

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

THURSDAY, 23 MARCH 2006
9.44 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Mr Geoff Walker Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Wallbridge (Case Manager) Ms Leigh Lawrie (intern)
For the Principal Defender:	Ms Haddijatou Kah-Jallow
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura Ms Ayesa Touré
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF23MAR06A - EKD]
2 Thursday, 23 March 2006
3 [Open session]
4 [The accused present]
09:29:52 5 [Upon commencing at 9.44 a.m.]
6 PRESIDING JUDGE: Mr Jordash, we had started your
7 cross-examination.
8 MR JORDASH: Your Honour, yes.
9 PRESIDING JUDGE: There has been an objection and some
09:46:35 10 discussion. As a result of that, the witness was asked to be
11 excused and now we are back into the trial per se with
12 continuation of your cross-examination.
13 MR JORDASH: Thank you.
14 WITNESS: TF1-288 [Continued]
09:46:58 15 CROSS-EXAMINED BY MR JORDASH: [Continued]
16 Q. Good morning, Mr Witness.
17 A. Good morning.
18 Q. Did you overnight have the opportunity to write down the
19 list of names that I requested yesterday?
09:47:06 20 A. My Lord, before I respond to the Defence, I wish to make a
21 submission if you oblige.
22 PRESIDING JUDGE: What is your submission?
23 THE WITNESS: My Lord, I wish to submit before this Court
24 that I sit in front of this honourable Court as a prosecution
09:47:36 25 witness, having been cited by the prosecution lawyers who sought
26 for authorities through the Zambian government. That being the
27 case, I stand here at the same time as an ambassador for the
28 Zambian government and my deliberations in this Court should be
29 in line with the ethics of the Zambian government and the

1 military where I belong. I therefore find it not prudent for me
2 to cite any witnesses either for the Prosecution or for the
3 Defence and I feel that if the Defence strongly feel that there
4 is need for them to cite any further witnesses from the Zambian
09:48:45 5 government who should come and witness in this Court, they should
6 do so in the same way the Prosecution did it. It will be against
7 ethics for me to cite any witnesses in this Court. That's my
8 submission, My Lord.

9 PRESIDING JUDGE: I must tell you, Mr Witness, that I have
09:49:11 10 some difficulties with your submissions. You are a witness in
11 front of this Court and you must comply with the Rules of this
12 Court. The purpose here is not to put you into any difficult
13 situation or any embarrassment with your own government or your
14 own military. There would appear to me, based on what you are
09:49:39 15 saying, there is an obvious misunderstanding as to the purpose of
16 your coming here to give evidence and what may or may not be done
17 by this Court. There is no particular privilege that attaches to
18 your evidence and there is no particular reason why you should be
19 precluded or allowed to not disclose evidence of that nature
09:50:09 20 unless this matter is a question of national security and that
21 you need to convince this Chamber that such would be the case.

22 I understand that you might not have been prepared for
23 that, but in these tribunals, once you are a witness, you become
24 a witness for the Court and you must answer and comply with the
09:50:34 25 directions of the Court. We control the process and determine if
26 the question is a fair question, and if it is a question to be
27 answered or not. It is not for the witness to determine that
28 question, it is for this Chamber.

29 I understand you may not have been cognisant of all of this

1 and I appreciate your position and I appreciate your hesitancy
2 because you may not have discussed all of that with your own
3 military structure and/or your government before coming here.
4 This is essentially what I can say at this particular moment.

09:51:16 5 I am a bit surprised of this reaction but, as I say, I
6 understand your position. You are in the military, you were in
7 the military at that time and maybe your superior authorities are
8 not fully cognisant as well of the purpose of your evidence here
9 today and as to why.

09:51:34 10 Now, as to who determines again the questions to be asked
11 and to be answered, it is for this Chamber, this Court, these
12 judges sitting here. As I say, unless we rule and find the
13 question is not permissible, these questions are allowed to be
14 asked, and you must answer the question. Now, if you need some
09:51:59 15 time to reflect on that, I'll consider that. If you wish to
16 consult with your government, if that is your fear at this
17 particular moment, we might be prepared to do that, but I can
18 just say to you that having been sworn as a witness, you are a
19 witness of this Court and you must comply with decisions and
09:52:16 20 orders of this Court. This is not done as a threat to you. It
21 is only an advice as to how these matters could proceed and
22 should proceed.

23 I understand at this stage, too, that you are in a
24 difficult predicament in the sense you may not consult nor
09:52:34 25 discuss with the Prosecution. So if you need to talk to
26 somebody, it cannot be the Prosecution at this stage because you
27 are no more a witness for the Prosecution per se; you are a
28 witness of the Court. That may place you in some difficulties.

29 JUDGE THOMPSON: Let me put it - perhaps the way I see it -

1 very simply. You are being asked for names of persons who
2 allegedly were abducted with you, whom the Defence might, in
3 their discretion, consider to call or not to call as witnesses.
4 That is what I understand the exercise to be. It would seem to
09:53:22 5 me that the exercise is clearly proper and legitimate since you
6 yourself have in this Court so far actually testified that you
7 were not the only one that was allegedly held captive, but
8 members of other groups in the UN team and of your own group.

9 So if you have given that evidence for the Prosecution, it
09:53:51 10 seems to me fair that if the Defence wants to exercise their
11 discretion as to whether to call some of those members, that you
12 have voluntarily testified to were allegedly captured, they
13 should be free to do that and they should not be handicapped in
14 doing that.

09:54:17 15 So why you should enjoy immunity from providing the
16 information to the Defence of individuals who were allegedly
17 captured, but you should be able to say in your
18 examination-in-chief that persons other than your self in your
19 group or other groups were captured, I am at a loss to
09:54:44 20 understand.

21 JUDGE ITOE: Colonel, I don't want to take much of the time
22 of the Court. I just want to say that the question that was put
23 to you by Mr Jordash for the first accused was a very legitimate
24 question and like the learned Presiding Judge mentioned, you are
09:55:14 25 here not only as a witness for the Prosecution but as a witness
26 for the Court.

27 When you are a witness of the Court, you are supposed to
28 provide answers to questions that are put to you by the Defence.
29 You not here just to serve the purposes of the Prosecution. Yes,

1 in one way to prove their case, but you should also, following
2 the rules of the game, understand that there is a process of
3 cross-examination which is controlled by the Court. We have
4 found that the question that was put to you by Mr Jordash was a
09:55:52 5 legitimate question and I think that I go with the position taken
6 by the learned Presiding Judge and supported by Justice Thompson,
7 that we think that in the interests of justice you would have to
8 provide an answer to this question.

9 I do not see what risk it represents to you at all. It is
09:56:25 10 the business of the Defence as to what they want to do. But the
11 truth of it is that you were not captured alone, you were
12 captured with other people, and you were taken to Yengema. So
13 there is no problem at all in your releasing the identity, or
14 rather, the names of some of your captives. You had already
09:56:50 15 started doing that yesterday, Colonel, and I don't think it
16 presents any risk for you, because you are only conforming with
17 the procedures of this international criminal tribunal. Thank
18 you.

19 THE WITNESS: But, My Lord, except to mention that it may
09:57:13 20 not be easy to give them the full details because I was with so
21 many people in the -- from the Defence they had requested that I
22 should indicate the whereabouts of these witnesses at the moment.

23 JUDGE ITOE: Mr Witness, I don't want to cut you short.
24 You will give the details you can give. Those details you cannot
09:57:38 25 give, you will not be obliged to give.

26 THE WITNESS: Obligated, My Lord.

27 JUDGE ITOE: Thank you.

28 THE WITNESS: I think I'd mentioned -- I gave you

29 **xxxxx.**

1 MR JORDASH: Could I just ask, perhaps, that the witness
2 complete the list at the lunch-time break. I don't want to --

3 PRESIDING JUDGE: You will move away from this scenario at
4 this moment and come back later?

09:58:03 5 MR JORDASH: Yes. Simply the names and details that I
6 require for investigation, it is not part of any further
7 examination.

8 PRESIDING JUDGE: Very well, I think it is appropriate and
9 it may assist in moving ahead rather than having to adjourn
09:58:25 10 again. Mr Witness, the request that was made of you yesterday to
11 write down to the best of your ability the names and whereabouts
12 of the people that were captured with you that were part of your
13 unit as best as you remember, try to list them and produce that
14 when you come back after the lunch break. We will not ask you to
09:58:53 15 do that now, but we will adjourn for lunch at 1.00 and reassemble
16 at 2.30. So you will have an hour and a half at that time to
17 think about it. Again, the purpose for that is, as counsel for
18 the Defence is asking, for them to make a decision as to whether
19 or not they want to talk to them. If they want to talk to them,
09:59:17 20 how they're going to talk to them, that's for their own

21 prerogative. Whether they have to go through your own military
22 chain or your own government, it will be for them to make that
23 decision. This is a normal process. If they try to reach them
24 directly and those people who are still in the military want to
09:59:33 25 talk to them, well, that is their decision. You are doing the
26 best you can and that is all we are asking of you. Let the
27 process move ahead normally. That is all we are asking of you at
28 this particular moment. We will move away. We will not ask --
29 counsel Mr Jordash will not ask more questions on that matter

1 about who was with you at that particular moment. He will come
2 back to that this afternoon. So once you have written down those
3 names as best you remember. That's fine, Mr Jordash.

4 MR JORDASH: Thank you.

10:00:05 5 Q. If I can just ask one question which is related to that,
6 which is this, Mr Witness: Is it right that those people, those
7 soldiers taken to Yengema with you, you subsequently worked with
8 them for a period of 11 months after your experience at Yengema?

9 A. I went with them except that not all of them were at my
10:00:39 10 headquarters. They were located in various parts of the country.

11 Q. Well --

12 PRESIDING JUDGE: Mr Jordash, just a moment. Mr Witness,
13 can you pull down your microphone a bit so we can -- yes, thank
14 you very much.

10:00:55 15 MR JORDASH:

16 Q. Am I right that those people at Yengema went with you after
17 your release and stayed in Lungi for a month whilst you waited
18 for your equipment to be replaced?

19 A. Agreed.

10:01:15 20 Q. So you spent a month with them in Lungi and then you spent
21 some time with some of them over 11 months; correct?

22 A. Agreed.

23 Q. And the ones you spent time with over the 11 months, how
24 many of those would you estimate now were with you for that
10:01:36 25 period?

26 A. Basically it's not easy to estimate.

27 Q. Well, have a try. Have a try, if you can.

28 A. Maybe I should be talking about those who could have been
29 closer to me about five, six.

1 Q. But the ones you were with for a month presumably you spoke
2 with on a regular basis over that month about both your
3 experience and also operational matters which were relevant at
4 that time?

10:02:16 5 A. During an operation I was commanding officer and the
6 various soldiers were under command of their company commanders.
7 So it's not every time that I was in contact with all of them.
8 But basically I should be able to cite those who were within my
9 headquarters.

10:02:41 10 Q. But you would be able to cite some of those who were also
11 under the company commanders, weren't you? You must have been --

12 A. I might try to do so if I can.

13 Q. Well, you spent a month with some of them, didn't you?

14 A. Agreed. That is what I have said.

10:02:54 15 Q. So you do know some names of the lower ranks as well as
16 those close to your position, yeah?

17 A. I will try to do so.

18 PRESIDING JUDGE: Mr Witness, you certainly should be able
19 to remember and name those company commanders. We're working
10:03:14 20 with you. You're saying you were the commanding officer and you
21 had so many companies with you and company commanders were
22 directly responsible to you and, therefore, I have difficulty to
23 understand why you could not now remember the name of those
24 company commanders. We are not asking for the 800 soldiers.

10:03:32 25 Some names of key people in your own organisation.

26 THE WITNESS: Agreed, My Lord. If he requested for my
27 company commanders, those were my closest subordinates, I should
28 be able to remember them.

29 PRESIDING JUDGE: He didn't specify any particular

1 individual, he just asked the people that were with you, whatever
2 position as such. He has used the word soldiers, well, soldiers
3 in this generic term would include officers, so company
4 commanders as well. Whether they're company commanders, platoon
10:04:02 5 commanders, all these people that were under your command for
6 that mission, as such. Certainly you know the key people in your
7 organisation that deployed to Sierra Leone at that time.

8 THE WITNESS: Obligated, My Lord. His initial request was
9 for those who were with me in Yengema but if he is talking about
10:04:28 10 everybody I was with, that is a different thing.

11 PRESIDING JUDGE: The question is -- that's true, that was
12 in Yengema, but those that might have been captured. It is your
13 evidence that later on you met some of your other people at some
14 other location that also, according to you, have been captured.
10:04:41 15 That is what he is asking for. I don't know if your company
16 commanders, none of them were captured. I just don't know, you
17 may know, we don't. We don't have this information, but this is
18 information that he is asking.

19 THE WITNESS: Obligated, My Lord.

10:04:56 20 MR JORDASH:

21 Q. Could I also ask you this, Mr Witness --

22 MR JORDASH: I'm obliged, Your Honour.

23 Q. Can I ask you this: Were you requested after your
24 experience to write a report on what had happened for your
10:05:10 25 superiors?

26 A. It's a normal practice in the army after an operation you
27 have to put up a report.

28 Q. Would lower ranks such as company commanders who were in
29 Yengema also have written reports?

1 A. Not necessarily. Reports was between me and my superior
2 commander.
3 Q. Do you know what happened to those reports -- that report?
4 A. I'm not in a position to tell.
10:05:52 5 Q. Have you ever requested it from your senior commander?
6 A. No.
7 Q. Would you be in a position to request it from your senior
8 commander?
9 PRESIDING JUDGE: Mr Jordash, you may wish to clarify some
10:06:14 10 of these issues because superior commander in the context where
11 this witness was operating, at least based on some of his
12 evidence, was a Kenyan commander and it was a UN deployment.
13 MR JORDASH: Certainly.
14 PRESIDING JUDGE: It is within the UN structure somewhere.
10:06:32 15 MR JORDASH: Let me try to be more specific.
16 PRESIDING JUDGE: That is what I mean, because when you say
17 have you, he may have absolutely no control over that any more.
18 MR JORDASH: Certainly.
19 Q. Who did you give the report to?
10:06:42 20 A. I was under command of the first headquarters.
21 Q. Who was that?
22 A. Under the first commander.
23 Q. Who was that?
24 A. That was General Jetley at that time.
10:06:55 25 Q. Did you write a report and give it to General Jetley?
26 A. Obligated.
27 Q. Sorry?
28 A. I did.
29 Q. You did. When was that?

1 A. That was at the end of May 2000, after the May incident.

2 Q. Did you write a report for any superior in Zambia in your
3 actual Zambian military organisation?

4 A. I was not obliged to that because I was under command of
10:07:23 5 the United Nations.

6 Q. Are you aware of whether Commander Jetley -- let me
7 rephrase that. Do you know what he did with it, your report?

8 A. No, I'm not in a position to know. He's my superior
9 officer.

10:07:43 10 Q. Did you give a full report about the events in Yengema to
11 Jetley?

12 A. I did.

13 Q. Were you examined by a doctor after your experience?

14 A. I didn't get yesterday that on arrival in Monrovia we went
10:08:18 15 through medical examinations but I wouldn't tell whether it was a
16 medical doctor or medic clinic or also something like that.

17 Q. So you don't know what happened to that report if a report
18 was made?

19 A. That was not exposed to me.

10:08:40 20 Q. Okay, thank you. Just dealing now with your experience
21 with the Prosecution, please. I think yesterday you told us you
22 had been contacted by telephone and they requested that you
23 provide a statement. You then, I think - is this right? -
24 requested from your superior permission to do so.

10:09:09 25 A. When they contacted me by telephone, I requested them to
26 contact my authorities for permission.

27 Q. Who were your authorities, please?

28 A. The Zambian government.

29 Q. Did you contact a named individual at the Zambian

1 government? How was it done, please?

2 A. They talked to me. I referred them to the Zambian
3 government. How they contacted the Zambian government, I'm not
4 in a position to tell.

10:09:45 5 Q. But then you received, presumably, notification of consent
6 from somebody?

7 A. Definitely from the --

8 Q. From who?

9 A. From the Ministry of Defence.

10:09:58 10 Q. Thank you. So if we were to want to contact the named
11 people that you're going to name at lunch-time, would you suggest
12 we go through the Ministry of Defence?

13 A. Definitely you have to get -- to seek authority through the
14 Ministry of Defence.

10:10:19 15 Q. Thank you. Can you provide us also with a contact at the
16 Ministry of Defence, please?

17 A. I would advise the best way of contact to the Ministry of
18 Defence is to go through our defence attaché at the United
19 Nations headquarters who subsequently will contact with the
10:10:44 20 Minister of Defence in Zambia.

21 PRESIDING JUDGE: When you say at UN headquarters do you
22 mean in New York or in Sierra --

23 THE WITNESS: In New York.

24 MR JORDASH:

10:10:53 25 Q. Not to contact the Ministry of Defence directly, you
26 wouldn't advise that?

27 A. Normally all matters pertaining to the United Nations are
28 channeled through our defence attaché.

29 Q. Okay, thank you very much. You gave your statement, I

1 think, first of all to the Prosecution in July 2003. Does that
2 ring a bell?

3 A. Thereabout.

4 Q. Maybe if the witness could be given a copy of the various
10:11:28 5 statements he has made so that I can refresh his memory about a
6 number of matters.

7 PRESIDING JUDGE: Mr Prosecutor, you have these copies?
8 Are they available for the witness?

9 MR HARRISON: They are. Maybe I can just ask Mr Jordash,
10:11:50 10 it just so happens that in this binder the transcript from
11 yesterday is included. Should that be removed from this binder?

12 MR JORDASH: For the moment if you would, yes, please.

13 PRESIDING JUDGE: Mr Jordash, for the record, when you're
14 talking statements here, can you be a bit more specific so we
10:12:15 15 know what it is that we are talking about? Specific as to dates.

16 MR JORDASH: Yes, for certain.

17 Q. The first time - is this right - you met the Prosecution
18 was as indicated on the first statement --

19 MR JORDASH: Your Honours, page 17712.

10:12:35 20 Q. 29th July 2003; is that right?

21 A. Correct.

22 Q. And that was the first time you sat down with the
23 Prosecution to give your statement?

24 A. Agreed.

10:12:52 25 Q. And you were trying to do the best you could to give them
26 an accurate recollection of what had happened?

27 A. Agreed.

28 Q. And you spoke in English to an English speaker?

29 A. Yes.

1 Q. And they read the statement back to you at the end and
2 asked you to confirm it was accurate?
3 A. Say again.
4 Q. They read the statement back to you at the end of the
10:13:21 5 process and asked you to confirm it was accurate?
6 A. Unfortunately he did not because this was a telephone
7 statement, was given by phone.
8 Q. When the telephone conversation was taking place, did the
9 interviewer ask you questions, you answered, and then the
10:13:46 10 interviewer would check that they understood what you'd said?
11 A. He read it back to me.
12 Q. He read it back to you on the telephone?
13 A. Yes.
14 Q. Thank you. Did you then provide some statement in a
10:14:02 15 handwritten form --
16 MR JORDASH: Your Honours, page 17715. I think if you look
17 through -- or perhaps it is at the beginning. I'm not sure. It
18 is a handwritten statement.
19 Q. Do you remember providing a handwritten statement? Or let
10:14:23 20 me perhaps say this: Did you provide a statement when you were
21 in Zambia on --
22 A. I remember giving a statement to a lawyer who travelled to
23 Zambia.
24 Q. That was on 25th June 2004?
10:14:40 25 A. Yes, My Lord.
26 Q. 2.30 in the afternoon; is that right?
27 A. Yes, My Lord.
28 Q. And I think there you can see at the top right-hand
29 corner - is this right? - your signature.

1 A. Agreed.

2 Q. And second page, 17716, your initial, EK?

3 A. Agreed.

4 Q. And then on the last page your signature at the bottom,

10:15:08 5 again your signature?

6 A. Yes.

7 Q. Signature confirming that what was in there was accurate

8 and true; is that right?

9 A. Correct.

10:15:19 10 Q. You then next, I think, see the Prosecution in February of

11 this year; is that right?

12 MR JORDASH: Your Honours, page 17720.

13 THE WITNESS: Agreed.

14 MR JORDASH:

10:15:41 15 Q. And was that in Freetown?

16 A. That was in Freetown.

17 Q. Who was that with, can you remember?

18 A. Say again.

19 Q. Who was it with? Who did you see on that occasion, on

10:15:59 20 those occasions?

21 A. The current Prosecution lawyer.

22 Q. Mr Werner?

23 A. Mr Alain, I think.

24 Q. Yes, Mr Alain. Alain Werner. You met him on 1st, 2nd and

10:16:18 25 3rd February; correct?

26 A. Say again.

27 Q. You met him on the 1st and 2nd and 3rd of February of this

28 year?

29 A. Yes, My Lord.

1 Q. Cast your mind back, if you would. On 1st February how
2 long were you with him, please?
3 A. That was about half a day.
4 Q. Half a day. On 2nd February how long were you with him?
10:16:46 5 A. Almost same time.
6 Q. And 3rd February how long were you with him?
7 A. On the third day I think it was just about an hour.
8 Q. Thank you. And 1st February you see him. Am I right that
9 you began the whole process again, he interviewed you afresh?
10:17:08 10 A. Yes.
11 Q. And you started at the very beginning with telling him
12 about your 1994 Mozambique peace-keeping mission?
13 A. Yes.
14 Q. Mr Werner then asked you a series of questions moving from
10:17:32 15 January 2000 onwards -- sorry, moving -- yes, moving from January
16 2000 onwards?
17 A. Yes.
18 Q. And he took you through all the events from your time in
19 Sierra Leone through to the capture at Yengema and through to
10:18:00 20 your mission which lasted for 11 months?
21 A. Yes.
22 Q. Did Mr Werner explain to you who was on trial?
23 A. In general he mentioned to me it was the RUF leadership.
24 Q. You knew Mr Sesay was being tried, didn't you, at this
10:18:26 25 stage?
26 A. Being part of the leadership, I knew.
27 Q. Yes. And Mr Werner asked you lots of questions about
28 Mr Sesay, did he not?
29 A. Say again.

1 Q. Mr Werner asked you lots of questions about Mr Sesay?

2 A. Not necessarily. Mr Werner naturally requested for the
3 general update of what had transpired and, in the process, items
4 came up about Mr Sesay.

10:19:07 5 Q. You knew, didn't you, from Mr Werner's questions that
6 Mr Sesay was charged with various offences, such as murder?

7 A. No, he never mentioned that.

8 Q. You know that now, don't you?

9 A. Beg your pardon?

10:19:29 10 Q. You know that now?

11 A. I'm learning about it now.

12 Q. He asked you questions about very specific subjects such as
13 child soldiers, did he not?

14 A. Not necessarily that he talked about child soldiers, but it
10:19:55 15 come up in the process of my giving the statements.

16 Q. Well, he asked you about it in relation to specific parts
17 of your statement?

18 A. He did not specify.

19 Q. Well, the reason I ask that is that when you first gave
10:20:07 20 your statement to the Prosecution -- and I can take you to it if
21 it helps you. When you first give your statement -- sorry, when
22 you first give your statement to the Prosecution - Your Honours,
23 page 17712, 29th July 2003 - there is no mention there about
24 Mr Sesay having any child soldiers. You can take my word for it,
10:20:41 25 but feel free to check if you want. Then when you are
26 interviewed in Zambia there is no mention there about Mr Sesay
27 having child soldiers. Feel free to check if you want. When we
28 get to February, when you're on the door of this Court, you
29 suddenly start to mention Mr Sesay has got child soldiers. So I

1 am suggesting -- I'm asking you, really, how it was you suddenly
2 thought that Mr Sesay having child soldiers was something you
3 should mention then but you never thought about it, it seems,
4 before?

10:21:20 5 A. I don't think you can compare telephone conversation to a
6 direct conversation. It was an aspect of memory at that time.

7 Q. Let's not then compare the telephone conversation. Let's
8 compare your meeting in Zambia with the Prosecutor. You do
9 talk - Your Honours, page 17718 - about the men who caught you in
10:21:49 10 the ambush having child soldiers. You can have a look if you
11 want. You mentioned there, and I'm looking at the --

12 PRESIDING JUDGE: Are you suggesting, Mr Jordash, sorry,
13 that in the 17718 there's no reference at that stage in that
14 statement of the men that captured him being with child soldiers?

10:22:14 15 MR JORDASH: Sorry, no, the opposite. That the only
16 mention of child soldiers in that statement are those men who
17 created the ambush which led to the beginning of this capture.

18 PRESIDING JUDGE: I see. Yes, in the middle of the page.

19 MR JORDASH: It says: "About 30 per cent of the RUF in
10:22:36 20 this location were boy or child soldiers."

21 Q. So when you see the Prosecution in Zambia face to face you
22 only mention child soldiers in relation to these men, which at
23 this stage has got, on the face of it, nothing to do with
24 Mr Sesay. We arrive, or you arrive, I should say, in Freetown in
10:23:01 25 February and spend a day and a bit with Mr Werner. Suddenly we
26 have Mr Sesay with child soldiers in, I think, Makeni and Yengema
27 and we have a number of child soldiers running around Yengema
28 generally. What was it that brought these allegations against
29 Mr Sesay to the forefront of your mind at that stage?

1 A. You may wish to note that the first two statements were
2 more in a summarised form, but the last statement was in full
3 detail and I believe that's how the full details should have come
4 up.

10:23:50 5 Q. But you mentioned them in relation to the men who abducted
6 you around Moria, but you don't mention them in relation to the
7 supreme commander. Did you not regard that as, rather than
8 detail, an essential part of your story? This is the man you say
9 was responsible for your abduction?

10:24:17 10 A. Initially the request from the Prosecution was that they
11 wanted to get a summary statement from which they should be able
12 to determine whether I could be useful -- a witness or not. And
13 thereafter, after they determined, I was called in and now I was
14 obliged to give a full statement which is the last statement that
10:24:37 15 you are talking about.

16 Q. Well, I suggest in fact you were told in Zambia when the
17 Prosecution spent money to come and see you that you were going
18 to be a witness. That was 25th June 2004. You must have known
19 you were going to be a witness at that point?

10:24:56 20 A. At that time it was not indicated. They had said they
21 would be able to determine whether I should be able to appear
22 before this Court at a later date. All they want to do was
23 summary of the statements.

24 PRESIDING JUDGE: And this is, you say, Mr Witness, in June
10:25:15 25 2004?

26 THE WITNESS: Say again.

27 PRESIDING JUDGE: This is taking -- the reference you are
28 making to a summary is in June 2004. You're not talking of the
29 one on the phone. When is it that you are saying you were asked

1 to provide a summary of what had happened? Was it when you were
2 first contacted in July 2003 or this was when you met with the
3 lawyer on 25 June 2004?

4 THE WITNESS: I think the determination should have come
10:25:52 5 after the second statement. It was in 2004.

6 MR JORDASH:

7 Q. When did you receive consent from the Ministry of Defence?

8 A. That was, I think, late last year.

9 Q. Because I suggest to you that -- who told you then that you
10:26:11 10 were going to be a witness? Who told you that you were
11 definitely going to be a witness?

12 A. The Ministry of Defence did so, that there was a request
13 from the Special Court through the defence attaché in New York
14 that I be authorised to travel to come and become a witness.

10:26:39 15 Q. Who told you then that the Prosecution were going to seek a
16 proper statement this year? Who told you that?

17 A. What I said is that after consent was given I travelled,
18 and that's when I was informed that I was going to appear before
19 the Court. Prior to that, that information was not clear with
10:27:07 20 me. But I'd given statement quite a while, but it was up to the
21 determination of the Prosecution whether the evidence I'd given
22 was suitable for me to come and appear before this Court.

23 Q. Well, did Mr Werner tell you that he wanted to take a fresh
24 statement from you? Is that what you're suggesting?

10:27:26 25 A. Say again.

26 Q. Did Mr Alain tell you they wanted to take a proper
27 statement from you now that consent had been given?

28 A. Not that he wanted to take a proper statement. All he
29 indicated to me was he wanted to verify on the two statements I

1 had earlier on given, and if I consented that that is what I'd
2 given, and if I had any further details I avail them.

3 Q. But who then told you that the interview which took place
4 in Zambia was only a preliminary interview process -- a
10:28:07 5 preliminary statement process?

6 A. Yes.

7 Q. Who told you that?

8 A. The lawyer who travelled indicated so. That after I'd
9 given that statement they were going to determine whether it was
10:28:20 10 necessary for me to be called or not.

11 Q. So then you must have known that what you had to say in
12 that statement was of absolute importance to the Prosecution in
13 order for them to properly decide whether you were going to be a
14 useful witness or not?

10:28:37 15 A. Not until it was confirmed that I was going to appear in
16 court.

17 Q. No, but when you gave your evidence in June of 2004, you
18 must have known that what you had to say was going to be decisive
19 for the Prosecution in deciding whether you were going to be a
10:28:53 20 witness or not. Did you not know that?

21 A. Basically my story was simple and straightforward. Except
22 depending on the time, I could not have gone to details. But
23 when it was certain that I was supposed to appear before this
24 Court, I had to make the statement more detailed and this is
10:29:15 25 exactly what happened.

26 Q. But when you were interviewed in June 2004, knowing that
27 the decision was still hanging over you as to whether you were
28 going to be called, you knew you had to give the important
29 details of your experience; is that not correct?

1 A. Yes, and this is what I did at the end.

2 Q. No, in June 2004. Knowing that the Prosecution had come,
3 the sole aim of determining whether you were going to be a good
4 witness or not or be a witness, you must have known that what you

10:29:49 5 had to say was crucial. No?

6 A. I've already indicated that the request from the
7 Prosecution --

8 Q. Did you not --

9 JUDGE ITOE: Allow him to reply. Please, take it easy.

10:30:06 10 Allow him time to reply.

11 MR JORDASH: I've asked the question three times.

12 JUDGE ITOE: Yes.

13 Q. Did you know it, Mr Witness?

14 A. I'd already indicated to you that the request at that time
10:30:16 15 was for me to give in summary form for the Prosecution to be able
16 to determine whether my statement was going to be useful and at a
17 later stage they would be able to determine whether to call me.
18 And that is exactly what happened. When they determined, they
19 called me and I gave a detailed statement.

10:30:35 20 Q. But you knew you'd given a statement in 2003, so presumably
21 in 2004 you knew it was important to give additional details to
22 that, because the decision to call you was not able to have been
23 made on the basis of the first statement; correct?

24 A. At that time the decision to call me had not yet been made.
10:30:54 25 It was only made after giving the 2004 statement.

26 Q. Yes, so you knew when they came to see you in June they
27 wanted more than you provided them in July, or else there is no
28 point coming is there?

29 A. The Prosecution lawyer at that time had not indicated that

1 to me.

2 Q. Well what did you think? Did you think they had wanted
3 more? Did you think they wanted the same thing you gave them in
4 the telephone interview?

10:31:19 5 A. I have already indicated to you what the Prosecution had
6 indicated to me and I followed just that.

7 Q. Did you think they wanted more?

8 A. There's no way I could have thought for them, but I've told
9 you what they told me.

10:31:32 10 Q. Did you think, not what they told you, did you think they
11 wanted more in June 2004 than you'd given them July 2003?

12 A. My thinking was based on what they told me.

13 Q. Did you -- well, what was your thinking? That's what I'm
14 asking you. What was it?

10:31:46 15 A. I've told you that my thinking was in line with what they
16 had told me --

17 Q. So you --

18 A. That basically they wanted a summary of what could have
19 happened --

10:31:53 20 Q. But a summary which went --

21 A. -- for them to be able to determine whether I would be a
22 useful witness or not.

23 Q. But a summary which went further than the telephone
24 interview, that must make sense. Didn't it make sense in that
10:32:07 25 way to you?

26 A. If you look at the way things transpired, the statement in
27 the telephone interview was slightly -- is shorter compared to
28 2004, when they came because this time the lawyer came, and we
29 had a chat.

1 Q. So you understood they wanted more?

2 A. Say again.

3 Q. You understood they wanted more than they had received in
4 the telephone interview?

10:32:36 5 A. There was slightly more information in the 20 --

6 Q. You understood they wanted more. I am asking about your
7 understanding. I know there is slightly more --

8 A. I've told you --

9 Q. -- but you understood they wanted more?

10:32:47 10 A. I have indicated to you that my understanding at that time
11 was that they said they wanted the information for them to be
12 able to verify whether I was a suitable witness or not.

13 Q. But did you understand that they are travelling all the way
14 to Zambia, that their lack of decision at that time as to whether
10:33:08 15 you were going to be called on the basis of information they had
16 already had meant --

17 A. I'm not able to --

18 Q. -- meant that they wanted more information at that time?
19 Or did you think they wanted less information?

10:33:22 20 A. That is for the Prosecution. If they had told me that at
21 that time, but I've indicated --

22 Q. It's your thinking that I am interested in. Did you think
23 they wanted less, the same or more information? It's got to be
24 one of the three.

10:33:36 25 A. My thinking -- my thinking remained that they were still
26 determining and they say [overlapping speakers] that information.

27 Q. Less or more of the same?

28 A. Because at that time I was not given the green light that I
29 should be able to travel here.

1 Q. Did they want less information, more information or the
2 same information? What was your understanding?

3 A. I've indicated to you my understanding. My understanding
4 was that -- [overlapping speakers]

10:33:56 5 Q. Give us an answer to that question. Less information, the
6 same information, more information; what was it you understood
7 they wanted?

8 A. That the Prosecution were trying to verify further.

9 Q. So that you think they wanted to just verify and get the
10:34:10 10 same information that you had given them in the telephone
11 interview?

12 A. Of course I've indicated to you that the telephone
13 interview, it was not possible that you'd go into details, but
14 when the lawyer travelled that was a different thing.

10:34:26 15 Q. You gave them more information though. Let's move on. You
16 don't want to answer the question. Did you give them more?

17 A. Slightly more than the initial.

18 Q. And you gave them more and you wanted to help them out?

19 A. Say again.

10:34:41 20 Q. You gave them more because you wanted to help their
21 decision-making process?

22 A. It was not me to decide whether that was going to help them
23 or not.

24 Q. Why did you give them --

10:34:48 25 A. But I was giving him the information as I had it available.

26 Q. Why did you give them more?

27 A. I had that information, I had to give it out.

28 Q. Exactly. If you had the information you had to give it
29 out?

1 A. Yes.

2 Q. Thank you. Let's move on. Do you have your statement in
3 the place where you are staying now? Do you have copies of them?

4 A. No.

10:35:21 5 Q. Sure about that?

6 A. The statements are with the Prosecution.

7 Q. You are sure you don't have any of them in your room?

8 A. Nothing.

9 Q. What were you doing in the day? Were you seen by Mr Werner
10:35:38 10 not yesterday, but the night before?

11 A. Not the night before.

12 Q. Tuesday night?

13 A. I've never met Mr Werner here on any night. I may have met
14 him during the day.

10:35:49 15 Q. Have you met any Prosecution or Mr Werner at any time since
16 your arrival in Freetown this trip?

17 A. Upon my arrival I met him there on the second day, during
18 the day, not at night.

19 Q. Thank you. How long were you with him during the day?

10:36:09 20 A. That was about two hours.

21 Q. You went through your evidence together, didn't you?

22 A. He basically briefed me of the pending Court session.

23 Q. You went through your evidence, did you?

24 A. I beg your pardon?

10:36:27 25 Q. You went through your evidence?

26 PRESIDING JUDGE: Mr Jordash, I know, but let him answer.
27 Give him the time to complete his answer.

28 MR JORDASH: I am sorry. I am sorry. I apologise.

29 PRESIDING JUDGE: And we are going to be running into some

1 trouble with the interpreters.

2 THE INTERPRETER: Your Honours, would the learned attorney
3 go a little bit slower?

4 MR JORDASH: Yes, I forgot about translation.

10:36:42 5 PRESIDING JUDGE: I know it is in English, but there are
6 some other requirements, as you know. So sorry to --

7 MR JORDASH: No, it's my fault. I was just conscious of
8 time ticking away. Sorry, Mr Interpreter.

9 Q. Did you go through your evidence together?

10:36:56 10 A. Not the time I came back, but earlier on.

11 Q. You went through it question by question in February,
12 didn't you? The questions Mr Werner was going to ask, the
13 answers you were going to give. You went through it in that way,
14 didn't you?

10:37:17 15 A. Say again.

16 Q. You went through the questions Mr Werner was going to ask
17 you and the answers you were going to give, did you not?

18 A. Yes, I did.

19 Q. So you knew the questions he was going to ask you in court
10:37:35 20 and you knew what the answers to those questions were going to be
21 before arriving here?

22 A. Of course, I'd given the statement so I knew what was
23 expected.

24 Q. And that is what you spent a day and an hour effectively
10:37:50 25 doing, wasn't it?

26 A. Not necessarily that. But apart from that I was being
27 introduced to the Court and so on.

28 Q. A good part of the day though?

29 A. Not with Mr Werner, with the --

1 Q. Yes, but I am dealing with -- sorry, I interrupted you.
2 A. With Mr Werner it was basically the brief about the pending
3 court session and what was expected of me.
4 Q. But you knew the questions he was going to ask you, didn't
10:38:20 5 you?
6 A. Say again.
7 Q. You knew the questions he was going to ask you?
8 A. I knew the questions I was going to be asked were going to
9 be based on the statement I gave.
10:38:28 10 Q. But you knew in what order it was going to happen, didn't
11 you?
12 A. Not necessarily the order.
13 Q. You knew when he asked a question what he was getting at?
14 A. Say again.
10:38:43 15 Q. You knew when he asked you a question yesterday in court
16 yesterday what he was getting at and what answer to give?
17 A. Not necessarily because they were not set questions.
18 Q. You had - you agree with this, don't you? - ample time, if
19 you wanted, to have learnt what it was you said to the
10:39:07 20 Prosecution. If you wanted, you had ample time to do it?
21 A. Yes, if I wanted.
22 Q. Thank you. Now, dealing with your account. You travelled
23 to Sierra Leone in January 2000 for reconnaissance. That was the
24 first trip you had made to Sierra Leone?
10:39:28 25 A. Yes.
26 Q. What date in January was that, the beginning, middle or end
27 of January?
28 A. Say again.
29 Q. Was that the beginning, middle or end of January when you

1 travelled and arrived here?

2 A. That was mid, mid-January.

3 Q. Mid-January?

4 A. Yes.

10:39:47 5 Q. How long did you stay, please?

6 A. A week.

7 Q. So you arrived back in Zambia around the end of the third

8 week of January?

9 A. Somewhere about that.

10:40:02 10 Q. And in your week in Sierra Leone did you travel once to

11 Koidu from Lungi?

12 A. Yes, I did.

13 Q. And Lungi was occupied by ECOMOG, wasn't it? It was

14 controlled and occupied by ECOMOG Nigerian soldiers?

10:40:25 15 A. Yes.

16 Q. It was in effect government territory, government-held

17 territory?

18 A. Which one?

19 Q. Lungi, Lungi airport?

10:40:36 20 A. Lungi was.

21 Q. And presumably before you arrived here you'd heard of the

22 RUF and the civil war in Sierra Leone?

23 A. Say again.

24 Q. Presumably before you arrived here in January 2000 you'd

10:40:59 25 heard of the civil war in Sierra Leone and the RUF?

26 A. Yes.

27 Q. And presumably what you'd heard was the excesses of some of

28 the RUF and the atrocities against civilians?

29 A. Yes, I had that information.

1 Q. So you arrived no doubt with some trepidation about heading
2 into rebel-held territory?

3 A. Of course I had the brief.

4 Q. Sorry?

10:41:28 5 A. I was briefed.

6 Q. So you had personally some trepidation, some anxiety about
7 heading into --

8 PRESIDING JUDGE: That's not his answer. The answer was,
9 "Of course I was briefed".

10:41:41 10 MR JORDASH: That's why I am asking the question again.

11 PRESIDING JUDGE: Okay.

12 MR JORDASH: Sorry, I didn't mean that to be as short as it
13 then sounded, Your Honour.

14 Q. You yourself must have had some personal trepidation, even
10:41:56 15 as a soldier, heading in to RUF occupied territory given the
16 media which you must have seen prior to your arrival; is that
17 fair?

18 A. From the briefing I got at that time there was an agreement
19 and with that I was contented that I was okay.

10:42:28 20 Q. But whilst you were on a peace-keeping mission, the reality
21 was you were working from government territory and the government
22 in effect was the partnership with UNAMSIL to disarm, in large
23 part, the rebels. Is that the way the peace-keeping mission in
24 truth was?

10:42:54 25 A. When you talk at the time I came in January for my
26 reconnaissance mission, there had been an agreement at that time
27 that United Nations troops were going to deploy in rebel-held
28 territory like Koidu.

29 Q. Yes.

1 A. And Koidu was determined for the Zambian contingent to be
2 there and I was briefed. There was an agreement from the RUF
3 leadership, so when I came in I was contented all was okay.

4 Q. Yes. But the point is that you're working for the Zambian
10:43:41 5 military, the Zambian military are working hand in hand with the
6 Sierra Leonean government. That's the starting point, is it not,
7 of the peace-keeping mission?

8 A. No, on a point of correction, the Zambian contingent was
9 not working hand in hand with the Sierra Leonean government, but
10:43:55 10 it was working under the umbrella of the United Nations which was
11 working with the Sierra Leonean government.

12 Q. My fault. I didn't mean to suggest otherwise. And as a
13 group underneath the umbrella of the UN, the objective was to
14 disarm the rebels?

10:44:19 15 A. The initial objective was not to disarm them. Those were
16 subsequent objectives.

17 Q. The first objectives were to do what then?

18 A. The first objective was to get into the rebel-held
19 territory and co-ordinate the peace process in agreement with the
10:44:48 20 rebel faction.

21 Q. Right. So the mission, in effect, was then one that began
22 by entering into rebel-held territory. Whilst you were in Lungi
23 there was the security of the umbrella of the UN. You move from
24 that to begin your mission into rebel-held territory, which is
10:45:08 25 when the real danger potentially began?

26 A. Yes.

27 Q. Now, you arrive back in Zambia in the third week of
28 January. You are back in Sierra Leone when?

29 A. I came back in Sierra Leone in April.

1 Q. When was it in April you came?
2 A. I can't remember the date exactly.
3 Q. Beginning, middle or end?
4 A. Should have been middle.
10:45:37 5 Q. The middle of April?
6 A. Yeah.
7 Q. And you were the one - is this right - who gave training
8 to --
9 JUDGE ITOE: What year is that? Beginning of April?
10:45:50 10 THE WITNESS: Mid-April.
11 JUDGE ITOE: Mid-April.
12 MR JORDASH: 2000.
13 Q. And were you the one who gave peace-keeping training to
14 your troops?
10:46:04 15 A. At the head of it as commanding officer, of course I become
16 the main architect of training. But apart from that, were the
17 personnel from New York and other UN agencies who came in to
18 provide the -- as resource personnel.
19 Q. Right, but there was only training for your battalion from
10:46:28 20 the time of your arrival back in Zambia to March; is that not
21 right?
22 A. Somewhere about that. At the time I moved to come for
23 reconnaissance in January, my battalion had already started the
24 training and preparation for the coming operation.
10:46:44 25 Q. So they were trained for approximately two months?
26 A. Well, about three or four to five months.
27 Q. Four to five months?
28 A. Yeah.
29 Q. Are you sure about that?

1 A. Yes.

2 Q. Because you do say - and I will find it if you give me a
3 moment - that your troops were only trained in peace-keeping from
4 January till March.

10:47:12 5 MR JORDASH: Yes, Your Honours, page 17720.

6 THE WITNESS: That is --

7 MR JORDASH:

8 Q. "Between January and March 2000 my battalion received
9 peace-keeping training preparation in Zambia from UN
10:47:26 10 officials."

11 [RUF23MAR06B - CR]

12 A. Yes, that is after the reconnaissance, but if I may go deep
13 into explaining the process of deploying of UN troops, we
14 normally have national UN pre-deployment training which starts a
10:47:45 15 bit earlier. But after the reconnaissance, I would have got the
16 details from the mission area. Then I would go back for
17 continued -- so that's the period that I talked about in that
18 statement.

19 Q. Had your battalion -- the majority of them, was it their
10:47:58 20 first peace-keeping mission? Is that why they had the training?

21 A. Say again.

22 Q. Were they having the training because it was their first
23 peace-keeping mission under the umbrella of the UN?

24 A. No, some of them had been to other missions, just like I
10:48:13 25 was myself.

26 Q. Most of them had training for the first time in --

27 A. A good number of them were training for the first time
28 also.

29 Q. So, for them, it was their first peace-keeping mission in a

1 conflict zone?

2 A. Not the first in the conflict. For the others, maybe I
3 would say half of that group had been to other conflicts zones
4 before.

10:48:39 5 Q. For half it was the first one. When they arrived in
6 Sierra Leone there was a normal pre-deployment training which
7 lasted only a week or so; is that right?

8 A. I agree.

9 Q. Now the mandate, you told us, was that you were only
10:49:07 10 expected to use force in self-defence. Sorry, I think what you
11 said was, "We were only expected to use the force to protect our
12 lives or possibly when our lives were threatened."

13 A. Yes.

14 Q. So you were allowed to use force if you perceived that your
10:49:28 15 lives were threatened or if, in fact, actually they were
16 threatened?

17 A. Yes.

18 Q. Or, presumably, if it was perceived that other
19 peace-keeping troops were threatened, you could use force in
10:49:45 20 those circumstances?

21 A. Yes.

22 Q. Or if, actually, other peace-keeping forces were
23 threatened. If they were actually threatened as well as a
24 perceived threat?

10:49:56 25 A. Yes.

26 Q. Yes. Presumably, if you'd used or anybody had admitted to
27 using force outside of that mandate, it would have been a serious
28 disciplinary offence?

29 A. Of course.

1 Q. So you accept -- would you accept this: That as a
2 commanding officer, it's unlikely that any of your commanders are
3 going to be confessing such a breach to you?

4 A. Say again.

10:50:27 5 Q. Would you agree that, given the seriousness of the breach,
6 you're unlikely to have heard -- maybe that's not a fair
7 question. No one confessed to you that they'd breached, did
8 they, any mandate?

9 A. I am trying to get what you're saying.

10:50:55 10 Q. Okay. Let me try to put it better.

11 PRESIDING JUDGE: Because it's a very nebulous and
12 hypothetical question. I suspect you have something in mind that
13 is a bit more precise than this.

14 MR JORDASH: Yes.

10:51:09 15 PRESIDING JUDGE: Because you want to play many minutes on
16 this without having -- because it would appear to be -- unless
17 you have some indication to enlighten the witness as to some
18 areas, if you don't want to be too specific, because I understand
19 you may not wish to give more details than required.

10:51:27 20 MR JORDASH: Well, if I can just ask this question.

21 Q. Has anyone ever in your experience of peace-keeping
22 confessed to you that they'd breached the mandate of that
23 peace-keeping mission? Has anyone come up to you and said, "I
24 confess. I've breached the mandate."

10:51:46 25 A. I don't seem to be getting your question.

26 Q. Well, the mandate, for example, to use force only under
27 very strict circumstances.

28 A. Yes.

29 Q. Has any of your junior officers ever come to you and said,

1 "Sir, I've breached the mandate. I went outside the mandate and
2 I used force as an attacking individual"? Has anyone ever done
3 that?

4 A. No.

10:52:10 5 Q. No. But you must have experienced, in your time, people
6 who have done that, gone beyond the mandate?

7 A. Yes.

8 Q. People know, in the military, if they go beyond the
9 mandate, disciplinary procedures and possible termination of
10:52:32 10 employment would end -- could come about?

11 A. Yes.

12 Q. So the people who you spoke to later on, the commander of
13 the Kenyans in Makeni, your various troops in Lunsar whom you met
14 later -- the fact that they told you that they had been attacked
10:53:04 15 is not a huge surprise to you since no one has ever told you that
16 they had themselves attacked and breached a mandate. Do you see
17 my point?

18 A. No, I'm not getting your point.

19 Q. It only tells us so much, doesn't it, the fact that you
10:53:21 20 were told later on --

21 PRESIDING JUDGE: Mr Jordash, it's a very, very -- it's a
22 difficult question. The way you've posed it, you have put it to
23 the witness. I have no problem to see why he's reacting that way
24 because it's not clear. At best, your question is ambiguous. At
10:53:42 25 best.

26 MR JORDASH: I'll try to be clearer.

27 JUDGE ITOE: Because it brings in the concept, the notion,
28 that they were attacked because they too attacked and they
29 breached the mandate.

1 PRESIDING JUDGE: The first attack, if it is what you're
2 suggesting.

3 JUDGE ITOE: That is what is --

4 MR JORDASH: No, I'm not suggesting that. I'm suggesting
10:54:07 5 that Your Honours will be able to -- this witness might be able
6 to assist Your Honours in weighing the importance or the
7 reliability of the hearsay given by this witness as to what was
8 told to him happened in either Makeni or Lunsar on the basis that
9 Your Honours can see that no one has ever confessed to this
10:54:37 10 witness that they were, in fact, in breach of a mandate such as
11 this.

12 This witness has given evidence which the Prosecution rely
13 upon to say the RUF attacked in Makeni, the RUF attacked in
14 Lunsar. The Prosecution will say, from that, you can use that
10:54:57 15 evidence as evidence of the RUF attacking the UN. The fact that
16 nobody has ever confessed to this witness that they breached a
17 mandate such as this perhaps gives some indication of the
18 importance of him being told later on that, in fact, the RUF
19 attacked them.

10:55:24 20 It doesn't say much. It doesn't say much for somebody to
21 have told this witness later on that the RUF attacked them, given
22 that it's unlikely that anybody is going to be confessing out of
23 the military that they breached the mandate. That's the point.
24 It's not very concisely put, but --

10:55:40 25 PRESIDING JUDGE: I mean, human nature being what it is, it
26 is not necessarily a scenario where people will go and confess
27 that they have done something.

28 MR JORDASH: That's the point.

29 PRESIDING JUDGE: But there are other means to determine

1 that, other than -- I mean, if somebody gets killed and this is
2 normally reported and you have other means of investigating,
3 rather than the suspect self-confessing about a crime.

4 MR JORDASH: But we have heard no evidence about those
10:56:04 5 investigations and that's why it's important to be able to put
6 the hearsay into proper context.

7 PRESIDING JUDGE: I agree. The thing is that in your
8 scenario that you're putting to the witness, there is the
9 clear -- you're saying that there might be an inference that
10:56:21 10 there was something else that started the whole process, rather
11 than. But you're not putting any facts other than this
12 hypothetical scenario.

13 MR JORDASH: If it helps Your Honour, then we accept that
14 this witness was ambushed in the rough area of where he says.

10:56:41 15 PRESIDING JUDGE: And it his evidence too that he was not
16 at Lunsar when whoever was behind was attacked.

17 MR JORDASH: Exactly, but he said it's the troops which
18 were left subsequently --

19 PRESIDING JUDGE: That reported to him.

10:56:51 20 MR JORDASH: Reported that they had been attacked in
21 Lunsar.

22 PRESIDING JUDGE: Indeed.

23 MR JORDASH: So it's not that we say that this witness was
24 not ambushed, we accept he was, but we don't say --

10:57:01 25 PRESIDING JUDGE: You're trying to probe the nature of the
26 hearsay?

27 MR JORDASH: Yes.

28 PRESIDING JUDGE: But, again, if you don't put it in terms
29 sufficiently clear to the witness you may not achieve what you're

1 trying to achieve, Mr Jordash. That's all I'm saying. I'm not
2 saying you cannot, but it has got to be sufficiently clear to the
3 witness so he's giving you an answer that makes sense and to us
4 as well.

10:57:26 5 MR JORDASH: Yes. It was, I accept, clumsy and it is quite
6 a difficult area to deal with.

7 Q. Perhaps I can deal with it more succinctly, Witness, in
8 this way: You didn't take part in any investigation into what
9 had happened in Makeni prior to your arrival, having been

10:57:45 10 ambushed?

11 A. No.

12 Q. You haven't read any reports of any investigation into that
13 either?

14 A. No.

10:57:56 15 Q. And you can't assist us in relation to that except insofar
16 as what was said to you soon afterwards by the commanding officer
17 from the incident in Makeni.

18 A. Say again.

19 Q. You cannot assist this Court further as to what happened in
10:58:13 20 Makeni -- let me deal with it in this way: You hear, don't you,
21 that something has gone on in Makeni? You hear this when you're
22 in Lungi; is that right?

23 A. I agree.

24 Q. The only information you can give this Court as to what
10:58:46 25 happened in Makeni is the hearsay you told us yesterday which was
26 gained from an officer later on who gave you some details about
27 what he said had happened in Makeni concerning the RUF?

28 A. No, I think that earlier on I had indicated that when I was
29 at Lungi, I received message from force headquarters to the

1 effect that I was to move into Makeni to go and stabilise the
2 situation following a dispute between the RUF and the Kenyan
3 soldiers who were deployed in Makeni.

4 Q. Right. So you heard at that stage it was a dispute. You'd
10:59:39 5 heard - is this right? - that the dispute had boiled over into
6 fighting.

7 A. The nature of the dispute was not disclosed to me at that
8 time.

9 Q. Well, didn't you know that your presence and the number of
11:00:06 10 companies from your battalion were required in Makeni to
11 stabilise the situation?

12 A. I agree.

13 Q. Didn't you know that that stabilising would involve force?

14 A. It's not always like that.

11:00:19 15 Q. No, but you were told enough to know that, weren't you, at
16 the time?

17 A. I never took it that way.

18 Q. Tell us, as closely as you can, what you were told had
19 happened because this is, what, 2nd or -- this is 3rd May, isn't
11:00:37 20 it?

21 A. You know, a dispute can be in any form.

22 Q. I know what a dispute is.

23 A. It may be in the form of fighting, it may be in the form of
24 a stand-to, or whatever. At that time, I was not aware of the
11:00:53 25 nature of the dispute.

26 Q. But you're told by someone to go to Makeni as an emergency,
27 are you not?

28 A. Say again.

29 Q. You were told to go to Makeni as an emergency?

1 A. Yes.

2 Q. Something has happened in Makeni which needs stabilising?

3 A. Yes.

4 Q. And you need to get there fast?

11:01:17 5 A. Yes.

6 Q. There are problems between the Kenyan contingent and the

7 RUF?

8 A. Yes.

9 Q. You know that you have to be ready to fight?

11:01:35 10 A. Say again.

11 Q. You know that you have to be ready to fight.

12 A. Very.

13 Q. Ready to fight.

14 A. Of course.

11:01:41 15 Q. You move from Lungi with that in mind, that your men have

16 to be in the right formation to be able to fight quickly, if

17 necessary?

18 A. Yes.

19 Q. When you get to Lunsar, that message it would appear, is

11:02:05 20 strengthened and you leave behind your logistics and

21 administration to become an even more effective fighting force?

22 A. I agree.

23 Q. Now, when you are in Lungi, what date is it? It's the 3rd,

24 isn't it, 3rd May?

11:02:21 25 A. Say again.

26 Q. It's 3rd May in Lungi, isn't it, when you set off?

27 A. Yes, it was 3rd May.

28 Q. Yes. And what had happened in Makeni had happened on the

29 2nd, had it not?

1 A. Yes.

2 Q. Now, I suggest to you there was more information at your
3 fingertips when you were told to leave Lungi than you're
4 suggesting to this Court.

11:02:49 5 A. How was I expected more information at the fingertips?

6 Q. Because I am suggesting that what was clear at that stage
7 was that there had been a fight and the RUF had overrun the
8 Kenyan's contingency.

9 A. I had already indicated that that information did not reach
11:03:08 10 me. My movement was done within the 24 hours of receiving
11 notice. And basically, after I got the information, my efforts
12 were based on preparing the movement of the troops. It's not
13 something you can just do.

14 Q. You see, I suggest you had been told that the Kenyan
11:03:27 15 contingency had lost the fight, had been overrun and you had to
16 head there and attack the RUF.

17 A. I never got that information. There was no information
18 that the Kenyan battalion had been overrun. The information I
19 got was that there was a destabilisation and I was expected to go
11:03:50 20 and normalise. The nature of that destabilisation was not known
21 to me. Except as I moved, I started getting bits of information.

22 Q. Didn't you have to go and restore the order which had
23 turned into disorder?

24 A. Yes, but what nature of -- when you talk about -- this is
11:04:13 25 what I mentioned that a dispute can be in any form.

26 Q. Okay.

27 A. So I didn't know the nature of the dispute at that time.

28 Q. Let's have a look at what you told the Prosecution on 29th
29 July 2003, 17712. First four lines, Mr Witness.

1 "In April 2000, I was deployed to Sierra Leone as
2 commanding officer for contingent ZAMBATT I. When we
3 arrived at Lungi awaiting procedure for deployment, we had
4 prepared for deployment to Koidu but the KENBATT 6 in
11:05:00 5 Makeni was having problems with the RUF. The problems had
6 resulted in the overrun of some KENBATT 6 operations in
7 Makeni."

8 A. This was an after statement.

9 Q. No, this is was your first statement.

11:05:19 10 A. This is what I'm saying. I was giving this statement after
11 the incidents.

12 Q. Yes.

13 A. But at that time, I didn't have this information.

14 Q. Well, "When we arrived" -- it reads, I suggest, that you
11:05:30 15 had this information beforehand. "So the force commander decided
16 to send ZAMBATT I to help restore order." Line 5. "So with no
17 reconnaissance mission to Makeni" --

18 THE INTERPRETER: Your Honours, counsel is going too fast
19 with the reading.

11:05:54 20 MR JORDASH: Sorry. They sounded very weary.

21 Q. "So the force commander decided to send ZAMBATT I to help
22 restore order. So with no reconnaissance mission to Makeni
23 we had to move to Makeni immediately."

24 You knew, didn't you, Mr Witness, that the KENBATT 6 had
11:06:19 25 been overrun by the RUF and you knew you had to go there and
26 fight to get them out?

27 A. No. The incident happened in May 2000 I gave this
28 statement in July 2003. After the incident and all the details
29 had been forwarded, hence my indications. But at the time of my

1 movement, that information was not known to me.

2 Q. Okay. Fine. Let's move on then. You had only been in the
3 country for -- well, your troops had only been in the country for
4 a week or so, had they not, at this time, when you were heading
11:07:13 5 from Lungi to Lunsar?

6 A. Yes.

7 Q. And your knowledge of the terrain was very poor at this
8 stage, because even you had only been there and taken that trip
9 once; is that right?

11:07:27 10 A. Agreed.

11 Q. So, in order to ensure you didn't get lost, you took the
12 British MILOBS - one British MILOB and another MILOB; am I right?

13 A. Yes.

14 Q. And it was them, was it not, who gave you information
11:07:52 15 whilst you were staying overnight at Lunsar that the RUF could be
16 12 kilometres along the route to Makeni?

17 A. Yes.

18 Q. Despite the MILOBS had set out with you to Makeni, they
19 declined to go further, didn't they?

11:08:12 20 A. Yes.

21 Q. One of those MILOBS was a man called Colonel Poraj who, I
22 don't know if you know, works at this Court?

23 A. What?

24 Q. Do you know that Colonel Poraj works at this Court?

11:08:25 25 A. That he what?

26 Q. He works at this Court presently? He presently --

27 A. I didn't know, no.

28 Q. Okay. And I suggest to you that Colonel Poraj declined to
29 go further, because he regarded it far too dangerous to move into

1 RUF territory at that time, given what has happened in Makeni.

2 A. I had no obligation over him on the -- it was not my duty
3 to know why he decided to go back or not.

4 Q. Well, he told you that, didn't he? He told you he did not
11:09:01 5 and did not advise it that you continue to Makeni.

6 A. I did mention in my statement yesterday that he indicated
7 that the situation wanted to be very conducive and that's what
8 necessitated my organising my convoy.

9 Q. But he told you, didn't he, that he wasn't going to go any
11:09:21 10 further. It was too dangerous.

11 A. That's what I'm saying.

12 Q. Okay. Fine. Despite that, despite you not knowing the
13 terrain, you headed off into this ambush?

14 A. I was working under order. There is no way I could also
11:09:38 15 have turned back, because Colonel Poraj had turned back.

16 Q. Yes, could I just --

17 A. I had to move as if directed by commanders at that time.

18 Q. Can I suggest that the reason you did that was because you
19 were determined to attack the RUF in Makeni, who had overrun the
11:09:57 20 KENBATT.

21 A. That's your opinion.

22 Q. Well, tell us yours. Was it --

23 A. I've told you my purpose of moving was not to go and attack
24 RUF, but the order that I had was to go and stabilise the
11:10:09 25 situation and stabilising does not necessarily mean attacking
26 RUF. My mandate at that time did not call for that.

27 Q. No, but by the time you get to Lunsar, the information
28 coming from Makeni must have been almost deafening that the
29 KENBATT Kenyans had been taken, capture -- they had been

1 captured.

2 A. That information at the time I was at Lunsar was not
3 available to me. The information I had at Lunsar was the
4 proximity of RUF within 12 kilometres they had put up a
11:10:47 5 roadblock. And the roadblock to me did not mean that they had
6 put up that roadblock with the purpose of having any hostilities
7 or not. Because earlier on when I came for reconnaissance, I
8 went through a lot of RUF roadblocks up to Koidu. I think there
9 were 15 to 20 roadblocks, so even when this was given to me, I
11:11:09 10 mean, I took with it. It was one of those and I was able to go
11 and confront and I negotiate my way through.

12 Q. Yes, but the point is this that I'm trying to make: did
13 you not receive any further information from Commander Jetley
14 between 3rd and 4rd May about what had happened in Makeni to the
11:11:35 15 Kenyans?

16 A. No.

17 Q. Nobody told you, even on the 4th when you woke up in
18 Lunsar, heading off to Makeni, no messages came through about the
19 huge dangers which may lie ahead in Makeni?

11:11:50 20 A. I did mention in my earlier statement that the only
21 information I had from force headquarters was that there was
22 destabilisation and I should go and stabilise the situation. The
23 nature of destabilisation was not known to me. I didn't even
24 know that Kenyans were overrun at that time.

11:12:10 25 Q. Okay. So, the only reason then you drop off your logistics
26 and administrations is because you hear there is a roadblock up
27 the road?

28 A. Of course I had to take precaution.

29 Q. But you had experienced roadblocks before, you say. So

1 what was it then about this roadblock which made you trim down
2 your force to become an even more effective fighting force?

3 A. Of course I mentioned to you that Colonel Poraj had
4 indicated to me that the situation was going to be a bit
11:12:51 5 delicate, so the idea was actually for me to organise myself with
6 a way in case the situation was delicate, I should be able to do
7 something about it.

8 Q. Well, I think I have made my point, which is that you
9 didn't trim down your force because of a roadblock, you trimmed
11:13:15 10 it down because inevitably, I suggest, information must have got
11 to you, because you are leading a troop of men into perhaps
12 death.

13 A. I mean, military operations are all about danger.

14 Q. Okay. Let's move on. Now, you say you moved -- you told
11:13:39 15 this Court, I think yesterday, that you moved following the
16 initial negotiations with the RUF. You and 20 -- sorry, you and
17 ten people moved with one Land Rover and BRDM, I think you said,
18 armoured vehicle?

19 A. Yes.

11:14:03 20 Q. Did you travel in the Land Rover?

21 A. I was in the armoured vehicle.

22 Q. And the rest of the men were divided into the Land Rover
23 and the BRDM?

24 A. Yes.

11:14:24 25 Q. And you travelled in that way to meet, as you say,
26 Morris Kallon?

27 A. Yes.

28 Q. Now, do you have, in truth, a clear recollection of this
29 incident, Mr Witness?

1 A. Say again.

2 Q. Do you, in truth, have a clear recollection of this
3 movement to meet the alleged Morris Kallon?

4 A. Do I what?

11:14:48 5 Q. Do you have a clear recollection? Do you remember it well?

6 A. I do recollect.

7 Q. Because I just want to ask you, it may not be a big point,
8 it may not be any point, but I want to ask you about something in
9 your statement in July 2003, where you say -- Your Honours, page

11:15:04 10 17712. It's the last three lines -- last four lines:

11 "The officer that I was sending came to say the RUF wanted
12 to meet me. I declined again and he returned with
13 assurance that I was safe, so I walked about one and a half
14 kilometres to meet the RUF commanders. It turned out that
11:15:42 15 I and the 20 men I had taken to meet the commanders were
16 walking into an ambush away from the rest of the
17 contingent."

18 THE INTERPRETER: Your Honours, can counsel go over those
19 lines, the readings, please.

11:15:58 20 MR JORDASH: I apologise again.

21 Q. "The officer that I was sending came to say the RUF wanted
22 to meet me. I declined again and he returned with
23 assurance that I was safe. So I walked about one and a
24 half kilometres to meet the RUF commanders."

11:16:22 25 PRESIDING JUDGE: Pause, there, pause. Go ahead.

26 MR JORDASH:

27 Q. "It turned out that I and the 20 men I had taken to meet
28 the commanders were walking into an ambush away from the rest of
29 the contingent."

1 A. What is your question?

2 Q. My question is: when you first give the evidence, it
3 appears you describe walking. Whereas now you describe going in
4 with a Land Rover and a BRDM.

11:17:03 5 A. If I may describe exactly what happened?

6 Q. Well -- please. Sorry?

7 A. You may wish to realise that as commander I was positioned
8 in the middle of the convoy, and that to move from my position
9 forward, I walked forward towards my point company and, from

11:17:32 10 there, we got on the BRDM and Land Rover, too, where we found
11 RUF.

12 Q. Yes. But you've told us you were in a Land Rover, you
13 appear to have said, in your first statement you walked.

14 A. From my position, to the point platoon where we got in the
11:18:02 15 Land Rover, too, the actual location --

16 Q. What you're saying is then that you walked one and a half
17 kilometres to the Land Rover?

18 A. I wouldn't be able to tell the actual distance. What I'm
19 saying is that my position in the convoy - for your information,
11:18:26 20 it was a very long convoy. My position was in the middle and I
21 had to walk forward. It could have been that distance, but I'm
22 not in a position to tell the exact distance. But after that, we
23 got in the BRDM, which was in front, and the Land Rover, which we
24 moved with. Those two vehicles were meant for my point company
11:18:48 25 to get forward. I don't know if you get the point clearly.

26 Q. I'm sorry, it's probably me, but I don't really. When you
27 give the statement in July, you suggest you walk one and a half
28 kilometres. You said that, didn't you, when you gave your
29 telephone interview; am I right?

1 A. What I'm saying --

2 Q. Am I right about that, though?

3 A. Say again.

4 Q. Am I right that you said you walked for one and a half
11:19:20 5 kilometres?

6 A. I wouldn't remember at that time, but what I'm
7 explaining --

8 Q. Did you say that to the Prosecution when you gave your
9 telephone interview?

11:19:29 10 A. In the statement, it is there.

11 Q. Yes, it is there.

12 A. What I'm saying --

13 Q. Did you say that.

14 A. What I'm trying to get at, when you brought up that point
11:19:35 15 is that I had to move from my position in the middle of the
16 convoy to go to a forward platoon from where I got into a BRDM
17 and the Land Rover, together with my forward company commander,
18 and the first group, to move forward to meet the RUF commander.

19 Q. You make no mention of this Land Rover or BRDM in this
11:20:00 20 first statement. Sorry, yes. I'm listening.

21 A. This is what you're saying. I think the initial statement
22 was summarised and the further details were coming afterwards.
23 This is what I'm trying to explain. The actual process of what
24 happened was that from my position in the middle, I walked a
11:20:26 25 distance which could be about that. Then from there, I got into
26 a BRDM and the Land Rover and drove forward up to the point where
27 we met the RUF commander.

28 Q. To be fair to you, you do say in your next interview with
29 the Prosecution - and it's page 17718, the fourth paragraph

1 there - "Myself along with some officers and men drove up to the
2 village where over 100 RUF were located."

3 I accept you do come around to saying that later. We can
4 probably move on from this. Now, if I can ask you this question,
11:21:31 5 witness -- sorry, I should have asked you this early, but when
6 did you, after leaving Lungi, thereafter, when did you speak to
7 Commander Jetley?

8 A. I spoke to him the morning before I left Lunsar.

9 Q. Okay.

11:22:15 10 A. I think I should have also spoken to him on the evening
11 also.

12 PRESIDING JUDGE: The evening before? When you say you
13 think you spoke to him in the evening, the evening at Lunsar?

14 THE WITNESS: During the night at Lunsar and in the morning
11:22:30 15 before I left for --

16 PRESIDING JUDGE: Thank you.

17 MR JORDASH:

18 Q. You arrive in the village of Moria, I think was the name;
19 is that right?

11:22:48 20 A. I came to learn that later.

21 Q. Yes. You get out of your vehicle and you are approached by
22 the RUF, correct, or somebody from the RUF?

23 A. Not somebody. If you are talk about somebody, you would be
24 talking about one person. The whole scenario was that I was
11:23:22 25 surrounded by a mob of RUF.

26 Q. Surrounded by -- sorry, I missed that.

27 A. Group of RUF.

28 Q. Oh, group of RUF, okay. What happened at that stage to
29 you, if anything? Did they threaten you, or what?

1 A. Basically what happened was that when I moved forward, as I
2 was approaching the village, I didn't realise that I was already
3 in an ambush and the RUF had started surrounding the two
4 vehicles, the BRDM and the Land Rover coming from the bush. The
11:23:55 5 situation where, by the time I reached the bush they had circled
6 it, all of us, and, in the process, they got all of us and
7 disarmed us.

8 Q. Did you have your belongings taken at that point?

9 A. Say again.

11:24:15 10 Q. Did you have your belongings taken at that point?

11 A. Yes.

12 Q. Somebody searched you and took everything out of your
13 pockets?

14 A. Yes.

11:24:24 15 Q. Did you have any rucksack or -- I don't know the
16 terminology, but any carrier --

17 A. I had combat equipment, fighting which was taken, taking of
18 the helmet, protection, armoured jacket, my pouches. I had a
19 pistol, binoculars, all command facilities were removed from me.

11:24:51 20 Q. Everything emptied from your pockets. Did that same thing
21 happen to your men?

22 A. My men, it was even worse because my men were even stripped
23 of their uniform.

24 Q. Were you told as well by the men later, the men who had
11:25:16 25 been left when you walked and went into the Land Rover to meet
26 the RUF, were you told by those men that they had been searched
27 and stripped at that point?

28 A. The ones who remained behind?

29 Q. Yes.

1 A. I came to see them. When we were linked up in Makeni, they
2 were stripped off. I saw them, not that they told me.
3 Q. Okay. By the time you see them in Makeni, your belongings
4 had been taken, the ones out of the 20 who were with you, they
11:25:50 5 had been stripped and also the men left behind, upon their
6 arrival in Makeni had been stripped; correct?
7 A. I wouldn't --
8 Q. By the time you saw them in Makeni, they'd been stripped?
9 A. By the time I had come in Makeni, they had been stripped.
11:26:12 10 Q. Did you discover later that -- well, let's just clarify
11 what you mean by "stripped".
12 A. Their combat uniforms were got out from them, combat
13 uniforms, boots and so on.
14 Q. So they were in their underwear?
11:26:26 15 A. Some of them remained in bare pants.
16 Q. Some of them?
17 A. Remained with bare pants.
18 Q. Some of them with?
19 A. Underwears.
11:26:34 20 Q. Some not, presumably? Some maintained their trousers and
21 jackets?
22 A. Yes.
23 Q. So a mixture. Some stripped down to their underwear and
24 some fully clothed?
11:26:45 25 A. Yes.
26 Q. Did you discover at any stage later they'd all been, if not
27 stripped, then their belongings been taken off them before or
28 during their stay in Makeni?
29 A. They were stripped during the incident at Moria. As they

1 were moving towards Makeni, they were stripped. Those who were
2 not stripped were stripped off between Makeni and Yengema,
3 wherever they were being taken. The position was that every RUF
4 was looking for a uniform and they would strip this one, put this
11:27:29 5 one on and something like that.

6 Q. You're not suggesting, though, that all the men in the
7 school only had their underwear for 23 days or however long they
8 were in Yengema, are you?

9 A. That's a fact.

11:27:46 10 Q. You're suggesting that none of them had any trousers or
11 jackets in Yengema?

12 A. Any?

13 Q. Any jackets or trousers in Yengema.

14 A. What I'm saying, those who were lucky could remain with a
11:28:06 15 top. Others maybe could remain with trousers.

16 Q. There were quite a few with trousers.

17 A. Say again.

18 Q. There were quite a few, weren't there, with trousers and
19 jackets in Yengema?

11:28:17 20 A. There were quite a few?

21 Q. Quite a few of them kept their trousers and jackets.

22 A. What do you mean?

23 Q. Quite a few. Quite a lot. Quite a number of the overall
24 group had their trousers -- when they were heading off to
11:28:34 25 Monrovia, a lot of them had their trousers, did they not?

26 A. You could have asked me about that. At the time we were
27 moving, we moved and when they reached Monrovia, that is when
28 they were given some other uniform, not even a Zambian uniform.

29 Q. How do you know, because you don't see a lot of these men

1 leave, do you?

2 A. I told you that when I was reunited with a group that was
3 in the place Koidu and we moved together, and I saw these people
4 where they were, and that is exactly how the others moved.

11:29:13 5 Q. But you see in the first, is it week or so, if you're
6 right, a group of your men head off somewhere, you're not sure
7 where, but, presumably, you didn't see every one of them go off?

8 A. I didn't see every one of them.

9 Q. So you don't know if they had their trouser or not?

11:29:36 10 A. They told me afterwards.

11 Q. Each and every one of them told you?

12 A. Not each one of them. Of course I cannot talk to each and
13 every one.

14 Q. Exactly.

11:29:46 15 A. Generally, after we got that information from each group,
16 how they did move and so on. That is exactly the information
17 which came up.

18 Q. When did they tell you that?

19 A. Say again?

11:29:55 20 Q. When did they tell you that?

21 A. After the incident.

22 Q. When?

23 A. After the incident when we had come back to Lungi.

24 Q. So when you were all sitting around talking about what
11:30:05 25 happened?

26 A. Of course I was commanding officer, there was a need for
27 me --

28 Q. I'm not criticising you. It is normal, I would have
29 thought, to sit around and talk after such an experience. It's

1 not a criticism.

2 A. Listen, as the commanding officer, there is no way I should
3 have talked to each and every soldier. My source of information
4 was the immediate commander, so they did brief me.

11:30:27 5 Q. Right. So it's officers telling immediate commanders,
6 immediate commanders telling you later on about what the state of
7 dress of many of these men were; yes?

8 A. Absolutely.

9 Q. Thank you.

11:30:41 10 PRESIDING JUDGE: Mr Jordash, before you carry on.

11 MR JORDASH: This is as good a point as any, Your Honour.

12 [Break taken at 11.30 a.m.]

13 [Upon resuming at 12.05 p.m.]

14 PRESIDING JUDGE: Mr Jordash.

12:06:43 15 MR JORDASH: Your Honour, thank you. I apologise to the
16 Court. I need to just go over something very quickly. I have
17 some additional instructions which I need to put to the witness.

18 Q. Can I just ask you this, Mr Witness: The MILOBS who you
19 travelled with and the MILOBS in general had been living amongst
12:07:09 20 the RUF for a significant period, several months at the time you
21 arrived in Sierra Leone; correct?

22 A. I had no idea about it.

23 Q. Can you confirm this: It was the MILOBS job to conduct
24 surveys of the RUF held territory prior to UNAMSIL troops being
12:07:39 25 deployed in those areas?

26 A. I wouldn't know the extent of that.

27 Q. Well, come on, Mr Witness, you were there for 11 months.
28 What jobs were the MILOBS doing in RUF territory?

29 A. They conducted observer missions.

1 Q. Yes, observing the RUF territory, getting to know the local
2 RUF commanders, reporting for UNAMSIL deployment; correct?
3 A. Agreed.
4 Q. So Colonel Joe Poraj had been, had he not, in Makeni for
12:08:11 5 some months when you met him.
6 A. I don't know his previous deployment.
7 Q. Well let me ask you this: He had been in Sierra Leone for
8 several months, hadn't he?
9 A. I'm saying I wouldn't know. When I came, I didn't know how
12:08:32 10 long he was in Sierra Leone. I met him for the first time.
11 Q. He appeared to know the terrain, didn't he?
12 A. I wouldn't confirm on that one.
13 Q. You don't know if he knew the terrain?
14 A. I don't know if he knew the terrain.
12:08:43 15 Q. Well, his job was to show you the way to Makeni, wasn't it?
16 A. Yes.
17 Q. Right. Am I also right that in order to move through RUF
18 territory, the MILOBS job was to ensure that any RUF check-point
19 had given permission for that movement?
12:09:06 20 A. I had no terms of reference for the MILOBS.
21 Q. What, for 11 months in Sierra Leone, you don't know whether
22 the MILOBS job was to gain permission from RUF checkpoints for
23 movement through them?
24 A. I wouldn't get that. In general, what I knew about the
12:09:25 25 MILOBS is that they were carrying out an observer mission, but if
26 I have to go into detail of what they had to do, that was not my
27 concern.
28 Q. Well, it was your concern when you were moving through
29 Sierra Leone, was it not?

1 A. What I'm saying is I was moving through Sierra Leone as a
2 peace-keeper. They are two different things. There is a
3 peace-keeper and an observer, a military observer.

4 Q. How did you get --

12:09:51 5 A. And the terms of references are two different things. My
6 concern was about my terms of reference as a peace-keeper.

7 Q. If the MILOBS were there observing and you needed to move
8 through RUF checkpoints, did the MILOBS play a role?

9 A. Of course they did.

12:10:10 10 Q. Thank you. And the role they played was using their local
11 knowledge of RUF commanders' checkpoints and so on to enable you,
12 the peace-keepers, to move through that territory. You must know
13 that.

14 A. I mean, that's general knowledge.

12:10:27 15 Q. Well, it's not my general knowledge and it might not be the
16 Court's, but it's your knowledge. So when you were moving
17 initially when your deployment was going to be through to Koidu,
18 the MILOBS would have obtained permission from RUF checkpoints to
19 allow you to move to Koidu; yes?

12:10:54 20 A. I don't think there was that requirement at that time. As
21 I indicated earlier, I had come for the reconnaissance mission
22 and they had met the RUF commanders to the area where I was
23 supposed to go and they had agreed that I should come.

24 Q. Fine.

12:11:07 25 A. So at that point, there should have been no need for
26 further permission from MILOBS.

27 Q. Right. But there would have been a need for further
28 permission from the MILOBS to change that deployment and head
29 towards Makeni, wouldn't there?

1 A. The fact that they had that role to play.

2 Q. Pardon?

3 A. I'm saying the fact that they had that role to play.

4 Q. Yes, and the MILOBS didn't play it for you to get
12:11:35 5 permission to move to Makeni, did they?

6 A. What I'm saying is that at that time, the MILOBS had no
7 role to play apart from directing us through to Makeni and I --
8 the obligation on them was to what extent they should go. The
9 terms of reference were different from mine.

12:11:57 10 Q. You had expected, hadn't you, that the MILOBS who were
11 taking you to Makeni would negotiate, at least, to get you
12 through the various RUF checkpoints.

13 A. They had no obligation to do that.

14 Q. Then, if what you say is right, you were basically heading
12:12:17 15 into the unknown, unknown commanders at checkpoints, no
16 assistance was to be derived from anywhere, except for --

17 A. I had the role to negotiate my way through.

18 Q. Okay, fine, if that's what you say. Now, you claim to have
19 seen child soldiers at the point when you're ambushed. It's
12:12:47 20 perhaps my fault, and I wasn't clear on what you were saying, but
21 am I right, you weren't suggesting that 10-year-olds had rocket
22 launchers when you saw them when you stopped after moving in your
23 Land Rover to the ambush? You weren't suggesting that yesterday,
24 were you?

12:13:05 25 A. I did what?

26 Q. You weren't suggesting that the RUF who ambushed you had
27 10-year-olds carrying or 10 to 12-year-olds carrying rocket
28 launchers?

29 A. Yes, they had assorted weapon.

1 Q. No, you weren't suggesting that 10- to 12-year-olds were
2 holding rocket launchers, were you?

3 A. I said that some had rocket launchers. Others had assorted
4 rifles. Others had the grenades and so on.

12:13:35 5 Q. Tell us, from your experience, the weight of a rocket
6 launcher, please?

7 A. The weight, it is a very lightweight one.

8 Q. Very light. How light is it then?

9 A. Well, it is less than 10 kg.

12:13:49 10 Q. Less than 10 kg. So it's about 10 kg, is it?

11 A. Less than 10 kg.

12 Q. Well, how much less?

13 A. I wouldn't be able to tell exactly how much it is, but it's
14 less than 10 kg.

12:14:06 15 Q. It's about 10 kg, it is? Is it 2 kg, is it 3? It's about
16 10; what is it? You're an experienced soldier.

17 A. Listen, being a trained soldier does not mean that I should
18 be able to have the database for each and every equipment. The
19 weight of a rocket launcher is less than 10 kg.

12:14:25 20 Q. Let me suggest to you that a 10-year-old could not hold and
21 fire a rocket launcher?

22 A. Why not?

23 Q. It's too heavy. It's too big.

24 A. I don't agree with you.

12:14:36 25 Q. Okay. I also suggest to you that a 10- to 12-year-old
26 would find it difficult to hold and fire an AK-47.

27 A. Why not?

28 Q. Again, too heavy, too big, too powerful.

29 A. It's not correct.

1 Q. Okay, grenade launchers. Did you see 10- to 12-year-olds
2 with grenade launchers? Did you see that?
3 A. Yes.
4 Q. You say a 10- to 12-year-old could fire a grenade launcher?
12:15:07 5 A. Yes.
6 Q. I suggest you're not being very candid with the Court about
7 what you saw there.
8 A. That's your opinion, I believe.
9 Q. Now, you were taken to Makeni, to a house, you've told us?
12:15:25 10 A. Yes.
11 Q. You don't know whose house that was, do you?
12 A. I later came to learn that was the house for Issa.
13 Q. How did you come to learn that?
14 A. I later came to know through information from --
12:15:39 15 Q. Who told you?
16 A. I mean, the people in the area and even Monica confirmed.
17 Q. Oh, Monica confirmed it?
18 A. Yes.
19 Q. What did she say to you?
12:15:52 20 A. She told me where we were, that was Issa Sesay's home.
21 Q. Where was it then?
22 A. Beg your pardon?
23 Q. Where was the address?
24 A. That was in Yengema by then.
12:16:03 25 Q. No, the house in Makeni, was that Issa Sesay's house?
26 A. [Indiscernible].
27 Q. Sorry, I didn't hear you.
28 A. I think you should be --
29 THE INTERPRETER: Your Honours, can the counsel take that

1 last question again, the house in Makeni.

2 PRESIDING JUDGE: They need to clarify, that Mr Jordash.

3 There is a confusion as to houses now.

4 MR JORDASH: Yes.

12:16:24 5 Q. The house you were taken to in Makeni?

6 A. Yes.

7 Q. Whose house was that?

8 A. I later came to learn it was Issa Sesay's house.

9 Q. Who told you?

12:16:40 10 A. I told you I got that information from Monica.

11 Q. What did she say to you?

12 A. She told me that was Issa Sesay's house.

13 Q. What do you mean she just said it was Issa Sesay's house.

14 What did she give you in terms of information when she told you

12:16:55 15 that?

16 A. What terms of information do you see someone giving of a

17 house, apart from being told that house you were to is the house

18 for supreme commander Issa Sesay.

19 Q. Did she refer to Mr Sesay as a supreme commander?

12:17:10 20 A. That's what I'm saying and I mentioned it even yesterday.

21 Q. I know you did. This was the term she always referred to

22 Sesay as, the supreme commander?

23 A. Supreme commander.

24 Q. What was his assignment or rank? Were you told that?

12:17:26 25 A. The what?

26 Q. Were you ever told, since you had so many detailed

27 conversations with Monica what Sesay's assignment was?

28 A. From the information she gave us, Sesay was the overall

29 operational commander for the RUF.

1 Q. What was his rank?

2 A. I didn't know his rank, but all we knew was that he was a
3 general.

4 Q. So the only information you had was he was a general and he
12:17:58 5 was routinely referred to as the supreme commander.

6 A. I mean, that's the information that we gathered.

7 Q. You don't know the address of the house you were taken to,
8 do you, in Makeni?

9 A. Beg your pardon?

12:18:12 10 Q. Do you know the address of the house in Makeni which Monica
11 took you to?

12 A. I don't know.

13 Q. Yesterday you told us you were introduced to Mr Sesay at
14 this house; yes?

12:18:38 15 A. Yes.

16 Q. Was it Morris Kallon, you say, introduced you to
17 Issa Sesay?

18 A. I don't know if they were staying together.

19 Q. No, who was it who introduced you to Mr Sesay?

12:19:01 20 A. Morris.

21 Q. Morris Kallon?

22 A. Yes.

23 Q. Morris Kallon, from what you recall, then said words to the
24 effect: "This is the supreme commander." Did he say that?

12:19:13 25 A. I've told you that the information about him being the
26 supreme commander was later revealed to us from Monica. At that
27 time, that information was not known.

28 Q. Well --

29 A. But all we knew at that time was that he was the overall

1 commander, the supreme came later on.

2 Q. How did Morris Kallon introduce him to you? Tell us how it
3 went, please.

4 A. Morris introduced me to Sesay, that I was the commander for
12:19:53 5 the Zambian forces, not vice versa.

6 Q. Give us a picture.

7 A. He merely told him that this is he, the commander for the
8 Zambian forces, just that.

9 Q. So you're in the house, in walks --

12:20:08 10 A. We were not in the house. That was outside.

11 Q. So you were outside the house, in walks the supreme
12 commander who you didn't know was supreme commander at the time.

13 A. At that time, yes.

14 Q. Okay. Morris brings him over to you and indicates to you
12:20:24 15 and says, "This is the" what, what term did he use?

16 A. The term he used. He was telling Sesay, "This is the
17 commander for the Zambian soldiers."

18 Q. How did you know it was Mr Sesay?

19 A. I told you I came to learn later because after that he came
12:20:52 20 to Yengema on a number of occasions.

21 Q. So at that point, you don't actually get given Mr Sesay's
22 name?

23 A. I have mentioned that.

24 Q. Did he speak to you, Mr Sesay?

12:21:23 25 A. He just told me to sit down, to join the rest of the group.

26 Q. So he did speak to you?

27 A. Yes.

28 Q. Let me ask you about this. Your Honours, page 17718. It's
29 the penultimate paragraph where it says, "I was taken by the RUF

1 commander who had brought me and introduced to a person called
2 Issa Sesay." That reads as if, does it not, you told the
3 Prosecution you were introduced and learnt the name Issa Sesay at
4 that stage?

12:22:31 5 A. Yes. Like I mentioned to you, this statement is an after
6 statement, isn't it?

7 Q. It is, yes.

8 A. At the time of the incident, I didn't know this person was
9 Issa Sesay. But I came to learn later and that's how in the
12:22:51 10 statement it's appearing like that.

11 Q. Really. Okay. 17721. Paragraph 5, second two lines to
12 the bottom. "In Makeni, Kallon brought me to Issa Sesay. Sesay
13 never talked to me directly and at that time I did not know that
14 this man was General Issa Sesay." Did he talk to you directly or
12:23:42 15 not?

16 A. Through Kallon.

17 Q. So he didn't tell you to sit down? He did that through
18 Kallon?

19 A. Through Kallon, yes.

12:23:48 20 Q. How do you know that?

21 A. Because I was listening.

22 Q. So he said to Kallon, "Can you tell him to go and sit
23 down."

24 A. He just said, "Let him sit down."

12:23:58 25 Q. Sorry?

26 A. He said, "Let him sit down."

27 Q. That was the full extent of your interaction with Mr Sesay
28 in Makeni?

29 A. Yes.

1 Q. When you arrived in Makeni, did you see any of the Kenyans
2 who had been involved in an earlier incident?
3 A. At that time it was dark. I was not able to -- there were
4 a lot of soldiers there, so it was not easy to identify who was
12:24:35 5 Kenyan and who was Zambian.
6 Q. Right. Were there lots of RUF around?
7 A. There were.
8 Q. Lots of armed men around the town?
9 A. I beg your pardon?
12:24:49 10 Q. Lots of armed RUF?
11 A. Yes, lots of armed RUF.
12 Q. Moving quickly around the town?
13 A. I wouldn't talk about around the town. I moved from that
14 place and I was taken to this house, and I can talk about what
12:25:03 15 was -- but the rest of the town, I'm not in a position to tell
16 what was there.
17 Q. When you came into the town, did you see anything?
18 A. Of course it was dark. There were movements of vehicles
19 and so on.
12:25:20 20 Q. Movements of vehicles past your vehicle?
21 A. I beg your pardon?
22 Q. Were there movements of vehicles past your vehicle as your
23 vehicle drove into town?
24 A. Of course we crisscrossed with vehicles.
12:25:36 25 Q. Did you see that?
26 A. Yes, I did.
27 Q. Did you see RUF soldiers running or moving through the town
28 as you came into it?
29 A. Yes, I saw them. Most of them were in our vehicle, the

1 Land Rover, which they'd already -- which they'd caught and they
2 were driving.

3 Q. I'm not talking about RUF driving the vehicle. I'm talking
4 about RUF walking and moving through the town as you came into
12:26:00 5 the town.

6 A. I cannot tell just by looking at some that was RUF, but I'm
7 talking about these people were -- who had some connection with
8 RUF.

9 Q. What about armed men running through the town or moving
12:26:16 10 through the town? Did you see that?

11 A. Armed men doing what?

12 Q. Moving and running and walking through the town.

13 A. Of course. I've told you at the time we were approaching
14 Makeni, it was getting dark, and there were a lot of RUF
12:26:35 15 activities at that time.

16 Q. Was there general chaos in the town? Did it appear that
17 way to you.

18 A. I don't know if I can describe that as chaos.

19 Q. Well, describe it.

12:26:50 20 A. I would say there were a lot of activities.

21 Q. Like what? Describe what you saw.

22 A. Like a lot of movements.

23 Q. Like what?

24 A. Locals movements.

12:27:00 25 Q. Imagine, Mr Witness, for a moment that you're describing
26 what you saw to your troops who were moving into Makeni. What
27 would you describe having seen?

28 A. I think I would have described the total soldiers that have
29 entered Makeni. There were a number of vehicles, most of them

1 filled with RUF soldiers and most of these vehicles were vehicles
2 that were grabbed from the Zambian soldiers.

3 Q. Yes, we've got that. What about the rest of what you saw?
4 We know that the RUF have caught lots of Zambian trucks and
12:27:37 5 brought them into Makeni, we know that. What else did you see in
6 the town?

7 A. My concern was activities related to myself.

8 Q. Did it look as though there had been violent activity in
9 the town? Was there a sense of that when you came in? Did you
12:27:53 10 see that?

11 A. In that confusion it's not easy to determine that type of
12 conduct. I've told you at the time I was entering Makeni, it was
13 getting dark.

14 Q. I accept that. This is not a criticism, Mr Witness, it's
12:28:08 15 simply trying to get you to say what you saw in terms of whether
16 you see what looks as if there has been some violence, some
17 chaos, whatever, in Makeni.

18 A. From the activities that were taking place, one would
19 suggest that.

12:28:27 20 Q. One would suggest that.

21 [RUF23MAR06D - SV]

22 JUDGE ITOE: One would suggest what? That there was
23 violence.

24 THE WITNESS: Of course, sir.

12:28:54 25 MR JORDASH:

26 Q. Did it look as though Makeni was an unsafe place?

27 A. Beg your pardon?

28 Q. Did it look like Makeni was an unsafe place?

29 A. At that time, indeed.

1 Q. At that time, yes, thank you. Now, am I right that, just
2 filling in some of the details about what had happened earlier in
3 Makeni, what you heard was that there had been some disagreement
4 over an aspect of disarmament; correct?

12:29:50 5 A. Yes.

6 Q. And that disagreement had boiled over into physical
7 confrontation; correct?

8 A. Yes, sir.

9 Q. That physical confrontation had led to a fight, that fight
12:30:08 10 had led to the capturing of Kenyan soldiers; correct?

11 A. Correct.

12 Q. Sorry for the delay. Now, Yengema, you stayed at
13 Colonel Monica's house. Was it her direction, was it her
14 suggestion to you that you stay at her house?

12:31:13 15 A. I wouldn't know whether it was at her direction or it
16 was --

17 Q. Well, forget about chain of command for a moment. Did she
18 say to you, "You are staying at my house"?

19 A. Yes, she said that.

12:31:28 20 Q. Did she say to Commander Mulinge -- did she say to him,
21 "You are staying at my house"?

22 A. Yes, myself and the --

23 Q. So, she was one of the principal commanders of that place?

24 A. Yes.

12:31:48 25 Q. She therefore ordered the two principal commanders of the
26 troops to stay at her place and I suggest you must have been --
27 let me start that again. Presumably, from what you have told us,
28 Monica tried to make you comfortable at her place.

29 A. If that's what it meant.

1 Q. Well, you were there. Her house must have been one of the
2 nicer houses in the area?

3 A. Not to my standards.

4 Q. Not to your standards, probably not to mine either. But in
12:32:32 5 Yengema maybe one of the better standard?

6 A. I don't know if it was because I never went in other
7 houses.

8 Q. Okay. Nicer than the school, though? Nicer place to stay
9 than the school?

12:32:45 10 A. I wouldn't know. But as far as I'm concerned, apart from
11 its being close, there was nothing good in that town.

12 Q. But the two commanders, you and Mulinge, were given, I
13 won't say special treatment, but treatment which in some way, do
14 you agree with this, recognised your command role? You agree
12:33:11 15 with that?

16 A. Yes, I would agree the recognition.

17 Q. And you had your combat trousers on and jacket; correct?

18 A. Yes.

19 Q. And Mulinge was given clothes to wear; correct?

12:33:26 20 A. Yes.

21 Q. And you stayed at the house for the whole 23 days?

22 A. Yes.

23 Q. And being in that house provided you with protection, did
24 it not?

12:33:44 25 A. Of course, everybody was being guarded. I don't know
26 whether you call that protection or we were being guarded from
27 maybe fear that we would be able to escape. If you call that
28 protection then she did.

29 Q. Well, don't you call it protection?

1 A. I don't think it was protection. I was being guarded.

2 Q. Well, hold on a second, Mr Witness. Don't you say that
3 Miss Colonel Monica helped save your life?

4 A. To some extent she was on the sympathetic side.

12:34:24 5 Q. Well, come on. Think about it. Think what you've told the
6 Prosecution before. She, according to you, saved your life,
7 didn't she?

8 A. I'm saying, having been sympathetic to an extent, one would
9 say that.

12:34:39 10 Q. Okay. Did you leave the house except to go to the school
11 to see your men at any stage in the 23 days?

12 A. Yes, I did.

13 Q. Where did you go?

14 A. I would move from the house to the school block where my
12:34:54 15 soldiers were and back.

16 Q. Apart from that?

17 A. Apart from that I never went anywhere apart from maybe the
18 toilet.

19 Q. Was it Monica's instructions to you to stay in the house?

12:35:06 20 A. Of course.

21 Q. Yes. Was it Monica's instructions to the guards to keep
22 you in the house?

23 A. I mean, we were being kept by her, so.

24 Q. Did she or did you hear her order the guards to keep you in
12:35:25 25 the house?

26 A. The hearing of the order does not arise because, one, you
27 realise that I was not conversant with the language.

28 Q. Sorry?

29 A. I mean, I was not conversant with the language Monica was

1 using. But from the activities, if I was confined and that was
2 the house, then definitely it should have come from her, she was
3 working under instructions.

4 Q. Did you try to leave the house but was prevented at any
12:35:56 5 stage?

6 A. To leave the house for?

7 Q. I don't know. Did you try to leave the house at any stage
8 during the 23 days but was prevented?

9 A. I only left the house under her instruction.

12:36:08 10 Q. So you never tried?

11 A. No.

12 Q. When do you say these -- what do you say happened to you in
13 terms of physical violence?

14 A. In terms of physical violence?

12:36:29 15 Q. Yes.

16 A. In terms of physical violence, sometimes there was a lot of
17 threats of either we may end up being killed.

18 Q. Sorry, I missed that.

19 A. I mean, there were physical threats of possibly being
12:36:52 20 executed.

21 Q. Right, I'm not in any way belittling the fear you must have
22 felt at that time. I accept that. But what happened to you then
23 was effectively you were in the house and you are threatened by
24 people outside the house. Is that fair?

12:37:11 25 A. Both outside and inside.

26 Q. So when Monica's not present some people come in and
27 threaten you?

28 A. There were so many people were coming around.

29 Q. So the guards were letting people in?

1 A. Yes.

2 Q. Behind Monica's back?

3 A. Most of those were those who were maybe senior, so...

4 Q. Sorry, what does that mean?

12:37:32 5 A. I mean those who were senior to those who were guarding.

6 Q. Okay. So some people were getting in past the guards,

7 threatening you and then leaving the house?

8 A. Yeah.

9 Q. Not hitting you or beating you, but verbally threatening

12:37:44 10 you?

11 A. Most of it was verbal.

12 Q. Well, was any of it physical?

13 A. At one time there was some physical violence [overlapping

14 speakers]

12:37:59 15 Q. Sorry.

16 A. I'm saying at one time there was some physical violence.

17 Q. Right. And guards stopped that happening, did they, or how

18 did it come to an end, that physical violence?

19 A. No, it would just come up and afterwards they would stop,

12:38:14 20 or maybe through Monica's intervention.

21 Q. Right. But it seems then, from what you say, that Monica's

22 authority, presence, perceived authority, prevented perhaps worse

23 happening to you?

24 A. Yes, of course, Monica had a lot of authority in that

12:38:34 25 vicinity.

26 Q. Because you do say -- what you've told us, did

27 Commander Mulinge suffer the same or was his just verbal or was

28 it physical as well, the threats?

29 A. I don't know what he could have suffered maybe in my

1 absence, but I'm talking for myself.

2 Q. But when was he alone without you?

3 A. Once when I left, I told you that I would leave to go and
4 see my soldiers at the school building and he was left alone so I
12:39:14 5 wouldn't know what would have happened behind there?

6 Q. So he never told you?

7 A. No.

8 Q. Okay. So what we have then is some threats and one time
9 you are assaulted and you think that it was Monica who prevented
12:39:30 10 anything worse. It never happened in front of Monica, did it?

11 A. I beg your pardon?

12 Q. None of the threats or violence happened in front of
13 Monica?

14 A. When it happened in her presence, she quickly moved in and
12:39:45 15 stopped that.

16 Q. Do you mean when the threats happened in your presence
17 because there was only one physical violence moment; yes?

18 A. I'm saying whenever such a thing wanted to happen in her
19 presence, she would prevent that from happening.

12:39:58 20 Q. Thank you. And am I right that she was acting on the
21 orders of Mr Sesay, from what you understood?

22 A. That? Say again.

23 Q. She, Monica, was acting on the orders of Mr Sesay from what
24 you understood?

12:40:21 25 A. Yes, yes. I mean, she did mention it [overlapping
26 speakers]

27 Q. Thank you. Did she ever say anything to you about the men
28 in the school, about her role in looking after them?

29 A. About the men in the school?

1 Q. Yes, your men in the school. Did she ever, Monica, say
2 anything to you about her role in looking after them?
3 A. I don't know what you mean.
4 Q. Well, she'd been instructed, from what you told us, to keep
12:40:56 5 you under guard. She had protected you, as you've told us. Did
6 she do the same thing with the men in the school?
7 A. I wouldn't know. The soldiers were in a different place.
8 So whatever orders she could have given for their upkeep there,
9 I'm not in a position to tell.
12:41:19 10 Q. But the school was only about 300 away from where you were
11 being kept, wasn't it?
12 A. Yes.
13 Q. Did Monica appear to go in there?
14 A. She would go there from time to time.
12:41:29 15 Q. Did she appear to have some type of supervisory role in
16 there?
17 A. I believe she could have done so.
18 Q. Right. So I'm right, aren't I, that -- well, from what she
19 told you, did she tell you that she'd been told to do the same
12:41:52 20 thing as she was doing with you and Commander Mulinge for the men
21 in the school? Her orders were the same?
22 A. I have mentioned that she never discussed anything
23 pertaining to the order she could have had with me. So that
24 aspect --
12:42:16 25 Q. Well, you've told us about some of the orders you claimed
26 she discussed with you?
27 A. Pertaining to myself.
28 Q. So what you said yesterday about her orders about -- her
29 orders which had come from Mr Sesay was the orders in relation to

1 you?

2 A. I did mention to you earlier on that Monica did mention in
3 our stay there about the chain of command and where she got her
4 orders from and that she may not be able to disobey and give an
12:42:56 5 order.

6 Q. Right, and she wouldn't have disobeyed. That's what she
7 said to you, didn't she? She wouldn't disobey Mr Sesay?

8 A. Yes.

9 Q. So she kept you safe and the order from Sesay must have
12:43:10 10 been, therefore, to keep you safe?

11 A. I don't know what you mean when you say, "She kept you
12 safe".

13 Q. Well, let me read you what Mr Alain wrote.

14 MR JORDASH: Your Honours, page 17723.

12:43:28 15 Q. Paragraph 11, last sentence: "I can say that Monica saved
16 my life in Yengema." 17723, sorry. "I can say that Monica saved
17 my life in Yengema."

18 A. That goes back to my earlier statement that because of her
19 sympathetic attitude, this statement is arising from that.

12:43:53 20 Q. Thank you. Now, am I correct that you never mentioned to
21 the Prosecution on the telephone interview anything to do or
22 related to Sesay ordering maltreatment of the prisoners? Let me
23 rephrase that. Am I right that you, during your telephone
24 conversation in July 2003, never told the Prosecution that Sesay
12:44:37 25 had ordered any maltreatment of the prisoners in Yengema? Am I
26 right about that?

27 A. No, you are right.

28 Q. Thank you. Am I right that when you saw them in Zambia you
29 never told the Prosecution that Sesay had ordered any

1 maltreatment?

2 A. I don't think I did.

3 Q. In fact, what you do say is this.

4 MR JORDASH: Your Honours, page 17719.

12:45:29 5 Q. Paragraph 3:

6 "The RUF in the location kept promising that if Sankoh was
7 not released I and the general would remain captive.

8 Several times I was threatened with death with a gun to my
9 head that would then be fired in the air. This happened

12:45:52 10 often when the RUF were high on drink and drugs."

11 You see, I'm right, aren't I, when I suggest at that time
12 you were suggesting that any maltreatment had arisen, if I can
13 use the word, spontaneously through RUF high on drink and drugs?
14 Am I right?

12:46:26 15 A. Say again.

16 Q. Am I right that when you saw them in Zambia what you were
17 effectively trying to convey was that any maltreatment had
18 occurred through some RUF being on drink and drugs?

19 A. Yes.

12:46:38 20 Q. And it's really not until you come here, is it, in February
21 when you put forward this hearsay account about what you say
22 Monica told you about Sesay ordering maltreatment? Why is that?

23 A. I think, going back to the earlier statement, I had
24 indicated to you that the initial statements given were in

12:47:09 25 summarised form. But later on the statement became more detailed
26 after it was obvious that I was supposed to appear before this
27 Court.

28 Q. Okay. So what you say is: When I said that the beatings
29 and threats occurred through men high on drink and drugs, that

1 was summarising your later position that Monica told you that
2 Sesay had ordered the maltreatment. Is that what you're
3 suggesting?

4 A. I mean it was an addition after that.

12:47:45 5 Q. Okay, thank you. Could I suggest that you have developed
6 your story and developed a bias against Sesay? Could I suggest
7 that to you, Mr Witness? Is that right?

8 THE INTERPRETER: My Lord, can counsel take that question
9 again.

12:48:06 10 MR JORDASH: Yes, sorry.

11 Q. Am I right, Mr Witness, that what really happened is that
12 over the years and months you have, through listening to
13 prosecution questions, worked out and exercised a bias in your
14 testimony against Mr Sesay?

12:48:28 15 A. If that's your opinion, but --

16 Q. No, I'm asking you. Could that be right?

17 A. I don't think you are right.

18 Q. You don't think I'm right. Let me ask you this then --

19 MR JORDASH: 17724, Your Honours.

12:48:45 20 Q. Paragraph 14, halfway down that paragraph. 14 is 17724.

21 A. 17724?

22 Q. Yes, paragraph 14. You're talking of the release.

23 "Our release was obtained by the pressure of the
24 international community" --

12:49:11 25 THE INTERPRETER: My Lord, could counsel take that slowly.

26 MR JORDASH: Yes, I will, sorry.

27 Q. "Our release was obtained by the pressure of the
28 international community and the intervention of Charles
29 Taylor. Sesay was not in a position to negotiate with the

1 international community and played no role in our release."
2 Did you say that to Mr Alain?
3 A. I mean, I came to -- that's how I came to understand it at
4 the end of it all.
12:49:40 5 Q. What makes you say that, then? If you don't have a bias
6 against Mr Sesay what made you say that?
7 A. I mean, he had no role.
8 Q. How do you know?
9 A. I mean, I was aware of how the process came about, the
12:49:53 10 process of release.
11 Q. Well, how did it come about?
12 A. It came through the international community after
13 pressurising.
14 Q. Yes, international community to who?
12:50:02 15 A. Say again.
16 Q. International community, pressure from them, who were they
17 pressurising?
18 A. They pressurised the RUF in general.
19 Q. In general?
12:50:11 20 A. Yes.
21 Q. But who did they communicate with?
22 A. I should not be in a position to know who they communicated
23 with for any information. I had no information whatever was
24 happening. But after that this information came to be revealed
12:50:30 25 that this is how our release came about. And if you look at this
26 statement, this was an after statement of the incident. I heard
27 the information on what had happened initially.
28 Q. But who did they negotiate with, according to the
29 information you had?

1 A. I think in the statement it's indicated that the
2 negotiation by the international community went through Liberia,
3 through Charles Taylor, and Charles Taylor later on through RUF,
4 and that's how our release was done through Liberia.

12:51:00 5 Q. But who in the RUF?

6 A. The leadership was under Issa Sesay.

7 Q. So then it did have something to do with Mr Sesay?

8 A. I beg your pardon?

9 Q. Well, international community to Charles Taylor to head of
12:51:18 10 RUF. Supreme commander was?

11 A. Of course RUF was being commanded by somebody, isn't it?

12 Q. Well, who was it?

13 A. It was Issa.

14 Q. Right. So Issa Sesay played no role is patently not true?

12:51:36 15 A. When I said played no role, I'm saying they were put under
16 pressure and because of that pressure you cannot say that they
17 played the role, because if there was no pressure I don't think
18 we were going to be released. But because of the pressure from
19 the international community, that's how they effected this
12:51:56 20 release. That's what I meant.

21 Q. So the pressure came to bear on the negotiations; yes?

22 A. Of course.

23 Q. Yes. Negotiations require more than one party, don't they?

24 Some negotiations took place between Charles Taylor and,
12:52:11 25 according to you, Mr Sesay?

26 A. Of course, being the leadership.

27 Q. So Mr Sesay did play a role?

28 A. If that's how you look at it.

29 Q. And I suggest that you know that. I suggest what you know

1 is that Sesay was contacted by Charles Taylor and Sesay, having
2 then an opportunity to do something with people, the soldiers,
3 then acted and released the soldiers. You know that, don't you?
4 A. I mean, after what had happened it would be concluded so.
12:52:55 5 Q. Yeah. You have no evidence that pressure was brought on
6 Sesay, have you?
7 A. I have that evidence.
8 Q. What is it then?
9 A. The evidence is indicated there that the international
12:53:06 10 community, through Liberia, pressurised Liberia to make --
11 Q. Where'd you get that from? Where did you get the
12 evidence -- where do you get the evidence that Sesay didn't
13 release you willingly? Where do you get that from?
14 A. Of course the release willingly was not there, because if
12:53:26 15 you -- there was going to be that aspect there would have been no
16 need for us to go through Liberia. We should have been released
17 though we come, within Sierra Leone. But the aspect that we
18 ended up reaching Liberia goes to show how much pressure was
19 applied by the international community.
12:53:44 20 Q. Or it might show, I suggest, that it was dangerous and
21 there were renegade RUF and it wasn't safe?
22 A. If that is your suggestion.
23 Q. It is my suggestion.
24 JUDGE ITOE: It's becoming argumentative. It's becoming
12:53:58 25 argumentative.
26 MR JORDASH: If I can just ask this question.
27 Q. Do you have any evidence, Mr Witness, that that was not the
28 reason why release was orchestrated through Liberia, and I say
29 any evidence that it wasn't the safest way to orchestrate the

1 release?

2 A. At the time of my release and at the time I was being moved
3 to Liberia, I didn't have such evidence.

4 Q. Thank you. Thank you. Now you claimed to have heard from
12:54:41 5 Monica that Sesay was in control of the RUF and that Foday Sankoh
6 was not. Was that a fair summary of what you tried to convey
7 yesterday?

8 A. I don't think so.

9 Q. Okay, what would be fair then?

12:54:54 10 A. What I said was that the information I got was that Sesay
11 was the operation commander of the RUF, whilst Mr Foday Sankoh
12 was the political leader of the RUF.

13 Q. Right, but you don't know, do you, what the relationship of
14 Sankoh was to various commanders around RUF territory?

12:55:18 15 A. Of course he became the senior most, because in every
16 government the political leadership is --

17 Q. Supreme commander?

18 A. At the end of it all.

19 Q. Yes. And you don't know and you cannot give evidence about
12:55:32 20 Sankoh's contact, radio, by phone or otherwise, with any of the
21 commanders at the time you're captured, do you?

22 A. In as far as the operations were concerned, no information
23 to that effect.

24 Q. Monica never told you what her relationship with
12:55:54 25 Foday Sankoh was?

26 PRESIDING JUDGE: Slowly, Mr Jordash.

27 MR JORDASH: Sorry, sorry, sorry. I was trying to wrap up
28 before one. Sorry, Mr Interpreter.

29 PRESIDING JUDGE: If you go fast we're not further ahead.

1 MR JORDASH:

2 Q. You don't know what Monica's relationship with Foday Sankoh
3 was, how close or otherwise she was with him?

4 A. Monica was one of the RUF commanders, so it goes without
12:56:13 5 saying that she was under Foday Sankoh as well, as much as she
6 was under Issa Sesay she was also under Foday Sankoh.

7 Q. Well, you don't know that really. You don't know what her
8 relationship in truth was with Foday Sankoh. You don't know what
9 it was in truth in the time period with Issa Sesay.

12:56:37 10 A. What was in truth, in as far as I knew, was the
11 relationship, in as far as the rank structuring in RUF was
12 concerned, that Monica was one of the commanders under the RUF
13 and one of the most influential women commanders.

14 Q. But you will know from your own military experience that
12:57:05 15 rank and assignment is not guarantee of command and control; am I
16 right?

17 A. Say again.

18 Q. You will agree with this, I think, that from your own
19 peace-keeping and army experience that rank and assignment is no
12:57:22 20 guarantee of command and control. It depends on the army.

21 A. Of course.

22 Q. Of course, thank you.

23 MR JORDASH: I'm not going to finish before lunch,

24 Your Honours, but I have only about 15 or 20 minutes to go.

12:57:42 25 PRESIDING JUDGE: Very well. So you're suggesting --

26 JUDGE ITOE: But this witness has come from afar, so he may
27 well -- I was going to be surprised if you would keep to your
28 promise that you would finish at one. So since you are asking
29 for 15 minutes where we are used to what 15 minutes is after --

1 MR JORDASH: No, really 15.

2 PRESIDING JUDGE: Yes, as you hear, we are not usually
3 tempted now to grant you this because when we come back the 15
4 minutes is up and multiplied.

12:58:14 5 MR JORDASH: Well, I resent the insinuation.

6 PRESIDING JUDGE: It's not an insinuation, it's a fact.

7 JUDGE ITOE: It's a question of exploring more grounds. I
8 think it goes to the interests of your client, so that's
9 fairness.

12:58:27 10 PRESIDING JUDGE: We will adjourn until 2.30. Mr Witness,
11 I just want to remind you that you have been asked during this
12 recess to put down on a piece of paper the names of the --
13 Mr Jordash, what is it you want more exactly so there is no
14 confusion from this witness? You want the name of -- names, not
12:58:48 15 all, but some names.

16 MR JORDASH: As many as he can remember and their present
17 locations and to include both the captured people in Yengema and
18 then subsequently -- well, let me limit it to those captured in
19 Yengema.

12:59:06 20 JUDGE ITOE: And the details to the extent that he can
21 remember.

22 MR JORDASH: Yes.

23 THE WITNESS: I think I have collected a few names.

24 MR JORDASH: And where they are now.

12:59:16 25 PRESIDING JUDGE: Keep them, Mr Witness. You're coming
26 back after lunch and you'll be able to provide that to him.

27 THE WITNESS: Obligated.

28 PRESIDING JUDGE: Thank you very much, Mr Witness. Court
29 is adjourned.

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

2 [RUF23MAR06E - SV]

3 [Upon resuming at 2.47 p.m.]

4 PRESIDING JUDGE: Mr Jordash, good afternoon.

14:48:47 5 MR JORDASH: Afternoon, Your Honour.

6 PRESIDING JUDGE: I remind you you've said 15 minutes, no
7 more than.

8 MR JORDASH: No problem.

9 Q. Afternoon, Mr Witness. I'll be very quick. You told us
14:49:05 10 about a diary that you tried to keep during your capture. You
11 told us about a diary you tried to keep during your capture; do
12 you remember that?

13 A. Yes.

14 Q. And you had it confiscated, taken off you?

14:49:38 15 A. Correct.

16 Q. And Monica told you - is this right? - that Mr Sesay would
17 not be too pleased about that?

18 A. Yes.

19 Q. Did she then tell you that Mr Sesay would be angry with
14:50:06 20 her, or was it angry with you?

21 A. She did indicate that.

22 Q. Sorry?

23 A. She did indicate that.

24 Q. She didn't?

14:50:20 25 A. She did say that.

26 Q. She did say that. Did she tell you that Mr Sesay was a
27 disciplinarian with his troops?

28 A. Correct.

29 Q. Tried to exercise strict discipline with them?

1 A. Correct.

2 Q. And was willing, it necessary --

3 JUDGE ITOE: Please, please, wait.

4 MR JORDASH: Sorry, Your Honour.

14:50:56 5 JUDGE ITOE: Yes, she told me that Mr Sesay was a strict

6 disciplinarian with his troops.

7 MR JORDASH: Yes.

8 Q. And if he gave an order he expected it to be followed?

9 A. Yes.

14:51:09 10 Q. Is that what she told you? And was willing, if the need

11 arose, to discipline his subordinates?

12 A. Correct.

13 Q. And was willing, if the need arose, to take that discipline

14 to execution of his subordinates?

14:51:31 15 A. Yes.

16 Q. Thank you.

17 PRESIDING JUDGE: What do you mean by "execution"?

18 Execution of the discipline or execution in --

19 MR JORDASH: Yes, I follow Your Honour. I'll clarify that.

14:51:43 20 Q. Was willing to kill his own troops if this strict

21 discipline was required?

22 A. Correct.

23 Q. Thank you. Where did you get that diary from, given you'd

24 been stripped of all your belongings?

14:52:05 25 A. I told you that a man with a combat jacket and the combat

26 trousers with me. I was not completely naked.

27 Q. So you hadn't, then, had all your belongings taken off you,

28 had you?

29 A. When I talked about belongings I talked about my combat --

1 command element equipment.

2 JUDGE ITOE: He talked of his command kit. He enumerated
3 it, comprising of --

4 MR JORDASH: Well, he said belongings, and I said all the
14:52:39 5 belongings and he said yes.

6 Q. I don't want to split hairs about it, but you were
7 obviously left with some personal belongings, a personal
8 belonging at least?

9 A. Of course, the diary, it was too small, it remained in the
14:52:54 10 pocket and it was not discovered.

11 Q. So you did have all your personal belongings taken but they
12 missed your diary; is that what your saying?

13 A. That was the only little thing that had remained within my
14 clothing that I remained with.

14:53:08 15 Q. Well, how little was this diary?

16 A. I mean, it was something like this [Indicated].

17 Q. So it was at least three inches long and three inches wide?

18 A. Say again?

19 Q. Was it three inches long and three inches wide, in size?

14:53:31 20 A. Something like that.

21 Q. And they missed that in your pocket when they searched you?

22 A. Yes. I wish you knew how many pockets a combat uniform
23 has. The possibility of someone missing one pocket is very much
24 high.

14:53:46 25 Q. Where'd you get your pen from?

26 A. Say again.

27 Q. Where did you get your pen from to write in your diary?

28 A. During the period that I stayed there I mentioned to you
29 that there were sympathisers. I managed to get a pen from them.

1 Q. On the basis that you asked them for a pen so you could
2 write in your diary?

3 A. I believe the person who gave me did not take it as a
4 serious issue.

14:54:21 5 Q. Who was your captor who you asked to give you a pen?

6 A. One of the locals within Yengema.

7 Q. What was his name?

8 A. I wouldn't know the name.

9 Q. What was the name of your guards, please?

14:54:34 10 A. I had no knowledge of any of those who were guarding us.

11 As far as their names, that was kept secret by them.

12 Q. You claim to have had lengthy conversations with these RUF
13 guards, don't you?

14 A. Correct, but do you see them being that stupid to identify
14:54:51 15 themselves?

16 Q. Why not?

17 A. I wouldn't know --

18 JUDGE THOMPSON: Just a minute. What's the answer? What's
19 the answer to that question?

14:55:01 20 JUDGE ITOE: He said just a minute. Do you see them being
21 stupid as to identify themselves.

22 JUDGE THOMPSON: Is that the answer?

23 THE WITNESS: Correct.

24 MR JORDASH:

14:55:15 25 Q. Well, according to you, the RUF women were willing to
26 disclose to you that they'd been sexually abused, is that --

27 A. Correct.

28 Q. So RUF women would come to you - let me try and understand
29 this - at your house, come into your house that you were being

1 kept in, sit down and disclose to you extremely personal details
2 such as that in the 23 days you were there?
3 A. Let me correct that impression. They never had anywhere
4 that they could come to the house, but I would get the chance as
14:55:47 5 I did to visit my troops. And those are the few occasions when I
6 could get a few details from them.
7 Q. Well, you went to visit your troops one or two times, did
8 you not?
9 A. I said I visited them several times during that period.
14:56:06 10 Q. How many times?
11 A. I can't tell the number of times but at least in a day I
12 would be there once or twice.
13 Q. Once or -- sorry, how much?
14 A. Maybe once or twice.
14:56:15 15 Q. Once or twice you went across the way to the school under
16 RUF guard, didn't you? Sorry, I think there's some lack of
17 clarity. Was it once or twice a day you went to visit your
18 troops, or once or twice in the whole period?
19 A. Once or twice in a day.
14:56:40 20 Q. In a day?
21 A. Yeah. Especially after staying long I would get there more
22 often, but initially it would just be maybe once. But as we
23 stayed, getting more used to Monica and so on I would get there.
24 PRESIDING JUDGE: When you say initially once, you meant
14:57:03 25 once a day initially? When you say --
26 THE WITNESS: In the initial period it might be just be
27 once.
28 PRESIDING JUDGE: A day?
29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Thank you, Mr Witness.

2 MR JORDASH:

3 Q. And you went once or twice a day and you were given
4 permission to go once or twice a day to check on the health and
14:57:26 5 so on of your troops?

6 A. Correct.

7 Q. Correct. You told us that you went under RUF guard; is
8 that true?

9 A. Correct.

14:57:45 10 Q. Each time?

11 A. Each time I went.

12 Q. So presumably you went, checked, came back?

13 A. Yes, I would go and come back with them.

14 Q. So at what stage did you, during this trip which was over
14:57:57 15 the way 300 yards, 300 metres, did you get to sit down with RUF
16 women to discuss their condition?

17 A. I didn't get to that. As I stayed on --

18 Q. Sorry?

19 A. -- within the people who were guarding us, some of them
14:58:15 20 became more of sympathisers and in the process I would chat with
21 them, and as I get to the school they would not bother even if
22 they saw me chatting with some RUF woman, as long as they bring
23 me back.

24 Q. But you can't give us any names of any women you spoke to
14:58:36 25 who disclosed their sexual assaults to you?

26 A. The names of those --

27 Q. Can you give us any names of any women --

28 A. Unfortunately I did mention that no one disclosed his or
29 her name.

1 Q. But they did disclose the fact that they'd been sexually
2 assaulted?

3 A. Say again.

4 Q. But they did disclose to you that they'd been sexually
14:59:01 5 assaulted?

6 A. Correct. Most of them did indicate that they were taken
7 when they were very young.

8 Q. How many, then, when you say most, that sat down with you
9 at some stage to disclose their personal details?

14:59:12 10 A. I mean, I cannot determine the number but it was quite a
11 good number of them.

12 Q. Well, could I suggest that you've just made that up,
13 Mr Witness?

14 A. Say again.

14:59:24 15 Q. Could I suggest you've just made these facts up to
16 implicate the accused?

17 A. I can't get you.

18 Q. Could I suggest that you've invented these details late in
19 the day to implicate the accused?

14:59:41 20 A. I don't think so.

21 Q. You don't think so. Okay, let me ask you this: Are you
22 aware of what the -- what did you eat during your captivity?

23 A. What I did what?

24 Q. What did you eat?

15:00:19 25 A. Most of the time we ate mango.

26 Q. Anything else?

27 A. Once in a while a little bit of rice. It was very rare.

28 Q. What, you survived on mangoes for 23 days?

29 A. Correct.

1 Q. Do you know what the locals were eating?
2 A. I didn't, no.
3 Q. So you don't know whether your conditions were the same as
4 or worse than the locals?
15:00:47 5 A. No, I don't know.
6 Q. Okay, thanks. Can I suggest that you would have eaten in
7 fact with Monica?
8 A. I never ate with her.
9 Q. Well, she must have returned to the house to eat at some
15:01:04 10 point; no?
11 A. No. All that happened is that food was served to us, not
12 that I ate with Monica.
13 Q. Could I suggest that actually you were fed by some of the
14 locals?
15:01:15 15 A. When you talk about mangoes, yes.
16 Q. And other food?
17 A. There were a lot of sympathisers who brought mangoes to us.
18 Q. Lots of sympathisers; like who? How many people?
19 A. The local population within there.
15:01:27 20 Q. How many sympathisers from the local population would come
21 and bring you food?
22 A. There were quite a good number.
23 Q. How many? More than 10?
24 A. More than that.
15:01:37 25 Q. More than 20?
26 A. Between 10, 20.
27 Q. So between 10 or 20 local civilians would come and bring
28 you food; yes?
29 A. Once in a while.

1 Q. Once in a while. And the guards let them in to bring you
2 food?

3 A. What I would say is that we were not in an enclosed place.
4 Apart from me who was staying in a house, I told you that the
15:02:07 5 soldiers were in a school block. It was an open area and anyone
6 could pass by.

7 Q. So the locals also brought food for the men of yours at the
8 school too?

9 A. In fact, most of that went to the men, not to -- for myself
15:02:24 10 and the general in the house, we never received, but that
11 consignment most of the time went to the soldiers who were in the
12 school block.

13 Q. Thank you. And can I suggest that those locals brought to
14 your soldiers more than mangoes. Rice and other foods. Would
15:02:50 15 that be right?

16 A. Once in a while they brought other things, of course like
17 rice.

18 Q. Anything else?

19 A. But it was not -- basically that's all I saw, mango and
15:02:59 20 rice.

21 Q. Denis Lansana was, you say, the brigade commander who used
22 to visit, you say, every day. That's what said yesterday?

23 A. Correct.

24 Q. Correct. Did he come into the house to see you?

15:03:27 25 A. He used to.

26 Q. Did you speak to him regularly?

27 A. I never spoke to him.

28 Q. What do you mean you never spoke to him if he came into the
29 house?

1 A. I mean, where do I start from? I was in captivity.

2 Q. Did you recognise him from your trip to Koidu in January
3 2000?

4 A. Correct, because he's the one who received us when we
15:03:52 5 visited Koidu that time.

6 Q. Did he ever threaten you?

7 A. Say again.

8 Q. Did he ever threaten you?

9 A. At the time we came in January he was not a threat to us.
15:04:02 10 A very friendly person. But later during this incidence in
11 Yengema he became a threat.

12 Q. What did he say to you to threaten you?

13 A. I mean, he's the one was supervising our general captivity
14 in that area.

15:04:24 15 Q. So what did he say to threaten you?

16 A. Definitely I never got Krio.

17 Q. How do you know he was threatening you then?

18 A. I would see from what was happening.

19 Q. And who told you it was Denis Lansana?

15:04:39 20 A. I knew his name in January, when we came he introduced
21 himself.

22 Q. Could I suggest to you that that could not possibly be true
23 because Denis Lansana was based in Kailahun at this region -- at
24 this time and wasn't in Koidu?

15:05:01 25 A. I'm telling you that when I came to Koidu in January I met
26 him in person, and that is the same person I came to meet during
27 my period of captivity. So I knew him so well.

28 Q. Yes, and the mistake you've made is the mistake I suggest
29 the Prosecution have made when asking you questions. The only

1 Lansana who was the brigade commander in Koidu at that time was a
2 Lansana Conteh. Not a Denis Lansana, but a Lansana Conteh?
3 A. Listen, I think if you went back to my statement I talked
4 of a Lansana.

15:05:39 5 Q. You talk of a Denis Lansana who you believed was
6 Denis Lansana, RUF brigade commander in charge of Koidu?

7 A. Yes, of course.

8 Q. Who you believed in January 2000 was RUF brigade commander.

9 A. Yes, I am absolutely sure of the name of Lansana.

15:06:02 10 Q. And you never --

11 A. I might be wrong on the first name but on the actual
12 surname I was very sure. And that's the same person I met in
13 January and I later came to meet him when I came in Yengema.

14 Q. So where did you get the name Denis?

15:06:21 15 A. I mean, it could have been a lapse of a period of time.

16 Q. Where did you get the name Denis from then?

17 A. I'm telling you that could have been a lapse of a period of
18 time.

19 Q. What does that mean, "it could have been a lapse of a
15:06:35 20 period of time"? What does that mean?

21 A. Over a period of people forget, isn't it?

22 Q. Yes, but how do you know --

23 A. But I was absolutely sure of the surname of Lansana.

24 Q. Well, let me suggest to you you might be sure of the name
15:06:49 25 Lansana and what you did was the Prosecution say to you, "Was it
26 Denis Lansana?", and you agreed to agree with the Prosecution?

27 A. That's not correct.

28 Q. Now finally, Mr Witness -- so, anyway you accept it might
29 not be Denis Lansana, it might be Lansana?

1 A. I'm absolutely sure of the surname of Lansana.

2 PRESIDING JUDGE: And so I understand, Mr Witness, you say
3 the Lansana you saw in Koidu was the same person you saw in
4 Yengema?

15:07:28 5 THE WITNESS: Yes.

6 MR JORDASH:

7 Q. You never mentioned, did you, in any statement so far
8 Denis Lansana coming to Yengema every day during your captivity.
9 That was something you said for the first time yesterday, wasn't
10 it?

15:07:48

11 A. Correct.

12 Q. Correct. And when you -- and I'm referring back to the
13 notes of February. When you first talk about and the only time
14 you talk about Lansana, you told the Prosecution --

15:08:16 15 MR JORDASH: Your Honours, page 17720.

16 Q. -- that you met the RUF brigade commander in charge of
17 Koidu who you believed was Denis Lansana. So it was a belief at
18 that point in a man called Denis Lansana. And the point I'm
19 making is that by the time we get to court yesterday you're
15:08:40 20 seeing a man who you know is called Denis Lansana every day
21 during your captivity?

22 A. I've already indicated that I'm absolutely sure of the
23 surname of Lansana.

24 Q. Okay. Finally, then, Mr Witness, can I suggest to you that
15:08:59 25 only in February, on questioning by the Prosecution, do you
26 invent the suggestion that Sesay appears with child soldiers in
27 Yengema, and I suggest to you that that was a late fabrication?
28 A. If that's how you take it but I believe I was talking from
29 facts.

1 Q. And that he did come to Yengema once during your capture
2 and he came with a force of adults who were about seven in
3 number, not this 30 or 40 you describe?

4 A. Say again.

15:09:49 5 Q. Well, I'm suggesting he came to Yengema but not with child
6 soldiers, with six or seven adult securities?

7 A. What I'm saying is that every time he came to Yengema it
8 was a mixed group of adults and child combatants.

9 Q. And can I suggest to you this: You cannot say -- you
15:10:16 10 cannot give evidence about the reason why you were brought to
11 Yengema, can you?

12 A. I cannot because I never took myself there.

13 Q. Somebody did say to you, after Foday Sankoh was arrested
14 several days after your capture, that it might be that your
15:10:35 15 continued capture might be dependent upon his release; someone
16 said that, didn't say?

17 A. Yes, that came afterward.

18 Q. But that never came to pass because you were released and
19 Foday Sankoh wasn't; correct?

15:10:49 20 A. Initially when the captivity came in, the issue of
21 Foday Sankoh was not there. The issue of Foday Sankoh came in
22 during the period of our captivity.

23 Q. So there was no --

24 A. And that when those details have not been released in case
15:11:10 25 [indiscernible].

26 Q. Okay. You cannot say, can you, whether -- you cannot shed
27 any light on this, whether you were moved to Yengema because it
28 was safer for you, the peace-keepers, there than it was in
29 Makeni. You cannot say one way or the other?

1 A. I don't think so. I don't see how safe that place was.

2 Q. Well, it wasn't safe in Makeni when you were there, was it?

3 A. Equally it wasn't safe in Yengema.

4 Q. Nobody was killed --

15:11:39 5 A. If anything it was worse that side than it could have been
6 in Makeni.

7 Q. Well, nobody was killed in Yengema and Monica kept you all
8 safe, didn't she?

9 JUDGE THOMPSON: Argumentative again. That's what it's
15:11:53 10 going to be, because you're going to have the same kind of
11 argument and a response from him differing from your perception.

12 MR JORDASH: Well, I'm putting my case.

13 JUDGE THOMPSON: Yes, I know you are but what does it
14 achieve again? How does the Court get assistance by this
15:12:09 15 dialogue where he gives you a counter-theory, you put a theory to
16 him and how do we get the facts? We get theories. That's the
17 way I look at it.

18 MR JORDASH: Well, I'm putting my case and he can answer as
19 he --

15:12:24 20 JUDGE THOMPSON: Well, perhaps put it in such a way that he
21 can respond and give us some kind of answer that can properly be
22 evaluated. Because he now asks you -- takes you to an area where
23 he's talking about the comparative safety of these two places.
24 What does the Court do with that if we get that as answers, if he
15:12:52 25 holds a particular view as to whether this end was safer than the
26 other place. How does the Court deal with that?

27 MR JORDASH: Well, Your Honour, then we will maybe be able
28 to see into the mind of Mr Sesay and work out why it was Mr Sesay
29 thought it safer to take these people out of Makeni, which as

1 this witness has said was chaotic and had lots of armed men
2 running around, take them to Yengema and release them to
3 Charles Taylor as per instruction by the international community.
4 That's our case.

15:13:26 5 JUDGE THOMPSON: Interesting.

6 MR JORDASH: Interesting and true, we say.

7 JUDGE THOMPSON: I will say nothing further.

8 PRESIDING JUDGE: The evidence of this witness was he was
9 kept in captivity for 23 days. The evidence you're describing
15:13:39 10 has been recited by this witness as to one day when he was in
11 Makeni and captured. So this moving around and chaos and
12 whatever you describe, the witness was taken away so we don't
13 know this.

14 MR JORDASH: No, that's the point I'm making. That this
15:13:55 15 witness has purported to give evidence which supports the
16 Prosecution's theory. I'm trying to elicit evidence which
17 supports --

18 JUDGE THOMPSON: I would concede that perhaps the kind of
19 answers you might elicit might be appropriate for an address and
15:14:14 20 I probably would just not go further than that.

21 PRESIDING JUDGE: Because he has denied that it was safer
22 at that place than the other.

23 MR JORDASH: Let me just -- sorry.

24 PRESIDING JUDGE: I said he has denied -- he disagreed with
15:14:34 25 you that it was safer.

26 JUDGE ITOE: At Yengema.

27 PRESIDING JUDGE: You've put your case to the witness.
28 That's all I'm saying.

29 MR JORDASH: I know and I'm going to --

1 JUDGE ITOE: He said it was not safer in Yengema.

2 MR JORDASH: Yes.

3 PRESIDING JUDGE: And this is the ensuing question to the
4 witness that became argumentative. Not that part, it's because
15:14:52 5 you're trying to convince the witness that it is safer. That's
6 why we're saying it is argumentative.

7 MR JORDASH:

8 Q. As you've told us, you understand that two of your men lost
9 their lives somewhere between where you were ambushed in Makeni;
15:15:35 10 correct?

11 A. Not where we -- those who had remained in Lunsar, I told
12 you I left some men in Lunsar, and that RUF came to attack that
13 place. In the process three men went missing. Out of that only
14 one came back. The other two never came back and were later
15:15:55 15 declared to be dead.

16 Q. Okay, so some men lost at Lunsar. Also, am I right, you
17 were told later that there'd been serious injuries or loss of
18 life in Makeni to peace-keepers?

19 A. Who told you?

15:16:12 20 Q. Well, I'm asking you did you get told that?

21 A. What I explained is those are the facts I got.

22 Q. Did you get told that?

23 A. I beg your pardon?

24 Q. Did you get told that there'd been serious injury to
15:16:26 25 peace-keepers in Makeni prior to your arrival there?

26 A. Prior to the arrival?

27 Q. Yes.

28 A. On my way to Makeni?

29 Q. Prior to your arrival -- had you ever been told that prior

1 to your arrival in Makeni there was serious injury to
2 peace-keepers?

3 A. I never heard such information.

4 Q. But you heard there was serious fights with the --

15:16:50 5 A. I'm saying I never got such information.

6 Q. You got information that the peace-keepers had been
7 attacked in Makeni; yes?

8 A. Prior to my movement?

9 Q. Yes.

15:17:05 10 A. I never got that -- I told you from the beginning --

11 Q. You got it afterwards?

12 PRESIDING JUDGE: Mr Jordash, we've been through that this
13 morning.

14 MR JORDASH: It's impossible to put my case if the witness
15:17:13 15 will not answer the question.

16 PRESIDING JUDGE: Well, you asked him this question this
17 morning if it was not true that the Kenyan battalion had been
18 overrun by the RUF, if he knew about this and so on.

19 MR JORDASH: But he knew later on. Why can he not make the
15:17:26 20 leap to that answer? I'm not simply asking him about his
21 knowledge at the time and I thought that was apparent from the
22 question. Why is it everyone else in the courtroom can make the
23 leap but he cannot? I will leave it there, Your Honours.

24 PRESIDING JUDGE: But I have to say that it was not clear
15:17:42 25 to me either that this is what you're trying to put to him; that
26 he may have learned later that there has been in Makeni peace-
27 keepers that were seriously injured. His answer was, "Prior to
28 my going to Makeni", he says, "I didn't know that." So your
29 question, in this respect, is not clear.

1 MR JORDASH: Okay. I accept that then. I will move on and
2 let me just, if I can, wrap up with one, hopefully, clear
3 question.
4 Q. Everybody, as far as you're aware, from those captured in
15:18:16 5 Yengema, went to Liberia and then returned to Lungi to continue
6 active duty?
7 A. Yes.
8 MR JORDASH: Thank you. Nothing further, thank you.
9 PRESIDING JUDGE: What about your list?
15:18:32 10 MR JORDASH: Yes, thank you. Don't want to forget that.
11 PRESIDING JUDGE: Well, Mr Jordash, you had better put some
12 notes in your calender somewhere because you'd been asking that
13 yesterday and it was somewhat of a long process to get to there,
14 but maybe you don't need this any more.
15:18:54 15 MR JORDASH: No, I'd like to. It's just I always have a
16 problem following through.
17 Q. Could I please request your list from you, Mr Witness?
18 A. [Witness complied].
19 MR JORDASH: The Prosecution might want to see it.
15:20:34 20 PRESIDING JUDGE: So what do you want to do with that,
21 Mr Jordash?
22 MR JORDASH: Well, I'd firstly like to just ask a couple of
23 questions on it. Would Your Honours like to see --
24 PRESIDING JUDGE: No, no. That was your request for your
15:20:47 25 case.
26 MR JORDASH:
27 Q. Are you honestly and seriously telling this Court you can
28 only remember five people from all the people captured at
29 Yengema?

1 A. I told you that the closest I can remember were my
2 immediate commanders who were the company commanders.

3 Q. But you were working with some of these men for one month
4 and then for 11 months and you can only remember five names? Are
15:21:14 5 you serious?

6 A. I'm telling you that I wouldn't want to give you distorted
7 information, but in as far as my memory goes of that now, that's
8 what I can remember. But if you want to insist that I give you
9 distorted information, that may not be correct. I wouldn't want
15:21:32 10 to cheat before this Court.

11 Q. Well, let me make myself clear to you, Mr Witness: I
12 suggest that you're doing your best not to assist this Court.

13 A. The best I can suggest to you is that from the list I've
14 given you, as you make a request for those people you can
15:21:48 15 indicate through the defence attaché that apart from that you may
16 need slightly more and they can do a countercheck and they can
17 give you suitable names that may come for this. But that now I
18 wouldn't want to give you distorted information, but I'm sure of
19 the list of names I've given you.

15:22:09 20 PRESIDING JUDGE: Mr Jordash, just so I understand. The
21 list that you have given to the counsel, Mr Witness, is a list of
22 officers that were working for you at the time, they're company
23 commanders -- they were company commanders then?

24 THE WITNESS: The ones I was with in Yengema.

15:22:26 25 PRESIDING JUDGE: With you in Yengema?

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: And these were officers that were in
28 Yengema with you?

29 THE WITNESS: Yes.

1 PRESIDING JUDGE: Okay. You're saying that if the defence
2 attaché in New York is contacted with these names he would be
3 able to provide the defence with --

15:22:43 4 THE WITNESS: Yes. With a request, you'd be able to get in
5 touch with the Minister of Defence who will get with army
6 headquarters and they can peruse through the list of those and
7 the names would be given.

8 PRESIDING JUDGE: It's one way.

9 MR JORDASH: It's one way. It's a more tricky way but it's
15:23:00 10 all we've got. Could I ask that this is exhibited, please.

11 JUDGE THOMPSON: Mr Prosecutor, any objection to that?

12 MR HARRISON: No, there's no objection.

13 PRESIDING JUDGE: Mr Touray?

14 MR TOURAY: No objection, Your Honour.

15:23:13 15 PRESIDING JUDGE: Mr Cammegh?

16 MR CAMMEGH: Nor from me.

17 PRESIDING JUDGE: Very well. So this list of -- what is
18 it, four names, Mr Jordash?

19 MR JORDASH: Five, including Major Mulinge.

15:23:39 20 Q. Is Major Mulinge the same one you shared a house with?

21 PRESIDING JUDGE: Mulinge, I thought was a
22 brigadier-general.

23 MR JORDASH: It's a different one.

24 THE WITNESS: That's Major Mulenga [phon].

15:23:51 25 MR JORDASH: Okay, sorry. Right, thank you. I think it
26 must be then Exhibit --

27 PRESIDING JUDGE: 87. Yes, 87, Mr Jordash.

28 MR JORDASH: 87, thank you.

29 [Exhibit No. 87 was admitted]

1 MR JORDASH: And I've got nothing further, thank you.

2 PRESIDING JUDGE: Mr Touray.

3 CROSS-EXAMINED BY MR TOURAY:

4 Q. Good afternoon, Mr Witness.

15:25:29 5 A. Good afternoon, thank you.

6 Q. Now, you gave evidence in this Court that you were, or you
7 are still, a lieutenant-colonel in the Zambian army?

8 A. Correct.

9 Q. And that is the truth?

15:26:02 10 A. That is the truth.

11 JUDGE ITOE: Does Mr Touray doubt that?

12 MR TOURAY: Well, I have no reason to.

13 Q. You've never been demoted?

14 A. I said I'm a lieutenant-colonel.

15:26:28 15 Q. The question is you've never been demoted, have you?

16 A. Correct.

17 Q. Now, in your handwritten statements which you prepared in
18 Zambia when interviewed by someone from OTP --

19 A. From where?

15:27:06 20 Q. From the Prosecution. When the lawyer met you in Zambia
21 and you gave him your handwritten statement, signed by you
22 yourself, did you there say that, "I am a colonel in the Armed
23 Forces of the Republic of Zambia"?

24 A. May I have a look at that handwritten statement?

15:27:29 25 Q. Surely, why not.

26 MR TOURAY: Your Honours, it's page 17718. That is the
27 typed copy.

28 THE WITNESS: 17715.

29 MR TOURAY:

1 Q. 15 is the handwritten copy.
2 A. Correct. My correct impression --
3 Q. No, did you say there that was you are a colonel? That is
4 the question. "I am a colonel"?
15:28:09 5 A. Let me correct the impression.
6 PRESIDING JUDGE: Mr Touray, at least, you asked a
7 question, give him the opportunity to answer your question.
8 THE WITNESS: Let me correct the impression. Don't say my
9 handwritten statement. It was written by the lawyer, except I
15:28:28 10 authenticated. So that's the correction I wanted to make.
11 MR TOURAY:
12 Q. Thank you very much, I appreciate that, but you signed it?
13 A. I did sign it.
14 Q. After reading it through?
15:28:37 15 A. Correct.
16 Q. And it is there stated that you said, "I am a colonel in
17 the Armed Forces of the Republic of Zambia"?
18 A. Correct.
19 Q. And that was not true?
15:28:50 20 A. Normal military traditions between a lieutenant-colonel and
21 a colonel, in the normal communicating language it doesn't matter
22 for a lieutenant-colonel to be called a colonel. It's like
23 between a general. Generals, there's a brigadier-general,
24 there's a lieutenant-general, there's a major-general. But if
15:29:12 25 you say "general," it's a general term and this is exactly
26 what applied.
27 Q. Mr Witness, is there a difference in rank between a
28 lieutenant-colonel and a colonel in your army?
29 A. Correct. When it comes to address, it doesn't matter if I

1 am addressed as Colonel Kasoma or Lieutenant-Colonel Kasoma. But
2 somebody would have known that this colonel is a
3 lieutenant-colonel, the other colonel is a full colonel.

4 Q. The question is --

15:29:37 5 JUDGE ITOE: Mr Touray, I think we had better close that
6 chapter because these are known international norms.

7 MR TOURAY: As Your Honour pleases.

8 JUDGE ITOE: It's even more in the French traditions. Be
9 he a colonel or a lieutenant-colonel, you call him mon colonel.
15:29:56 10 You know, you refer to them -- you don't make -- it's like in the
11 French traditions. You know, somebody is a minister, the other
12 one is a deputy minister, you still refer to him as a minister.
13 You know, these are some of the things which are very clear in
14 the international traditions.

15:30:14 15 MR TOURAY: Yes, but I think the Zambian army falls under
16 the English tradition.

17 JUDGE ITOE: But I think he has been very forthright with
18 you. He's not a colonel, but when it comes to addressing him he
19 could be addressed as a colonel in the same way as -- and the
15:30:29 20 statement -- anyway, I don't think we should waste too much time
21 on that.

22 PRESIDING JUDGE: I can tell you, Mr Touray, to support my
23 brother Justice Itoe, that in the British tradition you do refer
24 to lieutenant-colonel often as colonel. A lieutenant-colonel,
15:30:42 25 they will call him as -- you will refer to him in a normal
26 conversation as colonel, not as lieutenant-colonel.

27 MR TOURAY: But not in writing.

28 PRESIDING JUDGE: Well, it depends.

29 MR TOURAY: Or he cannot claim to be a colonel.

1 PRESIDING JUDGE: It depends on the scenario. All to
2 say that this is --

3 MR TOURAY: We will leave it like that, Your Honour. I
4 won't press the point, but it's important that we are not misled.

15:31:03 5 PRESIDING JUDGE: Absolutely. I'm not disputing your
6 arguments, but I think we know enough about it now, Mr Touray, to
7 move ahead, please.

8 MR TOURAY: Your Honour, may I just say there may be some
9 repetition but it's in the sense of presenting my client's case
15:31:18 10 so I hope you will be patient with me.

11 PRESIDING JUDGE: Yes.

12 MR TOURAY:

13 [RUF23MAR06F-SGH]

14 Q. Now then, Mr Witness, now you did say in January 2000 you
15:31:42 15 made your first visit in Sierra Leone.

16 A. Yes.

17 Q. And your purpose was to have a reconnaissance mission?

18 A. Correct.

19 Q. Pending the establishment of your mission in Sierra Leone?

15:32:00 20 A. Correct.

21 Q. Now, you had a situation briefing?

22 A. Yes.

23 Q. From whom?

24 A. From the force commander.

15:32:17 25 Q. Who was that? Was it General Jetley at the time?

26 A. General Jetley at the time.

27 Q. Now, you said you travelled to Koidu which was going to be
28 your base?

29 A. Correct.

1 Q. Now, did you drive to Koidu?

2 A. We flew from Lungi and Makeni and we drove from Makeni to
3 Koidu.

4 Q. Okay, you flew from Lungi to Makeni and you drove from
15:32:50 5 Makeni to Koidu. Now, en route to Koidu, first of all, did you
6 know whether you had clearance for that visit to Koidu? Were you
7 told by your force commander? Were you told by your force
8 commander whether you had clearance from the RUF authorities?

9 A. During that movement I moved with the military observers
15:33:18 10 who are based in Makeni and they had that responsibility of
11 clearing the road, but I didn't get that RUF had given the
12 clearance.

13 JUDGE ITOE: Colonel, Colonel, counsel's question: Did
14 General Jetley brief you that he had gotten clearance?

15:33:36 15 THE WITNESS: Correct.

16 JUDGE ITOE: Did he tell you that he had gotten clearance
17 for that trip?

18 THE WITNESS: He indicated that there was clearance.

19 MR TOURAY: Okay.

15:34:33 20 Q. Now, from whom did he tell you he got the clearance from?

21 A. General Jetley was the first commander. I would not ask
22 him to say where have you got the clearance from. He was my
23 superior commander and if he tells me there is clearance, you
24 move. I just have to do that.

15:34:53 25 Q. But you knew it was from the RUF authorities?

26 A. Of course, if it come from my commander.

27 Q. Yes. How long was that visit in Koidu?

28 A. The visit just took a day's trip.

29 Q. A day's trip?

1 A. Yes.

2 Q. And from Makeni to Koidu I am sure you went through several
3 roadblocks?

4 A. Correct.

15:36:10 5 Q. And you had free passage without interruption or without
6 let or hindrance?

7 A. Say again.

8 Q. You had free passage without let or hindrance from the RUF?

9 A. Correct.

15:36:21 10 JUDGE ITOE: Mr Touray, we are used to the language of
11 check-point. Roadblocks I know they mean the same.

12 MR TOURAY: It is the same.

13 JUDGE ITOE: Checkpoints and roadblocks, we are moving from
14 one terminology to the other.

15:36:42 15 MR TOURAY: They are interchangeable, Your Honour.

16 JUDGE ITOE: Okay.

17 MR TOURAY:

18 Q. Now, moving from one roadblock or check-point to another
19 were you accompanied by any RUF official?

15:37:02 20 A. No.

21 Q. Okay. So they only give you the clearance, you pass
22 through and go?

23 A. Correct.

24 Q. When you got to Makeni, when you flew over with the
15:37:30 25 helicopter, did you pay courtesy call to the RUF commanders on
26 the ground?

27 A. No, I never paid the courtesy call, but the military
28 observers who were based in Makeni had already done that
29 homework.

1 Q. No, but you did not personally pay any courtesy call.
2 A. Not at all.
3 Q. So I take it at that time you did not know who the
4 commanders were on the ground in Makeni.
15:38:10 5 A. Correct.
6 Q. And your situation briefing didn't tell you anything about
7 that?
8 A. Say again.
9 Q. Your situation briefing didn't tell you anything about
15:38:45 10 that, who the commanders were at Makeni at the time?
11 A. What do you mean situation briefing?
12 Q. Situation briefing?
13 A. Situation briefing?
14 Q. Yes.
15:38:57 15 A. Which situation briefing? I don't understand that.
16 Q. You did say in your evidence you were briefed about the
17 situation from the force commander?
18 A. Okay, fine. He never went into the detail itemising who
19 the commanders were.
15:39:12 20 Q. In Makeni at the time?
21 A. Yes, because he knew that I was proceeding and it was my
22 duty to get that information on the ground.
23 Q. But you never got it on the ground as well?
24 A. At that time Makeni was not in my interest, especially as
15:39:31 25 my deployment was meant for Kono. So my interest was Kono.
26 Q. Yes, but never got it on the ground at Makeni; that's my
27 question?
28 A. No.
29 Q. No. Now, at that time did you know that Foday Sankoh was

1 the leader of the RUF when you came?

2 A. I had an idea.

3 Q. You had an idea.

4 Did you also know that he was in fact a very senior member

15:40:38 5 of the Government of Sierra Leone with the rank of

6 vice-president?

7 A. Not up to those details.

8 Q. Mm?

9 A. I am saying at that time not up to those details.

15:40:47 10 Q. You did not know.

11 A. Yes.

12 Q. So you also did not know that when the force commander

13 Jetley wanted clearance to enter RUF controlled areas he was the

14 man to contact, Foday Sankoh?

15:41:20 15 A. I didn't have those details.

16 Q. Now when you came from Kono you did carry out -- I mean,

17 when you went to Kono you did carry out your reconnaissance

18 mission, didn't you?

19 A. Correct.

15:42:03 20 Q. And you prepared a report?

21 A. Of course I did.

22 Q. Did you retain a copy of that report?

23 A. Not at all.

24 Q. Now, were you told by General Jetley in the situation

15:42:33 25 briefing he gave you on that first visit that the general view of

26 the RUF was that they were under threat to be forcibly disarmed

27 by UNAMSIL?

28 A. No.

29 Q. Were you also told in that situation briefing that there

1 were rumours flying about that in fact the leader had informed
2 his commanders that he had only disarmed because of reason, but
3 that the structures at that moment had not been put in place, the
4 necessary structures?

15:43:49 5 A. No.

6 Q. And that he had cautioned his troops and commanders to
7 watch the position closely?

8 A. No.

9 Q. And that he had also cautioned his troops to be on a strong
15:44:36 10 defensive?

11 A. No.

12 Q. Were you also told that just before you came some time in
13 December 1999 he had ordered or instructed his troops and
14 commanders, or commanders and troops, to suspend operation of
15:45:06 15 ECOMOG and UNAMSIL within all their areas until further
16 instruction?

17 A. No.

18 Q. But you knew, did you not, that in fact movement to RUF
19 controlled areas was facilitated by approval given by the leader
15:45:40 20 of the movement, Foday Sankoh? Didn't you know that?

21 A. No.

22 Q. Did General Jetley himself, the force commander, tell you
23 that even he himself, when he wants to travel to RUF controlled
24 areas, he has to ask for free passage from the RUF leader Foday
15:46:19 25 Sankoh? Did he tell you that?

26 A. There would be no need for General Jetley to tell me that.

27 Q. Okay, but did you know that?

28 A. No.

29 Q. What about the MILOBS? Did they tell you that even they

1 themselves when they went to travel to RUF controlled areas --

2 A. Of course MILOBS mentioned it.

3 Q. They have to have permission from the leader of the RUF

4 Foday Sankoh?

15:46:49 5 A. All they indicated was that if they had to get to the RUF,

6 the area, they had to have clearance. But from who, that was not

7 clear to me.

8 Q. Did you know at the time that the erection and removal of

9 checkpoints, or, if you like, roadblocks, was based on directive

15:47:18 10 from the leader?

11 A. No.

12 Q. So your situation briefing during that first visit and the

13 information you gathered on the ground for the few days you were

14 here did not yield any information of importance to you regarding

15:47:58 15 all these things I have put to you?

16 A. That's your opinion. But, as far as I'm concerned, I got a

17 lot of useful information.

18 Q. Besides what I have put to you?

19 A. But as far as my intended mission was concerned, I got a

15:48:10 20 lot of useful information from that visit.

21 Q. So you never got any information regarding all these issues

22 I put to you?

23 A. No. Apparently information in the army is normally given

24 on the need to know basis. There is no way General Jetley should

15:48:36 25 have given me information that he thought I merely did not

26 require at that particular time. But he gave me the information

27 that was adequate to carry out my reconnaissance and go back and

28 plan for my deployment.

29 Q. And even when you went on the ground to at least assess the

1 situation you never got all this?

2 A. That's what I'm saying.

3 Q. You never got that?

4 A. That's what I'm saying.

15:49:00 5 Q. Okay, thanks. Now, in mid-April 2000 you arrive to take up
6 duties in this country?

7 A. Say again.

8 Q. Mid-April 2000 you arrived in this country to take up
9 duties?

15:49:27 10 A. Correct.

11 Q. Again, according to you, you were briefed by the force
12 commander Jetley?

13 A. Yes.

14 Q. Did he brief you that there was mounting tension between
15 UNAMSIL and RUF in almost all RUF controlled areas at that time?
16 That is, April 2000?

17 A. Of course he did.

18 Q. He did. Did he also tell you that UNAMSIL were about to
19 force their way to Kono and were stopped, at a check-point, from
15:50:39 20 doing so?

21 A. No.

22 Q. Did you hear that?

23 PRESIDING JUDGE: Mr Touray, was your question that UNAMSIL
24 fought --

15:51:07 25 MR TOURAY: Were about to force their way to Kono.

26 PRESIDING JUDGE: To force their way, that's the word you
27 used?

28 MR TOURAY: Yes, force. Force their way to Kono and were
29 stopped at a check-point.

1 Q. Now, when you were here during that time were you listening
2 to the radio?
3 A. Very rare.
4 Q. Very rare. But did you know that it came on the air
15:51:45 5 through Radio France International that UNAMSIL field commanders
6 came on the air on Radio France International that they were
7 going to force the RUF to disarm, effective immediately?
8 A. I never got that one.
9 Q. Never got that one. Sometime about 3rd April 2000, you
15:52:16 10 never got that?
11 A. About 3rd of April?
12 Q. 2000.
13 A. Maybe that was the time I was already on the move, so I
14 could have missed that.
15:52:28 15 Q. Okay, but when you came you did not hear about that, you
16 were not told?
17 A. No, I never got that one.
18 Q. Did you sometime around mid-April, when you were here, get
19 to know that three trucks and two armoured carriers, all loaded
15:53:18 20 with Nigerian and Guinean contingents of UNAMSIL, bulldozed their
21 way into Kambia and Kamakwie junction?
22 A. Not to my knowledge.
23 Q. You don't know. And that they even deployed around Kambia
24 and erected checkpoints around the area. You were not told?
15:53:50 25 A. No.
26 Q. Were you also told that about towards the end of April,
27 23rd, that there was a conflict between UNAMSIL and the RUF men
28 in Makeni, Magburaka when the UNAMSIL went and occupied the house
29 of the RUF?

1 A. No.

2 Q. And that they resisted to leave?

3 A. No.

4 Q. Were you told that they even flogged one RUF soldier,
15:54:59 5 wounding him on the head, and further threatened that if the RUF
6 do not disarm, UNAMSIL will use force to disarm them?

7 A. No.

8 Q. Were you also informed that the leader Foday Sankoh had
9 even instructed his commanders not to allow any disarmament to
15:55:38 10 take place in the area of Makeni around 16th April 2000?

11 A. No.

12 Q. But you knew, did you not, that in fact this issue of
13 getting clearance for free passage was still the routine? That
14 is, you must get clearance even at that time, April 2000 -- you
15:56:11 15 must get clearance before you go through RUF controlled areas.

16 A. Yes, sir.

17 Q. You still knew that. Now, it's true, is it not, that you
18 did not make your own personal investigation?

19 A. Say again.

15:56:47 20 Q. You did not make your own personal investigation about the
21 situation on the ground even when you came back?

22 A. I did within that period and I was yet to do that, but time
23 did not allow because of what transpired immediately after that.

24 Q. Okay. And the force commander too never briefed you too on
15:57:19 25 these issues?

26 A. I didn't get that. Information is given on the need to
27 know basis. I believe at that time the force commander did not
28 see any need for me to know that information. Maybe his
29 interests were that I should know that information pertaining to

1 my operation. Much of the questions you've asked me are off my
2 intended mission at that time.

3 Q. When you came in April 2000, is that what you're saying?

4 A. Correct.

15:57:58 5 Q. But didn't you think that such information would have been
6 vital to you if you had known, both on your first visit and your
7 second visit?

8 A. Of course.

9 Q. Yes, surely. Now, on 1st May 2005 you were ordered by your
15:58:39 10 force commander to go to Makeni within 24 hours?

11 A. Correct.

12 Q. And you were to go and stabilise the situation there that
13 has arisen in Makeni?

14 A. Correct.

15:58:58 15 Q. Now, you were say in your evidence that were you were only
16 told further that there had been a bit of problems between the
17 Kenyan contingent deployed in Makeni and the RUF?

18 A. Correct.

19 Q. Were you told that there were reports of forceful
15:59:20 20 disarmament of RUF soldiers by UNAMSIL going on at the time?

21 A. No.

22 Q. Were you also told that there were reports of forceful
23 disarmament of RUF soldiers going on even in Kailahun at that
24 time?

15:59:32 25 A. No.

26 Q. Now, at the time you left for your mission were you told by
27 the force commander that he had dispatched a group of Indian
28 soldiers or contingent to take a bypass by way of Mile 91 to go
29 to Makeni to join you there?

1 A. Not at the time I left. But in the process of my movement
2 I did mention in my statement yesterday that whilst at Lunsar,
3 when I spoke to him following the organisation of Kono, he
4 indicated to me that he was sending a rapid reaction force which
16:00:33 5 should link up with me in Makeni.

6 Q. So at that time did you then at least form an opinion that
7 the problem was serious in Makeni?

8 A. Of course.

9 Q. Now, when you were in Lunsar you went through a check-point
16:01:03 10 before getting Lunsar of course.

11 A. Say again.

12 Q. You went through a check-point before getting to Lunsar
13 Town itself?

14 A. Whose check-point?

16:01:15 15 Q. RUF check-point?

16 A. No.

17 Q. Are you sure about that?

18 A. I am sure, and I don't think I mentioned that in any of my
19 statements.

16:01:28 20 Q. I am not talking about your statement now. I'm asking you
21 what you saw on the road entering Lunsar.

22 A. No.

23 Q. But you knew when you got to Lunsar, or even before you got
24 there, there was the 5th Battalion stationed at Lunsar of the

16:01:50 25 RUF?

26 A. I didn't know.

27 Q. You didn't know. 5th Brigade of the RUF stationed at
28 Lunsar, you didn't know?

29 A. I didn't know.

1 Q. Did you know that there was RUF troops in Lunsar in fact at
2 the time?
3 A. I didn't know.
4 Q. You didn't know?
16:02:27 5 A. Yes.
6 Q. You didn't know?
7 A. I didn't know.
8 Q. You met with the Nigerian contingent there?
9 A. Correct.
16:02:46 10 Q. They never told you?
11 A. They never told me that.
12 Q. So you never met a commander, RUF commander, grand
13 commander at Lunsar by the name of Miloskie Kallon?
14 A. I never met any RUF at Lunsar.
16:03:12 15 Q. You never met any RUF at Lunsar. Now just about that time
16 you had no information that the leader of the RUF had informed
17 all his commanders that he has been cut off from the
18 international line in terms of outside contact?
19 A. No.
16:04:13 20 Q. That he can receive international calls in but he cannot
21 make any out.
22 A. No.
23 Q. Now according to you, you said you left Lungi for Makeni
24 on 2nd May?
16:04:38 25 A. Yes.
26 Q. 2000.
27 A. Yes.
28 Q. Now, is it not true that from what I have put to you that
29 you left with very, very little information and you were not

1 properly briefed on the prevailing situation around the area you
2 were visiting?

3 A. If that is what you look at, it may be so.

4 Q. It may be so.

16:06:05 5 Now when you came to Lunsar and then at least the MILOBS
6 informed you that they sensed that there were roadblocks ahead?

7 A. Yes.

8 Q. Now according to your evidence, you said you relayed the
9 information to the force commander, Jetley?

16:06:33 10 A. Correct.

11 Q. And he told you to go ahead?

12 A. Yes.

13 Q. Now, there was no attempt made, as far as you know, by the
14 force commander to get clearance from the RUF authorities for
16:06:53 15 your free passage at that moment?

16 A. I wouldn't have known about that.

17 Q. Or he would have told you if he did?

18 A. Yes, but we never discussed that aspect.

19 Q. Did he tell you? You never discussed it.

16:07:25 20 So at that crucial point you did not discuss with the force
21 commander the issue of getting you free passage through the
22 roadblock to Makeni?

23 A. No.

24 Q. And according to your evidence he told you to go ahead?

16:07:35 25 A. Correct.

26 Q. And then you changed the composition of your forces to a
27 combat-ready force?

28 A. Yes.

29 Q. Putting them in a fighting mood?

1 A. [Indiscernible]
2 Q. Yes, by putting them in a fighting mood?
3 A. Correct.
4 Q. Yes. And you were determined to bulldoze your way through
16:08:06 5 the roadblock?
6 A. Not bulldozing.
7 Q. Well, what would you call that? How did you intend to pass
8 the roadblock, by negotiation or by bulldozing your way?
9 A. By negotiation. Of course --
16:08:19 10 Q. But you did not succeed in negotiation?
11 A. My mandate did not allow me to bulldoze in any way.
12 Q. Yes.
13 A. My mandate at that time placed a maximum emphasis on
14 negotiation. And that's why --
16:08:31 15 Q. And a minimum use of force?
16 A. Yeah.
17 Q. Yes, but you were already in the fighting mood, this is the
18 point.
19 A. Of course to apply minimum force you have to prepare for
16:08:39 20 combat readiness.
21 Q. Let me ask you, without getting the force commander to get
22 clearance from you from the leader of the RUF who was in
23 Freetown, how did you expect to get through the roadblock?
24 A. I would not answer that one there for the force commander.
16:09:11 25 Q. Thank you. I put it to you that in fact your determination
26 was to bulldoze your way through the RUF check-point?
27 A. If that's the way you look at it.
28 Q. And that is it?
29 A. But from my point of view, given the orders that I was

1 given, there was no [indiscernible] I was supposed to -- I was
2 going to bulldoze. If that be the situation, immediately on
3 contact with roadblock maybe I could have opened fire. But that
4 never happened. That means my orders did not indicate that.

16:09:45 5 Q. But Mr --

6 JUDGE ITOE: Please, let us take his response.

7 MR TOURAY: Yes, sorry.

8 JUDGE ITOE: Let's record his response.

9 MR TOURAY:

16:10:40 10 Q. Now wouldn't you agree with me, Mr Witness, that the normal
11 peace-keeping operation requirement would have been to ask your
12 force commander or ask him whether he has got the necessary
13 clearance from the RUF so that he can have that free passage?

14 A. The military does not operate like that. I didn't get
16:11:01 15 that. When we came I was given orders by the force commander.
16 And the only clarification I can do is a point pertaining to my
17 mission at that time if I don't understand it. But from the
18 orders I was given at that time I was fine. There was no need
19 for me, because I would have been underrating the force

16:11:26 20 commander's thinking to think that you are sending me in a place
21 where he never got clearance. So being my superior commander, I
22 have the confidence that aspect had been done already.

23 Q. Okay. It happened that it had not been done, in fact.
24 That's why you met with the roadblock. And then he said, "Go
16:11:45 25 ahead." So what did you understand by "Go ahead"? Go ahead and
26 use force, make your way through.

27 A. He never indicated anything to do with force.

28 Q. No, he said "Go ahead".

29 A. I was going ahead with a view to go and negotiate my way

1 through and that is exactly what I wanted to do. But it turned
2 out the other way round.

3 Q. Well you can not negotiate on your own. Were you under a
4 mandate to negotiate or you were under a mandate to go ahead?

16:12:15 5 A. I was under a mandate to negotiate.

6 Q. Whose mandate?

7 A. The UN mandate.

8 Q. Did the force commander tell you to negotiate or he said
9 "Go ahead"?

16:12:24 10 A. Go ahead whilst carrying out what was applicable in the UN
11 mandate. The UN mandate said you place maximum emphasis on
12 negotiation and minimum use of force. And when the force
13 commander said to go, that's what he expected me to do and
14 nothing else.

16:12:49 15 Q. So he expected you to negotiate your way through?

16 A. I think I have already answered that one.

17 Q. Yeah, yeah, but that is what he expected you to do; is that
18 what you say?

19 A. I have answered that.

16:12:59 20 Q. Although he sent a rapid reaction force the other way to
21 bypass and join you in Makeni?

22 A. I was not there to interpret his other vision. He was a
23 force commander, commanding a very big force. So his plans at a
24 certain level are not mine. But as a subordinate to him, I was
16:13:27 25 confined to the mission as directed to me at that particular
26 time.

27 Q. And which was to go ahead?

28 A. Correct.

29 Q. Yeah, thank you. Now, why did the MILOBS abandon you at

1 that point?

2 A. I cannot answer for them.

3 Q. They should have escorted you up to Makeni, wasn't it?

4 A. I don't know what orders were given. I wish to mention

16:14:08 5 here that the MILOBS mode of operation was different from the

6 peace-keeper, and they had their own channel receiving orders.

7 So whatever orders they received was not my business.

8 Q. From the onset when you left to go to Makeni, didn't you

9 know that they were to escort you to Makeni?

16:14:33 10 A. Not -- they were escorting -- they were to escort me but

11 the extent was not known to me.

12 Q. You did not know the terrain at the time, did you?

13 A. Correct.

14 Q. And you were not familiar with the area, you had no road

16:14:49 15 maps according to you?

16 A. Correct.

17 Q. And these were people going to escort you. You get into

18 trouble they abandon you.

19 A. No, at the time they abandoned me, I was not yet into

16:14:57 20 trouble.

21 Q. You knew trouble was imminent?

22 A. But I was not yet into trouble at that time.

23 Q. Let me tell you that this is our case: I am putting it to

24 you that the conduct of your force commander and your very self,

16:15:36 25 including the MILOBS, adequately shows that you were bent on

26 confrontation.

27 A. That's your personal opinion.

28 Q. And that provoked this --

29 JUDGE ITOE: That is his personal opinion, but what is your

1 reply to the question?

2 Mr Touray, do you want to go on record as understanding
3 that he agrees?

4 MR TOURAY: Well, he said my personal opinion. He agrees
16:16:08 5 with me but he doesn't want to say it.

6 JUDGE ITOE: I am interested in knowing what his answer is
7 to the reply. He says that's your personal opinion. Yes,
8 Colonel?

9 THE WITNESS: My Lord, I thought what he meant was a
16:16:18 10 statement, not a question.

11 MR TOURAY: It is a question.

12 THE WITNESS: May be -- can you repeat the question?

13 MR TOURAY:

14 Q. My question is: I mean, my suggestion to you is that your
16:16:35 15 conduct, that of your force commander, Jetley, and that of the
16 MILOBS adequately shows that you people were bent on
17 confrontation and to provoke the situation?

18 A. No. In my own understanding, that was not the case.

19 Q. I further put to it you that what the RUF did, they had no
16:17:09 20 choice but to act in preventive self-defence?

21 A. How could they have done that when they were not attacked?

22 Q. You were going to attack.

23 A. No, but I never attacked them.

24 Q. You had attacked?

16:17:23 25 A. I never opened, not even a single shot.

26 Q. You put your men combat ready. Maybe I won't argue with
27 you, please, I'm sorry.

28 PRESIDING JUDGE: Let the witness answer your question.
29 You're going too fast. I know one can get carried away, but

1 please, please. So could you take it back a few questions,
2 please.

3 MR TOURAY:

4 Q. That the RUF had no choice but to act in preventive
16:17:45 5 self-defence?

6 A. You only act in self-defence if you are attacked, but I'm
7 putting to it you that I never attacked RUF. I never fired, not
8 even a single shot at them. How should they have on gone in
9 self-defence?

16:18:02 10 Q. I'll tell you. Imagine two fighting. There is a third man
11 coming with a knife open. Somebody blocks him because he knew
12 that that person coming with a knife is coming to assist the
13 other one. What would you call that?

14 PRESIDING JUDGE: Are you asking him to give his opinion on
16:18:36 15 what constitutes or may not constitute self-defence? Don't you
16 think it is a question for the Court and not for the witness?

17 MR TOURAY: Yes, it is not for him. I was just thinking
18 aloud with him.

19 JUDGE ITOE: When you get to the domain of self-defence,
16:18:52 20 preventive self-defence, you see, the faces are interactive
21 faces, but according to him they can't talk of that unless he
22 fired a shot, you know, to provoke the self-defence or the
23 preventive self-defence. That becomes a matter of [overlapping
24 speakers].

16:19:11 25 MR TOURAY: Yes. That is right, too. The mere force --
26 not the use of force, the presence of force.

27 JUDGE ITOE: Because it is a very, very controversial
28 subject in international law of war and neutrality.

29 MR TOURAY: Yes, but even the presence of the force could

1 be threatening.

2 PRESIDING JUDGE: Well, the presence of the force,
3 vis-a-vis another force, could be threat. Who is a threat to
4 who? You have a force. The RUF force is there, too. You say
16:19:43 5 the presence of force could be a threat. So who is a threat to
6 who?

7 MR TOURAY: The one coming.

8 PRESIDING JUDGE: The one coming, okay. I am just trying
9 to see, to understand what it is.

16:19:51 10 MR TOURAY: The one coming.

11 PRESIDING JUDGE: Okay. All right.

12 MR TOURAY:

13 Q. Let me just put it to you this: the mere fact that you
14 refused to tell the RUF at the check-point the purpose of your
16:20:20 15 mission and you, in fact -- they said something that was
16 incorrect, that you are going to Koidu. It was indicative of the
17 fact that you knew what the situation was on the ground.

18 A. Not necessarily.

19 Q. So you lied in instead of telling the truth that --

16:20:48 20 JUDGE ITOE: When you say "not necessarily", Mr Witness, do
21 you also mean to some extent? Is that it --

22 THE WITNESS: Say again, sir.

23 JUDGE ITOE: I thought when you gave him the reply "not
24 necessarily", are you saying that to some extent yes, but not
16:21:06 25 necessarily?

26 THE WITNESS: My Lord, allow me a little bit -- because
27 much of what -- he's not putting them as direct questions but as
28 statements. Normally you don't reply to a statement.

29 JUDGE ITOE: That is how he has chosen to pattern his

1 cross-examination.

2 MR TOURAY:

3 Q. So the only thing perhaps I would suggest was the RUF was
4 smarter. You are telling a lie to make your way through. They
16:21:43 5 too told a lie to get you in. So they were trying to -- they
6 got -- I mean, they were smarter.

7 A. That is a statement again.

8 Q. You could agree with me?

9 JUDGE ITOE: Mr Witness, do you agree with that statement?

16:22:03 10 THE WITNESS: If that is his opinion, but I stand by a
11 different opinion.

12 JUDGE ITOE: Which is?

13 THE WITNESS: That as far as my mission was concerned, I
14 don't think that way.

16:22:12 15 MR TOURAY:

16 Q. Let us go back to the specifics. Now you said three RUF
17 met you at the -- and asked you to accompany them to their
18 commander.

19 A. Say that again.

16:22:48 20 Q. According to you, three RUF met you and then they asked you
21 to accompany them to their commander.

22 A. From which point?

23 Q. From the point of the roadblock?

24 A. Yes, they made contact with my point company commander.

16:23:13 25 Q. Yes. So three came and then they accompanied you?

26 A. I mean they chatted between them. I had no direct -- at
27 that point, at the roadblock, I had no direct contact with RUF.
28 The direct contact was between my company commander and the RUF,
29 and my company commander reported to me whatever they were

1 discussing and to the point when I moved forward to go and meet
2 the commander forward.
3 Q. And three of them came to accompany you?
4 A. I don't know how many there were.
16:23:43 5 Q. You don't know how many there were?
6 A. Yeah.
7 Q. Would you describe any one of them, at least, out of the
8 three that took you to their commander?
9 A. It's a long time.
16:24:17 10 Q. It's a long time?
11 A. Yes.
12 Q. You could not give any description of any one of them?
13 A. I wouldn't.
14 Q. What about the description of the commander they took you
16:24:28 15 to? Can you give us a description of the commander at the time?
16 A. I have told you it's a long time. Six years is a long way
17 away.
18 Q. So you cannot give a description of the commander they took
19 you to?
16:24:42 20 A. [No audible response].
21 Q. Now did you there see at least --
22 JUDGE ITOE: Please, let us get an answer to this question.
23 MR TOURAY: He said he doesn't know, it is a long time.
24 He's answered.
16:25:12 25 JUDGE ITOE: You asked again and he was in reflection.
26 MR TOURAY: I am moving to something else.
27 JUDGE ITOE: Colonel, do you remember the description of
28 the commander they took you to? Is it you cannot or you do
29 remember. Please, we want to tidy up some loose ends in these

1 proceedings.

2 THE WITNESS: Because I was talking about the three
3 commanders and I don't see -- seeing me describe them -- but
4 basically if he talks about the one I was talking to at that
16:25:51 5 time, this was dark and I would say of medium height, slightly
6 stout.

7 MR TOURAY: Now did you at the time see at least one of
8 those RUF with plaited hair?

9 A. With what?

16:26:25 10 Q. Plaited hair, that is?

11 A. There were several.

12 Q. No, did you see one with plaited hair?

13 A. I am saying there were several.

14 Q. Like that?

16:26:34 15 A. Yes.

16 Q. Yes, okay. There were many?

17 A. Several.

18 Q. Was one of several wearing a green beret?

19 A. That one is difficult for me to -- you know you are talking
16:27:07 20 of group of so many RUF.

21 Q. Yes, but from what you observed, those you observed, you
22 already said some were -- some of them --

23 A. I am not able to specifically pinpoint that one could have
24 been wearing those? They were wearing assorted berets. Others
16:27:27 25 were green. Others could have been blue. Others didn't have
26 anything, and so on. Others were in caps and so on.

27 JUDGE ITOE: What was the colour of the beret, Mr Touray?

28 MR TOURAY: Green.

29 Q. Did any one of them walk with a limp on the right like

1 that?

2 A. I remember there was somebody who was limping.

3 Q. You remember they were walking with a limp like that?

4 A. Correct.

16:28:21 5 Q. The van you said you saw was a small red van?

6 A. Say again.

7 Q. The van you said you saw parked --

8 A. Yes, it was a red van.

9 Q. Was a red van?

16:28:33 10 A. Yes.

11 Q. Completely red, or mixed, red-yellow?

12 A. It was completely red.

13 Q. Completely red?

14 A. Yes.

16:28:54 15 Q. At that time, most of the ones you saw, or some of them,

16 had American combats?

17 A. At the stage --

18 Q. At the stage you were taken to that commander.

19 A. No, I didn't say that. These people were in assorted

16:29:11 20 dress.

21 Q. Well, what were they?

22 A. Others we could find were half-dressed, maybe in Nigerian

23 combat. The other one in a different combat. The other one in

24 mere jeans and something else.

16:29:29 25 Q. Okay. This one you noticed walking with that limp was

26 dressed in combats?

27 A. No.

28 Q. Was the commander they took you to dressed in combat as

29 well?

1 A. No.

2 Q. How was he dressed?

3 A. He was in jeans. A jeans suit.

4 Q. Suit, jean suit. With a beret?

16:30:05 5 A. Say again.

6 Q. With a beret?

7 A. A what?

8 Q. A beret, that is the hat?

9 A. The beret?

10 Q. Yes.

11 JUDGE ITOE: The beret.

12 MR TOURAY:

13 Q. No?

14 A. No, at that time he didn't have it.

16:30:16 15 Q. They didn't have any?

16 A. Yeah.

17 PRESIDING JUDGE: Mr Touray, is this a good time for us to

18 take the recess?

19 MR TOURAY: Well, I have not finished this aspect of it,

16:30:31 20 but I will come back to it.

21 PRESIDING JUDGE: That is fine. Thank you, Mr Touray.

22 The Court will recess.

23 [Break taken at 4.30 p.m.]

24 [RUF23MAR06G-RK]

16:33:40 25 [Upon resuming at 5.02 p.m.]

26 PRESIDING JUDGE: Mr Touray.

27 MR TOURAY: Thank you, Your Honour.

28 PRESIDING JUDGE: Thank you.

29 MR TOURAY:

1 Q. Yes, Mr Witness. Can you give us more descriptions of some
2 of the people you saw with the RUF at the time you were carried
3 to this commander?
4 A. The people that were carrying -- I indicated there were two
17:03:34 5 men that -- it is difficult for me to give a description of each
6 and every one. They -- various postures and so on.
7 Q. Various postures. And some looked like others?
8 A. They definitely were in such a situation.
9 Q. Okay. Some looked like others. How would you describe
17:04:11 10 yourself in terms of height, complexion and --
11 A. If the Court got a mirror -- but I believe I am dark in
12 complexion, of medium height and normal posture.
13 Q. So when you say medium height, it is about your height, not
14 so?
17:04:40 15 A. Somewhere about that.
16 Q. Did you notice anyone with pronounced beard?
17 A. Yes.
18 Q. Someone with pronounced beard a bit fairer than you?
19 A. Say again.
17:05:29 20 Q. A bit fairer than you?
21 A. What do you mean fairer?
22 Q. Not as dark as yourself. Lighter than you in complexion.
23 PRESIDING JUDGE: You mean the one that had the beard?
24 MR TOURAY: The beard, yes.
17:05:48 25 THE WITNESS: When you say a bit fairer than me what do you
26 mean?
27 MR TOURAY:
28 Q. Lighter in complexion than you.
29 A. I would not be able to determine whether he was lighter

1 than me. You cannot describe yourself, somebody else should be
2 able to describe you.

3 Q. So in other words, what you seem to be saying is that the
4 situation was so much that you really could do not give accurate
17:06:27 5 descriptions of the people you saw.

6 A. At that time.

7 Q. At that time, yes?

8 A. Correct.

9 Q. Now, did you know at the time who the ground commander at
17:07:08 10 Makeni was. Ground commander?

11 A. I think I did answer that. I didn't know.

12 Q. You did not know.

13 JUDGE ITOE: Is it the grand we know of, the G-R-A-N-D?

14 MR TOURAY: Yes, G-R-O-U-N-D.

17:07:38 15 JUDGE ITOE: Ground.

16 MR TOURAY: Ground commander, not grand.

17 JUDGE ITOE: We've seen grand commanders.

18 MR TOURAY: Ground commander.

19 Q. Now, after this incident you stayed in the country for ten
17:08:09 20 months; did you say?

21 A. It makes ten months, yes.

22 Q. And you said you made a report of these incidents to your
23 superior?

24 A. Which incidents?

17:08:44 25 Q. Your so-called experience you went through right from Moria
26 up to Yengema?

27 A. Yes.

28 Q. Did you retain a copy?

29 A. No.

1 Q. Did you name names of Commanders that you met in the
2 encounter at Moria in that report?
3 A. No.
4 Q. When did you prepare the reports? Was it after your
17:09:52 5 release?
6 A. Of course, that was the only time I was able to.
7 Q. Could you assist the Court exactly when or what month?
8 A. I'm not able to tell.
9 Q. You are not able to tell. Was it when you were brought
17:10:16 10 back to Lungi before going to Lungiloi [phon]?
11 A. Of course, shortly after that.
12 Q. And the discussions you had with the Kenyan commander of
13 Makeni and the Nigerian commander at Lunsar, including your 2IC
14 you had left at Lunsar during the encounter, when did that take
17:11:05 15 place? Was it at Lungi?
16 A. You have talked about three different aspects. Which one
17 are you talking about?
18 JUDGE THOMPSON: Couldn't you separate them so that we
19 could --
17:11:19 20 MR TOURAY: Okay.
21 Q. You said in your evidence that you had discussion with the
22 Kenyan commander who was at Makeni at the time of the incident.
23 A. Yes.
24 Q. You also said you spoke with the Nigerian commander who was
17:11:39 25 at Lunsar at the time, that was after the incident.
26 A. Yes.
27 Q. And you also said you spoke with your 2IC you had left at
28 Lunsar when you advanced to meet the people at the roadblock?
29 A. I never left him at Lunsar.

1 Q. When you advanced towards the roadblock -- [overlapping
2 speakers]
3 A. Yes, but it was later -- [overlapping speakers].
4 Q. -- you left some of your troops behind; not so?
17:12:11 5 A. Yes.
6 Q. And your 2IC was amongst them?
7 A. Yes.
8 Q. And you spoke to him sometime in Lungi after your release.
9 A. Not sometime.
17:12:21 10 Q. Sometime, sometime after your release?
11 A. Okay.
12 Q. At Lungi.
13 A. Yes, of course we had a chat to my 2IC.
14 Q. Did you discuss this issue of your alleged --
17:12:36 15 A. Between me and my 2IC?
16 Q. Your 2IC.
17 A. Of course we did.
18 Q. What about the Kenyan Commander at Makeni?
19 A. Of course, briefly we did.
17:12:50 20 Q. And the Nigerian commander?
21 A. Correct.
22 Q. And all this discussion took place at Lungi?
23 A. For the 2IC it was even during the process of the
24 continuation of the mission. But for the Kenyan and the Nigerian
17:13:12 25 commander that was during the period that I was at Lungi.
26 Q. You were?
27 A. I was at Lungi.
28 Q. Okay. Now were names mentioned to you by these people?
29 A. Say again.

1 Q. Were names of commanders mentioned to you by these people?
2 A. We were not discussing commanders in particular. Of
3 course, in the process we would do, we would name one or two,
4 yes.

17:13:39 5 Q. Did any specific name come up?
6 A. Names like Issa, of course. It was names like Kallon, they
7 came up. At a later stage names like Monica, Lansana, they came
8 up in the process of our discussion.

9 Q. Did names like Komba Gbundema come up?
17:14:15 10 A. Say again.
11 Q. Komba Gbundema.
12 A. I don't remember that one.

13 Q. You don't remember. Did names like Kailondo come up?
14 Kailondo?

17:14:20 15 A. Kailondo, I don't remember.
16 Q. You don't remember. Did names like Morris Massaquoi come
17 up?
18 A. Morris?
19 Q. Massaquoi.

17:14:34 20 A. Yes, there was somebody called that way. Was it Massaquoi
21 or Mosquito?
22 Q. Massaquoi. Morris Massaquoi.
23 A. Yeah, there was something like that. Though the
24 pronunciation was coming like Mosquito something. I don't know
17:14:49 25 if that is the one you are talking about.
26 Q. But the name Morris and something came up?
27 A. I will confirm Mosquito, not Morris, maybe it is a
28 different name.
29 Q. Did names like AS Kallon come up?

1 A. Like.

2 Q. AS Kallon?

3 A. ES Kallon.

4 Q. AS, yes.

17:15:20 5 A. The name of Kallon came up.

6 Q. So you don't know --

7 A. -- but I wouldn't confirm.

8 Q. -- whether it is AS Kallon or -- but Kallon came up?

9 A. Yes.

17:15:40 10 Q. Did the name Alpha Momoh come up?

11 A. I think I heard about that name.

12 Q. Heard about that name, okay?

13 A. I mean it came up as one of the RUF.

14 Q. Now, you said you made a second visit to Moria. This time

17:16:31 15 it was to retrieve your equipments?

16 A. Correct.

17 Q. And did you go with the deputy force commander then who was

18 General Garba?

19 A. No, not at the time I went there.

17:17:12 20 Q. Did you go with one Issa Jozuzi [phon] or so. I think he

21 was brigadier-general, chief military officer at the time.

22 Issa Jozuzi?

23 A. I don't seem to remember that name. Of course, there were

24 senior officers from UNAMSIL. But that particular name, I don't

17:17:40 25 seem to remember it.

26 Q. But could you remember some of the UNAMSIL officials you

27 went with?

28 A. Yeah, but appointment -- I remember at one time there

29 was -- the one was UNAMSIL chief of staff. I can't remember his

1 name. We did move with him. Apart from that, I carried my
2 company commander in the name of Major Changala [phon] who later
3 on continued with the process. I went there once and afterward
4 my officer continued with the process of retrieving the equipment
17:18:18 5 with the other UNAMSIL official.

6 Q. Okay. So the time you went, did you meet any RUF official
7 at the time?

8 A. At the time we went, of course, we met some but --

9 Q. Who did you meet?

17:18:35 10 A. I cannot specifically point that this one was the person
11 that I met.

12 Q. So you don't even know who the RUF official was at Moria?

13 A. At the time we went, because that visit was an initial
14 visit just to -- after an agreement was made that the damaged
17:19:01 15 equipment should be retrieved, but just to go and check on the
16 ground, see what was there and then come back. And then
17 afterwards the process continued by my officer who was assigned
18 to do that.

19 Q. So you don't even know the RUF official you met at Moria?

17:19:19 20 A. At that time, yes, because I was not -- I did not have the
21 direct contact. Everything was being done through UNAMSIL senior
22 officer from force headquarter.

23 Q. Now, do you remember when you made your first statement in
24 July 2003, 29 July 2003, you said by telephone?

17:20:11 25 A. Yes.

26 Q. It is true, is it not, that you never made any mention of
27 Morris Kallon throughout there?

28 A. What?

29 Q. Did you?

1 A. Only the -- can you cite the paragraph?

2 Q. I said you never made any mention of Morris Kallon in
3 particular. Never named Morris Kallon in particular?

4 PRESIDING JUDGE: In your statement of 29 July, the one on
17:20:45 5 the phone.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: You did not mention the name of Kallon in
8 that statement, did you?

9 THE WITNESS: I don't think I did.

17:20:55 10 MR TOURAY:

11 Q. You did not?

12 A. I require to recall my memory, but I don't think I did.

13 PRESIDING JUDGE: Do you want the witness to look at the
14 statement? He has the statement in front of him.

17:21:06 15 MR TOURAY: If he has a look at it and --

16 PRESIDING JUDGE: Yes.

17 THE WITNESS: The one for July 2003?

18 PRESIDING JUDGE: No, 29 July 2003, yes. That's page 7712.

19 THE WITNESS: I never did.

17:21:30 20 MR TOURAY:

21 Q. You never did. Now, also your statement in Zambia of 25th
22 January 2006, you also did not make mention of Morris Kallon by
23 name?

24 A. No.

17:22:18 25 Q. And it was only last month when you gave additional
26 information to the Prosecution that you made mention of Kallon?

27 A. Yes.

28 Q. Was it then that you knew that it was Kallon that was
29 involved?

1 A. I think I did clarify that point that --

2 Q. No, was it then that you knew that Kallon was involved was
3 the question?

4 A. I think I'm trying to explain, I'm trying to answer you.

17:23:14 5 Q. You have told us that one was a summary, They asked you for
6 summaries, this last one was putting the flesh --

7 PRESIDING JUDGE: Mr Touray, you have asked a question, let
8 him answer your question.

9 MR TOURAY: He has given the explanation, Your Honour. So
17:23:26 10 I will just pick another time.

11 PRESIDING JUDGE: Yes, you have asked him and told him that
12 this is the only time he spoke about it and he said yes, he's
13 trying to give an explanation.

14 MR TOURAY: Your Honour, I know the explanation he is going
17:23:38 15 to give.

16 PRESIDING JUDGE: Well, if you do, I don't.

17 MR TOURAY: It's the same thing that he --

18 PRESIDING JUDGE: Well at least allow him to respond to
19 that question. You put it to him. Go ahead, Mr Witness.

17:23:51 20 THE WITNESS: Yes.

21 MR TOURAY:

22 Q. My question is that -- yes, could you answer?

23 A. Go ahead. You were saying something.

24 Q. I said it was only then, that is last month.

17:24:03 25 A. Yes, what I'm saying is that I did earlier on explain that
26 the initial request for the statements were more in summary form,
27 but later on I came to give a detailed statement. And at the
28 initial stage some of those details did not seem to have been
29 necessary, but when it became prominent that I was to appear

1 before this Court my statements were detailed. That's what I
2 said.

3 Q. Yes, and you knew that Morris Kallon was appearing in this
4 Court so it was necessary to have him --

17:24:39 5 A. At the time I gave the detailed report I didn't even know
6 that he could be one of those who could be appearing in this
7 Court. I did explain earlier on that the only information I was
8 given was that the people who were on trial were the RUF
9 leadership and I did not have specific names.

17:25:01 10 Q. Surely your report was not a summary as well?

11 A. Say again.

12 Q. Your report to your superiors was not a summary?

13 A. Which report again?

14 Q. The report you made to your first commander, was it a
17:25:16 15 summary again?

16 A. I mean, it was a full report of the account of what --

17 Q. Full report, okay. Let me put it to you finally that the
18 gentlemen you saw, whom you say was the RUF commander at Moria
19 you were taken to, was not Morris Kallon. It is a mistake on
17:26:15 20 your part.

21 A. That is a statement you have made and your opinion.

22 PRESIDING JUDGE: Do you agree or disagree with that?

23 THE WITNESS: I disagree with that. Because I did explain
24 later that at that particular time, during the process of the
17:26:32 25 incident, I knew he was RUF commander. I didn't know him, but in
26 the process of captivity it became clear and I came to know him.

27 MR TOURAY:

28 Q. I also put it to you that the gentlemen you said
29 accompanied Issa Sesay to Yengema was not Morris Kallon; he was

1 not a personal aide of Issa Sesay.

2 A. I don't agree, because I was on the ground and I saw this
3 person and I saw Issa Sesay in person.

4 Q. I put it to you that the actual RUF commander who you were
17:27:54 5 taken to at Moria was Komba Gbundema. He spearheaded that
6 attack. The man you said was limping on the right.

7 A. I don't agree with you. I stand by my statement.

8 Q. I further put it to you that the red van that you were
9 taken in was Komba Gbundema's red van?

17:28:46 10 A. I never indicated that I knew the owner of the van. What I
11 said is that I was put in a red van.

12 Q. I'm putting it to you that it was his red van.

13 A. Yeah, but what relevance has it got to my statement,
14 Because I never talked about owner except to say I was put in a
17:28:59 15 red van.

16 Q. I'm putting my case. You agree or disagree; it is up to
17 you.

18 PRESIDING JUDGE: He does not know.

19 MR TOURAY: Doesn't know.

17:29:08 20 Q. I put it to you that the gentlemen who you said sat with
21 you in the passenger seat was not Morris Kallon.

22 A. I stand by my statement.

23 MR TOURAY: No further questions.

24 PRESIDING JUDGE: Thank you, Mr Touray. Mr Cammegh, do you
17:29:44 25 have any cross-examination?

26 MR CAMMEGH: I do.

27 PRESIDING JUDGE: If you do, we will hear you in the
28 morning because it is 5.30. So it is not much use to ask
29 you to -- unless you tell me there is only one question.

1 MR CAMMEGH: Your Honours may be pleasantly surprised. If
2 Your Honours give me just a couple of minutes I can probably wrap
3 it up that quickly.

4 PRESIDING JUDGE: That is why I say if it is only a few
17:29:58 5 questions --

6 MR CAMMEGH: And unlike Mr Jordash, two minutes means two
7 minutes.

8 PRESIDING JUDGE: Very well. We were again surprised by
9 the 15 minutes of Mr Jordash today.

17:30:08 10 MR CAMMEGH: It was actually about 46 in the end.

11 JUDGE ITOE: Everybody is taking judicial notice.

12 MR CAMMEGH: I can wrap it up very quickly

13 CROSS-EXAMINED BY MR CAMMEGH:

14 Q. Mr Witness, to follow up something you told this gentleman
17:30:17 15 Mr Jordash this morning, you said you had a diary when you were
16 in captivity. What happened to that diary? Can you turn your
17 microphone on?

18 A. It was confiscated.

19 Q. By who?

17:30:30 20 A. By the RUF in Yengema.

21 Q. All right.

22 MR CAMMEGH: For the purposes of the case against Gbao, I
23 formally adopt the cross-examination of Mr Touray. And I think
24 that was less than two minutes.

17:30:59 25 PRESIDING JUDGE: Thank you. Any re-examination?

26 MR HARRISON: There is one topic. It would take two
27 minutes. It is a question not of prior inconsistent statement;
28 it is a question of allegation of recent fabrication, and I would
29 like to read two sentences from a statement.

1 PRESIDING JUDGE: From one of the statements?

2 MR HARRISON: Correct.

3 PRESIDING JUDGE: Which sentence and which statement?

4 MR HARRISON: It is in response to questions by the first
17:31:32 5 accused. It's the proofing notes dated February 2006. It is
6 Court Management numbering 17723, paragraph 10.

7 PRESIDING JUDGE: 10, yes.

8 MR HARRISON: And the final two sentences of that
9 paragraph. The questioning earlier, which this is in response
17:32:07 10 to, was put by counsel for the first accused where the suggestion
11 was made that the witness has been inventing the details with
12 respect to sexual abuse or sexual assault on women. The time was
13 at 3.00 at today.

14 PRESIDING JUDGE: I remember not the details of it, but I
17:32:48 15 remember there were questions about that.

16 MR HARRISON: May I proceed with reading --

17 PRESIDING JUDGE: Just a second.

18 MR JORDASH: Sorry. I wouldn't have an objection to it if
19 I said, and I can't quite remember now, that this witness had
17:32:58 20 invented it yesterday. If my allegation was that it was recently
21 fabricated, I would stand by that and submit that February was
22 recent and so there is no need to rebut that suggestion, because
23 we are at -- [overlapping speakers]

24 PRESIDING JUDGE: I just go by my own recollection on this.
17:33:20 25 My recollection and understanding was that the witness here
26 talking about that was only for the first time talking about
27 sexual abuse or --

28 MR. JORDASH: Well, if that is the tenor and meaning of
29 what I put then -- I thought I put that it was a recent

1 fabrication. If I put it was only yesterday, then it is fair.

2 PRESIDING JUDGE: Well, it is recent fabrication in the
3 sense that I just conveyed to you that I understood the question
4 to have been. You may have intended that to be differently, but
17:33:53 5 that is the way I understood it to be.

6 MR JORDASH: Certainly. As long as there is no suggestion
7 that the -- that evidence was given prior to February, then I
8 have no objection.

9 PRESIDING JUDGE: No. You may proceed.

17:34:08 10 MR HARRISON:

11 Q. Witness, I'm just going to read two sentences from what are
12 purported to be notes from a conversation you had with the
13 Prosecution in February of 2006, and I'm at page 17723, paragraph
14 10. The final two sentences of paragraph 10 read as follows:

17:34:40 15 "During the three weeks of my captivity I talked with quite
16 a lot of RUF soldiers who were guarding us and they said
17 they had been abducted by the RUF. I spoke with many RUF
18 women who were not soldiers and they told me that they had
19 been forced to marry RUF men and were abused sexually by
17:35:06 20 them."

21 Do you remember saying those words to the Prosecution?

22 A. Yes, My Lord.

23 MR HARRISON: There is no further questions.

24 PRESIDING JUDGE: Thank you, Mr Prosecutor. So,
17:35:23 25 Mr Witness, with these last questions that concludes your
26 evidence in this Court. We thank you very much for coming here
27 from Zambia and we wish you a safe trip back home.

28 Thank you very much.

29 THE WITNESS: Thank you, My Lord.

1 PRESIDING JUDGE: So --

2 MR CAMMEGH: Your Honour, I don't know if the message has
3 found its way to you.

4 PRESIDING JUDGE: We have been informed of that, but I
17:35:48 5 would like to tell you this information, Mr Cammegh, I would
6 prefer at this particular juncture that you discuss the matter
7 with your client and tomorrow morning inform the Court as to what
8 the substance of it is and we will see then if you want to hear
9 from him or not. We will do that tomorrow morning before we
17:36:14 10 proceed with the next witness.

11 MR CAMMEGH: Very well. Thank you.

12 PRESIDING JUDGE: Thank you. Court is adjourned to 9.30
13 tomorrow.

14 [Whereupon the hearing adjourned at 5.37 p.m.
15 to be reconvened on Friday, the 24th day of
16 March, 2006, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 87	105
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-288	2
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CROSS-EXAMINED BY MR JORDASH	2
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CROSS-EXAMINED BY MR TOURAY	106
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