



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

FRIDAY, 15 FEBRUARY 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
Ms Sandra Brown

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Charles Hardaway
Mr Reginald Fynn

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sally Longworth

For the accused Morris Kallon:

Mr Kennedy Ogeto
Ms Tanoo Mylvaganam

For the accused Augustine Gbao:

Mr John Cammegh
Mr Scott Martin

1 [RUF1FEB08A-DG]
2 Friday, 15 February 2008
3 [Open session]
4 [The accused present]
09:39:30 5 [Upon commencing at 9.45 a.m.]
6 [The witness entered Court]
7 PRESIDING JUDGE: Learned counsel, good morning. We are
8 resuming our proceedings, and I see a witness on the stand. I
9 hope Mr Jordash is not starting with an application, as usual.
09:49:02 10 MR JORDASH: I'm not. I think I've got a way around it.
11 PRESIDING JUDGE: Good, okay. Yes, this would be your
12 30th?
13 MR JORDASH: This is witness, yes, number 30.
14 PRESIDING JUDGE: That's the 30th witness.
09:49:25 15 MR JORDASH: DIS-010. DIS-010.
16 PRESIDING JUDGE: DIS-010?
17 MR JORDASH: Your Honour, yes.
18 PRESIDING JUDGE: Yes, can you swear him in, please. He's
19 testifying in what language, Mr Jordash?
09:50:05 20 MR JORDASH: Temne.
21 PRESIDING JUDGE: Temne.
22 WITNESS: DIS-010 [Sworn]
23 [The witness answered through interpreter]
24 THE INTERPRETER: Your Honours, it seems as if the witness
09:50:55 25 is not getting us from the booth, because we are speaking Temne
26 and he's speaking English.
27 PRESIDING JUDGE: He's taking the oath in, in English? I
28 think things should be explained to her, please.
29 MR JORDASH: To him, Your Honour.

1 PRESIDING JUDGE: Or rather to him.

2 MR JORDASH: Let me just test, Mr Witness, whether you're
3 receiving me in Temne through the headphones.

4 THE WITNESS: Okay, okay.

09:51:51 5 MR JORDASH: Your Honours, in order to avoid going into --
6 or applying to go into a closed session, we have drafted a brief
7 description of who this witness is and what he does presently.
8 And I ask Your Honours to have a look at it, I've given it to the
9 Prosecution. I don't think there's any objection.

09:52:16 10 PRESIDING JUDGE: Any objection?

11 MR JORDASH: Any objection.

12 PRESIDING JUDGE: Is there any objection, Mr Hardaway.

13 MR HARDAWAY: Upon review of the statement, Your Honour, no
14 objection.

09:52:25 15 PRESIDING JUDGE: Well, I think we can admit that in
16 evidence and mark it confidentially.

17 MR JORDASH: Yes, good idea. I'll give -- I'll hand up
18 copies for Your Honours so Your Honours could see.

19 PRESIDING JUDGE: Let's -- let's see. What of the other
09:52:42 20 accused? I mean the other Defence teams, have they -- have they
21 been given copies? I presumed they have done so. Yes, there's
22 no objection from any side of the aisle, is there? No, I don't
23 think so. Well, I think we can start by admitting this as --
24 yes, we would admit this document and mark it as Exhibit 284 --

09:54:31 25 MR GEORGE: 284, My Lord.

26 PRESIDING JUDGE: Thank you.

27 JUDGE THOMPSON: Did you --

28 PRESIDING JUDGE: Sorry. The document is admitted and
29 marked confidentially as Exhibit 284. Yes.

1 [Exhibit No. 284 was admitted]

2 JUDGE THOMPSON: Did I get a hint that this was meant to
3 update the possibility of going into closed session?

4 MR JORDASH: Yes, Your Honour, I don't anticipate having
09:55:16 5 to -- in fact I won't.

6 JUDGE THOMPSON: Thank you.

7 EXAMINED BY MR JORDASH:

8 MR JORDASH:

9 Q. Mr Witness, good morning?

09:55:28 10 A. Good morning.

11 Q. Now, I've given -- I've given the Court a brief description
12 of the role you played in Bombali. I think you can discuss your
13 evidence without disclosing your specific role. Although, I
14 don't think it's problematic to say your an imam; is that right?

09:56:26 15 A. Yes.

16 Q. Now, we are in what is called an open session, so although
17 you can discuss being -- although you can discuss being an imam,
18 don't say anything which would identify who you are beyond that,
19 okay?

09:56:48 20 A. Okay.

21 PRESIDING JUDGE: Mr Jordash, what about his name.

22 MR JORDASH: I just realised that, as I looked at the --
23 the sheet. Perhaps I can write it down on one of the sheets and
24 this could be filed in as the exhibit.

09:57:09 25 PRESIDING JUDGE: What about -- yeah okay. Yeah.

26 MR JORDASH: Sorry, Your Honours I --

27 PRESIDING JUDGE: Please give the name to -- give the name
28 to the other parties. You can give it to them, so that they can
29 write it on their sheets, Mr -- Mr George. Pass it on to them,

1 let them write it on their sheets. Mr Jordash has written on one
2 already.

3 JUDGE BOUTET: Is it a K -- is it an O or a U for the name?

4 PRESIDING JUDGE: Is it a K?

09:58:31 5 JUDGE BOUTET: K-U or K-O.

6 MR JORDASH: K-O.

7 JUDGE BOUTET: K-O.

8 MR JORDASH: Yes.

9 JUDGE BOUTET: Thank you.

09:58:52 10 PRESIDING JUDGE: Well, we take it that the -- that
11 Exhibit 284 now has the name. Now has a name of the witness here
12 on it.

13 MR JORDASH: Thank you.

14 PRESIDING JUDGE: Yes. Yes, I was waiting for you, yeah.

10:00:33 15 MR JORDASH: I beg your pardon. Sorry, yes.

16 PRESIDING JUDGE: All right. Okay.

17 MR JORDASH:

18 Q. Mr Witness, let's take you back. Can you recall where you
19 were in late 1998?

10:00:59 20 A. Yes. I can recall.

21 Q. Where were you --

22 PRESIDING JUDGE: Well, we take it that his name is as
23 indicated in Exhibit 284.

24 MR JORDASH: Yes.

10:01:21 25 Q. Can you then indicate, where -- which -- which town were
26 you living in, in late 1998?

27 A. I was in Makeni.

28 Q. And without saying exactly where, where were you working,
29 in late 1998?

1 A. Where I had been working? I used to work -- I used to
2 work -- I used to teach Arabic in the Muslim brotherhood mission.
3 I used to teach Arabic and the Koran.

4 Q. Okay. Just be careful about giving too specific
10:02:31 5 information about what you did. Just because we don't want to
6 identify you to the public, okay?

7 A. Okay. There is no problem.

8 Q. Did something happen in late 1998 in Makeni?

9 A. Certainly yes, something happened there during that time.

10:03:11 10 Q. What happened?

11 A. What happened? That was the time that the rebels attacked
12 Makeni. It was in December but I cannot recall the date, but, it
13 was in December.

14 Q. And how did you find out that the rebels had attacked
10:03:40 15 Makeni?

16 A. Well, we came to know, through the shooting that we heard.
17 In fact, there was sporadic shooting in Makeni, almost everywhere
18 that is how we came to know.

19 Q. And at that time, were you outside or were you in a
10:04:07 20 building?

21 A. During that time, I was outside my house.

22 Q. Were you able to see anything from --

23 THE INTERPRETER: Your Honours, would the witness be
24 instructed to listen to the Temne and not to the Krio channel.

10:04:38 25 MR JORDASH: Pause there. Can we have a translation
26 please.

27 THE INTERPRETER: Your Honours, I just mentioned that the
28 witness should be instructed to listen to the Temne channel and
29 not the Krio channel.

1 MR JORDASH: Wait. One second there's a problem with the
2 unit so Mr George will organise it. Are you listening to the
3 Temne channel?

4 A. Yes, I do hear.

10:05:21 5 Q. Could you just go over the last two sentences that you
6 said?

7 A. I said that I heard the shooting everywhere in Makeni, then
8 people had been moving away from Makeni. Going with their
9 bundles.

10:05:54 10 Q. Did you see the people moving away with their bundles?

11 A. Yes, I saw them.

12 Q. Did you do anything at this time?

13 A. I also run away but I was not able to take any of my
14 bundles so I went to my village.

10:06:15 15 Q. Did you go alone to your village?

16 A. It was not I alone, we were so many in Makeni. Everybody
17 tried to find his or her own village.

18 Q. How far away was the place you went to from Makeni?

19 A. It would be something like three miles.

10:06:46 20 Q. Did your family go with you?

21 A. Yes, I went with all my family.

22 Q. And did you stay in your village for a period of time?

23 A. Yes, I stayed there for some time.

24 Q. Did you receive any news from Makeni during that time?

10:07:23 25 A. Yes, when I was there, I cannot recall properly but after
26 two weeks I received a message from Makeni.

27 Q. What was the message?

28 A. The message was that all those people that went to the
29 village should come to a meeting so that we could listen to what

1 the rebels had to say.

2 Q. Was it clear at that time who the message was coming from?

3 A. Yes. They told us that it was Issa Sesay who sent the
4 message asking people to leave the village and to come to Makeni.

10:08:22 5 Q. Was it clear, was it clear from the message why it was Issa
6 Sesay wanted you and the others to leave and come back?

7 MR HARDAWAY: Objection Your Honour, leading.

8 PRESIDING JUDGE: Was it clear? How is it leading.

9 MR HARDAWAY: [Indiscernible] Your Honour --

10:08:55 10 PRESIDING JUDGE: Was it clear? I mean Mr Jordash, please
11 put the question again. Was it clear, I mean is that not how he
12 started it?

13 MR JORDASH: Was it clear from the message why Issa Sesay
14 wanted the witness and others to come back to Makeni?

10:08:59 15 PRESIDING JUDGE: That's the question, what is leading in
16 it, Mr Hardaway?

17 MR HARDAWAY: I stand corrected on that Your Honour, but
18 then again I would have another objection on the fact it's been
19 asked and answered. The answer is, to go to a meeting. And he's
10:09:16 20 already answered that.

21 PRESIDING JUDGE: I'm supposing he wants to go further, you
22 know, to get better particulars as to whether he knew the reason
23 for the meeting.

24 MR HARDAWAY: That would be a different question then, Your
10:09:30 25 Honour. The question as stated was already then asked and
26 answered.

27 PRESIDING JUDGE: The objection is overruled.

28 MR JORDASH: Thank you.

29 Q. Shall I repeat the question for you, or did you get my

1 question?

2 A. Yes.

3 Q. Was it -- let me phrase it differently.

4 A. Okay.

10:10:04 5 Q. Okay. Was it, was it -- let me phrase it differently.

6 A. Okay.

7 Q. The news that you received, was there any information about
8 the purpose of the meeting?

9 A. Yes. They informed us that Issa Sesay said that they had
10:10:22 10 come to make peace, so that all of us that ran away should
11 converge in Makeni and to listen to them.

12 Q. And when you received that news, did you do anything?

13 A. Well, when I received the message, I went to the meeting.

14 Q. Did you -- where was the meeting?

10:11:05 15 A. This meeting was held at a hill that was called Mena Hill
16 in Makeni.

17 Q. Before going to the meeting, did you go anywhere else in
18 Makeni?

19 A. I went to my village. Before I went to the meeting, I
10:11:37 20 first of all went to my village.

21 Q. Just so that I understand, were you not in your village
22 when you received the message to go to a meeting?

23 A. Yes, there I was.

24 Q. All right. So you went to your village, then you went to
10:12:09 25 Makeni. And when you arrived at the meeting, did you see who was
26 there?

27 A. Yes, I saw it.

28 Q. Who was there?

29 PRESIDING JUDGE: That meeting which was held in -- was

1 held in Mena Hill, was it an open space, or in a building or so?

2 THE WITNESS: It was in the open. It was outside.

3 MR JORDASH:

4 Q. Yes, was it outside a particular place, a particular
10:12:54 5 building?

6 A. It was outside the house of the provincial secretary and
7 the DO's office. The meeting was held between that open space.

8 Q. Do you recall how many people were in attendance?

9 PRESIDING JUDGE: That's the provincial secretary and who?

10:13:35 10 I'm sorry, the house of the provincial secretary and what, the
11 Gi o?

12 THE WITNESS: I said between the house of the provincial
13 secretary and the DO. See, it was in that space that we held the
14 meeting.

10:13:54 15 PRESIDING JUDGE: Okay.

16 THE WITNESS: Your welcome.

17 MR JORDASH:

18 Q. Did you observe how many people, approximately, were in
19 attendance?

10:14:14 20 A. Well I cannot tell the exact number, but if one should
21 recall the number, then it was well over 300 people.

22 Q. And was this soldiers or civilians or both?

23 A. Yes we had civilians and soldiers.

24 Q. And which commanders, if any, did you observe there?

10:14:58 25 A. The ones that I knew most, the very individual who convened
26 the meeting, who was Issa Sesay, and one commander who was called
27 Colonel Bopleh. But I was informed that he came from Liberia.

28 Q. And were the soldiers dressed in a particular way?

29 A. Well, I did not see them dressed in a different way because

1 they and the civilians, it was difficult for us to be able to
2 distinguish between them, but some had white bands sit on their
3 head, some had white bands around their neck, and to show that
4 peace had come.

10:16:15 5 Q. And did you stay and hear what was said at the meeting?

6 A. Yes, I was there. I was present and I heard.

7 Q. Did Issa Sesay speak at the meeting?

8 A. Yes, he spoke.

9 Q. What did he say?

10:16:47 10 A. He said that at this particular point in time they wanted
11 there to be peace, and they wanted the civilians not to be afraid
12 and that nobody would harass them anymore, and that they had put
13 some laws in place that who so ever cross them would be dealt
14 with. And he wanted those who had gone into the bushes would

10:17:14 15 come.

16 Q. Was anything said about raping?

17 A. Yes, they spoke about that. They said that he did not want
18 to hear that raping had been going on, and that he did not want
19 to hear that somebody's property has been looted, and he don't
20 want to hear that civilians had been harassed.

10:17:40 21 Q. Do you recall, Mr Witness, whether this meeting was at the
22 end of 1998, or had 1999 begun?

23 A. Well, as far as I could recall it was -- well we had
24 already been in 1999.

10:18:30 25 Q. Do you know someone called Pa Kapr Bana Sesay?

26 A. Yes, I know him.

27 Q. And at the time of the meeting, do you know what he did,
28 what his job was?

29 A. At the time that they heard, they had the meeting, when

1 Issa Sesay had spoken to say that they had come for peace and
2 that nobody should disturb any other person. He responded by
3 saying that he was happy because he was a speaker, number one.
4 And that he was happy because the rebels had come to town, and
10:19:25 5 that they had not burnt Makeni. Then if they again went to
6 explain to people that nobody should wreck anymore, no more
7 looting. He said he was very glad and that he blessed them.
8 That was his whole response. That is what he said.

9 Q. After the meeting did you do anything, Mr Witness? Did you
10:20:16 10 go anywhere?

11 A. Well, I just went back to my house.

12 Q. Which house is that, in Makeni or in your village?

13 A. I went to Makeni, in my house in Makeni.

14 Q. And did you remain living in your village or Makeni?

10:20:43 15 A. No, I was in these two places. I was in Makeni and I was
16 at the same time in my village because of what we were trying to
17 get to feed ourselves. Because we had potatoes, we had cassava,
18 so I had been shopping from Makeni to my village and from my
19 village to Makeni.

10:21:02 20 Q. After the meeting, do you know if there was any response
21 from civilians who'd left the town?

22 A. Yes. I understood that some people, they broke the law.
23 That is the law that Issa established, because he said that
24 nobody should take anybody's property. They should not loot,
10:21:47 25 they should not rape. But I understood that some people broke
26 the law.

27 Q. What I'm asking, Mr Witness, is: The civilians who'd fled
28 the town at the time of the rebels coming into Makeni, did they
29 respond to the message which had been given by Issa Sesay at the

1 meeting?

2 A. Yes they came from the bushes, majority of them came from
3 the bush, but some continued to stay in the village, but some
4 came to Makeni.

10:22:32 5 Q. At this time, Mr Witness, did you have work to do?

6 A. I did not have any other job that I was doing during that
7 time.

8 Q. Were you working as a imam?

9 A. Yes, I had been doing that job in my house. I had been
10:23:07 10 praying in my house.

11 Q. You mentioned, let me just go back for a moment, the
12 speaker Pa Kapr Bana Sesay, which chieftdom was he a speaker for?

13 A. The Bombali Sebora Chieftdom.

14 Q. Did you observe after the meeting whether life in Makeni
10:23:46 15 stayed the same or changed?

16 A. Well, after the meeting, the people, the way they stayed in
17 Makeni, they were there half-heartedly, because initially they
18 were afraid and at the same time they seemed to look comfortable
19 because they were living together with the rebels. So hence,
10:24:26 20 living half-heartedly.

21 MR JORDASH: What's that last word, Mr translator.

22 THE INTERPRETER: They were living with the rebels
23 half-heartedly.

24 MR JORDASH:

10:24:45 25 Q. Did you observe if there were any laws?

26 A. Yes there were laws in town.

27 Q. Did you observe or hear about Issa Sesay after the meeting,
28 in the few weeks after the meeting?

29 A. Yes, after the meeting, just after some weeks, I heard

1 about Issa Sesay.

2 Q. Did you hear about his activities within Makeni?

3 A. His activities in Makeni, when he had put the law, after
4 the meetings, he stayed in Makeni to ensure that people obeyed
10:26:11 5 the laws that he had established.

6 Q. Where did you get this information from?

7 A. Well, at a certain time, the house in which I was staying
8 we had a neighbour that was called Abass. This Abass was my
9 neighbour. He rented the house of my neighbour. He said that

10:26:57 10 this Issa Sesay was his friend. When Issa Sesay had not become a
11 rebel he said he was his friend. So this Issa Sesay came and
12 visited him. When he came and visited him because they were
13 friends, when they had discussed, when he wanted to go back, he
14 told him that, he said: Come and accompany me so that I can go
10:27:27 15 and make you look how I would punish those people who broke the
16 law that I established in time.

17 Q. And what happened then?

18 A. When he went, it was not that long, he came back. He was
19 my neighbour. He came and explained that Issa Sesay, those who
10:28:09 20 broke the law that he established, he had a shot at them and had
21 killed them. He said they were around seven. That was what he
22 said.

23 THE INTERPRETER: Correction interpreter. Not seven but
24 nine. Correction interpreter. Not seven but nine people, they
10:28:32 25 shot at nine people. So he came and explained to me.

26 MR JORDASH:

27 Q. Did you observe through your work as an imam whether after
28 the meeting, life in the towns and villages around Makeni
29 changed?

1 A. Yes there was a change for the better. It was not like the
2 very first time that the rebels enter there. The lives of people
3 changed for the better.

10:29:44 4 Q. Around this time in early 1999, were there any markets or
5 trade in Makeni?

6 PRESIDING JUDGE: When, when you say that Mr Abass
7 accompanied Sesay to go and see what he would do with those who
8 broke the law, and Abass came and told you that he had shot nine
9 people, you mean he shot and killed nine people who had broken
10:30:19 10 the law?

11 THE WITNESS: Yes that was what -- that was what -- that
12 was what he came and told me, yes. That is what he told me. The
13 one who gave me the information, that was what he said.

14 MR JORDASH:

10:30:45 15 Q. In terms of civilian life, was there any trade or markets
16 in Makeni at this time?

17 A. Yes little-by-little, it was not frequent as compared to
18 the time when the rebels had not yet entered the town.

19 Q. Did you -- you told us that you travelled from Makeni to
10:31:22 20 your village, did you need permission --

21 A. Yes.

22 Q. -- or a pass to travel to your village?

23 A. No. When I went to my village, I did not take any pass. I
24 would just go.

10:31:51 25 Q. And in terms of civilian movement, were other civilians
26 moving from --

27 THE INTERPRETER: Would learned attorney repeat the
28 question.

29 MR JORDASH:

1 Q. Well, you've told us, Mr Witness, that you moved from
2 Makeni to your village, were there other civilians moving?

3 A. Yes so it was. See, they would come from the village --
4 villages to Makeni from Makeni to their villages. They moved
10:32:29 5 freely. The only thing was that they were a little bit afraid
6 because of the presence of the rebels.

7 Q. Did you come to know of a man called Superman?

8 A. Yes I used to hear about him. He was famous, he use to be
9 in Makeni, but I did not see him with my own eyes. I did not
10:33:18 10 know him.

11 Q. Did you hear whether he did anything in Makeni?

12 A. Yes, I heard that -- according to what I heard, according
13 to what I was told, that he had the intention of going to attack
14 Issa Sesay but Issa Sesay ran away during that time.

10:34:04 15 Q. Now, let me just understand the chronology, in -- do you
16 recall when you heard that information, approximately?

17 PRESIDING JUDGE: Mr Jordash, is it necessary for us to
18 know when he got the information? Is it really necessary.

19 MR JORDASH: No the information is not but I was trying to
10:34:25 20 situate him in the particular time, but I'll deal with it a
21 different way.

22 Q. Let me take you to the first few months of --

23 A. I do not quite understand the question.

24 Q. Let me put it a different way then. Did there come a time
10:34:49 25 when Issa Sesay left Makeni?

26 A. Yes, just like I explained, when information reached him
27 that Superman wanted to attack him. I understand that that was
28 the time that he left Makeni and went away.

29 Q. And around this time, where were you living?

1 A. During that time, just like I said, you see I was in Makeni
2 and from time-to-time I would go to my village and from my
3 village to Makeni.

10:35:40 4 Q. And after Issa Sesay left, did life continue as it had
5 before in Makeni and the surrounding villages? What was civilian
6 like -- life like when Mr Sesay left?

7 A. Well, still the civilians were there in Makeni but life was
8 not that normal, but the fact that he had established a law, some
9 people were afraid because he had set an example, so people were
10:36:28 10 afraid.

11 Q. Was Superman in town after Sesay had left?

12 A. Yes I used to hear about him, but he was not regularly
13 there. He would go into the other towns and would come back.
14 Although, during that time I did not have the opportunity of
10:37:08 15 seeing him but I do understand that that was the way he used to
16 move, going up and down.

17 Q. Did you see or hear how his men behaved?

18 A. Who? Who are you talking about?

19 Q. I'm asking if you heard anything about how Superman's men
10:37:36 20 behaved?

21 A. Well, I really do not know the way they behaved. Because I
22 wouldn't know. There were a lot of rebels in town, because I
23 wouldn't know that these particular rebels belonged to Superman.
24 So it's a little bit difficult for me to explain that.

10:38:11 25 Q. But did the rebels who remained in Makeni after Issa Sesay
26 had left behave the same as when he was there?

27 A. When Issa left still the rebels were in town, but -- you
28 see but it was a -- it was difficult you know for somebody to
29 hear of misbehaviour. Because that has given the impression that

1 they were behaving themselves simply because of the example that
2 had been set.

3 Q. Thank you.

4 A. You're welcome.

10:39:01 5 Q. Let me ask you about the children. When the rebels were
6 all in Makeni in early 1999, did you see child soldiers?

7 A. Yes, I used to see them amongst the elders, they had been
8 following their elders.

9 Q. After Issa Sesay had been driven out of Makeni, did the
10:39:53 10 child soldiers remain?

11 A. Still they were there with the elderly ones.

12 Q. Did you leave Makeni at some point in 1999, Mr Witness?

13 A. Yes, there came a certain time that I left Makeni and came
14 to Freetown.

10:40:43 15 Q. Was this in the dry or the rainy season?

16 A. It was during the rainy season. The month of August.

17 Q. Did you go for a particular reason?

18 A. Yes, I came to Freetown for a reason.

19 Q. Just briefly, what was the reason?

10:41:18 20 A. The reason was that the authorities when we had been
21 working in the government they told us that whosoever stayed in
22 Makeni and did not come to Freetown to receive his or her salary,
23 no more money would be sent to Makeni. That made me to come to
24 Freetown so I could receive my salary.

10:41:48 25 Q. Did others go to Freetown for the same reason?

26 A. Yes, my colleagues with whom I had been working together
27 and with whom they also came for the same thing. They came to
28 Freetown.

29 Q. Now, after you'd gone to Freetown, did you hear anything

1 else about Issa Sesay?

2 A. I did not hear anything about him except the rumours that I
3 had been hearing that, Issa Sesay, now he had been extending to
4 people in Makeni. Particularly, in the mosques. He would
10:42:51 5 provide mats for people, who had been praying and that he would
6 give bulgur to people like the imams, when I was in Freetown that
7 was what I used to hear. And people had been praising him about
8 that.

9 Q. When you heard this, was this in -- which year was this?

10:43:16 10 A. It's the same thing, it was almost in 1999.

11 Q. So almost in 1999. Was it the rainy season or dry season?

12 A. It was almost in the dry season.

13 Q. From what you've said, this must be the second dry season
14 of 1999?

10:43:55 15 A. Yes, that's what I feel. So it was.

16 Q. And -- when you were in -- well, let me ask this: Did you
17 return at some stage to Makeni or did you stay in Freetown?

18 A. No. The time came when I returned to Makeni.

19 Q. Can you remember which year?

10:44:54 20 A. Yes. I could recall that it was in 2002. That was the
21 time that I returned, finally, in Makeni.

22 Q. Now, from 1999, 2000 and 2001, did you hear from your
23 congregation their news or views, concerning what Issa Sesay had
24 done in Makeni.

10:45:31 25 A. Yes. I heard people praising him because of the goodness
26 that he had been doing to them, just like what I said. In some
27 mosques, he gave mats with which they used to pray with and from
28 time-to-time he would give food to them. So they had been
29 praising him. A lot of people in Makeni had been praising him

1 about that.

2 Q. And in terms of security, was anything said?

3 A. Yes. They used to say that the security was all right and
4 that there was nothing bad. There was nothing to be afraid of
10:46:23 5 anymore.

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

7 Thank you.

8 THE WITNESS: Okay.

9 MR JORDASH: Can Mr Sesay use the bathroom please.

10:46:57 10 PRESIDING JUDGE: Yes, he may please. Is it Miss Tanoo?

11 Is it Miss -- Mr Ogeto?

12 MR OGETO: It's me My Lords.

13 PRESIDING JUDGE: Or I should make the choice?

14 MR OGETO: Actually you can make the choice, .

10:47:26 15 PRESIDING JUDGE: Okay Miss Tanoo. However, Mr -- Mr
16 Ogeto. Sorry. No, no, no sorry she's just coming in, I want her
17 to find her feet.

18 MR OGETO: She's finding her feet quite fast, My Lords.

19 PRESIDING JUDGE: You know before she faces the challenges.

10:47:42 20 MR OGETO: Thank you My Lords.

21 PRESIDING JUDGE: All right,

22 MR OGETO: I have not questions for -- we have no
23 questions for this witness.

24 PRESIDING JUDGE: Oh, okay. If that was all she was
10:47:49 25 getting up to say, I would have said she would be standing.
26 Right.

27 MR OGETO: My Lords, at the same time can I be excused for
28 a couple of minutes.

29 PRESIDING JUDGE: Yes, please you may, Mr Ogeto.

1 MR OGETO: Thank you.

2 PRESIDING JUDGE: Mr Scott Martin.

3 MR MARTIN: Good morning, Your Honours.

4 PRESIDING JUDGE: Good morning. Any cross-examination?

10:48:23 5 If --

6 MR MARTIN: I do not have any questions.

7 PRESIDING JUDGE: You don't have any questions for this
8 witness. Thank you. Yes, Mr Hardaway.

9 MR HARDAWAY: I do have a few questions Your Honour.

10:48:57 10 PRESIDING JUDGE: I would have been surprised if you didn't
11 have any.

12 MR HARDAWAY: I think everyone would have been.

13 PRESIDING JUDGE: You may proceed.

14 MR HARDAWAY: Thank you, Your Honours.

10:49:06 15 CROSS-EXAMINED BY MR HARDAWAY:

16 MR HARDAWAY:

17 Q. Mr Witness, good morning, sir.

18 A. Good morning, how do you do.

19 Q. I'm fine, thank you. I have a few questions to ask you,

10:49:18 20 all right. And if at any time you don't understand the question,
21 please ask me to repeat it and I will do so, okay?

22 A. Okay. I do hear.

23 Q. Mr Witness, would it be correct to say that throughout the
24 whole of 1998 that you lived in Makeni?

10:49:43 25 A. Yes, that's true. I was in Makeni.

26 Q. So you would also have been there in March of 1998; is that
27 correct?

28 A. 1998.

29 Q. 1998?

1 A. What year? What month?

2 Q. March of 1998, were you in Makeni, sir?

3 A. Yes, I was there.

4 Q. Now, in March of 1998 Makeni was attacked, wasn't it?

10:50:46 5 A. Well, just like I explained to you. It was the rebels that
6 I had spoken about. They were the ones that attacked.

7 Q. And just so that the record is clear and everyone is clear,
8 that was in March of 1998; is that correct?

9 A. Well, the attack on Makeni was in the month of
10:51:22 10 December 1998.

11 Q. Now, Mr Witness, you had said in your evidence that it
12 was -- in reference to the rebels, it was better than the first
13 time that the rebels were there. So before December of 1998, the
14 rebels were in Makeni; is that correct?

10:51:45 15 THE INTERPRETER: Your Honours, would the learned attorney
16 be short in his question. The question is too long.

17 MR HARDAWAY:

18 Q. Mr Witness, I'll try, I'll try and make it short. Please
19 forgive me. Were there rebels in Makeni in March of 1998?

10:52:11 20 A. No. I do not have a clear understanding about that. I
21 understand that they came to Makeni in December 1998.

22 Q. Were the rebels in Makeni before December of 1998?

23 A. Well, I wouldn't say if they had entered the place
24 stealthily during that time. But we only came to know that they
10:52:55 25 had entered when we started hearing shootings, and that was
26 during the month of December.

27 Q. Did anything happen in Makeni in the early part of 1998?

28 A. Well, I do not fully understand if something happened
29 there.

1 Q. In the early part of 1998, Mr Witness, were there houses
2 looted and burned in Makeni?

3 A. Yes, some houses were looted during that time, but when
4 Issa Sesay had put the law, they stopped.

10:54:10 5 Q. Now, Mr Witness, please focus on the question. I'm talking
6 about the early part of 1998, not December 1998, all right?

7 A. Okay.

8 Q. So, just so it's clear, in the early part of 1998, were
9 there houses looted and burned in Makeni?

10:54:40 10 PRESIDING JUDGE: He has said, yes, some houses were burned
11 and looted in 1998. I thought that was what he said.

12 MR HARDAWAY: He did Your Honour but he was also mentioning
13 it's been --

14 MR JORDASH: Sorry is it looted?

10:55:00 15 PRESIDING JUDGE: Looted, yes. Well, okay yes.

16 THE WITNESS: I said when the rebels entered in December --

17 PRESIDING JUDGE: No, no don't go to December Mr Witness,
18 please, we are -- leave December alone. Counsel is talking of
19 early in 1998. Mr Hardaway, please put the question to the
10:55:13 20 witness.

21 MR HARDAWAY: Thank you, Your Honours.

22 Q. Mr witness, were there houses looted and burned in Makeni
23 in early 1998?

24 A. No, I do not understand about that. I do not know whether
10:55:44 25 it was so, and I did not hear about that.

26 Q. So when I would put it to you that there were houses looted
27 and burned in Makeni in early 1998, you would know nothing about
28 that; is that correct, sir?

29 A. I don't understand the question.

1 Q. I am putting it to you, Mr Witness, that houses were looted
2 and burned in Makeni in early 1998. What is your response to
3 that statement, sir?

4 A. Well, I don't know. I wouldn't sir, say anything because I
10:56:44 5 do not understand that early 1998 something like that happened.

6 Q. Now, Mr Witness, there were people killed and mutilated in
7 Makeni in early 1998; isn't that so?

8 A. Yes, I used to hear about that, so it was.

9 Q. And in early 1998, these people who were killed and
10:57:28 10 mutilated -- strike that.

11 PRESIDING JUDGE: Strike what?

12 MR HARDAWAY: That's -- forgive me Your Honour, I need to
13 ask another question. The question I was going to ask was long
14 and running and would have had difficulty for the translator.

10:57:46 15 Q. Mr Witness, those people who were killed and mutilated were
16 killed and mutilated by the rebels; isn't that correct?

17 A. I used to hear that, that they mutilated and killed people.
18 But I did not know, I did not have the opportunity of going to
19 see for myself whether it was true, but I heard those rumours.

10:58:25 20 Q. Thank you, Mr Witness. Now I want to bring your attention
21 back to December of 1998, okay?

22 A. Okay.

23 Q. Now, during this attack on Makeni in December 1998, there
24 were houses looted and burned, weren't there?

10:59:23 25 A. Yes. So it was during that year some houses were looted,
26 some houses were burned, which had belonged to the government.
27 But those of the civilians were not burned as far as I know.

28 Q. Now in December, during this December attack, there were
29 civilians killed as well, weren't there?

1 A. Yes, because when I was coming from my village through the
2 Makama road, I met a corpse. After that attack I saw one corpse,
3 but it was during the night almost.

11:00:02 4 Q. Civilians during that attack were also mutilated by the
5 rebels, weren't they?

6 A. No. I do not have that understanding as to whether the
7 rebels mutilated people.

8 PRESIDING JUDGE: I, I want to, I want to understand the
9 witness. When he says he does not understand about whether the
11:00:27 10 rebels mutilated people, what does he really mean to say? I do
11 not understand whether the rebels mutilated people. Is it that
12 he knows or he does not know. I mean, I want to be very clear
13 about that frequent use of the word, "I do not understand."

14 MR HARDAWAY: I'll put it, I'll put it to the witness, Your
11:00:53 15 Honour.

16 PRESIDING JUDGE: Yes. I'm sure he's following me.

17 MR HARDAWAY:

18 Q. Did you hear His Honour's comment, Mr Witness?

19 A. Yes, I hear it.

11:01:04 20 Q. Now, what do you mean when you say you do not understand if
21 civilians were mutilated by the rebels?

22 A. What I want to say, I want to, them to understand when he
23 told me that if I knew that the rebels had been mutilating
24 people, so that is why I told him that well, I do not have that
11:01:39 25 understanding.

26 Q. Okay. So you don't know if the rebels mutilated civilians
27 during the December attack; is that correct?

28 A. I do not know about that.

29 Q. Now, after the December attack, Mr Witness -- never mind.

1 MR HARDAWAY: May I have a moment Your Honour?

2 PRESIDING JUDGE: Yes.

3 MR HARDAWAY: Thank you, Your Honours. Mr Witness, I have
4 no more further questions of you. Thank you for your time here
11:02:45 5 today. Your Honours, this concludes my cross-examination?

6 PRESIDING JUDGE: Thank you. Mr Jordash, any
7 re-examination?

8 MR JORDASH: No thank you.

9 PRESIDING JUDGE: All right, Mr Witness, we have --

11:03:41 10 THE WITNESS: Yes please.

11 PRESIDING JUDGE: -- come to the end of your testimony and
12 we thank you for coming. So you are now free to leave and to go
13 back to your place of abode. And we thank you for coming to
14 provide the evidence that you have provided to the Court. And we
11:04:09 15 hope it will assist the Tribunal to arrive at a proper
16 determination of this case. Once more, thank you and we wish you
17 a safe journey back to your place of abode.

18 THE WITNESS: Amen.

19 [The witness withdrew]

11:07:12 20 PRESIDING JUDGE: Yes, Mr Jordash, can you bring in your
21 next witness please.

22 MR JORDASH: I don't know if there's been a decision on
23 the --

24 PRESIDING JUDGE: That's -- that's what we've been talking
11:07:25 25 about really. It was supposed to have been filed yesterday. I
26 don't know what happened. But I hear it was -- Mr Nkongho, he
27 says it was filed this morning -- this morning or so.

28 MR NKONGHO: It was filed yesterday, Your Honours.

29 PRESIDING JUDGE: Filed yesterday?

1 MR NKONGHO: Yes, it has not been served by Court
2 Management.

3 JUDGE BOUTET: Yes, to answer your question Mr Jordash;
4 yes, there has been a decision. It then was signed and completed
11:07:55 5 yesterday, in the afternoon. So you were here when we entered
6 the papers down there.

7 MR JORDASH: Yes.

8 PRESIDING JUDGE: Do -- do we have a copy of the decision
9 here, please. And let's make matters --

11:08:11 10 MR NKONGHO: Let me print a copy.

11 PRESIDING JUDGE: Please do. If you can print copies for
12 everybody. Can these blinds be --

13 MR JORDASH: May I --

14 PRESIDING JUDGE: -- drawn please.

11:09:11 15 MR JORDASH: May I step across the room to speak to my
16 learned friends please?

17 PRESIDING JUDGE: Yes. Yes, please.

18 MR JORDASH: Thank you.

19 PRESIDING JUDGE: Give one to Mr Jordash. Yes, Mr Jordash,
11:14:01 20 well, this is what we signed yesterday, but it reflects the
21 decision which is filed this morning. It's not signed but we
22 think that the contents of this document is authentic. So I
23 think we may -- we may proceed. Is this the witness? You
24 know --

11:14:28 25 [The witness entered Court]

26 MR JORDASH: This is indeed, the witness.

27 PRESIDING JUDGE: This is the witness. This will be your
28 31st witness.

29 MR JORDASH: Your Honour, yes.

1 PRESIDING JUDGE: And he is DIS?

2 MR JORDASH: 015. And I suppose I should apply to tender
3 the statement as an exhibit.

4 PRESIDING JUDGE: Yes. Yes. And then I'm seeking clarity,
11:15:25 5 and I propose with Your Honours' leave to ask the witness if
6 he's -- well, I'm looking for guidance as to the procedure Your
7 Honours want to adopt. Whether there's any necessity for me to
8 ask the witness will he make the statement or simply the
9 affirmation on the statement; is the attestation which is
11:15:51 10 required under the Rules and under, Your Honours, order?

11 JUDGE BOUTET: I personally would think so. I think all
12 you have to do is identify the witness, as I say, in some way
13 without revealing his identity, obviously. But after that I mean
14 you have proceeded 92ter therefore that's all you do. You -- his
11:16:13 15 evidence as far as you are concerned is the one contained in the
16 document you are about to file with the Court.

17 MR JORDASH: Yes.

18 PRESIDING JUDGE: Then you will file it and you would --

19 MR JORDASH: Yeah.

11:16:23 20 PRESIDING JUDGE: -- it would be exhibited and marked.

21 MR JORDASH: Yeah.

22 JUDGE BOUTET: There has got to be some connection between
23 this witness there and what the document that you intend to -- to
24 file.

11:16:33 25 MR JORDASH: So that's perhaps, I could ask the witness and
26 victims to approach the witness and could ask the witness to give
27 his name. Whilst he is in the witness and victims unit, it can
28 be written on a piece of paper then tendered with the statement
29 as the exhibit.

1 JUDGE BOUTET: Whatever.

2 PRESIDING JUDGE: Yes, Mr Court management, you can
3 approach the witness, you know, with the sheet of paper. He
4 writes his name because he has to be identified and associated
11:17:01 5 with that document. Well, let him write his name first.

6 PRESIDING JUDGE: Can you swear him in please.

7 WITNESS: DIS-015 [Sworn]

8 [The witness answered through interpreter]

9 THE INTERPRETER: Your Honours in what language will this
11:18:51 10 witness testify?

11 MR JORDASH: Temne.

12 PRESIDING JUDGE: Temne. Well, let's move forward faster
13 you know. The witness' name is as is marked on this paper, is
14 it? I suppose so. Court management do you confirm that.

11:19:53 15 MR GEORGE: Yes, My Lord.

16 PRESIDING JUDGE: Yes, we'll admit this paper you know
17 confidential -- mark it confidential there as Exhibit 285.

18 MR GEORGE: Yes, My Lord.

19 [Exhibit No. 285 was admitted]

11:20:36 20 PRESIDING JUDGE: So the paper on which this witnesses name
21 is written is exhibited and marked confidentially as -- well, you
22 know, and marked as Exhibit 285. Yes, Mr Jordash, you may
23 proceed. You know -- this is we understand a 92ter business with
24 the witness.

11:21:25 25 MR JORDASH: And so I don't have any questions for the
26 witness.

27 JUDGE THOMPSON: But I think we should have --

28 PRESIDING JUDGE: But hmm -- where is -- where is the
29 statement? We have his name but we don't have the --

1 MR JORDASH: It's flying around the room at the moment. I
2 presume that filing it with Court Management was going to be
3 sufficient. So I don't have a copy.

4 PRESIDING JUDGE: You don't have a copy?

11:21:57 5 MR JORDASH: I thought it would be produced by Court
6 Management.

7 PRESIDING JUDGE: The copy of his statement.

8 MR JORDASH: Yes, well I have one copy and I think I might
9 have to ask for an adjournment for five-minutes to get copies,
11:22:16 10 Well, I presumed that; it would come through Court Management and
11 be produced in Court and then be exhibited in that way.

12 PRESIDING JUDGE: No, but it cannot be exhibited in that
13 way. Because the witness has to tell us, you know, to affirm
14 that, that is the statement --

11:22:30 15 JUDGE THOMPSON: He has to attest.

16 PRESIDING JUDGE: -- that he has made. And he does not
17 just -- he must -- the statement must all -- the declaration must
18 be filed in Court.

19 MR JORDASH: No, no, I'd understood that to be the case. I
11:22:47 20 just hadn't brought sufficient copies. May I apply for a
21 five-minute adjournment to sort this out? I do apologise.

22 PRESIDING JUDGE: Yeah, that's okay.

23 MR JORDASH: Perhaps maybe a shorter way of doing it would
24 be if it could be printed out from here, I don't know. It's on
11:23:47 25 the Court Management system.

26 PRESIDING JUDGE: I think we would rise and we would like
27 to have copies of that statement in Chambers so that we go
28 through it during the brief recess, before we come in to continue
29 with his evidence. The Chamber will rise please.

1 [Break taken at 11.24 a.m.]

2 [Upon resuming at 12.00 p.m.]

3 PRESIDING JUDGE: Yes, Mr Cammegh.

4 MR CAMMEGH: Your Honour, good morning. Can I just raise
12:10:23 5 an administrative matter, please, which I feel I ought to put the
6 Court on notice of?

7 PRESIDING JUDGE: Yes.

8 MR CAMMEGH: Next week my co-counsel Scott Martin, and
9 other members of my team are going to Kailahun for a few days on
12:10:38 10 an investigation trip. And I've been requested by the Registrar,
11 well the Registrar's office, next week to partake in the residual
12 conference, which will take me on to Wednesday, and I also
13 understand some of Thursday morning. Hopefully not beyond about
14 11.30. But it follows because of the commitments that were
12:11:00 15 longstanding on this Kailahun trip, and Mr Martin won't be here
16 to cover for me on Thursday morning. What I will obviously do is
17 ask for the new RUF duty counsel Claire Carlton-Hanciles, to sit
18 in my place for those first two hours. I hope that accords with
19 the Bench's approval. I'm afraid there's no other way I can see
12:11:24 20 around it. I've seen the agenda for the conference and I will be
21 required to address the Plenary myself on Thursday morning.

22 PRESIDING JUDGE: Well, fair enough. I mean, that's okay.

23 MR CAMMEGH: Thank you. I don't believe that there will be
24 any testimony next week that impacts directly on Mr Gbao, so I'm
12:11:46 25 confident it won't import any difficulty into the process as far
26 as we're concerned.

27 JUDGE BOUTET: What is the issue on Thursday? I'm just, I
28 don't recall, I don't have the agenda.

29 PRESIDING JUDGE: It's a Management Committee programme on

1 the --

2 JUDGE BOUTET: Yes, on the residual issues.

3 PRESIDING JUDGE: -- residual issues.

4 MR CAMMEGH: If I'm right then Thursday is the 21st. I

12:12:06 5 think I'm right about that.

6 PRESIDING JUDGE: It starts on Wednesday anyway.

7 MR CAMMEGH: Yes, but on Thursday morning I will be
8 required to, as a rapporteur.

9 JUDGE BOUTET: Which we'll visit. And what's the subject
12:12:20 10 matter?

11 MR CAMMEGH: The subject matter is witness protection, and
12 I'm going to be required at about possibly between about 9.00 and
13 11.00, I believe on Thursday morning, to attend presentations by
14 rapporteurs to the Plenary of results of day one of the
12:12:45 15 conference. And I'm also requested to remain behind for a break
16 to -- because all rapporteurs, speakers, and chairs are
17 encouraged to remain behind to be briefed on their role in the
18 morning's working groups. I'm not quite sure what that means,
19 but Your Honour, I think the upshot is that I will hopefully be
12:13:04 20 back in this room by about 11 o'clock, but I might be caused to
21 miss the first hour-and-a-half of proceedings.

22 PRESIDING JUDGE: Mr Cammegh, that's fine. There's no
23 problem.

24 MR CAMMEGH: I'll ensure the Defence office are notified.

12:13:17 25 PRESIDING JUDGE: If you've informed the Defence office and
26 they will stand in for you that's fine.

27 MR CAMMEGH: Thank you very much.

28 PRESIDING JUDGE: Okay. Yes, Mr Jordash, we --

29 MR JORDASH: I think statements are now with everyone. I

1 understand Your Honours' wish. I notice that the headphones
2 there don't have a, the phone on them.

3 PRESIDING JUDGE: They're not padded?

4 MR JORDASH: No. And having chosen to wear these because I
12:14:13 5 find those comfortable even with pads. I would ask that the
6 witness be given a new headset. All right I'll, I'll continue
7 for the moment.

8 EXAMINED BY MR JORDASH:

9 MR JORDASH:

12:14:28 10 Q. Mr Witness, are you receiving me? Mr Witness --

11 PRESIDING JUDGE: He doesn't appear to.

12 MR JORDASH:

13 Q. Mr Witness, are you receiving me?

14 A. Yes.

12:15:51 15 Q. Now, you've given your name and it's been written down on a
16 piece of paper. Can I just ask you one or two questions --

17 A. I do hear you.

18 Q. I just want to ask you one or two questions, and then as
19 has been explained to you --

12:16:18 20 A. Yes.

21 Q. Your statement --

22 A. Yes, yes.

23 Q. Wait a moment. As it's been explained to you, what will
24 happen is that statement will go to the Courts and then there

12:16:42 25 will be questions from others lawyers. Follow me?

26 A. Yes, I do hear what you are saying.

27 Q. So, let me just ask you this: Have you met with --

28 A. Okay ask the question so that I can hear.

29 Q. Have you met with members of the Defence team for Mr Sesay?

1 A. Yes, they met me somewhere and they asked me.

2 Q. And can you remember where they met you?

3 A. Yes.

4 Q. Where?

12:17:48 5 A. Where I was sleeping. There they met me and they asked me.

6 Q. Are you talking about where you live usually, or where you
7 are sleeping at the moment?

8 A. The first thing that I have to tell this Court is that they
9 met me in my residence and -- one lawyer -- and he asked me some
10 questions, but it has taken sometime.

11 Q. And did you then come to Freetown and stay at Zulu?

12 A. Well, I -- okay. I don't know what is referred to as Zulu.
13 See, but if they're referring to the place where I am sleeping
14 when I came to Freetown, well, it's the first time that I'm
15 hearing about that.

16 Q. But are you staying in the witness house at the moment?

17 A. Yes.

18 Q. And do you know, can you remember this: Did someone come,
19 a lawyer come to you, on the 8th of February, 2005 [sic], and on
20 that occasion read a statement which you'd given --

21 PRESIDING JUDGE: On what day Mr Jordash, what day again?

22 MR JORDASH: 8th of February, 2005.

23 Q. Do you remember a lawyer reading the statement, a lawyer
24 reading the statement?

12:19:52 25 A. While I'm sleeping in Freetown?

26 Q. Yes. Do you --

27 A. Yes, he met me.

28 Q. And on the 8th of February, 2008, the statement that you'd
29 given was read to you and you signed it; do you remember that?

1 Sorry, you didn't sign it, but you confirmed that it was
2 accurate.

3 A. Yes, I can recall, and if I forget if you remind me then
4 I'll answer.

12:20:44 5 Q. Thank you.

6 A. You're welcome.

7 Q. Unless Your Honours wish, that is all I propose by way of
8 foundation.

9 PRESIDING JUDGE: Was it read to him in English? Was there
12:21:11 10 any translation involved or?

11 MR JORDASH:

12 Q. Did you have the statement read to you in a language you
13 understood?

14 A. It was in English but it was translated into Temne and I
12:21:38 15 did understand because I had not been to school.

16 Q. And, just so that we're clear, you -- do you know how to
17 read and write?

18 A. I can not read and write English, it's only Temne that I do
19 speak.

12:22:06 20 Q. And so you didn't sign, but confirmed in Temne to the
21 translator that the statement was accurate?

22 A. Not at all. I was not able to sign.

23 Q. But you confirmed it was accurate, when it was read to you
24 in Temne?

12:22:31 25 A. Yes, that was so. And if it were to be read again to me
26 here, here I would tell the Court; that that was what I said.

27 Q. I'm -- well, I'm not going to read it to you again. But
28 there is going to be some questions from the man on your left, I
29 think, okay?

1 A. Yes. I do hear you.

2 Q. Thank you.

3 A. You're welcome.

4 PRESIDING JUDGE: Mr Jordash, you want to find it -- you
12:23:51 5 know -- because we want to have it as an exhibit, please.

6 MR JORDASH: May I tender the statement dated the 8th of
7 February 2008, as an exhibit.

8 PRESIDING JUDGE: This exhibit is dated what?

9 MR JORDASH: 8th --

12:23:51 10 PRESIDING JUDGE: 8th?

11 MR JORDASH: 8th of February 2008.

12 PRESIDING JUDGE: Yes.

13 MR JORDASH: May I just -- one, one issue?

14 PRESIDING JUDGE: Yes.

12:24:10 15 MR JORDASH: I know the witness has had a -- an injury to
16 his leg. So I -- if I may just ask the witness or let the
17 witness know that he can, if he needs to, complain. I've seen
18 him, he's been in serious pain over the last week or so. So you
19 know --

12:24:24 20 MR JORDASH:

21 Q. Just can I confirm with you, Mr Witness, your leg -- you
22 are managing with your leg?

23 A. Yes, I'm going to manage, but if I feel any pain I will
24 tell Court. Thank you.

12:24:52 25 Q. You're welcome.

26 PRESIDING JUDGE: Yes, are you tendering the statement?

27 MR JORDASH: Yes, please.

28 PRESIDING JUDGE: Yes, please. We want to have it on --
29 yes, it's admitted in evidence and marked as Exhibit --

1 MR GEORGE: 285, My Lord.

2 PRESIDING JUDGE: 285?

3 MR GEORGE: Yes.

4 PRESIDING JUDGE: Is it 285 or 286?

12:26:28 5 MR GEORGE: 285 My Lord, together with the name.

6 PRESIDING JUDGE: What was the other -- oh, together with
7 the name.

8 MR GEORGE: Yes, My Lord.

9 PRESIDING JUDGE: No. No they should be separate. The
12:26:39 10 name, you know, yes. But it should be indicated on -- this one
11 should be 286.

12 MR GEORGE: Yes, My Lord.

13 PRESIDING JUDGE: And there should be an indication in 286
14 you know, that this is a statement of witness DIS-015 whose name
12:26:59 15 appears in Exhibit 285?

16 MR GEORGE: Yes, My Lord.

17 [Exhibit No. 286 was admitted]

18 PRESIDING JUDGE: Let me have Exhibit 285 please. Thank
19 you. Yes, Mr Fynn.

12:28:14 20 MR FYNN: Thank you very much, My Lord. Mr Witness --

21 PRESIDING JUDGE: But -- just a minute please.

22 INTERPRETER: Yes.

23 PRESIDING JUDGE: Just for the records. Let's have it for
24 the records.

12:28:25 25 INTERPRETER: Yes.

26 PRESIDING JUDGE: No questions, Okay. Mr Cammegh, any
27 questions.

28 MR CAMMEGH: No.

29 PRESIDING JUDGE: I thank you. No questions. Right.

1 Okay.

2 INTERPRETER: Okay.

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

4 CROSS-EXAMINED BY MR FYNN:

12:29:06 5 MR FYNN:

6 Q. Mr Witness, I will be asking you a few questions?

7 A. Okay.

8 Q. And I would ask of you to be as slow as you can so that
9 the -- we do not put a strain on the people who are recording,

12:29:27 10 okay?

11 A. I do hear.

12 Q. Mr Witness, you live in a village in the Bombali District;
13 am I correct?

14 A. It is true.

12:30:00 15 Q. And that village is in the environs of Makeni. Am I also
16 correct?

17 A. Yes. You've said the truth.

18 Q. Is it also true that you were in that village through the
19 period of the war?

12:30:39 20 A. I did not go anywhere. There I stayed. Except for the
21 fact that I would run and go into the bushes but there I stayed.

22 Q. You remember that there was a time when the AFRC seized
23 power in Sierra Leone?

24 A. Yes. I heard about that but given that I am not literate,
12:31:17 25 I did not read that.

26 Q. Did you also hear that the AFRC invited the RUF to join
27 them in power?

28 A. Well, I heard that on the radio. It was not an individual
29 that informed me. But I heard that on the radio. So I did not

1 know, whether that was true or not.

2 Q. Did you come to know that the AFRC and the RUF government
3 were later chased out of power?

4 A. Yes. Yes, I knew about that and I heard about that.

12:32:36 5 Q. And you'd agree with me that the AFRC/RUF were chased out
6 of power in 1998; is that correct? Do you remember that?

7 A. Well, since I'm not literate and I have not written that,
8 because we, the Temnes, we look at months. Well, I do understand
9 that.

12:33:16 10 Q. It is correct that you were in your village when --

11 PRESIDING JUDGE: Is the question answered?

12 MR FYNN: No, My Lord. But it satisfies me. He said he
13 doesn't understand date. But I know the Court will take judicial
14 notice of the time of the intervention. That's why I'm moving

12:33:33 15 on.

16 PRESIDING JUDGE: And so we should say he does not know the
17 date?

18 MR FYNN: He doesn't know the date My Lord.

19 Q. And you were in your village at the time the AFRC/RUF were
12:33:51 20 chased from Freetown; am I correct?

21 A. Yes. I knew that, and I heard about that. I was in my
22 village at Makari, seated in Makari, and I knew that.

23 Q. Now do you also know that on their way from Freetown the
24 AFRC/RUF passed through Makeni.

12:34:43 25 A. Yes, that's the highway. I wouldn't deny that they passed
26 there. That's the highway.

27 Q. Do you know that, in fact, they stopped at Makeni for a
28 while?

29 A. I heard about that, when I was in my village. They told me

1 that he stayed there for some time. When I was in my village, I
2 heard about that.

3 Q. Did you also hear that there were AFRC/RUF commanders in
4 Makeni at that time?

12:35:30 5 A. Yes. I heard about this, but I did not know them.

6 Q. Did you hear that one of the senior commanders who was
7 present in Makeni at the time was Mr Issa Sesay?

8 A. The time that I came to know about, Mr Issa Sesay, that was
9 during the time when they had come from the bush, and when they
12:36:22 10 said that they would not go into the bush anymore, that was the
11 time that I knew that he was there.

12 Q. Now whilst the AFRC/RUF were in Makeni on their way from
13 Freetown, you would agree that the high, RUF High Command in
14 Makeni was one Issa Sesay?

12:37:01 15 A. No, because I did not see him. In fact, I did not hear
16 about that. In fact, I did not even hear about his name.

17 Q. Did you hear of an operation known as Operation Pay
18 Yourself?

19 A. What is meant by that? I do not understand.

12:37:47 20 Q. Mr Witness, whilst the AFRC/RUF were retreating from
21 Freetown and got to Makeni, you heard that there was looting of
22 property?

23 A. Yes, I heard about that.

24 Q. You heard that houses were being burned?

12:38:46 25 A. But my own home, house, are not burned.

26 Q. Not your own house, Mr Witness. Did you not hear that
27 houses in Makeni were burnt down?

28 A. Not at all, I'm talking about Makari that no house are
29 burned at Makari. I'm talking about my home and my village.

1 This is what I'm saying.

2 PRESIDING JUDGE: Don't talk about your village, Mr
3 Witness. Don't talk much about your village. We are in Makeni.

4 MR OGETO:

12:39:22 5 Q. Mr Witness?

6 PRESIDING JUDGE: We are in Makeni.

7 THE WITNESS: Yes.

8 MR OGETO:

9 Q. I'm asking you questions about Makeni, and your village is
12:39:33 10 close to Makeni, not so? You've told us that.

11 A. Yes, my, my village is close to Makeni. I don't deny that.

12 Q. And from your village you heard that houses were being
13 burnt in Makeni; am I correct?

14 A. Well, to say that houses were burned in Makeni, I did not
12:40:09 15 get that information that houses were burned in Makeni, for me.

16 Q. You heard about civilians who were being killed, Mr
17 Witness?

18 A. When it was war, and when we heard about this struggle we,
19 the civilians, we ran away.

12:40:42 20 Q. So I'm correct to say you heard that civilians were being
21 killed in Makeni, Mr Witness?

22 A. That's why I am saying that I myself, because it's, it's
23 war. And if somebody died, it's a little bit difficult for me to
24 confirm whether it's a civilian or a combatant, so I cannot make
12:41:11 25 the distinction.

26 PRESIDING JUDGE: Mr Witness, you were in your village.

27 THE WITNESS: Yes. Yes, I was at Makari.

28 PRESIDING JUDGE: You said you were hearing certain things,
29 you were hearing, you were hearing. The question is: Did you

1 hear --

2 THE WITNESS: Uh-huh.

3 PRESIDING JUDGE: -- that civilians were being killed? Did
4 you hear? It's not that you were in Makeni.

12:41:48 5 THE WITNESS: Well, I was not able to understand that.
6 Nobody came from Makeni and told me that civilians were being
7 killed. So if you should ask me a question about that, I will
8 not be able to answer. Because nobody came from Makeni and told
9 me that.

12:42:21 10 MR OGETO:

11 Q. Mr Witness, you confirmed that you had, you had heard that
12 rebels were in Makeni after the retreat from Freetown; am I
13 correct?

14 A. Yes. I will not deny that they were in Makeni.

12:42:49 15 Q. And you heard that these rebels who were in Makeni were
16 burning houses?

17 A. I, that I'm sitting here, we have houses. We are more than
18 ten in Makeni, but they are still there, intact.

19 Q. Mr Witness, apart from your ten houses which are intact,
12:43:28 20 you would agree with me that there were other houses which were
21 burned in Makeni?

22 PRESIDING JUDGE: Were there any other houses which were
23 burnt in Makeni. Not your own. Your ten were not burnt. Were
24 there any other houses which were burnt in Makeni?

12:43:56 25 THE WITNESS: Well, I was not able to see those houses but
26 some that were burnt, some people told us that they are being
27 burnt as a result of petrol. In Keni -- in Makeni I did not hear
28 that and I did not see that.

29 PRESIDING JUDGE: I didn't get the answer properly. Can he

1 repeat what he said please.

2 THE WITNESS: Uh-huh. Should I repeat what I said.

3 PRESIDING JUDGE: Yes. I said you should repeat what you
4 said.

12:44:35 5 THE WITNESS: I said, in Makeni I did not hear that houses
6 were burnt, our own house were burnt. I will not deny that --
7 rebels were not in Makeni, they were there. But to say that
8 houses were burnt in Makeni, I would not say that it is true
9 because I did not see them. And nobody came to tell me that
12:45:01 10 houses were burnt.

11 MR OGETO:

12 Q. Mr witness, did you not hear -- Mr Witness, you heard that
13 civilians were being taken away from Makeni by the rebels. They
14 were taking civilians away?

12:45:27 15 A. Taking them where?

16 Q. Can you confirm first that they were taking them away? I
17 will ask you that next.

18 A. Well, I did not get that information, and I did not see
19 that with my eyes, and I cannot testify to something that I did
12:46:02 20 not see. I did not see that with my own eyes. I was in my
21 village.

22 Q. Mr witness, you would agree with me that when the rebels
23 came to Makeni, civilians felt safer to be in the bushes; am I
24 correct?

12:46:41 25 A. Yes, it's true because we were in the bushes.

26 Q. I will suggest to you, Mr Witness, that this was so because
27 the civilians were afraid of the rebels?

28 A. Well, so it was we were afraid because we heard gun shots,
29 so we would be afraid. We were in the bush. I cannot deny that.

1 We were afraid.

2 Q. You were afraid that the rebel would kill, rape or abduct
3 civilians; am I correct?

4 A. Well, see what you are saying to me now, see I would
12:47:53 5 explain to you, shortly, when we heard the shooting we went into
6 the bush with all our people. And most of the people that were
7 in Makeni, they came to Makari. But since I did not see people
8 being raped, if I should say here that, yes, I saw people being
9 raped, that shows that, in fact, in Domsday I would have to give
12:48:22 10 evidence. I heard about that but I did not see that with my own
11 eyes.

12 Q. So you heard that people were being raped, Mr Witness?

13 A. Well, well what you hear about and what you saw with your
14 own eyes, what you saw with your own eyes is what you should
12:48:45 15 believe in. I heard about that.

16 Q. Mr Witness, do you recall seeing any RUF commander any time
17 during the war years?

18 A. Are you asking me to explain about the time that we were
19 ousted from Freetown?

12:49:27 20 Q. Any time did you, at any time whatsoever, see any RUF
21 commander during the war years,

22 A. Well, during the time when the war was raging, when these
23 people came to Makeni and said that they were not going to the
24 bushes anymore, yes. See, I would know some of them, and that
12:50:02 25 was during the time when we had peace.

26 Q. Mr witness, I would suggest to you, you saw RUF commanders
27 before peace was declared. You saw Superman; am I correct?

28 A. Yes, I mean, what you said is true. In fact it was this
29 man that made us to go into the bushes. I will not deny that.

1 Q. You also saw Issa Sesay; am I correct?

2 A. Yes. I will not deny that, because during that time we
3 were already in the bush. We were already in the bush when we
4 heard about his name. But Superman, he was the one that captured
12:50:53 5 Makeni after Makari. So we all went in to the bushes and all the
6 people in the Makeni went into the bush.

7 Q. Now, when you saw these RUF commanders, did you notice
8 small boys with any of them?

9 A. If you saw Superman's children he would not be that
12:51:31 10 audacious to stay. You have to run because you have so many
11 number.

12 Q. And you also saw Issa Sesay's children, small children?

13 A. No, I did not see any little children with him. Because
14 during the time when we were in the bush, in fact he had two
12:51:59 15 elderly men. I did not see any children with him.

16 Q. Mr Witness, I would suggest to you that Issa Sesay had
17 small boys among his bodyguards?

18 A. Old man, if I saw them I would have told you but the only
19 time when we went to the bush the man who took us, who was sent
12:52:30 20 for us to come from the bush, the ones that we saw it was
21 Superman's own people. This man that you are talking about,
22 Issa, I did not see any children with my own eyes.

23 Q. Mr Witness, you have heard the expression SBU, correct?

24 A. What is meant by that SBU, I don't know. In Temne.

12:53:15 25 Q. Mr witness, you will confirm that you heard that small boys
26 were fighting alongside the RUF; am I correct?

27 A. Well, during the time that Superman ran after us to go into
28 the bush, it was these little children that you're talking about
29 that ran after us.

1 Q. Mr Witness, you will recall that Freetown was invaded by
2 the AFRC/RUF in 1999?

3 A. Yes, I heard about that because I was not here, I was in
4 Temne land. I heard about it, you see, but I was in the Temne
12:54:46 5 land. I was not in Freetown.

6 Q. You will confirm that Mr Sesay was in Makeni at that time?

7 A. Well, I wouldn't say because I did not see with my own
8 eyes. In fact, I did not know him before. You see whether he
9 was the one that they had been talking about because I was in my
12:55:16 10 village. When the trouble came I went to my village.

11 Q. Mr Witness, you will confirm nonetheless that Issa Sesay
12 was the RUF High Command in Makeni at that time?

13 A. With the soldiers?

14 Q. In 1999.

12:56:01 15 A. When they came -- when they were ousted from Freetown?

16 Q. When, Mr Witness, I first drew your attention to the
17 invasion of Freetown in 1999, you recalled that date. You said
18 you were in your village. My question was whether in fact --

19 A. Yes. Yes.

12:56:25 20 Q. -- during that period Issa Sesay was the High Command of
21 the RUF in Makeni?

22 A. Well, when you mention 1999 because I have not been to
23 school, and those that are literate would write that but during
24 the time that I knew this man, I did not know that when they were
12:56:59 25 ousted from Freetown who was the leader in Makeni. I did not
26 know and I did not even see him and I was in the bush, so how
27 could I testify to that.

28 Q. I take it your evidence is that you do not know whether Mr
29 Sesay was the High Command in Makeni in 1999 at the time of the

1 rebel incursion into Freetown?

2 A. Yes, not at all. I did not even know him and I did not
3 hear about him. I don't even know the period.

4 Q. Mr witness, I would wish to go back to the question about
12:58:14 5 Mr Sesay being in Makeni in 1999 and be more specific. I think
6 in your evidence you suggest that on or around -- in or around
7 February 1999 --

8 THE INTERPRETER: Your Honours, would the learned attorney
9 be instructed to go slow.

12:58:39 10 MR FYNN: I apologise, My Lords.

11 Q. Mr Witness, your recorded evidence seems to suggest --

12 A. Yes.

13 Q. -- that around February, 1999 you saw --

14 A. Uh-huh.

12:59:09 15 Q. -- Mr Sesay.

16 MR FYNN: I apologise, My Lords, I will take that back.

17 It's not Sesay. It is somebody else. I'll take that back.

18 Q. Now, can you confirm that you heard of an incident between
19 the RUF and UNAMSIL troops in Makeni?

12:59:56 20 A. Okay. I heard about that when peace had already come.

21 That was the time that I came to know this man that you are
22 referring to as Pa Issa Sesay. When Superman came and launched
23 an attack on us so we all went into the bush and we spent one
24 month in the bush eating cassava. That I know very well.

13:00:24 25 Q. Mr witness, I did not ask about Superman or that attack.

26 Please listen to the question. You will recall that you heard --

27 A. Uh-huh.

28 Q. -- about an incident --

29 A. Uh-huh.

1 Q. -- between the RUF and UNAMSIL troops in Makeni?

2 A. Uh-huh. Yes we heard about that. I heard about that. I
3 will not deny that.

4 Q. And you heard THAT the UNAMSIL troops were captured by the
13:01:00 5 RUF?

6 A. Yes I heard about that but since I did not go to Makeni and
7 I was not based in Makeni I heard about that. I was in Makari
8 when I heard about that.

9 Q. And you would confirm that Mr Sesay was the RUF High
13:01:27 10 Command in Makeni at the time?

11 A. During that time I'll explain it to you so that you can
12 understand it well. And please you, the interpreter, please make
13 sure that you listen to me so that the learned attorney could get
14 what I'm saying.

13:02:01 15 PRESIDING JUDGE: Yes go on.

16 THE WITNESS: This period that you're talking about, we
17 were already in town. There was complete peace and then when you
18 saw UNAMSIL you would say that there was complete peace. During
19 that time this man that was called Issa Sesay, we heard that he
13:02:29 20 was in Makeni, but during the time that these people were
21 attacked, we heard that he was not there. But during that time
22 there was peace, and I used to go there with my wife and I heard
23 that the UNAMSIL troops had been captured, but that this man that
24 was referred to us by Issa Sesay was not there. I heard about
13:02:55 25 that.

26 Q. You heard that Issa Sesay was the RUF High Command at the
27 time of the incident?

28 A. Yes during the time of peace in Makeni this -- when this
29 thing happened they said he was not there in Makeni. They said

1 he had left, because I asked.

2 Q. Mr Witness, whilst --

3 JUDGE BOUTET: Did you get an answer to your question or
4 not?

13:03:42 5 MR FYNN: My Lords, I got an answer that he was not there
6 at the material time; he refuses to answer whether he was High
7 Command.

8 JUDGE BOUTET: That's okay. It's your cross-examination.

9 MR FYNN: I'll come back to it.

13:03:58 10 Q. Mr Witness whilst Mr --

11 A. Yes.

12 Q. -- Sesay was High Command in Makeni, you suggest in your
13 evidence that markets were operated very well, not so?

14 A. Old man, there was perfect peace and during the time
13:04:32 15 business was going on as normal, there was no problem at all. In
16 fact I knew about that.

17 Q. I didn't know I got so old really. I hope to get that old.
18 Now, the question was whether you agree --

19 A. Yes.

13:04:55 20 Q. -- that markets were operating in Makeni while Mr Sesay was
21 High Command, RUF High Command?

22 A. During that time, with God's help, with God's help, it was
23 he that made us not to be able to transact business. There was
24 no problem in Makeni at all during that time.

13:05:25 25 Q. But you would agree that the markets were -- markets had
26 fewer people in them?

27 A. No during that time there were a lot of people. In fact
28 people used to sell anywhere. In fact there were so many people.

29 Q. You can agree with me that there were gunmen in the

1 markets?

2 A. During the time that you are -- during the time that we
3 are --

4 THE INTERPRETER: Your Honours, would the witness be
13:06:09 5 allowed to -- be instructed to go slow.

6 MR FYNN:

7 Q. Please slow down Mr Witness. Please go slowly.

8 A. During that time this -- when this old man became the head
9 of Makeni that was the time that we had our own respect. If you
13:06:36 10 are old man they would say old man. If you're an old man, you
11 would say old man. We did not see any gun and during that time
12 peace was raining perfectly, you see, with God's help. That was
13 the time that we started fending for our --

14 THE INTERPRETER: Your Honours, the witness is going too
13:06:53 15 fast.

16 MR FYNN: Now, Mr Witness, you are going too fast and also
17 you made a reference to an old man being in charge of Makeni. We
18 may be having some translation difficulties there.

19 PRESIDING JUDGE: This man this time is not you I suppose.

13:07:13 20 MR FYNN: That's why I now know, My Lord, that we were all
21 the time having translation difficulties. Old man, which old
22 man, me.

23 Q. So please, Mr Witness, if you can just say that again. You
24 were telling us about the markets in Makeni if I'm not mistaken?

13:07:39 25 A. Yes, during the time that people had been -- when Issa
26 became the head in Makeni that was the time that you had peace.
27 Everybody was selling anything that he wanted to. There was no
28 trouble.

29 Q. Mr Witness, did you visit Mr Sesay whilst he was head of

1 the RUF in Makeni?

2 A. Yes, when he sent -- when he asked us to come from the bush
3 to -- a lot of us went. We were led by somebody so as to go and
4 know him. So we went and we knew. He welcomed us well.

13:09:01 5 PRESIDING JUDGE: Mr Fynn, I'm afraid --

6 MR FYNN: Yes, My Lords.

7 PRESIDING JUDGE: -- we have to stop here.

8 MR FYNN: Yes, My Lords.

9 PRESIDING JUDGE: Learned counsel, the Chamber will recess
13:09:39 10 for lunch. We will resume the session at 2.30.

11 We will rise please.

12 [Break taken at 1.10 p.m.]

13 [RUF15FEB08A - DG]

14 [Upon resuming at 2.40 p.m.]

14:50:50 15 PRESIDING JUDGE: Good afternoon, learned counsel. Mr
16 Fynn.

17 MR FYNN: Thank you My Lord.

18 Q. Mr Witness?

19 A. Sir.

14:51:08 20 Q. Is it your evidence that the only time you saw Mr Sesay,
21 was when he invited the elders to come from the bush to Makeni?

22 A. Yes.

23 Q. Is it also correct, that it was only on that occasion that
24 you actually went to Makeni?

14:51:51 25 A. That was a time that I knew him but we were led by
26 somebody. That helped us to know him.

27 Q. Mr Witness, the question is: Whether that occasion --

28 A. Yes.

29 Q. -- was the only time you actually went to Makeni?

1 A. That was the first time that I knew this man. It was the
2 first time.

3 PRESIDING JUDGE: Please listen to the question and
4 answer -- and answer the question.

14:52:38 5 MR FYNN:

6 Q. That was the only occasion on which you went to Makeni?

7 A. No. I used to go to Makeni.

8 Q. It is your evidence that you never heard that the RUF had
9 killed anyone in Makeni; am I correct?

14:53:06 10 A. Yes, it is true.

11 Q. It is also your evidence; that you never heard that the RUF
12 burned any house in Makeni, correct?

13 A. Yes. I've never heard that and I have never seen that.

14 Q. It is your evidence that you have never heard that any
15 civilians were abducted in Makeni?

14:53:39 16 A. Not at all, I have not heard that, that civilians were
17 abducted.

18 Q. And it is also your evidence that you never heard that
19 women were raped in Makeni?

14:54:15 20 A. Not at all. The time that Issa took over I never heard
21 about that and I never saw that.

22 PRESIDING JUDGE: Leave Issa alone. Leave Issa. Leave
23 Issa alone. Put the question to him again please.

24 MR FYNN:

14:54:32 25 Q. Is it your evidence that you never heard of women being
26 raped --

27 A. Yes.

28 Q. Is it your evidence that you never heard of women being
29 raped in Makeni?

1 A. Not at all. I was not told that.

2 JUDGE BOUTET: But there might be some confusion Mr
3 Prosecutor, with your questions. The witness seems to be
4 focusing only when Sesay was there. So I don't feel your

14:54:55 5 question was much -- I took it to be much larger than that. But
6 I'm not sure if this is my misunderstanding or the witness. But
7 if you're talking at any time or you're focusing at the time when
8 Sesay was there so I'm --

9 MR FYNN: I was not focusing on the time Sesay was there,
14:55:12 10 My Lord.

11 JUDGE BOUTET: That's what I thought but I get from the
12 answer --

13 THE WITNESS: Well, when Sesay was not there that is the
14 time that we were in trouble. Even when I was in the bush, I did
14:55:25 15 not hear that: That women were raped. I did not see that with
16 my eyes and I never heard that.

17 JUDGE BOUTET: So I have my answer. Thank you.

18 THE WITNESS: You're welcome.

19 MR FYNN:

14:55:45 20 Q. Mr Witness, I put it to you that civilians were complaining
21 about the conduct of RUF fighters in Makeni?

22 MR JORDASH: I would ask that -- sorry to object. Sorry to
23 interrupt, my learned friend, but just that the witness --

24 THE WITNESS: So if they made any complaint about that it
14:56:09 25 was not to me. I did not know. I was not in Makari Gbanti, I
26 was not in Makeni. So if they made any complaint. I did not
27 know.

28 MR JORDASH: I was simply going to say that it might be
29 useful if the -- my learned friend to specify the time frame.

1 It's a very long war. RUF were in Makeni at different occasions.
2 Other groups were in Makeni, aside from the war there's the
3 possibility of crimes. I'm thinking it might be more helpful.

4 MR FYNN:

14:56:48 5 Q. Mr Witness, am I to understand that you never heard of
6 civilians complaining about the conduct of the RUF in Makeni?

7 A. I never heard that complaint. I was not in Makeni Town. I
8 was in the chiefdom. Bombali Sebori Chiefdom. Nobody lodged
9 that complaint to me and I never heard it.

14:57:32 10 Q. Mr Witness, I put it to you that the RUF committed
11 atrocities in Makeni, on their retreat from Freetown after the
12 intervention?

13 A. Well, those people who were supposed to give to testify to
14 that would be the people that resided in Makeni Town.

14:58:20 15 Q. Mr Witness, I put it to you that you heard of these
16 atrocities at your village?

17 A. In my own village Makari Gbanti Chiefdom. I'm telling you
18 that I did not know that such a thing happened. I did not get
19 any complaint about that in my Chiefdom Makari Gbanti.

14:58:53 20 Q. Mr Witness, I put it to you --

21 A. Yes.

22 Q. -- that at the time of the capture of the UNAMSIL
23 personnel, it was Issa Sesay who was High Command in Makeni?

24 A. I don't deny that so it was but during that time there was
14:59:20 25 peace and people said that he was there. But I'm sure if he were
26 there, such a thing wouldn't have happened. Because he's a
27 peaceful man.

28 Q. Mr Witness, I put it to you that when you were chased by
29 the RUF, the child soldiers who were with them, had guns?

1 A. I will not deny that when we were being chased we saw them
2 with them, but we did not know to whom they belong. So that's
3 it. So I wouldn't say that I did not see them with guns.

4 Q. Mr Witness, you are an admirer of Mr Sesay, correct?

15:00:25 5 A. I did not get you properly. Say it again.

6 Q. You are an admirer of Mr Sesay?

7 A. I should admire him. If you find yourself in trouble and
8 somebody gets you extricated from that trouble. I think you
9 should love him by all means.

15:01:03 10 Q. You are also a lover of the RUF; am I correct?

11 A. I do not like all of them. See, I like the one who helped
12 me in times of trouble.

13 Q. And so you are here to help him in return, not so?

14 A. Well if somebody helped you, if he finds himself in trouble
15:01:32 15 and if they said that they accuse of doing something that is bad
16 and you are not, you are not aware of that, then you have to
17 testify to that.

18 Q. It is because of that reason, Mr Witness, that you will
19 deny anything you think will hurt Mr Sesay, not so?

15:02:03 20 A. If Mr Sesay had done something that is wrong, it's I alone
21 that have to be buried when I'm dead, I will say it.

22 MR FYNN: Thank you very much, Mr Witness. Thank you, My
23 Lords. That will be all for the witness.

24 PRESIDING JUDGE: Yes.

15:02:55 25 MR JORDASH: No questions, thank you.

26 PRESIDING JUDGE: Okay. Mr Witness, we've --

27 THE WITNESS: Yes.

28 PRESIDING JUDGE: We've come to the end of your testimony.

29 We thank you for coming and we wish you a safe trip back to your

1 village. Once more, thank you.

2 THE WITNESS: Amen. You're welcome. I will say thanks to
3 you for making it possible for us to have peace in the country.
4 May the Lord help you to stay here. I also say thanks to you.

15:04:04 5 May God also help him.

6 PRESIDING JUDGE: May God help who, him who?

7 THE WITNESS: All of you that are presiding over this case.

8 [The witness withdrew]

9 MR FYNN: My Lords?

15:05:02 10 PRESIDING JUDGE: Yes.

11 MR FYNN: If I may, I wish to refer to an issue concerning
12 DIS-085 who testified yesterday. My learned friend Ogeto, who is
13 not here now, did indicate that he may have an application
14 regarding recross-examination. And he was to make final his
15 indications today. The Prosecution would wish to have this
16 matter put to rest as soon as possible. We do not wish to have
17 it hanging. Therefore, we wish to inquire through the Court if
18 any decisions have been reached by my learned friends for the
19 Defence for Kallon.

15:05:45 20 PRESIDING JUDGE: We'll wait for Mr Ogeto to come. He's
21 the one to let us know that. But I know we did indicate Monday
22 it will be the date when the witness I think was supposed to --
23 oh, I thought it was --

24 MS MYLVAGANAM: [Inaudible]

15:06:01 25 PRESIDING JUDGE: Which one is this?

26 JUDGE BOUTET: Open your microphone.

27 MS MYLVAGANAM: I can confirm to the Court --

28 PRESIDING JUDGE: Yes.

29 MS MYLVAGANAM: My Lord, the matter has been the subject of

1 discussion and deliberation and there won't be any application.

2 PRESIDING JUDGE: There won't be any application for this
3 witness to come back?

4 MS MYLVAGANAM: No.

15:07:36 5 [The witness entered Court]

6 PRESIDING JUDGE: Mr Jordash this is DIS --

7 MR JORDASH: 046. Language is Temne. I think the 31st
8 witness.

9 JUDGE BOUTET: You did --

15:07:52 10 PRESIDING JUDGE: Thirty-second.

11 MR JORDASH: Thirty-second.

12 JUDGE BOUTET: You said 046.

13 MR JORDASH: Yes.

14 PRESIDING JUDGE: Let's check. I hope I have my count
15:08:09 15 right. I think this is the 32nd, I'm not very sure. Anyway
16 we'll check. Thirty-second maybe. Yes, Mr Wagona.

17 MR WAGONA: Yes, My Lords. May I just indicate that we
18 learned about this witness coming to testify today only yesterday
19 through an email after 6 o'clock, and he had been in the call
15:08:41 20 order which was served to us on 13th, slightly after 6.00 p.m..

21 And in that call order he was appearing at number ten. And I'm
22 only indicating that I've had to deal with this witness at very
23 short notice and that I hope that the Defence will endeavour to
24 give us a call order that gives us sufficient time to prepare for
15:09:22 25 these witnesses. But having said that, I'll be prepared to deal
26 with this witness.

27 PRESIDING JUDGE: Well, we only want to emphasise that the
28 Defence should conform with the orders of this Court and to
29 respect them so that the other side is not put in a disadvantaged

1 position. It's important, you know, that this happens. I mean,
2 otherwise, it becomes -- I mean, we, we, shouldn't conduct our
3 proceedings you know, this way. It's important that the orders
4 which are given, you know, are adhered to and that.

15:10:04 5 MR JORDASH: Your Honour, I quite understand and I'm not in
6 any way opening up any argument. Suffice to say that during the
7 Prosecution case, when it came to flexibility about the smaller
8 witnesses, the civilians, we too agreed at short notice. It's
9 the nature of putting on a case that you have to sometimes slot
15:10:30 10 in witnesses at short notice. And we were always very flexible
11 to the Prosecution slotting in small witnesses to ensure that the
12 Court proceedings went ahead. And you won't see my complaint on
13 the record because I didn't complain because I felt it was one of
14 those practical realities. And so I would hope that the
15:10:52 15 Prosecution could show the same --

16 PRESIDING JUDGE: What we're saying is that it should be,
17 should be an exception and not the rule, you know. We should try
18 and do this, I mean. And in any event I think what we have
19 always encouraged here is some inter partes exchange of views and
15:11:10 20 consultations, you know, so that if you knew that a witness is
21 going to fall from the blues, you know, to come and testify out
22 of the order that you have already indicated, I don't think there
23 is anything wrong in discussing it with the other party, and
24 ensuring that you are at ad idem you know, to have the witness
15:11:32 25 called. I think talking to the other parties is important.

26 JUDGE BOUTET: Mr Jordash, on this very issue can we
27 inquire as to who's next both for the information of the
28 Prosecution and the Bench.

29 MR JORDASH: I think there should have been an email sent

1 actually at lunch, And I don't actually have the email with me.
2 Your learned clerk is nodding. Could I -- what I'll ask Ms
3 Longworth aside of me to do is go down to the office and get the
4 list.

15:12:15 5 JUDGE BOUTET: We can proceed with this witness and when we
6 have a break.

7 PRESIDING JUDGE: Yeah, because she cannot leave you there.
8 Why don't you let her stay there.

9 MR JORDASH: But --

15:12:28 10 PRESIDING JUDGE: We could get the email from Mr Nkongho.
11 I suppose we can so that we know in what order I -- the -- it's
12 alleged that you were nodding your head so maybe -- have you
13 received the email Mr Nkongho?

14 JUDGE BOUTET: It just says DIS-085 being the next one so
15:12:57 15 that's all. So that's the only information you have forwarded.
16 That's, that's what I have -- is it?

17 MR JORDASH: That was not what I left to be sent.

18 JUDGE BOUTET: Well, it's more complete than that from --

19 MR JORDASH: I'd hope so. And that -- and that list is
15:13:19 20 subject to a number of anticipated arrivals. We're still having
21 some difficulty getting witnesses to Zulu. Although I hope that
22 list has a degree of certainty.

23 PRESIDING JUDGE: Well, I think we can go on.

24 WITNESS: DIS-046 [Sworn]

15:14:24 25 [The witness answered through interpreter]

26 MR JORDASH: I do have one usual application, in relation
27 to this witness; to go into a closed session for 15 or 20 minutes
28 to deal with --

29 PRESIDING JUDGE: Why didn't you do -- use the technique

1 you used this morning. Maybe, that would have rescued us from
2 the protracted procedure, you know, of -- anyway we're here.
3 Let's get along. Let's go into the closed session for Mr
4 Jordash, to make his application.

15:14:49 5 [At this point in the proceedings, a portion of the
6 transcript, pages 61 to 71, was extracted and sealed under
7 separate cover, as the proceeding was heard in a closed session]

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1 [Open session]

2 MR GEORGE: Court is in open session now.

3 PRESIDING JUDGE: Right. Well, we will now resume in a
4 public session. And this is a ruling of the Chamber in respect
15:48:01 5 of the closed session application made by learned counsel for the
6 first accused Mr Jordash. Consistent with the general
7 requirements of criminal proceedings are to be conducted in
8 public, as adjoined by Rule 78 of the Rules of Procedure and
9 Evidence of this Court and taking into consideration Article

15:48:07 10 17(2) of the Statute of the Court, but exceptionally as
11 authorised by Rule 79(A)(ii) of the said Rules and the need to
12 protect witnesses as provided for in Rule 75, this Chamber on the
13 application of Mr Jordash for 15 minutes duration of testimony in
14 closed session of witness number DIS-046, to be heard in a closed
15:48:08 15 session, deemed by way of an exceptional procedure grant the said
16 application for the reasons advance in support thereof.

17 We will now proceed in a public session and Mr Jordash, you
18 may continue with your examination-in-chief of this witness.

19 MR JORDASH: Thank you.

15:48:21 20 PRESIDING JUDGE: And remind him of course of where we are
21 now.

22 MR JORDASH: Your Honour yes.

23 PRESIDING JUDGE: That's right.

24 MR JORDASH:

15:48:29 25 Q. Mr Witness, we're --

26 A. Yes.

27 Q. We're now in an open session. So I'm going to take you
28 through certain parts of the war years and ask you about such
29 things as the peace committee, but please do not give your

1 specific role or title, okay. I saw you nod, did you say yes?

2 A. Yes.

3 PRESIDING JUDGE: Advise him not to nod. He should -- we
4 want to know -- hear what you're saying.

15:49:22 5 MR JORDASH:

6 Q. Make sure you --

7 A. Okay, I agree.

8 Q. Thank you.

9 A. You're welcome.

15:49:34 10 Q. Now, I want to take you to a time when the intervention
11 happens in Freetown and the junta are thrown out. And as you
12 told us they went first of all to Makeni; is that right?

13 A. Yes, when they left -- when they left Freetown they went to
14 Makeni. They called all those that were on the outskirts, they
15:50:16 15 came together and they moved to Kono.

16 Q. Now, before I ask you about this subject, can I just ask
17 you a few questions about Makali.

18 A. Okay.

19 Q. Do you -- are you able to give the Court an idea of how
15:50:38 20 many natives of Makali there are or were at that time? At the
21 time of the junta being in Makali, how many people lived in
22 Makali?

23 A. Well, I can name the others. The others I will not be able
24 to, because there are some people who ran a way from the villages
15:51:13 25 and came to Makali.

26 Q. But, when you were in Makali just before the junta came
27 through Makali, did you know who was there? Did you know the
28 people there?

29 A. I can name some but I cannot recall all of them, because

1 the people were so many. You see some will not sleep in town,
2 you see. They would come to town in search of cooking condiments
3 like Maggie and salt.

4 Q. Do you know many by their faces?

15:52:10 5 A. The civilians?

6 Q. Yes.

7 A. Yes, I know some faces, the others I wouldn't know.

8 Q. Okay. You've told us that the junta came from Makeni and
9 went towards and ended up in Kono. Did they come through Makali?

15:52:55 10 A. When they left Makeni and they passed through Makali and
11 went to Kono, they had spent seven months and they returned.

12 THE INTERPRETER: Your Honours, correction interpreter.
13 Nine months and they returned.

14 MR JORDASH:

15:53:14 15 Q. But were you -- were you in Makali when the junta came
16 through on the way to Kono?

17 A. I was there.

18 Q. How did you first learn about the junta coming into the
19 direction of Makali?

15:53:51 20 A. When they were coming from Makeni.

21 Q. Yes.

22 A. It was around 5 o'clock. We were settling down to eat.

23 That was the time that we heard shots in the outskirts of the
24 village. So the shooting became very sporadic. So all of us

15:54:22 25 rose and went into the forest.

26 Q. When you say all of you, who were you referring to?

27 A. My family and the townspeople, all of us ran away and went
28 into the bush.

29 Q. Do you know if any civilians remained in the town after you

1 had ran away into the bush?

2 A. Well, when we had gone, I wouldn't know. Because we did
3 not return to know whether there was a civilian because I had
4 gone to hide in one of the bushes close to the town but I did not
15:55:10 5 know whether there was any civilian that was remaining there.

6 Q. Did the -- did you remain in the bush?

7 A. I was in the bush when -- there we spent the night because
8 they came in the evening and they were there up to dawn and when
9 they had left. That was the time that we came.

15:55:37 10 Q. So did -- you returned the next day to Makali?

11 A. Yes, sir.

12 Q. And how did you find the town of Makali when you returned?

13 A. Well, at the middle of the town we met -- we met
14 [indiscernible]. We met salt. We met Maggie. We --

15:56:23 15 THE INTERPRETER: Your Honours, the witness assumes a
16 particular term that the interpreter does not understand. Would
17 he be asked to clarify the last bit.

18 MR JORDASH:

19 Q. Clarify the last sentence. The interpreter didn't
15:56:43 20 understand what you said.

21 A. Well, the thing -- the things that are normally found in
22 polythene. I don't know how they are called. Totapak.

23 Q. Okay, let's -- are you talking about a drink?

24 PRESIDING JUDGE: Mr Fynn --

15:57:18 25 THE WITNESS: Yes, it's something that had been drunk.

26 PRESIDING JUDGE: Can you help us here. I see your
27 smiling. Can you help Mr Jordash?

28 MR FYNN: Yes, My Lord, it is a spirit locally brewed.

29 PRESIDING JUDGE: Hmm.

1 MR FYNN: Put in small sachets. Plastic sachets.

2 PRESIDING JUDGE: Hmm.

3 MR JORDASH: I think that might count as expert testimony.

4 MR FYNN: I'll be sending a bill.

15:57:44 5 MR JORDASH:

6 Q. So let me try to understand what you are saying, Mr
7 Witness, when you came back into town you found some things in
8 the centre of the town, including this alcohol. What else did
9 you find in the town?

15:58:01 10 A. We saw -- we saw burnt oil which was changed from the
11 vehicles -- the vehicles.

12 Q. Burnt --

13 A. Burnt oil, which is referred to as engine oil. Burnt
14 engine oil. We saw -- we saw it been spilled. We also saw salt,
15:58:43 15 bags of salt which were dropped all on over the place. We also
16 saw Maggie. They were all dropped. We did not meet full cans of
17 Rum but we met the sachets, the empty sachets.

18 Q. So when you came back into the town, these things had been
19 left by someone?

15:59:18 20 A. Yes.

21 Q. Were you able to work out where they were from?

22 A. We were not able to know where they came from but we met
23 them there, in our own town. But during that time, we did not
24 have any salt. So what we did was we just took the salt and went
15:59:47 25 away.

26 Q. Understandable. In terms of the town itself, had there
27 been any -- you've told us about the things that had been left
28 that had not been there before, had there been any damage to the
29 town? Was anything wrong with the town?

1 A. We came we found out that the town was not damaged. They
2 had gone. We did not meet anything that was damaged. It seemed
3 as if somebody was carrying loads and that he was tired of
4 carrying the loads, so he dropped some. So when we met the
16:00:43 5 Maggie and the salt, so what we did we collected everything and
6 went and ate.

7 Q. The town itself was intact?

8 A. Nothing happened to the town. So we came back and settled.

9 Q. Thank you. Did you hear of anything happening to the
16:01:03 10 civilians in that town, after or during the time the junta
11 travelled through?

12 A. No civilian really complained that such-and-such a thing
13 had been done to him or her. But when we came, we found out that
14 nobody was there. So when we returned, we came and settled

16:01:37 15 except for the things that I talk about, which we picked.

16 Q. Now, did anyone after that time make a complaint or did you
17 receive any information about any civilian from Makali having
18 been taken anywhere? Do you follow my question?

19 A. Yes, I do understand you. I'm waiting for you to finish.

16:02:20 20 Are you finished.

21 Q. He was waiting for me to finish.

22 A. Nobody came and complained that he or she had been
23 abducted. When some -- when we disbursed some people went to
24 some other villages and during that time I did not have the

16:02:39 25 opportunity to go and check. Say that those that were here in
26 town I was not -- I did not --

27 THE INTERPRETER: Your Honours, would the witness be asked
28 to go over the last bit of his testimony.

29 MR JORDASH:

1 Q. Could you repeat the sentence please, Mr Witness?

2 A. Okay. I said, nobody came and complained that my son or my
3 daughter had been abducted, so -- except because some people came
4 and settled at Makali. When these people came and when all of us
16:03:29 5 dispersed, I did not know where these other people had gone. So
6 I do not -- I did not understand just like -- say that now we
7 give responsibility of knowing who is absent and who is not
8 absent. And since I did not have that complaint, I do not have
9 much to say about that.

16:03:54 10 Q. Okay, fine. Thank you Mr Witness.

11 A. You're welcome.

12 Q. Now, let me move you forward just briefly. The nine months
13 before the RUF came back, was there a fighting or armed force in
14 the town of Makali?

16:04:39 15 A. When the RUF were in Kono or when they were coming.

16 Q. When the RUF were in Kono, was there any armed forces in
17 Makali or it's -- go on?

18 A. Yes, we were there with the Kamajors.

19 Q. Did the -- did there come a time when the Kamajors told you
16:05:08 20 something about the RUF, after the nine months had passed?

21 A. The RUF were no longer there. When they went towards Kono
22 they were no longer there. It was only people like us and the
23 Kamajors who did not tell us anything about the RUF.

24 Q. How did you find out that the RUF were coming back?

16:05:53 25 A. Well, at a certain time we had a Kamajors leader that was
26 called Doctor. He was settled in Masingbi. He came in a car.
27 He came and stopped at Makali. He called us. He called the
28 Kamajors and he said: From today onwards whosoever was a
29 Kamajors you should check at your checkpoint and you should avoid

1 the RUFs and pull out from Kono. And they were coming. There
2 were so many and any Kamajor should dismantle his or her
3 checkpoint. He said I am going to Bo to go. That was the time
4 that we knew that the RUF were coming back.

16:06:47 5 Q. And how did the civilians respond? Was anything done?

6 A. The civilians, they were settled in town but they were on
7 stand-by.

8 Q. And did the Kamajors dismantle checkpoints?

9 A. The Kamajors? They dismantled the checkpoints, those --
16:07:27 10 those that were in the Kamajors society, they went to the
11 villages.

12 Q. Just so we're clear, the doctor was he a Kamajor?

13 A. The doctor, he was the one who initiated people into the
14 Kamajor. He was the boss. He was the one that had been doing
16:07:59 15 all the ceremonies of the Kamajor society.

16 Q. And did you know of -- did you know someone called Foday
17 Barrie Thullah?

18 A. Yes.

19 Q. Who is he?

16:08:22 20 A. He used to be a Kamajor. He was next to the leader.

21 Q. And the leader was?

22 A. The leader was -- the name that he had, they did not call
23 him by that name anymore. Now he's called Pa Pose, but he was
24 called Mohamed Fornah.

16:09:00 25 Q. And these two men, were they in charge of the Kamajors in
26 Makali or in the overall area?

27 A. Masingbi people had their own leaders and those were own
28 leaders.

29 MR JORDASH: Could I just take brief instructions please.

1 PRESIDING JUDGE: Yes.

2 MR JORDASH:

3 Q. Now, after the checkpoints had been dismantled, did the RUF
4 come into Makali?

16:10:07 5 A. They first came to Masingbi to Colonel Amidu, who was next
6 to Pa Kapr Fornah, who was the leader in Masingbi and he
7 surrendered to him. And they came and they said that they had
8 come for peace and that he had surrendered. Pa Kapr, who was the
9 leader ran away and went to a place that was called Rofarama.

16:10:39 10 Q. Rofarama?

11 A. Farama.

12 Q. Okay. Did you receive that news when you were in Makali?

13 A. Yes, and Farama --

14 Q. Yes --

16:11:06 15 THE INTERPRETER: Your Honours, would the witness be
16 instructed to speak Temne.

17 MR JORDASH: Speak?

18 THE INTERPRETER: Temne.

19 MR JORDASH: Temne, sorry.

16:11:13 20 MR WITNESS: Oh, sorry. Not a problem, sorry.

21 MR JORDASH: It's okay.

22 THE WITNESS: So at Farama where Pa Kapr Fornah went, it
23 was one of the villages of Makali, that is how I came to know --

24 Q. Pause for one moment. Okay, so just go back one sentence
16:12:09 25 and repeat please.

26 A. Okay.

27 Q. Go ahead.

28 A. I said -- I said when they came to Masingbi, Colonel Amidu,
29 who was next to Pa Kapr, he surrendered and Pa Kapr ran away.

1 When he ran away, he came to a place that was called Farama,
2 there he hid, he was afraid.

3 Q. How did you receive his information?

4 A. Row Farama -- Row Farama is one of the villages of Makali
16:12:56 5 and they belong to me.

6 Q. When you heard this news, did you do anything? What did
7 you do?

8 A. Well, during that time we ourselves were -- we were bent on
9 running away but when we received the message that Amidu had

16:13:27 10 surrendered and the fellow said that he was not coming to fight
11 for anymore, so we were seated but we were on the stand-by.

12 Q. At this point in time, did you know who the fellow was
13 who'd said they were not coming to fight?

14 A. I knew who said so and I knew who wrote the letter. And
16:14:03 15 when I was in Makali, I knew the individual who came and told us.
16 I knew the individual who wrote that on the wall with charcoal.

17 Q. You mentioned a letter?

18 A. Yes. They wrote on the wall, I knew who wrote on the wall
19 and I knew the individual who told us not to run away.

16:14:35 20 Q. Did the RUF come into Makali?

21 A. Yes, sir. When they came from Masingbi they came to
22 Makali.

23 Q. And were there armed men who came to Makali? Were the men
24 who came into Makali armed? Did they have weapons?

16:15:17 25 A. When they were coming from Kono they had guns but they did
26 not shoot. But they had them. They did not leave them in Kono.

27 Q. When they came into the town, what did they do?

28 A. Well, our town, the other one was over the bridge, there we
29 saw people coming, many of them and I told them that these people

1 were coming. Let us don't run away but the people were very
2 jittery so they run away. So those of us stayed in at one of the
3 houses that was the last when you are coming to Magburaka Road.

16:16:10

4 Q. And what happened when you stayed and they arrived in the
5 town; what did they do?

16:16:36

6 A. It was not I alone. I stayed with some people so what
7 happened was that we did not go too close to them. They looked
8 at us and we looked at them and they asked us to go. So I moved
9 towards them but I was a little bit afraid. So it was Issa who

16:17:06

10 told me that this time around we've not come to shoot. We've not
11 come to fight. They had signed -- we had signed that we had
12 agreed for -- about the peace and that we did not want -- we do
13 not want you people to run away from us when you see us. If you
14 will see us and you start running away, we ourselves will not be

16:17:30

15 happy to come out from the bush, because we would know that you
16 still -- you people are still not agreed for us to be with you
17 people. You and people like us are brothers. So we wouldn't
18 like you to run away from us. So if you see us don't run
19 anymore. So I said, what would make the people to have

16:18:10

20 confidence when I call them that this was what he said that they
21 should not run anymore? One of them -- one commander was called
22 Bureh. Bureh, he said; I was going to write on this wall, so
23 that if the people came you would show them this writing and tell
24 them that it was I Bureh that wrote on this wall, that they
25 should not run anymore. So he wrote and he went away.

26 Q. And the men you saw who were with Issa Sesay, were there
27 any children with them?

28 A. The children run away. When they heard that during that
29 time these people are coming, they would run away. There was no

1 child. In fact their own parents had taken them on their backs,
2 they went away with them.

3 PRESIDING JUDGE: He didn't understand the question.

4 MR JORDASH: No.

16:18:57 5 Q. Did you see any children with --

6 A. Yes; what was the question.

7 Q. Did you see any children with guns?

8 JUDGE BOUTET: With the RUF.

9 MR JORDASH:

16:19:15 10 Q. With the RUF. With Sesay?

11 A. Not at all, when they came from Kono I did not see any
12 child with a gun.

13 Q. Did some of the RUF fighters who came remain in Makali?

14 A. When they came initially they passed and they went and
16:19:41 15 deployed at Makeni at Magburaka, before they went and deployed at
16 Makali.

17 Q. And did they continue through Makali?

18 A. When they are deployed at Magburaka, they -- the Mende
19 Kamajors, said that they were to come to Makali to do
16:20:21 20 food-finding. And now we told them that; you people told us not
21 to run away but now these Kamajors had come, they went to Makong
22 on food-finding and these people had been coming. We were
23 afraid. And Issa said that he was going there to deploy people
24 there.

16:20:35 25 Q. Where were these Kamajors who kept coming on food-finding
26 deployed? Where were they based?

27 A. They came from Bo during that time. The villages around
28 Bo. Their commander was called Alhaji. He was their commander.

29 Q. And was there with -- did the RUF under Sesay in Makali

1 have concerns about these Kamajors?

2 A. Okay. They were trying to join the RUF --

3 THE INTERPRETER: Your Honours, will the witness be asked
4 to go slow.

16:21:51 5 MR JORDASH:

6 Q. Pause, pause.

7 A. Okay.

8 Q: Sorry to interrupt you. Just take it slowly

9 A: Okay. When the RUF came and attacked Makong, it was
16:22:12 10 them that Issa called us, I the speaker and the other elders in
11 town. He said; what was happening if I should say that my own
12 people should come and confront the others. Some were in Bo,
13 some were at Yele, if they should confront each other they would
14 say that 'we', the RUF, had disrupted the peace. He said that he
16:22:43 15 wanted us to make a chance to go and meet the Chief of Yele so
16 that the problem could be solved. Well, we left Makali at
17 5 o'clock. And we went through the -- a large forest and we
18 walked through the forest but during that time, I, when I wanted
19 to be afraid they gave me four people. So Foday Barrie went and
16:23:31 20 accompanied us, from Makali up to Makong, where they came and
21 attacked. Well, and I said that he was to go back and to take
22 care of the town. So when we went -- when we wanted to arrive at
23 a place that was called Baray-Nin, the people who had been taking
24 the guns, we asked them to keep these guns in the bushes. So we
16:23:58 25 went to Yele and we confronted -- the Yele chief was called
26 Baisudeba, and we explained the matter to him. When the matter
27 was discussed, we went once, we were not able to have any way
28 through. So they asked us to return and to come back the other
29 day, for 15 days. And when 15 days had elapsed, we went to the

1 chief of Yele, Basudeba. Then they came and deliberated on the
2 matter. The Mendes did not have any right but when they came and
3 attacked Makong, they came through a town that was called Behki,
4 it was between Matatoka and Makali. They went and axed -- one
16:24:54 5 husband, a man, and his wife.

6 Q. Let me just stop you there.

7 A. Okay.

8 Q. Who came from Makump and who came and attacked the wife?

9 A. The man was called Pa Samma Yorgboh, he was chief of the
16:25:19 10 poro society. He was wounded on the nose.

11 Q. Which group?

12 A. Samma Yorgboh. It was the Kamajors that attacked Makong.

13 Q. Are you saying Makong or Makump?

14 A. Makong. Makong. It's not Makump. Makong.

16:25:42 15 Q. I'll provide all these names later, some of them are new to
16 me but I'll get the spellings. Was this the work -- you
17 described earlier about the peace committee. Is this anything to
18 do with the peace committee?

19 A. Yes. Yes. Because wherever there was a problem we would
16:26:08 20 go there and stop it. So that the fighters will not be asked to
21 go and fight.

22 Q. So the peace committee would go to speak to the Kamajors?

23 A. Yes.

24 Q. To prevent --

16:26:27 25 A. With their chiefs.

26 Q. Right. To prevent fighting between the Kamajors and who?

27 A. And the RUF.

28 Q. Okay. Now, just so that we're clear, how did the RUF in
29 Makali behave besides this peace committee?

1 A. Well, when they came and they said that the civilians
2 should be a civilian because Issa said that if they should ask an
3 RUF to be a [REDACTED] the people would be afraid. They would
4 not come out of the bush. That was why I was asked to be the
16:27:12 5 [REDACTED]. So this [REDACTED] Issa told him that --

6 MR JORDASH: Mr Witness --

7 JUDGE BOUTET: This is an area that is a bit sensitive
8 given that we've been in closed session. So just advise your
9 witness to be careful as to what he talks about.

16:27:33 10 MR JORDASH: Yes, could I have that remark redacted please?

11 PRESIDING JUDGE: Yes, let it be redacted.

12 MR JORDASH:

13 Q. Just be careful about what saying what your -- don't say
14 what your specific position was?

16:27:47 15 A. Yes, sorry. Sorry. On that I say sorry.

16 Q. Takes a while to get used to it.

17 A. I'm sorry. Sorry, for -- I mean, to get something off your
18 head it's difficult because I cannot read and write.

19 Q. I've done it many times. You've told us that you occupied
16:28:29 20 a particular post which was part of this peace committee and part
21 of that was to get people out of the bush?

22 A. Yes.

23 Q. What I want to ask you is this: Did the people come out of
24 the bush?

16:28:44 25 A. Okay; the civilians?

26 Q. Yes.

27 A. The civilians?

28 Q. Yes.

29 A. Yes, they came from the bush.

1 Q. And the committee and this --

2 A. And the Kamajors.

3 Q. And this peace committee, did it cover just Makali or did
4 it cover other areas?

16:29:17 5 A. We went to even to Masingbi. We were also responsible for
6 maintaining -- because the leader of Masingbi also had a problem
7 with --

8 THE INTERPRETER: Your Honours, the witness is fast.

9 MR JORDASH:

16:29:46 10 Q. Take it slowly. Take it slowly. Repeat what you just
11 said.

12 A. Okay.

13 Q. Repeat what you just said please. The last --

14 A. Yes. I was asked whether it was only related to Makali and
16:30:10 15 I said no. It was not only Makali. We also covered Makali,
16 Masingbi, Matotoka and we stopped at Magburaka, we did not go to
17 Makeni.

18 Q. And you said that Kamajors and civilians came out of the
19 bush; did they come out of the bush --

16:30:41 20 A. Yes.

21 Q. -- in these different places?

22 A. Yes. Everybody went to his or her own village, but when
23 Issa came and said that they wanted to see the Kamajors, because
24 if the Kamajors did not come to join them, there would be a
16:30:59 25 problem. They would feel that when they would have settled in
26 Makeni, in Makali, the Kamajors would come and attack them. So
27 they said that we were to ask the Kamajors to come out. So, in
28 order to make this arrangement, we spent about two weeks, so we
29 summoned a very big meeting. So when the meeting was summoned

1 the Kamajors came and surrendered to the RUF.

2 Q. In which places did the Kamajors surrender to the RUF?

3 A. It was at court barri. During that time everybody in the
4 chieftdom came, except the little children and the women and the
16:31:50 5 old people were the ones that remained, who did not come to this
6 meeting.

7 Q. When the Kamajors surrendered, what did they do with their
8 guns?

9 A. When they surrendered their guns were taken to the
16:32:16 10 agriculture compound; there they packed them. And at the time
11 that Superman attacked Issa, he took all of them away.

12 Q. When the Kamajors surrendered and gave in their guns, how
13 were they treated by the RUF who came with Issa Sesay?

14 A. Well, they worked together. They ate together. They
16:32:55 15 enjoyed together and they played together. I would say that
16 during that time, you see, all of them became one. There was no
17 problem. There was no rift between them anymore in Makali.

18 Q. Did you know someone called Foday Thullah?

19 A. Fullah or Thullah?

16:34:20 20 Q. Thullah, the second one?

21 A. Yes, I know Foday Thullah.

22 Q. Who is he?

23 A. At the time that they -- they said that they were to
24 surrender, he was the very first individual who surrendered; the
16:34:20 25 other one ran away. He was afraid. He remained as a leader.

26 Q. Do you know someone called Amidu Conteh?

27 A. Amidu Conteh, he was at Masingbi. He was the commander of
28 the Kamajors -- I mean of the Kamajors. Amidu Conteh.

29 Q. Did he surrender or not?

1 A. He surrendered.

2 Q. After the RUF had settled in, or deployed in Makali, did
3 you hear of an office, the G5 office?

4 A. Yes. It was at the same time that they had formed the
16:35:07 5 peace keeping meeting. We also had a G5. We had a MP. We also
6 had the adjutant, but the adjutants, the G5, MP, all had the same
7 office. It was later that it was split.

8 Q. Did they work in Makali in the surrounding areas?

9 A. Yes, they worked.

16:35:40 10 Q. Doing what?

11 A. Well, if all the fighters had a problem like the RUF had a
12 problem, it would be taken to the G5. There it would be settled,
13 but if the civilians with an RUF had a problem, it would be taken
14 to the peace committee, but if the Kamajor and the RUF had a
16:36:21 15 problem, it would be taken to the peace committee because it was
16 people like us that said that they should come and surrender. So
17 we should be witnesses amongst them.

18 Q. Now, you spoke about a time when Superman came to -- I
19 think you said attack Issa and I want to ask you -- I want you to
16:37:05 20 think of that time and the period from when the RUF arrived with
21 Issa Sesay until the time when Superman attacked Issa Sesay. Did
22 you hear of -- in that particular -- in those -- in between those
23 two events in these times, did you hear of any destruction or
24 burning or bad behaviour by the RUF under Issa Sesay in the areas
16:37:49 25 you've spoken about?

26 A. When he was being attacked by Superman, is that what you
27 meant?

28 Q. No. Before that -- I'm talking about the time when the RUF
29 came back from Kono, came through the various towns of Masingbi,

1 Matotoka, Magburaka, Makali?

2 A. Okay.

3 Q. The men there that came from Issa Sesay, did you hear of
4 any destruction in any of the towns you mentioned by Issa Sesay's
16:38:35 5 men.

6 A. When they are coming from Kono to come and tell people that
7 they should not run, nobody -- Well, no beating of people. They
8 came to tell the people that we were all one and the same.

9 Please don't run away from us. If you -- if the people run away
16:39:00 10 from them, they will not -- they will feel that people have still
11 not accepted them to settle amongst them.

12 Q. Now, at the time when Superman attacked Issa Sesay, did you
13 see Superman or did you hear of him coming through any of the
14 towns?

16:39:23 15 A. I saw him.

16 Q. Where did you see him?

17 A. At that time I was at the peace committee office.

18 Q. And where was the office?

19 A. It was in town.

16:39:43 20 Q. Makali?

21 A. Yes.

22 Q. What did he do when he came?

23 A. I was standing there when I saw him. He was having
24 something like about a [indiscernible] it was green. He had it
16:40:04 25 in his hand. His other men had guns, which they used to refer to
26 as -- RPG. Some others had AK-47s. They came he was leading it,
27 the group. I was standing at the veranda in the office. He came
28 and said that they were searching for Issa. When Issa -- when he
29 went and he took his mother's cake he did not pay for that. So

1 they were searching for him. So that was what I heard him say
2 when he was coming.

3 Q. Did Superman do anything -- did Superman and his men do
4 anything in Makali?

16:41:00 5 A. Yes.

6 Q. What did he do?

7 A. At that time, by then Issa had boarded a vehicle because he
8 had a sore, you see, on his toe; when he attacked him in Makeni
9 that was the sore that he had. But when he came to Makeni, they
10 treated the wound. They boarded a vehicle to go to Masingbi so
11 as to cure himself. The vehicle came when he wanted to come to
12 the highway because it came from the compound.

16:41:31

13 THE INTERPRETER: Your Honours, the witness has mentioned a
14 name that's not understood by the interpreter.

16:41:55 15 MR JORDASH:

16 Q. Mr Witness, could I just -- sorry to interrupt you. Can I
17 just focus you back on the question. What did Superman and his
18 men do when they came to Makali?

19 A. They came and attacked Issa. He was in a vehicle. They
20 shot the RPG. Issa alighted from the vehicle and went into an
21 old house. And he went into the plot and they came and picked up
22 all the things belonging to the civilians in Makeni and they put
23 them into the vehicle and went away.

16:42:16

24 MR JORDASH: I don't know if this is a convenient time Your
25 Honour. If it helps. I think I've got probably ten or
26 15 minutes left and that's it.

16:42:39

27 PRESIDING JUDGE: That's fine. We'll go on our usual
28 recess and we'll resume in the next couple of minutes. The
29 Chamber will rise please.

1 [Break taken at 4.43 p.m.]

2 [Upon resuming at 5.08 p.m.]

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

4 MR JORDASH: Thank you, Your Honour.

17:19:02 5 Q. Mr Witness, a few more questions, did Issa Sesay say where
6 he was going after he came through Makali when Superman had
7 attacked him? Mr Witness?

8 A. He did not tell me where he was going, but I heard that he
9 was going to Kailahun part.

17:19:51 10 Q. Before Issa Sesay was attacked in -- by Superman, were
11 civilians travelling from Makali in any direction were they would
12 travel?

13 A. Yes, during that time there were no vehicles but people
14 used to walk from Makeni, Magburaka and the surrounding villages
17:20:42 15 to go towards Kono

16 Q. And why did you observe were civilians travelling to Kono?

17 A. During that time when they came, they would come and lodge
18 in my house. They would spend the night there. Some would say
19 that: Old man I'm already late. Please let me spend the night
17:21:15 20 here, so that tomorrow I'd go and they would work.

21 Q. Do you know why the ones who went to Kono, would go to
22 Kono, do you know why?

23 A. No. The civilian, if he came and if he -- if he came and
24 asked you to lodge him, he would ask -- he would explain what he
17:21:50 25 wanted to do. Some would go to Kono to mine.

26 Q. And did -- did civilians tell you that they were going to
27 mine in Kono?

28 A. That was what they used to say. Some would go there to do
29 farming.

1 Q. Did you ever go to Kono, Mr Witness, around this time?

2 A. I went to Kono during the time of the war, I went there
3 once.

4 Q. Do you know whether this was before Issa Sesay was attacked
17:22:51 5 by Superman or after?

6 A. Well, well, as regards to that I'm a little bit confused
7 but I feel that when he had been attacked and I do not know
8 whether it was before the attack or when he had been attacked.
9 I'm a little bit confused. I cannot tell you precisely.

17:23:31 10 Q. Was it in the same year?

11 A. Yes, it is.

12 Q. And when you went there, what did you go there for?

13 A. Where it is sent to one of our colleagues he was called
14 Alimamy Kamara alias Boka. He said he wanted to see him. But
17:24:00 15 the one who came with the message, he was called, Protocol. So
16 when he sent for Boka, Boka was afraid. He thought that he
17 should not go alone. He thought that he had a problem. So I
18 said: Well, since it was Issa that had sent for you, I will
19 accompany you. So we went.

17:24:29 20 Q. Where did you go?

21 A. To Kono.

22 Q. Which part of Kono?

23 A. We met him at his house at Lebanon.

24 Q. Were there any civilians in the Lebanon area?

17:24:53 25 A. Yes, there were so many civilians.

26 Q. What were the civilians doing to provide for themselves?

27 A. Well, I did not go there for long. I went there -- I
28 arrived in the evening and I left in the morning, so I do not
29 know how they were managing to get what to eat.

1 Q. Did you see if there was any mining going on?

2 A. I saw the ditches but I did not see them mine.

3 Q. How did you travel to Koidu when you went, did you walk or
4 did you go in a vehicle?

17:25:57 5 A. At the time when we had made the committee, Issa gave us a
6 tracker. It was this tracker that we used to travel to go to
7 Kono. Then when the time that we went there it was the tracker
8 that we used.

9 Q. Did you speak that year to Issa Sesay about farming?

17:26:34 10 A. Yes.

11 Q. What did you discuss?

12 A. Well, if you knew Makali, we had plots. The Chinese came
13 and made plots for us but the gutter through which the water
14 flowed had spoiled. So we went and spoke to Issa so that he
17:27:05 15 could help us. So that we could not just sit like that. So that
16 our own families would not sit by because there was no food. So
17 that we could lay farms on these plots, so that he could help
18 us -- to help us to reconstruct this gutter, this drainage.

19 Q. Did Mr Sesay provide any assistance?

17:27:38 20 A. Well, they gave us 60 bags of cement and they gave us a
21 power saw, the smaller one.

22 Q. What was the cement used for?

23 A. So as to reconstruct the drainage through which the water
24 flowed because it was -- a dam was constructed in this place. So
17:28:13 25 it was out of this dam that they made some drainages which had
26 been irrigating the water. It was this dam that was destroyed.
27 So that is why we asked Issa to help us to repair this dam so
28 that the water could get into these plots.

29 Q. And the plots were used for what?

1 A. To grow rice.

2 Q. Finally, last question, how many plots were there?

3 A. The whole of a farm. There were more than 500 plots, but
4 where we were able to work, we only worked part of it.

17:29:12 5 Q. For who's benefit?

6 A. The work that we did, the farms the plots that we laid
7 during Issa's time or before Issa's time.

8 Q. During Issa's time?

9 A. Well, we benefitted and they also benefitted.

17:29:36 10 MR JORDASH: Thank you I've got nothing further. Thank
11 you. Thank you, Mr Witness.

12 THE WITNESS: You're welcome.

13 PRESIDING JUDGE: When you say they also benefitted, who
14 were those.

17:30:02 15 THE WITNESS: The RUF benefitted and also we benefitted.

16 PRESIDING JUDGE: Yes, Ms Mylvaganam, there any -- I didn't
17 see Mr Ogeto. Mr Ogeto, yes.

18 MR OGETO: I'm back My Lords yes. No we have no questions.

19 PRESIDING JUDGE: Fine. Mr Cammegh.

17:31:06 20 MR CAMMEGH: Nor have I, thank you.

21 PRESIDING JUDGE: Mr Wagona it's your witness is it.

22 MR WAGONA: My Lords.

23 PRESIDING JUDGE: I don't think we can move to anywhere in
24 five minutes.

17:31:41 25 MR WAGONA: It's understood My Lords.

26 PRESIDING JUDGE: Unless you have some preliminaries or so.

27 JUDGE BOUTET: Or no questions.

28 MR WAGONA: My Lords I do have some questions. I'll need
29 about 30 minutes.

1 PRESIDING JUDGE: Yes, we'll do that, on Monday.

2 MR WAGONA: Okay My Lord.

3 PRESIDING JUDGE: Well, learned counsel we'll end the
4 session here. Mr Witness, we have not finished with you as yet.

17:32:43 5 You know, you have to --

6 THE WITNESS: Okay.

7 PRESIDING JUDGE: You have to come back here Monday at 9.30
8 for us to --

9 THE WITNESS: Okay.

17:33:03 10 PRESIDING JUDGE: So learned counsel, I think we should end
11 the proceedings here. A happy weekend to all of you. Thank you.
12 And the Chamber will rise please.

13 [Whereupon the hearing adjourned at 5.33 p.m.,
14 to be reconvened on Monday, the 18th day of
15 February 2008 at 9.30 a.m.]

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EXHIBITS:

| | |
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| Exhibit No. 284 | 4 |
| Exhibit No. 285 | 29 |
| Exhibit No. 286 | 37 |

WITNESSES FOR THE DEFENCE:

| | |
|-------------------------------|----|
| WITNESS: DIS-010 | 2 |
| EXAMINED BY MR JORDASH | 4 |
| CROSS-EXAMINED BY MR HARDAWAY | 21 |

| | |
|---------------------------|----|
| WITNESS: DIS-015 | 29 |
| EXAMINED BY MR JORDASH | 33 |
| CROSS-EXAMINED BY MR FYNN | 38 |

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| WITNESS: DIS-046 | 59 |
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