourselves to go.
- 16 Q. How long did it take, the journey to Bunumbu?
- 17 PRESIDING JUDGE: You mean from -- go ahead.
- 18 THE WITNESS: We spent a day. The second day we arrived at
19 night.
- 20 Q. And then how long did it take you to reach the first town
21 in Liberia?
- 22 A. We travelled at night and then we arrived at night again.
- 23 Q. So one day, approximately?
- 24 A. Well, from Kailahun to enter in Liberia, we spent two days.
- 25 Q. And Augustine Gbao was with you all the time?
- 26 A. Yes. When we arrived, he returned.
- 27 Q. When you arrived at the first town in Liberia; is that what
28 you mean?
- 29 A. Yes.

1 JUDGE ITOE: Can we call that first town Kolahun, when they
2 reached Kolahun Augustine Gbao came back. Mr Witness, is that
3 what you are saying?

4 THE WITNESS: Yes.

5 MR O' SHEA:

6 Q. And how long did you spend in Liberia?

7 A. I spent there two months and returned.

8 Q. And when you returned, you returned to Kailahun?

9 A. Yes.

10 Q. And on your return to Kailahun you met Augustine Gbao
11 again?

12 A. Yes.

13 Q. And your return from Liberia, what year are we talking
14 about? Are we now in 1993, or later?

15 A. Yes.

16 Q. 1993?

17 A. Yes, we were, yes. We were going towards the end of 1992.

18 Q. And did you meet Augustine Gbao as soon as you got back to
19 Kailahun?

20 JUDGE ITOE: He said yes. He had said so.

21 MR O' SHEA: He said he met Augustine Gbao when he returned
22 to Kailahun, but I just wanted to make sure it was as soon as he
23 got back.

24 JUDGE ITOE: That's what he said but he can answer your
25 question.

26 MR O' SHEA:

27 Q. Did you meet Augustine Gbao as soon as you got back to
28 Kailahun? Did you meet him immediately or later?

29 A. Yes.

- 1 Q. And were you then under his command?
- 2 A. Yes.
- 3 Q. And from then onwards, did you see him every day?
- 4 A. Yes.
- 5 Q. And from Kailahun, between the end of 1992 and 1995 you
6 launched various attacks; is that correct?
- 7 A. Yes.
- 8 Q. So that's a period of about three years that you are
9 stationed at Kailahun launching attacks from there; correct?
- 10 A. Yes.
- 11 Q. And during those three years you would see Augustine Gbao
12 more or less every day?
- 13 A. No. Within the three-year period I was not seeing him
14 every day, every day.
- 15 Q. How often would you see him?
- 16 A. Well, sometimes, when we leave there to come, it would be
17 the time we would see him. Sometimes we would be at the front
18 line. I would see him there.
- 19 Q. But you would see him very regularly during those
20 three years; is that a fair assessment?
- 21 A. Yes.
- 22 Q. And you came to know him very, very well?
- 23 A. Yes.
- 24 Q. What was the name of the first place that you attacked from
25 Kailahun?
- 26 A. We went first to Kenema.
- 27 Q. Did Augustine Gbao come with you?
- 28 A. Yes.
- 29 Q. So he was on the front line?

- 1 A. Yes.
- 2 Q. And he was armed?
- 3 A. Yes, he had one. He was the advance commander.
- 4 Q. He was the advance commander?
- 5 A. Yes.
- 6 Q. And he was heavily involved in the fighting?
- 7 A. Yes.
- 8 Q. And then you attacked another place -- was it called Tongo;
- 9 is that the name of the place you attacked next?
- 10 A. No. It was Pujehun.
- 11 Q. Well, that's not the order you gave before but never mind.
- 12 When you went to Pujehun, was Augustine Gbao with you?
- 13 A. Yes, he was with us.
- 14 Q. And again you went to the front line on the advance? Was
- 15 he in the advance team?
- 16 A. Yes, he was there.
- 17 Q. Again, heavily involved in the fighting?
- 18 A. Yes.
- 19 Q. Did he also go with you to Benguema?
- 20 A. Yes. That was when we left Kenema, on the attack that we
- 21 never succeeded in, when we were retreating.
- 22 Q. Did he also go with you to Dodo?
- 23 A. Yes.
- 24 Q. And he also went with you to Masingbi?
- 25 A. No.
- 26 Q. Then after spending three years in Kailahun, what did you
- 27 do then?
- 28 A. It was only when we were there going on attacks.
- 29 Q. Did you subsequently go to Kono?

- 1 A. Yes, we were travelling, going and coming.
- 2 Q. Was Augustine Gbao with you?
- 3 A. Yes. Sometimes he would be with us when we were going and
4 then sometimes he would stay behind.
- 5 Q. And at some point you came to settle in Kono, didn't you?
6 Prior to the AFRC coup.
- 7 A. No, I didn't stay there.
- 8 Q. You never stayed in Kono?
- 9 A. I didn't stay there for a long time. I would go there
10 perhaps for a week or two and then returned.
- 11 Q. See, I thought your evidence before was that you were in
12 Kono until you heard of the coup; is that wrong?
- 13 A. Repeat the question, please, for me to hear.
- 14 Q. You gave evidence before in this Court that you stayed in
15 Kono until you heard of the AFRC coup; is that wrong?
- 16 A. It is correct. That was the time we went and attack
17 Masingbi together with Mosquito, myself and Mosquito. From there
18 we went to Kono. I didn't spend up to three weeks there.
- 19 Q. Then you say that when the coup took place and Johnny Paul
20 Koroma took over the government, you say that you were given the
21 mandate of taking a message to Augustine Gbao; is that right?
- 22 A. Yes, it is correct.
- 23 Q. Were you given that task by yourself?
- 24 A. No, it was not me. I was not the very person that was sent
25 but the person that was sent, we were all in the same vehicle and
26 I was not alone in that vehicle.
- 27 Q. But you were the one who was given the responsibility of
28 the message; is that correct?
- 29 A. No, I was not the one that the message was given to, but I

1 was there when the message was passed on and then we were counted
2 that we should go.

3 Q. I thought it was your evidence that you were the one that
4 took the message?

5 A. We took the message and carried it, but it was not me that
6 was appointed to carry the message.

7 Q. What was your role?

8 A. Well, by then we were experienced in ambushes, so we went
9 as escort in the vehicle.

10 Q. And this message, was it a verbal message or was it on a
11 piece of paper?

12 A. It was explained to us. By then they have sent a radio
13 message ahead. It was not written on a paper.

14 Q. So your job was to go with this message and then it would
15 be explained verbally to Augustine Gbao?

16 A. Yes, when we went, the message was relayed to him and then
17 we returned.

18 Q. And tell this Court again what the message was?

19 A. Well, the message was to go and to inform Augustine Gbao
20 that we should ceasefire and then everybody should go to Kono.
21 That we should be united with the SLA. That we should come
22 together until when we were brought to Makeni.

23 Q. Then you went to Kono; correct?

24 A. Yes.

25 Q. There was a sort of a shaking of hands ceremony?

26 A. Yes.

27 Q. Was Augustine Gbao there?

28 A. He went there later. By then we had left.

29 Q. And then you say you were taken to Makeni?

- 1 A. Yes.
- 2 Q. That was in 1997, was it?
- 3 A. Yes.
- 4 Q. And Augustine Gbao led that group in 1997?
- 5 A. No. He was not the leader for the group.
- 6 Q. Was he in the group?
- 7 A. Yes.
- 8 Q. Who do you now say was the leader of the group?
- 9 A. It was CO Mosquito.
- 10 Q. And when Augustine Gbao reached Makeni, did he stay in
11 Makeni?
- 12 A. No. He didn't stay there for a long time.
- 13 Q. How long did he stay there?
- 14 A. Well, I didn't know because when we went, I didn't see him
15 any longer. They had taken us by then to the priest.
- 16 Q. Then were you with the priest until the overthrow of Johnny
17 Paul Koroma?
- 18 A. Yes, I was with the priest.
- 19 Q. Until the overthrow of Johnny Paul Koroma's government?
- 20 A. Yes.
- 21 Q. And did you see Augustine Gbao at that time?
- 22 A. What time are you talking about?
- 23 Q. After the overthrow of Johnny Paul Koroma's government?
- 24 A. No. I didn't see him directly during the time we were
25 dispersed.
- 26 Q. What do you mean by the time you were dispersed?
- 27 A. The time we dispersed at the centre, I didn't see him out
28 rightly. It was only when we came to the task force.
- 29 Q. And when was that?

- 1 A. There I saw him. It was during the time all of us had
2 taken arms, when we were prepared to go. When we were about to
3 go to Adra.
- 4 Q. And is this still in 1997? Sorry, is this still in 1998?
- 5 A. Yes, when Johnny Paul was overthrown.
- 6 Q. So soon thereafter?
- 7 A. Yes.
- 8 Q. And when you met Augustine Gbao at the task force office,
9 did you recognise him immediately?
- 10 A. Yes.
- 11 Q. Because he was very well known to you by that stage?
- 12 A. Yes.
- 13 Q. Then you took part in the advance towards Freetown, didn't
14 you?
- 15 A. Yes, when we were about to come to town.
- 16 Q. And it's your evidence that Augustine Gbao also took part
17 in that advance?
- 18 A. Yes.
- 19 Q. As a fighter?
- 20 A. Well, so we prepared ourselves, but we were not fighting on
21 the way.
- 22 Q. Was Augustine Gbao prepared for himself to fight?
- 23 A. With ours, yes.
- 24 Q. So he was leading a squad of troops, was he?
- 25 A. No.
- 26 Q. But he was carrying an arm?
- 27 A. Yes, he had a pistol.
- 28 Q. And it was intended that he was to take part in the
29 capturing of Freetown; is that right?

1 A. Yes, to come and receive Johnny Paul. That was our target.

2 Q. You then arrive at Adra Camp?

3 A. I didn't go to row camp [as interpreted], I went to
4 Adra Camp.

5 Q. And at Adra Camp was Augustine Gbao with you?

6 A. Yes.

7 Q. And when you were retreating, was Augustine Gbao with you?

8 A. Yes. They first left because they came ahead.

9 PRESIDING JUDGE: The Court will recess for a brief period.

10 [Break taken at 3.30 p.m.]

11 [Upon resuming at 4.04 p.m.]

12 PRESIDING JUDGE: Professor O'Shea, we can continue.

13 We are, of course, probably about an hour away from the end
14 of the session this afternoon. Do you care to make any
15 commitment as to how far your cross-examination will be
16 proceeding further?

17 MR O'SHEA: Yes, I think so. My objective -- I don't know
18 if we are taking an afternoon break.

19 PRESIDING JUDGE: No, we are not likely. We will proceed
20 to the end of the day.

21 MR O'SHEA: My objective is to finish by the end of the
22 day.

23 PRESIDING JUDGE: All right. Let's just march on.

24 MR O'SHEA: Thank you.

25 JUDGE ITOE: But the end of the day for us today is not
26 5.30, but 5.00.

27 PRESIDING JUDGE: We will also hear your application.

28 MR O'SHEA: Yes, I think I can still do that.

29 PRESIDING JUDGE: We will march along.

1 MR O' SHEA: Thank you.

2 Q. Now, Mr Witness, I would like to come onto the alleged
3 capture of UNAMSIL peacekeepers with you. Now, you mentioned
4 that there was an attack on Makump. What exactly -- what was the
5 nature of the UN facility at Makump?

6 A. I did not go to Makump.

7 Q. So you are unable to comment on the nature of the facility
8 at Makump; is that correct?

9 A. Yes.

10 Q. And in which exercises against UNAMSIL did you personally
11 participate?

12 JUDGE BOUTET: In which what, exercise?

13 MR O' SHEA: Perhaps that's badly expressed.

14 JUDGE BOUTET: I think, because I think I know what you
15 mean, but I think you can be much more precise in your language.

16 MR O' SHEA: I can be a bit more than that.

17 JUDGE BOUTET: Yes.

18 MR O' SHEA:

19 Q. In which attacks against UNAMSIL did you participate?

20 A. We took their vehicles and some of their properties, and
21 their ammunition.

22 Q. All right. Just listen for the question, please. In which
23 attacks did you take part?

24 A. I took part at Mabanta and Mankneh.

25 Q. And what happened at Mabanta?

26 A. When we went to Mabanta, we started shooting. We seized
27 their vehicles. When the chopper came to pick them up, they too
28 started returning fire.

29 Q. Can I just stop you there. Which specific facility were

- 1 you attacking at Mabanta?
- 2 A. Well, it was for the vehicles.
- 3 Q. So is Mabanta the location of one UN facility?
- 4 A. Yes.
- 5 Q. Describe that facility to the Court, please?
- 6 A. What facility?
- 7 Q. Well, if I use the word "camp," does that make more sense
8 to you? When you reached Mabanta, were you attacking one UN
9 camp?
- 10 A. Yes.
- 11 Q. Could you please describe that camp?
- 12 A. Yes.
- 13 Q. Please proceed?
- 14 A. They built the -- they built something there like quarters
15 and there are some tiny booths there, military booths. They had
16 some water tanks there. They had a hospital there. They had
17 vehicles there.
- 18 Q. So this is all in one camp?
- 19 A. No. It's not just -- they were not just in that single
20 camp.
- 21 Q. I'm talking about Mabanta, only about Mabanta.
- 22 A. Yes, they were there.
- 23 Q. Did you attack one or more camps at Mabanta? Don't worry
24 about Mankneh?
- 25 JUDGE BOUTET: Did you say after Mabanta?
- 26 MR O'SHEA: No, at Mabanta.
- 27 JUDGE BOUTET: At Mabanta.
- 28 MR O'SHEA: Yes.
- 29 Q. You've described a location which you've called Mabanta;

1 right? Forget about Mankneh for the moment. Did you attack one
2 or more camps at Mabanta?

3 A. I attacked one camp at Mabanta.

4 Q. Was there only one camp at Mabanta?

5 A. The one that we went to is the one that I know about.

6 Q. So you know about no other UN buildings, other than that
7 camp at Mabanta; is that correct?

8 A. No, I know only that one.

9 Q. What do you know?

10 A. Well, I know about the one that was at Mankneh.

11 Q. All right. So, in terms of your knowledge of UN locations,
12 you know one at Mankneh and you know one at Mabanta; is that
13 fair?

14 A. Yes.

15 Q. And the location that you know about at Mabanta, where
16 exactly is it located?

17 A. When you come into Freetown.

18 Q. Where exactly in Mabanta is it located?

19 A. Well, when you are going you will go by the right-hand
20 side. There are some small rocks there.

21 Q. Which road are we on?

22 A. The Freetown Highway. After St Francis. Going towards
23 Mabanta. Then you will branch on the right-hand side.

24 Q. And what is the name of the road on the right-hand side?

25 A. No, I don't know the name of this street.

26 JUDGE ITOE: Is his geography functioning? I hope so. Is
27 it functioning?

28 MR O'SHEA: According to other sources it is.

29 JUDGE ITOE: According to your sources; according to your

1 instructions?

2 MR O' SHEA: No, according to other sources I will put to
3 him in a minute. His geography is functional.

4 JUDGE ITOE: [Overlapping speakers].

5 MR O' SHEA:

6 Q. So the only road near this Mabanta UN location you know
7 about is the Freetown Highway; is that correct?

8 A. Repeat the question.

9 Q. The only road that you know about, which is near this UN
10 location at Mabanta, is the Freetown Highway; is that correct?

11 A. Yes, it's correct.

12 JUDGE ITOE: [Microphone not activated] St Francis and
13 going towards Mabanta?

14 MR O' SHEA: Yes.

15 THE WITNESS: Yes.

16 MR O' SHEA: Along the Freetown Highway.

17 Q. So when you attacked this UN location, were the UN
18 peacekeepers there?

19 A. Yes, they were there.

20 Q. And what were they doing?

21 A. Well, at first they didn't want to do anything, but when
22 they saw that the situation was getting worse, they returned fire
23 against us.

24 Q. And then what happened?

25 A. From there we took their vehicles. We took some other
26 things and we left.

27 Q. So you got in their vehicles and left with their vehicles?

28 A. Yes.

29 Q. And the UN peacekeepers were still there firing, were they?

1 A. Some used the chopper and went away. The rest of them we
2 captured.

3 JUDGE BOUTET: So this is at Mabanta still?

4 THE WITNESS: Yes.

5 MR O'SHEA: Thank you, Your Honour.

6 Q. And did you take these vehicles before you captured them?

7 A. We captured them and we put them in the vehicles.

8 Q. How did you capture them?

9 A. Well, we started shooting at the place because there were
10 not many so we captured some of them. Some did not fight.

11 Q. So when you are face-to-face with these UN men, what
12 exactly do you do?

13 A. Well, we brought them to the task force. That's where we
14 left them.

15 Q. Okay. Well, let's remain at the Mabanta camp for the
16 moment. You say that some of them were returning fire but some
17 of them gave up. So the ones that gave up, when you are
18 face-to-face with them, what did you do?

19 A. Well, they were trying to defend themselves and we were
20 trying to enter, to take whatever they had.

21 Q. Did you try to take whatever they had before or after you
22 put them in the vehicles?

23 A. When we were -- it was during the exchange. That is the
24 time that we were trying to take what they had.

25 Q. Do you mean during the exchange of fire?

26 A. Yes. Because we did not enter from the same end.

27 Q. So were you fighting and taking property at the same time?

28 A. Yes. Later, when we overpowered them, they didn't shoot.
29 They stopped.

1 Q. But when you were shooting at them, were you taking their
2 property at the same time that you were shooting at them?

3 A. Yes, because when we went in that group we dispersed in
4 three places so, they concentrated in one place, the other group
5 entered.

6 Q. When you captured the men, what did you do with them?

7 A. We put them in the vehicles and took them to the task
8 force, where we left them.

9 Q. Did they lay down their weapons?

10 A. Yes, because there were many. We had taken all that they
11 had. They were surrendering to us.

12 Q. So they laid down their weapons, you then approached them,
13 and you take hold of them; is that correct?

14 A. Yes.

15 Q. And then the next thing you do is you move them towards the
16 vehicles and then you put them inside the vehicles; is that the
17 sequence of events?

18 A. Yes, that's how it happened.

19 Q. Who were the commanders who were present?

20 A. CO Issa was there, Morris Kallon was there, CO Gibriil was
21 there, Superman was there.

22 MR O'SHEA: May I just consult with my learned friend for
23 one second, Your Honour?

24 [Defence counsel conferred]

25 PRESIDING JUDGE: Leave granted.

26 MR O'SHEA: Thank you, Your Honour.

27 Q. So you said that Augustine Gbao was there; Morris Kallon
28 was there; Gibriil Massaquoi and Superman; correct?

29 A. Yes.

- 1 Q. Anyone else?
- 2 A. Yes, junior commanders were there, some of us, the SBUs.
- 3 Q. Wasn't Issa Sesay in his basement?
- 4 A. No, he was with us. He was going on patrol.
- 5 Q. Why have you never mentioned the presence of Superman
6 before now?
- 7 A. I mentioned him.
- 8 Q. When?
- 9 A. When they -- when the UNAMSIL sent us in disarray, he came
10 there and went back after the mission.
- 11 Q. When did you mention Superman to the Prosecution or to this
12 Court in relation to what happened at Mabanta?
- 13 A. I mentioned it at the time they were looting the vehicles,
14 they took him because all the commanders had taken -- had given
15 them one vehicle each.
- 16 Q. Well, I suggest that you haven't mentioned it, either to
17 the Prosecution or to this Court. This is the first time the
18 word "Superman" is coming up in the context of the Mabanta Road
19 incident; that's right, isn't it?
- 20 A. No, I mentioned it. Because I saw him and he too had a
21 vehicle, one of the 4Runner vehicles. They came there together
22 with CO Gibril.
- 23 Q. What year do you claim this is?
- 24 A. It was at the time that they attacked UNAMSIL.
- 25 Q. Can you put a year on it?
- 26 A. Well, it was at the time that they attacked the UNAMSIL.
27 At that time they wanted to stop disarmament.
- 28 Q. And according to your evidence, Superman and Massaquoi and
29 Augustine Gbao and Issa Sesay and Morris Kallon were all

1 collaborating closely in this attack, were they?

2 A. Yes, because we were in disarray, all over the place.

3 Wherever they heard that UNAMSIL were, they would go there.

4 Q. That's a lot of senior commanders in one location, isn't
5 it?

6 A. No.

7 Q. Can I suggest to you that it is totally untrue that
8 Superman and Massaquoi were collaborating with Gbao, Sesay and
9 Kallon on this day?

10 A. They were there. Even the vehicle which Gibril Massaquoi
11 had was a 4Runner. The screen that was at the back was removed
12 and Superman removed the doors to the vehicle, that he had. It
13 was a Land Rover. It belonged to the Kenyans.

14 Q. Now, you say that you stole these vehicles that were at
15 Mabanta camp; does that mean that you didn't have vehicles when
16 you arrived?

17 A. Yes, because we were planning to loot their vehicles, so we
18 didn't take vehicles along. It was only one person took a
19 vehicle along.

20 Q. Can I suggest to you that Massaquoi and Superman were in
21 Freetown at this time?

22 A. No. At the time that that thing happened they were all in
23 Makeni.

24 Q. Let's come to Mankneh. What happened at Mankneh?

25 A. At Mankneh, we did the same thing. We looted their
26 vehicles and their properties.

27 Q. So some UN troops were exchanging fire with you and some
28 gave up, did they?

29 A. No. They did not exchange any shooting with us there.

- 1 When we started shooting, they surrendered and they said they
2 were not going to fight.
- 3 Q. So when they surrendered you approached them?
- 4 A. Yes. We went there and we took all that they had.
- 5 Q. You took hold of them physically?
- 6 A. We did not take everything with our hand.
- 7 Q. Did you take hold of the UN peacekeepers physically?
- 8 A. Yes. We tied up some of them.
- 9 Q. So is what happened this: When they surrendered, you
10 walked towards them, tied them up and then moved them towards
11 vehicles; is that what happened?
- 12 A. Repeat the question.
- 13 Q. Is this the sequence of events: They laid down their arms,
14 you walk up to them, you tie them up, and then you walk them to
15 vehicles; is that the sequence of events?
- 16 A. Yes.
- 17 Q. And then you put them inside the vehicles?
- 18 A. Yes.
- 19 Q. And according to you, when you started firing, these UN
20 peacekeepers gave up immediately? They did not return fire; is
21 that correct?
- 22 A. Yes, that was at Mankneh.
- 23 Q. Now, when is it that you say Augustine Gbao went to
24 Caritas?
- 25 A. Well, it was at the time that they came from Makump. It
26 was at that time that they went to us at Caritas camp, which was
27 at St Francis.
- 28 Q. Sorry, could you just give that answer again?
- 29 A. Yes. It was at the time that they came from Makump and

1 they met us at Caritas camp which was at St Francis.

2 MR O'SHEA: Can I have a moment, please, Your Honour?

3 PRESIDING JUDGE: Leave granted.

4 [Defence counsel conferred]

5 MR O'SHEA: Thank you, Your Honour.

6 Q. You made a statement -- let me say this. You spoke to
7 someone from the Prosecution on 28 February 2006 about these
8 events at Mabanta and at Mankneh?

9 A. Yes.

10 Q. When you told your story to the Prosecution, did the
11 Prosecution tell the story back to you?

12 A. No.

13 Q. And who did you speak to?

14 A. Now?

15 Q. Who did you speak to on 28 February, when you were speaking
16 about Mabanta and Mankneh?

17 A. To my lawyer.

18 Q. To the gentleman who is sitting to your left?

19 A. Yes. And the other one.

20 Q. And the lady sitting next to him as well?

21 A. Yes.

22 Q. So how long was this meeting?

23 A. Well, it took some time because they kept asking me over
24 and over. It was not a day or two days.

25 Q. Was it several days?

26 A. Not several days.

27 Q. Was it two days?

28 A. Well, sometimes we would meet once a week, or twice.

29 Q. All right. But I'm talking about 28 February. You meet

1 with the gentleman and the lady to your left. You meet them on
2 28 February and you talk about the attacks at Mabanta and
3 Mankneh; right?

4 A. Yes.

5 Q. Did you meet them the following day, to continue talking
6 about those attacks?

7 A. Yes, I met with them.

8 Q. On 29 February?

9 A. Yes.

10 JUDGE BOUTET: Mr O'Shea, what is it you are trying to
11 achieve with this, may I ask, so we are in a better position to
12 try to follow you up on this?

13 MR O'SHEA: Yes. Well, one principal objective and one
14 secondary one. The principal objective is that I'm attacking the
15 credibility of this witness.

16 JUDGE BOUTET: I know that. It's not the overall objective
17 I am talking about, it's the specific objective --

18 MR O'SHEA: Well, in the sense that I'm going to suggest to
19 Your Honours that perhaps --

20 JUDGE BOUTET: I'm talking of the statement portion, the 28
21 February.

22 MR O'SHEA: Yes, I'm going to suggest to, Your Honours,
23 perhaps, but I haven't got to that point yet, perhaps that the
24 account that this witness is giving of his interaction with the
25 Prosecution is yet another lie. That is one thing I am pursuing.
26 And I will at some point invite the Prosecution to state, not
27 necessarily in the presence of the witness, what the real
28 position is.

29 JUDGE ITOE: You mean the Prosecution to tell you what they

1 were discussing with the witness? The Prosecution --

2 MR O'SHEA: To affirm, or not affirm the witness's version
3 because the witness's version goes against the face of the
4 document.

5 JUDGE ITOE: How will they do it? On oath or what?

6 MR O'SHEA: They don't need to, Your Honour. They are
7 trusted by the Court.

8 JUDGE ITOE: I am just asking.

9 MR O'SHEA: I would not ask them to.

10 JUDGE ITOE: I think I would go for evidence on oath, if
11 they do accept, to go with you in this expedition.

12 MR O'SHEA: I would never invite counsel to do that. I
13 would find it sufficient, for the purpose of casting doubt on the
14 witness's evidence, if counsel were to give their word. But
15 anyway, that's just to give an indication to Your Honours.

16 JUDGE ITOE: You are expecting counsel to contradict his
17 own witness, counsel for the Prosecution to contradict this
18 witness who is his witness.

19 MR O'SHEA: Absolutely.

20 JUDGE ITOE: Is that what you are expecting him to do?

21 MR O'SHEA: It's an ethical obligation.

22 JUDGE ITOE: It's okay. I don't want to pursue it further.

23 PRESIDING JUDGE: Let me just for my own enlightenment, so
24 in other words, you will, at some stage, be asking counsel for
25 the Prosecution to take the unusual step of what, declaring this
26 witness hostile?

27 MR O'SHEA: No, Your Honour. Based on what I've heard so
28 far from the witness, I will simply invite the Prosecution to
29 confirm, or not confirm, certain aspects of what he has said.

1 PRESIDING JUDGE: Yes. But the Prosecution has the
2 opportunity of doing that under re-examination with, of course,
3 subject to the rigid regime of rules which govern re-examination.

4 MR O'SHEA: Well, I won't pre-empt re-examination.

5 PRESIDING JUDGE: That is the point. That is the mechanism
6 open to them at this point after your cross-examination.

7 MR O'SHEA: If we get to the point where the Prosecution
8 decides to re-examine on this --

9 PRESIDING JUDGE: Yes.

10 MR O'SHEA: -- it may be the matter is cleared up in
11 re-examination.

12 PRESIDING JUDGE: Exactly. It's a possibility.

13 MR O'SHEA: Yes. If it's not cleared up in re-examination,
14 that may be the time --

15 PRESIDING JUDGE: What do you mean?

16 MR O'SHEA: -- that I may extend a certain invitation to
17 the Prosecution.

18 PRESIDING JUDGE: Well, as I see, these are all things we
19 leave to learn every day. It may be some new process that we
20 need to benefit from, but at this point in time, perhaps the best
21 thing to do is to continue your cross-examination.

22 MR O'SHEA: Yes.

23 PRESIDING JUDGE: In the hope that if the Prosecution sees
24 any need, when the situation does arise for them to re-examine --

25 MR O'SHEA: Yes.

26 PRESIDING JUDGE: -- to clarify issues that you may well
27 have raised which need clarification.

28 MR O'SHEA: Yes.

29 PRESIDING JUDGE: And to eliminate any discrepancies.

1 MR O'SHEA: Well, the point is the Court can draw
2 inferences and it's at times up to counsel to do what is
3 necessary.

4 PRESIDING JUDGE: Quite right. You are dealing with a
5 statement that he made to the Prosecution now?

6 MR O'SHEA: Yes. My --

7 PRESIDING JUDGE: In the traditional way are you adopting
8 any of the two options immediately, refreshing his memory or
9 seeking to allege possible inconsistency?

10 MR O'SHEA: Once I have finished this process I am going to
11 allege inconsistency.

12 PRESIDING JUDGE: That's it. I think we probably should be
13 a little more focused than that.

14 MR O'SHEA: The only purpose of my responses just now was
15 not to invoke any controversy at this stage but simply to
16 enlighten his Honour Judge Boutet, if I have, as to the direction
17 of my thinking.

18 PRESIDING JUDGE: I wanted you to be a little more focused
19 as to whether once you start referring to his statement whether
20 you were asking, you were moving in the direction of refreshing
21 his memory or, in fact, possible allegations of prior
22 inconsistency.

23 MR O'SHEA: Definitely the second.

24 PRESIDING JUDGE: All right.

25 JUDGE BOUTET: Mr O'Shea, if I may.

26 MR O'SHEA: Yes.

27 JUDGE BOUTET: I mean, my question was, and you have
28 answered in part my question.

29 MR O'SHEA: Yes.

1 JUDGE BOUTET: But my concern is I know you are dealing
2 with credibility, it's been very, very obvious from all of your
3 line of questions.

4 MR O'SHEA: Yes.

5 JUDGE BOUTET: But I would ask that you also assist the
6 Court in making your own assessment as to how far you want to go.
7 I mean, you can go on for ever on this kind of issue and after a
8 certain time it doesn't serve any useful purpose. I say this
9 without any more than this --

10 MR O'SHEA: Yes.

11 JUDGE BOUTET: -- I mean, yes, you may wish to open another
12 area as such, but how far you want to do this and how long you
13 want to do this and, as you know, quantity is not necessarily the
14 issue, it's often the quality, so I'm just mentioning that.

15 MR O'SHEA: Yes. No, that is fine.

16 JUDGE BOUTET: So if you bear that in mind.

17 MR O'SHEA: That I entirely accept, Your Honour. My
18 previous line of questioning was going in a very different
19 direction, but I have to, I am in a sense duty-bound to deal with
20 these UNAMSIL points separately.

21 JUDGE BOUTET: Yes, but you were moving now in a collateral
22 matter as such.

23 MR O'SHEA: Yes. Well, I was going to say there was a
24 secondary purpose to my exploration, but I needn't go into that.

25 JUDGE BOUTET: I have made my comments.

26 MR O'SHEA: Thank you.

27 Q. So you had a meeting on 28 February where you discussed the
28 attack at Mabanta and the attack at Mankneh and how long was that
29 meeting on the 28th; do you remember?

- 1 A. We did not have any meeting.
- 2 Q. Well, you've already admitted that, Mr Witness. You've
3 said that you met with the Prosecution on 28 February. You met
4 with the gentleman and the lady to your left. You've already
5 said that.
- 6 A. We came together. It was not a meeting that was held.
- 7 Q. All right. You came together.
- 8 A. Yes.
- 9 Q. And you explained your story about Mabanta and Mankneh on
10 that day; accepted?
- 11 A. Yes.
- 12 Q. I'm asking you how long were you with them for?
- 13 A. I was not looking at a watch.
- 14 Q. Was it half-an-hour or was it the whole day?
- 15 A. Sometimes two to three hours. Sometimes two hours.
- 16 Q. Well, on this occasion, on 28 February, don't say
17 sometimes, we are not talking about generalities, on 28 February
18 was it about two or three hours; is that what you are saying?
- 19 A. Yes.
- 20 Q. And then you said you met them again on the following day,
21 29 February; right?
- 22 A. Yes.
- 23 Q. And how long did you spend with them?
- 24 A. Well, I can't tell you the exact number of hours because I
25 hadn't a watch, nor was I looking at the time. I only knew about
26 the time that they went to pick me up from my house. That's the
27 time I know.
- 28 Q. Was it more like half-an-hour or more like the whole day?
- 29 A. No, no, we never sat a whole day with them.

1 PRESIDING JUDGE: Is that of much materiality? Isn't it a
2 question of whether the statement was made at all? Is the timing
3 so crucial, critical at this point in time?

4 MR O'SHEA: Well, it's something the witness said earlier.

5 PRESIDING JUDGE: Yes.

6 MR O'SHEA: Let me just see if I can say this without
7 directing the witness.

8 JUDGE ITOE: If you want the witness --

9 MR O'SHEA: You see the witness statement, Your Honour --

10 JUDGE ITOE: If you want the witness out of the Court you
11 can --

12 PRESIDING JUDGE: We can excuse him quickly because --

13 JUDGE ITOE: -- to leave because you can express yourself
14 because --

15 PRESIDING JUDGE: -- can we do it for you because --

16 MR O'SHEA: I think I can express it without the necessity
17 of that.

18 PRESIDING JUDGE: Yes, because I --

19 MR O'SHEA: On the face of this document --

20 PRESIDING JUDGE: Is time of the essence?

21 MR O'SHEA: It is, Your Honour, to me at this stage.

22 PRESIDING JUDGE: And it touches on substance?

23 MR O'SHEA: May I explain, Your Honour, what I am doing?

24 PRESIDING JUDGE: All right. Go ahead, yes.

25 MR O'SHEA: On this document it says that the material
26 inside the document was not reviewed by the witness and red back
27 to him which he himself has admitted now.

28 PRESIDING JUDGE: Right.

29 MR O'SHEA: So by adopting that procedure I as Defence

1 counsel has been removed with a certain degree of protection over
2 what has been said in this statement. Now, the witness has said
3 earlier that they were asking him over and over again. Now, the
4 point that I'm going to make is that if this witness was with the
5 Prosecution for a period of several hours, over two days, talking
6 about the attacks on these two camps, that there was ample
7 opportunity for the accuracy of this information. That's the
8 point I'm drawing out of it now.

9 PRESIDING JUDGE: [Indiscernible] In any event, let's get
10 the witness -- I mean, if you want to pursue it, I merely asked
11 whether -- I mean, if you are moving in the direction of prior
12 inconsistency, whether it's not important that you lay the proper
13 legal foundation in the usual way but, if time becomes so
14 critical for you, then I will restrain myself and let you
15 proceed.

16 MR O'SHEA: Well, I think I've done it, Your Honour. I
17 think we are only talking about these two days.

18 PRESIDING JUDGE: Right. Very well. That's okay. I will
19 restrain myself then.

20 MR O'SHEA:

21 Q. So, Mr Witness, you said earlier that you were asked
22 questions over and over again. You said that a few minutes ago?

23 A. Yes, I said, it.

24 Q. So when you were talking about the Mabanta attack, did they
25 ask you to repeat your answers?

26 A. No, I only explained to them. It was only this later time
27 that I explained to them. It is this time that I've come.

28 Q. Well, I'm talking about 28 February. You said that they
29 asked you over and over again. What did you mean by that?

1 A. Well, they used to ask me about the first questions, the
2 first questions I've given to them, up to this very last one.

3 Q. So they asked you what happened at Mabanta and you told
4 them what happened at Mabanta?

5 A. Yes.

6 Q. Did they, or did they not, ask you to repeat that
7 information?

8 A. I was only asked what happened. I told them what happened.

9 Q. And when you told them what happened, you were telling the
10 entire truth, were you?

11 A. Yes. If I've not wanted to tell them the truth we are not
12 going to meet.

13 Q. And were you careful about what you said?

14 A. Yes.

15 Q. And do you have a very clear recollection of what happened
16 at Mabanta and what happened at Mankneh?

17 A. Yes.

18 Q. Can the witness, please, be shown his proofing note of 28
19 February 2006. In fact, just put them to -- in fact, I won't do
20 that.

21 PRESIDING JUDGE: You better take that back, Mr Thomas,
22 take that back. Counsel is pursuing the second option.

23 MR O'SHEA: Yes, I was given some wise advice by my learned
24 friend Mr Jordash.

25 PRESIDING JUDGE: Yes, go ahead.

26 MR O'SHEA:

27 Q. You see, when talking about Mabanta, you've told this Court
28 that you were only talking about one UN location. That's what
29 you said 20 minutes ago; right?

1 A. No. I did not talk about one place.

2 JUDGE BOUTET: One camp, camp. That's the term that was
3 used.

4 MR O'SHEA: Well, I used both, Your Honour, but I think the
5 witness, because I have been down this road before, I think the
6 witness may be talking about Mankneh again.

7 Q. Can I just clarify with you, Mr Witness. Is it right that
8 your experience of attacks is at two locations, two UN locations?
9 One at Mabanta and one at Mankneh; is that correct?

10 A. Yes, where I was.

11 Q. So there was only one UN location that you attacked at
12 Mankneh; correct?

13 A. Yes, it was one place.

14 Q. And there was only one UN location that you attacked at
15 Mabanta; is that correct?

16 A. Yes, where I was.

17 Q. Some why did you tell the Prosecution on 28 February that
18 when you attacked Mabanta there were two UN locations? Why did
19 you tell the Prosecution that?

20 A. It's one place, but it was divided.

21 Q. It was divided how?

22 A. Well, they had a place which was built with blocks, cement
23 blocks, there are brick buildings and the other place they had
24 the military booths there. But it's the same Mabanta.

25 Q. And were these, were the -- were these two parts part of
26 the same camp?

27 A. Yes.

28 Q. So they were together, they were not separated?

29 A. Well, I saw it that they were divided because in one area

1 there were booths and the other area there were houses.

2 Q. But they were right next to each other in the same camp;
3 correct?

4 A. Yes.

5 Q. So why did you tell the Prosecution that they were not very
6 far away from each other?

7 JUDGE BOUTET: Where is it in the statement, if I may ask
8 you?

9 MR O'SHEA: Yes, sorry, Your Honour. It's paragraph 2,
10 line 3 and 4.

11 JUDGE BOUTET: Of?

12 MR O'SHEA: Of the proofing note of 28 February 2006. Page
13 1. There is only one page.

14 JUDGE BOUTET: Okay.

15 MR O'SHEA:

16 Q. So why did you tell the Prosecution that they were not very
17 far away from each other?

18 A. It's because they were on the same perimeter.

19 Q. Well, you see, I suggest to you that you are attempting to
20 give an explanation, but that when you spoke to the Prosecution
21 you were talking about two locations not very far from each
22 other, not one location divided?

23 JUDGE BOUTET: Mr O'Shea, can we move from there. We will
24 do the appreciation in due course. The statement speaks for
25 itself in this respect and the witness has given the explanation.
26 Let the Court assess that for whatever purpose.

27 MR O'SHEA: I take the point.

28 JUDGE BOUTET: Otherwise we are not moving ahead. Please.

29 MR O'SHEA: I take the point.

1 Q. Now, you've told this Court that at Mabanta, in the
2 location of the UN camp, you only know of one road, and that's
3 the Freetown Highway; correct?

4 A. Yes.

5 Q. But I put it to you that you told the Prosecution that this
6 camp was at the back of Mabanta Road. Same paragraph,
7 Your Honour?

8 A. Yes.

9 Q. You did tell the Prosecution that?

10 A. Yes.

11 Q. And why did you not mention Superman when you --

12 PRESIDING JUDGE: What's the question on that one?

13 MR O'SHEA: Sorry, Your Honour.

14 PRESIDING JUDGE: What's the question on that last part
15 that you read, that he said that there was only one road, the
16 Freetown Highway and then the statement said Mabanta Road.

17 MR O'SHEA: The point I made to him --

18 PRESIDING JUDGE: We didn't have any response yet.

19 MR O'SHEA: Well, what --

20 PRESIDING JUDGE: He said he told the Prosecution that.

21 MR O'SHEA: Yes.

22 PRESIDING JUDGE: So what is your question?

23 MR O'SHEA: He has told the Prosecution that the camp was
24 at the back of Mabanta Road.

25 PRESIDING JUDGE: Mabanta Road.

26 MR O'SHEA: He admitted that, but earlier in his evidence
27 when I asked about his knowledge of the roads in the area --

28 PRESIDING JUDGE: He said there was only one road, Freetown
29 Highway.

1 MR O'SHEA: He said there was only one road he knew the
2 name of which was Freetown Highway.

3 PRESIDING JUDGE: So what is your question?

4 MR O'SHEA: I don't need another question. The
5 inconsistency is there. I am taking a fig leaf from His Honour,
6 Justice Boutet's advice.

7 PRESIDING JUDGE: That's all right. I just didn't hear the
8 question. Proceed. How many more samples do you have of these
9 alleged inconsistencies, because we might as well take your
10 application and conclude the proceedings and then let you wind up
11 in the morning.

12 MR O'SHEA: Very well, Your Honour. I'm happy with that.

13 MR JORDASH: Sorry to leap to my feet. I have information
14 while my learned friend has been on his feet that the
15 application, which is a joint application we want to make,
16 couldn't really be made now because we need verification of some
17 information before we make it.

18 PRESIDING JUDGE: I see.

19 MR JORDASH: So I am assuming, but I think my learned
20 friends will agree that we leave it until tomorrow.

21 PRESIDING JUDGE: That is -- that is fine. We will -- do
22 you think you want to go on with the highlighting of other
23 samples?

24 MR O'SHEA: I know I ought to do the highlighting as well.

25 PRESIDING JUDGE: Well, that is okay.

26 MR O'SHEA: If Your Honours are prepared to go on for
27 another 10 or 15 minutes, that is fine. If not, we should
28 adjourn.

29 JUDGE BOUTET: I will 10 minutes if you are to finish and

1 mark the exhibits tomorrow morning, that would be fine with me,
2 subject to the Presiding Judge's decision.

3 PRESIDING JUDGE: That is fine. I think 10 minutes is a
4 good --

5 MR O'SHEA: That's what I will aim for.

6 PRESIDING JUDGE: Right. Continue then.

7 MR O'SHEA: Thank you.

8 Q. Now, when you gave evidence a moment ago, you gave evidence
9 that when you captured the UN peacekeepers at Mabanta, upon
10 surrendering, you went up to them, you took hold of them, you
11 then marched them to the vehicles and put them inside the
12 vehicles. That's the sequence of events you agreed to; correct?

13 A. Yes.

14 Q. So when you told the Prosecution that you stripped them,
15 that was incorrect?

16 JUDGE ITOE: He didn't tell the Prosecution that.

17 THE INTERPRETER: Can counsel repeat the question again
18 please.

19 MR O'SHEA:

20 Q. When you told the Prosecution that you stripped them, that
21 was incorrect, or did you not tell them that?

22 A. I did not tell them that. They only asked me if I attacked
23 them and I said, yes, we attacked them. They did not ask me what
24 we did there.

25 Q. And would your answer be the same with regard to Mankneh,
26 that you didn't tell the Prosecution that you stripped them?

27 A. Yes.

28 Q. And when you were speaking about the attack on Mankneh, you
29 told us, some half an hour ago, that you fired at the UNAMSIL

1 troops, and I'm talking about Mankneh now, okay? That you fired
2 at the UN troops but they did not return fire. That was the
3 evidence you gave half an hour ago; correct?

4 A. No, I said, they returned firing. When they found out that
5 it was getting worse, they stopped.

6 JUDGE ITOE: That was in Mabanta?

7 THE WITNESS: Yes.

8 JUDGE ITOE: Counsel is asking you Mankneh.

9 THE WITNESS: At Mankneh, when we went there, they did not
10 shoot at us. They surrendered.

11 MR O' SHEA:

12 Q. So when you told the Prosecution on 28 February, that they
13 returned fire at Mankneh, that's incorrect, is it?

14 A. Yes.

15 MR BANGURA: May it please Your Honour.

16 MR O' SHEA: No, I have pre-empted my learned friend. I see
17 the point. I won't pursue that.

18 PRESIDING JUDGE: He is virtually abandoning that line.

19 MR BANGURA: I was on the wrong channel.

20 PRESIDING JUDGE: He is abandoning that line. He said he's
21 pre-empting you.

22 MR O' SHEA: I have realised my mistake. I think all I need
23 do now is underline them, Your Honours, if you give me a moment
24 to do that or would you prefer I produce that tomorrow morning.

25 PRESIDING JUDGE: We would want the reactions of your
26 colleagues and also the reaction of the Prosecution.

27 MR O' SHEA: Yes.

28 PRESIDING JUDGE: And I don't think we can get that done
29 unless they are -- that is just a one page document?

1 MR O'SHEA: One page.

2 JUDGE BOUTET: This is only the statement of 28 February.

3 MR O'SHEA: Yes.

4 PRESIDING JUDGE: Right. Well, let's ask for quick
5 reactions. Mr Jordash, do you have any objection to the
6 statement being received in evidence? Or do you want some time
7 to peruse it?

8 MR JORDASH: I don't object.

9 PRESIDING JUDGE: You don't. Mr Touray?

10 MR TOURAY: Likewise, Your Honour.

11 PRESIDING JUDGE: And Prosecution, do you want to be
12 afforded the full opportunity of examining the document.

13 MR BANGURA: Certainly, Your Honour.

14 PRESIDING JUDGE: I certainly think it's appropriate that
15 you should. You are entitled to it.

16 MR BANGURA: Yes, My Lord.

17 PRESIDING JUDGE: And you are entitled to.

18 JUDGE BOUTET: I think Mr O'Shea can do that fairly quickly
19 because, Mr O'Shea, the alleged inconsistencies are contained in
20 paragraph 2, isn't it?

21 MR O'SHEA: Yes.

22 JUDGE BOUTET: What you have explored is in paragraph 2,
23 from line 2 to line 5 essentially, that's where it is.

24 MR O'SHEA: Yes. And I link the first line of paragraph 3,
25 if I am permitted to do that, where it says what happened at the
26 second location.

27 PRESIDING JUDGE: That is entirely up to you. As long as
28 you underline these things.

29 MR O'SHEA: I've already done that. Then there is just the

1 second or third to last line of paragraph 2.

2 PRESIDING JUDGE: Yes.

3 MR O'SHEA: The captured men were stripped of their
4 uniforms and then paragraph 3.

5 JUDGE BOUTET: First line.

6 MR O'SHEA: First line and the third to last line.

7 JUDGE BOUTET: Overpowered, arrested, stripped.

8 MR O'SHEA: Overpowered, arrested, stripped. I think just
9 the word "stripped." I don't know the absence of the word
10 "Superman," I don't.

11 JUDGE BOUTET: It's either there or not there. It's not
12 there.

13 MR O'SHEA: That's done, so I can show that to the
14 Prosecution. Can the Prosecution be shown -- be shown this
15 document, please.

16 The Court Management number of this document is 18204, for
17 the record.

18 May I just close my cross-examination with two closing
19 questions or two closing putting of my case, as it were.

20 JUDGE BOUTET: I thought you had closed with this, but I
21 guess it's a closing to a closing.

22 MR O'SHEA: Yes.

23 Q. Mr Witness, firstly, I would like to suggest to you, and I
24 think that you would agree with this, that you knew
25 Augustine Gbao extremely well over a period of a number of years;
26 that's correct, isn't it?

27 A. Yes.

28 Q. And you would be in a position to recognise him at any
29 time; that's correct, isn't it?

1 A. Yes.

2 Q. And I'd like to put it to you that you were never at Zogoda
3 Camp?

4 A. That who was not at Zogoda Camp.

5 Q. That you, Mr Witness?

6 A. I was there.

7 Q. And indeed you were never at Kailahun, either?

8 A. I was in Kailahun.

9 Q. And that you have been lying to this Court about the
10 involvement of these three accused and the events that you have
11 described. That's true, isn't it?

12 A. No. If that was it, I wouldn't have come here because I
13 was not going to have anything to say.

14 MR O'SHEA: Those are all my questions for this witness.

15 PRESIDING JUDGE: Thank you. Before we formally close
16 your -- do you want to indicate your position now?

17 MR BANGURA: Yes, Your Honour, the Prosecution has no
18 objection to the tendering.

19 PRESIDING JUDGE: Right. So we will receive the document
20 in evidence and mark it Exhibit 117, I think; is that correct?

21 Yes, 117.

22 [Exhibit No. 117 was admitted]

23 MR O'SHEA: Thank you, Your Honour.

24 PRESIDING JUDGE: Mr Bangura, your turn to re-examine the
25 witness. Any re-examination?

26 MR BANGURA: Yes, Your Honour.

27 PRESIDING JUDGE: How long is it going to take about?

28 MR BANGURA: No longer than 5 minutes.

29 PRESIDING JUDGE: Okay. Go ahead.

1 RE-EXAMINED BY MR BANGURA:

2 Q. Mr witness --

3 A. Yes.

4 Q. -- in answer to questions by counsel for the first accused,
5 you were asked about where Pumpkin Ground was, and you did say
6 that Pumpkin Ground was in Kabala and not Kailahun; is that
7 correct?

8 A. Yes.

9 MR BANGURA: Your Honours, I refer to the transcript of 3
10 July. I have a draft here.

11 JUDGE BOUTET: Of 3 July?

12 MR BANGURA: 3 July. It would be page 16.

13 JUDGE BOUTET: It's only in a draft form, I guess, is it?

14 MR BANGURA: I still have it, it's in a draft form, Your
15 Honour. Page 17, line 6. It says, at the end of a series of
16 questions, the witness says here: "No, what I told them, Pumpkin
17 Ground is in Kabala. Camp Zogoda is Kailahun. We don't have
18 Pumpkin Ground in Kabala", more or less repeating the answer in
19 the wrong way. Preceding this, there had been question by
20 counsel. If I go back to page 16. The question was about where
21 Pumpkin Ground was. The effect of it all is that the witness
22 repeated counsel's suggestion that he had stated Pumpkin Ground
23 was in Kailahun, instead of Kabala.

24 PRESIDING JUDGE: Yes. And your re-examination is designed
25 to set the record straight?

26 MR BANGURA: Basically, to see that the record was
27 corrected.

28 PRESIDING JUDGE: Very well.

29 JUDGE BOUTET: The record should be what? That it is in

1 Kabala, not in Kailahun?

2 PRESIDING JUDGE: In Kabala, not in Kailahun, yes.

3 MR BANGURA: There had been filing before now, showing some
4 inconsistency in that regard.

5 PRESIDING JUDGE: Right.

6 MR BANGURA:

7 Q. Mr Witness, did you correct this in one of your interviews
8 with Prosecution, with your Lawyers, that Pumpkin Ground was not
9 in Kailahun but in Kabala; did you have an opportunity to correct
10 this at some time at all?

11 A. Yes.

12 MR BANGURA: Your Honours, the Prosecution will tender
13 additional information provided by the witness dated --
14 reflecting interviews for 25th, 26th, 27th and 28th October 2005
15 relying on paragraph 5.

16 JUDGE BOUTET: Five?

17 MR BANGURA: Yes.

18 JUDGE BOUTET: Five of the first part?

19 MR BANGURA: The first part. Thank you. The first part.
20 That is on page 16850.

21 JUDGE BOUTET: Yes.

22 MR BANGURA: Just paragraph 5 of that first part.

23 PRESIDING JUDGE: Mr Jordash, do you have any objection to
24 that?

25 MR JORDASH: No.

26 JUDGE ITOE: Paragraph 5 you say?

27 MR BANGURA: Yes, Your Honour, of the first part.

28 PRESIDING JUDGE: There are two parts of paragraph 5. The
29 first part. Please underline it, if you can.

1 JUDGE BOUTET: Please underline it. So it's line 5 or
2 paragraph 5 and that part is the part that says "The following
3 corrections and clarification were made by the witness to his
4 statement dated 17/01/03."

5 MR BANGURA: Correct, Your Honour.

6 JUDGE BOUTET: And this is paragraph 5 to those
7 clarifications, corrections?

8 MR BANGURA: Yes, Your Honour.

9 PRESIDING JUDGE: Mr Jordash, any objections?

10 MR JORDASH: No objections.

11 PRESIDING JUDGE: Mr Touray, any objection?

12 MR TOURAY: None.

13 PRESIDING JUDGE: And Professor O'Shea, any objection?

14 MR O'SHEA: Your Honour, no.

15 PRESIDING JUDGE: Right. The document will be received in
16 evidence and marked Exhibit 118.

17 MR BANGURA: Thank you, Your Honour.

18 PRESIDING JUDGE: And it should be designated either on the
19 right-hand or the left-hand corner that it's connected with the
20 re-examination of this witness and the previous Document 117 will
21 be so designated.

22 [Exhibit No. 118 was admitted]

23 PRESIDING JUDGE: All these documents will be kept under
24 seal, I should think so, for the record?

25 MR BANGURA: Yes, Your Honour.

26 PRESIDING JUDGE: Yes, quite right.

27 MR BANGURA: May I continue?

28 PRESIDING JUDGE: I thought that was the end of
29 re-examination.

1 MR BANGURA: Two further short questions.

2 PRESIDING JUDGE: Right.

3 MR BANGURA:

4 Q. Mr Witness, you recall being asked about the Lebanese woman
5 who was -- whose shop you attacked and looted in Makeni; do you
6 remember that?

7 A. Yes, I can remember.

8 Q. Mr Witness, the building that this -- that you went into
9 and looted, do you remember whether it was used for any other
10 purpose apart from being a shop?

11 A. It -- there was a shop there.

12 MR BANGURA: Thank you. I think that's sufficient.

13 Q. Mr Witness, in answers to questions not so long ago, from
14 Mr O'Shea, you did say that in your meetings with the Prosecution
15 you met with myself, standing here, and my colleague to my left.
16 Do you recollect saying that?

17 A. Yes.

18 Q. Do you remember how long ago it was that you first met us
19 together? Has it been -- how long ago, do you remember? For the
20 first time that you met us together?

21 A. No, I can't remember. I can only remember the month, the
22 past month. That was the first time for me to meet the other
23 woman who is close to you.

24 Q. Was it one month since?

25 A. Yes, one month now.

26 Q. And do you remember that the statement which was shown to
27 you by Mr O'Shea, it was not shown to you, about which Mr O'Shea
28 was questioning you, to do with the incident at Mabanta and
29 Mankneh, was made on 28 February 2006; do you remember he

1 mentioned that date to you?

2 A. Yes, he showed it to me.

3 JUDGE BOUTET: No, you were not shown that statement.

4 MR BANGURA:

5 Q. The date. The date. Do you remember that he mentioned the
6 date to you to be 28 February 2006?

7 A. I can't remember the date.

8 MR O'SHEA: Can I assist my learned friend, and it would
9 also assist me, I'm quite happy for my learned friend to put to
10 this witness, in the form of a leading question, the dates on
11 which he says the witness met him; if he wishes to do that.

12 PRESIDING JUDGE: It's non-contentious. Go ahead. Respond
13 to that.

14 MR BANGURA: Let me say, Your Honours, that --

15 JUDGE ITOE: The problem is he is very bad at dates.

16 MR BANGURA: Yes. If he can remember the dates --

17 JUDGE ITOE: I don't know whether he will remember the
18 dates now but you can put the question to him.

19 MR BANGURA: But let me say, Your Honours, the exercise
20 here is simply to make it clear that my colleague here was not
21 there.

22 PRESIDING JUDGE: Yes, quite right.

23 JUDGE BOUTET: That's what I thought.

24 MR BANGURA: On this particular exercise, not so much to do
25 with the content of the document.

26 Q. Mr Witness, you will agree with me that that statement
27 which was last taken from you, dated 28 February 2006, is more
28 than four or five months now. It's more than four months now.
29 Do you agree with me?

1 JUDGE ITOE: From the date, we know that it's more than
2 four months. He doesn't need to answer that question.

3 MR BANGURA:

4 Q. So if you say you met with my colleague here and I, for the
5 first time about a month ago, she would not have been present
6 when that statement was made; is that so?

7 JUDGE BOUTET: It doesn't go from that. I mean, she may
8 still have been present at that time. I mean, it depends.

9 MR BANGURA: I said for the first time.

10 THE WITNESS: I do not understand the question.

11 JUDGE BOUTET: I understand him that he doesn't understand
12 because I don't understand either so.

13 MR BANGURA:

14 Q. Mr Witness --

15 JUDGE ITOE: Why don't you tell us the date your colleague
16 arrived here from the Bar. If your colleagues on the other side
17 want to contest it they can contest it.

18 MR O'SHEA: We are not going to.

19 JUDGE ITOE: Yes, quite right. That is it.

20 MR BANGURA: It's simply to have the record straight.

21 PRESIDING JUDGE: That is it. Give it from the Bar then.

22 MR BANGURA: From the Bar, Your Honours, my colleague here
23 wasn't present on the date that this statement was taken, dated
24 28 February 2006, and we just wish the records to reflect that.

25 PRESIDING JUDGE: The records to reflect that and your
26 colleagues on the other side, they are not objecting to that.

27 MR BANGURA: Thank you. That is all for this witness.

28 JUDGE BOUTET: I think she had not arrived yet in Sierra
29 Leone. I do not recall in February that she was here but she may

1 have been here but we would not see her in Court at that time.

2 MR BANGURA: I am having problem with my earphones.

3 MS VAN TONGEREN: I would like to say for the record, to
4 clear it up, the date is May 15th 2006 of my arrival on Sierra
5 Leone.

6 PRESIDING JUDGE: The records will reflect that. Any
7 further -- what is happening to your --

8 JUDGE BOUTET: I guess it's time we finish the afternoon.

9 MR BANGURA: No further questions.

10 JUDGE ITOE: You say you arrived what date?

11 JUDGE BOUTET: 15 May 2006.

12 PRESIDING JUDGE: So that is the end of re-examination for
13 the Prosecution or do you have any other question?

14 MR BANGURA: Sorry.

15 PRESIDING JUDGE: Is that the end of re-examination for the
16 Prosecution?

17 MR BANGURA: Yes, Your Honour.

18 JUDGE BOUTET: Open your microphone or else the record will
19 not have you.

20 MR BANGURA: There will be no further questions.

21 PRESIDING JUDGE: Thank you.

22 MR O'SHEA: Your Honour, there was just one point of
23 clarification I would like my learned friend to also put from the
24 Bar, if he wishes. The witness, whether he remembers dates well
25 or not, indicated that when he met the Prosecution to discuss
26 about these two attacks, that he met the following day, which one
27 could assume was the 29th, to further discuss these attacks.
28 Now, if it's true that they did meet the following day, and what
29 he said was written down, we would be entitled to see it. So I

1 would just like my learned friend to indicate whether he met the
2 witness the following day or not. It's up to him whether he
3 responds.

4 PRESIDING JUDGE: Mr Bangura, do you have any response?

5 MR BANGURA: I certainly didn't meet with the witness on 29
6 February.

7 PRESIDING JUDGE: Thank you. Prosecution, perhaps we now
8 ought to find out what is your work programme, in terms of list
9 of witnesses for the next three days of sitting?

10 MR HARRISON: I can advise you that TF1-334, which is one
11 of the Rule 92*bis* witnesses.

12 JUDGE BOUTET: [Indiscernible] 334?

13 MR HARRISON: Yes, with the Court's permission, that would
14 be the next witness.

15 PRESIDING JUDGE: Next witness.

16 MR HARRISON: If I could just point out, because my wings
17 were burnt a bit the last session with this sort of issue, this
18 is a witness for whom a closed, a partial closed session order
19 had been made by Trial Chamber 2. The Prosecution is not seeking
20 to change that order, and it's simply partial closed session, to
21 protect the witness for those aspects of the evidence which may
22 potentially identify the witness.

23 The Prosecution is of course asking no questions of this
24 witness so it's for the Defence to decide whether it is necessary
25 or not. The Prosecution simply is advising the Court of that.
26 It may be necessary, it may not be.

27 Subsequent to 334, the Prosecution does have TF1-041
28 available.

29 PRESIDING JUDGE: In respect of whom was there already a

1 closed session order? Of this Court?

2 MR HARRISON: Yes. TF1-041, the Court previously made a
3 written decision, granting a closed session for that witness.

4 PRESIDING JUDGE: Yes.

5 MR HARRISON: And if I could also advise the Court that
6 TF1-296, which is one of the expert witnesses --

7 PRESIDING JUDGE: Yes.

8 MR HARRISON: -- that witness is expected to arrive in the
9 jurisdiction sometime on Monday, the 10th.

10 PRESIDING JUDGE: 10th.

11 MR HARRISON: It would be the Prosecution's hope that the
12 Court would allow, with Defence consent, to have that witness
13 interposed sometime on the 11th. Or, alternatively, if it should
14 be more convenient to the Court, on the 12th.

15 PRESIDING JUDGE: Right. So, in other words, we have, for
16 the next three days of sitting, two witnesses; TF1-334 and
17 TF1-041.

18 MR HARRISON: Yes.

19 PRESIDING JUDGE: Very well. Is there Defence -- does the
20 Defence have any comments on that?

21 MR JORDASH: No.

22 PRESIDING JUDGE: That is the order so far for the next
23 three days; that is tomorrow, Thursday and Friday.

24 MR JORDASH: That is what I expected.

25 PRESIDING JUDGE: You expected that?

26 MR JORDASH: Yes.

27 PRESIDING JUDGE: Mr Touray, you --

28 JUDGE ITOE: The two witnesses, Mr Jordash, the two
29 witnesses TF --

1 PRESIDING JUDGE: 1-334.

2 JUDGE ITOE: 1-334 and TF1-041. You are right.

3 MR JORDASH: Perfect.

4 PRESIDING JUDGE: Mr Touray, no problems at all?

5 MR NICOL-WILSON: No problems.

6 PRESIDING JUDGE: Professor O'Shea, nothing?

7 MR O'SHEA: No and I understand --

8 PRESIDING JUDGE: And you have no reservations by you, or

9 anything?

10 MR O'SHEA: No. And I understand from what Mr Harrison is

11 saying there is no question of interposing a witness in that

12 sequence.

13 PRESIDING JUDGE: No, not for the next three days. Because

14 TF1-296 will be available on 10 July.

15 MR O'SHEA: Yes.

16 PRESIDING JUDGE: And possibly to be interposed 11th, or

17 12th.

18 MR O'SHEA: But it's also my understanding if 334 and 041

19 are not finished in the next three days, they will not be

20 interposing another a witness.

21 PRESIDING JUDGE: No, I am not sure we are saying that. I

22 am not sure that's what Mr Harrison has said.

23 MR HARRISON: I am happy to try and --

24 PRESIDING JUDGE: Perhaps that's what he's saying.

25 MR O'SHEA: It's an important piece of information.

26 PRESIDING JUDGE: Yes, it is. Confirm that, because --

27 MR HARRISON: If I can make it clear: there will be no

28 attempt to interpose a witness this week.

29 PRESIDING JUDGE: Yes, the next three days.

1 MR HARRISON: The Prosecution will be asking the Court, if
2 it's necessary, to interpose TF1-296 on either Tuesday, the 11th.

3 PRESIDING JUDGE: Yes.

4 MR HARRISON: Or on the 12th.

5 PRESIDING JUDGE: That is the position, as I understand it.
6 So the possibility exists, if there is a spill-over from Friday,
7 onto Monday and Tuesday, of the two witnesses that are scheduled
8 to testify over the next three days, the possibility of
9 interposing is real.

10 MR O'SHEA: I am taking that as a probability.

11 PRESIDING JUDGE: That is what I understand it to be.

12 MR O'SHEA: I am taking that as a probability, because 334
13 and 041 involve a lot of material, and 296 is an expert witness.
14 So if 296 is going to be interposed, we need to know.

15 PRESIDING JUDGE: That is what we are saying. Virtually
16 that is what the Prosecution is saying. It's a real possibility,
17 I would say. I think, Mr O'Shea, the position, as the
18 Prosecution is now putting it to us, is to be ready to
19 accommodate TF1-296 if the necessity arises. That's what I see.
20 I don't think we want to pre-empt that situation, or we want to
21 rule ahead of time on that. But our inclination is that we've
22 invariably accommodated the Prosecution because of some of these
23 exigencies.

24 MR O'SHEA: I understand, Your Honour. I just needed to
25 know whether I needed to be ready for 296 that day, whatever the
26 case. I think that was the thinking I was --

27 PRESIDING JUDGE: Let's see if we can -- let's deal with
28 334 and 041 as we go along. I think let's just take it in our
29 stride. Anything else the Prosecution needs. Any further

1 clarification?

2 MR HARRISON: No. Just for the Court's benefit, the
3 Prosecution has provided three volumes of what will be the next
4 exhibit, which is the transcript and the attached exhibits from
5 the AFRC trial for witness TF1-334. The Prosecution has already
6 provided an exhibit copy, so that has already been made
7 available for the Court. The Prosecution has prepared a sheet -
8 it's actually three pieces of paper -- which sets out the Court
9 Management number of the document; the date of the transcript;
10 and whether or not the Court's order on the *92bis* motion made any
11 portions thereof a sealed document. That is simply to assist the
12 Court in identifying which portions of the exhibit, and how to
13 manage the exhibit, really.

14 PRESIDING JUDGE: Thank you.

15 JUDGE BOUTET: You have provided copies, or you will
16 provide copies to your colleagues on the Defence side?

17 MR HARRISON: Yes. What actually happened was the
18 Prosecution made four copies and Court Management kindly provided
19 three copies, one for each of the Defence.

20 PRESIDING JUDGE: And the Bench has copies? We hope the
21 Bench will be provided with copies. On that note, we will
22 adjourn the trial until tomorrow at 9.30 a.m..

23 [Whereupon the hearing adjourned at 5.35 p.m.,
24 to be reconvened on Wednesday, the 5th day of
25 July 2006, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 114	37
Exhibit No. 115	38
Exhibit No. 116	39
Exhibit No. 117	100
Exhibit No. 118	103

WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-117	2
CROSS-EXAMINED BY MR TOURAY	3
CROSS-EXAMINED BY MR O'SHEA	39
RE-EXAMINED BY MR BANGURA	101