



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

TUESDAY, 26 FEBRUARY 2008
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Benjamin Mutanga Itoe, Presiding Bankole Thompson Pierre Boutet
For Chambers:	Mr Felix Nkongho Ms Erin Shaw Ms Sandra Brown
For the Registry:	Ms Advera Kamuzora
For the Prosecution:	Mr Charles Hardaway Mr Vincent Wagona
For the accused Issa Sesay:	Mr Wayne Jordash Mr Mikael Eckman
For the accused Morris Kallon:	Mr Kennedy Ogeto Ms Tanoo Mylvaganam
For the accused Augustine Gbao:	Ms Claire Carlton-Hanciles

1 [RUF1FEB08A-DG]

2 Tuesday, 26 February 2008

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.45 a.m.]

6 [The witness entered Court]

7 WITNESS: DIS-103 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Learned counsel, good morning. Mr

09:53:34 10 Witness, good morning.

11 THE WITNESS: Good morning, sir, My Lord.

12 PRESIDING JUDGE: How are you? You are looking cold. You
13 are looking battered by cold.

14 THE WITNESS: Yes, sir. Yes, sir.

09:53:47 15 PRESIDING JUDGE: Mr Hardaway you've heard his complaint.

16 MR HARDAWAY: Yes I have, Your Honour.

17 PRESIDING JUDGE: So you better rescue him. You better go
18 to his rescue.

09:54:02 19 MR HARDAWAY: I don't know if I can Your Honour, since he's
20 now been officially sworn in.

21 PRESIDING JUDGE: You know what I mean.

22 MR HARDAWAY: I understand, Your Honour.

23 PRESIDING JUDGE: Yes, right. Mr Hardaway, you may proceed
24 to conclude your cross-examination of this witness please.

09:54:17 25 MR HARDAWAY: Thank you, Your Honour.

26 PRESIDING JUDGE: You have how many more minutes to
27 conclude?

28 MR HARDAWAY: I would say an hour or less, Your Honour.
29 But, as I've informed Defence counsel, I always tend to

1 overestimate.

2 PRESIDING JUDGE: Right. Oh, you have already informed him
3 for how long you'll be on your feet?

4 MR HARDAWAY: Roughly yes, Your Honour.

09:54:41 5 PRESIDING JUDGE: I hope it helps him too, you know, to
6 organise his next witnesses.

7 MR HARDAWAY: Understood Your Honour.

8 PRESIDING JUDGE: Right. Yes, please proceed.

9 MR HARDAWAY: Thank you.

09:54:49 10 CROSS-EXAMINED BY MR HARDAWAY:

11 MR HARDAWAY:

12 Q. Mr Witness, good morning, sir.

13 A. Good morning, sir.

14 Q. When we broke off yesterday, Mr Witness, we were talking
09:55:04 15 about the time you were meeting Issa Sesay in Makeni; do you
16 remember?

17 A. Yes, sir.

18 Q. Now, it was at that meeting that Issa Sesay made you a
19 lieutenant-colonel in the RUF; is that correct?

09:55:28 20 A. That is correct, sir.

21 PRESIDING JUDGE: I just wanted to let you know this is the
22 third time the witness is testifying to this fact.

23 MR HARDAWAY: Understood, Your Honour.

24 PRESIDING JUDGE: Yes.

09:55:38 25 MR HARDAWAY:

26 Q. And at that meeting he also let you keep control of the men
27 in the CDF -- over your men in the CDF; is that also correct?

28 A. That is correct, sir.

29 Q. And it would also be correct to say that as a result of

1 your appointment by Issa Sesay, that you pledged your loyalty to
2 Issa Sesay and the RUF; is that correct?

3 A. It's not because of the appointment that I have loyalty to
4 him. See, what he told me about the safety of my people --

09:56:25 5 PRESIDING JUDGE: Now listen, listen. Did he have any
6 loyalty? Move the appointment. Separate the two questions.

7 MR HARDAWAY: Yes, Your Honour.

8 PRESIDING JUDGE: Because I don't want us to divert you
9 see, let's be focused.

09:56:42 10 MR HARDAWAY: Understood Your Honour.

11 PRESIDING JUDGE: Mr Witness, I want us to be focused.
12 When we would need an explanation from you, or you want to offer
13 one, we will allow you to do this. But please answer the
14 question directly as it is put to you; do understand me?

09:57:00 15 THE WITNESS: Okay, sir, My Lord.

16 MR HARDAWAY:

17 Q. After that meeting with Issa Sesay, you became loyal to
18 Issa Sesay and the RUF; is that correct?

19 A. Yes, sir. That's correct.

09:57:25 20 Q. Now, after your meeting with Issa Sesay you went back to
21 Masingbi; is that also correct?

22 A. That is correct, sir.

23 Q. And it was at Masingbi that you heard that Major Poison was
24 molesting civilians and members of the CDF as well; also correct?

09:57:53 25 A. When I arrived at Masingbi I met that complaint. That is
26 correct, sir.

27 Q. And by the time you returned to Masingbi, you outranked
28 Major Poison, didn't you?

29 A. Yes, sir.

1 Q. But you did not say anything to Major Poison; isn't that
2 also correct?

3 A. I did not tell him about that, but the man that went with
4 me who was Kallon, he informed me about that.

09:58:41 5 Q. When you heard about Major Poison's treatment of civilians
6 and the CDF, you did not talk to him about that; is that correct?

7 A. Well, it was I and Mr Morris Kallon that went. And when
8 I --

9 THE INTERPRETER: Your Honours, would the witness be
09:59:06 10 instructed to go slow?

11 MR HARDAWAY: Mr Witness, please go a little slower because
12 as has been mentioned to you before, it must be interpreted to
13 everyone in the room, okay?

14 THE WITNESS: Okay, sir.

09:59:20 15 MR HARDAWAY:

16 Q. Now, can you please repeat your answer.

17 A. Yes, sir.

18 PRESIDING JUDGE: Maybe he's forgotten the question. Can
19 you read the question back to him.

09:59:38 20 MR HARDAWAY: Yes, Your Honour.

21 Q. When you returned to Masingbi and you heard that Major
22 Poison was acting against the CDF and the civilians, you did not
23 talk to him about that. Is --

24 PRESIDING JUDGE: He said he did not, yes. He said he did
10:00:05 25 not.

26 MR HARDAWAY: Very well, Your Honour.

27 Q. And you stated later that it was Issa Sesay that had Major
28 Poison flogged for his actions, correct?

29 PRESIDING JUDGE: But the witness wanted to explain

1 something. He said he did not mention this to him because he
2 went with Kallon.

3 MR HARDAWAY: Right.

4 Q. Could you expand upon that answer please Mr Witness?

10:00:32 5 PRESIDING JUDGE: Yes.

6 THE WITNESS: I want to explain that part, sir.

7 PRESIDING JUDGE: Yes, please do.

8 THE WITNESS: When we arrived at Masingbi, it was I and
9 Kallon that arrived at Masingbi. When I received the complaint,

10:00:47 10 I pass this through Kallon. So at that time I did not talk to
11 Major Poison, to answer your question.

12 MR HARDAWAY:

13 Q. Okay. So Morris Kallon was your superior; is that correct?

14 A. Yes.

10:01:10 15 Q. Now you had also stated that it was Issa Sesay that had
16 Major Poison flogged because of his actions; is that also
17 correct?

18 A. After one day when they sent to Issa Sesay, Issa Sesay went
19 to Masingbi. Yes, it was Issa Sesay who made the Poison to be
10:01:36 20 flogged.

21 Q. I put it to you, Mr Witness, that Major Poison was never
22 punished for the actions he committed against the civilians and
23 the CDF; how do you respond, sir?

24 PRESIDING JUDGE: He says he was punished. Do you want him
10:01:53 25 to say no?

26 MR HARDAWAY: Well, just putting the case Your Honour.

27 PRESIDING JUDGE: Right.

28 THE WITNESS: Yes, sir. To my own knowledge, what I saw in
29 Masingbi, Issa Sesay he nearly wanted to shoot at the man. The

1 man ran away. He made him to be tied. He was beaten before my
2 eyes. I saw that in Masingbi Town.

3 MR HARDAWAY:

4 Q. Now, Mr Witness, during the time that you were with the
10:02:36 5 RUF, from the time you were captured until the end of the war,
6 did you ever hear of the term Operation No Living Thing?

7 A. Since I was captured I was with them in Masingbi up to the
8 time of the peace. I never heard that word. I never heard that
9 word amongst them.

10:03:07 10 Q. Before you were captured by the RUF, have you ever heard
11 the term Operation No Living Thing?

12 A. To understand the question, was it with regards to the RUF
13 or the junta?

14 Q. At any point before your capture, did you hear of Operation
10:03:48 15 No Living Thing?

16 A. Well, yes before I was captured, yes I heard that word.

17 Q. And you would be correct to say that you heard this word
18 Operation No Living Thing, in late 1998; isn't that correct?

19 A. No, in 1998 I did not hear that word.

10:04:14 20 Q. When did you hear about Operation No Living Thing?

21 A. From 1996, that was the time I started hearing that word,
22 1996.

23 Q. And you heard it in relation to the RUF; isn't that
24 correct?

10:04:44 25 A. No.

26 Q. What did you hear it in relation to, Mr Witness?

27 A. Well, at that time we heard it during the junta time. That
28 was the time that we heard that word.

29 Q. Mr Witness, it's your evidence that you've seen Issa Sesay

1 on several occasions during the course of the war, correct?

2 A. At the time that I was almost captured or before I was
3 captured?

4 Q. I'll clarify that, Mr Witness. After you were captured,
10:05:33 5 you've had the occasion to see Issa Sesay on several occasions;
6 is that correct?

7 A. I could see him all the time sir, that's correct.

8 Q. And that on those occasions he had bodyguards, correct?

9 A. Yes, sir, that's correct.

10:06:03 10 Q. I put it to you, Mr Witness, that among Issa Sesay's
11 bodyguards were children under the age of 15; how do you respond.

12 A. Issa Sesay's bodyguards whom I saw, I did not see any child
13 that was 15 years. I never saw that.

14 Q. Now you also stated that you saw Morris Kallon on several
10:06:30 15 occasions from 1998 to 2000, correct?

16 A. That is correct, sir.

17 Q. And during these times Morris Kallon also had bodyguards;
18 isn't that also correct?

19 A. That's correct, sir.

10:06:51 20 Q. Mr Witness, I put to you that amongst Morris Kallon's
21 bodyguards were children under the age of 15; how do you respond?

22 A. Well, to me, when I used to see Morris Kallon a lot of
23 times, when he would get to me, when I would come to him, I never
24 saw children who were not up to 15 years. I never saw that.

10:07:27 25 Q. Now, Mr Witness, you had also testified that the Mende Land
26 Kamajors had attacked Masingbi; do you remember that part of on
27 your evidence?

28 A. That is correct, sir.

29 Q. And when was this attack?

1 A. The attack took place in 1999.

2 Q. Do you know the month, sir?

3 A. Around January. I cannot recall the date.

4 PRESIDING JUDGE: They attacked what town, Mr Hardaway?

10:08:06 5 What town?

6 MR HARDAWAY: Excuse me Your Honour I didn't hear you.

7 PRESIDING JUDGE: What town did they -- you say they

8 attack, the Mende something --

9 MR HARDAWAY: Masingbi.

10:08:14 10 PRESIDING JUDGE: Masingbi, okay.

11 MR HARDAWAY:

12 Q. And aside from the RUF -- the Mende --

13 PRESIDING JUDGE: And it was what year 1990 --

14 MR HARDAWAY: January 1999, Your Honour.

10:08:33 15 PRESIDING JUDGE: Thank you.

16 MR HARDAWAY:

17 Q. Now aside from the RUF, the Mende Land Kamajors attacked
18 you and your men as well; isn't that correct?

19 A. Well, that's correct. Because during that time we were all
10:08:37 20 at Masingbi. So when they attacked, that was correct.

21 Q. And would you agree that one of the reasons why the Mende
22 Land Kamajors attacked you and your men was that you and your men
23 betrayed the CDF and became members of the RUF?

24 A. No. That's not the reason why we were attacked. That was
10:09:09 25 not the reason why we were attacked.

26 Q. I want to move on now, Mr Witness, to your time in the RUF
27 as a lieutenant-colonel, okay?

28 A. Okay.

29 Q. Now, you would agree with me that after you were made a

1 Lieutenant-colonel in the RUF, you had a lot of responsibilities;
2 isn't that correct?

3 A. Yes, I had a lot of responsibilities.

4 Q. And among those responsibilities would be to go to talk to
10:09:45 5 the civilians in the various towns to convince them to return to
6 their towns and villages; is that correct?

7 A. That is correct, sir.

8 Q. Now, in your evidence, Mr Witness, when you talked about
9 the bulgur; do you remember that?

10:10:06 10 A. I talked about that, sir.

11 Q. Did you -- did you have any role in the distribution of the
12 bulgur after the refugee camp disbanded in 1998?

13 A. I don't understand the question.

14 Q. Did you have any job or any function as it related to
10:10:38 15 distributing the bulgur from the refugee camps in 1998?

16 A. I did not have any responsibility to distribute the bulgur.
17 The only responsibility that I had, the civilians who came to
18 collect the bulgur, I had a role that I played so that they could
19 take the bulgur and go back to the villages so that they could
10:11:11 20 get something to eat. That was my own responsibility. But I did
21 not have any right or I did not have the power to distribute it.
22 I don't have that power at all.

23 Q. Now, Mr Witness, you would agree with me that you were a
24 very important man in the RUF in Masingbi and the surrounding
10:11:33 25 areas; isn't that correct?

26 A. That's correct.

27 MR HARDAWAY: If I may have a moment, Your Honour.

28 PRESIDING JUDGE: Yes, you may please.

29 MR HARDAWAY: Thank you, Your Honour.

1 Q. Mr Witness, you had mentioned that there was farming in the
2 Masingbi area in 1999; do you remember that, sir?

3 A. That's correct, sir.

10:12:24

4 Q. And that you had mentioned that along with the town chief
5 that Tariq was also involved in the supervision of the farming as
6 well; is that also correct?

7 A. That's correct, sir.

8 Q. And Tariq was a member of the CDF with you; is that also
9 correct; when you were both CDF?

10:12:49

10 A. That's correct, sir.

11 Q. And when you were both CDF would it be correct to say that
12 you -- that Tariq was under you?

13 A. That's correct, sir.

10:13:10

14 Q. And that when you became a member of the RUF, Tariq still
15 served under you as well; is that correct?

16 A. That's correct, sir.

17 Q. Now, in relation to your evidence about farming, sir, you
18 said that the civilians laid a farm before the peace accord; is
19 that correct?

10:13:39

20 A. That's correct, sir.

21 Q. And you further testified if I'm accurate, that the rice
22 went to the town -- that the harvest went to the town chief and
23 Tariq who distributed it to the civilians according to
24 instructions from their superiors; is that also correct?

10:13:56

25 A. That's correct, sir.

26 Q. Mr Witness, I put it to you that the harvest from the farms
27 in Masingbi went to the fighters and not the civilians; how do
28 you respond, sir?

29 A. To what I understand, the rice which was cultivated in

1 Masingbi , not a single grain went to the fighters. Not a single
2 grain went to Issa. Not a single grain went to Issa. All the
3 rice was given to the civilians, see, as far as I know.

10:14:56 4 Q. Now, Mr Witness, you had also mentioned about travel in
5 Masingbi and the surrounding areas; do you remember that?

6 A. That's correct, sir.

7 Q. And you mentioned that civilians could travel , yes?

8 A. That's correct, sir.

10:15:16 9 Q. Now, would it be correct to say that the civilians needed a
10 pass to travel ?

11 A. Repeat that, sir.

12 Q. For example, if a civilian, if somebody wanted to go from
13 Masingbi to Kono, did they require a pass?

14 A. I want to explain a little about that, sir.

10:15:48 15 PRESIDING JUDGE: Answer the question first. Did they
16 require a pass?

17 THE WITNESS: They did not require a pass, as long as they
18 were within the RUF zone.

19 MR HARDAWAY:

10:16:04 20 Q. Now, if a civilian wanted to go somewhere outside of the
21 RUF zone, would --

22 PRESIDING JUDGE: Mr Hardaway, please, if I may.

23 MR HARDAWAY: Yes, Your Honour.

10:16:28 24 PRESIDING JUDGE: Mr Witness, you say that the civilians
25 did not require a pass, if they were moving in the RUF zone.

26 What explanation did you want to make to that? Is there any?

27 THE WITNESS: Yes, My Lord.

28 PRESIDING JUDGE: We are ready for the explanation. Yes,
29 can we have it?

1 THE WITNESS: As regard to the pass that he asked about,
2 when a civilian wanted to go anywhere he was not required to take
3 a pass, he should go free. If a soldier wanted to go in or he
4 had any of his people that were within --

10:17:20 5 THE INTERPRETER: Your Honours, would the witness be asked
6 to repeat and slowly.

7 MR HARDAWAY: Mr Witness, Mr Witness, I know you want to
8 get your information out, but could you please slow down so that
9 the interpreters could interpret and could you please repeat your
10:17:39 10 answer, sir.

11 THE WITNESS: When a civilian wanted to go anywhere, he
12 would not take a pass, he was free to go anywhere. If a
13 combatant wanted to go or he wanted to go and greet any of his
14 family in the village, he was the one that would take a pass and
10:18:13 15 would leave the gun in Masingbi Town and he would go into the
16 village with the pass with the time that was on the pass and
17 after the time had elapsed, he would come back to Masingbi Town.
18 So if you asked me about a pass for the civilians, they were free
19 to go anywhere.

10:18:29 20 PRESIDING JUDGE: Thank you.

21 THE WITNESS: Yes, sir. You're welcome. Yes, My Lord.

22 MR HARDAWAY:

23 Q. Now, Mr Witness, building upon what you've just said, could
24 civilians travel to areas outside of the RUF zone?

10:19:05 25 A. The question is not so clear to me, repeat that.

26 Q. Let me backtrack a little bit. You said civilians travel
27 from Masingbi to Kono; is that correct?

28 A. That's correct, sir.

29 Q. And according to what you just said civilians did not need

1 a pass to go from Masingbi to Kono; is that also correct?

2 A. That is correct, sir.

3 Q. It would be correct to say that Kono was under RUF control;
4 is that correct?

10:19:38 5 A. That's correct, sir.

6 Q. Okay. Could a civilian travel to an area that was not
7 under RUF control?

8 A. They could travel from RUF zone, to go anywhere where RUF
9 had not been controlling.

10:20:06 10 Q. And so if a civilian in Masingbi wanted to go to Freetown,
11 they would be allowed to do so?

12 A. Yes, sir.

13 Q. And could they do so with a pass or -- let me rephrase.
14 Did they need is a pass to do that?

10:20:37 15 A. I want to explain a little about that.

16 Q. Please, sir.

17 PRESIDING JUDGE: Yes.

18 MR WITNESS: To answer your question, when a civilian
19 wanted to leave an RUF zone to come to Freetown, he did not need
10:20:53 20 a pass because that pass would lead to his death because he would
21 say these are the people that had been supporting the RUF so
22 there was no need for him to be given a pass. They would not
23 give him a pass.

24 MR HARDAWAY:

10:21:06 25 Q. And just so that we're clear Mr Witness, all of this is
26 before the signing of the peace accord; is that correct?

27 A. About?

28 Q. About travelling, about the civilians being able to travel
29 to Freetown and being able to travel to Kono without a pass, this

1 was all before the peace accord; is that correct?

2 A. That is correct because they were the ones that had been
3 coming to --

10:21:44

4 THE INTERPRETER: Your Honours would the witness again be
5 asked to repeat and slowly.

6 MR HARDAWAY:

7 Q. Mr Witness, could you please repeat your answer but again
8 please, sir, please take it slow so that everyone can hear what
9 you're saying?

10:22:02

10 A. Okay, sir.

11 Q. Please repeat your answer, sir.

12 A. I said there was no need to give him a pass because if he
13 was coming to Freetown, and what would he not have there, and
14 when he was coming to Freetown he would go with it, so they were
15 free to go anywhere.

10:22:26

16 Q. So Mr Witness, when I put it to you that civilians were not
17 free to travel outside of RUF areas, you would disagree with me;
18 is that correct?

10:22:50

19 A. To my own understanding, for the travel of civilians, they
20 were free to go anywhere. See, if you left RUF zone you could
21 come to Freetown, you'd come from Freetown and you'd go back, you
22 are free.

23 MR HARDAWAY: May I have a moment please, Your Honour?

24 PRESIDING JUDGE: Yes, please. Yes.

10:24:09

25 MR HARDAWAY: Thank you, Your Honours.

26 PRESIDING JUDGE: Yeah.

27 MR HARDAWAY:

28 Q. Mr Witness, did you ever hear of Morris Kallon going to
29 Kono to engage in mining?

1 A. No.

2 Q. Did you ever hear of Morris Kallon ordering the deaths of
3 civilians in Kono?

10:24:56

4 A. No, sir. I never heard that and I never saw that with my
5 eyes.

6 Q. And did you ever hear of Morris Kallon himself killing
7 civilians in Kono?

8 A. No, sir. I never saw that and I never heard that.

10:25:20

9 Q. It would be correct to say, Mr Witness, that during the
10 time you spent with Morris Kallon from 1999 to 2000, that you
11 became friends with him; isn't that correct?

12 A. That is correct, sir.

13 Q. And it would be correct to say that you are still friends
14 with Morris Kallon today; isn't that also correct?

10:25:41

15 A. That's correct, sir.

16 Q. Now you had mentioned that Morris Kallon helped save the
17 life of your father's brother; is that also correct?

18 A. That's correct, sir, at Masingbi Town.

10:26:13

19 Q. And it would be correct to say that you are grateful for
20 Morris Kallon saving the life of your father's brother?

21 A. Repeat that, sir.

22 Q. It would be correct to say, Mr Witness, that you were
23 grateful for Morris Kallon saving the life of your father's
24 brother; is that correct?

10:26:40

25 A. To explain a little about that, sir --

26 PRESIDING JUDGE: Were you grateful, or you were not
27 grateful? Before you explain just answer the question.

28 THE WITNESS: I am grateful.

29 PRESIDING JUDGE: It's natural isn't it, would you be

1 ungrateful to him for saving the life of your uncle? Now you can
2 explain.

3 THE WITNESS: Well, I have answered the question. There is
4 no need for me to explain, My Lord.

10:27:20

5 MR HARDAWAY:

6 Q. And, Mr Witness --

7 A. Yes, sir?

8 Q. Forgive me. May I have one more moment Your Honour,
9 please? This should be the last one.

10:27:37

10 PRESIDING JUDGE: Pardon me?

11 MR HARDAWAY: May I have one more moment, please?

12 PRESIDING JUDGE: You can have as many moments as you wish.

13 MR HARDAWAY: I understand, Your Honour, but I am cognizant
14 of the time, based upon the Bench's suggestion this morning.

10:27:47

15 PRESIDING JUDGE: Yes.

16 MR HARDAWAY: Thank you, Your Honours.

17 Q. Now, Mr Witness, you had testified earlier that you were
18 loyal to Issa Sesay; do you remember that?

19 A. That is correct sir.

10:28:40

20 Q. And it would be correct to say that you're still loyal to
21 Issa Sesay today; isn't that so?

22 A. Well, that's correct sir.

23 Q. And it is because of that loyalty to Issa Sesay, and
24 because of your friendship with Morris Kallon, that you're here
10:29:01 25 testifying today; isn't that correct?

26 A. No. As far as what I know and what I saw, if they called
27 upon me to come and testify, that's why I've come to testify.

28 It's not because of the loyalty or the friendship between me and
29 them. See what I knew, that is what I came to explain.

1 Q. I put to you Mr Witness, that your sole reason for
2 testifying today is because of your loyalty and your friendship
3 with Morris Kallon, and your loyalty to Issa Sesay; your response
4 please?

10:29:44 5 A. No.

6 MR HARDAWAY: Thank you, Mr Witness. I have no further
7 questions of you. Your Honours, this concludes my
8 cross-examination.

9 PRESIDING JUDGE: Yes, Mr Jordash?

10:30:26 10 MR JORDASH: Yes, I do have some questions. And I've had
11 photocopied some pages of the draft from yesterday so that Your
12 Honours can see where I'm heading, so the witness can understand
13 what I'm asking him about.

14 THE WITNESS: Excuse me, sir.

10:30:50 15 MR JORDASH: May I hand up the pages, and hand the pages to
16 my learned friends across the room please?

17 JUDGE BOUTET: What are the pages, Mr Jordash? Which pages
18 are we talking about?

19 MR JORDASH: It's pages 21, 22, 27, 28, 88 and 89. 21, 22,
10:31:23 20 27, 28, 88, 89.

21 RE-EXAMINED BY MR JORDASH:

22 MR JORDASH:

23 Q. Mr Witness, good morning?

24 A. Good morning, sir.

10:32:01 25 Q. I'd like to ask you, if I may, about something you said
26 yesterday about two places, Mabeko and Masekoray?

27 PRESIDING JUDGE: Yes?

28 MR HARDAWAY: Your Honour, Prosecution would object because
29 no mention in cross-examination concerning those two locations.

1 Prosecution would submit that it's a new area not ripe for
2 redirect examination.

3 PRESIDING JUDGE: Yes, Mr Jordash, what's your response?

10:32:53

4 MR JORDASH: Could I -- could I invite Your Honours to turn
5 to page 88.

6 JUDGE BOUTET: 88?

7 MR JORDASH: 88, Your Honour. This is my learned friend's
8 cross-examination of the witness. It may be -- it may be that
9 the witness --

10:33:11

10 PRESIDING JUDGE: May the witness please be asked to leave
11 the room, please?

12 MR JORDASH: Yes.

13 PRESIDING JUDGE: May he be assisted out of the room,
14 please.

10:34:08

15 [The witness stood down]

16 MR JORDASH: If I may explain what I'd like to re-examine
17 on so we can deal with the objection which has been made. As
18 Your Honours can see from page 88, my learned friend
19 cross-examined the witness and the witness suggested that Mabeko,
20 Masekoray had been burnt by the junta. First point I'd make is
21 this: That that was a new matter which was brought up in
22 cross-examination. And on previous decisions of this Trial
23 Chamber, new matters brought up in cross-examination not dealt
24 with in chief, properly the subject -- or can properly be the
25 subject of re-examination. Secondly, there is also a lack of
26 clarity on the record.

10:35:08

27 PRESIDING JUDGE: Mr Jordash, if you may just stop there.
28 Yes, this is a brief response you know to Mr Jordash to --

29 MR JORDASH: But --

1 MR HARDAWAY: I see the point that he's referring to, Your
2 Honour. I'm looking at the notes, I believe it says, it was line
3 20 where he said "the junta." So based on that I would withdraw
4 my objection as it relates to the mentioning of the towns.

10:35:43 5 PRESIDING JUDGE: Of the two towns Mabeko and Masekoray.

6 MR HARDAWAY: Yes, Your Honour.

7 PRESIDING JUDGE: That's right.

8 MR HARDAWAY: But I believe my learned friend has something
9 to say about an issue of clarification.

10:35:57 10 PRESIDING JUDGE: No no no, he didn't go there yet.

11 MR HARDAWAY: Right.

12 PRESIDING JUDGE: See, I wanted to limit the issues, you
13 know, and for us to [indiscernible] them, you know, the way they
14 come in. Now this is laid to rest. He will cross-examine on

10:36:10 15 that.

16 MR JORDASH: Well Your Honour --

17 PRESIDING JUDGE: Do you need to bring in the issue of the
18 clarity of the records or --

19 MR JORDASH: It depends. My learned friend chose his
10:36:15 20 words, I think, quite carefully and said he doesn't object to --

21 PRESIDING JUDGE: What did you want to say because we don't
22 want this witness to be going in and out, you know.

23 MR JORDASH: Well --

24 PRESIDING JUDGE: Or let me put it this way: Your
10:36:29 25 questions on re-examination would be based on what subjects.

26 MR JORDASH: The burning of these two towns.

27 PRESIDING JUDGE: The burning of these two towns?

28 MR JORDASH: Yes. And the timings.

29 PRESIDING JUDGE: And the timings.

1 JUDGE BOUTET: So pages 21, 22 and so on, they deal with
2 the same issue and 27 or is your examination focusing on this
3 essentially?

4 MR JORDASH: But 21 and 22 --

10:36:51 5 JUDGE BOUTET: And 28?

6 MR JORDASH: And 27 and 28.

7 JUDGE BOUTET: Yes.

8 MR JORDASH: The confusion is this: That in the early
9 pages during my direct examination, the witness said that the
10 junta -- let me just get this straight. Sorry for the delay.
10:37:02 10 Sorry. It's not 21 or 20 -- it's 27. It's 27 and 28. That has
11 been my confusion.
12

13 JUDGE BOUTET: So 21 and 22 are not there any more?

14 MR JORDASH: No, not there. There's mention about Mabeko
10:37:51 15 which I --

16 JUDGE BOUTET: But it's 27, 28.

17 MR JORDASH: 27, 28. In 27 and 28 the witness says that in
18 the December 1998 attack --

19 PRESIDING JUDGE: What line is that, please? 27 -- in 27.

10:38:08 20 MR JORDASH: Yes.

21 PRESIDING JUDGE: The page?

22 MR JORDASH: Page 27 line 25.

23 PRESIDING JUDGE: Yes.

24 MR JORDASH: The witness said during the December 1998
10:38:16 25 attack by the RUF leading to Masingbi, the RUF bypassed Mabeko,
26 line 25, and entered Masingbi. The CDF had been positioned at
27 Mabeko to prevent the RUF getting to Masingbi but the RUF
28 bypassed it and went into Masingbi. When my learned friend
29 cross-examined the witness, page 88, the witness appeared to say

1 in fact that in the same attack the RUF got to Mabeko and burnt
2 it, and both obviously cannot be true. And what I want to ask
3 this witness about is the burnt -- when Mabeko and Masekoray were
4 actually burnt?

10:39:22 5 JUDGE BOUTET: Yes. But I thought the witness had said no,
6 there were no burning.

7 MR JORDASH: No. He said on page 98 -- page 88 that they
8 burnt -- if Your Honour looks at page 88, line 22, so the junta
9 burnt the place and went away and that was Mabeko. When they
10:39:46 10 arrive at Masekoray again they said: Oh, this was the Kamajor
11 base. This was the area they used to mount barrier and they
12 burned that place again. And certainly in relation to Mabeko,
13 there is that lack of clarity, and since Masekoray appears to
14 have occurred or the burning of it appears to have occurred
10:40:12 15 immediately after Mabeko, then the confusion also includes that
16 second town. Both cannot be true. The RUF cannot have bypassed
17 Mabeko in December and also have burnt it. And so I have very
18 specific instructions on when these two places were burned and
19 I'd like to, if possible, ask the witness to think which scenario
10:40:37 20 is true and when in fact -- we accept Mabeko --

21 PRESIDING JUDGE: He has testified to the burning. The
22 witness, he's testified to the burning.

23 MR JORDASH: Yes. When, is key though, because --

24 JUDGE BOUTET: Your question will be the time when Mabeko
10:40:57 25 was burned?

26 MR JORDASH: It's our case that Mabeko/Masekoray were burnt
27 by Superman's advance group in February 1998 and that would fit
28 with the witness's first response in direct examination but it
29 doesn't fit with the answer in cross-examination.

1 JUDGE THOMPSON: That's precisely the focus of my own
2 understanding here of the law. That after a witness has been
3 cross-examined and he may be re-examined by the party that has
4 called him, in order to explain any part of his cross-examination
10:41:53 5 answers which may have been unfavourable to the party calling
6 him, And so the question for me is: Are those issues, this
7 particular issue, within the parameters of this rule of
8 permissibility? In other words, how is it unfavourable to your
9 side, the answers that he gave under cross-examination? I
10:42:22 10 concede that this is all new material introduced under
11 cross-examination. So for me, you satisfy the first limb of the
12 permissibility rule, but the second limb, as I understand it, is
13 that the answers under cross-examination must be unfavourable to
14 the side that examined the party to warrant re-examination.

10:42:53 15 PRESIDING JUDGE: And even if they are unfavourable, they
16 must have a reason, you know, for the first time in
17 cross-examination, you know. The issues which were -- which have
18 arisen, you know, for the very first time in the
19 cross-examination of the witness. So yes, are you through, Mr
10:43:11 20 Jordash, with --

21 MR JORDASH: No, I haven't.

22 JUDGE THOMPSON: I would like to be just satisfied that
23 clearly what in fact your reason in this particular context does
24 fall within the general rule of permissibility in terms of the
10:43:28 25 scope of re-examination. It doesn't -- it doesn't really say --
26 suppose the answer given under cross-examination is not
27 unfavourable to your side, but you are giving it some kind of
28 interpretation which you think the Prosecution might have given,
29 it doesn't necessarily trigger off the right to cross-examine --

1 to re-examine rather, and that's my difficulty.

2 PRESIDING JUDGE: Particularly, Mr Jordash, within the
3 context of page 88, I don't think the text you're reading is not
4 quite mine, you know --

10:44:12 5 MR JORDASH: Yes.

6 PRESIDING JUDGE: And I have a draft here.

7 MR JORDASH: Is not -- is not what?

8 PRESIDING JUDGE: Page -- page 88 of what I have here, you
9 know, from lines 20 to 25.

10:44:22 10 MR JORDASH: Which page, Your Honour?

11 PRESIDING JUDGE: Page 88. I read out what I have. "When
12 they were going through the Kono Highway the town which was used
13 to attack the junta, when they arrived there, that is Mabeko, the
14 junta said: Oh, this is a village where they used to attack us,
10:44:44 15 so let us burn it down. So the junta burnt down the place and
16 went away and that was Mabeko. When they arrived at Masekoray
17 again, they said: Oh, this was a Kamajor base. This was the
18 area they used to mount a barrier and they burnt that place
19 again. That is correct, sir." That's what I have here. So that
10:45:14 20 is the record as we have it.

21 MR JORDASH: Yes.

22 PRESIDING JUDGE: Being the testimony of this witness.

23 JUDGE THOMPSON: So, Mr Jordash, forgive my insistence but
24 how is that unfavourable to your side?

10:45:31 25 MR JORDASH: Well -- -

26 JUDGE THOMPSON: That's my own difficulty. Because
27 precisely the scope of re-examination limits what can be asked to
28 new material arising under cross-examination and that that
29 particular new material, the answer given on the

1 cross-examination is unfavourable to the side that examined the
2 witness.

3 MR JORDASH: Well, in terms of -- I'm just -- sorry.

4 JUDGE THOMPSON: I'm merely going down to first principles.

10:46:47 5 That's all.

6 MR JORDASH: Well, let me answer it.

7 JUDGE THOMPSON: Right. But don't answer it. The
8 Presiding Judge wants a consultation.

9 PRESIDING JUDGE: Answer first. Answer first.

10:46:55 10 MR JORDASH: No, no. I don't want to interrupt you.

11 PRESIDING JUDGE: Please. Please, answer first. You might
12 have gone a step forward. [Microphone not activated]

13 THE INTERPRETER: Your Honours, Your Honour's mic is not
14 on.

10:47:12 15 PRESIDING JUDGE: I'm sorry.

16 JUDGE THOMPSON: Just for my enlightenment, Mr Jordash.

17 PRESIDING JUDGE: Mr Jordash, you know, you may --

18 JUDGE THOMPSON: And it's just a short question.

19 MR JORDASH: The witness said that during the December 1998
10:47:19 20 advance led as we accept by Issa Sesay, these two villages were
21 burnt and the suggestion is burnt out of some sort of pique or
22 vengeance for those places having been occupied previously by
23 Kamajors. That is my understanding of the testimony.

24 JUDGE BOUTET: At page 88?

10:47:45 25 MR JORDASH: Page 88.

26 JUDGE BOUTET: Yes.

27 MR JORDASH: Now, in terms of the indictment, count 14,
28 that evidence is not directly relevant to the looting and burning
29 count because it's in December 1998 and the indictment in Kono --

1 JUDGE THOMPSON: You read my mind.

2 MR JORDASH: -- stops on the 30th of June 1998. And I
3 think these two places are in Kono, but if they are not in Kono
4 they are in Tonkolili and since Tonkolili is not there either,
10:48:19 5 then strictly speaking, they are not relevant to the indictment.

6 JUDGE THOMPSON: I rest my case.

7 MR JORDASH: In terms of what the Prosecution may wish to
8 say as an issue of credibility of the first accused who has
9 always maintained that there was never any crimes committed --
10:48:44 10 well, that's perhaps taken it too far, that any crimes that were
11 committed were few and dealt with when known, then it might have,
12 in Your Honours mind, at least some -- on the issue of
13 credibility some impact. Burning down two towns is a big thing.
14 So, yes, it's not relevant.

10:49:14 15 JUDGE THOMPSON: Yeah, but the issue of credibility would
16 arise if one of the first limb is satisfied. The first limb is
17 not satisfied so why do I even bother to come in with issue of
18 credibility?

19 MR JORDASH: Well, if Your Honours, don't --

10:49:28 20 JUDGE THOMPSON: It's just my own random thinking on this
21 subject. I'm prepared to acquiesce.

22 MR JORDASH: But I'm -- I'm grateful for that thinking and
23 if that thinking is shared by the Bench that it isn't relevant
24 then I'm happy to --

10:49:44 25 JUDGE BOUTET: Well, there's another issue on this matter
26 and don't take my comments to be of an elaborated comment on this
27 but just by looking at the indictment, I certainly, I think we
28 have ruled that looting, burning is not included in looting. I
29 may or may not have a full recollection of that, but count 14

1 these were the -- the heading is looting and burning but we've
2 said that looting is distinct and separate and different than
3 burning. So, whether or not we quash it on the 98 issue, I don't
4 recall, Mr Jordash, that is why I say I didn't -- but we have
10:50:33 5 made comments of that nature in the CDF decision so burning does
6 not mean looting. Now if, leaving aside the district as such,
7 now whether or not it may come under acts of terrorism and so on
8 I can't say, I'm not there. I'm just talking and looking at that
9 count 14 as burning. So if all of this is to do with burning,
10:50:48 10 burning, as I said, under the Count 14 looting, has very little,
11 I would say on the face of it, little value. So, but whatever.

12 MR JORDASH: I think Your Honours remembers this --

13 JUDGE BOUTET: But this is not a final decision and I'm
14 just looking at it and thinking randomly on this. So, I do
10:51:08 15 recall what we said on the CDF on this issue.

16 MR JORDASH: Well, Your Honours did say that pillage -- it
17 was count 5 in the CDF case did not include burning. It included
18 appropriation of property without the consent of the owner with
19 an intention on the part of the accused. So to that extent, the
10:51:31 20 count, it's even less relevant to Count 14.

21 JUDGE BOUTET: That's why I say that. So if your argument
22 about the burning is to that particular part of that count, it is
23 the burning issue is not really alive in there, I would suggest.

24 PRESIDING JUDGE: But you have to address your mind to the
10:51:47 25 global context of the indictment.

26 JUDGE BOUTET: As I say, this is --

27 PRESIDING JUDGE: The global context of the indictment and
28 to look at all the counts.

29 JUDGE BOUTET: Whether it has an implication on acts of

1 terrorism and so on, or quality of punishment, I don't know. I'm
2 just talking here of burning as alleged in Count 14. I do not go
3 any further than that at this juncture. I'm mentioning it
4 because in your argument you focus on Count 14, burning in there,
10:52:16 5 so I say well --

6 MR JORDASH: No, I'm happily reminded of the CDF decision.

7 PRESIDING JUDGE: But that does not -- you know, the
8 comments coming from here now, you know, do not preclude you from
9 doing what you think you're convinced, you know, to doing at this
10:52:28 10 point in time, because it's -- we're on slippery grounds, you
11 know, you never know.

12 MR JORDASH: I'm in Your Honour's --

13 PRESIDING JUDGE: Yes. What --

14 MR JORDASH: Sorry to interrupt. Sorry.

10:52:48 15 PRESIDING JUDGE: No. No. No, it's okay. You never know,
16 you know, how the evidence may shift from one count, you know, to
17 the other, and I think it is important, you know, if it is
18 permissible, you know, for you to do what you think you should do
19 and what you're applying to do now, if it is permissible.

10:53:05 20 MR JORDASH: Well, I maintain the application and to this
21 extent that if it's in Your Honours' hands whether Your Honours
22 conclude as a Trial Chamber that the questions I seek to ask are
23 relevant. So I have to, I'm afraid, throw the question back to
24 Your Honours, and ask: Do Your Honours think it is relevant? If
10:53:25 25 Your Honours say it isn't relevant, I'm more than happy to sit
26 down knowing that no damage is left on the transcript.

27 JUDGE THOMPSON: Well, I've anchored my thoughts on the
28 question of prejudice and unfavourability, and, as I say, I, for
29 the purpose of the rule which clearly is first principle, I don't

1 see what adverse effect this has on the -- for the reason that
2 you and I have virtually been canvassing, and I don't know why we
3 should -- the question should be asked, in fact, it might just
4 result in multiplying the issues.

10:54:10 5 MR JORDASH: If that view --

6 JUDGE THOMPSON: That's my own random thought.

7 MR JORDASH: I'm grateful to receive it. I just wonder if
8 the rest of the Honourable Chamber agrees with it or at this
9 point --

10:54:22 10 PRESIDING JUDGE: I have no position in this because I
11 would -- it's a matter which I thought, you know, you can pursue
12 because the indictment is a large indictment, and this evidence
13 of burning, it's your judgment. I will not come to say, you
14 know, that it is not necessary for you to do this or that because
10:54:41 15 I am not the judge of the indictment at this point in time. You
16 know, it's for you to determine from what reading you make of the
17 indictment, as to whether this evidence -- whether what you want
18 to do is strategic to the interests, you know, of your client.
19 That's all I'm prepared to say at this point in time.

10:55:02 20 JUDGE BOUTET: To be on safer ground, Mr Jordash, I don't
21 know what issues are being raised on appeal in CDF. That may be
22 an issue that is raised by the Prosecution. I don't know. And
23 as you know, the appeal has not been disposed of. So, I mean, if
24 the Appeals Chamber were to overrule our decision in this
10:55:17 25 respect, so --

26 MR JORDASH: Well, I --

27 JUDGE BOUTET: And as I say, I don't know what they have
28 raised on appeal. It may be one of those subjects. So having
29 said that, that's why Justice Itoe says: Well, it may be larger.

1 We may be in a different scenario when we have the decision from
2 the Appeals Chamber sometime in May, June.

3 MR JORDASH: I suspect not because I think Your Honours'
4 CDF decision is in line with international authority.

10:55:45 5 JUDGE BOUTET: I think so too, but I'm not the Appeals
6 Chamber, so.

7 MR JORDASH: I think maybe I'll --

8 JUDGE BOUTET: But may I just ask you one question. Your
9 clarification does not have to do whether it was burnt or not.

10:56:00 10 You accept that they were burnt. It has to do with when?

11 MR JORDASH: Yes, precisely.

12 JUDGE BOUTET: Not by whom but when. Well, it would be by
13 whom once we know the when, I take it.

14 MR JORDASH: Yes, when is the key. To be frank we say
10:56:17 15 burnt by Superman's advanced group.

16 JUDGE BOUTET: Yeah, but Superman is not part of the
17 evidence of this witness, it's just a question of timing.

18 PRESIDING JUDGE: He's not mentioned him, when he was
19 talking of the burning, this witness, when he was talking of the
10:56:27 20 burning, and he was so categorical about what happened, did not
21 mention Superman. You know, you know, that nobody has been
22 hesitant to bringing in Superman each time, you know, it becomes
23 necessary. He has not mentioned Superman, you know, here. This
24 is another -- another factor, you know, that we have to consider.

10:56:52 25 If he has to come here now to start calling Superman then it
26 takes it to another dimension. It takes us to another dimension
27 that it was burnt not at this time, but at a time when it was
28 Superman who was in control and so on and so forth. He has been
29 careful. This witness is so meticulous, is very, very well

1 advised and --

2 MR JORDASH: Well.

3 PRESIDING JUDGE: -- he has not -- he has not, you know,
4 brought in Superman about the burnings of these two villages.

10:57:25 5 MR JORDASH: And I won't ask him about Superman. I'm
6 simply -- there is an obvious contradiction. The RUF bypassed --

7 PRESIDING JUDGE: According to you. A contradiction,
8 that's according to your thesis. For now, you know, according to
9 your thesis. I don't want to draw any conclusions as to whether
10:57:46 10 there's a contradiction or not at this point in time.

11 MR JORDASH: Well, according to the plain meaning of the
12 words he spoke in direct examination and those he spoke in
13 cross-examination.

14 PRESIDING JUDGE: Those are issues which, Mr Jordash, you
10:57:59 15 may wish to visit when it comes to the final brief in this case,
16 and we will exam them accordingly. So you want us to call in the
17 witness for you to examine him on --

18 MR JORDASH: Yes, please.

19 PRESIDING JUDGE: -- on the dates or so, or when the
10:58:15 20 burning took place?

21 MR JORDASH: Yes.

22 PRESIDING JUDGE: Yes, Mr Hardaway.

23 MR HARDAWAY: Your Honour, as it relates to the point of
24 clarification, the Prosecution would object because if there is a
10:58:29 25 contradiction, the Prosecution would submit that it would be up
26 for the Trial Chamber to make that determination in its
27 deliberations. This witness clearly said, going back to page 88
28 in answer to my question, that he was referring to December of
29 1998. It's very clear. If there is a discrepancy, as it were, I

1 would submit that the discrepancy in and of itself is not enough
2 for cross-examination. It would be based upon final submissions
3 and ultimately when the Bench has the entire facts to make that
4 determination. So as it relates to issues of clarification, the
10:59:14 5 Prosecution will still object.

6 MR JORDASH: Well, the --

7 PRESIDING JUDGE: Yes, Mr Jordash.

8 MR JORDASH: The problem was, and my client called me over
9 immediately, and when this happened yesterday, and I understood
10:59:27 10 why because my learned friend was jumping the witness around from
11 December to February and back from crimes, to this crime to that
12 crime, and obviously in that context mistakes can happen. And
13 there is, on the face of the transcript, a lack of clarity. Did
14 the RUF go around Mabeko where the CDF was stationed thereby

11:00:01 15 getting to Masingbi, or did the RUF actually get to Mabeko and
16 burn it, is completely contradictory, and the witness is in the
17 best position -- he may not actually give the answer that I would
18 like; what I'm expecting him to say. But at least Your Honours
19 then will have a better idea of where the truth might lie. And I
11:00:32 20 expected the witness to deal with at least Mabeko and actually
21 both towns, and I expect him to say the burning took place in
22 February. And that's why I was surprised when we had this
23 contradiction because in chief he was consistent with what I'd
24 expected; in cross, he wasn't. And the two --

11:00:53 25 PRESIDING JUDGE: Who's role is it? Is the role of
26 re-examination to cure contradictions, or is it the role of the
27 Chamber to visit and examine contradictions and see how they impact
28 on the credibility of the witnesses?

29 MR JORDASH: Well, Your Honours have in the past said it is

1 the role of re-examination to deal with contradiction. That is
2 why Your Honours have allowed witness statements to be filed by
3 the re-examining party as answers to the contradictions. That is
4 no different in substance --

11:01:29 5 PRESIDING JUDGE: That was a special situation, you know,
6 in relation to the witnesses, you know, because if they were
7 filed and there was re-examination allowed, it is because the
8 party filing those statements, you know, was not aware that those
9 portions, you know, would be used for purposes of
11:01:47 10 cross-examination. For statements, you know, I am very sure that
11 that is what dragged the Tribunal -- yes --

12 MS CARLTON-HANCILES: Sorry, Your Honour, may Mr Gbao be
13 excused?

14 PRESIDING JUDGE: Yes, please, he may. Mr Gbao, you may,
11:02:03 15 yes.

16 MR JORDASH: Could I -- I mean, I can take you to the times
17 when Your Honours -- I can, sorry. I can take Your Honours
18 through the different occasions that Your Honours allowed
19 re-examination during the Prosecution case and the reasons for
11:02:40 20 it. And what I'm asking to do falls well within the various
21 principles announced during the Prosecution case. During the
22 Prosecution case Your Honours allowed re-examination if new
23 materials came out in cross-examination, which is exactly this
24 point.

11:03:00 25 PRESIDING JUDGE: Which is the new material at this point?

26 MR JORDASH: The burning of the two villages, which wasn't
27 dealt with in direct.

28 PRESIDING JUDGE: Yes, yes.

29 MR JORDASH: If the witness had mentioned something in

1 direct -- sorry. If there was a discrepancy between examination
2 in chief and something brought up in cross-examination,
3 re-examination has been allowed to deal with that discrepancy and
4 that's on 19 of July 2006.

11:03:37 5 PRESIDING JUDGE: I am not very sure of the context, you
6 know, and I can't remember, you know, that this was --

7 MR JORDASH: Well, I can take Your Honours to the
8 transcripts which I have in front of me.

9 PRESIDING JUDGE: May we -- well, the Chamber, after a
11:06:13 10 deliberation has decided that it will take that question by Mr
11 Jordash in re-examination because the burning of these two towns
12 was a new matter that was raised in cross-examination. It was
13 not canvassed during the direct of this witness. So may the
14 witness be brought in, please? Yes.

11:06:46 15 MR HARDAWAY: So, just for clarification, Your Honour, it
16 will deal just strictly with the burning as it relates to the
17 issues of clarification --

18 JUDGE BOUTET: Time. Burning as to time. When.

19 PRESIDING JUDGE: Time.

11:07:01 20 MR HARDAWAY: Very well, Your Honour.

21 [The witness entered Court]

22 MR JORDASH:

23 Q. Mr Witness --

24 PRESIDING JUDGE: Just a minute. Yes, Mr Jordash.

11:09:05 25 MR JORDASH: Thank you.

26 Q. I want to -- I've just got one or two questions left, to
27 deal specifically with Mabeko/Masekoray, two villages. I want to
28 ask you about some of the evidence you've given about those two
29 places to see if we can --

1 PRESIDING JUDGE: Are you taking him through the evidence?

2 MR JORDASH: Well, I was going to take him through what he
3 said in chief, take him through what he said in cross and then
4 ask him if he can offer any clarification.

11:10:06 5 PRESIDING JUDGE: All right.

6 MR JORDASH: I thought that was the fairest way to do it.

7 PRESIDING JUDGE: Okay. All right.

8 MR JORDASH:

9 Q. Now, listen carefully, take your time. There is no
11:10:19 10 pressure. Just answer in the best way you can. When I was
11 asking you questions two days ago -- actually yesterday I think
12 it was, sorry. Your Honours page 27, you were talking about the
13 middle of December 1998 when the RUF were advancing from the
14 direction of Kono, and you said this at line 25: "Well, while we
11:11:08 15 were going to Mabeko, the RUF had already bypassed and entered
16 Masingbi. We did not know. So when we went there, as we were
17 returning, we fell into their hands in Masingbi." And then going
18 over the page to line five, line six, you then said, I asked you
19 the question: "So the CDF had deployed at Mabeko, but the RUF
11:11:56 20 had gone around Mabeko and went into Masingbi; is that right?"
21 You said: "That's correct, sir." Do you remember saying those
22 things?

23 A. I said that, but the deployment of the Kamajors in --

24 THE INTERPRETER: Your Honours, would the witness go slow.

11:12:25 25 MR JORDASH: Go slow, Mr Witness. We need to get your
26 answer. Go ahead.

27 PRESIDING JUDGE: You see, I would like us to limit
28 ourselves, you know, to the evidence as it is. Because if he
29 starts expanding, you know, the way he would expand then, we will

1 run into troubled waters again, you know, with this process of
2 re-examination. This is -- this is my worry. Please be --
3 better guide the witness, you know, and let's get what we want
4 from him as agreed upon after a lengthy --

11:13:03 5 MR JORDASH: I didn't want to be accused of --

6 PRESIDING JUDGE: Exchange of ideas, you know, on this
7 issue.

8 MR JORDASH: Your Honour, I just didn't want to be accused
9 of stopping the witness from offering any explanation.

11:13:14 10 PRESIDING JUDGE: No. If you don't -- if you know -- you
11 know, if you don't stop him he will -- he will stop at nothing.

12 MR JORDASH:

13 Q. Mr Witness, limit your answers at the moment to "yes" or
14 "no." Do you recall saying that?

11:13:30 15 A. Yes, I said so.

16 Q. Wait. Wait. You'll have a chance to explain in a minute.
17 Okay? You remembered saying that?

18 A. I said so.

19 Q. Then when my learned friend for the Prosecution to your
11:13:49 20 left was asking you questions in the afternoon about the advance
21 from Kono, in December 1998, Your Honours, page 88, you said
22 this, line 18: "When -- well, when they were going through the
23 Kono Highway, the town which we used to attack the junta, when
24 they arrived there, that is Mabeko. The junta said: Oh, this is
11:14:33 25 the village where they used to attack us. So let us burn it
26 down."

27 A. That is correct, sir.

28 Q. Just wait until I ask you a question.

29 A. Okay.

1 Q. "So the junta burnt the place and went away and that was
2 Mabeko." Wait. "When they arrive at Masekoray, again they said:
3 Oh, this was the Kamajor base. This was the area they used to
4 mount a barrier and they burnt that place again. That's correct
11:15:17 5 sir." Wait. Do you recall saying that "yes" or "no"?

6 A. I said so.

7 Q. Now, what I want to ask is this, so don't rush and answer;
8 think it through. When -- at what stage in 1998 were the towns
9 Masekoray and Mabeko burned?

11:16:00 10 A. Mabeko/Masekoray were burnt in 1996, when the junta was
11 going up with the Johnny Paul. That was the time that these two
12 villages were burnt. It was not in 1998.

13 Q. Well, let me just say this: We all agree in this --

14 PRESIDING JUDGE: Just a minute. You say Mabeko and
11:16:30 15 Masekoray?

16 MR JORDASH: Yes.

17 PRESIDING JUDGE: Masekoray, were burnt by the junta in
18 1996?

19 THE WITNESS: That's correct, sir, My Lord.

11:16:46 20 PRESIDING JUDGE: By the junta in 1996 when Johnny Paul --

21 THE WITNESS: When they were going up with him.

22 PRESIDING JUDGE: When they were going up with Johnny Paul.
23 They were going up to where?

24 THE WITNESS: They were going to Kono, sir.

11:17:22 25 JUDGE BOUTET: So when they are going up with Johnny Paul
26 to Kono, you mean to say when Johnny Paul was leaving Freetown
27 because he's been forced out. Is this what you mean? What do
28 you mean when Johnny Paul was going up to Kono --

29 THE WITNESS: When -- when they were ousted out of

1 Freetown, when they were going to Kono, that was what I meant,
2 sir.

3 JUDGE BOUTET: Thank you, Mr Witness.

11:18:03

4 MR JORDASH: I think -- I'm not sure it's strictly
5 necessary but if I can ask about the year.

6 JUDGE BOUTET: I would say it's sufficient for your
7 re-examination purposes, yes.

8 PRESIDING JUDGE: It is okay. Yes.

11:18:17

9 JUDGE BOUTET: I don't think the pull-out of Freetown is
10 disputed in a major way as to the time?

11 MR JORDASH: Right. I'll leave it at that. Thank you very
12 much, Mr Witness. Sorry to stop you talking. But thank you.

13 THE WITNESS: Yes, sir.

14 PRESIDING JUDGE: Yes, Mr Witness, we have --

11:19:39

15 THE WITNESS: Yes, sir, My Lord.

16 PRESIDING JUDGE: We have come to the end of your
17 testimony. We want to thank you as the Chamber for accepting to
18 come and testify before this Chamber, and to let it share your --
19 the facts which you have, which you had about this conflict
20 [i ndi scernible] and we thank you very much for coming, and we
21 wish you a safe journey back to your place of abode. And all the
22 best in the pursuit of your everyday life and in your profession
23 as well. Thank you very much.

11:20:08

24 Can the witness be assisted out of Court, please?

11:20:38

25 THE WITNESS: Thank you, sir.

26 [The witness stood down]

27 PRESIDING JUDGE: Yes, Mr Jordash.

28 MR JORDASH: Can I call our next witness, witness DIS-065,
29 who will testify in Krio. He's I think our 41st. I always

1 forget the number of witnesses, it's been so many. Apologies.

2 PRESIDING JUDGE: I know. The witness who has just gone out
3 is DIS-103.

4 MR JORDASH: 103, yes.

11:22:53 5 PRESIDING JUDGE: 1-0, he was the 38th witness.
6 Thirty-eight.

7 MR JORDASH: Thirty-ninth. I'm ahead of myself.

8 PRESIDING JUDGE: Yes. This will be the 39th. Mr Jordash,
9 you say he's testifying in?

11:23:28 10 MR JORDASH: In Krio.

11 PRESIDING JUDGE: We see, Mr Jordash, that you -- there is
12 confidential annex where you are giving some additional
13 information that was provided by this witness. It was filed
14 yesterday. I hope that the --

11:24:15 15 MR JORDASH: This actually sent to the Prosecution on the
16 23rd.

17 PRESIDING JUDGE: On the 23rd, I see.

18 MR JORDASH: But --

19 PRESIDING JUDGE: So there isn't -- there isn't much
11:24:25 20 really. Additional information is not that copious to create any
21 alarm.

22 MR JORDASH: No. It's simply to talk about mining at
23 different stages, and what the witness did during those
24 activities.

11:25:59 25 [The witness entered Court]

26 PRESIDING JUDGE: Yes, can you swear the witness in? He's
27 being sworn on the bible?

28 MS KAMUZORA: On the Koran.

29 PRESIDING JUDGE: On the Koran. Sorry.

1 WITNESS: DIS-065 [Sworn]

2 [The witness answered through interpreter]

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

4 EXAMINED BY MR JORDASH:

11:27:41 5 MR JORDASH: Good morning -- thank you, Your Honour.

6 Q. Good morning, Mr Witness.

7 A. Good morning, sir.

8 Q. I'm going to ask you questions first, then others will
9 probably ask you questions, including Prosecution to your left.

11:28:03 10 If you don't understand the question, please say and I'll repeat
11 it; you follow me?

12 A. Clear.

13 Q. Be careful not to give details of your identity, okay?

14 A. Okay.

11:28:33 15 Q. I'm going to ask you some personal questions quickly, and
16 then we'll move onto some of your experiences during the war.

17 Where do you live now?

18 A. I'm in Kono.

19 Q. How old are you?

11:28:54 20 THE INTERPRETER: Your Honours, would the witness be
21 instructed to speak louder?

22 MR JORDASH:

23 Q. Mr Witness, just move your chair forward a little so that
24 you're near the microphone. And just remember that what you're

11:29:14 25 saying will be translated, so the translator has to be able to
26 hear you, and keep up with you. You could see the distance I am
27 from the microphone, that's probably okay.

28 A. Okay.

29 Q. You're 40 years old. You live in Kono. Are you married?

- 1 A. Yes.
- 2 Q. One wife, more than one wife?
- 3 A. One.
- 4 Q. Do you have children?
- 11:29:43 5 A. Yes.
- 6 Q. How many?
- 7 A. They are three.
- 8 Q. Do you speak Krio?
- 9 A. Yes.
- 11:29:58 10 Q. Do you speak any other language?
- 11 A. Yes.
- 12 Q. What do you speak?
- 13 A. I speak Temne.
- 14 Q. Did you go to school?
- 11:30:12 15 A. Yes.
- 16 Q. Until which age?
- 17 A. Four.
- 18 Q. Four years old or form four?
- 19 A. Form four. Form four.
- 11:30:27 20 Q. Now, what do you do now in Kono?
- 21 A. Presently, I do mining.
- 22 Q. And do you mine for yourself, or do you work for a company?
- 23 A. Well, I'm working for a company while at the same time
- 24 doing mining.
- 11:30:59 25 Q. And your own mining; do you employ people?
- 26 A. No.
- 27 Q. So you mine -- you actually do the digging for yourself as
- 28 well as working for this company?
- 29 A. Well, I said it was not an employment. Because it is just

1 an arrangement with a few people to do the mining.

2 Q. Okay. Let me take you to the war years. From 1990 to 1994
3 where were you?

4 A. I was at Baomao.

11:32:08 5 Q. Where is Baomao?

6 A. It's Bo District, Valunia Chiefdom.

7 PRESIDING JUDGE: Mr Jordash you say 1990 to.

8 MR JORDASH: 1994.

9 PRESIDING JUDGE: 1994.

11:32:22 10 THE WITNESS: You mean.

11 MR JORDASH: 1990 to 1994?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: He was in?

14 THE WITNESS: Baomao.

11:32:36 15 MR JORDASH: In Bo District.

16 Q. In 1994 did you go --

17 PRESIDING JUDGE: In what district.

18 MR JORDASH: Bo District, Your Honour.

19 PRESIDING JUDGE: Bo. Okay.

11:32:47 20 MR JORDASH:

21 Q. Did you go anywhere in 1994?

22 A. Well, I moved to Magburaka.

23 Q. And did you in 1994 go to Kono at all?

24 A. Yes, no. After early 1995 -- after December.

11:33:20 25 Q. You went to Kono?

26 PRESIDING JUDGE: You say in 1995 after December.

27 THE WITNESS: Pardon?

28 PRESIDING JUDGE: Was he saying in 1995 after December;

29 then why doesn't he say in January 1996.

1 MR JORDASH:

2 Q. Which year did you go to Kono?

3 A. I said after December 1994.

4 Q. So 1995?

11:33:46 5 A. Yes.

6 Q. And did you mine at that time?

7 A. Yes, I did mining there.

8 Q. And did you stay in Kono or did you go somewhere else?

9 A. You mean Kono District.

11:34:15 10 Q. When did you leave Kono District, if you did, after 1995?

11 A. The same year that I left Kono.

12 Q. And where did you go?

13 A. Well, I came to Freetown.

14 Q. Was there a reason why you came to Freetown at that time?

11:34:40 15 A. Well, I went and did mining so luckily I was successful, so
16 I decided to come to Freetown to do business.

17 Q. So you arrived in Freetown in 1995 and did you stay in
18 Freetown?

19 A. Yes.

11:35:05 20 Q. Were you in Freetown when the AFRC overthrew the Kabbah
21 government?

22 A. I was not in Sierra Leone. I was in Guinea. There I was
23 doing business. I would come and buy articles then I would go to
24 Guinea. By then I had gone to do business in Guinea.

11:35:33 25 Q. So you were out of the country at the time of the
26 overthrow?

27 THE INTERPRETER: Your Honours, would the witness be
28 instructed to wait for the interpretation.

29 MR JORDASH:

1 Q. I think you might be picking up my voice and I know you
2 speak a little English. So just listen to the translation,
3 ignore my voice.

4 A. Okay.

11:36:00 5 Q. Did you return from Guinea to Freetown during the
6 overthrow?

7 A. Yes.

8 Q. The overthrow took place in May of 1997. When did you
9 return to Freetown from Guinea?

11:36:23 10 A. Well, I just went there to do business. I would go there
11 two to three days and I will return. So I did not stay there for
12 even one month.

13 Q. So was it May or June when you returned to Freetown?

14 A. I cannot tell you the exact month.

11:36:48 15 Q. Okay. Now, did you stay in Freetown during the junta
16 period?

17 A. Well, I was there for some time.

18 Q. Are you able -- where did you go from Freetown?

19 A. Well, I decided to go when the AFRC had overthrown, I got
11:37:13 20 message that they had started mining in Kono so I decided to --
21 because during that time I did not have any cash anymore. So I
22 decided to go back to Kono.

23 Q. So the overthrow was in May. When do you think you went to
24 Kono because you'd heard the mining had begun?

11:37:50 25 A. It was -- so it was -- so it was immediately after the
26 overthrow but if I should tell you that it was during
27 such-and-such a month, I would not be able to tell you the date.

28 Q. Well, let me try to -- I'm not asking you to give a month
29 if you can't, it's fair enough, it's long after the event. But

1 the overthrow took place in May --

2 A. Yes.

3 Q. -- and it was in 1997 --

4 A. Yes.

11:38:14 5 Q. -- and it lasted until February 1998. Did you go to Kono
6 in 1997?

7 A. 1997, I went to Kono.

8 Q. And was it the rainy season or the dry season of 1997?

9 A. It was early-dry season. It was during the dry season.

11:39:02 10 Q. Did you say early-dry season or the dry season?

11 A. Yes, early-dry season.

12 Q. Thank you. And who was it who told you that the mining had
13 begun? Do you remember how you learnt that information?

14 A. Well, when we were in town here, we would move around and
11:39:28 15 we'd meet some of our companions with whom we had been mining.
16 So they would give you the information that the mining has
17 started. So to be able to cite individuals, I would not be able
18 to.

19 Q. Okay. Just so that the Court is clear, Mr Witness, did you
11:39:50 20 have anything to do with the AFRC or the RUF or were you a
21 civilian?

22 A. No. I am just an ordinary civilian.

23 Q. And did you then travel to Kono?

24 A. Yes, I went to Kono.

11:40:22 25 Q. Which route did you take to Kono?

26 A. Well, it was the Masingbi Highway that I used.

27 Q. Were you the only civilian --

28 PRESIDING JUDGE: Which, which highway?

29 MR JORDASH: The Masingbi Highway.

1 PRESIDING JUDGE: Masingbi Highway.

2 MR JORDASH: The same highway --

3 THE WITNESS: Yes.

4 MR JORDASH: -- as the one that we were dealing with, with
11:40:36 5 the last witness.

6 Q. Were you the only civilian to travel to Kono at that time?

7 PRESIDING JUDGE: Some of us need to go for an excursion to
8 see where you had been to.

9 THE WITNESS: Are you talking about -- are you talking

11:40:58 10 about the vehicle that I boarded or whether I was the only
11 civilian that went to Kono? I want to get the question clear.

12 MR JORDASH:

13 Q. The question may seem a bit silly to you, but what I'm
14 asking is: Were other civilians travelling to Kono when you or
11:41:19 15 around the time you travelled to Kono?

16 A. Yes, other civilians had been going.

17 Q. Was there any restriction on travel to Kono at that time?

18 A. During that time except for the fact that people were
19 afraid of the Kamajors because we were along Masingbi to Ma --
11:41:40 20 Sewafe and they had been laying ambush. That was the only fear
21 that one had.

22 THE INTERPRETER: Your Honours, would the witness still be
23 instructed to go slow.

24 MR JORDASH:

11:41:55 25 Q. You have to take your time. I know that you really would
26 like to get back to your job, but the faster -- we can move
27 faster if you give the translator a chance to translate. And
28 then I won't need to keep asking you to go slow which wastes
29 time?

1 A. Okay.

2 Q. You get me?

3 A. Okay. Okay.

4 PRESIDING JUDGE: [Indiscernible] we may move faster now so
11:42:19 5 recessing a bit in order to recruit some energies to pursue the
6 process. So, Mr Jordash, we will rise at this time and we will
7 recess for now and resume in the next couple of minutes.

8 The Chamber will rise, please.

9 [Break taken at 11.32 a.m.]

11:43:08 10 [RUF26FEB08_B]

11 [Upon resuming at 12.14 p.m.]

12 PRESIDING JUDGE: Yes, Mr Jordash you may --

13 MR JORDASH: Thank you.

14 PRESIDING JUDGE: You may continue please.

12:14:53 15 MR JORDASH:

16 Q. Okay. We were dealing with civilians travelling to Kono.
17 You went, as you've told us, to Kono, to mine. But do you know
18 why other civilians were travelling to Kono at that time?

19 A. Well, at that time, everybody had a different mission to
12:15:17 20 go. Some were going there to do business, some were going to
21 mine, and some would go only to visit people, so I wouldn't be
22 able to tell.

23 Q. Did you observe if there were fighters or armed men
24 travelling to Kono at that time?

12:15:38 25 A. Well, you had fighters in Kono.

26 Q. Did you -- what did you do when you arrived in Kono? What
27 was the --

28 A. Well, I tried to search for a mining area, to see where I'd
29 be able to locate my people.

1 Q. And who do you mean by my people?

2 A. Well, because when you went there you should get people
3 with whom you'd mine.

12:16:19

4 Q. So just tell the Court, what did you do to find people to
5 mine?

6 A. Well, I'd been searching around the town and I was able to
7 get five boys with whom I started mining.

8 Q. And how was the town? Who was in the town? Fighters or
9 civilians or both?

12:16:41

10 A. Yes. You had fighters with the civilians. All of us were
11 there.

12 Q. And how was it in terms of whether it was calm or whether
13 it was chaotic? What was the state of the town?

12:17:10

14 A. Anyway, at the time that I entered, there was no problem
15 because, except later when we had a threat from the Mende land
16 Kamajors, who said they were coming to attack Kono. So during
17 that time the intervention was almost at the threshold.

18 Q. And that was the first time that you observed a problem of
19 security?

12:17:31

20 A. Yes. Because when we went there initially the place was
21 normal. Everybody was going with his normal business doing
22 mining. In the morning or evening, there was no curfew. But
23 when we started experiencing threat from the Kamajors, so we
24 started to give some security boundaries.

12:17:57

25 Q. Now you found your -- did you say five boys?

26 A. Yes.

27 Q. These civilians or fighters?

28 A. It was civilians.

29 Q. And did you find a place to mine?

1 A. Yes, I was able to find a place.

2 Q. How did you find the place?

3 A. Well, I just asked, directed by some friends who were in
4 the Number 6 area. There I went and there I was able to get a
12:18:43 5 place to start mining.

6 Q. The Number 6 area, is that inside Koidu Town or outside a
7 bit?

8 A. It was outside Koidu Town.

9 Q. Is it on the way to any place?

12:18:58 10 A. Yes, it led to Yomandu.

11 Q. And how many miles from the town is that?

12 A. You mean Koidu?

13 Q. How many miles from Koidu Town is Number 6?

14 A. I can't tell you the mileage, for that place anyway.

12:19:24 15 Q. Okay. Now, when did you go to Number 6? What did you do
16 when you arrived there to organise your mining?

17 A. Well, I just met the town chief, then I lodged myself, no,
18 they lodged me, I mean. And I lodged my workers. So I asked for
19 a site.

12:19:50 20 Q. Who was the town chief?

21 A. Well, during that time, the town chief was not there. It
22 was the acting who had been taking time, who had been taking care
23 of the town.

24 Q. Who was that?

12:20:04 25 A. What?

26 Q. Do you know his name?

27 A. He was called one Mr T.

28 Q. Was he a civilian or a fighter?

29 A. He was a civilian.

1 Q. So did you ask him for assistance?

2 A. I asked him to help me.

3 Q. What help did you ask him for?

4 A. Well, I asked him for a place to do mining.

12:20:35 5 Q. And did he respond?

6 A. Yes, he answered and he gave me the place.

7 Q. And when he gave you the place, did he -- sorry, let me
8 start that again. When he gave you the place, did you start
9 mining?

12:21:04 10 A. Yes, I started mining anyway.

11 Q. And try to give the Court a picture of where your place,
12 your mining place was. Were there other civilians there?

13 A. Yes, because there were civilians anyway. It was just
14 because the whole of the Kono District during that time you had
15 fighters, you had civilians. So you would see civilians, you
16 would see fighters around.

12:21:32 15

17 Q. And at Number 6 were there civilians and fighters there?

18 A. They were there anyway.

19 Q. And at Number 6, what was the -- was there a working
20 relationship between the soldiers and civilians?

12:21:55 21 A. It was there. It was too cordial. There was no problem
22 between us.

23 Q. So, let's just start then with your mining, and then we'll
24 go back to the soldiers and the civilians. Your mining, describe
25 how it worked.

12:22:20 26 A. Well, when I started the mining -- because before you start
27 mining you have to go to conditions. The owner of the area, if
28 it is a licensed place it is not a loose place. You will go into
29 arrangement. You agree whether it is two-pile system. That is

1 the bush owner one pile, and the labour is one pile. Or you go
2 into one pile, and 30 per cent for the bush owner. That is you
3 and the labour have the 70 per cent. So that was the first
4 arrangement you have to make before you start mining.

12:23:08 5 Q. Pause there a minute. Who's the bush -- bush owner? Can
6 you describe who the bush owner is?

7 A. The bush owner? The boy who was there was one, one Thomas.
8 His father, because his father was not there, it was the son who
9 was there. Anyway the name has escaped me.

12:23:42 10 Q. What is the, or what was the bush owner? What did the bush
11 owner own?

12 A. He owns the land. The land that -- where we hope to do the
13 mining, he owns the land.

14 Q. And at Number 6 was there one bush owner or was there more
12:24:14 15 then one bush owner?

16 A. There were many but since that time, during that time was
17 war period, most of the people had gone out. Only a few were
18 left.

19 Q. And are you able to generalise, in a particular bush at
12:24:33 20 Number 6, how many mining sites might there have been?

21 A. No. No. I can't tell because there were many that were
22 there.

23 Q. And you've talked about the acting chief and the actions
24 allocating a place to mine. How can the, how could the acting
12:25:13 25 chief allocate a place to mine if the land is owned by a bush
26 owner?

27 A. Well, actually he's not the one who would give the place.
28 Sometimes, if you ask him he will take you to the individual that
29 owns the area, because sometimes they too have their own area.

1 But, if you have pointed a particular place that you want to do
2 the mining, then he will tell you, if that place doesn't belong
3 to him, he will tell you that that place doesn't belong to me
4 but, I will take you to the owner. Then you'll go and meet the
12:25:59 5 owner, then you negotiate.

6 Q. Right. And with respect to your mining, Mr Witness, did
7 you decide on the two-pile or did you decide on the 30 per cent
8 to the bush owner?

9 A. Well, we decided on the two-pile system.

12:26:19 10 Q. Who decided on the two-pile? Who made that decision?

11 A. I made that decision, because the man gave us the
12 alternative for us to choose. Then I chose one.

13 Q. And with your particular mining operation, Mr Witness, who
14 dug the gravel?

12:26:52 15 A. My workers.

16 Q. Who supplied the necessary logistical items such as food
17 and shovels?

18 A. I provided them with logistics.

19 Q. Did you mention the word supply?

12:27:20 20 A. No, I, it was not a supply. I was the one supporting
21 anyway.

22 Q. And when one of your -- so your workers would dig the
23 gravel, and once it had been dug, who divided it?

24 A. Well, after digging, you can divide it in the middle then
12:27:56 25 the bush owner will come and choose.

26 Q. And the pile that's left after the bush owner took his,
27 what happened to that pile that was left, Mr Witness, in your
28 operation?

29 A. Well, it is left with the labour. We are responsible to

1 wash it anyway.

2 Q. And if a diamond was found in the labour pile, in your
3 operation, what would happen?

4 A. Well, the law of the mining up to date, if you get a
12:28:40 5 diamond, you and your workers, you'll negotiate the price. If
6 you are unable to conclude, there is a law which stipulates that
7 the worker and the supporters will go and sell the diamond to
8 their satisfaction, and at the end you'll divide the money in two
9 parts.

12:29:01 10 Q. Is that the way you and your five workers worked at Number
11 6?

12 A. Well, yes. It's a general law to every diamond digger.

13 Q. Now, that's your operation. What's going on around you at
14 Number 6 with other operations? How were they being conducted?

12:29:39 15 A. If I should venture that area, I'm going to tell lies
16 because I don't know what was their agreement. I'm here to tell
17 only about my own agreement.

18 Q. Well, let me ask you a few questions to see if you can give
19 us some idea. Did you see any soldiers mining at Number 6?

12:30:07 20 A. Yes, soldiers do mine. They too had their own people that
21 they were supporting.

22 Q. How do you know that the soldiers were supporting people?

23 A. Well, something you know, our pits are sometimes closed,
24 then their boys will tell you, if you ask them, who is your
12:30:41 25 supporter, then you will say, this is my boss man who is
26 supporting me. He will point at him that this is the soldier
27 that is supporting me. Then straight off you'll know that it is
28 a soldier that is supporting this pit.

29 Q. And apart from soldiers at Number 6 being supporters and

1 yourself, were any civilians supporters?

2 A. A lot. A lot were there.

3 Q. You mentioned that the relationship between the soldiers
4 and the civilians was cordial.

12:31:19 5 A. Yes.

6 Q. Could you elaborate what you mean?

7 A. Well, what made me to say that it was cordial because at
8 that time we were doing things together, we mine together, there
9 was no threat of, threat of soldiers taking our gravel, or threat
10 from soldiers that you should go and do this. Except on
11 Saturdays when they do general cleaning and during that time
12 there will be no mining except to do the cleaning. So since then
13 there has been no threat from them. So that was why I said the
14 relationship was cordial at that time.

12:32:11 15 Q. How long did you work at Number 6, Mr Witness?

16 A. Well, because the mining that I was involved in was deep
17 mining, so we worked there for a month plus. Then came the
18 intervention. We just started removing the gravel. We don't
19 even wash it, and we had to leave.

12:32:45 20 Q. Just for the Court's information, Mr Witness, is it usual
21 to -- how often does it take in deep mining -- sorry, let me
22 start that again. How long might it take you with deep mining to
23 actually reach the gravel?

24 A. Well, it is dependent on the area that you find yourself.
12:33:28 25 Some areas, a day you'll meet the gravel. Some areas you stay
26 there up to six months without meeting the gravel. So it is
27 dependent on the area that you find yourself.

28 Q. And the system which involved giving 30 per cent to the
29 bush owner, is this, was this system common at Number 6?

1 A. You mean it was -- come again?

2 Q. Well, did you observe the system whereby the bush owner was
3 given 30 per cent as opposed to the two-pile system at Number 6?

12:34:25

4 A. If that system was common at Number 6, is that what you
5 mean?

6 Q. Yes. How common was it?

7 A. Well, 30 per cent and two-pile, since the time the NPRC
8 change the two-pile system, even presently the 30 per cent is
9 common in Kono. Since that time up till now, 30 per cent is
10 common.

12:34:51

11 Q. And so with the 30 per cent system, the 70 per cent goes to
12 who?

13 A. To the supporter and the labour.

12:35:44

14 Q. I want you to try your best, and nobody expects an exact
15 answer. Are you able to say while you were at Number 6, how many
16 civilians were working there in the conditions you've just
17 described?

18 A. No. Because where they made their agreement, well, it was
19 just a man who needed the area, and he's a young man who is the
20 bush owner. Both of them will make the arrangement. So you'll
21 be, your pit will be closer but it is difficult for you to
22 know --

12:35:58

23 THE INTERPRETER: Your Honours, can the witness please go a
24 little slower, he's too fast.

12:36:17

25 MR JORDASH:

26 Q. Go a little slower. You're very clear but you're a bit
27 fast. Just repeat the last two sentences?

28 A. I mean the arrangement of the 30 per cent, why I am unable
29 to tell whether it is common or to tell those that were involved,

1 it was an arrangement. The arrangement is normally between the
2 two parties. Everybody has his own arrangement. Sometimes you
3 will be closer, your pit will be closer but you don't know the
4 type of arrangement it's operating on. Maybe at the end when the
12:36:55 5 two-pile is divided, it is only then that you'll realise that
6 this one is operating on a 30 per cent basis.

7 Q. Okay. What I was trying to ask you about is, well, let me
8 ask you this. Did you see any forced mining? Did you see
9 anybody forced to mine against their will when you were at Number
12:37:22 10 6, during this time?

11 PRESIDING JUDGE: I thought you asked the number of
12 civilians who were in those mining areas at that time. Has he,
13 has he answered the question?

14 MR JORDASH: I was going to return to it by asking this
12:37:36 15 question first.

16 PRESIDING JUDGE: All right.

17 MR JORDASH:

18 Q. Did you see any forced mining, civilians forced to mine by
19 anyone at Number 6?

12:37:47 20 A. Well, as for myself during the AFRC time, since I was there
21 up to the time I left because by then even it was a forced
22 mining, I wouldn't be in a position to have people to tell them
23 to go on the pit to mine, so I will say no.

24 Q. What do you mean by the last sentence. I wouldn't be in a
12:38:14 25 position to tell people to go on the pits to mine, what does that
26 mean?

27 PRESIDING JUDGE: Let him tell us whether he saw forced
28 mining or not. You said for myself.

29 THE WITNESS: No, I didn't see. Where I was mining at

1 Number 6, I didn't see any forced mining.

2 MR JORDASH:

3 Q. Now at Number 6, I'm just going to try to have you give a
4 picture to the Judges?

12:38:43 5 PRESIDING JUDGE: What you want to say is that he didn't
6 see civilians being forced to mine around that area.

7 THE WITNESS: I don't see any civilian around my area. No
8 civilian. Everybody was busy doing his own mining.

9 MR JORDASH:

12:39:09 10 Q. Are you able to -- are you able to give an idea as to how
11 many civilians were doing their own mining at that time? Are we
12 talking tens, hundreds, thousands, what kind of number?

13 A. The area where I was operating you mean?

14 Q. Or just the general picture you got of Number 6, the
12:39:42 15 general numbers of civilians?

16 A. That is the question I'm asking. Are you referring to
17 Number 6?

18 Q. Let's start with Number 6 and see if you can give us a
19 picture?

12:39:55 20 A. Okay. Well yes the population was there. Only that I am
21 unable to tell but it is over hundred, above hundred miners.

22 Q. And during your time in Number 6, where were you living?

23 A. Well, at that time I was not living at Number 6, I was at
24 Lebanon.

12:40:29 25 Q. And where were your five workers living?

26 A. They were there. They were inside there.

27 Q. How often would you return to Lebanon?

28 A. Sometimes everyday, except on certain occasions if I'm
29 tired, if I decided not to, then I don't. Sometimes I will go

1 there, I spend the night.

2 Q. And when you went back to spend the night at Lebanon would
3 your journey take you past other places?

4 A. No. We had no pass in Kono there was no pass in Kono.

12:41:19 5 PRESIDING JUDGE: No.

6 MR JORDASH: But would you -- I'm happy with the answer
7 even though that wasn't the question.

8 Q. And your journey would take you, would it take you through
9 other towns or villages or mining sites, from Number 6 to Koidu
10 Town, Lebanon?

12:41:39

11 A. There are other villages and other mining sites along the
12 highway. Maybe I will use the Yengema route.

13 Q. Are you able to name some of the places you would pass?

14 A. Well, after Number 6, some towns are based at the junction
15 but they are not along the main highway, you see.

12:42:07

16 Q. What kind of places would you be able to pass?

17 A. These are junctions, junctions only. When you pass by them
18 then you go to prospecting junction, then you go to small Makeni,
19 then you climb up to Yengema, Gieya, then you travel by the
20 highway, Motema then you'll go up this village, then you'll come
21 to Koakoyima.

12:42:35

22 Q. And did you observe if there was mining going on in these
23 places?

24 A. Yes, I usually see miners. If you travel in the morning
25 you will see them with their shovels, or when you pass through
26 the swamps you will see miners, you meet them there.

12:43:06

27 Q. And how did the civilians appear to you when you saw them?

28 A. Appear? Well, I don't see them in any threatened
29 condition. They were just saying that they are doing their own

1 mining.

2 Q. Was there any -- sorry, they said, they said what?

3 A. When you asked how I saw the civilians, then I said, I
4 don't see them in any mood of threat. I saw them normal doing
12:43:50 5 their own mining.

6 Q. Did you have cause to meet any of these miners from other
7 mining sites during these periods?

8 A. Please repeat the question.

9 Q. During the time you were working at Number 6 and the time
12:44:15 10 you would be staying at Lebanon, travelling from Number 6 to
11 Lebanon, spending time in Koidu Town, did you speak to other
12 miners, civilian miners?

13 A. Well, except those that we had close relationship or a
14 friend, then I will ask how is the mining, how are you going
12:44:50 15 about the mining? I don't have time to talk to people that we
16 don't have any business, you see.

17 Q. From what you saw travelling, from the people you spoke to,
18 from what you could observe generally, did you receive any
19 information at this time concerning forced mining in Koidu or
12:45:17 20 Kono District in general?

21 A. As far as my observations is concerned and my presence in
22 Kono, up to the time of intervention in Freetown when I had to
23 leave, I heard no information about it and I don't saw it with my
24 own eyes.

12:45:38 25 Q. In terms of -- in terms of activities in Koidu Town at this
26 time, were there any offices in Koidu Town?

27 A. Office? Which type of office are you referring to?

28 Q. Were there any diamond offices?

29 A. Well, maybe if they were there because they were buying

1 diamonds, maybe they were not exposing it, or you will see the
2 Marakas sitting in their verandas, they were buying diamonds.

3 Q. What about other sort of more social activities? Were
4 there any recreational facilities in Koidu Town at this time? Do
12:47:40 5 you understand my question?

6 A. Yes, I understand. Well, you see, AFRC time, the time I
7 was there, it was a very short time because by then there was a
8 threat from the surrounding Kamajors so, you know, people were
9 afraid to organise social functions, so there were not much
12:48:07 10 social activities. Also I did not spend a long time in that
11 area. By the time social life was organised, then came the
12 intervention.

13 Q. Well, were there any restaurants or cafes or such things in
14 Koidu Town?

12:48:40 15 A. Restaurants were people go to eat?

16 Q. Yes.

17 A. Yes, they were there because we used to go and purchase
18 rice to eat.

19 Q. Was there trade going on in Koidu Town?

12:48:58 20 A. Well, at that time then, the business was centered around
21 Koakoyima. It was mainly Koakoyima where business was.

22 Q. Did you observe if there were any restrictions imposed on
23 civilians concerning movement within Koidu, within Kono District?

24 A. Well, that was one of the -- we are very lucky on that part
12:49:50 25 because we had freedom of movement. There was no curfew. So you
26 can stay out for the rest of the night, no problem. No problem.

27 Q. What if you as a civilian, or other civilians wanted to
28 leave Kono?

29 A. Well, if you want to leave Kono?

1 Q. Yes, was it possible?

2 A. Yes, yes. That was why I said we had freedom of movement.
3 There were no boundaries. If you want to go out they will say
4 yes, or if you want to go anywhere they will question you, no.

12:50:42 5 Q. Now, let me take you to the intervention. Were you in Kono
6 when news of the intervention came?

7 A. Yeah, yeah, yeah.

8 Q. And the information was what? Can you remember?

9 A. Well, the information we had, the information we heard was
12:51:25 10 that they have, the Kamajor had come in there on their way, they
11 were around Bumpé area.

12 Q. Did any information come about how the Kamajors were
13 conducting themselves at Bumpé?

14 A. No. YOU see, at that time, it was a very short time. The
12:51:57 15 very day we heard that intervention has taken place in Freetown,
16 a day -- the following day they said they have brought Kamajors
17 around Bumpé area. So that very day I did not sleep there, I
18 leave -- I left, sorry.

19 Q. Why did you leave because of this news?

12:52:18 20 A. Well, generally because from the start of this war in this
21 country there were times we were afraid to go to the areas where
22 the Kamajors were, than the RUF. Because if you go to the
23 Kamajor areas, they will come and smell you and if they say you
24 are a rebel then they will kill you. So by then the rebel zone
12:52:49 25 was safer to us. So when you heard the Kamajors especially for
26 some of us coming from the hut you have no alternative to go
27 there, so --

28 THE INTERPRETER: Your Honours, can the witness please go
29 over the last segments?

1 MR JORDASH:

2 Q. You told us the first reason, and then you said secondly.

3 So just deal with secondly and take your time.

4 A. The time we were living with the juntas in Kono, so if
12:53:35 5 Kamajors would have come and met us, even if you are a civilian
6 they will term you as a collaborator, so no alternative. They
7 will kill you without a question. So that was why when we heard
8 that were at Bumpé those who were not fortunate to move, we heard
9 that they had been killed. So after we have ran --

12:54:04 10 Q. Did you run alone or were others running with you?

11 A. Yes, we were many.

12 Q. Civilians or fighters?

13 A. Well, by then civilians, fighters, everybody was trying to
14 rescue him or herself.

12:54:27 15 Q. Where did you go, Mr Witness?

16 A. Well, by then the time we went I didn't know the place. It
17 was one of my brother by the name of Alfred Sankoh. He lead me
18 to Bumbuna.

19 Q. Bumbuna?

12:54:51 20 A. Yes.

21 Q. Which district is Bumbuna in?

22 A. Tonkolili District.

23 Q. Who was -- was there an armed force in Bumbuna?

24 A. Well, that -- by then the intervention has just taken place
12:55:13 25 in Freetown, so armed men were running. They use the Kabala
26 Highway, they were using different axes to escape from
27 Freetown. So we met a few juntas who were coming from Freetown.

28 Q. The juntas who you met remain in Bumbuna?

29 A. No. One day, the following day, ECOMOG was sent. When

1 they heard that the ECOMOG were coming, all of them pulled out
2 and they left.

3 Q. And did the ECOMOG remain?

12:56:01

4 A. Well, they stayed there for some time, but they later left
5 the place.

6 Q. Did you --

7 PRESIDING JUDGE: ECOMOG in where?

8 MR JORDASH: Bumbuna. They stayed for some time but then
9 later left.

12:56:17

10 Q. Did you meet any one called Moses?

11 A. Yes. He was one of the soldiers who struck me a stick on
12 my head and give me a split.

13 Q. Why did -- why did he do that?

12:56:48

14 A. Well, by then we who run from Kono we came to Bumbuna they
15 said we are collaborators, so we were with their men -- the men.
16 That was the treatment they gave to us, and he struck me with a
17 stick.

18 Q. Did you receive any news about ECOMOG -- sorry. How long
19 did you stay in Bumbuna; do you know?

12:57:29

20 A. Well, I stayed there for well over one year.

21 Q. Did you receive any information about the junta taking over
22 Kono?

23 A. I got that information that they have taken over Kono.

12:58:11

24 Q. Did you receive any information about the ECOMOG pushing
25 the RUF out of the Kono at some stage?

26 A. When?

27 Q. In 1998, the same year with RUF taking over Kono or sorry,
28 RUF taking over Koidu Town and then RUF losing Koidu Town to
29 ECOMOG?

1 A. When RUF took over Koidu Town; is that what you mean?

2 Q. Yes, and I'm asking whether you heard about RUF being
3 pushed out of Koidu Town by ECOMOG?

12:59:16

4 A. When the intervention took place, when ECOMOG went to Koidu
5 Town? Yes. We heard about that, that they were pushed out.

6 Q. Did you here about ECOMOG retaking Koidu Town?

7 A. Well, this question is a little doubtful.

8 Q. Okay. When you left Kono to go to Bumbuna, did any of your
9 relatives remain in Kono?

12:59:46

10 A. My own relatives?

11 Q. Yes.

12 A. No.

13 Q. You remained in Bumbuna for I think you said a year. Where
14 did you go after Bumbuna?

13:00:19

15 A. When I left Bumbuna, I came to Magburaka. It was there I
16 left and moved to Kono.

17 Q. Do you know the year that you went back to Kono?

18 A. Early 2000, anyway. No, 1999.

19 Q. I paused because I could see you trying to work it out.

13:01:37

20 A. Early 1999.

21 PRESIDING JUDGE: Was it early 1999 or because you said
22 just early 2000. Is this early 1999?

23 THE WITNESS: No. Not early 1999. It was after the
24 ceasefire in July.

13:01:53

25 MR JORDASH:

26 Q. Okay. So you think you arrived in back to Kono July 1999?

27 A. No, not July. It was after the ceasefire in July, I did
28 not enter there in July. It was at the end of the year. At the
29 ending of the year, November.

1 Q. Okay. In terms of dry season, had the dry season begun?

2 A. Well, yes. Yes.

3 Q. And was it -- just so I'm trying to make sure we get -- is
4 this the right time? Do you know if it was the beginning or
13:02:53 5 later than that, the dry season?

6 A. Well, it was the beginning of the dry season.

7 Q. Okay. And why did you go back to Kono beginning of the dry
8 season, in 1999?

9 A. To go and continue with my mining, that was why I went
13:03:23 10 back.

11 Q. Did you go back alone?

12 A. No, I went with one of my brother, Alfred, we went
13 together.

14 Q. Is Alfred is civilian or a fighter?

13:03:45 15 A. He was a civilian.

16 Q. Were you the only civilians with who went from Bumbuna to
17 Kono around that time? Sorry, from Magburaka to Kono at that
18 time?

19 A. No. We were many because by then after the ceasefire,
13:04:05 20 every day people were going; every day there were vehicles plying
21 the route to Kono.

22 Q. From where, Mr Witness, were vehicles plying the route to
23 Kono?

24 A. The highway. The Masingbi, Matotoka, Masingbi to go to
13:04:36 25 Sewafe that was the highway they use.

26 Q. So you mentioned a Masingbi and Matotoka?

27 A. I call Matotoka, Makali, Masingbi, Sewafe.

28 Q. Did you know the situation at Makeni?

29 A. Well, before then, since we were at Bumbuna, we heard about

1 an infighting at Makeni. We heard about that.

2 Q. Do you know -- sorry. Do you know if there was anything
3 restricting movement between Makeni and Masingbi? Don't guess,
4 if you don't know, you don't know, but, if you do, please say.

13:05:43 5 A. If anything, that would disturb civilians from travelling
6 or what?

7 Q. Yes, exactly that.

8 A. No.

9 Q. No nothing --

13:06:00 10 A. No.

11 Q. -- or no you don't know?

12 A. No, not that I don't know. There was nothing disturbing
13 them.

14 Q. Thank you.

13:06:15 15 MR JORDASH: I'm just about to ask about a new subject in
16 Kono.

17 PRESIDING JUDGE: Okay. We can take the lunch break here.

18 MR JORDASH: Thank you.

19 PRESIDING JUDGE: And continue in the afternoon.

13:07:36 20 Well, the Chamber will recess for lunch. We will rise,
21 please.

22 [Luncheon recess taken at 13.07 p.m.]

23 [RUF26FEB08C - DG]

24 [Upon resuming at 2.45 p.m.]

14:50:39 25 PRESIDING JUDGE: Well, learned counsel. Good afternoon.
26 We are resuming the session. Mr Jordash, please.

27 MR JORDASH: Thank you.

28 Q. Good afternoon, Mr Witness?

29 A. Good afternoon.

1 Q. We were dealing with free passage of civilians after the
2 ceasefire from Makeni, Masingbi, Magburaka to Kono via the Sewafe
3 route. And just picking up on that, you travelled from Magburaka
4 to Kono to mine, why were other civilians travelling to Kono at
14:51:24 5 that time?

6 A. Pardon.

7 PRESIDING JUDGE: He's asking -- I don't think he got your
8 question.

9 MR JORDASH: No, I didn't get the translation either, and I
14:51:52 10 heard something.

11 Q. Did you -- let me repeat the question, I didn't hear the
12 translation. You travelled from Magburaka to Kono for mining.
13 You told the Court that other civilians had free passage from
14 Makeni through the various towns on the Kono Highway to Kono and
14:52:19 15 the question I asked was: Do you know for what reason the other
16 civilians were travelling to Kono after the ceasefire?

17 A. Well, at that time, after the ceasefire, we the civilians
18 travel to Kono in different cases. Some went on mining; some
19 went on business; some went to visit their relations. So that
14:52:57 20 was how civilians went to Kono.

21 Q. You arrived in Kono, what do you do after arrival?

22 A. Well, at that time, when we went to Kono, we went through
23 Gieya, so we went to Yengema. We stayed there.

24 Q. Did you take a place to live in Yengema?

14:53:39 25 A. Yes, they gave us a place where we lived.

26 Q. I'm sorry. Who gave you a place?

27 THE INTERPRETER: Your Honours, can learned counsel please
28 ask the witness to speak loudly a bit.

29 MR JORDASH:

1 Q. Sorry. You have a very soft voice. So just raise your
2 voice a little?

3 A. Okay. Should I continue with this now? So, the one who
4 gave us a place was one of the indigenes of that place. The man
14:54:19 5 who lodged us, gave us the place. He was called Peter. He gave
6 us the place.

7 Q. And what did -- did you take steps to begin mining?

8 A. Well, when we went, we went and stayed with one commander
9 who was in Gi eya, since he was the commander in that area called
14:54:49 10 Kennedy.

11 Q. How far is Gi eya from Koakoyi ma?

12 A. Gi eya, I think three miles.

13 Q. Was Kennedy -- residing --

14 PRESIDING JUDGE: Three miles from where.

14:55:13 15 MR JORDASH: Koakoyi ma.

16 THE WITNESS: From Gi eya to Koakoyi ma.

17 MR JORDASH:

18 Q. Was Kennedy residing at Gi eya or was he working there? In
19 what sense was he there?

14:55:30 20 A. He was based there. He was the area commander in that
21 area.

22 Q. Was this Kennedy a tall or a short man?

23 A. Kennedy is a tall man, with a lot of beard.

24 Q. What did you do to take steps to commence mining?

14:56:31 25 A. Well, when we went there, they procedure we met was the
26 procedure we followed. We saw the commander in the place. The
27 commander who was in the place should know where you're coming
28 from, who are you. We did that. From then he gave us conditions
29 on mining and how to go about it.

1 Q. And do you remember what he explained about the conditions
2 or procedure of the mining?

3 A. Well, the conditions on the mining --

4 PRESIDING JUDGE: Who gave you the place to mine?

14:57:11 5 THE WITNESS: Well, at that time, the man who took us there
6 he was called Peter. He gave us a place to lodge and a place to
7 work.

8 MR JORDASH:

9 Q. And was Peter a fighter or a civilian?

14:57:28 10 A. He was a civilian.

11 Q. And in terms of Peter giving you a place to work, how did
12 he -- how was he able to give you a place to work?

13 A. Well, when I said he was the one who gave us a place to
14 work, in a sense, we were strangers in that place and we did not
14:57:56 15 know any mining site and the mining areas. He was an indigene of
16 that place. So he directed us to places where we should do
17 mining. That was why I said he gave us a place to mine and he
18 directed us.

19 Q. When you say he directed us, who are you referring to?

14:58:23 20 A. Well, me and the men who were with me, who worked for me.

21 Q. Who were those men? How did you come to be with them?

22 A. Well, those men? I went with them.

23 Q. You went with them from where?

24 A. From Magburaka. I took them from Magburaka.

14:58:54 25 Q. How many of them was there?

26 A. I went with ten initially.

27 Q. Were they civilians or fighters?

28 A. They were all civilians.

29 Q. And after you'd been allocated a place, did you begin

1 mi ni ng?

2 A. Yes, then I did started mi ni ng.

3 Q. And can you explain what the operation was that you had?

4 How did it work?

14:59:35 5 A. The mi ni ng operation?

6 Q. Yes. Was there a support -- just give us what kind of

7 mi ni ng it was?

8 A. Okay. I went with the workers. I was a supporter for that

9 parti cul ar mi ni ng.

14:59:58 10 Q. And the ten others that you'd gone with, what did they do?

11 A. They were the workers. They were the workers. I was a

12 supporter.

13 Q. And what kind of system was the mi ni ng?

14 A. Well, the system that operated was a two-pile system.

15:00:37 15 Q. Was that your system or the system of operation in Yengema?

16 A. I have not got the question clear.

17 PRESIDING JUDGE: He said they were operating a two-pile

18 system.

19 MR JORDASH: Yes. I don't know if he was referring to his

15:00:58 20 own operation only or the operation in Yengema.

21 THE WITNESS: Well, this two-pile system was all over the

22 place.

23 MR JORDASH:

24 Q. Sorry to press you, but all over which place?

15:01:21 25 A. Wi thi n Yengema Town, I mean, because that was where I was

26 based. That is where I would be able to talk about.

27 Q. And are you able to give an idea to the Court, how many

28 mi ni ng si tes there was at -- there were at -- there were at

29 Yengema at that time?

1 A. The names of the mining site?

2 Q. No. I won't press you for that but I will ask you how many
3 approximately there were at that time?

15:02:06

4 A. The sums -- around Yengema Town are so many. So there were
5 many, I can't calculate it and give you a fixed amount. There
6 were lot of mining places.

7 Q. Are you able to say whether there was tens, hundreds,
8 thousands, what kind of --

9 A. Tens, not hundreds.

15:02:27

10 Q. So these tens of mining sites --

11 A. Uh-huh.

12 Q. -- and the two-pile system was all over these sites?

13 A. Yes, that was what operated.

15:02:53

14 Q. Was there any other system other than the two-pile in those
15 sites?

16 A. Well, if it was even there, I did not know about it. I
17 knew about the two-pile.

18 Q. And of these tens of mining sites operating a two-pile
19 system, are you able to tell us who was mining in these sites,
20 civilians or fighters, or both?

15:03:17

21 A. Okay. It came to a time, you will not know a civilian from
22 a fighter.

23 Q. Why not?

15:03:41

24 A. Because we are all in the site. You did not see anybody
25 putting on a uniform to identify as a soldier or fighter going to
26 the site with guns, so you can't actually differentiate between a
27 fighter and a civilian.

28 Q. When you arrived in Yengema, were you able to distinguish
29 between civilians and fighters, at that time?

1 A. Well, at the time we went, there was a law that was passed
2 that because we met so many civilians who had gone ahead before
3 us.

4 Q. Go ahead.

15:04:21 5 A. So a law was passed that no one should carry weapons
6 because there was civilians among them. So we did not see arms,
7 except once in a while you'll see a soldier who puts on a
8 uniform, then you know that he belong to that group, but normally
9 we are all just the same people.

15:04:45 10 Q. And were you able to observe the relationship between
11 people whether soldiers or civilians within the Yengema area.
12 What was the state of relationships, generally?

13 A. Well, at the time when I went to Yengema, the gunmen and
14 the civilians, there was no problem in the place. It was
15:05:39 15 cordial. Like I had earlier told you, you can't differentiate a
16 civilian from a fighter. Because a soldier was not putting on
17 anything that would identify him as a soldier. At that time
18 nothing like that existed any longer.

19 Q. Do you remember any of the -- just answer yes or no to this
15:06:05 20 question, Mr Witness. Do you remember any of the names of the
21 civilians you were working with, yes or no?

22 A. Some I can remember.

23 Q. So, if anyone wants to ask you about the names, you'll be
24 able to tell them, if any lawyers in the Court want to ask you
15:06:27 25 about these civilians?

26 A. Yes, I can tell some of the names.

27 Q. Well, we'll leave that there for now.

28 PRESIDING JUDGE: You don't want to ask him the names?

29 MR JORDASH: Well, I could but it would involve going into

1 a closed session. If my learned friends will dispute that he was
2 with civilians then --

3 PRESIDING JUDGE: Again, we can use our usual methods. He
4 is literate. He can write down the names of those civilians and
15:07:09 5 we'll admit that the piece of that documents, you know,
6 confidentially.

7 MR JORDASH: If Your Honours, think it's useful then I'll
8 do it.

9 PRESIDING JUDGE: I'm sure nobody will have an objection to
15:07:24 10 that.

11 MR JORDASH: Well, I was thinking it may not be disputed so
12 I won't -- but I -- can you write down the names? Are you able
13 to write the names, Mr Witness?

14 PRESIDING JUDGE: The names of some of those civilians
15:07:42 15 whose names that you can remember.

16 THE WITNESS: I'll try. I'll try.

17 MR JORDASH: If it's easier --

18 PRESIDING JUDGE: If you can write, why not? You can write
19 their names. Is it civilians who were with him in Yengema or who
15:09:02 20 worked with him in Yengema? And can we get some clarification as
21 to what he's writing there.

22 MR JORDASH:

23 Q. Are you writing the names of the -- some of the ten that
24 you worked with? Or are you writing the names of --

15:09:21 25 A. Those were working with me. These are the names I'm
26 writing.

27 PRESIDING JUDGE: Is that what you want?

28 MR JORDASH: Yes.

29 PRESIDING JUDGE: All right.

1 MR JORDASH: I tender.

2 PRESIDING JUDGE: You're tendering it.

3 MR JORDASH: Yes, please, Your Honour,

4 PRESIDING JUDGE: No objection, Mr Wagona.

15:14:11 5 MR WAGONA: No objection.

6 PRESIDING JUDGE: All right. The piece of paper containing
7 the names of those who worked with witness DIS-065 is admitted
8 and marked confidentially as Exhibit.

9 MS KAMUZORA: Number 296, My Lord.

15:14:36 10 PRESIDING JUDGE: 296, yes. Can you hand this -- please
11 put the pseudo name, you know, of the witness, on that piece of
12 paper, you know, that exhibit. So that we relate it to his
13 testimony. You say it's 297?

14 MS KAMUZORA: 296, My Lord.

15:15:08 15 PRESIDING JUDGE: 296?

16 MS KAMUZORA: Yes.

17 [Exhibit No. 296 was admitted]

18 PRESIDING JUDGE: Yes. Yes, you may proceed, Mr Jordash.

19 MR JORDASH:

15:15:25 20 Q. Let me return just briefly to the two-pile system so that
21 it's clear who's getting what. Who received the two piles in
22 this two-pile system operated in Yengema. Mr Witness -- Mr
23 Witness?

24 A. Who gets the one-pile or the two-pile? Who goes -- who has
15:16:08 25 the two-pile; is that what you want to know?

26 Q. Yes. You told us that it's a two-pile system?

27 A. Yes.

28 Q. Who gets the pile -- who got the piles?

29 A. Well, what I meant by the two-pile system because when you

1 dug your gravel you divide it into two parts. You see, you have
2 the one and the other part goes to the soldiers.

3 Q. That's -- that's what I was -- that's the information I was
4 seeking. The pile which went to -- that did not go to the
15:16:45 5 soldier, it went to who?

6 A. It goes to the supporter. The person who supports the
7 work. The person who supports the work has the one pile.

8 Q. And so that mean you as the supporter received the pile and
9 what did the workers receive?

15:17:14 10 A. We? Me and the workers will have the one pile.

11 Q. Right. So you shared the one pile?

12 A. We don't share it, we wash it and then --

13 Q. What happens to the diamonds?

14 A. Like what I've explained earlier, if we have a diamond, we
15:17:45 15 negotiate the price with the workers. If you negotiate and then
16 you agree, then it would be yours. If you don't -- if you don't
17 conclude as one, then it would be sold and share the money into
18 two parts.

19 Q. And the pile which went to the RUF --

15:18:03 20 PRESIDING JUDGE: Sorry. Let's get the procedure again.
21 If you negotiate the what, you say?

22 THE WITNESS: The price. The price.

23 PRESIDING JUDGE: With your workers?

24 THE WITNESS: Yes, sir.

15:18:21 25 PRESIDING JUDGE: Yes. You negotiate the price with the
26 workers. Is it you telling them the price or they telling you
27 the price or both?

28 THE WITNESS: They'll give you the price. They'll say this
29 is what I want for this and then you say this is what I'll pay.

1 PRESIDING JUDGE: Yes. If they agree with your price, you
2 pay them?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: If they don't you go and sell it to --

15:18:49 5 THE WITNESS: If they don't accept, we all go together and
6 sell it.

7 PRESIDING JUDGE: You sell it to a Malaka man?

8 THE WITNESS: Well, sometimes it would be sold to Maraka.

9 Sometimes it would be sold to anybody. Be it black, Lebanese, or
15:19:24 10 whoever.

11 PRESIDING JUDGE: And what do you do with the proceeds?

12 THE WITNESS: Well --

13 PRESIDING JUDGE: How do you share the proceeds, that's
14 what I --

15:19:46 15 THE WITNESS: We divide it in two.

16 PRESIDING JUDGE: One for you and the other one for the
17 workers.

18 THE WITNESS: Yes.

19 PRESIDING JUDGE: Yes, Mr Jordash.

15:20:15 20 MR JORDASH: Thank you.

21 Q. At this time, was there a central place where these buyers
22 were based or were they in different places?

23 A. They would be in different places. Every town would get
24 one or two Jola men, but the main side was Koakoyima.

15:20:56 25 Q. And in this process of selling to these various Yolas or
26 buyers, would you, Mr Witness, go to Koakoyima?

27 A. Yes, I went to Koakoyima.

28 Q. Okay. I'll come back to the subject about what you found
29 in Koakoyima shortly. But just staying with Yengema for the

1 moment, the other pile which you said went to the RUF -- I think
2 you said that -- who was it from the Yengema area that the
3 diamonds -- sorry, that the pile was given to? Was there a named
4 person?

15:22:06 5 A. The commander who was in that area was called Kennedy. He
6 was the commander in that area. So I don't know whether he was
7 the one who left his boys to go and collect the piles, but he was
8 there.

9 Q. Okay. Let me ask a few questions about Kennedy. You said
15:22:18 10 he was a tall man. Were you aware of any --

11 A. Yes.

12 Q. Were you aware of any other Kennedy within Koidu at this
13 time?

14 A. Well, the one I know and I saw I know him very well. He's
15:22:40 15 a tall Kennedy.

16 Q. Did you hear of another Kennedy?

17 A. I heard of him but I don't know him.

18 Q. Was he in Koidu at this time?

19 A. Well, I don't know whether he was there.

15:22:57 20 Q. Okay. Did Kennedy, tall Kennedy have any other functions
21 in terms of -- you told us he was there to explain the procedure
22 of the mining in Yengema and he also received the gravel or a
23 pile from the two-pile system; was he at the site regularly or
24 sites?

15:23:37 25 A. Whether he was there almost all the time? No. I think he
26 had boys whom he sent. After the gravel was removed, he sent
27 people. He doesn't go there all the time. He went there
28 seldomly.

29 Q. Do you know if he was in charge of any other areas of

1 mining production?

2 A. Well, within Gi eya, Yengema and Bumpe areas, that is the
3 only place I know about him.

4 Q. In the Gi eya and Bumpe areas are they separate from
15:24:19 5 Yengema? Are they different places or the same place?

6 A. They are different towns.

7 Q. How far is Gi eya from Yengema?

8 A. It's just a few yards about a hundred.

9 Q. Hundred?

15:24:41 10 A. Hundred yards.

11 Q. And Bumpe from Yengema?

12 A. No. Gi eya and Yengema.

13 Q. Sorry. How far is Bumpe from Yengema?

14 PRESIDING JUDGE: He said Gi eya and Yengema are just a few
15:25:08 15 yards?

16 THE WITNESS: Hundred yards. Hundred yards.

17 PRESIDING JUDGE: Hundred yards.

18 MR WITNESS: Yards.

19 MR JORDASH:

15:25:17 20 Q. Bumpe from Yengema?

21 A. About one-and-a-half miles or so.

22 Q. And were there mining -- yes, these were mining areas. Did
23 you have cause to travel to these areas at all. Or did you hear
24 any information about what was happening in these areas?

15:25:46 25 A. Well, yes. We used to travel and when you are in Kono and
26 you are engaged in mining, you don't stay in one place. You go
27 to different areas to search.

28 Q. So did you and/or any of your workers or any of your
29 friends have cause to go to Gi eya or Bumpe, in 1999?

1 A. Well, Bumpe, yes. We worked there. We went to Gieya,
2 Yengema.

3 Q. Can you think of any other places you or your friends or
4 workers went to mine in 1999?

15:26:33 5 A. Tombodu.

6 Q. Anywhere else to mention? Can you think of anywhere else
7 you went to?

8 A. Like Gbeko.

9 Q. Think now whilst you're in the witness box, whether you had
10 friends in other places mining in 1999, civilian friends? Take
11 your time. It's not hurry?

12 A. Yes, there were friends do work. Some work at Koidu,
13 Koakoyima, Bandafi, all those areas; I had friends that were
14 working there.

15:27:33 15 Q. And when the day's work was done, did you see those friends
16 in 1999?

17 A. Yes. We used to meet, we meet occasionally.

18 Q. Did you receive any complaints from them about the mining
19 conditions in these various places?

15:28:20 20 A. Well, since the time I started this last mining, when we
21 used to interact in different areas, except we discuss about
22 saying that area is not productive or that area is productive or
23 we have not had anything from that other area, those were the
24 only complaints that we had. These were just production
15:28:51 25 complaints from one another.

26 Q. And the civilians friends that you had, were they -- were
27 they making a living through the mining or not?

28 A. Well, you see mining is -- sometimes you will have a
29 friend. He will get some money but he will not disclose that to

1 you. Maybe he will not like you to know about it. Some are very
2 secretive or discrete.

3 Q. The civilians you --

15:29:39

4 PRESIDING JUDGE: But you agree that they were living on
5 the mining. I'm sure that's what learned counsel wants to know.
6 They wouldn't disclose their income. They lived on their mining
7 activities, those friends of yours?

8 THE WITNESS: Yes. All those that I'm referring to were
9 miners. We were all dependent on mining.

15:30:08

10 MR JORDASH:

11 Q. And just staying with 1999 for a moment. Yengema, was
12 there any school in Yengema at that time?

13 A. Yes, at that time, we had one teacher Kamara, late Kamara.
14 He had died. He was the teacher of that school. The school is
15 called UMC Primary School. Then --

15:30:31

16 Q. Do you know who gave the supplies to that school in
17 Yengema?

18 A. Well, the supply normally comes from Issa, by then he was
19 residing at Lebanon. He used to come to Mr Kamara. Because Mr
20 Kamara was not a miner. Even the payment, he was the one
21 responsible for paying Mr Kamara, because I was very close with
22 Mr Kamara. Look at my house, look at his house.

15:31:03

23 Q. Was there any --

24 PRESIDING JUDGE: Paying? Paying what.

15:31:20

25 THE WITNESS: Because he was teaching. Whilst he was
26 teaching at the school.

27 PRESIDING JUDGE: And you say it was Issa who was paying
28 him?

29 THE WITNESS: Yes.

1 JUDGE BOUTET: How do you know that?

2 THE WITNESS: Well, the man is my neighbour. Sometimes
3 we'll sit and discuss. Sometimes when he's paid he will say, oh,
4 my friend I have received my package oh, because we are miners.
15:31:51 5 He will give me some token out of it.

6 PRESIDING JUDGE: You should have been the one giving him.

7 THE WITNESS: Well, since he's a friend. If he gets first,
8 he will give to your friend.

9 PRESIDING JUDGE: When you get, you pay back, huh. All
15:32:13 10 right.

11 THE WITNESS: Yes. Yes.

12 MR JORDASH:

13 Q. Medical care, was there any in Yengema, 1999?

14 A. We had one woman by the name of mammy Isatu, nurse Isatu.

15:32:35 15 Q. Markets. Did you have any markets in --

16 A. There were markets. They were on the highway.

17 PRESIDING JUDGE: You said mammy Isatu was in charge of
18 what?

19 THE WITNESS: Medical .

15:32:53 20 MR JORDASH:

21 Q. Mosques?

22 A. There were two mosques.

23 Q. G5?

24 A. Yes.

15:33:12 25 Q. What did the G5 -- did the G5 have anything to do with the
26 mining?

27 A. No. They had nothing to do with the mining.

28 Q. What did the G5 there do, if anything?

29 A. Well, if the G5 were doing anything?

1 Q. Yes.

2 A. Yes. G5, they were -- the G5 was responsible to mediate
3 between RUF and the civilians. Because if there is any problem
4 from the RUF, it is the G5's responsibility to settle that

15:33:54 5 problem. They are responsible to settle issues between fighters
6 and civilians.

7 Q. Okay. Thank you. You mentioned Tombodu, Mr Witness?

8 PRESIDING JUDGE: So Mr Witness, you are saying that the G5
9 was not involved in mining?

15:34:22 10 THE WITNESS: In a sense mining activities. I don't know
11 whether personally he is involved but to say that he is involved
12 directly in the mining, no. I don't know, possibly he's doing it
13 personally.

14 JUDGE BOUTET: But if there is a dispute between a miner
15:34:44 15 and a fighter, would the G5 get involved?

16 A. Well, well, that was their responsibility. That is the
17 responsibility of the G5 to mediate between fighters and
18 civilians.

19 MR JORDASH:

15:35:06 20 Q. Would that include disputes about mining?

21 A. Yes, they can settle that. Those that they can settle,
22 they will settle it.

23 Q. And this may sound like a very difficult question, but see
24 if you could help. 1999 mining, in Koidu and Kono, are you able
15:35:38 25 to estimate how many civilians you think were involved in the
26 kind of mining which you were involved in. I'm not asking for an
27 exact number but are we talking tens, hundreds, thousands?

28 JUDGE BOUTET: Mr Jordash, I'm sorry what time frame did
29 you?

1 MR JORDASH: 1999.

2 PRESIDING JUDGE: 1999.

3 JUDGE BOUTET: 1999. Yes thank you.

4 MR JORDASH: From when the witness arrived.

15:36:08 5 Q. In the Kono District from your movement around the
6 different areas to your seeing the site at Yengema, seeing these
7 other sites, speaking to your friends, can you give an idea of
8 the kind of number of civilians mining two-pile?

9 PRESIDING JUDGE: Who were involved in your type of mining?

15:36:31 10 That is the question.

11 MR JORDASH: Well I think --

12 PRESIDING JUDGE: To a two-pile you're changing it.

13 MR JORDASH: I suppose what I'm -- let me try and clarify
14 it.

15:36:38 15 PRESIDING JUDGE: All right. Okay

16 MR JORDASH:

17 Q. What you've described is voluntary mining; am I right? In
18 the various sites, civilians were mining and it seems willingly;
19 yes?

15:37:09 20 A. Okay. Well, in terms of mining during those days because
21 the mining sites were populated, most of the sites were
22 populated. This is not hundreds. It is thousands. If you talk
23 about Kono, Koidu, Koakoyima, all those areas if you talk about
24 them, it is thousands. It is not a matter of hundreds.

15:37:30 25 Q. That's what I was getting at. And did you hear of RUF
26 forcing --

27 PRESIDING JUDGE: So they were in the thousands?

28 THE WITNESS: Yes. Yes.

29 MR JORDASH:

1 Q. Did you hear of RUF forcing civilians to mine, in 1999
2 after you'd arrived amongst these thousands of civilians?

3 A. Okay. You see that question in 1999 up to disarmament I
4 was in Kono, I never went anywhere. I had no idea of forced
15:38:39 5 mining. I don't have that knowledge because when we went there
6 we had no blockage. There was no curfew. So and it was not a
7 one-way. There were several ways to go to Kono. So if there was
8 any forced labour in Kono, I wouldn't have settled in Kono
9 because it would have been a fruitless endeavour. So there was
15:39:32 10 no forced mining at all.

11 Q. Thank you. Now, I said we return to Koakoyima. You told
12 the Court that you had friends who were mining in Koakoyima; is
13 that right?

14 A. Yes.

15:39:32 15 Q. And did you, yourself, go to Koakoyima, in 1999?

16 A. Yeah. I go there frequently.

17 Q. What would you go there to do?

18 A. Well, since that was the major area, sometimes if we go
19 there to purchase things then if you have your number ten, that
15:39:46 20 is where you take it to sell.

21 Q. If you had your number?

22 A. The small diamond, that is where you'll take it -- that is
23 where the Jolas are.

24 Q. You called it a number ten, is that what you called a small
15:40:01 25 diamond?

26 A. Yes. Because we refer to the small diamond as number ten.
27 That is their name.

28 Q. Right. And you called it a major area, why do you say
29 Koakoyima was a major area? What do you mean?

1 A. Because all the transportation vehicles will alight there
2 and all the major traders are based there.

3 Q. And are you able to give the Court an idea of how many
4 houses in Koakoyima.

15:40:57 5 A. There are many, I can't recall the number but there are
6 many.

7 Q. Are you able to say how long it would take you to walk from
8 one side of Koakoyima to the other?

9 A. Well, if we can average it up to 30 minutes from one point
15:41:25 10 to the other.

11 Q. And was mining going on within Koakoyima itself, were there
12 mining sites?

13 A. Not the township, there are swamps around the town, the
14 peripherals of the town.

15:41:43 15 Q. And at the time of 1999, were those swamps occupied by
16 miners?

17 A. Yes, they were mining there.

18 Q. And I again -- sorry to press you on numbers but are you
19 able to give the Court an idea how many civilians were mining
15:42:07 20 there?

21 A. Well, that was what I said earlier, that within the Kono --
22 I said earlier on that within the Kono township where diamond is
23 being mined, We had a lot of population. So it's difficult to
24 give an exact figure of the number of people and that particular
15:42:40 25 area, Koakoyima, is the most populated area. So most of the
26 mining that was taking place in that area was not in hundreds but
27 in thousands, you know.

28 Q. And did you observe whether -- were the mining sites there
29 at Koakoyima enclosed by any fence or barrier or were they open

1 for all to see?

2 THE INTERPRETER: Your Honours, can I learned counsel please
3 go over his question.

4 MR JORDASH:

15:43:31 5 Q. If -- if -- if -- when you went to Koakoyima, were you able
6 to move around Koakoyima mining sites?

7 A. Yes.

8 Q. Was it possible for any civilian to also walk around the
9 mining sites?

15:43:51 10 A. You know, like this statement, I had already said this
11 while I was referring to Yengema. This -- the time I'm referring
12 to Koakoyima, this is the most populated area. If you arrive
13 there, you go to the swamp --

14 THE INTERPRETER: Your Honours, can the witness please --

15:44:14 15 MR JORDASH:

16 Q. You're going a bit fast again. I think we're -- we're
17 almost done. So slow down. We're making good progress. Start
18 that answer again.

19 A. Okay. You said if civilians had chance to travel through
15:44:38 20 the swamps. Like what I said, if you are travelling along the
21 mining areas, you will not tell whether this is a civilian or a
22 soldier. There was no boundary, no blockage at all.

23 Q. When you went there, were any civilians under any gunpoint?

24 A. Well, if that is the case then they have allowed to take
15:45:11 25 guns to the site. But there was a law, Issa passed the law, that
26 no guns are allowed to be taken to the site, even the township.

27 Q. I know this may sound obvious, but if there had been
28 anybody being forced to mine in Koakoyima, is it the sort of
29 place you would have known or could it have been hidden?

1 PRESIDING JUDGE: So what is logically -- what is his
2 response to the question -- so you're saying that there were no
3 guns, you know, carried in the mining sites.

4 MR JORDASH: Yes.

15:46:14 5 Q. Would it have been possible to hide -- is it the sort of
6 place you could have hidden people being forced to mine? What's
7 your comment on what you know --

8 A. If?

9 Q. If there was -- if there had been a group of civilians
15:46:33 10 being forced to mine in 1999, when you were in Koidu and at
11 Koakoyima, is that something --

12 A. Yes.

13 Q. Is that something you and others would have known or is it
14 something which could have been hidden in your experience?

15:46:52 15 A. Yes. If that was the case because all the mining sites
16 were open sites. There is no way to stop somebody from going
17 this part or that part. So if that was the case, that there was
18 a forced labour, I think I ought to have known.

19 Q. And same question, if for example, there had been a hundred
15:47:25 20 civilians living in Koakoyima and marched out of Koakoyima every
21 day to be forced to mine somewhere else, would you have expected
22 to know that or not?

23 THE INTERPRETER: Your Honours can I learned counsel, please
24 take back his question.

15:47:49 25 MR JORDASH:

26 Q. If you went to Koakoyima you had friends in -- sorry. Let
27 me ask the question again. You told us that you would have known
28 if there had been civilians being forced to mine in Koakoyima.
29 So the next question I want to ask is this: If there had been a

1 collection of civilians, say a hundred civilians living in
2 Koakoyima and forced to leave Koakoyima every day to go and mine
3 in another part of Koidu, under force, under gunpoint, is that
4 something you would have expected to hear about?

15:48:39 5 A. Yes. Because -- yes, I would have heard.

6 Q. Why do you say that with such certainty?

7 A. Why I believe, because I had friends who were living in
8 Koakoyima, Koidu and the surrounding villages, all over and we
9 have miners who have friends who were deployed in all those

15:49:12 10 areas. So as such if there is anything like that going on, I
11 believe such information are not even informations. Then to say
12 that people have been forced to mine. I believe that information
13 would have circulated. Everybody ought to have known. That is
14 why I believe that there was no forced mining.

15:49:37 15 Q. Thank you. If you could just give me a moment, we're
16 nearly there. Did the -- sorry. Let me ask this: When you
17 arrived at Yengema, was there a training base at Yengema?

18 A. Well, the training base in Yengema, by the time I went
19 there, it was not there. I never saw it with my eyes.

15:50:24 20 Q. Thank you. Now, did the system of mining, the two-pile
21 system you described, change at any time after you arrived in
22 1999 or after?

23 A. The two-pile system?

24 Q. Did it remain through 1999 and 2000?

15:50:52 25 A. Up to date, up to now, it is there.

26 Q. Was there a time?

27 JUDGE BOUTET: When you say up to now, it's still there.

28 Who is the second pile?

29 THE WITNESS: Well, the -- I had explained that statement

1 earlier. The -- that pile belongs to the bush owner.

2 JUDGE BOUTET: Thank you.

3 MR JORDASH:

15:51:46

4 Q. Did the chiefs of Kono ever have anything to do with the
5 mining in '99 or 2000?

6 A. Well, in '99, yes, later. Not '99, it was 2000.

7 Q. Can you explain what happened in 2000 which --

15:52:32

8 A. In 2000, the chiefs made a group and they met Issa at
9 Koakoyima. They said, well, they too -- because most of them
10 were not with him. They'd come to a time they were returning.

11 They were coming back to Kono. So it came to a time, they made
12 an arrangement with Issa that they were also interested in the
13 mining. So, Issa gave them the go ahead that that was not a

15:53:01

14 problem and that -- they had the two-pile system. And the one
15 pile will go to the chiefs and the one pile goes to the labour.
16 So that was how the chiefs became involved later in the mining.

17 Q. Sorry. Just so we're clear, who introduced that system?

15:53:33

18 A. The chiefs. They went and met Issa at Koakoyima, in old
19 Lebanon. Sorry. They said they too would like to be involved in
20 the mining. Then Issa said okay you will -- we will be together
21 and when they divide the pile the one pile will be shared between
22 the chiefs and the RUF. So the one pile belonged to the chiefs
23 and the RUF and the one pile goes to the labour.

24 Q. And --

15:53:54

25 PRESIDING JUDGE: One pile to the chiefs and the RUF.

26 THE WITNESS: Yes.

27 MR JORDASH:

28 Q. Was this still called the two-pile system?

29 A. Yes, that was how we used to refer to it. That was how we

1 referred to it. Although some called it three-pile but we took
2 it as two-pile because the other pile it is divided among two
3 groups.

15:54:49 4 Q. And in the year 2000 when this arrangement was made between
5 Issa Sesay and the chiefs, were there more or less civilians
6 mining in Kono, in 2000 as compared to --

7 A. No. It was an addition of civilians. Since that time as
8 they get the information about Kono as they receive good
9 information about Kono, the more civilians will pour into Kono.
15:55:16 10 So it was an addition.

11 Q. And did you remain through 2000, Mr Witness?

12 A. Yes, I was there.

13 Q. In terms of the conditions of civilians, were they any
14 different in 2000 to the time you'd been present in 1999, in
15:55:43 15 Koidu Town and Kono District?

16 A. Well, some areas it is different. They still operate on
17 two-piles. Some areas the chiefs are not involved but areas
18 wherein the chiefs are involved that was where you have those
19 conditions.

15:56:14 20 Q. Any reports of forced mining to you in 2000?

21 A. Well, my workers, my friends that I had in Kono, up to the
22 disarmament period. I had no report from my people.

23 Q. Mr Sesay, in Lebanon, did you observe any of his activities
24 in Lebanon, in 2000, concerning his soldiers?

15:57:16 25 A. Since we were not living in the same area, but all the laws
26 that he used to pass for the soldiers we used to hear about them.
27 Because they were general laws.

28 Q. Such as?

29 A. Well, since the time he passed the law that they did not

1 want to see any soldier moving with arms within the township or
2 the swamp. That law was disseminated throughout Kono. I was not
3 there --

15:58:09

4 PRESIDING JUDGE: You said -- he passed a law that all
5 soldiers should not do what?

6 THE WITNESS: Should not move along with guns within the
7 township or the swamps.

8 MR JORDASH: Can I just take instructions please, Your
9 Honour? I see. Let's just finish before that.

15:58:43

10 PRESIDING JUDGE: Was that the only law.

11 MR JORDASH: Yes. That's what I was going to ask.

15:59:06

12 THE WITNESS: Well, there were other laws. Another law
13 because when we had this two-pile system, other soldiers had
14 wanted to use the civilians to wash their own pile. So that,
15 again, he stopped the soldiers saying that: If you want
16 civilians to wash your pile, you either pay them or you look for
17 your own workers. So that was another -- in fact, they didn't
18 continue. They had wanted to start it when he passed that law.

15:59:28

19 MR JORDASH:
20 Q. Do you know of any actions he took if RUF breached any of
21 these laws? Were you aware of any?

22 A. Well, there are laws. If you break a law, then you will be
23 flogged publicly.

24 Q. Did you see that or hear about it?

15:59:59

25 A. I heard about it. I never witnessed it.

26 Q. Mr Witness, do you know when it was Mr Sesay came to be
27 permanently stationed in Kono?

28 A. I can't recall the time.

29 Q. Do you know if it was -- I don't want you to guess, but if

1 you know, do you know the --

2 A. That is why I said I can't recall the time.

3 MR JORDASH: Fair enough. Can I just take instructions
4 please.

16:00:42 5 PRESIDING JUDGE: Yes, please you may.

6 MR JORDASH: No more questions. Thank you. Thank you, Mr
7 Witness.

8 PRESIDING JUDGE: Yes, Mr Ogeto, any questions.

9 MR OGETO: No questions. Thank you.

16:01:51 10 PRESIDING JUDGE: Ms. Hanciles, any questions.

11 MS HANCILES: No questions, Your Honour.

12 PRESIDING JUDGE: No questions. Yes, Mr Wagona, I imagine
13 it's your witness.

14 MR WAGONA: Yes, My Lord.

16:02:29 15 PRESIDING JUDGE: Right. You may proceed, please.

16 MR WAGONA: Thank you, My Lord.

17 CROSS-EXAMINED BY MR WAGONA:

18 MR WAGONA:

19 Q. Good afternoon, Mr Witness?

16:02:49 20 A. Good afternoon.

21 Q. I'll ask you some questions first concerning the mining
22 that you talked about during the junta; is that okay?

23 A. Okay.

24 Q. Now, is it fair to say that during the junta when you were
16:03:18 25 in Kono and at Number 6, you were there for only one month; is
26 that correct?

27 A. It was more than a month.

28 Q. I thought you said that you did the mining for only a month
29 and then the intervention happened?

1 A. I said one month and some.

2 Q. And some what?

3 A. Well, I can't estimate the number of days above the one
4 month, but it was not up to two months.

16:04:12 5 Q. And is it fair to say that during this period you were not
6 able to know the mining arrangement that pertained between the
7 soldiers and the civilians at Number 6?

8 A. I don't know the arrangement.

9 Q. Yes, that's what I'm asking you. Were you able to know,
16:04:54 10 for example, if they were involved in a one-pile, two-pile,
11 whether they were paying -- whether it was under the 30 per cent
12 and 70 per cent arrangement?

13 A. That was what I said earlier, that in Number 6 not
14 Koakoyima or Koidu or [indiscernible] a Number 6.

16:05:23 15 Q. Yes?

16 A. Number 6. No soldier had any arrangement on mining. They
17 had no agreement.

18 Q. What do you mean by that? Are you saying soldiers were not
19 involved with mining at Number 6?

16:05:50 20 A. They were involved in a sense, they had their own mining.
21 Because some soldiers had two or three boys. They had their own
22 mining that they are sponsoring. So it means they were involved.

23 Q. But, what I am suggesting to you is that you do not know
24 whether they were giving piles or a percentage to any bush owner;
16:06:29 25 is that correct?

26 A. If I didn't know. The question is not clear.

27 Q. Well, do you know whether the soldiers who were at Number 6
28 were giving percentages to any bush owner or piles to any bush
29 owner?

1 A. Okay. Okay. Well, that one I did not monitor it so I
2 can't say anything about that.

3 Q. Do you know whether the soldiers were paying the civilians
4 who were mining for them?

16:07:20 5 A. Most of the ones that I know about was an agreement. It
6 was support. They provided support. If they had diamonds they
7 would buy it from them. That is all I know.

8 Q. And were the soldiers who were mining at Number 6 armed or
9 not?

16:08:03 10 A. Well, AFRC time -- AFRC time, there were weapons. Weapon
11 was common since by then there was threat among themselves so
12 weapons were common.

13 Q. Well, I'm asking you whether the soldiers who mined at
14 Number 6 were armed?

16:08:23 15 A. Well, we who were there unless if they remove a gravel then
16 at night we'll go there to guard it. Even at that, it is not
17 easy to see them with weapons in the bush except --

18 THE INTERPRETER: Your Honours, can the witness please take
19 the last bit?

16:08:49 20 MR WAGONA:

21 Q. Witness, all I am interested in knowing is whether at
22 Number 6 you saw the soldiers with guns or not?

23 A. Yes, there was some with guns. Some did not have. There
24 were some with guns.

16:09:14 25 Q. And I would suggest to you that the soldiers at Number 6
26 were forcing civilians to mine for them?

27 A. Well, if that was the case, that was in my absence because
28 they don't have a single pit, saying this is the pit for soldiers
29 or to say all the soldiers had a pit. But you'll see a soldier

1 with two or three boys. Another will have two or three boys.
2 So, I don't think that was -- there was any forced mining at
3 Number 6.

16:10:10

4 Q. And do you know where the soldiers took their diamonds if
5 they found any?

6 A. That -- for that, even if I get my own diamond, they will
7 not know where I will take my diamond to. So, likewise, if they
8 have their own diamond, I don't know where they take it to.

16:10:39

9 JUDGE BOUTET: Mr Witness, you said the soldiers had their
10 boys. They were mining with their boys. What do you mean by
11 that?

12 THE WITNESS: Their workers. Their workers. Those that
13 they -- those that they were supporting. Those that were
14 supporting.

16:10:53

15 JUDGE BOUTET: Thank you.

16 MR WAGONA:

17 Q. And these were civilians; is that correct?

18 A. Yes. Yes.

19 Q. Now, during that period, did you get diamonds at Number 6?

16:11:17

20 A. Well, I had said earlier on that I could end up the --
21 where I went initially I did not end up the mining because
22 before -- before I could end up the intervention happened.

23 Q. So you had not got any diamonds; is that correct?

24 A. We were on the mining. We were not yet completed. We not
25 yet completed because the place was deep, when the intervention
26 happened.

16:11:55

27 Q. So would I be right to say that Number 6 is not a place
28 that you would have said was productive for mining?

29 A. I cannot say that because diamond was put on -- put in the

1 ground by God.

2 THE INTERPRETER: Your Honours can the witness take that
3 again.

4 MR WAGONA:

16:12:38 5 Q. Witness, can you start your answer again, please.

6 A. Okay. Can I get the question again?

7 Q. Okay. I'm suggesting to you that Number 6 was not a
8 productive or fertile place for mining?

9 A. Yes, that is what I said. I cannot say that because I -- I
16:13:06 10 extracted the gravel and I had not yet washed it. When you
11 remove you extract gravel and you wash it, then you would know
12 whether that was fertile, the ground was fertile or not. But if
13 you have not yet washed it, you wouldn't know.

14 Q. Okay. Let me put it this way. When you went to Kono to
16:13:33 15 look for a place to mine, you easily found a place at Number 6;
16 is that correct?

17 A. Yes, quite correct. Is in the sense --

18 Q. That there was no ID man for people wanting to go to Number
19 6, that's why it was easy for you to get a place at Number 6?

16:13:58 20 A. Yes, because there were many people there, but since it was
21 a village, some who came would settle in the town, but my friend
22 advised me --

23 THE INTERPRETER: Your Honours the witness is --

24 MR WAGONA:

16:14:26 25 Q. Witness could you speak a bit louder -- could you speak a
26 little louder, the interpreters are not hearing you. And could
27 you go slowly and explain your answer again please?

28 A. Okay. The mining -- it's not that I decided to just start
29 mining. That was a hidden place. That's why I went there. My

1 friend directed me there. I asked him for a favour and he
2 directed me there. So that's why I went there because some
3 people love to mine in the city, like Koidu mining. Some did not
4 like to go into the village to do mining. So, from that you
16:15:12 5 would realise that there were many people in those -- those
6 villages. When my friend directed me there, since I was not a
7 native of that land, if someone was a native of that land and he
8 directed me to do that, I would follow him.

9 Q. So the town was more attractive to mine in than the village
16:15:47 10 where you went; not so?

11 A. Really, that was what I observed, because -- because people
12 decided to settle in the big towns to do mining than going to the
13 villages.

14 Q. And apart from Number 6 during this time you did not
16:16:14 15 mine -- visit other mining sites; did you?

16 A. You mean to go on a visit there or what?

17 Q. Yes, for any reason?

18 A. Yes, since I had been there once to do mining when the boys
19 were -- since the boys were there I would move around on the
16:16:38 20 other -- to the other side just to observe how mining was going
21 on in the other areas, in the other swamps.

22 Q. And this was in the other areas in the villages; not so?

23 A. Yes, in the same village. In the same Number 6.

24 Q. Now, after the intervention you fled to Bumbuna, where a
16:17:12 25 soldier harassed you; do you remember saying that?

26 A. They were not soldiers, they were not Sierra Leone
27 soldiers. They were ECOMOG soldiers by the name of Moses.

28 Q. Okay. I thought it was a junta soldier?

29 A. No.

1 Q. Now, witness, I would suggest to you that all the mining in
2 which Kennedy was involved in at Yengema was being done for the
3 RUF; is that correct?

4 A. Well, the man was an RUF man.

16:18:10 5 Q. I didn't hear that please. Are you saying Kennedy was --

6 A. Kennedy was RUF.

7 Q. And I would suggest to you that the civilians mined for the
8 RUF at Yengema; is that correct?

9 A. Well, that's a suggestion you're making but I didn't see it
16:18:46 10 for myself. It didn't happen in my presence at all.

11 Q. And I would also say to you, that the miners, civilian
12 miners, who came to Yengema to mine for the RUF, lived in
13 Koakoyima; what do you have to say about?

14 A. No. It did not happen in that way. Because in Yengema
16:19:22 15 there was no site per se for the RUF, but their own side of
16 portion was the one-pile system. They did not even do mining.
17 Only civilians did mining in that area.

18 Q. And I would also suggest to you that the civilians were
19 escorted from Koakoyima to come and mine and they would be
16:19:49 20 escorted back to Koakoyima. What do you say about that?

21 A. From Koakoyima to Yengema you mean?

22 Q. Yes, to mine and they would be escorted back to the camp in
23 Koakoyima?

24 A. There was no camp in Koakoyima, first of all. There was no
16:20:15 25 camp. No particular camp to say that there was a particular camp
26 for RUF. If they wanted to engage in mining to say that they
27 were going to use a particular place, no, it was not existing.
28 That particular place was not existing even in Koakoyima. There
29 was no certain place in Yengema to say that they were mining in

1 this particular place for RUF from the onset.

2 Q. And when you say there was no camp in Koakoyima, are you
3 referring to 1999 or 2000?

16:21:05

4 A. Camp in a sense -- to say for instance, to say they were
5 escorted from Koakoyima to Yengema. After the mining, they would
6 escort them again to Koakoyima. That means when they come to
7 them in Koakoyima, there's a certain area where they would camp
8 them and keep them. That's what I'm referring to, that it did
9 not exist.

16:21:25

10 Q. But do you accept that the civilians who mined were coming
11 from Koakoyima?

12 A. No. Civilians would come from Koakoyima and go to mine in
13 Yengema or Bumpe or Giya. Yes, it does happen, not even with
14 force.

16:21:52

15 Q. And during your stay in Kono from 1999, do you know if the
16 RUF had a mining unit?

17 A. Yes, there was a mining unit.

18 Q. And I would suggest to you that the mining unit --

16:22:15

19 PRESIDING JUDGE: Mr Wagona, you said in what year, the
20 mining unit.

21 MR WAGONA: Well, My Lord, I first asked for his evidence
22 during the time he was there. He had said he was there from '99.

23 PRESIDING JUDGE: Yes. So you are back to '99 now.

24 MR WAGONA:

16:22:29

25 Q. And you say you were there from '99 to which year?

26 A. To 2000.

27 PRESIDING JUDGE: And what was he doing there?

28 MR WAGONA: Well, My Lord he said --

29 PRESIDING JUDGE: You said you were in --

1 MR WAGONA: In Kono.

2 PRESIDING JUDGE: -- in Kono. Okay. And you went to
3 Koakoyima.

4 MR WAGONA:

16:22:54 5 Q. And is it correct that the mining unit, during the time you
6 were in Kono, was based in Koakoyima?

7 A. Yes, there was a mining unit there.

8 Q. And I would suggest to you that the workers who worked for
9 the mining unit, live in Koakoyima?

16:23:23 10 A. No. The mining unit, it's a unit, not a unit that workers
11 would be in or there was a particular area where they would be.
12 The mining unit is there to control the mining. Even if an RUF
13 member was involved in civilian mining, by then they were not --
14 they had not yet started the G5. The mining unit was there to
16:23:57 15 intervene if there was a case in -- the -- it's not that they had
16 a store to keep shovels or what not. It was a unit to control
17 the mining.

18 Q. And, witness, I would suggest to you that during this time,
19 when Kennedy was involved with mining, any diamond that was found
16:24:31 20 was always submitted to Kennedy?

21 A. Well.

22 Q. There was no two --

23 A. Huh.

24 Q. There was no two-pile system. All diamonds that were
16:24:49 25 found, were given to Kennedy?

26 A. You mean they were digging and they would give it to them?
27 Are you saying that there was no two-pile system by then? I want
28 to get that area clearly.

29 Q. Yes, I am saying there is no two-pile system. Whenever a

1 diamond was found, it was always given to Kennedy?

2 A. No, there was a two-pile system. There was a two-pile
3 system existing. It operated in all sectors.

4 Q. And is it correct to say that at the mining site at

16:25:46 5 Yengema, the site was guarded by RUF,

6 A. Yes, because it was a single site -- it was a single site,
7 if a site like this they would guard it. The --

8 THE INTERPRETER: Your Honours, can the witness take it
9 again?

16:26:12 10 PRESIDING JUDGE: Was it guarded?

11 THE WITNESS: No, sir.

12 PRESIDING JUDGE: It was not guarded?

13 THE WITNESS: No, it was not guarded at all.

14 MR WAGONA:

16:26:29 15 Q. So is it therefore correct to say that it is your evidence
16 that there would be no armed person at the mining site?

17 A. No armed men or no arms.

18 Q. No armed men.

19 A. The armed men were not going to the site.

16:27:01 20 Q. But was Kennedy visiting the site?

21 A. Kennedy would go there at times. In fact, it was not a
22 single site. It was not a single site. If you had a friend to
23 go and visit, you would go to the site. The swamps were
24 scattered all over.

16:27:21 25 PRESIDING JUDGE: Did Kennedy go?

26 THE WITNESS: Yes he would -- he usually went there, sir.

27 MR WAGONA:

28 Q. Witness, I would put it to you that the RUF were forcing
29 civilians to mine for them at the Yengema site; what do you have

1 to say?

2 A. No, that's not true. They were not forcing civilians. The
3 large scale of mining to say that there were particular -- there
4 was a particular pit where civilians were mining throughout the
16:28:08 5 time I was there, it was not happening.

6 Q. And I would also put it to you, that during this time, no
7 civilian supporters were involved with RUF mining; what do you
8 have to say?

9 A. The question is not clear.

16:28:38 10 Q. I'm saying that during this time there was no system where
11 civilians like you were allowed to support other civilians to
12 mine. There was no such system?

13 A. It was existent. I am an example, in fact. I was a
14 civilian and there are a lot of other examples. They allowed
16:29:15 15 civilians to support mining. If you have a diamond, it's yours.

16 Q. Now, you talked about when Mr Issa Sesay was supporting a
17 school in Yengema, was that in 1999?

18 A. When I went in 1999, the school was functioning up to the
19 year 2000.

16:29:47 20 Q. Well, my question is: Was he supporting the school in
21 1999?

22 A. I said when I went there the school was operating, the
23 school was functioning, up to 2000.

24 Q. Okay. You went there in 1999?

16:30:11 25 A. Yes.

26 Q. Was he already supporting the school when you went there in
27 1999?

28 A. Well, I -- when I went there the school was functioning.
29 The school functioning.

1 PRESIDING JUDGE: You went there in 1999, and you met the
2 school functioning?

3 THE WITNESS: Yes, sir.

4 MR WAGONA:

16:30:42 5 Q. And then when Mr Issa Sesay passed a law prohibiting
6 fighters from going with guns to the mining site, was that in
7 1999?

8 A. That was the first law he passed. That was the first law.

9 Q. Well, witness, I'm asking you about the time. Was it 1999?

16:31:09 10 A. Yes. The time when I went in 1999 to Kono, I met the --
11 the law had been passed already.

12 Q. And when Mr Issa Sesay said the RUF should not ask the
13 civilians to wash their pile for them, was that also in 1999?

14 A. It was in the same year because when you went there, you
16:31:42 15 would be aware of those things if you were working. If you were
16 mining, if they passed a law, you would be aware of it. Because
17 when they would extract the gravel, the boys would send to do the
18 washing, they wanted to take the civilian boys to wash the
19 diamonds. So they passed a law that any RUF pile should be
16:32:05 20 washed by themselves -- by the RUF themselves.

21 PRESIDING JUDGE: Was it in 1999?

22 THE WITNESS: Yes, sir.

23 MR WAGONA:

24 Q. And is it correct to say that in 1999 Mr Issa Sesay was in
16:32:30 25 charge of RUF administration in Kono?

26 A. Well, it was not put to him directly. It was later on we
27 came to understand, it was later on that we came to understand
28 that he was in -- the leader of the RUF because by then we did
29 not know him. We only knew of Foday Sankoh. It was later on

1 after some people left here to Kono, to go to Kono, when they
2 held a meeting at Koidu Town. That was when we came to know that
3 Issa Sesay was the leader of the RUF by then, but for the time I
4 cannot recall because all along we knew Mosquito and Foday
16:33:36 5 Sankoh.

6 Q. But do you accept that in 1999 Mr Issa Sesay was the
7 highest RUF person based in Kono?

8 A. Yes.

9 MR WAGONA: My Lords, that will be all.

16:34:13 10 PRESIDING JUDGE: Thank you.

11 MR WAGONA: Thank you, Mr Witness.

12 THE WITNESS: Thank you too.

13 PRESIDING JUDGE: Mr Jordash, any re-examination please.

14 MR JORDASH: Yes, please.

16:34:58 15 RE-EXAMINED BY MR JORDASH:

16 MR JORDASH:

17 Q. You just mentioned, Mr Witness, a time when -- no, I won't
18 ask that question. Let me start again. You mentioned the mining
19 unit. You were asked -- you were asked about the mining unit by
16:35:50 20 my learned friend for the Prosecution to your left, and you said
21 it wasn't a unit controlling a particular area. It was a unit
22 which would intervene in a particular case. I think that's what
23 you said.

24 A. Yes.

16:36:04 25 Q. Could you explain what you meant by the mining unit --

26 A. Yes.

27 A. Yes.

28 Q. Intervening but not being in control of a particular area.
29 What was the mining unit doing when you went there in 1999?

1 A. My doubt is that --

2 Q. Please go slow.

3 A. What do you mean by area?

4 Q. Well, I think you said, unless I wrote this down
16:36:47 5 inaccurately, that it was not a unit in a particular area, not a
6 unit controlling a particular area but it would interfere or
7 intervene in a particular case; do you remember saying that?

8 A. That's not -- that's not the statement.

9 Q. Well, I think maybe we've lost something in translation
16:37:19 10 then. Unless I wrote what was translated down inaccurately. Can
11 you remember being asked about the mining unit?

12 A. Yes. Yes.

13 Q. What were you trying to say about what it did?

14 A. I was trying to explain about the mining unit. The mining
16:37:44 15 unit, I was trying to explain about, I said the mining unit was
16 not a unit that occupied a particular place. They formed the
17 group to control the mining in the case of -- for example, if --
18 you would have someone in control -- wherever you were you would
19 have someone in control of that area.

16:38:34 20 Q. Control in what sense?

21 A. Okay. For instance, when they asked me if the mining
22 unit -- whether that was not the place they were camping the
23 workers which they forced to do the mining. Then I answered, I
24 said no. The unit was there to take care of the mining affairs
16:38:54 25 in Kono. That was why the unit existed.

26 MR JORDASH: All right. I hope that's clear.

27 JUDGE BOUTET: I'm not sure it needed that kind of
28 clarification, but that's okay.

29 MR JORDASH: I wanted to be sure because it's part of our

1 case.

2 JUDGE BOUTET: That's fine. We didn't interfere with your
3 re-examination this time.

4 MR JORDASH: I was expecting that.

16:39:29 5 JUDGE BOUTET: Yeah, I know. I know.

6 PRESIDING JUDGE: Because mining units were a new subject.
7 So I was just listening. You asked your question and you heard
8 what you want from a reply.

9 MR JORDASH: That's it, I finished. Thank you very much.

16:39:39 10 Thank you, Mr Witness.

11 PRESIDING JUDGE: Mr Witness is anxious to go home.

12 Well, Mr Witness, we've come to the end of your testimony.

13 We want to thank you for finding time to come and testify before

14 this Tribunal and to share your experiences with us. So we thank

16:40:25 15 you very much for coming and you are released. We wish you a

16 save journey to wherever you are living now. You look like a

17 very mobile person. So have a safe journey to your place of

18 abode. Thank you.

19 Can he be let out of the courtroom please. And at this

16:41:12 20 stage the Chamber will recess, and we'll resume in the next

21 couple of minutes. We'll rise, please.

22 [The witness withdrew]

23 [Break taken at 4.41 p.m.]

24 [RUF26FEB08D]

17:16:54 25 [Upon resuming at 17.16]

26 [The witness entered Court]

27 PRESIDING JUDGE: Yes, Mr Jordash, you may continue.

28 MR JORDASH: We would now call DIS-063, who will testify in

29 Krio.

1 PRESIDING JUDGE: DIS-0 --
2 MR JORDASH: -- 63. Testifying in Krio, Number 40.
3 PRESIDING JUDGE: Number what?
4 MR JORDASH: Number 40. I think I've got it right this
17:17:46 5 time.
6 PRESIDING JUDGE: You've passed the test this time.
7 MR JORDASH: Yes, one closer to the finish.
8 JUDGE BOUTET: It is always good news to hear.
9 MR JORDASH: If --
17:18:19 10 PRESIDING JUDGE: Yes, can the witness be sworn in please.
11 JUDGE BOUTET: What is the language of this witness?
12 MR JORDASH: Krio. Krio Your Honour.
13 JUDGE BOUTET: Thank you.
14 WITNESS: DIS-063 [Sworn]
17:19:30 15 [The witness answered through interpreter]
16 MR JORDASH: Your Honour, in order to avoid going into a
17 closed session, I'd like to hand up a very brief personal --
18 PRESIDING JUDGE: Personal history.
19 MR JORDASH: -- history. It may well be that the
17:19:48 20 Prosecution will want to cross-examined on it but, that's as much
21 as I intend to -- well, I may touch upon it but, this should save
22 us going into a closed session.
23 PRESIDING JUDGE: Can you show that to the Prosecution
24 please.
17:20:12 25 MR JORDASH: They've got a copy.
26 PRESIDING JUDGE: Oh, they've got a copy, okay. Thank you.
27 There is no objection. It is tendered. Mr Fynn, no objection, I
28 suppose?
29 MR FYNN: There is no objection, my Lord, save that in the

1 extreme of caution I wish my learned friend to confirm that IS
2 refers to the first accused.

3 MR JORDASH: I can confirm that.

4 PRESIDING JUDGE: You can confirm that, thank you. Okay.

17:21:32 5 MR JORDASH: Can I tender that as an exhibit?

6 PRESIDING JUDGE: Yes, it is admitted and marked as
7 Exhibit 297.

8 MS KAMUZORA: Yes, My Lord.

9 [Exhibit No. 297 was admitted]

17:21:56 10 PRESIDING JUDGE: Marked confidentially. All right. Yes,
11 Mr Jordash, you may proceed please.

12 EXAMINED BY MR JORDASH:

13 MR JORDASH:

14 Q. Good afternoon Mr Witness. You need to put -- can you
17:22:17 15 put -- thank you. And again. Mr Witness, I'm going to ask you
16 questions first and there might be some questions from others,
17 and particularly the Prosecution who sit to your left. Now, I
18 know that you speak very fast, so I can give you this warning
19 now, to try to speak as slowly as you can. Because what you say
17:23:15 20 will be translated, so you need to give the translators a chance
21 to translate; okay?

22 A. Okay, sir.

23 Q. If you don't understand a question, please ask me to repeat
24 the question. Now, let me deal with a few personal details. How
17:24:00 25 old are you?

26 A. 38 years.

27 Q. Are you married?

28 A. Yes, sir.

29 Q. Do you have any children?

- 1 A. Yes, sir.
- 2 Q. How many?
- 3 A. Well I have two.
- 4 Q. You only have two children?
- 17:24:31 5 A. I gave birth to five in all but two of them are living with
6 me. The rest, the remaining they are living with their mother.
- 7 Q. Were you married before?
- 8 A. Yes, sir.
- 9 Q. Did you go to school?
- 17:24:55 10 A. Yes, I went to school, sir.
- 11 Q. Until which form?
- 12 A. I stopped at form four, sir.
- 13 Q. Can you read and write?
- 14 A. Yes, sir.
- 17:25:11 15 Q. Who occupation do you have at the moment?
- 16 A. Presently I'm in business.
- 17 Q. Where do you live, presently?
- 18 A. [REDACTED]
- 19 PRESIDING JUDGE: That should be redacted.
- 17:25:45 20 MR JORDASH: Thank you.
- 21 Q. Remember not to give such specifics which would enable you
22 to be identified, such as your address, okay? We are in an open
23 session, so whilst the public can't see you, they can hear you.
24 There is no one in the public gallery at the moment, so there's
17:26:12 25 no problem. Now, I gave the Judges a short personal history
26 which explained how you knew Mr Sesay between the years of 1985
27 to 1989; okay? And the fact that --
- 28 A. Yes, sir.
- 29 Q. -- he disappeared from your life, at least, in 1989, then

1 you came to know him again in 1997; is that right?

2 A. Yes, sir.

3 Q. So the Court can understand the nature of your relationship
4 in 1985 to 1989, were you friends?

17:27:19 5 A. Yes, sir.

6 Q. And would you count yourself a friend now?

7 A. I wouldn't count him as a friend again because by then we
8 were friends, but now I would take him as a brother.

9 Q. And have you visited him in detention?

17:28:08 10 A. No, sir.

11 Q. When's the last time you saw him apart from today?

12 A. The last time I saw him was when he was in Freetown after
13 the disarmament process. When he came to settle in Freetown,
14 there was once when I went to visit him at Murray Town. Since
17:28:44 15 then I did not see him, not until today when I saw him in Court.

16 Q. Thank you. Now let me take you to the --

17 PRESIDING JUDGE: Was he staying with you in your house in
18 [REDACTED] in 1989?

19 MR JORDASH: Can that be redacted?

17:29:15 20 THE WITNESS: Yes, sir.

21 PRESIDING JUDGE: The name is not --

22 MR JORDASH: No, but --

23 PRESIDING JUDGE: Oh, well well well well. Anyway, I take
24 that back. It should be redacted. It should be redacted. I
17:29:34 25 see, I see the mischief. Mr Jordash you may go on, please.

26 MR JORDASH: Okay.

27 Q. Don't worry there's nobody in the public gallery, and no
28 one will hear that except those in this room, okay?

29 A. Yes, sir.

1 Q. Let me take you, Mr Witness, to the early years of the war,
2 very briefly. Were you in -- where were you in 1991?

3 A. Well, in 1991 I was in a mining village by the name of
4 Makong.

17:30:36 5 MR JORDASH: Can you speak up a bit please?

6 JUDGE BOUTET: Yeah, we seem to have the same problem that
7 we had before with the translation booth. I don't know how you
8 speak in the microphone, but your voice disappears at times.

9 THE INTERPRETER: Sorry, Your Honours.

17:30:54 10 PRESIDING JUDGE: You are audible from the booth, you're
11 quite audible, apparently. It's the witness I think who is not
12 sufficiently audible.

13 JUDGE BOUTET: It's both. Her voice recedes.

14 PRESIDING JUDGE: It recedes, I see.

17:31:11 15 JUDGE THOMPSON: It's fluctuating between close to the
16 microphone and back.

17 MR JORDASH: Yes.

18 Q. So, you are in a mining village by the name of Makomp
19 [sic]; are you working at this time?

17:31:28 20 A. Yes, sir.

21 PRESIDING JUDGE: What's the name again?

22 MR JORDASH: Makomp.

23 Q. Is that right, did you say Makomp?

24 A. Makong. Yes, sir.

17:31:44 25 Q. Makomp?

26 A. Makong.

27 Q. M-A-K-O-M-P?

28 A. K-O-N-G.

29 Q. I thought you said Makomp. Which district is that?

1 A. Tonkolili District.

2 Q. Did you move from there at some stage?

3 A. Yes, sir. I'm --

17:32:14

4 THE INTERPRETER: Your Honours, can the witness take it
5 again?

6 Q. Mr Witness, raise your voice slightly. You have a very
7 deep and low voice which makes it difficult.

8 A. Okay sir.

17:32:33

9 Q. Let me start again. You are in Makong. Were you working
10 there?

11 A. Yes, I used to buy gold there, sir.

12 Q. Did you remain there after 1991?

13 A. No, sir. I moved to village, another mining village.

17:33:06

14 THE INTERPRETER: Your Honours I still cannot get the name
15 of the village he moved to.

16 MR JORDASH:

17 Q. Which village did you move to?

18 A. Baomao.

19 Q. Did you stay in Baomao?

17:33:22

20 A. Yes, sir.

21 Q. Until which year?

22 A. 1994.

23 Q. And where did you go in 1994?

17:33:44

24 A. Well, in 1994, it was my understanding that the war was
25 getting close to our home, and since my mother was an old woman I
26 decided to come close to her.

27 Q. Where was she?

28 A. I moved from Baomao and went to Makali, my home town where
29 my mother was.

- 1 Q. And did you remain in Makali in 1994?
- 2 A. Yes, sir.
- 3 Q. Did you move from there at some stage?
- 4 A. Yes, sir.
- 17:34:23 5 Q. Where did you go?
- 6 A. Well, I went to Makeni.
- 7 Q. And which year did you go to Makeni?
- 8 A. Well, it was after they attacked my home town Makali. Then
- 9 I left for Makeni. From Makeni, when it was cleared up I
- 17:34:49 10 returned. I decided then to go to Kono.
- 11 Q. Which year did you go to Makeni ;?
- 12 A. '94.
- 13 Q. From Makeni you went to Kono. Which year did you go to
- 14 Kono?
- 17:35:06 15 A. It was in the same, '94.
- 16 Q. Why did you go to Kono in '94?
- 17 A. Well, because where I was doing my business, throughout to
- 18 the time at Makong and Baomao but since the war had got into
- 19 those areas I had no access to go into the area again. So I went
- 17:35:37 20 to Kono to start off di amond mining.
- 21 Q. Do you recall when President Kabbaa's government was
- 22 overthrown by the junta in 1997?
- 23 A. Yes, yes, sir.
- 24 Q. Where were you at that time?
- 17:36:01 25 A. At that time I was in Kono, sir.
- 26 Q. Had you remained in Kono from 1994 until that time?
- 27 A. Yes, sir.
- 28 Q. Did you remain in Kono after Johnny Paul Koroma took over
- 29 in Freetown?

1 A. Yes, sir, I was still in Koidu Town, sir.

2 Q. Which area of Koidu Town were you living in, the area?

3 A. [No interpretation]

4 PRESIDING JUDGE: Leave that. Leave that aside.

17:37:00 5 THE WITNESS: Okay, okay. I was in Koidu Town.

6 MR JORDASH:

7 Q. In a particular area?

8 PRESIDING JUDGE: But, in a particular area, not mentioning
9 a particular address.

17:37:12 10 THE WITNESS: Okay sir. I was at Tonkoro.

11 MR JORDASH:

12 Q. And at the time of the overthrow, were you still mining?

13 A. Well, the day of the overthrow I was working at Number 11,
14 so after the overthrow --

17:37:47 15 PRESIDING JUDGE: You were working or mining?

16 THE WITNESS: I was mining, sir.

17 MR JORDASH:

18 Q. And did anything happen in Kono at the time of the
19 overthrow or soon there after; did any armed men come into Kono?

17:38:12 20 A. Well, the day they announced that they had overthrown
21 President Kabbaa, I did not see armed men. But after two days,
22 then I started seeing armed men going in with, in Hilux vehicles.

23 Q. Do you know which group, or groups these armed men belonged
24 to?

17:38:45 25 A. No. I don't know, sir.

26 Q. Did you initially continue mining?

27 A. Yes, sir.

28 Q. Did you continue mining at Number 11?

29 A. No, sir. I was no longer mining at Number 11 because the

1 person who owned the licence was not around anymore. By then he
2 had gone with the gravel.

3 Q. So what did you do after this person had left? Did you
4 look for somewhere else to mine?

17:39:35 5 A. Yes, sir.

6 Q. How did you look for somewhere else to mine?

7 A. Well, I saw a friend, one of my friend who was at
8 Koakoyima, Mohamed Bayoh, he was commonly called.

9 THE INTERPRETER: Your Honours, can the witness go at a
17:40:03 10 moderate pace?

11 MR JORDASH:

12 Q. Remember to go -- take it, the best way to do it is to
13 probably pause after two sentences. Try that?

14 A. Okay sir.

17:40:14 15 PRESIDING JUDGE: Don't distance yourself from the
16 microphone because we get into that same scenario. We want the
17 interpreters to hear you audibly.

18 THE WITNESS: Okay, sir.

19 MR JORDASH:

17:40:28 20 Q. So you had a friend at Koakoyima. And go on, what happened
21 with this friend at Koakoyima?

22 A. I went to see him and told him that I wanted to work in his
23 plot.

24 Q. Where was he mining?

17:40:56 25 A. Well his plot was located between Congo Bridge, towards
26 Koidu Town. That was where the plot was located.

27 Q. How far from the centre of town?

28 A. It's approximately about one mile off from Koidu Town,
29 towards Koakoyima.

1 Q. And what did he say when you asked if you could work in his
2 plot?

3 A. He said it was not a problem, that I should start working.

4 Q. Was your friend a fighter or civilian?

17:41:38 5 A. He was civilian. Civilian, sir.

6 Q. And did you go to his plot and start working?

7 A. Yes, sir.

8 Q. Who was at his plot working?

9 A. I did not get the question clearly, sir.

17:42:03 10 Q. Where there other workers at the plot?

11 A. Yes, sir.

12 Q. Civilians or fighters, or both?

13 A. No. They were civilians there, sir.

17:42:23 14 Q. Can you remember when you started working approximately the
15 number of civilians working there?

16 A. Well I was not the only one in the pit, sir. Because
17 normally the way we operate, three boys form a group. Since the
18 pit was large, sometimes it would be ten groups in a pit, working
19 in a pit.

17:43:02 20 Q. How many pits in that plot?

21 PRESIDING JUDGE: You said there could be ten groups
22 working in a pit or ten people working in a pit? Ten groups?
23 Can you take that again?

17:43:22 24 THE WITNESS: Okay. What I meant sir, the pit would be as
25 big as this courtroom but, because it was large, three men would
26 not be able to work in it. Because of that, the bosses, like
27 about ten of us would have three boys, three workers would form a
28 group. So three by ten would be 30. So 30 would work in a
29 single pit. That's what I mean, sir.

1 MR JORDASH:

2 Q. Did you say, and I want to make sure that it wasn't the
3 translation. I think it might be clear but, were you saying that
4 a pit this size, the size of this courtroom?

17:44:12 5 A. Yes, a pit can be a size of this courtroom, yes.

6 Q. And there can be 30 people working in a pit?

7 A. Yes, sir.

8 Q. Are you able to say how many pits at this particular
9 location where you were working?

17:44:37 10 A. Yes, sir.

11 Q. How many?

12 A. About three pits were there.

13 Q. So around 90 people?

14 A. Yes, sir.

17:44:56 15 Q. Civilians or fighters when you were there, during --

16 A. Civilians, sir.

17 Q. Was there a supporter for these 90 civilians?

18 A. Yes, sir there were supporters. Even myself, I was a
19 supporter.

17:45:24 20 Q. How many supporters for these 90 civilians?

21 A. Well, that I cannot tell you because it depends on, on an
22 individual's earning power. Some people would have ten groups.

23 Q. I'm not sure I follow that.

24 A. What I mean, you cannot specifically tell that this, a
17:46:04 25 particular individual has three or four groups. The only thing I
26 would say is that for each group there are three people in it.
27 If you were, if you have money, you would have ten groups, in
28 which ten people would be in each of those groups. It depends on
29 your earning power. But, if you want me to say the amount of

1 supporters there, I would be unable to say that.

2 MR JORDASH: I don't know if it's -- I think it's probably
3 me but, I noticed the time and it may be a case of diminishing
4 returns from my perspective but --

17:47:05 5 PRESIDING JUDGE: But he has just told you that he is not
6 able to say how many supporters, you know.

7 MR JORDASH: Yes, but --

8 PRESIDING JUDGE: Where amongst the 90, he says that there
9 were three groups of 30, 90, how many supporters he doesn't know.

17:47:13 10 It's not very important a point. There were supporters there.
11 The point is made. He was one of the supporters --

12 MR JORDASH: Yes.

13 PRESIDING JUDGE: -- from what he says, yes.

14 MR JORDASH: Okay. Let's continue then.

17:47:29 15 Q. Mr Witness?

16 A. Yes, si r.

17 Q. How long did you work as a supporter at this particular
18 plot; do you recall?

19 A. Yes, I worked -- the place was deep, so I worked, I worked
17:47:55 20 for a month. I removed the gravel, I washed the gravel, and
21 within two months.

22 Q. Did something happen after that two months?

23 A. After the two months, petrol was scarce so I stopped the
24 mining.

17:48:26 25 Q. Okay, so let's just deal with that two months.

26 A. Yes, si r.

27 Q. Who received the gravel in the pits which made up --

28 A. Well, at that time it was Mohamed Bayoh who I would give
29 the pile. When we extract, I would take my own portion and he

1 would take his own.

2 Q. And the workers, did they receive anything?

3 A. Yes, sir. Because, what the workers got was mine. When
4 they washed it, I would have it. That was the bargain.

17:49:11 5 Q. And were there any armed men at the site during that two
6 months?

7 A. Armed men were not present, sir.

8 Q. Did anyone at the site have to give anything to any armed
9 men?

17:49:33 10 A. Well, they were not coming to the site where I was mining
11 so I cannot tell whether someone gave them something.

12 Q. Were you aware of any mining going on in other places?

13 A. Yes, sir.

14 Q. Other places within Koidu Town?

17:50:17 15 A. Yes, sir. Yes, sir.

16 Q. Other places within Kono District?

17 A. Yes, sir. Mining was going on sir.

18 Q. Do you know who was mining in Koidu Town?

19 A. Well Koidu Town, I knew they were mining there but I did
17:50:49 20 not know who were mining there because I was based in Koakoyima
21 so I had no business going to the other mining site.

22 Q. Well did you receive any information as to whether
23 civilians or fighters were mining in Koidu Town?

24 A. No. I did not get that information, sir.

17:51:24 25 Q. Were you living in Koidu Town?

26 A. No, sir. I was based in Koakoyima, sir.

27 Q. Did you travel and go into Koidu Town during these two
28 months?

29 A. I don't understand.

1 Q. Did you have any cause to go into Koidu Town during the two
2 months that you were living in Koakoyima?

3 A. Yes, sir.

4 Q. Did you observe who was moving around Koidu Town?

17:52:22 5 A. Well during that time, Koidu Town, after the overthrow
6 there were a lot of civilians. But once in a while soldiers
7 would leave Freetown and went to the place.

8 Q. Did you observe whether civilians were moving in Koidu Town
9 or was there a restriction of any kind?

17:52:41 10 A. No. During that time life was normal, after President
11 Kabbaa had been overthrown. We used to go to the nightclubs,
12 light, electric was there. The Lebanese were selling and a lot
13 of business transaction were going on. And there were no
14 restriction as to how people could move from one place to
17:53:10 15 another.

16 Q. Are you -- were there any restrictions on how people,
17 civilians could move from Koidu Town to the environs of Kono?

18 A. No, sir. People were going about their business. There
19 was no problem sir.

17:53:28 20 Q. And business was? What kind of business was being done by
21 civilians?

22 A. Well, they used to sell rice by bag, petrol. They used to
23 sell assorted goods as they used to sell in normal times.

24 Q. After the two months of working at that plot did you go
17:54:00 25 somewhere else?

26 A. I left there. I was involved in business because it was
27 difficult to get petrol, even a single gallon. So the little
28 money I had I engaged in business instead of going into mining.

29 PRESIDING JUDGE: Okay. Now that he's changing his

1 profession from mining to -- yes, yes, okay?

2 MR JORDASH: Just one question.

3 PRESIDING JUDGE: Please, do go ahead.

4 MR JORDASH:

17:54:38 5 Q. Why did you not mine without petrol?

6 A. Well, actually to start with, mining, during the early
7 times when I left school I was not involved in mining at all. I
8 was only involved in buying, in buying gold.

9 Q. But what I'm asking is, it is possible isn't it, to mine
17:55:04 10 without petrol, without --

11 A. You can mine without petrol but, I do not fancy mining.
12 There are times when it looks difficult for me when I mine in a
13 place without using petrol, even if --

14 MR JORDASH: We are not getting this clearly. Perhaps I
17:55:35 15 can save that question for Thursday. I think everyone's a bit
16 tired.

17 THE WITNESS: Okay.

18 PRESIDING JUDGE: That's your presumption. Well learned
19 counsel will have to rise. And I wish all of you a very restful
17:56:45 20 mid-weekend. The Chamber will rise. We will resume the session
21 on Thursday.

22 [Whereupon the hearing adjourned at 5.57 p.m.,
23 to be reconvened on Thursday, the 28th day of
24 February 2008, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 296	74
Exhibit No. 297	108

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-103	2
CROSS-EXAMINED BY MR HARDAWAY	3
RE-EXAMINED BY MR JORDASH	18
WITNESS: DIS-065	40
EXAMINED BY MR JORDASH	40
CROSS-EXAMINED BY MR WAGONA	92
RE-EXAMINED BY MR JORDASH	104
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