



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

FRIDAY, 25 JANUARY 2008
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Ms Peace Malleni Mr Felix Nkongho
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Peter Harrison Mr Vincent Wagana Mr Reginald Fynn
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sally Longworth
For the accused Morris Kallon:	Mr Kennedy Ogeto Mr Kenneth Ekim
For the accused Augustine Gbao:	Mr John Cammegh Mr Scott Martin

1 [RUF25JAN08A - MD]

2 Friday, 25 January 2008

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.45 a.m.]

6 [The witness entered Court]

7 WITNESS: DIS-157 [Continued]

8 [The witness answered through interpreter]

9 EXAMINED BY MR JORDASH: [Continued]

09:51:13 10 PRESIDING JUDGE: Good morning, learned counsel. I hope
11 the stenographer's monitor is now fixed because I hear that is
12 why we were delayed this morning. Is everything all right now?
13 Good. Okay. Thank you. Yes, Mr Jordash, may we proceed,
14 please?

09:51:39 15 MR JORDASH: Yes.

16 PRESIDING JUDGE: Thank you.

17 MR JORDASH:

18 Q. Mr Witness, good morning --

19 THE INTERPRETER: Your Honours, learned counsel's mic is
09:51:49 20 not on.

21 MR JORDASH: Thank you.

22 Q. Good morning, Mr Witness.

23 A. Good morning, sir.

24 Q. I've got I think five minutes left and that's it and then
09:52:01 25 there will be some questions from others. I just want to clear
26 up a few issues about things you've already said. First issue is
27 this: We were talking about the front lines -- we were talking
28 about -- are you with me, Mr Witness, or distracted by --
29 A. I'm listening.

1 Q. We were talking about the front lines and attacks, and
2 attacks which might -- attacks from the government forces which
3 might reach the combat camp. Could I just ask you this: Did
4 attacks at any time, in your role, ever actually reach Pendembu;
09:53:13 5 do you recall?

6 A. Yes; that is -- that is what year?

7 Q. Well, just if you can give it some thought as to, if you
8 can recall, if there was ever a time when you had to fight in
9 Pendembu?

09:53:47 10 A. Yes. That's why I'm asking what time frame?

11 Q. Well, I suppose I'm looking at --

12 PRESIDING JUDGE: But counsel, your counsel was not there.

13 He has asked a question: Did you ever fight in Pendembu? You
14 said "yes." It is for you to say because he wasn't there. If

09:54:09 15 you've, like you've accepted, you know, did fight in Pendembu,
16 you should be able to say within what time frame the fighting
17 took place in Pendembu.

18 MR JORDASH: Perhaps I can narrow the issue down.

19 PRESIDING JUDGE: Right. Okay.

09:54:30 20 MR JORDASH: It's probably my fault.

21 Q. Do you recall in 1998, or thereabouts, any attack from Daru
22 reaching Pendembu?

23 A. Well, they attacked us, but it did not get to Pendembu.

24 Q. How close to Pendembu did it get?

09:54:54 25 A. It stopped near one of the PC Grounds.

26 Q. What happened to those in the PC Ground?

27 A. Well, they moved a little bit, but they returned later on.

28 Q. Was this an attack which had been anticipated or was it a
29 surprise?

1 A. Well, we -- I cannot say it was a surprise attack because
2 whenever you are at the front line you are expecting attack.

3 Q. But where were you when you first heard about that approach
4 to the PC Ground?

09:55:41 5 A. I was at Pendembu at that time.

6 Q. Did you have to respond, in your capacity as a member of
7 the RUF, in the role you've told us you played?

8 A. Yes.

9 Q. But can you remember which PC Ground we're talking about,
09:56:14 10 please?

11 A. It came around Kuiva PC Ground.

12 Q. Let me just ask you about another subject, please. Was
13 there ever an attack by the RUF, on Kailahun Town, between the
14 years 1997 to 2000?

09:56:55 15 A. Well, we attacked in 1997, yes, when the government troops
16 attacked us, we tried to attack again and pushed them out, in
17 Kailahun Town.

18 Q. Right. But was there any during this -- from the time of
19 say, late 1996 until 2000, was there ever an RUF attack on
09:57:25 20 Kailahun Town which was given an operation name, or was it the
21 defensive operation you've just described?

22 A. We had no name for the operation; we were just trying to
23 defend our land, our area.

24 Q. Was there ever an attack by the RUF on Kailahun Town, in
09:57:54 25 1998 or 1999?

26 A. Yes, we were there, and we were not attacked and we were no
27 longer attacked because we settled there.

28 Q. Thank you. You spoke yesterday about the attack on
29 Segbwema; do you recall that?

1 A. Yes.

2 Q. After the successful attack on Segbwema, did the RUF remain
3 in control of Segbwema?

4 A. Yes.

09:58:44 5 Q. And did they remain in control of it until the end of the
6 war?

7 A. Yes.

8 Q. Did the civilians that you found there remain within the
9 town, once it had been occupied by the RUF?

09:59:11 10 A. We had civilians. In fact, we had a chief there who was
11 Chief Gbambai. He was a civilian chief.

12 Q. Did all the civilians, and all the civilian life in that
13 town, remain or was anything moved out of the town, after its
14 capture by the RUF?

09:59:38 15 A. Well, when we captured there initially, we gathered them
16 together because at that time we were afraid that the enemy would
17 not attack, so we returned and we were together.

18 Q. Sorry, you returned where?

19 A. The civilians returned.

10:00:08 20 Q. Did the RUF take any property?

21 JUDGE BOUTET: They returned from where?

22 MR JORDASH: Yes.

23 Q. When you say you took -- the civilians were gathered, were
24 they taken from Segbwema?

10:00:21 25 A. When we initially attacked, we gathered them. We took them
26 at the rear because of the enemy. So after we had cleared the
27 place we took them, and took them back to the town.

28 Q. Did the RUF take any property from the town?

29 A. The only thing we took were government property.

1 MR JORDASH: I've got no further questions. Thank you.

2 PRESIDING JUDGE: Yes, Mr Ogeto, you want to proceed?

3 MR OGETO: Yes, My Lord.

4 PRESIDING JUDGE: You may, please.

10:02:23 5 MR OGETO: But, My Lord, let me just mention that although
6 I said yesterday that the entirety of my cross-examination will
7 be in open session, after review of my notes, I noticed that
8 there is one issue that I cannot very safely deal with in open
9 session. I apologise for stating yesterday that my

10:02:50 10 cross-examination will be entirely in open session.

11 So, I would request that I deal with this issue in closed
12 session. I have been trying to find a way of wobbling around the
13 issue so that I don't disclose the identity of the witness but I
14 find it difficult because there is the risk that, in the course
10:03:21 15 of the questions and the answers, the identity of the witness may
16 be identified, may be revealed.

17 PRESIDING JUDGE: Well, fair enough. You may proceed and
18 when we get to that stage --

19 MR OGETO: My intention actually was to start with that
10:03:44 20 issue.

21 PRESIDING JUDGE: With that issue?

22 MR OGETO: Yes, My Lords, so that the rest --

23 PRESIDING JUDGE: Is it not possible for us to end with
24 that? Anyway, okay. That's all right. You can start with that.

10:03:55 25 Let's move into a closed session. We are still in a closed/open
26 session scenario.

27 Yes, you may sit down while we move.

28 MR OGETO: Thank you.

29 [At this point in the proceedings, a portion of the

1 transcript, pages 7 to 14, was extracted and sealed under
2 separate cover, as the proceeding was heard in a closed session]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

1 [Open session]

2 MR GEORGE: We are now in open session, My Lord.

3 PRESIDING JUDGE: Yes, Mr Ogeto, you may proceed, please.

4 MR OGETO: Thank you, My Lord.

10:30:17 5 Q. Mr Witness, just to be clear: It is your testimony that in
6 1998 there were only two attacks at the Giema Juru area by the
7 RUF/SLA and that Morris Kallon was not involved in either of
8 those two attacks?

9 A. I did not say there were only two attacks in the jungle. I
10:30:44 10 said the first two attacks that occurred there, Morris Kallon was
11 not a party to them.

12 Q. So, was there a third attack?

13 A. There was a time when he went with materials for us, and we
14 were about to attack a place and he went and escorted us.

10:31:10 15 Q. When was that? Was it after the two attacks?

16 A. Yes.

17 Q. When was it? Was it in '98 or '99?

18 A. The ending of '98.

19 Q. And what did you say you came to do?

10:31:35 20 A. He went with materials for us and he met that we had a plan
21 to go and attack during that time.

22 Q. For how long did he stay with you?

23 A. He did not stay long.

24 Q. But can you please try to approximate? Was it one, one
10:32:00 25 day, two days?

26 A. I think he was there almost about a week, because when he
27 came, we had a plan to launch an attack, so --

28 Q. And you spoke about materials; which materials is this?

29 A. He went with food, salt, Maggi, to the front line.

1 Q. Did he participate in the actual fighting?

2 A. When we went, we left him at a distance of two miles up and
3 we went to the front line to fight.

4 Q. So he did not go to the front line?

10:32:55 5 A. No; we left him behind.

6 Q. Now, during that time, when he came with this material, do
7 you know if he was commanding any troops at that particular area?

8 A. No. The ground had -- the battalion commander was there.

9 In fact, the battalion commander was the one that led the
10:33:29 10 mission.

11 JUDGE BOUTET: I'm not sure he's answered your question,
12 so --

13 MR OGETO:

14 Q. Now, when Morris Kallon came to Giema Juru, you say he
10:33:45 15 brought these materials: My question is, do you know if he had
16 any troops on the ground at Giema Juru that he commanded?

17 A. No. Except his bodyguards, because we had a commander at
18 the ground.

19 Q. How many bodyguards did he have?

10:34:09 20 A. I think he had about five to six bodyguards.

21 Q. Were there children among those bodyguards?

22 A. No.

23 Q. Can you please estimate for the Court the ages of those
24 bodyguards; roughly, how old were they?

10:34:42 25 A. I think the youngest man among them was about 20 years.

26 Q. Did you know any of those bodyguards by name?

27 A. It has taken a long time; I have forgotten some of the
28 names, but I knew them.

29 Q. Now, these attacks that were carried out in Giema Juru,

1 during 1998, do you know if they were referred to --

2 PRESIDING JUDGE: What does that mean? What does --

3 THE WITNESS: Referred to as what?

4 PRESIDING JUDGE: Take the question again, please.

10:35:40 5 MR OGETO:

6 Q. These attacks that you've referred to, at Giema Juru, in
7 1998, was there a specific and special name given to them?

8 A. We did not give any name to any of the attacks.

9 Q. Are you aware of an attack at the Giema Juru area, in 1998,
10:36:15 10 referred to as operation Born Naked?

11 A. We -- we did not have that name "Born Naked." There was a
12 time when the Kamajors came, they said they wanted peace --

13 THE INTERPRETER: The interpreter is sorry, can the witness
14 talk a little bit slower?

10:36:44 15 MR OGETO:

16 Q. Sorry, Mr Witness, can you try to take it a little slowly.
17 Can you please repeat your answer to my question?

18 A. The name "Born Naked" had never existed in our dictionary.
19 There was a time when we saw Kamajors came, the commander who
10:37:10 20 came was named Fambuleh. All the ones that came, they never had
21 shirt on, so we told them to return and dress themselves
22 properly.

23 Q. So does that have any relationship with Operation
24 Born Naked, because that was my question.

10:37:34 25 PRESIDING JUDGE: You mean who came? Kamajors came?

26 THE WITNESS: No, we haven't the name "Born Naked."

27 PRESIDING JUDGE: Can you take that again? Is it -- you
28 said Kamajors came, and they were not --

29 JUDGE BOUTET: No shirt.

1 PRESIDING JUDGE: They had no shirts?

2 THE WITNESS: After we made our attacks, later, one
3 afternoon, we saw Kamajors in group. All of them were naked, and
4 so we asked them to return to put on their clothes on. That was
10:38:14 5 the only time I heard the word "Born Naked" but in our own group
6 the existence of the word "Born Naked" was not physical.

7 JUDGE BOUTET: Explain to me what you mean by this? You
8 saw these Kamajors and weren't you fighting the Kamajors?

9 PRESIDING JUDGE: The Kamajors -- that was going to be my
10:38:36 10 question.

11 JUDGE BOUTET: And how is it that you can ask them to go
12 back --

13 PRESIDING JUDGE: To go back and dress.

14 THE WITNESS: Let me make that area very understandable.
10:38:46 15 Let me make it very clear: When we had fought with the Kamajors,
16 at that time, we had peace -- we signed a peace with them. After
17 that, we saw them, they came in group. The man that led them was
18 one CO Fambuleh. When they came, they hadn't shirt on, so they
19 said they were called Born Naked. So we asked them to go back to
10:39:12 20 put on their shirts in order to come back. That was the time we
21 heard the expression "Born Naked."

22 MR OGETO:

23 Q. So, what you are saying is that you heard of this term from
24 the Kamajors?

10:39:28 25 PRESIDING JUDGE: I don't think that's what he said.

26 THE WITNESS: Yes, Born Naked.

27 PRESIDING JUDGE: The Kamajors were the ones who said, on
28 that day, that this was -- you better clarify the issues there.

29 MR OGETO:

1 Q. In what -- in what context was this Born Naked mentioned?

2 A. Okay. When they came, we saw them, they hadn't any clothes
3 on. We asked them: Where have you come in this way? They said
4 they were the Born Naked group.

10:40:07 5 PRESIDING JUDGE: You mean had no clothes on at all?

6 THE WITNESS: Nothing.

7 PRESIDING JUDGE: They were all naked? They were
8 completely naked?

9 THE WITNESS: No clothes; no trousers; nothing, when they
10:40:20 10 came.

11 MR OGETO:

12 Q. So where did they come?

13 A. They came to one of our combat camps.

14 Q. Why did they come to one of your combat camps?

10:40:39 15 A. They said they came for peace.

16 Q. And when was that? You said it was after you had signed a
17 peace accord with them?

18 A. Yes.

19 Q. Which period was that?

10:40:55 20 A. The ending of 1998.

21 Q. So, in what context was this phrase "Born Naked" mentioned
22 and by who?

23 A. It was the Kamajors who came; the commander, CO Fambuleh
24 and one CO Kotohgboi, Nomohfama.

10:41:32 25 Q. So you were not aware of any attack that was commanded by
26 Morris Kallon, in 1998, at Giema Juru which was referred to as
27 Operation Born Naked?

28 A. No. The attack that all of us went, Morris Kallon did not
29 go. We left him at the rear, about two miles, when we launched

1 that attack.

2 Q. Now, did you ever get any information that Morris Kallon,
3 at any time during the period 1998, committed any atrocities at
4 Giema Juru, atrocities against civilians, at Giema Juru?

10:42:28 5 A. No.

6 Q. And had such atrocities taken place, would you have known?

7 A. Yes, I would have known. I would have known, yes.

8 Q. And is it correct that you would have known because of the
9 position that you held at that time?

10:42:53 10 A. Of course.

11 Q. Now, during the period November 1996, to 2000, you were
12 predominantly within Kailahun District?

13 A. Yes.

14 Q. You said that you had a farm somewhere in Kailahun

10:43:32 15 District?

16 A. Yes.

17 Q. Is it correct that Morris Kallon did not own a farm
18 anywhere within Kailahun District, during that period?

19 A. I -- I cannot recall Morris Kallon having a farm in
10:44:06 20 Kailahun.

21 Q. You mentioned during the direct testimony of the attack at
22 Tongo and you said that you accompanied Sam Bockarie during that
23 attack; do you recall?

24 A. Yes.

10:44:34 25 Q. You said that you stayed there for two weeks?

26 A. I was there for a week.

27 Q. I'm sorry. Was this in 1997?

28 A. Yes.

29 Q. Can you please recall --

1 A. That was the year, when the coup occurred, when the AFRC
2 had overthrown, and that was the time they called upon us.

3 Q. So, that was during the junta period, in 1997?

4 A. Yes. Yes, My Lord.

10:45:18 5 Q. Can you recall the month when you launched this attack on
6 Tongo?

7 A. I cannot recall freely.

8 Q. Did Morris Kallon participate in this attack?

9 A. No.

10:45:49 10 Q. After your one-week stay in Tongo, did you know who the RUF
11 commander was, at Tongo?

12 A. Yes.

13 Q. Can you please give us the name?

14 A. The man who was in Tongo, as RUF commander, was one CO OG.

10:46:27 15 He was the ground commander at that time, the time we attacked
16 initially.

17 Q. Now, during the period June 1997 to February 1998, do you
18 know if Morris Kallon was deployed at Tongo to serve as Sam
19 Bockarie's deputy?

10:46:57 20 A. Morris Kallon, I don't about that. I never went there to
21 meet him. Not a day did I go there to meet him.

22 Q. But did you get any information at that time that Morris
23 Kallon was deputy to Sam Bockarie, at Tongo?

24 A. No.

10:47:36 25 Q. Now, from Tongo you went to Daru; am I right?

26 A. Yes.

27 Q. Are you aware of any killings at Tongo, during that period,
28 which were either committed by Morris Kallon or on his
29 instructions?

1 A. I don't receive any information about that.

2 Q. At the time you were in Daru, were you receiving
3 information on the activities in Tongo?

4 A. Well, once in a while, because I was not the commander,
10:48:30 5 once in a while, I used to get information but it wasn't all the
6 time.

7 Q. Who would provide this information?

8 A. Well, sometimes I would ask the men that were operating the
9 radio set what was going on in the area.

10:48:53 10 Q. And they never mentioned to you at any time that Morris
11 Kallon was involved in any killings in Tongo?

12 A. No.

13 Q. Yesterday, you mentioned one BCH; his other name is
14 Bangali; do you recall?

10:49:22 15 A. Yes.

16 Q. And you said that he also was involved in this attack at
17 Tongo; is that correct?

18 A. Yes, he was a member of my group. All of us went together.

19 Q. Did you live in -- at Tongo, or did you go back to Daru
10:49:48 20 with him?

21 A. All of us returned together.

22 Q. Now, let's go to Freetown, now. You remember you said that
23 during the junta you used to visit Freetown on a monthly basis;
24 is that correct?

10:50:20 25 A. Yes, My Lord.

26 Q. And you said that on the first occasion you met with JPK,
27 Johnny Paul Koroma?

28 A. Yes.

29 Q. On other occasions you met Isaac Mongor and Superman?

1 A. Yes, My Lord.

2 Q. Now, apart from the official visit that you made to
3 Freetown, did you make any private visit to Freetown during that
4 period, and here we are talking about the junta period?

10:51:17 5 A. No.

6 Q. Now, is it correct, Mr Witness, that during the junta
7 period the RUF was based in Freetown, among other places, at Jui;
8 is that correct?

9 A. Yes, My Lord.

10:51:48 10 Q. Benguema?

11 A. Yes, My Lord.

12 Q. Waterloo?

13 A. Yes, My Lord.

14 Q. Hill Station?

10:52:00 15 A. Yes, My Lord.

16 Q. What about Allen Town?

17 A. Yes, we had some men at Allen Town.

18 Q. Now, during your monthly visits, did you have occasion to
19 visit all these places? Did you go there?

10:52:25 20 A. Well, all -- all the areas you've named, they are the
21 places you have to go through before entering Freetown. I passed
22 through those areas but I did not go there on special visits.

23 Q. During your visits, did you ever meet Morris Kallon in
24 Freetown?

10:52:56 25 A. It was only at one time both of us met at Cockerill.

26 Q. When was that?

27 A. That was -- that was the very day this man misbehaved, this
28 man, Superman, the very day he misbehaved.

29 Q. How did he misbehave? Can you please elaborate on that,

1 briefly?

2 PRESIDING JUDGE: Isn't it the seizure of the vehicle
3 incident he is referring to?

4 MR OGETO: Yes, for the clarity, I think he should --

10:53:40 5 PRESIDING JUDGE: Well, that is all right.

6 MR OGETO:

7 Q. What kind of misbehaviour are you talking about? Is it the
8 vehicle incident?

9 A. Yes, My Lord.

10:53:49 10 Q. And did you get to know what Kallon was doing in Freetown
11 at that time?

12 A. I did not really know what he was doing, because I did not
13 know his position.

14 Q. So you are saying you did not know his position at that
10:54:14 15 time?

16 A. Yes, My Lord.

17 Q. Did you know where he was based at that time?

18 A. No.

19 Q. During your other visits, your monthly visits, did you hear
10:54:34 20 of Morris Kallon being present in Freetown?

21 A. Yes, My Lord.

22 Q. Where in Freetown?

23 A. I did not inquire about where he was based.

24 Q. Now, let's move on to another subject. Yesterday, you
10:55:15 25 spoke about the promotions given by Sankoh while he was in gaol
26 in Nigeria; is that right?

27 A. Yes, My Lord.

28 Q. And you said among those who were promoted were Sam
29 Bockarie, Mike Lamin, Superman and Isaac Mongor; among them, the

1 names I've mentioned, are they some of the people who were
2 promoted by Sankoh?

3 A. Yes, My Lord.

4 Q. And during that promotion they became colonels; is that
10:56:05 5 right?

6 A. Yes, some were full colonels, some were
7 lieutenant-colonels.

8 Q. Yes. What I recall you said is that Sam Bockarie, Mike
9 Lamin, Superman, Isaac Mongor became colonels, and Peter Vandi
10:56:26 10 was promoted to lieutenant-colonel; is that right?

11 A. Yes, My Lord.

12 Q. Is it correct to state that at that time Sankoh did not
13 promote Morris Kallon?

14 A. He promoted him to major.

10:56:54 15 Q. During that promotion he made him a major; is that your
16 testimony?

17 A. Yes, yes, My Lord. Yes, My Lord.

18 Q. You also spoke about promotions that were given by Sam
19 Bockarie at Pendembu after the retreat from Freetown in 1998. Do
10:57:34 20 you recall that bit of your testimony?

21 A. Yes, My Lord.

22 Q. Is it correct that Morris Kallon was not one of those
23 promoted by Sam Bockarie at that time?

24 A. I received no promotion from Mosquito at that time.

10:58:01 25 THE INTERPRETER: Morris Kallon. Correction, interpreter.

26 MR OGETO:

27 Q. So you are saying Morris Kallon did not receive any
28 promotion from Sam Bockarie at that time?

29 A. The meeting that was held I did not hear his name on the

1 promotion issue.

2 Q. Now, is it correct to state, Mr Witness, that during the
3 year 1997, Morris Kallon was not battle-group commander of the
4 RUF?

10:58:47 5 A. 1990 -- not at all. I don't know about that.

6 Q. Do you know who the battle-group commander of the RUF was,
7 in 1997?

8 A. During the junta period?

9 Q. Yes, sir.

10:59:13 10 A. Yes.

11 Q. Who was it?

12 A. He appointed Mr Sesay.

13 Q. Who appointed Mr Sesay?

14 A. Mosquito.

10:59:51 15 Q. Now, somewhere in your testimony yesterday, you said that
16 you were at Daru during the retreat from Freetown; did I get you
17 right?

18 A. Yes, My Lord.

19 Q. And you said that at that time Sam Bockarie came to Daru
20 and stayed there for two days?

11:00:22 21 A. Yes, My Lord. I said that.

22 Q. And during those two days you stated that you heard him
23 communicate with Superman and Rambo; is that right?

24 A. Yes, My Lord.

11:00:52 25 Q. Who was Rambo?

26 A. Well, he was one of the senior officers.

27 Q. Was it RUF, SLA?

28 A. RUF.

29 Q. And he was communicating with them on radio; is that

1 correct?

2 A. Yes, My Lord.

3 Q. Did he also communicate with Isaac Mongor?

4 A. Yes, My Lord.

11:01:45 5 Q. And you stated that the subject of this radio communication
6 between Sam Bockarie and those officers was that he was urging
7 them to fight into Kono, to fight their way into Kono; is that
8 correct?

9 A. Yes, My Lord.

11:02:05 10 Q. Now, is it correct that on that occasion, during the two
11 days that you stayed in Daru, Sam Bockarie communicated severally
12 with those officers?

13 A. Well, as they moved on, he was communicating with them, so
14 as to know where they were, or where they were heading for.

11:02:39 15 Q. Is it also correct that Sam Bockarie did not communicate
16 with Morris Kallon during those two days?

17 A. Well, I cannot say "yes" or "no" because I did not hear
18 about it, I would not say he did not do it.

19 Q. But you never heard him communicate with Morris Kallon?

11:03:11 20 A. No, My Lord.

21 Q. You discussed, in your direct testimony, the killing of the
22 suspected Kamajors; you recall that bit of your testimony?

23 A. Yes, My Lord.

24 Q. Is it correct to state that Morris Kallon was absolutely
11:03:52 25 not involved in the killing of the suspected Kamajors?

26 A. At all not. He was not even present.

27 Q. In fact, Morris Kallon was not within Kailahun District at
28 that time?

29 PRESIDING JUDGE: He said he was not even present.

1 THE WITNESS: He was not present.

2 MR OGETO: My Lords, he may not have been present on the
3 spot but he may have been within Kailahun District; that's why I
4 asked him the question.

11:04:39 5 Q. Do you know if Morris Kallon sent any message to anyone,
6 any message that would be within your knowledge, about the issue
7 of the Kamajors before they were killed?

8 A. No.

9 Q. Let me take you back a bit, to some testimony that you gave
11:05:33 10 about the Northern Jungle, and I recall you stated that at the
11 time the RUF was at the Northern Jungle, Isaac Mongor was the
12 commander; is that correct?

13 A. Yes, My Lord.

14 Q. Did you get to know who his deputy was?

11:06:09 15 A. I heard that Morris Kallon was there as deputy.

16 Q. Are you sure about that? Do you know a person called
17 George?

18 A. George?

19 MR OGETO: My Lords, if I can consult briefly?

11:06:29 20 PRESIDING JUDGE: Yes, please, you may.

21 MR OGETO:

22 Q. Mr Witness --

23 A. Yes, My Lord.

24 Q. -- did you know a person called CO Georgie?

11:07:02 25 A. Yes, My Lord.

26 Q. Is it not true, is it not true that CO Georgie was the
27 deputy to Isaac Mongor at the Northern Jungle at that time?

28 A. That's why I said I heard that Morris Kallon, but he was CO
29 Georgie --

1 THE INTERPRETER: Your Honours, can the witness take that
2 bit again?

3 MR OGETO:

4 Q. Can you please repeat that answer again?

11:07:42 5 A. I heard about CO Georgie also, but within the two
6 commanders, between the two commanders, I heard the names of CO
7 Georgie and CO Morris Kallon. That's why I said I heard Morris
8 Kallon and CO [inaudible]

9 Q. So are you saying between the two of them, you do not know
11:08:08 10 who the deputy was?

11 A. I was not sure. I only heard of Raymond.

12 THE INTERPRETER: I only heard rumours. Correction,
13 interpreter.

14 PRESIDING JUDGE: Of what?

11:08:44 15 THE WITNESS: I knew about the commander in charge but the
16 new deputy was between Morris Kallon and CO Georgie, but I didn't
17 know the actual one.

18 MR OGETO: My Lords, if I can have a minute to consult?

19 PRESIDING JUDGE: Yes, please, you may.

11:09:30 20 MR OGETO:

21 Q. Now, one last question, Mr Witness: During the entire
22 period that you knew Morris Kallon, between 1991 up to 2000, did
23 you ever see him in the company of child soldiers?

24 A. I've never seen Morris Kallon with them.

11:10:00 25 MR OGETO: Thank you, very much, Mr Witness. Thank you, My
26 Lords. I've no further questions.

27 MR CAMMEGH: May it please, Your Honour.

28 PRESIDING JUDGE: Yes, please, Mr Cammegh.

29 CROSS-EXAMINED BY MR CAMMEGH:

1 Q. Mr Witness, can you hear my voice all right?

2 A. Yes.

3 Q. Yes. I represent Augustine Gbao and I'm going to probably
4 be about an hour with you, maybe slightly longer, Mr Witness, if
11:12:04 5 you don't mind. I would like to start in 1996, please, and I
6 appreciate that we are in open session, so I'd remind you not to
7 say anything that might reveal your identity. In 1996, I
8 think -- can I put it this way: You became deputy to an
9 individual who returned back from abroad; is that right?

11:12:55 10 A. If I was a deputy to someone?

11 Q. Yes, who returned back from a particular task he had
12 performed abroad; is that right?

13 A. Yes, My Lord.

14 Q. In 1996 you were based in Giema; correct?

11:13:23 15 A. Yes, My Lord.

16 Q. And during 1996 I believe that Giema was populated by many
17 civilians; right?

18 A. Yes, My Lord.

19 Q. And would you agree that many of the civilians who lived in
11:13:45 20 Giema at that time were actually family members of RUF
21 combatants?

22 A. Yes, My Lord.

23 Q. Was the RUF's general policy at that stage that people
24 ought to be allowed to support themselves?

11:14:22 25 A. Yes, My Lord.

26 Q. Notwithstanding that, is it right, however, that the RUF
27 authorities, in Giema, provided seed rice in order that civilians
28 could cultivate their own produce; is that right?

29 A. Yes, My Lord.

1 Q. How far is Giema from the Guinean border?

2 A. It's about 20 to 25 miles off.

3 Q. Is it correct that the RUF authorities allowed civilians
4 from Giema to open trading sites on the Guinean border?

11:15:21 5 A. Yes, My Lord.

6 Q. I think the Court has heard that typically, some of the
7 items traded, included palm oil, cocoa and coffee; is that right?

8 A. Yes, My Lord.

9 Q. Could those commodities be found growing in the wild in
11:15:55 10 Kailahun District at that time?

11 A. Yes, My Lord.

12 Q. On average, through 1996 and into 1997, and 1998, would
13 commanders lead the civilians approximately once a week to those
14 trading sites?

11:16:37 15 A. Yes, they would escort them. There was an escorting.

16 Q. Okay. And according to your memory, what would be the
17 highest number of civilians who would be allowed to travel to the
18 trading post, in order to conduct that business, on any one
19 occasion?

11:17:01 20 A. We had up to -- they went up to 500 together.

21 Q. Did fighters travel to the trading posts to trade
22 themselves?

23 A. Yes.

24 Q. From 1996, until the end of the war, so let's take it as
11:17:34 25 far as, let's say 2000, did you ever become aware of individuals,
26 of civilians, being forced to carry loads to the trading sites?

27 A. No, My Lord.

28 Q. Generally speaking, Mr Witness, throughout the district of
29 Kailahun during those years, did you ever become aware of

1 civilians being forced to carry loads to any destination?

2 A. I've never -- I can't recall that because we -- we had our
3 own men, S4, they were unarmed men, and they would go wherever we
4 went, to use them.

11:18:36 5 Q. Thank you. In your experience, were civilians ever asked
6 to carry ammunition or arms to any destination?

7 A. No, My Lord.

8 Q. Okay. Was a commission levied on goods, on the value of
9 goods that were traded?

11:19:08 10 A. Yes, My Lord.

11 Q. Who was responsible for the collection of that commission;
12 RUF or civilian groups?

13 A. Civilians.

14 Q. Can you remember the names of any individuals who were
11:19:34 15 charged with the task of collecting commission from the trading
16 site?

17 A. Yes, My Lord.

18 Q. Can you name anybody?

19 A. Mohamed Sengbe called -- Mohamed Sengbe.

11:19:56 20 Q. Is it also right that a system was used whereby contractors
21 would be employed at the trading posts?

22 A. Yes.

23 Q. Is it right that one of those contractors was called
24 Saleem?

11:20:21 25 A. Yes, Saleem. He was Mohamed Sengbe.

26 Q. Was there another man called James?

27 A. Yes, a James Bunuka.

28 Q. And essentially, was it their task to limit the amount of
29 contact that civilians had with the Guineans across the river,

1 the River Moa?

2 A. Yes, My Lord.

3 Q. Why was it necessary, why was it deemed necessary to limit
4 the amount of contact that the civilians had with the Guineans
11:21:09 5 across the river?

6 A. You know that in Guinea we had no right to go there. Even
7 when we went there, we went with the RUF men. They had to be in
8 between us. That was why they used the civilians to be in
9 between us.

11:21:33 10 THE INTERPRETER: Correction.

11 MR CAMMEGH:

12 Q. Thank you. When the civilians brought their wares and
13 traded goods back to their villages, what did they do with them?

14 A. Well, they would use them -- it was food for themselves.

11:22:01 15 If it was clothes, they would use it for themselves.

16 Q. Right. Did you hear about a big meeting at Camp Zogoda, in
17 early 1996, involving senior members of the RUF?

18 A. Yes, My Lord.

19 Q. Is it correct that various promotions were handed out by
11:22:32 20 Foday Sankoh during that meeting?

21 A. Yes, he dished out promotions to some men.

22 Q. Are you aware that one of those men was called Augustine
23 Gbao?

24 A. That had a promotion? I'm not aware of that.

11:23:00 25 Q. Right. Were you aware that certainly by the middle, and
26 latter part of 1996, Augustine Gbao was residing in Giema?

27 A. Yes, My Lord.

28 Q. And at that stage did you know him as the overall commander
29 of the IDU; the Internal Defence Unit?

1 A. Yes, My Lord.

2 Q. Now, generally speaking, Mr Witness, so far as the IDU was
3 concerned, were the results of the investigations generally
4 submitted to the overall IDU commander?

11:24:12 5 A. Yes, My Lord.

6 Q. Was it however the case that not every local IDU commander
7 reported to Mr Gbao?

8 A. Well, we had a command -- we had commanders at stages. We
9 had a district commander and we had other commanders to report
10 to, but we did it through a channel.

11 JUDGE BOUTET: Does that answer your question, Mr Cammegh?

12 MR CAMMEGH: Not really, Your Honour, no.

13 JUDGE BOUTET: Is that your question, that not every local
14 IDU reported to Gbao but --

11:25:13 15 MR CAMMEGH: I'm going to revisit that.

16 JUDGE BOUTET: I'm not sure.

17 MR CAMMEGH: I think Mr Sesay wants to leave the room for a
18 moment, Your Honour. Can I --

19 PRESIDING JUDGE: I am sorry, I was attending to some
11:25:34 20 papers here. Mr Sesay, may leave, please. You may leave, Mr
21 Sesay, you may leave and flex your muscles.

22 MR CAMMEGH:

23 Q. The question was this, Mr Witness, if I can just ask you to
24 listen carefully to it?

11:25:50 25 A. I'm listening.

26 Q. As a premise, part of the IDU's role was to investigate
27 infractions and wrongdoing, both at the front line and behind the
28 front line; isn't that right?

29 A. Yes, My Lord.

1 Q. Now, is this right: That most battalions had IDU
2 representatives within their ranks; is that right?

3 A. Yes, My Lord.

4 Q. And was the general intention at least this: That each
11:26:42 5 company would have an IDU; is that right?

6 A. Yes, My Lord.

7 Q. Each battalion would have its designated IDU?

8 A. Yes, My Lord.

9 Q. And at the top --

11:27:01 10 JUDGE THOMPSON: Would you moderate your pace a little?

11 MR CAMMEGH: I'm sorry.

12 Q. And each brigade would have its IDU commander; correct?

13 A. Yes, My Lord.

14 Q. Now, given what you've just told us, which is that IDUs
11:27:28 15 were generally used to investigate their allegations of
16 wrongdoing, and given structure that you've just explained, were
17 there cases, however, where the overall IDU commander would not
18 necessarily receive the results of his subordinate IDU's
19 investigations?

11:27:55 20 A. Well, talking about overall, we had a district IDU
21 commander and an overall. Most of the time they report to the
22 district, if they can solve the problem at that level, but he was
23 not receiving all the information.

24 Q. That's what I was getting at. Now, if you are unable to
11:28:26 25 answer this question authoritatively, then you must tell us. But
26 was it, in fact, the case, in your experience, that most
27 disputes, or most investigations were solved without their
28 results being passed all the way up to the overall IDU commander?

29 A. Yes, My Lord.

1 Q. And as a general --

2 PRESIDING JUDGE: Mr Cammegh, please.

3 MR CAMMEGH: Sorry, My Lord.

4 PRESIDING JUDGE: You are saying that most problems were

11:29:38 5 solved at a local level without necessity to forward them to the
6 IDU commander?

7 MR CAMMEGH: The overall IDU commander.

8 PRESIDING JUDGE: The overall IDU commander. Yes, you may
9 proceed.

11:29:43 10 MR CAMMEGH:

11 Q. Generally speaking, Mr Witness, was it the responsibility
12 of the -- either a battalion -- I'm talking about a combatant,
13 not an IDU, a battalion commander or a brigade commander, to
14 effect discipline where IDU had found that there had been some
11:30:21 15 wrongdoing?

16 A. When the IDU in charge of any area receives a complaint or
17 report the commander, if that was true, they would punish the
18 person who did the act, the commander.

19 Q. Okay. Now, what I'm going to suggest, or how I suggest the
11:30:55 20 practice was is this: That, generally speaking, the overall IDU
21 commander would only be informed of the results of investigations
22 in two circumstances. The first was where the allegation was
23 very serious indeed; would you agree with that?

24 A. You are right.

11:31:32 25 Q. Second, and more --

26 PRESIDING JUDGE: That's the overall?

27 MR CAMMEGH: Overall.

28 PRESIDING JUDGE: Yes.

29 MR CAMMEGH:

1 Q. The second, and in effect more common, were the occasions
2 where the local battalion, brigade commander, had failed to carry
3 out an act of discipline that had been required of him? Do you
4 agree with what I'm suggesting?

11:32:23 5 A. I want you to repeat; I did not understand.

6 Q. Mr Witness, in future, can you, if you don't understand
7 something can you stop me so I don't have to repeat it all again
8 because that was quite a mouthful, so I will start again. If you
9 don't understand what the interpreter is saying, also please

11:32:53 10 stop. I suggest that there were two circumstances, generally,
11 where the overall commander would hear about the result of an
12 investigation conducted by the IDU. The first one, which I think
13 you agreed already, was where the allegation was one of great
14 seriousness --

11:33:23 15 PRESIDING JUDGE: Yes, he has agreed with that one. It's
16 the second leg.

17 MR CAMMEGH: Yes.

18 Q. The second one is, I suggest, more common, this happened
19 more frequently, and it was the occasions where a battalion or
11:33:42 20 brigade commander had failed to carry out discipline on a
21 combatant after he had been required to do so following an IDU
22 investigation?

23 A. Well, according to what I have said initially, the IDU,
24 they received the complaint. After receiving the complaint
11:34:19 25 against an individual, they would inform the commander in charge,
26 at least. If they can solve it, the commander would discipline
27 the person who did the act. If they were unable to solve it,
28 they would transfer it to the IDU commander for his own action.

29 Q. Well, I don't disagree with that but, in your experience,

1 were there occasions when the overall IDU commander was forced to
2 warn or was forced to remind, at least, a local brigade or
3 battalion commander that he should, perhaps, have effected some
4 discipline, that that discipline hadn't taken place?

11:35:29 5 A. Well, you see, the IDU commander was --

6 THE INTERPRETER: Your Honours, can the witness go slowly.

7 MR CAMMEGH:

8 Q. Can you repeat that, please, Mr Witness?

9 A. The overall IDU commander was under command himself.

11:35:54 10 Whenever he received a complaint, and he has realised that they
11 do not want to take action, he has the right to send information
12 to the other commander in charge, who is the overall commander.

13 Q. The overall military commander?

14 A. Yes, of course.

11:36:18 15 Q. Right.

16 JUDGE BOUTET: Mr Cammegh, before you move on to this, I
17 would like to have some clarification because you are putting
18 question to the witness, and the answer comes a bit differently.
19 For example, you say, you keep mentioning brigade and battalion
11:36:37 20 commander would be doing this. If it fails then it goes to the
21 over all. The witness answers to you it's reviewed by the
22 commanders as such, but they are commanders other than in their
23 structure, the way the witness has testified, other than brigade
24 and battalion commander.

11:36:56 25 MR CAMMEGH: Superior commander.

26 JUDGE BOUTET: So I am not sure what it is. You understand
27 my --

28 MR CAMMEGH: Yes, I do.

29 JUDGE BOUTET: I am just trying to understand maybe it

1 means the same, in the language of the witness, I don't know.

2 MR CAMMEGH: Your Honour, the deficiency is obvious to me
3 and I want to try and tidy it up.

4 JUDGE BOUTET: Because you kept focusing on brigade
11:37:19 5 battalion.

6 MR CAMMEGH: Brigade, yes.

7 JUDGE BOUTET: But you didn't mention any other --

8 MR CAMMEGH: Authority.

9 JUDGE BOUTET: [Indiscernible] because you also referred,
11:37:24 10 and that is another issue that I would like you to clarify. You
11 did ask the witness if there was also IDU at the company level
12 and the answer seemed to have been "yes" to that so --

13 MR CAMMEGH: It's an area that we are bogged down on, and
14 it's very difficult. I think it's difficult --

11:37:43 15 JUDGE BOUTET: Because you are trying, presumably, to
16 establish the structure of the IDU reporting or not reporting
17 basically.

18 MR CAMMEGH: Well, I am simply trying to elicit the
19 scenarios in which the overall IDU commander would intervene.

11:38:01 20 JUDGE BOUTET: Yes.

21 MR CAMMEGH: It's painful but perhaps we can finish this
22 before the break.

23 PRESIDING JUDGE: Perhaps we might pursue this after the
24 break.

11:38:11 25 MR CAMMEGH: Very well. But it is painful. I'm aware of
26 Your Honour's point and I fully accept that it's got to be
27 cleared up.

28 PRESIDING JUDGE: Right. The Chamber will rise. We will
29 resume in the next couple of minutes. We will rise, please.

1 [Break taken at 11.30 a.m.]

2 [RUF25JAN08b - MD]

3 [Upon resuming at 12.08 p.m.]

4 PRESIDING JUDGE: Mr Cammegh, if you may proceed, please.

12:15:44 5 MR CAMMEGH: Yes.

6 Q. And just returning to -- just returning to where we left
7 off, Mr Witness. Mr Witness, before I do start, are you feeling
8 warm enough because you look as if you might be a bit cold; are
9 you feeling all right?

12:16:10 10 A. I'm okay. I'm okay. I'm okay.

11 Q. Now, I'm going to go back to the beginning, at this point.
12 We were discussing the occasions when a report might go to the
13 overall IDU commander. It's right, isn't it, that particularly
14 at the front lines, there were sometimes occasions where the IDU,
15 sometimes in conjunction with the MP, would investigate
16 complaints against combatants; do you agree?

17 A. Yes.

18 Q. And where these complaints were investigated on a local
19 level, it was sometimes the case that the local military
12:17:18 20 commander would be requested to take disciplinary action against
21 the alleged wrongdoer; is that right?

22 A. Yes.

23 Q. Okay. At local level, the type of commanders who might be
24 readily available would be, for example, a company commander;
12:17:55 25 correct?

26 A. You are correct.

27 Q. And above him, there would be a battalion commander; yes.

28 A. Yes.

29 Q. And above him a brigade commander?

1 A. Yes.

2 Q. Now, typically, I know I've referred just before the break
3 to company commanders, battalion commanders and brigade
4 commanders but, typically, and usually, was it the case that
12:18:38 5 where a particular disciplinary action had been recommended by
6 the investigators --

7 A. Yes.

8 Q. -- it was ultimately, usually for the brigade commander to
9 ensure that that discipline had been carried out; would you
12:19:06 10 agree?

11 A. Yes, My Lord.

12 Q. Now, I know that before the break I mentioned company and
13 battalion commanders but you would agree, would you, that where
14 discipline should be carried out it was usually the brigade
12:19:27 15 commander who was approached in order to ensure that it was
16 carried out; you agree?

17 A. Well, when the complaint reached to them, after they made
18 judgment --

19 THE INTERPRETER: Can the witness come again a little bit.

12:19:50 20 MR CAMMEGH:

21 Q. Sorry, Mr Witness. It's not your fault. Can you go back
22 and start again, taking it nice and slow?

23 A. I said after the whole thing had gone through the IDU and
24 MP commanders, then they would seek an advice from the brigade
12:20:11 25 commander for -- as to the action to be given to the person who
26 has been alleged done the bad thing.

27 Q. All right. Now, to return to where we were some time ago.
28 I mentioned two areas where the overall IDU commander would
29 receive reports. The first one you've already agreed, very

1 serious matters. The second one, I suggest, is this: Would the
2 overall IDU commander usually be informed where a brigade
3 commander had failed to institute disciplinary proceedings
4 against a combatant?

12:21:08 5 A. To start with, the IDU, the IDU commander was only there to
6 go through the case and know the facts and made the complaint to
7 the brigade commander, who was the High Command, who could take
8 an action.

9 Q. All right. I don't think we are in disagreement here, but
12:21:32 10 let me put -- let me suggest to you what, what actually happened.
11 In circumstances where the brigade commander had failed to
12 institute proceedings, it was reported, or it should be reported
13 to the IDU commander; I think we agree with that, don't we?

14 A. Well, what I'm trying to say, the IDU commander was not the
12:22:07 15 person that will institute the disciplinary action. He was there
16 to look into the case.

17 Q. Can I just stop you. I don't want to be impolite, but it's
18 very important we take this stage-by-stage. And we will get
19 there. I understand what you are trying to say but I don't want
12:22:30 20 to rush ahead. If you could just answer "yes" or "no," that
21 typically, if a brigade commander had failed to take disciplinary
22 action, his failure would be reported to the IDU overall
23 commander; do you agree, "yes" or "no"?

24 A. What I'm trying to say, the IDU commander, to start --
12:23:05 25 THE INTERPRETER: The interpreter is sorry, the witness has
26 not been very clear at the beginning.

27 MR CAMMEGH:

28 Q. I am very sorry, I am going to have to ask you to simply
29 answer my question. It's very easy.

1 JUDGE THOMPSON: Mr Cammegh, once more aren't we in the
2 familiar terrain of what the norms are and what actually
3 happened. You can see that this witness is very much interested
4 in telling you what happened on the ground.

12:23:35 5 MR CAMMEGH: Yes.

6 JUDGE THOMPSON: As distinct from what the rules and the
7 norms are. Perhaps if you can keep the two areas separate and
8 distinct, we might get there. I know it's very difficult.

9 MR CAMMEGH: Yes, I appreciate Your Honour's --

12:23:52 10 JUDGE THOMPSON: And this has been always one of the
11 problems in this particular area where norms get entangled with
12 actual practice and we end up having, for the records, if
13 so-and-so, then so-and-so follows and then of course some
14 witnesses coming out with what usually happened and what did not
12:24:13 15 happen because he is very much interested in telling you what
16 would not happen.

17 MR CAMMEGH: I understand and Your Honour has made the
18 point before and I think the way I will deal with it --

19 JUDGE THOMPSON: Yes.

12:24:26 20 MR CAMMEGH: -- if I may is to put my case on this point
21 and we'll see where we go from there.

22 JUDGE THOMPSON: Okay.

23 MR CAMMEGH:

24 Q. Mr Witness I'm going to suggest what happened and after
12:24:37 25 I've suggested it you can tell me whether you agree or not. What
26 I suggest is this: That normally, when a brigade commander
27 failed to carry out disciplinary action that would be reported to
28 the overall IDU commander. The overall IDU commander would react
29 by writing a letter to the brigade commander warning him that if

1 he continued to fail to discipline the combatant he, the IDU
2 overall commander, would report the matter to the leader. Now, I
3 know that's quite a convoluted suggestion, but, please feel free
4 to comment on what I've said. Do you agree with that?

12:25:33 5 A. It is now I've got you clearly. But you were saying the
6 IDU commander was responsible for discipline. I said no. IDU
7 commander, after everything has been done, if the brigade
8 commander failed to take an action he would send a complaint to
9 the main -- to the High Command but he was not responsible for
12:25:58 10 discipline any person whatsoever.

11 Q. I understand what you say, Mr Witness. And for what it's
12 worth I agree with you. I think we got there in the end. Thank
13 you. The last question on this particular topic I want to ask
14 you is this: Isn't it correct that the overall IDU commander had
12:26:27 15 no power to order a frontline commander, be he a company,
16 battalion or brigade commander, to do anything; all he could do
17 was write, advise and warn; is that right?

18 A. Yes.

19 Q. Thank you for Your Honour's patience, I think we took about
12:26:54 20 an hour on that point but we are finally there. Now, at the
21 time, just returning to the chronology, we are in late 1996, was
22 a man called John Aruna the MP commander for Giema?

23 A. Yes, My Lord. Yes, My Lord.

24 Q. The G5, local G5 commander in Giema at that time was, I
12:27:27 25 suggest, Morie Fekai, or Fekai. Morie Fekai?

26 A. Yes, My Lord.

27 Q. Is it also right, however, that at that time the overall G5
28 commander, Prince Taylor, was living in Giema?

29 A. Yes, My Lord.

1 Q. The purpose of the G5 was to liaise with zoo bush
2 commanders and civilians; correct?

3 A. Yes, My Lord.

4 Q. They acted as a go-between, between the military and the
12:28:08 5 civilians; do you agree?

6 A. Yes, My Lord.

7 Q. Do you agree that the IDU and the G5 had entirely separate
8 and independent command structures?

9 A. Yes, My Lord.

12:28:24 10 Q. Can I move to the IO, the intelligence officers. Is it
11 right that in contrast to G5 and IDU, IOs would report directly
12 to the leader of the RUF; do you agree?

13 A. Yes, My Lord.

14 Q. Their identities were often kept secret; do you agree?

12:28:53 15 A. Yes, My Lord.

16 Q. And their role was to covertly investigate matters taking
17 place at the front line; do you agree?

18 A. Yes, My Lord.

19 Q. If you ever hear of the maxim SOS; security-on-security?

12:29:26 20 A. Maxim?

21 Q. It's a saying, security-on-security. Did you ever hear of
22 that?

23 A. Yes.

24 Q. Was Ben Kenneh the overall IO commander at any stage?

12:30:00 25 A. Yes.

26 Q. Did he take over at some point from AB Mannah, who died in
27 a car crash?

28 A. Yes, My Lord.

29 Q. The IOs also had an entirely separate command structure to

1 the IDU; is that correct?

2 A. Yes, My Lord.

3 Q. Do you agree also that the Black Guards reported directly
4 to the leader?

12:30:30 5 A. Yes, My Lord.

6 Q. And that they also had an entirely separate and independent
7 command structure?

8 A. Yes, My Lord.

9 Q. Now, I want just to ask you about access to Augustine Gbao,
12:30:49 10 the overall IDU commander. Was he easy to get hold of or was he
11 easy to find, usually?

12 A. The overall MP commander?

13 Q. No, the overall IDU, Augustine Gbao?

14 A. All of us were in Giema.

12:31:19 15 Q. All right. It was a badly phrased question and I will come
16 at it in a different way. Did it occasionally happen that when a
17 local IDU commander, say a platoon or a company IDU commander,
18 wanted to make a report, he would often report to the area
19 commander because Augustine Gbao was frequently difficult to
12:31:52 20 contact; is that right?

21 A. No, but, I would want to explain that area a little bit.

22 IDU, local IDU commanders, they had their battalion IDU
23 commanders so if anything happened they wouldn't go to Gbao.
24 They would go to the district IDU commanders or the battalion IDU
12:32:18 25 commanders. That was the way it operated.

26 Q. Thank you. You were obviously very involved in what was
27 happening on the ground, in the position that you occupied.
28 Would it be your assessment that in actual fact, through the
29 years '96, '97 and '98 Augustine Gbao was receiving very few

1 reports, indeed, from his IDU subordinates; will you agree with
2 that?

3 A. Yes, My Lord.

12:33:17 4 Q. Okay. I don't want to embarrass you or make -- allow you
5 to feel uncomfortable. I want you please to feel free with your
6 answers, however. Did Augustine Gbao have a reputation as -- of
7 being someone who was more keen to delegate responsibility to his
8 subordinates rather than take responsibility himself?

9 A. Come over, I did not get that point clear.

12:33:57 10 Q. Well, you obviously lived quite near Augustine Gbao, in
11 Giema. Did you know him quite well, in '96 and '97?

12 A. Yes, My Lord.

13 Q. Did you know him well throughout 1998?

14 A. Until the end of the war.

12:34:22 15 Q. Would it be fair to suggest that Augustine Gbao was more
16 interested in delegating responsibility to his subordinates than
17 taking it himself?

18 A. Yes, My Lord.

19 Q. Why was that, do you think?

12:34:47 20 A. Well, Augustine Gbao was the overall commander, and he had
21 subordinates who most time he would pass command to them for them
22 to do what he told them to do.

23 Q. Okay. Now, you've agreed that he didn't actually receive
24 many reports: Was the overall reason for that, in fact, that he
12:35:23 25 was quite lazy, or was he known to be quite lazy?

26 A. No, My Lord.

27 Q. Was he known as somebody, and I apologise Your Honours -- I
28 know this is a line of questioning this Court has heard before
29 and it's not -- please accept I'm not playing a cheap trick by

1 repeating this line, this is important.

2 PRESIDING JUDGE: We hope you don't run into trouble with
3 it.

4 MR CAMMEGH:

12:36:02 5 Q. Was he known as someone who liked to relax as often as he
6 could?

7 A. No, My Lord. He was a hard-working man. He worked very
8 hard.

9 Q. He worked very hard. Did he. Can I suggest that you are
12:36:28 10 quite wrong about that, and that he was well-known throughout --

11 PRESIDING JUDGE: That is why I said that you may run into
12 trouble, with your cross-examination. When you visit and revisit
13 and revisit you run into trouble with some of your
14 cross-examination. This is it.

12:36:45 15 MR CAMMEGH: Well --

16 Q. Can I suggest, Mr Witness, that he was known throughout
17 Kailahun District as someone who was not particularly hard
18 working?

19 A. Well, what I want you to know, all of us were commanders
12:37:12 20 and every commander had a role to play and what I'm saying that
21 he had men that were subordinate to him. All of them were hard
22 working men.

23 Q. The Joint Security Board of Investigation, when was that
24 formed, please?

12:37:34 25 A. It was a very long time.

26 Q. Was it formed before 1996?

27 A. Yes, My Lord.

28 Q. Were you aware that Augustine Gbao was an ideological
29 trainer --

1 PRESIDING JUDGE: Mr Cammegh, what year was it?

2 MR CAMMEGH: 1996.

3 PRESIDING JUDGE: Thank you.

4 THE WITNESS: Yes, once in a while he used to lecture,
12:38:08 5 telling people what to do, the right position of the RUF.

6 MR CAMMEGH:

7 Q. When were you aware that he was giving lectures? What,
8 what period of the war was that?

9 A. It happened in 1996.

12:38:34 10 Q. Were you aware in the latter part of 1995, as a sergeant in
11 the Baima training camp he was lecturing ideology?

12 A. Yes, My Lord.

13 Q. Right. And after he was promoted in 1996 can you confirm
14 that he would often drive around or visit various villages in

12:38:54 15 Kailahun, lecturing people about RUF ideology?

16 A. I knew that he used to lecture the ideology but --

17 Q. It was something he was quite famous for, wasn't it? The
18 fact that he would talk at great length about ideology, in public
19 place? Do you agree?

12:39:34 20 A. Yes, yes.

21 Q. And sometimes as a reward for threading people with his
22 lectures he would incite individuals to do him favours like give
23 him cigarettes or the odd glass of palm wine. Would you agree
24 with that?

12:39:55 25 A. Well, the man was a commander, so, I don't think he would
26 be asking people to give him those things.

27 Q. Now, the Joint Security Board of Investigation comprised
28 representatives of the IO, the MP, the G5 and the IDU, amongst
29 others; do you agree?

1 A. Yes, My Lord.

2 Q. And this was to enhance transparency within the various
3 units to ensure that injustices or favouritism were not allowed
4 to prevail; would you agree?

12:40:49 5 A. Yes, My Lord.

6 Q. On the occasion there were disputes between a combatant and
7 a civilian, can you confirm this: That, generally speaking, the
8 form was, or the protocol was that the civilian should report to
9 the -- the matter to the G5; do you agree?

12:41:21 10 A. Yes, My Lord.

11 Q. And the G5 would then approach an MP commander; yes?

12 A. Yes, My Lord.

13 Q. And the MP would usually take a statement from the accused
14 combatant; yes?

12:41:37 15 A. Yes, My Lord.

16 Q. If the combatant admitted the wrongdoing then the MP would
17 usually punish him immediately; correct?

18 A. Yes, My Lord.

19 Q. And the Joint Security Board need not be invoked; right?

12:41:56 20 A. Yes, My Lord.

21 Q. Or, alternatively, provided the complaint wasn't too
22 serious, the MP would, if a combatant denied the offence, the MP
23 would approach witnesses and the issue would be ruled on by an MP
24 commander; would that be right?

12:42:22 25 A. Yes, My Lord.

26 Q. Again, the Joint Security Board would not be invoked in
27 that situation; correct?

28 A. Yes, My Lord.

29 Q. However, if the MP found that he felt the civilian was

1 making a false allegation, would he refer that civilian back to
2 the G5?

3 A. Yes, My Lord.

12:42:56 4 Q. Would you then confirm, please, that the Joint Security
5 Board of Investigation would only usually be invoked in difficult
6 or serious cases, such as rape or murder; correct?

7 A. Yes, My Lord.

8 Q. The more serious matters still, such as what the RUF may
9 refer to as treason, would be decided on by a people's court
12:43:22 10 specially convened; would you agree?

11 A. Yes, My Lord.

12 Q. Now, typical Joint Security Board investigations, can I
13 just offer you two and you see whether you agree with me or not.
14 I suggest that there was a Joint Security Board investigation in
12:43:43 15 relation to 40 suspected Kamajors who were held in Kailahun,
16 shortly before the 65 were shot; do you agree?

17 A. Go over the question.

18 Q. Is it right that 40 suspected Kamajors were released from
19 Kailahun Town MP office, or wherever they were held, shortly
12:44:12 20 before the 65 were shot by Mosquito and his men?

21 A. Yes, My Lord. It happened.

22 Q. Thank you. Is it correct that they were released following
23 a finding by a Joint Security Board of Investigation hearing; do
24 you agree?

12:44:46 25 A. Go over.

26 Q. Was there a Joint Security Board investigation into the 40
27 suspected Kamajors?

28 A. Yes.

29 Q. Thank you. Did that Joint Security Board comprise members

1 of the MP, G5, IDU and IO units?

2 A. Yes, My Lord.

3 Q. So far as the IDU representative was concerned, was that
4 Francis Musa?

12:45:21 5 A. Yes, My Lord.

6 Q. When the Joint Security Board issued its finding, was that
7 finding immediately communicated to Augustine Gbao?

8 A. Yes, he was informed.

9 Q. Right. And did then, I understand -- well, I will put it
12:45:46 10 differently. Were you the person who ordered the release of
11 those 40 men?

12 A. Yes. After they had gone through the case, because I was
13 in charge of the area at that time, so I informed he,
14 Mr Augustine Gbao, we agreed together that we should release them
12:46:12 15 and we released them.

16 Q. Thank you. Mr Witness, I have to remind you for your own
17 sake we are in an open session so please don't make any reference
18 to your role at that time; okay. All right. Well, that's one
19 example of a Joint Security Board hearing. Can I, can I suggest
12:46:32 20 another one, and you tell me whether you agree with this or not.
21 Maybe you don't know. Was there another Joint Security Board
22 inquiry into the conduct of a woman called Monica Pearson?

23 A. Yes, My Lord.

24 Q. Was there an allegation against her that at Bunumbu
12:46:57 25 training base, at some time she had mistreated a girl?

26 A. Yes, My Lord.

27 Q. Did the Joint Security Board find her guilty?

28 A. That was what I heard because I wasn't there.

29 Q. Can I suggest that would have been in about November of

1 1998?

2 A. It may be that time because I cannot say the exact time or
3 the month, but I heard about that.

4 Q. Okay. Now, again, you might not be able to help me with
12:47:48 5 this but my instructions are that that board of inquiry took
6 place in Buedu; it was taken quite seriously. It was held in
7 Buedu?

8 A. Yes, My Lord.

9 Q. Was she actually disciplined as a result of the finding?

12:48:11 10 A. That was what I heard.

11 Q. Okay. Now, I want to return to Giema, please. In 1996,
12 was the Giema section chief, a man called Fatoma Aruna?

13 A. Yes, My Lord.

14 [By order of the Court this portion of the transcript, page
12:48:47 15 53, lines 14 to 16, was extracted and filed under seal]
16

17 A. Well, --

18 THE INTERPRETER: The interpreter is sorry.

19 Q. All right.

12:49:27 20 JUDGE BOUTET: Mr Witness, can you repeat your last answer,
21 please, slowly?

22 THE WITNESS: I knew that Fatoma had a girlfriend and the
23 girlfriend was [REDACTED].

24 MR CAMMEGH: I wonder if the witness could please be
12:49:55 25 invited to write down the name of the sister, of the girlfriend,
26 rather, or the woman he is talking about? We are in open
27 session. I don't want to take any risks.

28 Q. Mr Witness, just write it. Don't say anything.

29 MR CAMMEGH: Your Honour, I mentioned a name just now. I

1 wonder if that could please be expunged from the record.

2 PRESIDING JUDGE: That will be redacted.

3 MR CAMMEGH: Thank you.

4 [By order of the Court this portion of the transcript, page

12:51:10 5 54, lines 4 to 8, was extracted and filed under seal]

6

7

8

9 PRESIDING JUDGE: Well, I suppose we would admit this piece

12:51:46 10 of paper in evidence, and we will mark it accordingly.

11 MR GEORGE: 280, My Lord.

12 PRESIDING JUDGE: 280?

13 MR GEORGE: Yes, My Lord.

14 [Exhibit No. 280 was admitted]

12:52:09 15 MR CAMMEGH:

16 Q. All right. Now again, I'd ask you please not to mention

17 this lady's name --

18 PRESIDING JUDGE: The paper is admitted --

19 MR CAMMEGH: I'm sorry, Your Honour.

12:52:17 20 PRESIDING JUDGE: -- and marked Exhibit 280 but you should

21 make the connection between 280 and this witness who will -- at

22 whose behest the paper was prepared.

23 MR CAMMEGH:

24 [By order of the Court this portion of the transcript, page

12:52:41 25 54, lines 24 to 28, was extracted and filed under seal].

26

27

28

29 THE INTERPRETER: I'm sorry, the interpreter will not like

1 to mention the name.

2 MR CAMMEGH:

3 [By order of the Court this portion of the transcript, page
4 55, line 3 to 5, was extracted and filed under seal]

12:53:48 5

6 Q. When you say this lady was a girlfriend of Fatoma Aruna, is
7 it right that they actually had quite a long standing
8 relationship together?

9 A. Well, it did not -- he did not officially marry him [sic]
12:54:18 10 but they stayed together for some time. That was why I said the
11 lady was his girlfriend.

12 Q. I'm just trying to get clarification of what you meant by
13 "some time." Was it, in fact, a period of some years? Was it a
14 period of some years, that they were together?

12:54:35 15 A. Yes, for some time.

16 Q. Can you give the Court some idea of how many years we are
17 talking about?

18 A. I can recall within a year, because I was not here; I was
19 out.

12:54:59 20 Q. Okay. But you can confirm that it was some years, can you?
21 PRESIDING JUDGE: He said within a year.

22 MR CAMMEGH: I didn't follow that, Your Honour.

23 PRESIDING JUDGE: I did.

24 MR CAMMEGH:

12:55:22 25 Q. I'm sorry, Mr witness, what do you mean within a year, that
26 doesn't -- was it some years or not or are you saying you can
27 submit within a year? I don't follow you.

28 A. I only knew of them within a year. One year, because I
29 myself was not in here but I was out.

1 Q. All right. All right. Thank you. Now, to your knowledge
2 did you ever hear of an allegation that that lady had been raped
3 by RUF?

4 A. No.

12:56:14 5 Q. Did you ever hear of that lady dying?

6 A. No.

7 Q. Would you still recognise her today?

8 A. Yes, My Lord.

9 Q. When was the last time you saw her? And, Mr Witness, don't
12:56:44 10 say where you saw her please, I'm reminded. Approximately, when
11 was the last time you saw her.

12 A. Well, last week, in Freetown.

13 Q. Did you ever know a brother of Fatoma Aruna?

14 A. No, My Lord.

12:57:16 15 Q. Did you ever hear of an allegation that he had a brother
16 who was killed during a forced labour march from Kailahun Town to
17 Giema, in approximately 1997; did you ever hear that story?

18 THE INTERPRETER: The interpreter is sorry, he cannot
19 follow the trend of the --

12:57:44 20 MR CAMMEGH: Can I have a translation, please. The witness
21 just spoke?

22 THE INTERPRETER: Yes, but the interpreter was appealing
23 that the rate at which you were moving, he cannot go in line with
24 that. That was why the interpreter was requesting that you
12:57:58 25 repeat your question.

26 MR CAMMEGH:

27 Q. Did you ever hear a story that a brother of Fatoma Aruna
28 had been murdered by RUF during a forced labour march, from
29 Kailahun Town to Giema?

1 A. I did not receive that information.

2 Q. Okay. I want to move to farming now. 1996, and again, did
3 the G5 organise civilians to work on farms, in Giema?

4 A. Yes, My Lord.

12:59:06 5 Q. When we use the word "organised" I should ask: Did the G5
6 ever force civilians to work on farms in Giema, in '96?

7 A. Well, when you talked about organise, they had their own
8 command. Sometimes they, they had their law and work to do.

9 They organised themselves to go to work but it was not done
12:59:43 10 forcefully.

11 Q. Right. If a civilian told a G5 --

12 PRESIDING JUDGE: So your answer is that the G5 never
13 forced civilians?

14 THE WITNESS: No, sir.

12:59:54 15 PRESIDING JUDGE: To work, that's your answer?

16 THE WITNESS: Yes, sir. Yes, My Lord.

17 MR CAMMEGH:

18 Q. Was a civilian free to tell a G5 that, in fact, he didn't
19 want to go and work on one of the farms?

13:00:17 20 A. Yes, My Lord. If the civilian was tired he would say "I'm
21 unable to go."

22 Q. Were these G5 organised farms otherwise known as government
23 farms, at that time?

24 A. The chief, the chiefdom had their own farms, which were the
13:00:58 25 civilian farms and we had our own farms, which were the
26 government farms.

27 Q. So a G5 farm and a government farm are the same thing, are
28 they?

29 A. Almost the same.

1 Q. All right. Now, I think you just mentioned that civilians
2 were free to do their own private farming, in Giema, in '96;
3 correct?

4 A. Yes, My Lord.

13:01:34 5 PRESIDING JUDGE: He himself admits he was a farmer as a
6 native of that place.

7 MR CAMMEGH: Yes.

8 PRESIDING JUDGE: Isn't it, Mr Witness?

9 THE WITNESS: Yes, My Lord.

13:01:46 10 MR CAMMEGH:

11 Q. So we had G5 or government farms, civilians or private
12 farms. What about commanders, is it right that they had their
13 private farms as well?

14 A. Yes. I was one of the commanders. I had my private farm.

13:02:05 15 All of us had our own private farms.

16 Q. And --

17 PRESIDING JUDGE: When you say all of you, what do you
18 mean?

19 THE WITNESS: Most of the senior commanders had their own
13:02:19 20 farm.

21 MR CAMMEGH:

22 Q. Okay. And who would work on the senior commanders' farms,
23 please?

24 A. Well, for instance, in Kailahun, most of us, most of us,
13:02:41 25 the senior commanders, were natives of Kailahun, so we had our
26 brothers, our sisters, our relatives, so most of the time they
27 would help us work in our farms.

28 PRESIDING JUDGE: What about those commanders who were not
29 natives of Kailahun, who did not have relatives in Kailahun, who

1 worked on their farms?

2 THE WITNESS: Well, they had bodyguards. Apart from that,
3 they were married to natives born of Kailahun and most of the
4 time those were the people that assisted them.

13:03:21 5 MR CAMMEGH:

6 Q. Who allocated you your private farm?

7 THE INTERPRETER: The interpreter --

8 THE WITNESS: What do you mean who gave me?

9 MR CAMMEGH:

13:03:40 10 Q. You said that you had a private farm. Who allocated you
11 the land for that farm? Who allowed you to use the land?

12 A. I had my own village, and we, the land there, we had a
13 family land, so I could go there and make a farm at any time.

14 JUDGE BOUTET: Mr Cammegh, if you would allow me.

13:04:23 15 Witness, you said that most commanders had their own farm.
16 Who determined who had a farm or who had no farm? How was that
17 decision made and who made that.

18 THE WITNESS: Well, in terms of farming, if you were able
19 to make, if you were able to make a farm you would meet the
13:04:54 20 chief, they would give you land. In as much as you have the
21 manpower to cultivate the farm. You know, we had chiefs, you
22 meet those chief they would give you the land.

23 JUDGE BOUTET: You would -- you would go to the town chief;
24 is that the way it worked?

13:05:10 25 THE WITNESS: Yes, My Lord.

26 JUDGE BOUTET: So you are commander, you go to the town
27 chief and you say I want some land for farming; is that the way
28 it worked?

29 THE WITNESS: Yes, My Lord.

1 JUDGE BOUTET: Thank you.

2 MR CAMMEGH:

3 Q. Does it follow from that answer that Fatoma Aruna actually
4 allocated land to commanders for farming?

13:05:40 5 A. Some commanders.

6 Q. Did he allocate you any land for farming, in Giema?

7 A. Well, my town was near Giema and it was my village. So
8 nobody will give me land. Because my father and mother are all
9 there.

13:06:06 10 Q. Okay. On a government or G5 farm, in Giema in '96, would
11 the workers be given food on a daily basis, for their family?

12 A. Yes, My Lord.

13 Q. Were the workers allowed to share in the benefit of the
14 harvest?

13:06:31 15 A. Yes, My Lord.

16 Q. What about displaced civilians, who'd fled into the Giema
17 region from -- from other areas; how were they fed?

18 A. Well, I would explain a little bit about that. That was
19 why we had the farm, we referred to as the government farm, that
13:07:00 20 anybody who arrived, who hadn't food to eat, that was the rice we
21 used to feed those people, until they themselves were able to
22 settle well, in the area.

23 Q. Typically speaking, Mr Witness, on which farm would a
24 civilian have to work the hardest; the private farm or a G5 or
13:07:24 25 government farm?

26 A. You're talking about government farm. That was what I was
27 trying to explain. A private farm was owned by an individual.
28 The government farm, it was organised by the G5, or the
29 commanders. That was the government farm. We only had a single

1 government farm. We had our own personal farms.

2 Q. My question was: On which farm would somebody have to work
3 hardest, on a government farm or a private farm?

4 A. Somebody like who?

13:08:18 5 Q. Would a worker on a private farm have to work very hard
6 and, if so, why?

7 A. If you had a work to do, personally, you know how to do it.

8 Q. Would a worker on a government or a G5 farm ordinarily have
9 to work as hard as someone on a private farm was working?

13:08:51 10 A. You see, a worker, workers work according to the way you
11 encourage them.

12 Q. Well, let me put it in a different way. On a private farm,
13 surely a private or a civilian -- who would pay for the seed,
14 seedlings, who would pay for the tools?

13:09:17 15 A. Do you mean in the private farm?

16 Q. Yes.

17 A. But, I said private farm. Whatever happened in that
18 private farm, the owner of that farm was responsible for
19 everything.

13:09:33 20 Q. And a worker on a G5 or government farm, would he be
21 responsible for seedlings or tools, for providing the seedlings
22 or the tools, or not?

23 A. The G5 had their own unit. They did everything to make the
24 certain necessary arrangement for the farm.

13:09:58 25 Q. Which farms, or what type of farm would -- it's my last
26 question before the break, if I could just deal with this, Your
27 Honours. From which farms were fighters fed? Or which farms
28 provided food for the fighters?

29 A. Well, we had our own farm, the commanders, RUF farm. We

1 used the produce to feed the front -- the fighters at the front
2 line, so if we were short of supply we would ask the G5 to give
3 us food.

4 PRESIDING JUDGE: I have not gotten the response to that
13:10:52 5 question.

6 MR CAMMEGH: I wonder if I could put it again?

7 PRESIDING JUDGE: Yes, please.

8 MR CAMMEGH:

9 Q. I'm just concerned -- you talked about G5 otherwise known
13:11:03 10 as government farms. You've talked about private farms. You've
11 talked about commanders' own private farms. The question is:
12 How -- which farms provided food for the RUF combatants?

13 A. It was the government farm.

14 MR CAMMEGH: Okay.

13:11:37 15 PRESIDING JUDGE: We will stop there, Mr Cammegh.

16 Well, learned counsel, we will rise for lunch and,
17 Mr Cammegh, you would continue with your cross-examination at
18 2.30 or so.

19 MR CAMMEGH: Sorry.

13:12:26 20 PRESIDING JUDGE: I say you will pursue your
21 cross-examination at 2.30.

22 MR CAMMEGH: Yes. If it helps I -- yes, about another
23 hour.

24 PRESIDING JUDGE: Good. Okay.

13:12:37 25 We will rise, please.

26 [Luncheon recess taken at 1.05 p.m.]

27 [Upon resuming at 2.54 p.m.]

28 PRESIDING JUDGE: Yes, sir, Mr Cammegh.

29 MR CAMMEGH: Okay. You were talking about farms in Giema

1 in 1996. Mr Witness, did you at any point --

2 PRESIDING JUDGE: Did we understand you at lunchtime when
3 we were breaking off, you have another one hour?

4 MR CAMMEGH: Approximately, yes. It might go as far as the
15:01:54 5 break, Your Honour, it wouldn't go any further than that though.

6 Q. Mr Witness, can I just direct your attention back to when
7 you were living in Giema. Whilst you were living there, did you
8 ever hear of any complaint of any civilians being mistreated by
9 RUF combatants while they were working on the farms?

15:02:26 10 A. No.

11 Q. Are you able to comment on farms in Kailahun, that's
12 Kailahun Town area, from 1997 onwards?

13 A. What type of farm?

14 Q. Let me see if I can direct your attention. Were there RUF
15:03:00 15 farms in 1997 in Kailahun Town, Giehun and Pendembu?

16 A. Yes.

17 Q. Now, what, if any, was the difference between an RUF farm
18 and a G5 government farm?

19 A. B5?

15:03:32 20 PRESIDING JUDGE: G5.

21 MR CAMMEGH:

22 Q. G5

23 A. Well, the G5 and the government farms, those that were
24 referred to as government farms. The G5s themselves have their own
15:03:52 25 command and control, but they were all government because they
26 had their own government. That is the civilian government.

27 Q. The question was: Was there any difference between the RUF
28 farms that you've told us had been established in Kailahun Town,
29 and Giehun and Pendembu? Any difference between those RUF farms

1 and the G5 farms you were telling us about earlier?

2 A. Yes, there are slight differences. The one that the
3 combatants cultivated is different. That belongs to us. The
4 ones cultivated coveted by the civilians, except if you ask them
15:04:55 5 for assistance, but it belongs to them wholly.

6 Q. So when you talk about RUF farms in Kailahun Town, Giehun
7 and Pendembu, who worked on them?

8 A. We had the one for the combatants, then that of the G5s was
9 the civilians.

15:05:27 10 Q. So are you saying you had combatants and civilians working
11 on those RUF farms at the same time?

12 A. Yes. There were civilian farms and combatant farms.

13 PRESIDING JUDGE: Can you make a distinction? We're not
14 making any headway with this explanation.

15:05:49 15 MR CAMMEGH:

16 Q. Let's deal with these three farms individually. Let's deal
17 with the RUF farm that you said was in Kailahun Town. Tell us,
18 please, who worked on it and who received the produce from that
19 farm; who did it go to?

15:06:16 20 A. The farm for the G5 was for the civilians, that was mainly
21 for the civilians, and that -- which was private -- belongs to
22 the individual who cultivated the farm. And the farm for the
23 combatant belongs to the combatant. It is owned by the
24 commandos. That is what we refer to as government farm.

15:06:47 25 Q. I'm going to try the question again. Mr Witness, please
26 listen to the question because I really want to move on. You
27 told me a few moments ago that there were RUF farms, so I'm not
28 talking about the G5 government farm that we were talking about
29 earlier on, and I'm not talking about private farms. I'm trying

1 to understand the difference between all of these different type
2 of farms that you've told us about. Now, you told me a moment
3 ago that there were RUF farms in Kailahun Town, Giehun and
4 Pendembu by 1997. I'll repeat the question. Let's deal first of

15:07:29 5 all with the Kailahun Town RUF farm. Who worked on it and where
6 did the produce go? Who received the food produced on that farm?

7 A. The RUF farm, which is a combatant farm, it was controlled
8 by the MPs.

9 PRESIDING JUDGE: Was this in Kailahun Town?

15:08:04 10 THE WITNESS: Yes, My Lord.

11 MR CAMMEGH:

12 Q. Right. Were civilians working on that farm?

13 A. The civilians had their own farm, which was owned by the
14 G5.

15:08:18 15 JUDGE BOUTET: The question, Mr Witness, listen to the
16 question, is whether or not there were civilians working on that
17 farm, not whether civilians have their own farm. The question is
18 simple: "Yes" or "no."

19 PRESIDING JUDGE: On that RUF farm you which is a
15:08:32 20 combatant's farm.

21 JUDGE BOUTET: Yes.

22 PRESIDING JUDGE: Were civilians working there?

23 THE WITNESS: No.

24 MR CAMMEGH:

15:08:41 25 Q. Okay. Now the next farm you mentioned as an RUF farm was
26 in Giehun. Who worked on that farm and who received the produce
27 or the food from that farm in Giehun?

28 A. When we talk about farm at this time we are referring to
29 rice farm, not produce farm.

1 Q. So Giehun was a rice farm; is that right?

2 A. Yes.

3 Q. Who worked on that farm in Giehun?

4 A. The combatants.

15:09:23 5 Q. Right.

6 PRESIDING JUDGE: Mr Cammegh, what farm was that? Was that

7 an RUF --

8 MR CAMMEGH: Giehun.

9 PRESIDING JUDGE: In, Giehun, yes, it was as RUF farm?

15:09:31 10 MR CAMMEGH: Yes.

11 PRESIDING JUDGE: An RUF farm in Giehun?

12 THE WITNESS: RUF farm at Giehun also.

13 MR CAMMEGH: Thank you.

14 Q. Okay. So combatants worked on that farm. Who received the
15:09:45 15 food from that farm?

16 A. The combatants' commander.

17 Q. Who did he distribute the food to?

18 A. Sometimes the food is used for the front line.

19 Q. The third RUF farm that you mentioned a few moments ago you
15:10:17 20 said was in Pendembu. Same questions please. Who worked on that
21 farm and who benefited from the produce?

22 A. We, the soldiers, that is we, the fighters.

23 Q. Are you saying that fighters worked on the farm?

24 A. Yes.

15:10:41 25 Q. Did any civilians work on that farm?

26 A. The civilians had their own farm.

27 Q. And did the produce from the Pendembu farm also go to the
28 combatants?

29 A. You mean the rice?

1 Q. Yes.

2 A. Yes.

3 Q. Okay. Now, the other farms that you mentioned before the
4 break, you mentioned G5 otherwise known as government farms, in
15:11:23 5 particular, were any of those farms guarded by combatants, armed
6 combatants, to protect them from attack from government forces?

7 A. No, because it was not close to combatant camps; it was a
8 civilian zone. It was safe, free zone.

9 Q. Okay. Presumably, however, the three RUF farms that you
15:12:02 10 just told us about were guarded by armed men; is that right?

11 A. You mean Kailahun, Giehun and Pendembu?

12 Q. Yes.

13 A. Yes, all the areas that I have mentioned, these are free
14 areas.

15:12:32 15 THE INTERPRETER: Your Honours, can the witness please go
16 over his last bit?

17 MR CAMMEGH:

18 Q. Repeat the answer, please.

19 A. All the farms that I'm referring to, these are rear areas,
15:12:47 20 these are free areas.

21 Q. Now, by 1998, after the intervention, so let's move to
22 February of--

23 PRESIDING JUDGE: So since they were located in what you
24 call a free zone, you're saying that they were not guarded by
15:13:07 25 armed men?

26 THE WITNESS: Yes, My Lord.

27 MR CAMMEGH:

28 Q. Now I want to move forward now to 1998 and, in particular,
29 after the February intervention. Mr Witness, can you remember

1 whether any farms in the Kailahun District by then were protected
2 by armed guards during the day to prevent them from attack from
3 government forces?

4 PRESIDING JUDGE: Mr Cammegh, you said during the
15:14:00 5 intervention?

6 MR CAMMEGH: Following the intervention.

7 PRESIDING JUDGE: Following the intervention.

8 MR CAMMEGH: Approximately February of '98.

9 PRESIDING JUDGE: Right; okay.

15:14:09 10 MR CAMMEGH:

11 Q. So, after the intervention, Mr Witness, were there any
12 farms in Kailahun now required to be protected by armed guards to
13 prevent them from attack from government forces?

14 A. We did not have any government farm that we required the
15:14:34 15 military to guard.

16 Q. Can I suggest that you might be wrong about that, that some
17 of the G5 farms did require protection from some armed guards to
18 protect them from Kamajor attacks?

19 A. Well, I had no idea about that anyway.

15:15:24 20 Q. Okay. Are you familiar with the S4? I think you might
21 have testified to this earlier on, but can you remind us please
22 what the S4 did?

23 A. Yes.

24 Q. Please do so.

15:15:51 25 A. S4 is a man who is responsible for the food; he is in
26 charge of the food store.

27 Q. Who would the S4 traditionally distribute food to;
28 combatants or civilians or both?

29 A. Well, sometimes, if you have sufficient food, we provided

1 it for the civilians but it is for the combatants.

2 Q. Were you familiar with the following system: There was a
3 system, I suggest, which provided that harvests from G5 or
4 government farms were usually taken under the control of a G5
15:17:00 5 commander, who arranged for its storage before passing it to the
6 S4; is that right?

7 A. Well, the G5 farm will not go to the S4. The G5 farm, they
8 will take care of their own rice because it belongs to the
9 civilians. The S4 is a combatant.

15:17:33 10 Q. So was it that the food from the RUF farms that you just
11 mentioned, Kailahun, Giehun and Pendembu, was it that they would
12 send their harvest which had been produced by combatants working
13 on those farms to the G5 commander?

14 A. Not the G5 commander; the S4 commander.

15:18:08 15 Q. Let me just put the system to you one more time. Food from
16 RUF farms which had been produced by combatants working on those
17 farms, I suggest was taken under control by the G5 commander, who
18 would then store the food, whereupon the S4 would distribute it
19 amongst the front line. Does that system sound familiar to you?

15:18:45 20 A. No.

21 Q. What's wrong with that system?

22 A. The government farm, the government farm that the
23 combatants cultivate goes to the S4 store. The G5 rice belongs
24 to the civilian.

15:19:09 25 Q. Mr Witness, please try and answer the question because we
26 want to move on from farming. RUF farms you've told us were
27 manned by combatants; correct?

28 A. Yes.

29 Q. Kailahun Town, Giehun and Pendembu; correct?

1 A. Yes, My Lord.

2 Q. Did the S4 distribute the produce from those farms?

3 A. Yes.

4 Q. Did most of that produce go to the combatants on the front
15:19:50 5 line?

6 A. Yes.

7 Q. If there was any left over would the balance go to
8 civilians?

9 A. Well, I've said this earlier, the civilians had their own
15:20:11 10 authority, they had their own farm, they had their own rice barn
11 where they stored their rice. The one that is controlled by the
12 S4 belongs to the combatant. If we want to use it, we use it for
13 the front line.

14 Q. The question was simple: I was simply asking you if there
15:20:29 15 was any left over would the balance ever go to the civilians?

16 A. We have our own store. We keep it in the store.

17 Q. All right. Are you saying that it all went to the
18 combatants then; "yes" or "no"?

19 A. Well, I can't say "yes" or "no." I have to explain. There
15:20:58 20 are times we assist the civilians, especially the new captives.
21 If the civilians did not have food then we can provide for them,
22 but the one that is cultivated is meant for the combatants and
23 the front line.

24 Q. I think I'm going to move on from this subject, Mr Witness.
15:21:22 25 Are you saying this, finally, that the G5 or government farms
26 provided food exclusively for civilians?

27 A. Yes.

28 Q. And, as a general rule, the RUF farms provided food
29 exclusively for the combatants?

1 A. Yes.

2 Q. Were you ever aware of a Joint Security Board investigation
3 taking place in relation to complaints of mistreatment of
4 civilian labour on farms?

15:22:12 5 A. No.

6 Q. Thank you. Now, were you aware that Augustine Gbao had a
7 private farm at Sandiaru?

8 A. Yes.

9 Q. Were you aware that local people from the village would
10 occasionally help him out on that farm?

11 A. No, I can't tell because I've never been there.

12 Q. Were you aware of whether or not he had a wife in Sandiaru?

13 A. You mean Mr Gbao?

14 Q. Yes.

15:23:11 15 A. I knew that he had a wife.

16 Q. Was her name Hawa?

17 A. Yes, My Lord.

18 Q. Were you ever aware of Mr Gbao having another wife in
19 Kailahun District?

15:23:29 20 A. Not to my knowledge.

21 Q. Were you aware of whether or not, and this is at any stage
22 up until the end of the war, were you aware of whether or not Mr
23 Gbao had some bodyguards?

24 A. Yes, he had about two, three bodyguards.

15:23:55 25 Q. Can you remember their names, any of them?

26 A. No.

27 Q. Can you remember how old they were, approximately?

28 A. You mean the bodyguards?

29 Q. Yes.

1 A. Well, over 20, 25 years.

2 Q. Did you ever see Mr Gbao moving around with any children,
3 small boys?

4 A. No, My Lord.

15:24:30 5 Q. Okay. I just want to ask you questions, please, about
6 children for a short time. Would it be correct to suggest that
7 it was the NPFL who introduced SBUs into Sierra Leone back in
8 1991?

9 A. Yes, My Lord.

15:24:58 10 Q. Were they organized into units or platoons?

11 A. You mean in Sierra Leone?

12 Q. Yes.

13 A. We never had those things in Sierra Leone.

14 Q. So the SBUs --

15:25:18 15 PRESIDING JUDGE: What did you not have; the units?

16 MR CAMMEGH:

17 Q. Platoons of SBU?

18 A. The units.

19 Q. In what capacity, then, did the NPFL use SBUs? What did
15:25:40 20 they do?

21 A. Well, I have received that question but I believe if it
22 were a Liberian he will answer that question. The SBUs were in
23 Liberia so --

24 Q. Well, from the best -- to the best of your knowledge, and
15:26:04 25 if you are unable to answer please say so, but the SBUs who the
26 NPFL, or the Liberians brought into Sierra Leone, were they
27 carrying guns or were they there just to carry arms or loads; do
28 you know?

29 A. I'm not saying that they did not come with SBUs into Sierra

1 Leone.

2 THE INTERPRETER: Your Honours, can the witness please take
3 the statement again?

4 MR CAMMEGH:

15:26:47 5 Q. Mr Witness, were you aware of SBUs in Sierra Leone in 1991,
6 1992, 1993, up until the final?

7 A. SBU from where?

8 Q. I'm sorry, I missed that answer.

9 JUDGE BOUTET: From where?

15:27:17 10 MR CAMMEGH: I'll start again. Sorry, I've lost track. I
11 was not concentrating.

12 Q. Can you please explain whether or not there were SBUs in
13 Kailahun District in 1991, '92 or '93?

14 A. Well, we had some Liberians who were not up to the age of
15:27:49 15 adults who were in Kailahun.

16 Q. What were they doing these SBUs? What were they deployed
17 to do, do you know?

18 A. They came with their elders, their commanders.

19 Q. What were they doing?

15:28:13 20 A. They were with their boss men.

21 Q. Doing what? Let's try and get to the answer. Doing what?
22 What were they there for?

23 A. I have told you that they were boss men. Sometimes they
24 assist them in their jobs.

15:28:39 25 Q. Give us an example, please, of how they would assist the
26 boss man; what would they do?

27 A. Sometimes it was difficult to get vehicles to go to town.
28 They will carry their bags.

29 Q. To your knowledge, did any of these SBUs carry guns into

1 battle?

2 A. I've never fought with the SBU in the front line.

3 Q. Up until the end of the war, Mr Witness, were you ever
4 aware of any stage up until 2000 of SBUs being deployed in battle
15:29:36 5 in Kailahun?

6 A. No.

7 JUDGE BOUTET: Mr Cammegh, what do you mean by "deployed in
8 battle"?

9 MR CAMMEGH:

15:29:54 10 Q. Well, were you ever aware, up until the year of 2000, Mr
11 Witness, just so we're sure, of any SBUs carrying guns and
12 fighting with guns?

13 A. I have no idea on that.

14 Q. I think it's right, isn't it, that the RUF themselves used
15:30:26 15 the terms SBU and SGU; is that correct?

16 A. Yes, My Lord.

17 Q. So let's refer to the years from '96 up until 2000, and I
18 want to ask you the same question that I asked in relation to the
19 years up until 1994.

15:30:58 20 PRESIDING JUDGE: Mr Cammegh, did you STU?

21 MR CAMMEGH: No, Your Honour. SBU and SGU.

22 PRESIDING JUDGE: I know SBU and STU?

23 MR CAMMEGH: GU.

24 PRESIDING JUDGE: Oh, GU.

25 MR CAMMEGH: Special Girls' Unit.

26 PRESIDING JUDGE: Girls' Unit, okay.

27 MR CAMMEGH:

28 Q. Now the same question, please, Mr Witness. I'm sorry to be
29 repetitious but --

1 A. Let's go on.

2 Q. Yeah. What were the SBUs and SGUs employed to do from 1996
3 until 2000?

4 A. I think I have already said this at the beginning. The
15:31:44 5 word SBU, the word SBU, came into RUF but we've never heard
6 anything like SBU unit or SGU. I've never heard SGU, in fact.
7 It is only now that I'm hearing SGU.

8 PRESIDING JUDGE: Is what you're saying, are you saying
9 that the term SBU/SGU existed in the RUF but that there was no
15:32:19 10 units like that? Is that what you're saying? I want to get --
11 let's get the records right.

12 THE WITNESS: Yes, yes, My Lord.

13 MR CAMMEGH:

14 Q. So there was no unit, but the word or the term SBU was
15:32:44 15 used; that's your evidence?

16 A. Yes, My Lord.

17 Q. In that case, can you please explain to the Court how SBUs
18 were used by the RUF or by commanders between '96 and 2000? What
19 would they do?

15:33:12 20 A. You see, when the Liberians came, the training that we had
21 we always referred to them as SBU, because they were small ones.
22 So that was how we used the word SBU.

23 Q. Well, you described -- my microphone, is it on? Yes. Can
24 I just remind you what you said about the SBUs before '94. You
15:33:40 25 said that they would sometimes be used to assist with carrying
26 things; I think that's similar to what you said?

27 PRESIDING JUDGE: Because there were no vehicles.

28 MR CAMMEGH:

29 Q. Because there were no vehicles?

1 A. Yes.

2 Q. Would SBUs from 1996 sometimes perform the same assistance?

3 A. I talked about the Liberian SBUs, when they came with their
4 big men. I am not referring to the Salone SBU. We used our own
15:34:17 5 boys to assist us at home but we never use them for those
6 activities.

7 Q. Are you saying that after 1996 SBUs within the RUF were
8 never used for combat?

9 A. Not at all.

15:34:34 10 Q. Right. Are you saying that they were never militarily
11 trained?

12 A. Not at all.

13 Q. Are you saying that they would just assist from time to
14 time with, for example, domestic duties or assisting with loads
15:34:54 15 where there were no vehicles, things like that; is that what
16 you're saying?

17 A. Yes, My Lord.

18 Q. Were they ever on the front line?

19 A. I have no idea about that.

15:35:14 20 Q. Well, did you ever hear of any SBUs being or finding
21 themselves near the front line?

22 A. No, My Lord.

23 Q. Were many of the SBUs -- is it true that several of the
24 SBUs in Kailahun were, in fact, children of victims of military
15:35:48 25 attacks who'd lost their families?

26 A. What do you mean? I want you to please repeat so that I
27 can give you an answer.

28 Q. When villages were attacked, for example by government
29 forces, occasionally, people died, didn't they? Occasionally,

1 civilian adults died; do you agree?

2 A. Yes. Wherever there was a fight you should expect people
3 to die, especially where the government troop and the RUF clash.

4 Q. Right. After the intervention the government forces moved
15:36:43 5 through Kenema, didn't they?

6 A. Yes, My Lord.

7 Q. There was a lot of fighting around Kenema Town, for
8 example?

9 A. Yes, My Lord.

15:36:57 10 Q. Other people died; is that right? The civilians died?

11 A. Well, I was not in Kenema when that happened.

12 Q. Do you remember an event in -- I think November of 1996 --
13 at the Moa River at Mende Buima, I think, when about 200
14 civilians were slaughtered during a Kamajor attack; do you

15:37:29 15 remember that?

16 A. Mende Buima?

17 Q. Yes.

18 A. No.

19 Q. You don't remember that after the Abidjan Peace Accord

15:37:43 20 Kamajors perpetrated -- or breaches of the accord and attacked
21 areas like Mende Buima, Zogoda, Peyama, Northern Jungle, just a
22 few examples. Giema was another one; do you remember that?

23 A. I can remember that the Kamajors attacked us, the
24 waterside. But those that you've called out I would say no.

15:38:24 25 Q. What I'm suggesting is that following the Abidjan Peace
26 Accord, and in particular following the intervention in early
27 1998, a lot of civilians lost their lives; would you agree?

28 A. Yes.

29 Q. And a lot of children were orphaned; would you agree?

1 A. Of course; I agree with that.

2 Q. And a lot of children, I suggest, fled the areas where
3 they'd lost their parents and fled along with retreating RUF
4 forces; would you agree?

15:39:09 5 A. Yes. Some commanders collected some children to go and
6 help them.

7 Q. And some of these children could be very young; some of
8 them could be teenagers, 16, 17 or 18; would you agree?

9 A. Yes, My Lord.

15:39:38 10 Q. Now, when you refer to SBUs, are you, in fact, largely
11 referring to many of those children who I have just been
12 referring to, people who'd actually lost their parents in the war
13 and had retreated to the safe areas within RUF territory; is that
14 not the case?

15:40:03 15 A. Yes.

16 Q. These children were not fighters; is that right?

17 A. Not at all. That is why we established a school in the
18 areas. We opened the school at Giema, Kailahun so that they
19 could go to school so as to forget about arms.

15:40:26 20 Q. Now, going back to the RUF rules, was there anything within
21 the RUF rules, or anything within RUF policy, that approved of
22 the use of child soldiers?

23 A. No, they did not have that rule. We do not use child
24 combatants, no.

15:40:57 25 Q. If, Mr witness, children were discovered close to the front
26 line behind RUF lines, but close to the front line or even on the
27 front line, what would happen to the local commander, if
28 anything?

29 A. He will be punished.

1 Q. And did you, yourself, ever patrol the front lines?

2 A. Yes, of course.

3 Q. What would -- why would you yourself want to patrol the
4 front lines; what would you be checking?

15:41:58 5 A. I was a front line commander so I would check so as to
6 whatever happened at the front line; whether there was anything
7 good that's happened or anything bad that's happened. That's the
8 purpose.

9 Q. Okay. Was it one of your duties to check to see whether
15:42:16 10 any children were dangerously located near to the front line?

11 A. Of course, My Lord.

12 Q. Did you ever discover children near the front line, and if
13 you did, what did you do about it?

14 A. No, My Lord. No, My Lord.

15:42:38 15 Q. What would you have done about it if you had found a child
16 near the front line; what action would you have taken?

17 A. I would punish the commander in charge.

18 Q. All right. Finally this: Do you know the village called
19 Kui va?

15:43:03 20 A. Yes, My Lord.

21 Q. Did you ever hear of a report of Augustine Gbao being seen
22 in Kui va with SBUs, and by SBUs in this context, I mean child
23 soldiers?

24 A. I've never got that report.

15:43:47 25 Q. Just before we leave the subject of children, did you know
26 a woman in Kailahun Town called Hawa Mendegla?

27 A. Yes, of course, I knew her.

28 Q. Did she have any children; can you recall?

29 A. I cannot say but I believe so. Although there was not much

1 acquaintance between her and me.

2 Q. I won't pursue that, then. I'll just ask you this: Did
3 you ever hear of an incident in which Hawa Mendegla was beaten up
4 on Augustine Gbao's orders in Kailahun Town?

15:45:05 5 A. To beat Hawa Mendegla?

6 Q. Yes.

7 A. No.

8 Q. Okay. Did you ever hear of a young man called Kanahed,
9 K-A-N-A-H-E-D, the son of Hawa Mendegla, an older boy

15:45:31 10 A. Kanahed?

11 Q. Yes.

12 A. No.

13 Q. I think he would have been about 20 years old. He was a
14 bodyguard to Mohamed Tarawallie; does that ring a bell?

15:45:55 15 A. Perhaps it's the name but I've never come across a Kanahed
16 name.

17 Q. Let me ask you this: Did you ever become aware of Hawa
18 Mendegla, an older son of Hawa Mendegla, and, as I say, in the
19 region of 20 years old, being killed in the war in around 1996,
15:46:18 20 maybe 1995?

21 A. Killed him, like how?

22 Q. Killed in battle, shot I assume, but let's just say killed
23 in battle. Did you ever hear of Hawa Mendegla's son dying in
24 battle?

15:46:45 25 A. Hawa Mendegla? Somebody died that was related to Hawa
26 Mendegla, but it was on the battle line but I don't know whether
27 it was her son.

28 Q. Okay. Let me ask you this then: Can you recall whether
29 Hawa Mendegla developed a grudge against the RUF following the

1 death of somebody in her family?

2 A. If she had a grudge for RUF?

3 Q. Yes. Let me just put it in this way: What I'm suggesting
4 is that at some stage a relative, I say a son of Hawa Mendegla,
15:47:37 5 was killed in battle, and thereafter Hawa Mendegla's attitude to
6 the RUF hardened, became grudgeful, because she felt that the RUF
7 didn't take sufficient care of her following her loss. Now, do
8 you recall anything like that?

9 A. Well, I can recall Hawa Mendegla throughout -- while she
15:48:15 10 was a nurse she had been working for the RUF. If she had a
11 grudge, I wouldn't be able to know the extent to which it went.

12 Q. Would it be fair to say that you didn't know her very well?

13 A. There was not much acquaintance between her and me.

14 JUDGE BOUTET: He told you that five-minutes ago.

15:48:39 15 MR CAMMEGH: Yeah, I thought I heard that.

16 JUDGE BOUTET: But you kept pursuing it so you got the
17 answer. He didn't know her, barely.

18 MR CAMMEGH:

19 Q. I just want to ask you about movement of civilians now.

15:48:51 20 Traditionally, Mr Witness, was it the case that when a town was
21 attacked the civilians would be moved to the rear?

22 A. When we attacked a town, if it was we that attacked, we
23 would make sure that we put them all together and we put them in
24 one place. Why did we do so? When we're attacked there was a
15:49:21 25 possibility for the government to come and make counterattack.

26 So when we put them all together, if the government troops came
27 we would be able to guard them.

28 Q. Then you would hand it over to the control of the local G5
29 commander?

1 A. The only time that we give them to G5 commanders is the
2 time that we had cleared everything -- the place. I would make
3 sure that the place was safe.

15:49:56 4 Q. Those who had been displaced, or made homeless, were they
5 lodged with or put with relatives in other villages, or were they
6 put with other civilians or commanders in order that they could
7 be housed and taken care of; do you agree with that?

8 A. Yes.

15:50:19 9 Q. Were they screened by the G5, in other words, did the G5
10 run a sort of security check over these individuals?

11 A. Yes. They would want to know their particulars, they would
12 do that.

13 Q. For example, one of the checks that the G5 would conduct
14 was to see if the individual in question had any markings on his
15:50:50 15 body to demonstrate membership of the Kamajor tribe; would that
16 be in your experience?

17 A. Kamajors were not that audacious not to join us.

18 Q. Sorry, I couldn't understand the answer, the Interpreter.
19 Could you repeat that please?

15:51:15 20 JUDGE BOUTET: I think it's because you used the word
21 "Kamajors tribe." I'm not sure the [indiscernible] agrees with
22 you that this is a tribe.

23 Mr CAMMEGH:

24 Q. Mr Witness, was one of the purposes of the screening to
15:51:31 25 see, to check as to whether or not any of these individuals were
26 Kamajors?

27 A. Well, what I'm trying to say, when we attacked the town,
28 Kamajors would never be bold enough to come to our own area.
29 Whosoever came to that place was a civilian, so we would not

1 start checking them about stripes.

2 Q. I am just trying to understand, Mr Witness, why were these
3 people screened? Can you help us with that? It's a simple
4 question?

15:52:06 5 A. Because the G5s, we won't know their particulars, where
6 they came from, where they left their parents, if they had
7 parents, where they left their mothers.

8 Q. Why was it necessary for them to be screened at all?

9 A. Well, sometimes we would go. Then we'd decide to free the
15:52:36 10 area and we say: Okay, let them go back to that area from where
11 we took them.

12 Q. Was Augustine Gbao ever a G5?

13 A. No.

14 Q. After screening, were civilians ever forced -- or those who
15:53:10 15 had been screened -- were they ever forced to go to farms to
16 work?

17 A. No.

18 Q. I want to ask you about the passes. Passes were often
19 issued to civilians who wanted to move around the RUF
15:53:37 20 territories; is that right?

21 A. What I want to understand our own zone was free for
22 civilians. It was not a place to give a pass so that somebody
23 could travel.

24 Q. Let me suggest slightly otherwise: Is this right; that
15:54:05 25 particularly during or following the intervention, following the
26 Kamajor advance towards the Pendembu front line, isn't it right
27 that the G5 would, when necessary, when it was deemed necessary,
28 issue passes to civilians for security purposes. Wouldn't you
29 agree with that?

1 A. I never heard that sort of information.

2 Q. I suggest that that is what happened during the time
3 following February of '98. I also suggest that the MP was
4 responsible for issuing passes to combatants within those zones
15:54:59 5 during that period; would that be right?

6 A. Yes.

7 Q. Were you ever aware of Augustine Gbao issuing passes?

8 A. I never knew about that.

9 Q. All right. Were you ever aware of Augustine Gbao selecting
15:55:30 10 civilians and directing that they should go to training camps or
11 to forced -- let's start with training camps. Were you ever
12 aware of Augustine Gbao forcing civilians to go to training
13 camps?

14 A. No, I never heard about that information.

15:55:53 15 Q. Similarly, were you ever aware -- similarly, were you ever
16 aware of Augustine Gbao forcing civilians to go to work anywhere,
17 whether it be on a farm or carrying loads, anything at all?

18 A. No.

19 Q. Did you ever become aware of a rumour, or a story, a
15:56:28 20 report, that Augustine Gbao had ordered the shooting of four
21 civilians at the Kailahun Town court barri after they had
22 allegedly been caught trying to flee to Guinea, across the river;
23 did you ever hear of that?

24 A. No.

15:57:04 25 Q. Were you ever aware of mining taking place in Giema, Mr
26 witness?

27 A. Yes, My Lord.

28 Q. Is it correct that on one occasion only you visited the
29 mining site to see what was going on there?

1 A. Yes, My Lord.

2 Q. And what exactly did you find when you got there?

3 A. Well, we heard that diamonds were being mined in Giema, so
4 I went there, but when I went I found out that it wasn't diamonds
15:57:52 5 that was being mined.

6 Q. Did you see any digging -- well, you must have seen digging
7 going on because you just mentioned mining?

8 A. Yes, I saw some digging.

9 Q. How many civilians were working there at that time?

15:58:05 10 A. I met about 12.

11 Q. Okay. Who was in charge?

12 A. One Mr Patrick.

13 Q. Right. And how were the civilians being treated at the
14 time, and do you remember anything in particular about what they
15:58:31 15 were doing?

16 A. Yes, that was a special group.

17 Q. In what sense were they special? I don't follow you.

18 A. Well, it was just like any type of worker who had been
19 working for payment.

15:58:46 20 Q. Were they being paid? Did they tell you they were being
21 paid?

22 A. Well, they used to give them half allowances, food, because
23 we did not have any money in our own zone.

24 Q. This man, Mr Patrick, was he an RUF combatant or commander?

15:59:08 25 A. He was a civilian.

26 Q. Finally this: Were the workers being fed, did you know?

27 A. Yes, My Lord.

28 Q. How do you know that?

29 A. Because where I went to see the place, to see what had been

1 operating.

2 Q. Now, I want to move towards the final topic now. I want to
3 ask you about Sam Bockarie, Mosquito. By early 1997, Mr Witness,
4 was this the case: Foday Sankoh had been arrested; correct?

15:59:54 5 A. Yes, My Lord.

6 Q. Mike Lamin had fled through Pujehun into Guinea; correct?

7 A. Mike Lamin, I did not know that he went to Guinea.

8 Q. He fled into Liberia then. Had he fled through Pujehun
9 into Liberia?

16:00:22 10 A. Yes, My Lord.

11 Q. Was Tarawallie dead by then, early '97?

12 A. Well, we knew that he got missing. We don't know whether
13 he died but we did not see him.

14 Q. Camp Zogoda had fallen by early '97, hadn't it?

16:00:59 15 A. Yes, My Lord.

16 Q. And Mosquito was in complete control of the RUF in Sierra
17 Leone; would you agree?

18 A. Yes, My Lord.

19 Q. Would you describe him as a reasonable man in the way that
16:01:30 20 he issued orders or wielded his influence; or was he
21 unreasonable?

22 A. Mosquito wasn't a man that was reasonable because he only
23 believed in his own sense.

24 Q. Is it true that prior to early 1997, and forgive me that I
16:02:01 25 can't off the top of my head remember the date, but had he been
26 demoted by Foday Sankoh for shooting, or for murdering somebody,
27 for shooting someone dead, unlawfully?

28 A. Yes, I knew about that demotion.

29 Q. Demoted down to sergeant, I think; is that right?

1 A. Yes, My Lord.

2 Q. From 1997, by early 1997, would it be fair to describe him
3 as a form of a dictator?

4 A. That's Mosquito?

16:02:46 5 Q. Yes.

6 A. Yes, My Lord.

7 Q. When he decided to act, when he decided to do something,
8 would it, would he usually bother to consult anybody in the high
9 rankings of the RUF, or would he simply make his decision without
10 reference to anybody at all?

16:03:21 11 A. He did not at that time. If he got up with his order he
12 would just pass orders and did what he wanted to.

13 Q. Now, there was a command structure within the RUF; was
14 there not?

16:03:43 15 A. Of course, yes.

16 Q. Did Mosquito adhere to the command structure or did he
17 ignore it from time to time at his convenience?

18 A. Mosquito -- Mosquito would not allow people to do their
19 job.

16:04:15 20 Q. I'm trying to think of a way of putting this, Mr Witness.
21 When you say he wouldn't allow people to do their job, would he,
22 for example, bypass senior commanders and issue orders to the
23 lower ranks without informing those senior commanders?

24 A. Exactly, sir, that is what I was trying to say.

16:04:47 25 Q. Okay. By early 1997, was he, within the RUF, was he
26 feared? Were people afraid of him?

27 A. Of course.

28 Q. Even senior commanders within what we would perhaps call
29 the higher command, were they afraid of upsetting Mosquito?

1 A. Of course. You had to give him respect.

2 Q. You've indicated that he would often take decisions without
3 reference to other senior commanders. Can you think of any
4 occasions when he took a decision, a military decision, which was
16:05:50 5 objected to by one of his senior commanders?

6 A. Yes. I can give an example when he took a decision. All
7 of us did not know about it, he only passed the order. For
8 instance, that Daru attack. All of us did not know about that.
9 He just passed the order so --

16:06:23 10 Q. Perhaps if I can put the question in a more direct way.
11 You mentioned, for example, that Daru attack. What if you, in
12 the position, in the rank and assignment that you had at that
13 particular time, what if you had said to him: I object to this
14 course of conduct or this course of action, I don't think it's a
16:06:52 15 very good idea and in all conscience I cannot allow my
16 subordinates to carry it out, what do you think would have
17 happened to you?

18 A. Well, during that time it was not government troop. I
19 would not be that bold enough to say those words, because he was
16:07:25 20 my commander, he had passed his command already.

21 Q. But let's just think of a hypothetical example. If, for
22 example, Mosquito had ordered you to send your men into a battle
23 in which you would be facing overwhelming odds, it would be a
24 suicide mission, 200 of your men would die. If you turned to
16:07:53 25 Mosquito and said: General, this is a battle we cannot win. If
26 I order my men to move into this attack I know they will all die.
27 I cannot live with that. And I cannot therefore pass the order
28 down to my subordinates, I have to disobey you; what would he
29 have done to you?

1 A. He would charge me.

2 Q. With what?

3 A. With incitement.

4 Q. Incitement to what? Incitement to mutiny?

16:08:38 5 A. Yes.

6 Q. Bearing in mind the fact that he had already been
7 convicted, if you like, for, I'm using that in a broad sense, of
8 course, for shooting that man in about 1995, what do you think
9 would have happened to you after you been charged with incitement

16:09:05 10 to mutiny?

11 A. Well, during that time there was no court; it was a jungle.
12 That man had every right to do anything that he wanted to during
13 that time.

14 Q. If you'd faced that charge, do you think you would have
16:09:28 15 survived?

16 A. I wouldn't have lived with that charge.

17 Q. I'm sorry, I didn't catch that.

18 A. I wouldn't have lived with that charge; I wouldn't have
19 lived with that charge. I wouldn't have lived. I wouldn't have
16:09:43 20 survived, yes.

21 JUDGE ITOE: He would have ordered your execution?

22 THE WITNESS: Yes.

23 MR CAMMEGH:

24 Q. Now, you're talking about yourself here, and what you would
16:09:52 25 have expected, yourself. Other senior commanders, were they of
26 the same -- did they carry the same fear as you in those
27 circumstances? Were they equally concerned as you? Were they
28 ever to show any dissent to Mosquito?

29 A. Yes, of course.

1 PRESIDING JUDGE: Mr Cammegh, I think the Tribunal now has
2 enough evidence about Mosquito's --

3 MR CAMMEGH: Thank you, Your Honour.

4 PRESIDING JUDGE: -- may his soul rest in peace; maybe if
16:10:36 5 he were here he would have his own words to say, but he isn't
6 here, so I think his conduct as a dictator has been testified to
7 by many witnesses.

8 MR CAMMEGH: I'm grateful, Your Honour.

9 PRESIDING JUDGE: I wish you not belabour the point. We
16:10:51 10 should move on to other things.

11 MR CAMMEGH: Your Honour, I'm leading up to the execution
12 of the Kamajors. The notion of joint enterprise requires this
13 line of questioning from me, as I know you're aware. But I have
14 got Your Honour's point and I will move to that particular issue
16:11:09 15 now.

16 PRESIDING JUDGE: I have said what I've said.

17 MR CAMMEGH: Indeed, Your Honour, I take --

18 PRESIDING JUDGE: A lot has been said about him. There is
19 nothing from him because he's not there. So I think we'll move
16:11:21 20 on and leave it with the record as it is.

21 MR CAMMEGH: I trust the point has been adequately made.

22 Q. Now, I want to move to, I believe the precise date was
23 February the 19th, 1998, and on that day, Mr Witness, 65 Kamajors
24 were shot in Kailahun Town; you're aware of that, aren't you?

16:11:56 25 A. I knew about 64 Kamajors.

26 PRESIDING JUDGE: Mr Cammegh --

27 JUDGE BOUTET: Haven't you been through that this morning?
28 I thought we had but I may be mistaken, but I thought you had
29 been through that. Yes, you were with the Joint Security Board

1 investigations and all that, Mr Cammegh.

2 MR CAMMEGH: Yes, Your Honour, and I haven't asked the
3 witness about Mr Gbao's alleged involvement in that. There are
4 witnesses in this trial who testified that Gbao was there and
16:12:24 5 that he could have wielded some --

6 JUDGE BOUTET: Well, you did, you asked the question if
7 Gbao was there. Yes, he was. But what was his role, I don't
8 have any note about that. So anyhow, if that is the case I
9 would -- I would appreciate that you don't rehash the whole
16:12:44 10 Kamajors again in its totality.

11 MR CAMMEGH: No, no, I don't intend it. Your Honour, did
12 Your Honour say you had a note that this witness --

13 JUDGE BOUTET: You asked a question about Gbao, but whether
14 or not -- what was his role was a question, I cannot say.

16:12:58 15 MR CAMMEGH: Yes. I don't think we've heard testimony from
16 this witness that Gbao was there when they were killed, unless
17 I'm very much mistaken.

18 PRESIDING JUDGE: Let's get along.

19 MR CAMMEGH: I can assure Your Honours this is not an issue
16:13:14 20 that I want to go into 366 type of detail with, so I'll be as
21 quick as I can.

22 Q. Mr Witness, it's right, isn't it, that by February of 1998
23 the Kamajors and government forces had advanced far towards the
24 front line as we now know it in Pendembu; correct?

16:13:35 25 A. They did not reach Pendembu.

26 Q. My mistake. They had come through Kenema and they were
27 advancing towards Kailahun District, do you agree, by February?

28 A. You are right. You are right.

29 Q. Now, people were fleeing into Kailahun District in terror;

1 would you agree?

2 A. Yes, My Lord.

3 Q. Did you receive a message from Mosqui to which -- that
4 informed you that Kamajors were approaching Kailahun District and
16:14:48 5 that he required you to tell the MPs to arrest those refugees
6 who'd just come back to settle in Kailahun District?

7 A. Well, I'll explain that part later. It was not refugees.
8 They were detainees who came from the Kamajors' home to come to
9 our area. He said he had information that they had the Kamajors
16:15:23 10 among them who came to settle. That the MPs should search some
11 of these people. They are not refugees, they are detainees.

12 Q. All right. I accept that, Mr Witness, my mistake in using
13 that word. Is it right that at this time the MP commander in
14 Kailahun Town was John Aruna?

16:15:47 15 A. Yes, My Lord.

16 Q. Was John Aruna the man on the ground responsible for the
17 arrest of these returnees?

18 A. Yes, My Lord.

19 Q. In particular, did those refugees originate from the
16:16:08 20 Bambara and the Loma Chiefdoms?

21 A. They are not refugees, they are returnees.

22 Q. I'm sorry my fault. And they were detained at the MP
23 building in Kailahun Town; is that right?

24 A. Yes, My Lord.

16:16:30 25 Q. Now, you told us this morning that following a Joint
26 Security Board investigation you and Augustine Gbao decreed that
27 the 40 original detainees should be immediately released; is that
28 right?

29 A. Yes, My Lord.

1 Q. And that group, did they come -- were they the people from
2 Bambara?

3 A. Yes, My Lord.

16:17:11 4 Q. I want to ask you in particular about Mr Gbao's conduct in
5 relation to this particular decree or decision. It's right,
6 isn't it, that Mr Gbao was extremely anxious that those people
7 should be released as soon as possible; is that correct?

8 A. Yes, My Lord.

16:17:40 9 Q. Is it also the case that Augustine Gbao was concerned about
10 the fact that Bockarie was becoming, for want of a better word,
11 paranoid about the alleged presence of Kamajor infiltrators
12 within those chieftains? Would you agree with that?

13 A. I want you to make it clear. I'm not getting it clearly.

16:18:18 14 Q. Right. What I'm suggesting -- yes, I know that, let me ask
15 the question again. What I'm suggesting is this: By the time
16 those 40 returnees from Bambara had been detained and then
17 released, Augustine Gbao had made it quite clear to you that he
18 was becoming deeply concerned about Bockarie's attitude to the
19 returnees as a whole, would you agree?

16:19:03 20 A. Yes, I would agree with that.

21 Q. Right. Thank you, Mr Witness. Now, the next step is this,
22 what I also suggest is that so far as Augustine Gbao was
23 concerned, he had -- he felt that Bockarie was developing an
24 unreasonably paranoid attitude to those returnees?

16:19:52 25 PRESIDING JUDGE: How do you want -- Mr Cammegh, how do you
26 want the translators to translate the word paranoid to this
27 witness.

28 MR CAMMEGH: Whatever it means in Krio, Your Honour, I
29 don't --

1 PRESIDING JUDGE: I'm sure you can reduce it. There are
2 words and I don't want to put words in your mouth. There are
3 other English expressions which very faithfully translate or
4 convey the meaning.

16:20:26 5 MR CAMMEGH: I'll try again, Your Honour.

6 PRESIDING JUDGE: Yes.

7 MR CAMMEGH:

8 Q. Augustine Gbao had formed the impression that Bockarie was
9 unreasonably scared of the returnees, would you agree?

16:20:53 10 A. Well, I would say yes because why not for that we wouldn't
11 have asked them to be searched.

12 Q. Augustine Gbao felt that Bockarie had come to an irrational
13 fear that amongst those returnees were hidden Kamajors
14 infiltrators who were determined to cause mayhem within Kailahun
16:21:40 15 District; would you agree?

16 JUDGE BOUTET: You are quite a challenge for the
17 interpreters. Mayhem I'm not sure it's a common term.

18 MR CAMMEGH: Sorry Your Honour, I've got a screaming
19 headache and I'm doing my best.

16:22:00 20 JUDGE BOUTET: I'm not saying you are not doing your best.

21 PRESIDING JUDGE: That's why we have [indiscernible] to say
22 you should get to a lower rank of the language.

23 MR CAMMEGH: Can I get on, Your Honour. I'll try and
24 finish.

16:22:10 25 PRESIDING JUDGE: That's right, yes -- no, we are not
26 worried.

27 MR CAMMEGH: I don't mean to be impertinent but I really
28 want to get to the end. I'll try and put in simple language --
29 simpler language.

1 Q. Now, I'm suggesting that Augustine Gbao had formed the view
2 that Bockarie was about to do something -- I'm sorry can I see
3 the -- I want to check the transcript Your Honour. I've
4 completely lost my thought. All right. Forgive me.

16:23:16 5 Mr Gbao had formed the view that Bockarie was -- had become
6 fearful for no reason about those returnees; would you agree?

7 A. If he had become so fearful.

8 Q. Yes, unreasonably and irrationally fearful?

9 A. Of course. I agree with that.

16:23:59 10 JUDGE BOUTET: You agree with the question, Mr Witness but
11 not whether you agree that Bockarie was unreasonable it's whether
12 or not Mr Gbao formed the view that Mosquito. So that's the
13 question that you were asked. Whether or not --

14 THE WITNESS: Yes that was what I answered to.

16:24:21 15 JUDGE BOUTET: Thank you.

16 MR CAMMEGH:

17 Q. Is it also right that Gbao was very afraid that Bockarie
18 was going to do something dreadful to the detainees?

19 A. Well, when they had arrested them we all had been expecting
16:24:49 20 that from him.

21 Q. But was Augustine Gbao himself personally very worried
22 about what Bockarie might do to those people?

23 A. I would not be able to tell what is in Augustine Gbao's
24 mind.

16:25:14 25 Q. But nevertheless Augustine Gbao, as you told us, was very
26 keen for the 40 to be released, wasn't he, as quickly as
27 possible; do you agree?

28 A. Yes. All of us were together already made an arrangement
29 so that they could be released.

1 Q. You yourself were very anxious to have them released as
2 soon as possible, were you?

3 A. Yes, My Lord.

4 Q. Right. Now, do you know a man called Amara Peleto?

16:26:04 5 A. Yes, My Lord.

6 Q. Can I suggest to you that Amara Peleto was nowhere near
7 Kailahun Town in February of 1998; would you agree with that?

8 A. Yes, My Lord.

9 Q. Hawa Mendegla had a husband called Allieu Mendegla, didn't
16:26:35 10 she?

11 A. Yes, My Lord.

12 Q. Was he one of the men who shot the balance 54 or 55
13 Kamajors, late in the afternoon?

14 A. Well, really when the time came for these people to be
16:27:00 15 killed I was in my house because they had already killed my own
16 grandfather. I was not feeling comfortable. I was in the house.
17 I wasn't there when the killings was being done.

18 Q. Do you know if Tom Sandy was one of those who shot the
19 remaining 54 or 55?

16:27:25 20 A. Tom did not kill anybody in that group.

21 Q. What about John D Aruna, was he one of them?

22 A. Well, he himself was given command, but it was not he that
23 fired.

24 Q. And it's right isn't it, Mr Witness, that John D Aruna was
16:27:57 25 otherwise known as John Dwawu; is that correct or his name is
26 John Dwawu?

27 A. No -- yeah, John Dwawu. Yes.

28 Q. Same person?

29 A. Yes.

1 Q. Would you agree with this: That John Dwawu or John Dwawu
2 Aruna, Tom Sandy and Allieu Mendegla were all MPs?

3 A. Yes, My Lord.

4 Q. Is it also the case that the order to shoot the balance 54
16:28:39 5 or 55 was issued directly from Sam Bockarie to John D Aruna after
6 Bockarie had shot the first ten by the roundabout; do you agree?

7 A. Yes I agree with that.

8 Q. Now, were you there when Bockarie shot the first ten by the
9 roundabout?

16:29:08 10 A. Yes, I was standing on my veranda, by the roundabout.

11 Q. I accept that. If you'd attempted to stop what Bockarie
12 started when he shot the ten with the pistol, What would have
13 happened to you?

14 PRESIDING JUDGE: They would have been killed.

16:29:38 15 MR CAMMEGH: Thank you Your Honour. I won't pursue the
16 point. I'm sorry to labour that point.

17 Q. Now, did you know a man called Philip Palmer?

18 A. Yes, My Lord.

19 Q. Were you aware that he was detained in Kailahun either in
16:30:01 20 the MP or the police -- the barracks, I can't remember -- were
21 you aware that he was in detention in Kailahun on that day with
22 other members of the external delegation?

23 A. Yes, My Lord I knew about that.

24 Q. They had been charged with treason and were awaiting
16:30:36 25 sentence to be issued from Foday Sankoh, weren't they?

26 THE INTERPRETER: Your Honours, would I learned attorney
27 repeat the question?

28 MR CAMMEGH:

29 Q. Were you aware that they had been convicted, in fact, by

1 people's court of treason and they were awaiting sentence from
2 Foday Sankoh?

3 A. Well, I used to see them in prison but I did not know
4 whether they were waiting for Foday Sankoh's order in order to
16:31:11 5 die.

6 Q. Did you hear that Augustine Gbao had gravely upset Sam
7 Bockarie by having his wife Howa cook food for Philip Palmer and
8 bring it to him?

9 A. I don't have any idea about that.

16:31:30 10 Q. When did Mosquito find out that you and Augustine Gbao had
11 authorized the release of the first 40; are you able to tell us?

12 A. That was the very day that Mosquito came from Buedu and
13 came to Kailahun to come and kill these people.

14 Q. He was not very happy about it, was he?

16:32:12 15 A. Not at all.

16 Q. He was quite angry with you and Gbao for having acted in
17 that way, wasn't he?

18 A. Yes, My Lord.

19 Q. Can you confirm, please, that Augustine Gbao played no role
16:32:35 20 whatsoever in the killing of those 64 or 65 innocent people?

21 A. The killing of these people was done by Mosquito's command
22 and I wouldn't blame any commander for such killings.

23 PRESIDING JUDGE: That does not answer the question Mr
24 Witness.

16:33:01 25 MR CAMMEGH:

26 Q. Just listen to the question Mr Witness, please, and I've
27 asked you this: Can you confirm please that Augustine Gbao
28 played absolutely no role whatsoever in the killing of those
29 people on that day?

1 A. I did not see him play any role.

2 Q. I would like you please, very briefly, to describe the
3 effect that these killings had on the local inhabitants in
4 Kailahun Town?

16:33:40 5 A. Well, it made the whole town upset. In fact, people wanted
6 to escape to go to Liberia; it was I that told them not to go.

7 Q. Did it, for the time being, harm the reputation of Sam
8 Bockarie amongst the local inhabitants?

9 A. Of course, My Lord.

16:34:11 10 Q. Did it, for the time being, harm the reputation of the RUF
11 amongst the local people?

12 A. Yes, it disturbed us a little because they felt that it was
13 everybody that did it.

14 Q. Were you -- just finishing now, Your Honours, you'd be
16:34:44 15 delighted to hear, as I am. Were you aware, towards the end of
16 1998, that Sam Bockarie had summoned Augustine Gbao to Buedu?

17 A. If he had to call him?

18 Q. Were you aware of Sam Bockarie calling Augustine Gbao to
19 Buedu towards the end of 1998?

16:35:22 20 A. Well, at times I was at Pendembu, I did not know about
21 that.

22 Q. All right. Were you aware that by the end of 1998 Mosquito
23 had become disgusted with Augustine Gbao for -- and I'm going to
24 give you three reasons. And I know it's a convoluted question
16:35:51 25 but it's probably the quickest way of dealing with it. I

26 suggest, first of all, and overall, because Augustine Gbao had
27 become extremely lazy and unprofessional in Bockarie's eyes,
28 secondly, because Gbao had been party to the release of the 40
29 people from wherever it was, and thirdly, because he'd assisted

1 Palmer when Palmer was incarcerated. Did you hear anything to
2 that effect?

3 A. Well, I cannot say much about that.

4 Q. Fair enough. The last question is this, Mr Witness: Were
16:36:45 5 you aware that at the end of 1988, until approximately March of
6 1999, Augustine Gbao had been banished to brush the Kono/Bunumbu
7 highway, as a punishment.

8 A. I heard about -- something about that.

9 MR CAMMEGH: Okay. Your Honours, can I just have one brief
16:37:16 10 moment to consult with Gbao and I think I'm done.

11 PRESIDING JUDGE: Please do.

12 MR CAMMEGH: Thank you. That will be all, Your Honours,
13 thank you. Thank you, Mr Witness.

14 PRESIDING JUDGE: Thank you. Yes, Mr Harrison.

16:38:10 15 MR HARRISON: I was wanting to ask the Court if you would
16 agree to adjourn early today, so that the cross-examination could
17 be completed in its entirety after we obtain the instructions
18 that we are trying to seek over the weekend?

19 PRESIDING JUDGE: It then means that we would have two
16:39:24 20 witnesses on Monday?

21 MR HARRISON: That was the other matter I wanted to canvas
22 with you. The Prosecution is not able to give you 100 per cent
23 certainty that this issue that involves the prior witness,
24 DIS-164, and this witness, will be sufficiently resolved so that
16:39:54 25 instructions are given because they still have not found that
26 witness.

27 PRESIDING JUDGE: We will go on. We will go on. That's
28 the indication I want to give you. We gave up to Monday and we
29 would go with whatever we have. But we must put these witnesses

1 out of our way and if the Prosecution is not ready, well, it has
2 to live with the issues as they are, and then decide on how to
3 tackle them later on. But we must go on on Monday with the two
4 witnesses.

16:40:30 5 MR HARRISON: With this witness and the one that was stood
6 down?

7 PRESIDING JUDGE: That's right, yes.

8 MR HARRISON: Is that two?

9 PRESIDING JUDGE: That's right, yes. The two of them. We
16:40:38 10 will have to tackle those -- I don't know with which one we shall
11 start. I don't know what your preference will be but you've
12 asked for an adjournment to cross-examination this witness for
13 Monday. That is your application.

14 MR HARRISON: Well, frankly, if you wish me to start and
16:40:58 15 use up the whatever time you have this afternoon I can do it but
16 it's going to be nowhere near finished. I just thought it would
17 be a more efficient process to resume on Monday morning and try
18 to do it in one fell swoop, but the Prosecution isn't wanting to
19 inconvenience the Court. But if I can just -- what I tried to
16:41:22 20 advise you of yesterday is there is an ethical problem and that
21 ethical problem is what is the appropriate nature of questions
22 that can be put to witnesses without having clear instructions on
23 the factual assertions?

24 PRESIDING JUDGE: Well, go and reflect on that and come
16:41:36 25 back to us on Monday. We will adjourn the proceedings until
26 Monday and we'll be proceeding with the cross-examination of the
27 two witnesses on Monday. So you are put on notice. And I think
28 everybody is put on notice, so that you can resolve the issue of
29 the ethical questions you would like to put to the witnesses and

1 whatever.

2 Well, learned counsel, have a nice weekend wish to all of
3 you and we will adjourn the proceedings and resume the session on
4 Monday at 9.30. Thank you.

5 [Whereupon this hearing adjourned at 4.42 p.m.
6 to be reconvened on Monday, the 28th day of
7 January 2008 at 9.30 a.m.]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

EXHIBITS:

Exhibit No. 280	54
-----------------	----

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-157	2
------------------	---

EXAMINED BY MR JORDASH	2
------------------------	---

CROSS-EXAMINED BY MR OGETO	7
----------------------------	---

CROSS-EXAMINED BY MR CAMMEGH	29
------------------------------	----