

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

FRIDAY, 31 MARCH 2006  
9.50 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:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mohamed Bangura Mr Mark Wallbridge (Case Manager) Ms Amira Hudroge (intern)
For the Principal Defender:	NO APPEARANCE
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Shekou Touray Mr Charles Taku
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [RUF31MAR06A - EKD]  
2 Friday, 31 March 2006  
3 [The accused present]  
4 [Open session]  
09:37:49 5 [Upon commencing at 9.50 a.m.]  
6 WITNESS: LEONARD NGONDI [Continued]  
7 PRESIDING JUDGE: Good morning, counsel. Good morning,  
8 Mr Witness.  
9 THE WITNESS: Good morning, Your Honour.  
09:52:13 10 PRESIDING JUDGE: Good morning, Mr Touray.  
11 MR TOURAY: Good morning, Your Honour.  
12 PRESIDING JUDGE: Mr Touray, you were on your feet  
13 yesterday ready to proceed ahead. Are you still ready?  
14 MR TOURAY: Very much so, Your Honour.  
09:52:28 15 PRESIDING JUDGE: Very well. Please proceed.  
16 CROSS-EXAMINED BY MR TOURAY: [Continued]  
17 Q. Good morning, Mr Witness.  
18 A. Good morning to you, Your Honour.  
19 Q. Yesterday I asked you when was the last time you saw  
09:52:56 20 Morris Kallon and you said you saw him on the 20th but after that  
21 you could not remember seeing him again?  
22 A. That's right, Your Honour. 20th April 2000.  
23 Q. You recall, wouldn't you, that on 19th April 2000 the chief  
24 of staff of the observer group, that is the MILOBS, visited your  
09:53:42 25 area of responsibility at Makeni?  
26 A. Yes, I do, Your Honour.  
27 Q. I think he was Colonel Babinty [phon]?  
28 A. Correct, Your Honour.  
29 PRESIDING JUDGE: What's the name again, Your Honour.



1 MR TOURAY: Babinty, B-A-B-I-N-T-Y.

2 Q. You will recall he did criticise the RUF for not disarming,  
3 as scheduled, on 17 April 2000?

4 A. Yes, I do, Your Honour.

09:54:31 5 JUDGE ITOE: On what date?

6 MR TOURAY: On 17 April 2000.

7 Q. Would you also recall that on 22 April 2000 RUF combatants  
8 surrounded the reception centre at Magburaka demanding that the  
9 MILOBS leave the centre?

09:55:13 10 A. Yes, I do, Your Honour.

11 Q. They said they were acting on the orders of the RUF  
12 leadership?

13 A. Yes, Your Honour.

14 Q. Perhaps you would also recall now that on 22 April you  
09:55:50 15 spoke with Morris Kallon about that?

16 A. No, I do not remember that, Your Honour.

17 Q. You don't remember that. Perhaps you need to refresh your  
18 memory. May I first of all refer you to your statement of 21  
19 June 2004 at page 17734. I think it is about the continuation,  
09:57:36 20 the first paragraph. That is it. I read it, with the leave of  
21 the Court. 17734.

22 PRESIDING JUDGE: Yes.

23 MR TOURAY:

24 Q. "On 22nd April, RUF combatants surrounded the reception  
09:57:56 25 centre at Magburaka saying they were on orders of RUF  
26 leadership. When I spoke with Kallon, he told me it was in  
27 reaction to the chief of staff visit and MILOB activity."

28 A. Yes.

29 Q. Do you know recall this incident?



1 A. Yes, yes.

2 Q. And that is true?

3 PRESIDING JUDGE: Is it true, Mr Witness?

4 THE WITNESS: Yes, it's true. It's true. But I was not at  
09:58:28 5 that reception centre. What had happened is that the reception  
6 centre at Magburaka, RUF combatants went there allegedly on  
7 orders of Brigadier Kallon and my troops which were there  
8 reported to me over the radio what had happened. Now, if it was  
9 alleged that that house belonged -- where the reception centre  
09:58:58 10 was belonged to Brigadier Kallon, so that is why he had ordered  
11 for them to close down. Now, Your Honour, the establishment of  
12 reception centre in the area was done with agreement with RUF  
13 and, to me, it disturbed me why in the first place RUF had agreed  
14 the establishment of that reception centre there.

09:59:31 15 PRESIDING JUDGE: But the question is did you speak to  
16 Kallon --

17 MR TOURAY: On the 22nd.

18 PRESIDING JUDGE: -- on 22nd April?

19 JUDGE THOMPSON: Yes, that's the issue.

09:59:40 20 THE WITNESS: Yes, I did.

21 PRESIDING JUDGE: Now that you have refreshed your memory,  
22 you agreed that what you had in your statement is what happened?

23 THE WITNESS: Yes, this is what happened.

24 MR TOURAY:

09:59:56 25 Q. After that you did not see Kallon again from that time?

26 A. I don't remember seeing Kallon again.

27 Q. That incident at the Magburaka reception centre fizzled out  
28 without any problem?

29 A. There was small fracas which was --



1 Q. Yes, but it fizzled out without any problem, much  
2 difficulty?

3 A. No. Temporarily that reception centre was closed for a  
4 while.

10:00:34 5 Q. For a while.

6 A. Yes, until further negotiations were done and reopened  
7 later.

8 Q. No fighting, nothing?

9 A. There were scuffles between my men and RUF because RUF was  
10:00:50 10 trying to take some boxes [overlapping speakers].

11 Q. There were scuffles?

12 A. Yes, there were scuffles.

13 Q. As far as the incident you spoke about that took place on 1  
14 May 2000 at the reception centre at Makeni or DDR camp at Makeni,  
10:01:41 15 you yourself were not present at any of those locations on that  
16 day?

17 A. True, Your Honour.

18 Q. You got to know about the alleged incident through radio  
19 communication with Major Maroa?

10:02:23 20 A. True.

21 Q. He reported to you about an alleged scuffle between Ganase  
22 and Morris Kallon, that is, he slapped him and so on and so  
23 forth, and then bundled him up into his vehicle, according to  
24 your evidence?

10:03:04 25 A. Yes. He reported to me on the activities happening at the  
26 DDR camp.

27 Q. Okay. You yourself never saw Ganase himself again after  
28 the alleged incident?

29 A. No, I was not in the DDR camp.





1 Q. No, after that you never saw Ganase again since the time of  
2 the incident?

3 A. I think I saw him back at Freetown in June when they had  
4 come back -- when we had come back from Magburaka. Not  
10:04:15 5 Magburaka, from Kabala.

6 Q. In answer to a question posed yesterday under  
7 cross-examination by my learned friend for the first accused as  
8 to whether you saw Ganase again, your answer was you never saw  
9 him again after the incident?

10:04:33 10 A. Yes, when we were in RUF territory I never saw him again.

11 Q. So when are you saying you saw him again?

12 A. Some time when I was back from that -- from up north, that  
13 is from Kabala. In the normal routine down south now, that is, I  
14 was in Lungi as well as frequenting the force headquarters.

10:05:09 15 Remember -- I think I remember seeing Ganase but we never talked.

16 Q. You never talked?

17 A. With Ganase.

18 Q. Never spoke with him. For what you may know, he may have  
19 been asked to give a written report of his experience by the head  
10:05:55 20 of this group, head of the military observers' group?

21 A. Agreed.

22 JUDGE THOMPSON: Speculative.

23 MR TOURAY: Agreed.

24 JUDGE THOMPSON: Speculative.

10:06:11 25 MR TOURAY: Agreed, agreed.

26 Q. So you did not know whether he submitted a report of the  
27 alleged incident to his superiors?

28 A. No, I was not concerned.

29 Q. You were not concerned.



1           PRESIDING JUDGE: Maybe you can ask him what is the usual,  
2 normal procedure.

3           MR TOURAY: Yes.

4           Q. And it is the usual procedure in such cases to present a  
10:06:30 5 report?

6           A. One may make a report.

7           PRESIDING JUDGE: But when there is an incident as such;  
8 isn't it the normal procedure that the matter be reported to  
9 headquarters, and either you report on it or there is an  
10:06:45 10 investigation on it?

11          THE WITNESS: Correct, Your Honour.

12          PRESIDING JUDGE: This is the normal procedure?

13          THE WITNESS: That is the normal procedure.

14          MR TOURAY:

10:07:16 15        Q. I am putting it to you that the Kallon that was involved in  
16 the scuffle with Ganase was Lieutenant-Colonel AS Kallon, overall  
17 commander of the military police at the time in Makeni, not  
18 Morris Kallon?

19        A. You are wrong, Your Honour. The report I got was  
10:07:48 20 Morris Kallon, who was understood was the second in command to  
21 General Issa of the entire RUF.

22        Q. That too you are wrong, because Morris Kallon was not the  
23 second in command. Superman was the second in command at that  
24 time.

10:08:07 25        PRESIDING JUDGE: Do you agree with that, Mr Witness?

26        THE WITNESS: As far as I knew, My Lord, Morris Kallon was  
27 the one we knew as second in command and he is the one we  
28 interacted with during our duty in the RUF territory.

29        MR TOURAY:



1 Q. That's true but Superman was in Lunsar there, not too far  
2 away from Makeni.

3 PRESIDING JUDGE: But the witness has testified he does not  
4 know that.

10:08:39 5 MR TOURAY: We accept that.

6 PRESIDING JUDGE: It may be your position, but --

7 MR TOURAY: Yes, it is our position.

8 JUDGE ITOE: And you say AS Kallon was overall commander  
9 for the military police?

10:09:06 10 MR TOURAY: Yes. At Makeni.

11 PRESIDING JUDGE: In Makeni.

12 MR TOURAY: Yes.

13 Q. You remember you gave evidence that on 2nd May 2000 you  
14 noticed that the -- or you were informed that the troops that  
10:10:10 15 were there, the RUF combatants that were there originally, had  
16 been withdrawn and exchanged with other combatants from as far as  
17 Kono area?

18 A. At the DDR centre of Makump, yes, Your Honour.

19 Q. And in one of your statements you said they were about 200  
10:10:33 20 in number?

21 A. That is an estimate, Your Honour.

22 Q. That was about the time the Quick Reaction Force were  
23 making arrangements to advance to your location?

24 A. On the 2nd?

10:11:14 25 Q. Well, they were to advance on the 3rd. They were making  
26 arrangements to advance to your location.

27 A. Well, speculative, yes.

28 Q. Yes, and at the same time the Zambian contingent with the  
29 sector headquarters contingent were advancing towards your



1 location as well, were to advance towards your location on the  
2 3rd?  
3 A. Yes.  
4 Q. Apart from the coming of the troops from Kono you were not  
10:12:40 5 aware, were you, that there were other RUF troops from the  
6 Kamakwie axis led by one Komba Gbundema under instructions to  
7 advance towards the Lunsar-Makeni highway --  
8 JUDGE ITOE: Too long.  
9 MR TOURAY: Okay.  
10:13:10 10 JUDGE ITOE: Too long.  
11 MR TOURAY: I'll cut it short.  
12 JUDGE ITOE: Please.  
13 MR TOURAY:  
14 Q. Now, were not aware at the same time about troops, RUF  
10:13:21 15 combatant troops from the Kamakwie axis, led by one  
16 Komba Gbundema, advancing towards the Lunsar-Makeni highway at  
17 that time?  
18 A. You are telling me now.  
19 Q. You did not know?  
10:13:36 20 A. I didn't know that.  
21 PRESIDING JUDGE: Mr Touray.  
22 MR TOURAY: Yes, I'm sorry, Your Honour.  
23 JUDGE ITOE: Mr Touray was taking instructions.  
24 MR TOURAY: As Your Honour pleases.  
10:16:00 25 Q. The advance of the RUF combatant troops from Kono and the  
26 one I suggested to you from Kamakwie which you did not know  
27 about, I am putting it to you that that was in reaction to the  
28 reinforcement sent to you from forces headquarters.  
29 A. You're wrong, Your Honour.





1 Q. Okay, that is your opinion.

2 A. Why? Because the reinforcement or the so what you are  
3 calling -- the movement of UNAMSIL troops towards the RUF  
4 territory was 3rd.

10:16:54 5 Q. Was on?

6 A. 3rd of May.

7 Q. 3rd of May?

8 A. 3rd of May. Now the changing over of guard within the  
9 RUF -- I mean, the DDR centre was on the night of 1st and 2nd.

10:17:11 10 Q. Your evidence was on the 2nd, so are you changing now?

11 A. I'm saying they were changed overnight and on the wake of  
12 2nd my troops at the DDR camp saw new faces altogether that  
13 morning of 2nd. Am I making myself clear, Your Honour?

14 Q. You have made yourself clear but let me also make myself  
10:17:37 15 clear.

16 A. Yes, do, please.

17 Q. That the RUF in Makeni had already got wind of the movement  
18 of these troops from Freetown and radioed their leader,

19 Foday Sankoh, in Freetown, who then gave instructions for troops

10:18:02 20 to be moved from Kono and Kamakwie to take care of the situation.

21 There is a radio log message we will refer to later in your  
22 address. It is an exhibit already before the Court. So that is  
23 our case. Now --

24 PRESIDING JUDGE: But ask the witness if he knows it or is  
10:18:26 25 aware of it.

26 MR TOURAY:

27 Q. Are you aware of that?

28 A. No, I'm not aware --

29 Q. No, of course, you wouldn't.



1 A. -- of the plans for RUF, how they worked. But I got the  
2 plan for RUF [indiscernible] for the UNAMSIL troops to come to  
3 RUF territory after the attack on Magburaka camp had already  
4 happened. That is late in the afternoon of 2nd.

10:19:35 5 Q. When you were in Makeni you used to see Morris Kallon in a  
6 vehicle?

7 A. In a vehicle?

8 Q. Yes, in his vehicle, yes.

9 A. No.

10:19:47 10 Q. Never saw him in any vehicle?

11 A. In a vehicle?

12 Q. Yes.

13 A. No, no.

14 Q. You did not know his vehicle, the vehicle he was using?

10:19:56 15 A. Morris Kallon?

16 Q. Yes.

17 A. No, I didn't see him riding in a vehicle except one  
18 occasion, and I think that was either on 20th or thereabouts,  
19 when I had gone to Teko Barracks to see Issa. He came to join us  
10:20:26 20 where we were seated with Issa and other combatants. He was on a  
21 lorry.

22 Q. Lorry?

23 A. Yes, he was riding in a lorry. And to me I was made to  
24 understand he just had a ride just to come over. But I did not  
10:20:40 25 see him in the so-called official car, although I was being told  
26 he moves in a Mercedes, but that is speculative.

27 Q. But that is all: You were told he moved in a Mercedes?

28 A. I was told he moves, he usually uses a Mercedes to move.

29 Q. A Mercedes car, yes. Let me finally put it to you that the



1 report you had from your staff at the DDR camp was entirely  
2 misleading.

3 A. That report was not misleading, Your Honour.

4 MR TOURAY: That will be all for this witness.

10:21:32 5 PRESIDING JUDGE: Thank you. Counsel for third accused.

6 MR CAMMEGH: May it please Your Honour.

7 CROSS-EXAMINED BY MR CAMMEGH:

8 Q. Good morning, Colonel. I represent Augustine Gbao and I am  
9 hoping that we can get through quite quickly this morning.

10:22:45 10 A. Sorry not to have responded to your greetings, but I  
11 thought you were addressing somebody else. I ceased to be a  
12 colonel last year. I'm sorry.

13 PRESIDING JUDGE: He was introduced as brigadier.

14 MR CAMMEGH: Of course, sorry.

10:23:00 15 JUDGE ITOE: And he has the rank of a general. Brigadier  
16 is a general.

17 THE WITNESS: Otherwise, morning to you, Your Honour.

18 MR CAMMEGH:

19 Q. What do I call you, brigadier, brigadier-general, general?

10:23:46 20 What would you like me to call you?

21 A. Brigadier, please. Or Mr Witness, for that matter, if it  
22 pleases you.

23 Q. All right, Brigadier. I ask questions on behalf of  
24 Augustine Gbao.

10:24:06 25 A. Okay.

26 Q. I am sorry if I denigrated your position at all. It was my  
27 fault for simply copying down your title from the statement.  
28 Forgive me for that. No slight intended. I want to start,  
29 please, in February of 2000. In February of 2000, I think it was



1 about the 26th, was it, or the 25th, you arrived in Makeni?

2 A. No, I had arrived earlier.

3 Q. Had you?

4 A. Earlier in Makeni. I arrived in Makeni on 22nd.

10:24:47 5 Q. 22nd? Right.

6 A. Wrong. On 23rd. 23rd, that is the time I arrived at  
7 Makeni.

8 Q. At the time that you arrived I think there was perceived to  
9 be a general problem concerning NGO vehicles and equipment being  
10:25:10 10 seized by the RUF, would you agree?

11 A. At the time I arrived?

12 Q. Yes.

13 A. Not exactly that day I arrived but later in the course of  
14 operation, within the first -- particularly within the first days  
10:25:26 15 of March there was such incident in some of the NGOs having  
16 difficulties in moving around to do their work.

17 Q. I think Augustine Gbao was the man you dealt with most of  
18 all on such issues?

19 A. Absolutely and we had a good understanding with  
10:25:52 20 Augustine Gbao with the overall security commander of RUF as I  
21 knew him.

22 Q. I think he was generally as helpful to you as he could have  
23 been at that time, would you agree, on the matter of NGO  
24 equipment and vehicles?

10:26:09 25 A. Yes. I recall one case where World Food Program were  
26 distributing their foods within their program and their vehicles  
27 were seized by RUF combatants. In charge of that operation by  
28 name Julie, a French national, came to me and we just took off  
29 and went and met Gbao, explained what had happened, and he went





1 and ensured the vehicles were released and there the operation  
2 continued. I also remember a case where Roman Catholic had their  
3 vehicle seized on its way to Kabala, and the same talked to Gbao  
4 and he organised such kind of things. So he was very helpful,  
10:27:22 5 and we had an understanding as far as the work was concerned with  
6 Gbao [overlapping speakers].

7 Q. Well, thank you very much for that. If I can stay on the  
8 subject of NGOs for a moment, would you agree that in early 2000  
9 various NGOs were moving into Makeni? You had, for example,  
10:27:48 10 World Food Program. Do you recall them?

11 A. World Food Program, yes, I do.

12 Q. Caritas, which you've mentioned?

13 A. Caritas, yes, I do.

14 Q. RC or Roman Catholic mission that you've mentioned. Would  
10:28:08 15 you agree that Makeni seemed to be a target for more and more NGO  
16 or non-governmental organisations at the beginning of 2000,  
17 moving into the middle of 2000?

18 A. When I was there they were coming, particularly the first  
19 few days of March.

10:28:33 20 Q. Was the climate or the general political -- I will use the  
21 words the social climate, if I can use that, in Makeni at that  
22 time, was it improving such that NGOs were finding Makeni a more  
23 attractive proposition?

24 A. Yes, at that time, despite that disarmament program had not  
10:29:03 25 started at that particular time, normalcy was beginning to creep  
26 in, spearheaded by those humanitarian agencies.

27 Q. Indeed. When you use the words "normalcy was starting to  
28 creep in," how much did that have to do with Augustine Gbao's  
29 operation as security commander in Makeni? How responsible was



1 he for creating the correct environment for allowing more NGOs to  
2 come into the town, in your view?

3 A. I cannot enumerate it, but, you know, I'll say his  
4 contribution. That is a contribution to entire RUF. He himself,  
10:29:49 5 what I knew, he held a portfolio of the overall security  
6 commander and anything to do with insecurity within the area, he  
7 could be handy to help sort them out, if they arose.

8 Q. You've given us some, at least two, examples of where he  
9 was involved in troubleshooting himself in the Makeni area. Did  
10:30:13 10 you think he wielded --

11 JUDGE THOMPSON: Learned counsel, are you looking for an  
12 evaluation of this performance?

13 MR CAMMEGH: Yes. Yes, indeed.

14 Q. Are you able to comment on his performance in terms of the  
10:30:34 15 law and order of Makeni while you were there between February and  
16 May of 2000?

17 A. From March to -- February to May?

18 Q. Yes.

19 A. Well, generally in the month of May -- in the month of  
10:30:55 20 March, a lot of humanitarian activities were going on, and he was  
21 handy when issues arose, just as I said. Even there was one time  
22 in Caritas that children who had been demobilised and other  
23 children from a school, they had a scuffle.

24 Q. They what, sorry?

10:31:25 25 A. They had a scuffle. A scuffle. All of us moved in, the  
26 RUF and even us, trying to see what it was, and there we were  
27 with Gbao, with his people. We saw then -- you know, we could  
28 talk, so there was no problem. It was the boys' issue,  
29 children's issue and the operations of Caritas continued and the



1 RUF went back to their bases.

2 Q. Was that an incident that broke out between boys of two  
3 competing schools? It started as stone-throwing and escalated  
4 into something a bit more serious. Was it that incident?

10:32:06 5 A. The details of the incident I don't know, but it was within  
6 the Caritas area.

7 Q. Yes, yes.

8 A. Between the boys themselves, from the school and those who  
9 had been demobilised.

10:32:19 10 Q. Augustine Gbao helped you to try to bring the situation  
11 under control?

12 A. Yes, we were all concerned.

13 Q. Indeed. You've referred to his performance in terms of the  
14 continued involvement of NGOs. What about the general law and  
10:32:35 15 order situation in Makeni during those four months; can you  
16 comment on his performance there?

17 A. Let me go straightaway to when the DDR problem was to  
18 begin. That was the month of April, 17th. Now during that time,  
19 as I said earlier, the RUF did not disarm. Instead, they turned  
10:33:17 20 out to demonstrate.

21 Q. On the 17th?

22 A. On the 17th, and they weren't even ganged up or gathered up  
23 at the reception centre, which was at Makeni. There, the topmost  
24 person who I met there was Augustine Gbao. He couldn't give me  
10:33:40 25 the reason why they're not going to do that. And as usual, we  
26 had a lot of understanding and respect for one another with  
27 Augustine Gbao. We talked about it and he said he so sensed that  
28 our reception centre should remain and since the disarmament is  
29 for long term, we should -- each party should report, give a



1 report to their higher headquarters on what is going on in the  
2 crowd, that there was no need of having combatants demonstrating  
3 in town.

4 Q. I think those combatants, or many of them, were armed  
10:34:40 5 during that demonstration, weren't they?

6 A. They were armed.

7 Q. Would you agree it was Augustine Gbao, on the RUF side, who  
8 was instrumental in urging those people to disperse peacefully on  
9 the 17th?

10:35:02 10 A. Yes, yes. Yes, Gbao, I commend him for that.

11 Q. You commended him or you commanded him?

12 A. Yes.

13 JUDGE ITOE: "I commend him for that."

14 MR CAMMEGH:

10:35:14 15 Q. I'm sure he is very pleased to hear that.

16 A. Although he did not manage to get them out of town the same  
17 day completely.

18 Q. All right. Were you aware at the end of February, and I  
19 appreciate this was only just after you arrived, but were you  
10:35:38 20 aware that it was Augustine Gbao who, on 26th or 27th, I can't  
21 remember, who signed an authorisation allowing the reopening of  
22 the ICC, the Caritas compound, for children? Were you aware of  
23 that?

24 A. Not when I arrived.

10:36:04 25 Q. Did you subsequently learn that to be the case?

26 A. Yes. I came to learn the operations of Caritas had been  
27 authorised by RUF.

28 Q. I think you had regular meetings with Mr Gbao, didn't you,  
29 from the end of February to the beginning of March? You tried to





1 meet every Monday; is that right?

2 A. Yes, we tried to meet every Monday.

3 Q. I'm aware that they didn't always run according to  
4 schedule, but you had the meetings fairly regularly nevertheless;  
10:36:38 5 is that correct?

6 A. Yes. We could meet, some time we could not meet. Yes, but  
7 we had established --

8 Q. Rapport?

9 A. That understanding and the rapport you are talking about.

10:36:58 10 Q. You have referred to the development of your relationship  
11 with Mr Gbao and you have referred to the events of 17th April.  
12 Can I just go back to the 17th. In order to quell the situation,  
13 did you offer to do your best to bring about a media day in  
14 Makeni on 28th April?

10:37:32 15 A. Yes, I did. But that was not on 17th. It was later on  
16 20th.

17 Q. Okay. Did the media day take place on the 28th as planned?

18 A. No, it didn't.

19 Q. I appreciate you did all you could to ensure that it did  
10:37:55 20 take place and I appreciate that on the 28th it didn't, however,  
21 take place. What was the reason for that? Why didn't it happen?

22 JUDGE ITOE: You want him to restate the reason. He has  
23 stated the reason.

24 PRESIDING JUDGE: We have been through it quite  
10:38:16 25 extensively.

26 JUDGE ITOE: Very, very extensively.

27 PRESIDING JUDGE: There might be an aspect of it you want  
28 to put because of the role of your client and whatever but we  
29 have been through it.



1 MR CAMMEGH: I appreciate that. I have seen the  
2 transcripts on this issue.

3 Q. Let me deal with it in this way; I can cut that down. Did  
4 Augustine Gbao appear on that day hoping that the media function  
10:38:44 5 would take place? Was he there?

6 A. No, the media -- I got instructions from force headquarters  
7 that the media day will not take off earlier and I informed there  
8 won't be media there, so nobody was ready for it.

9 Q. Did you encounter any reaction from Augustine Gbao on that  
10:39:08 10 day?

11 A. About the media?

12 Q. Yes.

13 A. I don't remember.

14 Q. Right, okay. Nothing sticks in your memory at least?

10:39:17 15 A. Yeah, something serious about it because it was  
16 [overlapping speakers].

17 Q. But what was the reaction of other RUF who were there?

18 A. I don't know, but I believe they were disappointed because  
19 during the time that the idea came out I could see the enthusiasm  
10:39:44 20 more so Brigadier Kallon had, because to my understanding  
21 General Issa was not -- will not be there, but Kallon would be  
22 there.

23 Q. Can I put it this way, and I appreciate that you say you  
24 don't remember any involvement from Gbao on that day. But can I  
10:40:05 25 put it this way: There were those among the RUF who expressed  
26 anger that the media day had been cancelled?

27 A. I think, Your Honour, not -- when it was cancelled, just  
28 communicated to them that I'm sorry, it can't go on.

29 Q. But did anybody appear angry when they heard that news, any



1 of the commanders of the RUF?

2 A. I can't pinpoint somebody in particular who was angry, but  
3 disappointment obviously would have been there.

4 Q. Fair enough. Can I now move on to 1st May. I appreciate  
10:40:53 5 that -- I say this with the greatest of respect. I appreciate  
6 your account the events of the 1st and 2nd and indeed 3rd May are  
7 largely hearsay, aren't they? They are accounts you have drawn  
8 from other people who say they were personally involved.

9 A. Yes, they are based on -- most of it is based on reports.

10:41:19 10 Q. Yes. So I am conscious of the fact that my questions on  
11 this, I am going to be basically asking you for a hearsay  
12 account. If there is something you can't be sure about then  
13 please indicate. We all understand it is not your fault if you  
14 weren't there. Can I put elements of Mr Gbao's case to you and  
10:41:45 15 if you are able to comment on it, please do. If not, then please  
16 say. First of all, can I just ask a few questions about Gbao.  
17 Did he used to drive a car around Makeni in his role as security  
18 chief?

19 A. Yes, he had a small car.

10:42:13 20 Q. Yes, was it a Datsun?

21 A. I don't know the make, but it was a saloon, a station wagon  
22 car.

23 Q. A station wagon. Do you mean a four by four? What I am  
24 suggesting is it was a small Datsun.

10:42:34 25 A. I don't know the make.

26 Q. It perhaps doesn't matter. But he used to drive around  
27 Makeni, did he, making sure that law and order was being  
28 maintained, in a car? Sometimes he would shout at people to get  
29 out of the way or --



1 A. I don't know his operations.

2 Q. Were you aware of a local commander within the RUF assigned  
3 to the Makump axis or the road to Makump, up towards Magburaka,  
4 by the name of Ismail, I-S-M-A-I-L?

10:43:16 5 A. No, I was not aware of that.

6 Q. Just to put you in the picture, and I am not going to ask  
7 you to comment on this because you can't, but my case or  
8 Mr Gbao's case is that he was driving along one day, came across  
9 a man called Ismail who made a report to Augustine Gbao that a  
10:43:44 10 certain number of RUF have been disarmed against RUF wishes. I  
11 put it neutrally in that way. Were you aware or were you made  
12 aware of Augustine Gbao driving straight to the UNAMSIL HQ in  
13 Makeni to try and find you at some time on 1st May during the day  
14 time?

10:44:19 15 A. No.

16 Q. Nobody in your HQ told you there's a Mr Gbao outside  
17 waiting to see you, sir, or anything like that?

18 A. No, I don't remember.

19 Q. That's fine. My case is that he was shunted from -- he was  
10:44:40 20 told at the HQ no, Colonel Ngondi is not here. He then went back  
21 to a checkpoint, who then sent him back to the HQ, where he then  
22 was told off in a fairly disrespectful way by one of your  
23 subordinate officers for making a nuisance of himself. Does  
24 anything like that ring a bell with you?

10:45:07 25 A. No, Your Honour. We had total respect particularly for the  
26 people whom I said we were interacting with.

27 Q. And I am not going to suggest that is not true. I am not  
28 going to challenge you on that. What I suggest happened next --  
29 and again if you can't comment on this then that is perfectly





1 fine. But what I am suggesting now is that having failed to make  
2 personal contact with you, Augustine Gbao, accompanied by the man  
3 Ismail, drove out to the DDR centre at Makump, which is about 10  
4 kilometres out of Makeni; isn't it? Did you have a platoon  
10:45:50 5 commander there called Lieutenant Osimbo?

6 A. Yes, Your Honour.

7 Q. Indeed, and you have told us about him.

8 MR CAMMEGH: Your Honours, would you please allow  
9 Augustine Gbao to go to the bathroom for a couple of minutes?

10:46:17 10 PRESIDING JUDGE: Yes, you may proceed.

11 MR CAMMEGH:

12 Q. Now Brigadier, I am conscious we are relying on hearsay  
13 evidence here, so again, if you are unable to confirm or deny  
14 something, please say. Were you aware or were you subsequently  
10:46:48 15 made aware that Augustine Gbao and another man, who I say is the  
16 man Ismail, then invited Lieutenant Osimbo to comment on the  
17 suggestion that about eight RUF men had been disarmed against RUF  
18 wishes?

19 A. Lieutenant Osimbo reported to his officer commanding,  
10:47:20 20 Major Maroa, that Gbao was in the reception centre and they were  
21 demanding they get the eight -- the ten rifles and ten combatants  
22 that had surrendered.

23 Q. I think the information that was passed on from  
24 Lieutenant Osimbo to Gbao at that point was twofold. First of  
10:47:48 25 all - can you comment on this? - did Osimbo inform Gbao that it  
26 wasn't in fact the KENBATT who'd done the disarming, it was the  
27 MILOBS?

28 A. I cannot confirm that, Your Honour, or deny.

29 Q. All right. The second point is this. I imagine your



1 answer to this would be the same but I will put it anyway. Did  
2 Lieutenant Osimbo inform Augustine Gbao that the KENBATT had  
3 actually advised the MILOBS that such action in disarming RUF was  
4 not advisable at that time?

10:48:35 5 A. Your Honour, I was not there. I cannot confirm or deny.

6 Q. In fact, there were three things I needed to put to you.  
7 The third one is this: Was Augustine Gbao told by Osimbo --  
8 THE INTERPRETER: From interpretation booth --  
9 PRESIDING JUDGE: Mr Cammegh.

10:48:49 10 THE INTERPRETER: -- the interpreters are getting problem.  
11 The attorney is moving too fast for them.  
12 MR CAMMEGH: I can't hear anything, sorry.  
13 PRESIDING JUDGE: You're moving too fast for the  
14 interpretation --

10:48:57 15 MR CAMMEGH: Sorry.  
16 PRESIDING JUDGE: For the translator to be able to follow  
17 up with you.  
18 MR CAMMEGH: Does the translator want me to put the second?  
19 THE INTERPRETER: Yes, My Lord.

10:49:10 20 PRESIDING JUDGE: What's the yes for?  
21 THE INTERPRETER: To put the second part of the question.  
22 PRESIDING JUDGE: Second part of the question, if you can  
23 put that.  
24 MR CAMMEGH: I asked the Brigadier if Lieutenant Osimbo had  
10:49:28 25 told Augustine Gbao that the KENBATT had advised the MILOBS that  
26 disarming the RUF was not advisable at that point in time, and  
27 the brigadier replied that he would be unable to comment on that  
28 suggestion. The third point I would like to put --  
29 JUDGE ITOE: That he would neither confirm nor deny.



1 MR CAMMEGH:

2 Q. The third item I would like you to comment on, if you can,  
3 is this: Is it correct that Lieutenant Osimbo told  
4 Augustine Gbao that the men and the weapons that had been  
10:50:23 5 disarmed had been taken to Port Loko?

6 A. I don't know that.

7 Q. You don't know, fair enough. Again putting the train of  
8 events as I have been instructed, and I am offering this for your  
9 comment again, is it right that during that discussion a  
10:50:46 10 Malaysian MILOB arrived by the name of Salahudin? And I'll spell  
11 that. S-A-L-A-H-U-D-D-I-N [sic].

12 A. Handed down what?

13 Q. Were you aware that a Malaysian MILOB called Salahudin  
14 arrived during the discussion between Lieutenant Osimbo and  
10:51:18 15 Augustine Gbao?

16 A. Well, Salahudin was part of that team with Ganase.

17 [RUF31MAR06B - SV]

18 Q. Exactly, yes?

19 A. Yeah.

10:51:35 20 PRESIDING JUDGE: But do you know if he arrived at that  
21 time during that discussion?

22 THE WITNESS: I really -- no. It implies as if he was  
23 coming from somewhere else. I don't know. But I know he was  
24 part of that team. They were part of that team. And I don't  
10:51:49 25 think whether he was a Malaysian. Salahudin was not a Malaysian.

26 MR CAMMEGH:

27 Q. Can I - and I'm not seeking to derive a contradiction from  
28 your written testimony, I'm simply suggesting you read this with  
29 me to refresh your memory.



1           PRESIDING JUDGE: The transcript?

2           MR CAMMEGH: The statement.

3       Q.    Brigadier, have you already referred to your statement or  
4    been shown your statement of February 28th, 2003?

10:52:21 5           PRESIDING JUDGE: He has a copy with him in front of him?

6           MR CAMMEGH:

7       Q.    Do you have it in your yellow folder. There it is. Would  
8    you mind, please, just turning to the second page?

9           PRESIDING JUDGE: What's the page number?

10:52:35 10          MR CAMMEGH: It's 17728.

11       Q.    I emphasise, I'm not putting this to you to establish  
12    contradiction, it's simply to refresh your memory. You see the  
13    paragraph headed in bold "hostage taking"?

14       A.    Yes.

10:52:46 15       Q.    Can you look at the third paragraph down from there?

16       A.    Third paragraph.

17           PRESIDING JUDGE: Starting with "When Maroa"?

18           MR CAMMEGH: Indeed.

19       Q.    It reads: "When Maroa returned to the Makeni DDR camp he  
10:53:01 20   met Ganase and Salahuddin as well as Augustine Gbao and RUF  
21   combatants." I know you gave this statement a long time ago, but  
22   does it appear to you from this statement that you must have been  
23   told by your staff that Salahudin was there at that time? Would  
24   you accept that?

10:53:25 25       A.    Yes. Those two MILOBS were there with their team all the  
26   way from reception centre.

27       Q.    That's fine.

28           PRESIDING JUDGE: It's only the way you put your question  
29   to the witness because your question was do you know that





1 Salahudin arrived during that discussion and it was not whether  
2 he was there at that time. He was quite specific as to a  
3 particular timing and I guess that's why the witness had some  
4 difficulties to answer that.

10:53:52 5 MR CAMMEGH: Well, if I was loose with my language, I  
6 apologise.

7 PRESIDING JUDGE: You meant to say that he was there during  
8 that period of time?

9 MR CAMMEGH: Yes. Yes.

10:54:03 10 PRESIDING JUDGE: I think the witness had agreed with you  
11 on that because he says he was part of the MILOBS team.

12 MR CAMMEGH: Okay.

13 Q. My question was based on -- my question was: Did he  
14 arrive -- what I'm suggesting is, I know you weren't there, it's  
10:54:18 15 difficult for you to answer, I'm simply suggesting that during  
16 the discussion Salahudin arrived. If you can't comment on that  
17 it doesn't matter. Clearly you are aware that he was there at  
18 some point and we can agree on that.

19 PRESIDING JUDGE: You agree with that, Mr Witness?

10:54:33 20 THE WITNESS: I agree, Salahudin was there as part of that  
21 team.

22 MR CAMMEGH:

23 Q. You see, what I'm suggesting is that it was Salahudin who  
24 told Augustine Gbao that the men and the arms had gone to  
10:54:55 25 Port Loko.

26 A. [No audible response]

27 Q. All right. I think it's fair to say that Augustine Gbao  
28 was quite upset at that time; correct?

29 A. Yeah, it was reported to me he was upset.



1 Q. Yes, but is it also right that when Morris Kallon arrived  
2 Augustine Gbao tried to pacify Morris Kallon?  
3 A. Yes, that is the report I got.  
4 Q. And Augustine Gbao certainly did nothing to antagonise  
10:55:45 5 officers of the KENBATT at that point?  
6 A. Well, I cannot comment on that.  
7 Q. But whatever happened thereafter - and I know that the  
8 events that you've testified as to what happened immediately  
9 after Kallon arrived - there is no suggestion, is there, that  
10:56:09 10 Augustine Gbao played any part in any hostage taking at Makump?  
11 A. He was part of the RUF. He's RUF. But as an individual I  
12 cannot comment on that because no report was given to me. He  
13 himself picked somebody else, the other report which was  
14 specified. It's who did this and picked.  
10:56:40 15 Q. Okay. Well, I accept what you say on that. I'm grateful.  
16 Again, you may not be able to comment on this, but were you told  
17 that Augustine Gbao left the scene alone before Morris Kallon and  
18 Kailondo left?  
19 A. I can't comment on that. I don't know.  
10:57:14 20 Q. Just to put my case - and I know you will find this  
21 difficult to comment on - I'm suggesting that Augustine Gbao left  
22 the scene, leaving Kallon, Kailondo and Ismail behind at the DDR  
23 camp at Makump?  
24 A. I don't know.  
10:57:33 25 Q. Okay. I'm sorry that I am clearly asking you questions  
26 that you can't comment on, but for the sake of completeness it's  
27 a task I think I have to do. Were you told that Augustine Gbao  
28 arrived back in Makeni that day and spent the rest of that day  
29 going about his normal business, which included playing checkers



1 in the street, I'm told. Did you hear anything to that effect?

2 A. I didn't hear such an issue.

3 Q. You heard no report suggesting Augustine Gbao was involved  
4 in RUF combatants allegedly hijacking civilian motor vehicles

10:58:19 5 later that day on the road between Makump and Makeni? You heard  
6 nothing to that effect?

7 A. No.

8 Q. Thank you. I know that you've testified in some depth as  
9 to what happened on 2nd May and you've testified as to the  
10:58:44 10 actions of various individuals on that day. Can you confirm,  
11 please, that you never received a report that involved  
12 Augustine Gbao in those events on 2nd May?

13 A. On 2nd May?

14 Q. Yes.

10:59:10 15 A. Of the fighting?

16 Q. Yes.

17 A. No. The fighting at the DDR camp I didn't hear about. The  
18 fighting at Magburaka camp, nobody says they saw Gbao.

19 Q. And the arrival of, I'll use the words "RUF  
10:59:30 20 reinforcements", Gbao's name was not mentioned in connection with  
21 that either, was it?

22 A. The combatants who changed position on the night of 1st and  
23 2nd?

24 Q. Yes.

10:59:47 25 A. No.

26 Q. Thank you. My suggestion is this - and again if you cannot  
27 comment on it, that's your prerogative, of course - but my  
28 suggestion is this: Between the 3rd and 9th May - and I  
29 understand that you've stated that events took place during that



1 period - but can I suggest this, that during that time Augustine  
2 Gbao remained in Makeni?

3 A. I don't know. I was not in control of his -- I was not  
4 aware of his whereabouts, Your Honour.

11:00:27 5 Q. All right. Well, I won't, in that case, suggest what he  
6 was doing in Makeni to you, but can you confirm this, please,  
7 that no report found its way to you that suggested that  
8 Augustine Gbao was personally involved in any of the events that  
9 you've told us about between the 3rd and 9th May?

11:01:08 10 A. I do not understand what you are saying.

11 Q. Did you --

12 MR CAMMEGH: Your Honours, I won't proceed with that  
13 question, I'll rely on the evidence that the brigadier has  
14 already given on that subject.

11:01:40 15 JUDGE THOMPSON: Yes. I was just going to say that perhaps  
16 all these questions, even though the specific questions relating  
17 to specific incidents are clearly permissible, but if they come  
18 very close to putting to the witness questions which may well  
19 touch upon the ultimate question which the tribunal has to  
11:02:02 20 determine, that would be really impermissible as a matter of law.

21 MR CAMMEGH: Indeed.

22 JUDGE THOMPSON: He cannot determine those questions --

23 MR CAMMEGH: I agree.

24 JUDGE THOMPSON: -- of the tribunal.

11:02:13 25 MR CAMMEGH: And, as I just said, I will rely on the  
26 brigadier's testimony in relation to that time frame as already  
27 given. Mr Witness, that's all I have. Thank you very much for  
28 your help.

29 THE WITNESS: Thank you to you too, Your Honour.





1           PRESIDING JUDGE: Thank you, Mr Cammegh. Has the  
2 Prosecution -- do you have any re-examination for this witness?

3           MR BANGURA: No, Your Honour, there will be no  
4 re-examination of the witness.

11:02:43 5           PRESIDING JUDGE: So that concludes the evidence of this  
6 witness?

7           MR BANGURA: Yes, Your Honour.

8           PRESIDING JUDGE: We thank you very much, Brigadier, for  
9 having taken the time to come here to give your evidence and that  
11:02:53 10 completes your stay here as a witness and you may proceed now.  
11 Thank you very much and good luck to you in your career.

12          THE WITNESS: Thank you very much, My Lord.

13          JUDGE ITOE: Congratulations on your promotion.

14          THE WITNESS: Thank you very much, My Lord.

11:03:09 15          MR CAMMEGH: Can I echo those congratulations.

16          THE WITNESS: Thank you very much, My Lord. It has been a  
17 pleasure to appear before the Honourable Court and I am happy to  
18 reappear again if the Court requires me. Thank you very much and  
19 God bless you all.

11:03:28 20          JUDGE ITOE: Thank you.

21                               [The witness withdrew]

22          PRESIDING JUDGE: Mr Prosecutor?

23          MR HARRISON: The next witness would be TF1-168. It will  
24 be the 69th witness called in the trial and the 68th witness for  
11:04:06 25 the Prosecution.

26          PRESIDING JUDGE: TF1-168.

27          MR HARRISON: Yes.

28          PRESIDING JUDGE: So it is a witness that is likely to give  
29 evidence in English, if I trust my notes?



1 MR HARRISON: Yes, that's correct. And this is a witness  
2 for whom the Prosecution asks for a closed session in order to  
3 make an application that the witness's testimony be heard in a  
4 closed session.

11:04:38 5 PRESIDING JUDGE: So, you're making an application now?

6 MR HARRISON: Yes.

7 PRESIDING JUDGE: Can you give some indication to the Court  
8 in the open session as to the duration expected for the  
9 Prosecution, but knowing the way things do evolve, give some  
11:05:02 10 indication so the public would know if the application is granted  
11 what time to expect. So that's basically what I would like to  
12 hear from you, Mr Harrison.

13 MR HARRISON: If the application is granted, we would  
14 expect the examination-in-chief to be completed by 4.30 to 5.00  
11:05:22 15 this afternoon.

16 PRESIDING JUDGE: And is this a witness that has given many  
17 statements?

18 MR HARRISON: He's given two, one of which is 171 pages in  
19 length.

11:05:33 20 PRESIDING JUDGE: So we can safely say if the application  
21 is granted that we are in closed session certainly for the  
22 remainder of the day today and Monday.

23 MR HARRISON: I think that would be fair to say.

24 PRESIDING JUDGE: Very well. We'll go into a closed  
11:05:51 25 session to hear your application at this particular moment.  
26 Thank you.

27 Members of the public, before we go into a closed session,  
28 you've heard my questions and the answers, so we'll hear the  
29 application and we'll determine if we are granting the



1 application or not. This has to be done in closed session, as  
2 you know by now, and if it is granted, we may be in that closed  
3 session until the end of the day on Monday. So thank you very  
4 much for your patience. Thank you.

11:06:24 5 MR TAKU: May it please, Your Honours, we will be applying  
6 for Mr Kallon to use the restroom for a few minutes.

7 PRESIDING JUDGE: Yes. Very well. It's granted.

8 MR JORDASH: Could Mr Sesay use the bathroom too?

9 PRESIDING JUDGE: Yes. Yes, Mr Jordash.

11:08:32 10 MR JORDASH: Can I just request clarification on an issue?  
11 I'd like, if I could, to have my investigator in the public  
12 gallery during the closed session since he is completely aware of  
13 who the witnesses are for obvious reasons.

14 PRESIDING JUDGE: You want that for this particular witness  
11:08:52 15 or as a matter of course for the future.

16 MR JORDASH: As a matter of course. He's not generally in  
17 Freetown because he's out investigating, but he is in Freetown in  
18 the Court at this moment.

19 PRESIDING JUDGE: I thought we had ruled upon that. But  
11:09:07 20 maybe not in the RUF, maybe it's in the CDF. I know we have  
21 ruled about that.

22 MR JORDASH: I haven't seen that, actually.

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1 [Closed session]

2 MS EDMONDS: Court is now in closed session.

3 PRESIDING JUDGE: Yes, thank you. Indeed, as I thought, it  
4 is in the CDF. So we authorised it.

11:09:39 5 MR JORDASH: Thank you.

6 PRESIDING JUDGE: So there was authorisation. The  
7 application was not made in the RUF and therefore we didn't say  
8 so, but given the decision we made in the CDF obviously the same  
9 should be applicable to the RUF once a request is made.

11:09:58 10 MR JORDASH: I'm requesting if that's permissible at this  
11 moment.

12 PRESIDING JUDGE: We see no reason to differentiate between  
13 the two in this respect. But there are conditions and we'll make  
14 sure -- and make sure that you read the decision in the CDF. I  
11:10:17 15 don't have it with me now, but the same conditions that were  
16 applicable to the CDF as to he's got to respect the  
17 confidentiality and so on. But maybe the best way would be to  
18 issue an order for the RUF as well so there is no confusion as to  
19 what the obligations are.

11:10:35 20 MR JORDASH: Grateful, thank you.

21 MR TOURAY: Your Honour, we are in the same position as  
22 well.

23 PRESIDING JUDGE: No, it was not to be limited only to  
24 Mr Jordash. If you apply, that's, as I say, what is good for one  
11:10:48 25 is good for the other.

26 MR TOURAY: Thank you.

27 PRESIDING JUDGE: But we will issue a direction.

28 JUDGE ITOE: Maybe for the records it's good to mention the  
29 name, to give the name of the investigator so that we have him on





1 record.

2 PRESIDING JUDGE: Mr Jordash, as suggested by Justice Itoe,  
3 it would be better to have the exact reference of who the  
4 investigator is because, for example, we will issue the order to  
11:11:14 5 allow investigator Mr A, B and C to be present and so the  
6 security knows and everybody knows about it.

7 MR JORDASH: His name is Denis Conteh.

8 PRESIDING JUDGE: Denis Conteh.

9 MR TOURAY: For the second accused, Samuel Koroma.

11:11:31 10 PRESIDING JUDGE: Thank you. So the decision that we  
11 issued in the CDF, I will just read the order:

12 "Grants the motion and orders that investigators from the  
13 Defence and Prosecution teams may be present in court  
14 during closed session hearings; that investigators who  
11:11:51 15 constitute members of the Defence or Prosecution team  
16 comply with the Trial Chamber's existing and future  
17 decisions on protective measures for victims and witnesses  
18 before this Court; that the senior members of the Defence  
19 and the Prosecution teams ensure that the investigators  
11:12:06 20 that comprise members of their teams and who are present  
21 during closed session hearings do not disclose the identity  
22 of protected witnesses, nor should they disclose the  
23 evidence that constitutes their testimony during such  
24 closed session hearings to any unauthorised person; and  
11:12:24 25 four, that the names, qualifications and professional  
26 details of the investigators of both Defence and  
27 Prosecution teams who shall be present at these closed  
28 sessions be filed with Court Management on the same day  
29 that such investigators are present during a closed session



1           hearing."

2                   So these were the conditions and this is - and I'm  
3       just reading from the order in the CDF - and, as I said, the same  
4       will apply to the RUF, but we will reissue that for the RUF. And  
11:12:48 5       there were two more, that only one investigator for the Defence  
6       team or for each Defence team and the Prosecution team be present  
7       during a closed session hearing and that these orders be carried.  
8       So this is essentially the order that we issued and, as I say, we  
9       will reiterate this order for the RUF.

11:13:09 10           MR JORDASH: Thank you.

11           PRESIDING JUDGE: Yes, Mr O'Shea.

12           MR O'SHEA: Just to indicate to the Chamber that I'll be in  
13       a position to give a name in a few days, but there are  
14       administrative obstacles at the moment.

11:13:21 15           PRESIDING JUDGE: But as you've heard from my reading of  
16       the order, it's not limited to a defence team, it can apply to  
17       defence teams provided you comply with that then it should not be  
18       a problem.

19           MR O'SHEA: If Your Honour wishes me to give a name in open  
11:13:35 20       court I can at a later stage.

21           PRESIDING JUDGE: That's fine. The order, as it reads,  
22       needs not to have the name now but, as you have heard, the Court  
23       Management will have to be informed so they can maintain records  
24       of this.

11:13:47 25           MR O'SHEA: Very well.

26           PRESIDING JUDGE: Thank you.

27           JUDGE ITOE: But I think defence teams can avail themselves  
28       of this decision because what is coming for you is not going to  
29       be different from this one. So it's good to familiarise yourself



1 with it and know what to do.

2 PRESIDING JUDGE: We are in closed session, I'm sorry. So,  
3 Mr Jordash, for the record we will have to repeat that. I had  
4 not appreciated and we had been informed we were in a closed  
11:14:41 5 session, but anyhow, you know the answer, but for greater clarity  
6 of the record, this is not a closed session decision, it's an  
7 open session decision. We may have to repeat that, at least its  
8 essence, in the open session when we get back to the open  
9 session. Thank you.

11:14:55 10 Mr Harrison, this is your application.

11 MR HARRISON: Yes. This is an application for the entirety  
12 of the testimony of TF1-168 to be heard in a closed session.

13 The Prosecution filed a written motion with respect to this  
14 on 29th March and because there's a written document, the Court  
11:15:21 15 may prefer that I simply refer to the contents of the document,  
16 rather than making more expansive statements.

17 The document was filed with respect to two witnesses, the  
18 second one is TF1-041. For the purpose of this oral application  
19 we will not make any submissions with respect to TF1-041. I do  
11:15:48 20 have extra copies of the written motions if it's of help to the  
21 Court and defence counsel which I can distribute right now.

22 PRESIDING JUDGE: It might assist because we don't have a  
23 copy with us at this particular moment.

24 MR HARRISON: Page 2 sets out the applicable law which are  
11:16:38 25 Rules 75 and then 79. Paragraph 6 gives you a brief introduction  
26 to the witness. It advises that TF1-168 is a former RUF G5  
27 commander and a member of the external delegation of the RUF.  
28 The witness was imprisoned by the RUF in 1997 and remained in RUF  
29 prison with four other members of the RUF external delegation



1 until after the Lome agreement was signed. The witness's  
2 evidence is related to the organisation and operations of the RUF  
3 and, in particular, to offences in the Kailahun District in 1998.

4 Paragraphs 8 and 9 refer to a decision of the ICTY, and 9  
11:17:37 5 is one of a previous decision of this Court with respect to  
6 closed session.

7 Paragraph 10 then gives further information about the  
8 witness. TF1-168 has expressed concern for his safety and for  
9 the safety of his family should his identity become known. The  
11:18:03 10 witness became a member of the RUF in the early 1990s and  
11 underwent training in Liberia. He was a senior xxxxxx for  
12 the RUF. Later, the witness went to xxxxxxxx as part of the  
13 RUF xxxxxx along with xxxx others. The witness was  
14 present in xxxxx during the meetings to end the conflict in

11:18:30 15 Sierra Leone. The witness returned to Sierra Leone in xxxxx 19xx  
16 along with xxxx other members of the RUF xxxxxxxx and  
17 was subsequently arrested and imprisoned in Kailahun District.  
18 During his imprisonment by the RUF the witness was moved between  
19 a number of locations. It was alleged that the witness had  
11:18:53 20 committed treason against the RUF and his imprisonment is well  
21 known within the RUF.

22 During his imprisonment the witness was in certain  
23 locations in Kailahun District where he observed certain alleged  
24 crimes taking place during the relevant periods of the amended  
11:19:19 25 consolidated indictment. The witness was imprisoned with xxx  
26 other people from the xxxxxx. The xxxxxx  
27 xxxxx prisoners were imprisoned together and only that small  
28 number of people, xxxxx, were witnesses to the events that will be  
29 the subject of the witness's testimony. The witness has advised





1 the Prosecution that he will only testify before the Trial  
2 Chamber if he is permitted to give his testimony in closed  
3 session.

4 The particular evidence the witness will discuss is related  
11:19:57 5 to killing of a number of persons in Kailahun Town. There has  
6 already been some evidence about a killing of a large number of  
7 people and the witness will give particular evidence about that.  
8 His perspective is being one of the persons in a cell witnessing  
9 individuals being taken out of the cells and then executed.

11:20:35 10 That is the basis of the application. There's only a very  
11 small number of people who would have been in that position to  
12 have witnessed it and because of the witness's well-known role  
13 within the RUF, the breakdown in his relationship with other  
14 members of the RUF, the witness is extremely well-known for his  
11:21:06 15 imprisonment and the locations where he was in prison. It's for  
16 that reason that we ask for the entirety of the witness's  
17 testimony to be in closed session.

18 PRESIDING JUDGE: Thank you. Mr Jordash?

19 MR JORDASH: The application is not opposed. Not opposed.

11:21:34 20 PRESIDING JUDGE: Thank you. Mr Touray?

21 MR TOURAY: Your Honour, we have no objection to the  
22 application.

23 PRESIDING JUDGE: Thank you. Mr O'Shea?

24 MR O'SHEA: Your Honour, I don't oppose the application but  
11:21:47 25 I request that when the witness has completed his testimony that  
26 the transcripts be reviewed and those portions opened up as  
27 appropriate.

28 PRESIDING JUDGE: Thank you very much.

29 [Trial Chamber conferred]



1 JUDGE THOMPSON: This is the ruling of the Chamber on the  
2 application by the Prosecution for a closed session hearing of  
3 the entire testimony of Witness TF1-168.

4 The application is granted for the reasons advanced by the  
11:23:54 5 Prosecution in paragraphs 6, 7 and 10 of its written motion filed  
6 on the 29th day of March 2006. It is further ordered that the  
7 transcript shall be reviewed with the possibility of disclosing  
8 portions of such testimony deemed appropriate for disclosure. A  
9 detailed ruling will be delivered on the said application during  
11:24:30 10 the resumption of the public session of this trial.

11 PRESIDING JUDGE: Thank you, Justice Thompson. Yes,  
12 Mr Harrison. You were looking at the clock.

13 MR HARRISON: I'm ready to start, if the Court wishes,  
14 right now.

11:24:48 15 PRESIDING JUDGE: Maybe we should break at this particular  
16 moment rather than -- because we'll hear the witness for about  
17 two minutes and then have to go in a recess anyhow. I think it's  
18 more appropriate that we take the recess now and come back to  
19 hear the witness afterwards.

11:25:04 20 Mr Jordash, in the meantime, to pursue your application,  
21 please inform your investigator that he should go now and  
22 register it with the Court Management, so there's a record of it.  
23 And then when we resume after the recess he will be allowed to  
24 sit in the gallery if he wants to.

11:25:23 25 MR JORDASH: Thank you.

26 PRESIDING JUDGE: Thank you.

27 [Break taken at 11.25 a.m.]

28 [Upon resuming at 12.00 p.m.]

29 PRESIDING JUDGE: Can the witness be sworn, yes.



1 WITNESS: TF1-168 [Sworn]  
2 PRESIDING JUDGE: Mr Prosecution, your witness.  
3 EXAMINED BY MR HARRISON:  
4 Q. Mr Witness, can you tell the Court how old you are?  
12:01:55 5 A. I'm 48 years old.  
6 Q. What is your level of education?  
7 A. I'm a university graduate.  
8 Q. Can you tell the Court where you were in 1990?  
9 A. In 1990 I was in Liberia. Precisely, in Harbel Firestone,  
12:02:42 10 Margibi County, Lower Margibi County.  
11 JUDGE ITOE: Precisely in?  
12 THE WITNESS: Harbel.  
13 JUDGE ITOE: How do you spell that?  
14 THE WITNESS: H-A-R-B-E-L.  
12:02:59 15 PRESIDING JUDGE: Harbel?  
16 THE WITNESS: Harbel Firestone Plantation.  
17 MR HARRISON:  
18 Q. Did anything happen to you in that year?  
19 A. Yeah.  
12:03:19 20 Q. What happened?  
21 A. The war reached Harbel in the early part of 1990. I'm  
22 talking about the Liberian civil war. So while we were there in  
23 the rebel-held territory, at that time the area was overrun by  
24 the NPFL. So initially we were not disturbed --  
12:04:02 25 JUDGE ITOE: Please, don't go that fast.  
26 THE WITNESS: Okay.  
27 JUDGE THOMPSON: Mr Harrison, you failed to administer the  
28 injunction.  
29 MR HARRISON:



1 Q. If you could just try to remember, witness, that everyone  
2 in the Court is trying to do their best to record everything  
3 that's being said. In addition to that, there's also an  
4 interpretation going on. So if you could try to remember that  
12:04:31 5 throughout your time in court if you were to speak in perhaps two  
6 or maybe three sentences and then pause, and then if you wish to  
7 continue you could continue.

8 Now, I think you'd indicated to the Court some contact or  
9 some role of the NPFL in Harbel.

12:04:53 10 JUDGE ITOE: He has indicated to the Court, at least as far  
11 as I'm aware, the Liberian civil war reached Harbel in early  
12 1990.

13 MR HARRISON:

14 Q. And if could just continue from that, please?

12:05:09 15 A. As I was just saying, initially we, the aliens or  
16 foreigners that were residing in Liberia, were not disturbed by  
17 the war. But then in August 1990, after ECOMOG intervention into  
18 the Liberian civil war, which stopped Charles Taylor and his NPFL  
19 from taking over the executive mansion, thereby assuming power,  
12:06:13 20 the NPFL was not happy about ECOMOG's intervention. So, as such,  
21 there was a pronouncement made over the NPFL-controlled  
22 territories that all citizens residing under their control who  
23 are from countries that initially contributed to the formation of  
24 ECOMOG should be arrested and detained at various detention  
12:07:13 25 centres.

26 Q. Just pause for a moment. Did anything happen to you at  
27 this time?

28 A. Yeah. At that time I was in Harbel and one night we were  
29 arrested -- I was arrested and carried to a detention centre





1 right at the centre of Harbel. There I found other Sierra  
2 Leoneans, that we all were in Harbel and the Firestone environs.  
3 Of course, it was not only Sierra Leoneans. There was also some  
4 Ghanaians that I knew. So I met them in the detention centre  
12:08:53 5 also.

6 Q. What happened next?

7 A. So we were there for quite some time, about two to three  
8 weeks. And then -- in fact, the five contributing countries to  
9 ECOMOG initially were Sierra Leone, Nigeria, Ghana, The Gambia  
12:09:44 10 and Guinea. So we heard pronouncement over the radio before my  
11 arrest that if one NPFL soldier is killed or hurt, they are going  
12 to kill one Sierra Leonean, one Nigerian, one Ghanaian, one  
13 Gambian and one Guinean. So with that mandate, any time the NPFL  
14 fighters go to war, go to the battle front at Monrovia -- at that  
12:10:40 15 time the front line was at Monrovia. Any time they go to  
16 Monrovia to fight and they sustain casualties, they normally come  
17 back to the various detention centres and then revenge on the  
18 detainees, we the detainees. So we were --

19 Q. Just pause for a moment again, sorry.

12:11:36 20 A. Okay.

21 Q. What is the next thing that happened to you?

22 A. So what usually used to happen in the cell, they will come,  
23 open the cell, take us out, and then just pick up some people at  
24 random and then tell the rest to go back inside. And then the  
12:12:06 25 next thing, we don't see those ones again; we don't hear about  
26 them, we don't see them again. Sometimes we hear gunshots  
27 outside indicating that they were shot dead. So, in fact, we  
28 were subjected to psychological torture apart from the mental  
29 torture that was inflicted on us.



1 But fortunately for me, one day we heard a voice. While we  
2 were in the cell we heard a voice in one of our dialects in  
3 Sierra Leone, in Krio. The person asked where -- actually I will  
4 have to say it in Krio. "Den se mi bruda den de ya?" Then the  
12:13:21 5 guards answered, "Whose brothers?" They say, "Den Siraliyonian  
6 den?" They say, "Yes." They said, "Okay. Una opin di prizen  
7 sel. A wan si den." That means they should open the cell for us  
8 to come outside for him to see us.

9 So we were brought out and we saw a man who later  
12:13:59 10 identified himself as Corporal Foday Sankoh. From his talking we  
11 knew he was a Sierra Leonean because he was talking to us in  
12 Krio. So he told us he's our brother and he came to rescue us,  
13 but he knew we were not happy about the state in which we were.  
14 But he's telling us not to blame to the Liberian -- the NPFL  
12:14:36 15 government, but to blame our people here back in Sierra Leone  
16 because they interfered into the Liberian civil war and that has  
17 annoyed the NPFL leadership to revenge on citizens coming from  
18 troops that contributed to ECOMOG in 1990. So that is why we  
19 find ourselves in detention, being subjected to all sorts of  
12:15:21 20 molestations.

21 Q. Just pause for a moment.

22 A. Okay.

23 Q. What is the next thing that happens to you?

24 A. So he told us that he came to rescue us and that if we want  
12:15:46 25 to stay in the jail we can stay, if we want to go along with him  
26 he can take us safely, he can take us to safe haven. So knowing  
27 the state of affairs that we were in during which we could be  
28 killed at any moment, so we beg him to take us to the safe haven.  
29 In fact, he identified himself as one of the special forces in



1 the NPFL. And he was -- he told us he was advisor to  
2 President Taylor on national and international affairs.

3 Q. What do you do next?

4 A. So with that sort of profile he had within the NPFL, we the  
12:17:25 5 Sierra Leoneans believed that in fact we were safe around him;  
6 that anywhere he carried us, we would not be disturbed any  
7 longer. So we agreed to go with him. But then we asked a  
8 question. We wanted to know where exactly he was carrying us.

9 He answered that if you are going to a society, to join a  
12:18:03 10 society, they will never disclose to you where the society bush  
11 is until you get there. So at that moment he cannot tell us  
12 where we were going, but when we get there we ourselves will  
13 know. So he took us along. Our group from Harbel, we were 18 in  
14 number. We travelled that evening and part of the night and then  
12:18:52 15 we landed -- we reached to a training camp, to a camp, a military  
16 camp, which we got to know later they call Camp Naama. N-A-M-A  
17 [sic].

18 Q. Just pause there a moment. What happened next?

19 A. Camp Naama is located between Gbarnga and Voinjama. But  
12:19:48 20 not too far from Gbarnga. It's in the Bong County of Liberia.  
21 So by morning we learnt that in fact we had entered the training  
22 base, that it was a training base for Sierra Leoneans and that we  
23 too have to join the recruits we met on the base for training.  
24 So that was how I joined into the training group. We trained for  
12:20:47 25 about three months, from end of September -- because we went to  
26 the base by the end of September. We were there. By mid  
27 December we have finished the training.

28 JUDGE ITOE: September of what year? 1990? September of  
29 what year?



1 THE WITNESS: 1990.

2 JUDGE ITOE: 1990.

3 THE WITNESS: ECOMOG came to Liberia in August 1990. I was  
4 arrested in September. By September ending, that was the time  
12:21:36 5 that Corporal Sankoh met us and then he took us to the training  
6 base. So by December ending our own training was over. But  
7 intermittently he used to bring people from other parts of the  
8 controlled areas -- of the NPFL-controlled areas.

9 Q. If you can just pause for a moment. When you say that he  
12:22:09 10 brought people, who are you talking about?

11 A. Sierra Leoneans. I'm talking about Sierra Leoneans that we  
12 were bringing to the base for recruitment.

13 Q. And who brought them?

14 A. Corporal Sankoh himself.

12:22:28 15 Q. Did you complete the training?

16 A. Yeah. We were told that by mid December our own training  
17 was over, but that other people -- as I was saying, they used to  
18 bring other people from time to time. So we were there waiting  
19 for other people to complete their own training also.

12:23:02 20 Q. What happened after the training was completed?

21 A. The training was completed in March 1991 and then after  
22 that the war was launched into Sierra Leone. The war was  
23 launched on two fronts. Towards Kailahun District bordering Lofa  
24 County in Liberia and then the other front was at the Mano River  
12:23:39 25 Bridge, that is Pujehun District, bordering Grand Cape Mount  
26 County in Liberia.

27 MR JORDASH: Sorry, I just missed that name.

28 MR HARRISON:

29 Q. Mr Witness, I think I heard you say Grand Cape Mount.





1 A. Mount County, C-O-U-N-T-Y.

2 PRESIDING JUDGE: That's in Liberia.

3 THE WITNESS: In Liberia, yeah. What we call districts  
4 here, they say county.

12:24:33 5 MR HARRISON:

6 Q. Please continue.

7 A. So I happened to be on the Pujehun District side. We went  
8 as far as Zimmi, Potoru and then I stopped at Pujehun Town. All  
9 those areas were under our control. But at that time our  
12:25:05 10 commanders were purely Liberians. Though we Sierra Leoneans were  
11 recruited, but being that we never experienced the actual  
12 fighting itself so Corporal Sankoh brought a lot of old fighters  
13 from the NPFL to our training base and it was these people along  
14 with other NPFL commandos, both at Lofa and Cape Mount counties,  
12:25:52 15 that opened the war in Sierra Leone.

16 So initially when they captured territories and go ahead,  
17 we come as a back-up to take care of the liberated zone. So that  
18 was how I got to this area that I have just called, Zimmi, Potoru  
19 and Pujehun. At that time the front line was way in front along  
12:26:24 20 Bandajuma Sowa.

21 Q. At this point in time what function did you have?

22 A. I was the XXXXXXXX. TheXXXX stands for XXXXX.  
23 At the base we were told of these G functions. We had G1, G2,  
24 G3, G4 and G5. G1 was responsible for recruiting and training.  
12:27:24 25 G2, responsible for military combat and counter-intelligence.  
26 G3, in charge of general administration. G4, in charge of  
27 materials and supplies. And then G5 in charge of civilian  
28 matters. So I was head of the XXX right from the XXXXXXXX.

29 Q. Do you know where the XXXX system came from?



1 A. Well, all I know, we were trained by Liberian instructors.  
2 So they told us about this XXXsystem, that it was a carbon copy  
3 from the NPFL. It was the same system the NPFL was using.  
4 Q. Do you remember any of the other people that were at Camp  
12:29:40 5 Naama at the same time as you?  
6 A. Like who? You mean, instructors or recruits?  
7 Q. Do you remember any of the recruits?  
8 A. Yeah. I remember a lot of them.  
9 Q. Can you please try to tell the Court who you remember?  
12:30:03 10 A. Yeah. By the time we went to the base, we were taken to  
11 the base, we met some brothers there -- Sierra Leonean brothers  
12 there already. Some are dead now. Some died during the war.  
13 Some are alive. Like I met Mr Issa Sesay on the base. They were  
14 already there by the time we got there. Mr Kallon, Morris  
12:30:43 15 Kallon, he met me there. They came after us. Mr Augustine Gbao,  
16 he too was brought there after me -- after our group from XXXXX.  
17 And then a lot of other people. Some of them are in this  
18 country.  
19 Q. I'm now going to try to move you forward in time fairly  
12:31:35 20 quickly. Firstly, can you tell the Court where you were in 1992?  
21 A. While we were in XXXXXXXX we start losing grounds at the  
22 battle front. So we had to retreat all the way to the Liberian  
23 border, that was to the Mano River Bridge, and even cross back  
24 into Liberia. So I was residing in XXXXXXXX in XXXXX County.  
12:32:20 25 The town they call XXXX is -- so in 1992 we -- at that time while  
26 we were on the Pujehun side, it took over a year, we could not  
27 see Pa Sankoh. So we used to hear all sort of rumours that in  
28 fact he was dead. That in fact he was arrested by Charles Taylor  
29 for slowing the war and other -- there are all other schools of



1 thought and there was no communication between we and him because  
2 we learnt he was on the Kailahun District side by then. So after  
3 the mass retreat we decided to send people to meet him for us to  
4 know what exactly was going on in the war.

12:33:34 5 So the opportunity came in April when we heard over the  
6 radio that the junta had taken over this country from the APC.  
7 That was the NPRC. So at that timeXXX was one of the two people  
8 nominated to go to XXXXXXX in order to get in contact with XXXX  
9 XXXXX so thatXXXX would air XXXX grievances to him and then for us  
12:34:23 10 to know what exactly was going on. The other nominee was one

11 XXXXXX, XXXXXXX by profession. XXXXXXX travelled from  
12 XXXXX to XXXXXXX. Fortunately, he had reached Gbarnga --

13 JUDGE ITOE: The name of the doctor again, please.

14 THE WITNESS: XXXXXXXXXX.

12:35:00 15 MR HARRISON:

16 Q. Perhaps could you spell it for the Court?

17 A. XXXXXXXXXX. He was a civilian. So,  
18 fortunately XXXXX, upon our arrival in XXXXXX XXXXX met XXXXXX  
19 at his home and he had just arrived there the day before from  
12:35:44 20 Kailahun too. So he received XXXX well, XXX talked,XXXXX discussed  
21 and then XXXX expressed our concerns to him and the concerns of the  
22 combatants that were on the Pujehun District side. So he told XXXX  
23 that he came to Gbarnga because of the new development that came  
24 on. That is the coup, the announcement of the coup.

12:36:36 25 So XXXX were there at the house and then he went and talk  
26 over BBC and extended an olive branch to the junta so that they  
27 will arrange for a meeting place for them to sit down and talk.  
28 He made it clear that he had no intention to fight them, that all  
29 what he was fighting was against the rotten system the APC was



1 using here. So being that they have overthrown the APC, it means  
2 they're working for the same goal.

3 [RUF31MAR06C - RK]

4 So they need not fight each other any longer, but they have  
12:37:38 5 to sit down and talk. The olive branch was broadcast over BBC.

6 So while waiting for the response, the junta started attacking  
7 our positions. They never responded yes or no. But then later,  
8 in fact, he told the combatants to just maintain their positions,  
9 not to fight to advance any longer. But when this sudden attack

12:38:34 10 came from the government troops, Corporal Sankoh also ordered his  
11 men, his fighting force to fight, saying that in fact the junta  
12 are not serious. It appears that they don't want to talk with  
13 the RUF. This is why we are fighting. So if they are ready to  
14 fight, we too should fight them. So that was how the fighting  
12:39:05 15 continued.

16 Q. Tell the Court what next happens to you?

17 A. At that time I was in XXXXX, but we used to communicate  
18 with Pa Sankoh and our other brothers in Kailahun District  
19 through radio communication, this mobile radio. So we used to  
12:39:48 20 know what was exactly happening inside Kailahun District. So  
21 XXXXXX sent for me, too, to get to XXXXXXX, which I did.

22 Q. When you say "Kailahun" are you referring to the town or  
23 the district?

24 A. No, Kailahun District. By then he was centred -- he had  
12:40:22 25 his headquarter at Pendembu, Pendembu Town.

26 Q. Where did you go?

27 A. We came to XXXX in a vehicle. So when we came there  
28 that night, we reached there at about three, four in the morning  
29 hours, 4 a.m. By six, 6.30, while we got up to go and greet him,





1 he order XXXXXXXX to XXXXXXXX of my clothes  
2 and beat me, and then later he said they should take me to the MP  
3 to be detained there. At that time I could not really imagine  
4 what I have done because I got in by four and then we slept.  
12:41:33 5 Early in the morning I saw people beating me and taken to the MP  
6 to be detained. So even the MPs were confused what had happened.  
7 Later on he came to the MP station, to the MP office and he gave  
8 my charge. My charge was insubordination to the CIC, CIC meaning  
9 commander-in-chief. So there he explained to people that I wrote  
12:42:14 10 a letter to him from xxxxx, which the contents did not go down  
11 well with him. So to him, he regarded it as insubordination.  
12 But since we were in Liberia, he could not handle me there until  
13 I get on our soil. So that was why he detained me. He disgraced  
14 me and detained me.  
12:42:48 15 Q. Just pause for a moment, please.  
16 A. Yeah.  
17 Q. How long were you in XXXXXXXX?  
18 A. For about two XXXXXXXX. I just want to explain about the  
19 contents of that letter. Maybe if it will --  
12:43:15 20 Q. Yes, I'm not going to ask about that, Mr Witness.  
21 A. Okay.  
22 Q. Did anything happen to you in 1994?  
23 A. Yeah. Between 1992 after my release and 1994 the war was  
24 not really going on as we all expected. It was a sort of zigzag  
12:43:50 25 battle. At one moment the RUF will advance, capture certain  
26 area, occupy there for some time. Then after a few months, the  
27 government troop will reinforce, they come again and capture that  
28 area from the RUF. So the war was not going forward or backward.  
29 It was just a zigzag. So at that time some of us deemed it



1 necessary to talk with him that you told us that this thing was  
2 going to be a smooth ride, that the people of Sierra Leone were  
3 ready to welcome you. But as it is now, things are not going as  
4 expected. And often and again you are facing shortage of  
12:44:39 5 fighting materials. Each time one area is being captured by one  
6 of these fighting forces it is the civilians that suffer most.  
7 So we say in order to avoid the situation let's find a way out.  
8 And the way out we suggested to him was to send a delegation  
9 outside Sierra Leone to meet with some of our brothers in the  
12:45:19 10 diaspora who we know could influence the Government of Sierra  
11 Leone for us to sit down and talk. Then also for us to meet  
12 members of the international community so that they too could  
13 intervene to find a peaceful resolution to the Sierra Leone  
14 conflict.

12:45:47 15 Q. Just pause for a moment. Did anything happen with regard  
16 to an external delegation?

17 A. Yeah. It took us two years plus just trying to convince  
18 him. Initially we talked to him, he could not buy the idea. But  
19 by 1994, December, it was he himself who talked to us over radio.

12:46:30 20 By then we were in Kailahun District; he had moved his  
21 headquarters to Zogoda. So we were no longer together. But he  
22 made a radio call that he wanted to talk with us, and that was  
23 the time he informed us that he has at that time agreed to send  
24 the delegation out. Which we referred to as the external  
12:47:04 25 delegation. He named the people that were to go and XXXXXX left on  
26 XXXX XXXXXXXX 19XX. XXXXXX among members of the external  
27 delegation.

28 Q. Can you say the names of the other members?

29 A. Yeah, Mr XXXXXXXX. In fact, he was head of XXXXX



1 external delegation. And then XXXXXXXX. He is a  
2 XXXXXXXX in Kono. He is presently in Kono. Mr XXXXXX  
3 XXXXXXXX is in Freetown here. And then XXXXXXXX, he used  
4 to be a businessman at XXXX before the war. And then Mrs XXXXXXXX  
12:48:23 5 XXXXXX. She had a husband, Mr XXXXXXXX. Mr XXXXXXXX too  
6 and his wife, XXXXXXXX. Later other members joined  
7 us, but the initial delegation, XXXX that first went out, these are  
8 the names I have called. Other people too joined XXXXXX.  
9 Q. Where did the external delegation go?  
12:49:13 10 A. XXXXXcrossed into Guinea and travelled into XXXXXX,  
11 XXXXXXXX. XXXX settled in XXXXX. XXXX is the provincial --  
12 it is the district headquarter -- one of the district  
13 headquarters in XXXXXXXX bordering Liberia and Guinea. XXXXX  
14 went and opened our base there, XXXX the external delegates.  
12:49:50 15 Q. Where were you in February 19XX?  
16 A. February 19XX, I was XXXXXXXX.  
17 Q. Did anything happen at that time?  
18 A. Yeah. February 19XX, this was after XX have signed the  
19 Abidjan Peace Accord in Abidjan. So one of the provisions in the  
12:50:36 20 Accord was the establishment of the CCP that is the Commission  
21 for the Consolidation of Peace in Sierra Leone which consisted of  
22 eight members; four from the government of Sierra Leone side and  
23 then four from the RUF. But the CCP was to reside in Freetown  
24 here to work for the consolidation of peace but to hold  
12:51:12 25 consultations with the two leaders, that is, President Kabbah and  
26 Corporal Sankoh on issues that they would want clarifications or  
27 issues that they would want to propose to them. So in February  
28 1997 the CCP -- I was in XXXX by then, but the CCP residing  
29 here in Freetown sent a message to Corporal Sankoh that they



1 would want to meet with him. He agreed and then they went, all  
2 eight members. By then the CCP was headed by Desmond Luke. The  
3 deputy was from our side, Mr Fayia Musa. But when they reached  
4 to Abidjan, from the airport they called him again that they had  
12:52:30 5 reached and that they were heading to his home at Cocody. At  
6 that time he answered them that he was not prepared to meet with  
7 anyone. That if anybody want to talk with him to see him, they  
8 should wait until he get back into the RUF-controlled territory,  
9 then they could meet him there and not outside RUF-controlled  
12:53:00 10 territory. So these people took it -- they didn't think it was  
11 something serious, so they went to the Ivorian Foreign Ministry.  
12 They met the Foreign Minister, the then Foreign Minister,  
13 Mr Amara Essy, who later became head of the AU at one time,  
14 African Union. He was 1996/1997 Ivorian Foreign Minister. So  
12:53:37 15 they went and reported to him.

16 PRESIDING JUDGE: When you say "they went," you're talk of  
17 the CCP, that delegation?

18 THE WITNESS: Yeah, members of the CCP. They reported to  
19 Mr Amara Essy. Then he led them to the premises of  
12:54:00 20 Corporal Sankoh. Corporal Sankoh talked with Foreign Minister  
21 Essy and told him that he was not prepared to talk to his brother  
22 Sierra Leoneans, be it RUF members or from the government side.  
23 Even upon persistent pleas he did not back down, so the members  
24 could not meet with him. So they retreated to their hotel rooms  
12:54:45 25 hoping that time will persuade Corporal Sankoh to change his  
26 mind. So while they were waiting in Abidjan, we heard that over  
27 the air, that Corporal Sankoh was arrested in Nigeria, at the  
28 Nigerian airport, Murtala Mohammed Airport. It was astonishing  
29 to us in the sense not only the CCP members, but even we who





1 remained with him as XXXXXXX, they didn't know the  
2 time and hour or even about his plan to go to Nigeria.

3 Q. You say that Sankoh went to Nigeria. Do you know if anyone  
4 else went?

12:55:49 5 A. Yeah. Gibril went with him. Gibril Massaquoi, they left,  
6 Steve Bio.

7 Q. Who was Steve Bio? Perhaps you could spell Bio for the  
8 Court?

9 A. B-I-O.

12:56:14 10 Q. Who was Steve Bio?

11 A. Steve Bio is a first cousin to one-time junta leader Julius  
12 Maada Bio. But he was a very influential businessman in this  
13 country. Then he studied in Russia. So he used to speak a lot  
14 of other languages so because of his brother being head of the  
12:56:57 15 junta in 1996, he had a lot of influence in the military. In  
16 fact, he used to own a helicopter, which he himself could  
17 operate. While we were in XXXXX we heard of an attempted coup  
18 in Sierra Leone in 1996, December and we heard the name of the  
19 Steve Bio being the pioneer of that coup. But then he escaped  
12:57:39 20 from this country, went straight to Abidjan and then he teamed up  
21 with Corporal Sankoh in order to work together to fight the then  
22 SLPP government.

23 So as we were made to understand, it was Steve and Corporal  
24 Sankoh who sat down and discussed about finding materials, arms  
12:58:22 25 and ammunition to come and fight again even after the signing of  
26 the Abidjan Peace Accord on November 30, 1996. So Steve told him  
27 that he has a lot of contact in Russia and then he had a business  
28 partner in Nigeria who he could contact for assistance for them  
29 to accomplish their aims. So Steve travelled ahead of Pa Sankoh



1 to make the initial arrangements for these materials. Steve  
2 travelled along with Gibril in the first instance but then from  
3 what we learned later, the financier told Steve that he wanted  
4 them to sign a document and since Corporal Sankoh was the head of  
12:59:29 5 the RUF he himself had to be present to sign that document  
6 because it is a national issue for tomorrow. So that was how he  
7 travelled, he was called upon to travel to Nigeria.

8 Q. Just pause for a moment.

9 A. Yeah.

12:59:52 10 MR HARRISON: If the Court wishes, this is a convenient  
11 time.

12 PRESIDING JUDGE: Yes, we will.

13 JUDGE ITOE: There is too much of history whose relevance I  
14 still have to appreciate that is taking most of this evidence.

13:00:08 15 Anyway I suppose you are driving to somewhere.

16 PRESIDING JUDGE: The Court is adjourned until 2.30. Thank  
17 you.

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

19 [RUF31MAR06D - RK]

14:34:18 20 [Upon resuming at 2.50 p.m.]

21 PRESIDING JUDGE: Mr Prosecutor, you may resume your  
22 examination-in-chief of this witness.

23 MR HARRISON:

24 Q. Witness, we will proceed from where we left off before  
14:50:41 25 lunch. You had explained about Foday Sankoh going to Nigeria.  
26 Now, do you know if the external delegation went anywhere after  
27 Sankoh's arrest?

28 A. Yeah.

29 Q. Where did the external delegation go?



1 A. The external delegation, after Sankoh's arrest, left Ivory  
2 Coast to meet with the top hierarchy of the RUF in Sierra Leone,  
3 but the meeting was to be held at Nongoa in Guinea at the  
4 borderline to Koindu. XXXXX was part of that delegation that went.

14:51:46 5 PRESIDING JUDGE: And it was near Koidu?

6 THE WITNESS: Koindu, K-O-I-N-D-U.

7 PRESIDING JUDGE: Thank you.

8 Q. Did you go to XXXXXX?

9 A. Yes, sir.

14:52:06 10 Q. What happened?

11 A. Before going to XXXXX XXXX went to Conakry first. XXXX met  
12 President Conte and explained XXXXX mission that after Sankoh's  
13 arrest the international community and the Ivorian government  
14 summoned us to a meeting at the foreign ministry in Abidjan and  
14:52:29 15 told us that now that Sankoh is arrested, he will not be released  
16 in Nigeria until the peace process gets back on track. So it was  
17 our responsibility to get back to our brothers and sisters within  
18 RUF-controlled territories to talk to them.

19 Q. Let me just pause you there.

14:52:53 20 A. Yeah.

21 Q. Did you go to XXXXXXXX?

22 A. XXXXXXXXXX.

23 Q. What happened at XXXXXX.

24 A. At XXXXXXXX, the meeting was to be held there but the RUF  
14:53:09 25 leadership inside Sierra Leone refused to cross to XXXXXX for XXXXXX  
26 to hold a meeting. So, as a result, we had to cross from XXXXXXXX  
27 to get into RUF territory at the Waterside across the Moa River.  
28 So we had a meeting with them, explaining to them that Sankoh,  
29 it's true he has been arrested and that they have to come up with



1 somebody else as the new leader who will work towards the  
2 implementation of the Abidjan Peace Accord. So while the meeting  
3 was going on, Mr Issa Sesay was the first to fire a shot in the  
4 air. And then Sam Bockarie and others, they too fired their  
14:54:08 5 shots and we just saw people rushing at us. Some people were  
6 even frightened, the refugees that crossed along with us. They  
7 started running helter-skelter to get back to Nongoa. During  
8 that process, to what we learnt later, 28 got drowned in the  
9 water while crossing. But the XXXXX of us that were XXXXX  
14:54:40 10 XXXXXX none of us attempted to cross because XXXXXXXX  
11 XXXXXXXX.  
12 Q. Just pause for a moment. You talk XXXXXXXXXX  
13 XXXXXXXX. Are you able to say the names of those people?  
14 A. It was XXXXXXXXXXXXXXXX,  
14:55:15 15 XXXXXXXXXXXXXXXX and XXXXXXXXXXXXXXXX [phon]. Of course we were  
16 accompanied by the then Sierra Leone ambassador to Guinea,  
17 Mr Mohamed Jabbi, he too crossed to us. And all six of XXXXXXX  
18 XXXXXXX and taken to XXXXXXX through XXXXXXX.  
19 PRESIDING JUDGE: When you say "six of us," maybe I'm  
14:55:48 20 missing one but --  
21 THE WITNESS: Yeah, the Sierra Leone ambassador to Guinea  
22 at that time.  
23 PRESIDING JUDGE: Mohamed Jabbi.  
24 THE WITNESS: Yeah, he accompanied us.  
14:55:59 25 PRESIDING JUDGE: But you say there was yourself XXXXXXX  
26 XXXXXXXXXXXXXXXXXXXX.  
27 THE WITNESS: Yes and XXXXXXXX.  
28 PRESIDING JUDGE: XXXXXXXX, sorry. Thank you.  
29 MR HARRISON:





1 Q. Can you say what day it was that you were arrested?

2 A. It was XXXX 19XX.

3 Q. You said you were taken to XXXXXX. Did anything happen in  
4 Buedu?

14:56:35 5 A. Yeah. In XXXXXX, of course we went through torture but,  
6 notwithstanding, the following day they had a XXXXXXX in  
7 which we were XXXXXXX. Our charge was we had betrayed  
8 the movement and had sold Corporal Sankoh, who is the leader of  
9 the RUF, to the international community. So that was tantamount

14:57:18 10 toXXXXX. So XXXXXXX before the XXXXXX and they

11 XXXXXXXX. So XXXXXXXXXXXX. But

12 then the matter XXXXXXX to XXXXXX for final verdict

13 and from our understanding he told them to wait until he comes.

14 When he comes, then whatever they want to do, they can do. But

14:58:01 15 until he comes, they should make sure that our lives were spared.

16 Q. Just pause for a moment. After the people's court did you  
17 remain in XXXXXX?

18 A. We were in XXXXXX for some time. Then they used to move us  
19 from one location to another. We went to several locations

14:58:40 20 including XXXXX, which was the training base at that time in

21 19XX. Then from there they brought us back to XXXXXXX. That was

22 after the AFRC coup they brought us back to XXXXXXX. From XXXXXXX,

23 in XXXXXXXXXXX we were moved to XXXXXX. In early XXXXXXXXXXX.

24 Q. Okay. When you say "early December," just to make the  
14:59:19 25 record clear, what year are you talking about?

26 A. This was 19XX.

27 Q. Did anything happen in XXXXXX Town?

28 A. Yeah, first we were in a particular location in XXXXXXX

29 right near at the centre of the town. But then later, after



1 Christmas, they moved us to the -- where you have the police  
2 station now located, because it was more conducive for  
3 XXXXXXX -- to keep XXXXXXX. So we were moved there. We were  
4 XXXXXX in our own XXXXXXX, the XXXXXXX of us who were XXXXXXX,  
15:00:19 5 but then when we moved to XXXXXXX, we met -- there were already  
6 some other XXXXXXX in the XXXXX, totalling XXX.  
7 Q. Just pause for a moment. Do you know anything about those  
8 other XXX?  
9 A. Yeah, we talked with the XXXXX themselves because we  
15:00:59 10 were all in the same place. They say some of them were -- they  
11 referred to them as XXXXXX. Meaning they had a Kamajor  
12 mark on them. A certain mark which they regarded as Kamajor  
13 marks on their body, so they suspected them to be Kamajors.  
14 Others, they said they were collaborators in the sense they used  
15:01:28 15 to carry loads for Kamajors from one point to another. So they  
16 say they aided Kamajors, so they called them Kamajor suspects.  
17 Q. Do you know the ages or can you approximate the ages of  
18 these Kamajor suspects?  
19 A. Among the XXXX there were no children among them and no  
15:02:12 20 women. They were all young men and old age people. The youngest  
21 I could say was around 18. Then the oldest might have been over  
22 60 years.  
23 Q. Tell the Court what you remember happening next?  
24 A. So at the time we were moved to the XXXXX. These  
15:03:04 25 Kamajor suspects and collaborators were also divided into groups,  
26 put in different XXXXXX. It was a long building. We were  
27 occupying one of the rooms which I'm calling XXXXXX. Then there  
28 were some on our left side, some of the rooms on our left, some  
29 on our right, but we were in the same long building. So we were



1 all occupying there. We used to prepare our own food in the  
2 afternoon. Even in the morning, most of the time the fighters  
3 could come and take some of these Kamajor suspects and  
4 collaborators to go and work for them, either in their homes or  
15:03:57 5 on their farms. They used to give them the impression that it  
6 was just a matter of time they could be released, because they  
7 could not find any evidence to link them with the accusation they  
8 levied on them. Of course, as for we, we were never sent out of  
9 that building.

15:04:30 10 So one day, it was on February X, 19XX we even listen --  
11 after we were listening to BBC Focus on Africa programme, 3.00 -  
12 3.05, because we had a radio with us which General Sam Bockarie  
13 gave to we, the XXXXXXX, so that we would be following  
14 developments and see the progress they are making after we had  
15:05:17 15 XXXXXXX them. So just after the Focus on Africa programme, a  
16 group of XXXX came to the MP building and then they ordered  
17 everybody to go in. By then we were cooking right outside the MP  
18 building, every one of us, so the XX was open. We were all  
19 catering for food, but then they instructed that the CDF has  
15:05:56 20 come.

21 Q. The who has come?

22 A. The CDF, chief of defence force.

23 Q. Who was that?

24 A. General Sam Bockarie.

15:06:07 25 Q. Who was it who explained that?

26 A. The -- how to call it? The MPs who came from the direction  
27 of the town, but they were led by the district MP commander.  
28 They call him John Duawo. He had his team of MPs.

29 Q. By chance, do you know how to spell do you Duawo?



1 A. D-U-A-W-O.

2 Q. What happened next?

3 A. So they put everybody under XXXXXX and XXXX in XXX

4 XXXX. So after some time he ordered that ten prisoners from

15:07:09 5 among the Kamajor suspects --

6 JUDGE ITOE: Who ordered?

7 THE WITNESS: John Duawo. He said that the CDF, that is

8 General Sam Bockarie, wanted to see ten of the prisoners. So

9 they took ten of them out and they went along with him. As we

15:07:51 10 learnt, he and his senior officers were at the roundabout right

11 at the centre of Kailahun Town.

12 Q. Again, you've said he and his senior officers. Who was the

13 "he" you were referring to this time?

14 A. The CDF, General Sam Bockarie.

15:08:05 15 Q. Please continue.

16 A. So they were waiting at the roundabout at the centre of the

17 town. So these ten people went to meet them. It was not too

18 long we heard sporadic gunshots. We presumed that in fact these

19 people were executed. Then there was panic all over in the

15:08:43 20 various XXXXXX.

21 PRESIDING JUDGE: In the various XXXXX?

22 THE WITNESS: XXXXX, in the various detention rooms.

23 MR HARRISON:

24 Q. Of these ten people, do you know the names of any of them?

15:09:05 25 A. No. The only person I could remember was the SLA soldier

26 that was captured along with these Kamajors. They call him

27 Charles Kaiyoko. He was among the ten. In fact it was

28 John Duawo who, after his MPs had provided ten people. He called

29 Charles. He said, "Come and join the group. They should return





1 one of the XXXXXX. Let Charles go along with them to make  
2 ten." It is only XXXXXX I could remember his name very well.  
3 He was the only SLA soldier among these Kamajor suspects and  
4 collaborators.

15:09:55 5 JUDGE ITOE: Charles who?

6 THE WITNESS: XXXXXX

7 MR HARRISON:

8 Q. Do you know why XXXXX had been put in the XXXX?

9 A. Yeah. As the story goes, by the time we were brought to  
15:10:18 10 XXXXXX, we met Charles in the XXXXX with these collaborators and  
11 suspects - Kamajor collaborators and suspects. We talk with  
12 Charles, we talk with the collaborators for the length of period  
13 we're all together and they all gave us similar stories that, in  
14 fact, it was Charles who put them in that trouble. They say  
15:10:50 15 Charles left from Daru end and was coming towards Kailahun.

16 So when he reached a town seven miles to Kailahun they call  
17 Giema in the Luawa Chiefdom. Then, as the story goes, he was  
18 arrested by MP officials at the gate. They used to make a gate  
19 so that anybody without valid pass, they would have to question  
15:11:28 20 you. So they brought Charles to Kailahun, that in fact he's an  
21 SLA soldier who is travelling RUF-controlled territory without  
22 any pass. As the story goes, they say Charles confessed that the  
23 Kamajors are coming to attack RUF positions.

24 By that time the AFRC government was in place, so no  
15:12:08 25 fighting was going on to that end. When General Sam Bockarie  
26 left Kailahun to go to Freetown, he passed through Daru --  
27 Pendembu, Daru, Segbwema, which were under Sierra Leone  
28 government soldiers' control, and each major town he passed  
29 through, he used to talk to the civilians. He would call upon



1 its civilians, talk to them that the war is now over, that  
2 everybody should return to their respective areas that they used  
3 to be so that they would put their bit and pieces together and  
4 start new life.

15:13:07 5 Q. Let me just stop you there. You've talked about ten people  
6 being taken out and you hearing gunshots. What do you remember  
7 happening next?

8 A. After the gunshots the MPs came back. This time they  
9 demanded people -- they opened the cells and were forcing people  
15:13:36 10 outside against their wish. So we heard -- I heard crying.

11 These suspects and collaborators, they were crying. They used to  
12 take them out, either four or five, and then instead of going  
13 this time to the roundabout, it was right near the building that  
14 they were executing them. That process followed until there was  
15:14:10 15 a time when somebody asked how many remain. Then they said just  
16 five.

17 Q. Let me just stop you again.

18 A. Yeah.

19 Q. Can you tell the Court what it is that you see happen?

15:14:43 20 A. Yes. From our prison cell, our prison cell, the building  
21 itself is a police station which was meant to be used as offices,  
22 but since they detained us in these rooms, that is why I am  
23 calling it cells. So if you stand at the window of each room and  
24 you can see clearly what is happening outside. I, for one,  
15:15:19 25 although I didn't know my fate at that time, but I was strong and  
26 brave enough to stand at the window and I saw the MPs moving  
27 these Kamajor suspects and collaborators. Even from the ten  
28 people, the first ten that they carried to the roundabout, I saw  
29 them taking them away. So after that, they came now. They were



1 taking them either in fours or fives.

2 Q. Just pause for a moment. When you say they were come and  
3 taking them, can you recall any of the names of the people who  
4 were coming and taking them?

15:16:09 5 A. I cannot quite remember, but all what I know, in the first  
6 place, the MPs, they were assigned to Kailahun. They were the  
7 ones guiding every one of us in detention at the police station,  
8 the prison cells. So it was these MPs that instruction was  
9 passed through them from the CDF through the overall MP commander  
15:16:40 10 to the district MP commander and then to these MPs.

11 Q. Okay, just pause for a moment. Can you put names to those  
12 positions, the people who held those positions?

13 A. Yes. As I said before, the CDF was General Sam Bockarie.  
14 Then the overall MP commander was Colonel Augustine Gbao. Then  
15:17:09 15 the district MP commander was Major John Duawo. Then they had  
16 their team, the MPs under their command.

17 Q. What is that you saw or heard happen?

18 A. Well, at the time that John Duawo came he said CO has some  
19 and he has told CO Mosquito, who is General Sam Bockarie, has  
15:17:47 20 come from Buedu with his senior officers and he has told CO  
21 Augustine for us to get 10 men to him at the roundabout.

22 Q. You've just said CO Augustine. Who are you talking about?

23 A. Augustine Gbao.

24 Q. Please continue.

15:18:07 25 A. So that was first instance I was seeing Gbao. I did not  
26 see him on the site. But John Duawo, I saw him, and he came with  
27 a message that it was Augustine Gbao that passed the message to  
28 him through CDF, that is General Sam Bockarie. So after that the  
29 other detainees that they were taking out, they didn't take them



1 to -- the MP boys did not take them again to the roundabout.  
2 Instead I saw them shooting at them right just by the MP -- by  
3 the police building where we were in detention and then they send  
4 a lot of their bodies -- there is a valley, some form of valley,  
15:19:15 5 near that building. So there they were pushing their bodies.  
6 Some of the bodies remained on the ground very close to the  
7 building. So that in fact this thing happened after 3.30. They  
8 carried on this process until it was after 5.00. But we who were  
9 on special XXXXXXXX, were not affected. So we remained  
15:19:55 10 XXXXX in our XXXX until all these prisoners were executed.  
11 Just as I was saying, at one point they asked whether the number  
12 was finished in the cell, how many of them remained in the cell.  
13 They just asked how many more in the cell, then one MP boy said,  
14 "Now only five remain." Then they said, "Okay, bring all the  
15:20:27 15 five outside." So at that point in fact we thought they were  
16 referring to us, because we were XXXXXXXX in our own XXXXX. So my  
17 colleagues who were in the cell with me, everybody started  
18 yelling, crying, even XXXXX. But then later on one  
19 of the commanders, whose name I cannot remember again, came to  
15:21:00 20 the window to me and told me that I should not worry, we should  
21 not worry; that we are not going to be executed. That process  
22 was not for us, so we should not worry about that. And surely we  
23 remained untouched, the XXXXXX of us. But it happened that there  
24 were some other five men among these collaborators and suspects  
15:21:31 25 remaining. So it was this five they were actually referring to,  
26 but we didn't know. So that was what happened to us, the  
27 psychological torture. So but they executed every one of them.  
28 Q. Just pause for a moment. Do you know how many people were  
29 killed?





1 A. Yeah. As I explained before, every morning the commanders  
2 used to come and take these Kamajor suspects and collaborators,  
3 some of them who they know they have energy to go and work for  
4 them, either in their homes or on their farms. But any commander  
15:22:26 5 taking somebody away, they take down your name and then you make  
6 sure you bring the person back.

7 So by the time General Sam Bockarie was coming from Buedu  
8 to Kailahun, the message came that he was coming to see the  
9 prisoners. So they sent for all the commanders who had earlier  
15:23:00 10 on taken these prisoners away to bring them all back so that the  
11 General will come and meet everybody under lock and key. So  
12 there was a certain commander, they call him Alpha Fatoma, his  
13 fighting name was Alarm Blow. He took his uncle and carried him  
14 to his farm and, to my understanding, he didn't want somebody  
15:23:44 15 else to overwork him. So he took him to his farm to keep him  
16 there, then in the evening he would bring him back into  
17 detention. But just for people not to misuse his uncle.

18 So when this message went round that all the commanders  
19 should bring the labourers they were taking from the prison  
15:24:04 20 cells, he too decided to come with his uncle. But it appeared  
21 like the place where his farm was was very far off from Kailahun  
22 Town, or probably he got the message late. By the time he could  
23 reach the town with his uncle he heard these firing shots. So he  
24 left his uncle at the house scared. He came to inquire what was  
15:24:32 25 happening.

26 Q. Pause for a moment. Do you know how many people were  
27 killed that day?

28 A. Yeah, yeah. The people were XXX. XXX was -- XXX were killed.  
29 The one that survived is this old man I'm talking about who is



1 the uncle to Alpha Fatoma. So when Alpha Fatoma discovered that  
2 they were killing these suspects he didn't present his uncle  
3 again, he carried him back to the bush. So that was how he got  
4 saved. So out of the XXX, XXX were killed.

15:25:10 5 Q. You have already talked about xxxxxxxx?

6 A. Yeah, he was among the XXX.

7 Q. You have already mentioned the name of Augustine Gbao. Did  
8 you ever see him?

9 A. Where?

15:25:45 10 Q. In Kailahun Town?

11 A. Yeah, he was residing in Kailahun Town and we were directly  
12 under his care. When we left from Buedu to Pendembu, we came to  
13 be under his care, because he was the overall MP commander. In  
14 fact, the most senior officer in Kailahun Town.

15:26:18 15 Q. When you say "the most senior officer in Kailahun Town," is  
16 that for the entire RUF?

17 A. Yeah, the entire RUF. We that trained at Camp Naama, we  
18 had a name that they popularly called us by as Vanguard. So  
19 when this AFRC coup took place, most of these Vanguard came to

15:26:55 20 the cities, like Bo, Kenema, Kono and Freetown. Colonel  
21 Augustine Gbao was one of the few that remained in Kailahun  
22 District. So, as overall MP commander, he was stationed in  
23 Kailahun and when we were sent from Buedu to Kailahun -- anywhere  
24 in fact they sent us, we were sent to the MP commander there  
15:27:32 25 because we used to be detained in MP building or MP offices.

26 Q. Now, you said that on this day of XX February 19XX you had  
27 heard that Mosquito was in Kailahun Town?

28 A. Yes, he came to Kailahun Town.

29 Q. Are you able to tell the Court who the next most senior



1 person was in Kailahun Town at that time?

2 A. Augustine Gbao was stationed in Kailahun. Mosquito came  
3 from Buedu. That morning --

4 MR O'SHEA: Before the witness goes on could my learned  
15:28:17 5 friend just point out to me in the statements where the reference  
6 to that date is.

7 MR HARRISON: Page 110 of the statement which is 17617.  
8 Does it help the Court if I read out the lines or should I not do  
9 that?

15:28:55 10 MR O'SHEA: If you just indicate where exactly that would  
11 be sufficient.

12 MR HARRISON: Page 17617, starting at line 4, continuing  
13 down past 13.

14 MR O'SHEA: Are you suggesting that there's a reference to  
15:29:29 15 Augustine Gbao with respect to the specific time period in  
16 Kailahun?

17 MR HARRISON: No, I thought you were asking for the date of  
18 February 19th. That's what you said.

19 MR O'SHEA: Yes, with regard to the specific date you were  
15:29:38 20 mentioning in 1998.

21 PRESIDING JUDGE: What's your objection, exactly? What is  
22 your question, Mr O'Shea?

23 MR O'SHEA: Well, I'm just wondering if this isn't new.  
24 Mr Harrison has referred to a specific date and asked who is the  
15:30:00 25 next most senior in command. So he is leading to Augustine Gbao  
26 on the specific date.

27 PRESIDING JUDGE: Not necessarily. He has already talked  
28 about Gbao being the senior commander. I'm not sure how he  
29 described him but he was residing and he was under his care. He



1 was the most senior officer in Kailahun at that time. That's his  
2 evidence.

3 MR O'SHEA: I thought that was referring to an earlier  
4 time, Your Honour. That's my difficulty.

15:30:26 5 PRESIDING JUDGE: Mr Harrison --

6 MR HARRISON: I heard the witness say February 19th early  
7 on describing this event as being the date.

8 PRESIDING JUDGE: That's what I thought too. That was my  
9 understanding, Mr O'Shea. You may have heard that differently,  
15:30:42 10 but that was my understanding, that the witness was testifying to  
11 this time frame of February '98.

12 MR O'SHEA: Well, if I'm wrong about that then I'm wrong.

13 PRESIDING JUDGE: I may be wrong too but that was my  
14 understanding.

15:30:55 15 MR O'SHEA: I was under the impression that we were  
16 discussing an earlier time frame. Am I wrong about that?

17 PRESIDING JUDGE: The question was February '98. That was  
18 the question.

19 MR HARRISON: There is also further disclosure at page  
15:31:17 20 17684 and the date is in the penultimate paragraph of paragraph 4  
21 and then paragraph 5 continues on. Again, I won't read it out  
22 unless the Court is asking me to, but it provides a date, an  
23 event and then provides further detail about the event on that  
24 date.

15:31:46 25 MR O'SHEA: Sorry, what's that page number again?

26 MR HARRISON: 17684.

27 MR O'SHEA: Yes.

28 PRESIDING JUDGE: I thought this witness was indeed talking  
29 of -- still talking of the same events he had been describing





1 which were in February 1998. So it's that time frame that we  
2 have been talking about. I don't think we went out of that time  
3 frame.

4 MR O'SHEA: Yes. Perhaps I will -- because I'm not  
15:32:23 5 terribly certain of my position so perhaps I will leave it for  
6 now, Your Honours, and with Your Honours' leave I may come back  
7 to it once I have examined the transcripts.

8 PRESIDING JUDGE: Very well. Mr Harrison, please proceed.

9 MR HARRISON:  
15:32:56 10 Q. I had asked the question and I think it was three-quarters  
11 answered. The question had been regarding the date that I  
12 understood you to refer to as being February 19, 1998. First of  
13 all, can you just confirm that that is the date when these  
14 killings took place?

15:33:17 15 A. Exactly.

16 Q. And are you saying that all of these killings happened on  
17 the same date?

18 A. On the same day, sir, between 3.30 and 5.30 p.m.

19 Q. I think you had been giving an answer with respect to  
15:33:56 20 Augustine Gbao and I think you may have been interrupted. Were  
21 you going to complete that answer or had you finished?

22 A. If I could remember well, you asked me who were the other  
23 senior officers that were with General Sam Bockarie at the time  
24 in question. Is that not?

15:34:24 25 Q. Yes, it was.

26 A. Okay. I was just answering that question before being  
27 interrupted. I said General Sam Bockarie had a meeting that  
28 morning in Buedu with his senior officers. But Colonel Gbao, he  
29 was residing in Kailahun as the overall MP commander. So General



1 Sam Bockarie later came. In fact, the information came that he  
2 was coming to free the collaborators and the suspects, so the  
3 morale inside the prison was high. Everybody was expecting him.  
4 But then, to our dismay, when he came things took a U-turn. But  
15:35:21 5 he came with senior officers, including -- how to call him.  
6 There is a fellow they call Lion, his name was Alens Blamo  
7 [phon], and other senior officers. But to be fair enough,  
8 because I asked whether General Issa was in Buedu at that time, I  
9 was told he was at Kono. So he was not there, also Colonel  
15:35:55 10 Morris Kallon too was not there. They were at Kono at that point  
11 in time. Only Colonel Gbao was in Kailahun and the information  
12 was passed from General Mosquito, through Colonel Gbao, to his  
13 subordinates along the MP line for these executions to be carried  
14 out.

15:36:22 15 Q. Again, just for the benefit of us present here, you've  
16 talked about Colonel Gbao being in Kailahun. Are you talking  
17 about Kailahun District?  
18 A. Kailahun Town, town, town.

19 Q. You've described the shooting. Do you know what happened  
15:36:45 20 to the persons who were shot?  
21 A. After the shooting incident, after all of them had been  
22 executed, the 64, there was absolute silence around the building.  
23 What I mean, everybody disappeared. Only the five of us remained  
24 in our cell. So the following morning we were taken out of the  
15:37:17 25 cell and carried to the outskirts of the city of Kailahun Town to  
26 spend the day there because the odour that was coming out from  
27 these bodies was not conducive. So we were taken out of the  
28 cell, carried to the outskirts of the town. We spent the whole  
29 day there. By evening we came back. The bodies were still there



1 and some of them were getting rotten.

2 So the following day they ordered people from the town,  
3 civilians from inside Kailahun Town, to come and dispose of these  
4 bodies from around the police station. Civilians and the MP

15:38:11 5 boys, they took these bodies from around the station.

6 Q. Do you know if the people killed were Kamajors?

7 A. Please say it again.

8 Q. Do you know if the people killed were Kamajors?

9 A. Well, I cannot say. Because I think I started explaining  
15:38:51 10 that part of the story then you deviated me from there. I said  
11 when the AFRC took over, they invited the RUF to join them in the  
12 government. So General Mosquito, Sam Bockarie, left Buedu for  
13 Freetown by way of Kenema, by road. So he made some brief stops  
14 at the big towns like Pendembu, Daru, Segbwema and then addressed

15:39:29 15 the civilians, especially those who were there as displaced  
16 people. So he told them that the war was over, that there is no  
17 need for them to be afraid any longer and that in fact straying  
18 to other areas as displaced would not be in their interest. So  
19 let the people go back to whichever village or town they came

15:39:56 20 from. Nobody is going to disturb them any longer, the war was  
21 over. So he moved, he continued his journey to Kenema and then  
22 to Freetown. That was in May/June 1997 he left Buedu, because  
23 the coup took place -- the AFRC coup took place on May 25, 1997.  
24 He left early June, first week in June, for Freetown.

15:40:30 25 So these people came. These displaced people from Kailahun  
26 District, they came and settled down. In 1998 after AFRC lost  
27 Freetown for the first time, they retreated. So General Sam  
28 Bockarie by then was in Kenema. So he retreated back by road to  
29 Kailahun District. He came, he met these people now already in



1 detention, these Kamajor suspects and collaborators, because  
2 after Charles Kaiyoko was arrested, when he made the  
3 pronouncement that Kamajors were coming to attack RUF positions  
4 in the safety zones, so the MPs, they invited all the displaced  
15:41:38 5 who had returned -- the returnees, they invited them to Kailahun  
6 Town. So all these returnees came to Kailahun to the MP station.  
7 Upon their arrival, they took down their names and then they  
8 detained them. They said they were waiting for clearance from  
9 General Sam Bockarie in order to release them.

15:42:06 10 Q. Who detained them?

11 A. The MP. They were detained at the MP. It was the MPs.  
12 But at the MP we had a district MP commander who was second in  
13 command, that is John Duawo, and the overall MP commander,  
14 Colonel Augustine Gbao, who was the number one man in Kailahun.  
15:42:45 15 So one can reasonably conclude that the command came from the  
16 top.

17 JUDGE ITOE: How can you conclude? How do you want to  
18 conclude? One can reasonably conclude what? Say what you know  
19 about, don't conclude on things which you should not conclude.

15:42:55 20 THE WITNESS: Well, they were held at the MP station. We  
21 met them at the MP station. So this is how these people got  
22 detained, waiting for clearance from General Sam Bockarie.

23 MR HARRISON:

24 Q. Witness, if you don't know the answer please just say you  
15:43:18 25 don't know, but the question that I had asked you was do you know  
26 if the people killed were Kamajors?

27 A. No, they used to refer to them as Kamajor suspects and  
28 collaborators.

29 Q. What happened to you next?





1 A. From there, in fact, the third day -- the second day, we  
2 were moved from Pendembu because we could no longer stand the  
3 odour and we were transferred to Buedu and Kangama. Kangama is  
4 four miles after Buedu. So we were moved to Kangama.

15:44:11 5 Q. How long were you at Kangama?

6 A. Kangama, about three and a half months. Because from  
7 Kangama we were moved to another location. They call the place  
8 Bayama -- not Bayama, Bunumbu.

9 Q. Did you see anyone at Kangama?

15:44:51 10 A. Yeah. We were at Kangama when they brought the former AFRC  
11 leader Johnny Paul Koroma. He too was under custody.

12 Q. Are you able to say what month or what year it was that you  
13 saw Johnny Paul Koroma?

14 A. This was -- we left Kailahun on 21st February. Before  
15:45:36 15 the -- by the end of February Johnny Paul was brought to Kangama.

16 Q. Did I hear you correct in saying that from Kangama you went  
17 to Bunumbu?

18 A. Yeah.

19 Q. What was Bunumbu?

15:45:58 20 A. Bunumbu at that time was serving as the training base. We  
21 moved there in June, June 1998.

22 Q. What district is Bunumbu?

23 A. It is Kailahun District, but there is a distinction. There  
24 is the main Bunumbu they call Bunumbu Teachers' College. That is  
15:46:28 25 not the one I'm referring to. This one is a small village  
26 situated near Giema, not too far from Kailahun also, but it was  
27 by then serving as the training base.

28 Q. Training base for whom?

29 A. For the RUF.



1 Q. Do you know if there was a commander at that training base?  
2 A. Yes, there was a commander by the name of Monica Pearson.  
3 Q. Do you know anything about her?  
4 A. She too is a Vanguard. She was taking care of us anyway,  
15:47:37 5 because at the training base they don't have separate MP unit.  
6 The head of the training base is the training commander. So she  
7 was the training commander, so we were transferred to her.  
8 Q. How long did you stay at Bunumbu?  
9 A. We were in Bunumbu from June, because by then the World Cup  
15:48:06 10 was on, 1998 World Cup. We were there June, July, August,  
11 September, October. It was in November that we were moved back  
12 to Buedu upon instructions of General Sam Bockarie.  
13 Q. You say that it was a training base. Was any training  
14 taking place while you were there?  
15:48:37 15 A. Yeah.  
16 Q. Did you see anyone training?  
17 A. Yeah.  
18 Q. Can you say about how many people you saw training?  
19 A. It could -- the question is somehow confusing in the sense  
15:48:59 20 the training they could bring recruits, they trained them for a  
21 specific period, then they leave, then another group come. So  
22 that was what was happening. But a particular time not less than  
23 40 were undergoing training. But after a month or so, then they  
24 will send them out then a new batch will come for training.  
15:49:35 25 Q. And when they were sent out, do you know where they were  
26 sent to?  
27 A. I cannot tell, because I was in detention, but what  
28 normally used to happen, after training the trainees are sent out  
29 upon request from the front line commanders or to serve -- some



1 of them may serve as MPs, military police in liberated zones.

2 Q. Are you able to tell the Court anything about the ages of  
3 the people being trained?

4 A. Yeah. First, of all we had -- there was a unit they called  
15:50:41 5 SBU, that is Small Boys Unit. Then they had the WACs unit. That  
6 was for females. Then, of course, the men. So those are the  
7 three categories of people that were undergoing training.

8 Q. Are you able to approximate for the Court the ages of the  
9 youngest people you saw?

15:51:24 10 JUDGE ITOE: [Microphone not activated] the SBUs and WACs,  
11 the WACs unit. You referred to WACs unit. Is it an  
12 abbreviation?

13 THE WITNESS: Yes, an abbreviation, WAC.

14 JUDGE ITOE: Yes.

15:51:42 15 THE WITNESS: WAC, but it is an abbreviation.

16 JUDGE ITOE: Which means?

17 THE WITNESS: Women Auxiliary Corps.

18 MR HARRISON:

19 Q. Are you able to estimate for the Court the ages of the  
15:52:08 20 youngest people you saw being trained?

21 A. Like the SBUs, they could range from eight years to 15.  
22 Then above 15 they put them in the adult category.

23 [RUF31MAR06E - CR]

24 Q. From Bunumbu, did you go anywhere?

15:53:06 25 A. Yeah, we were brought back to xxxxx in xxxxxxx.

26 Q. Of what year?

27 A. xxxxx. And we remained there until - that was our final  
28 stop - until the Lome Peace Accord. After the Lome Peace Accord,  
29 there was a provision for the release of all political prisoners,



1 prisoners of war, prisoners of conscience and xxxx happened to fall  
2 in one of those categories. So it was the Lome Peace Accord that  
3 xxxxx.

4 Q. Do you know why it was that you were taken to Buedu?

15:54:10 5 A. From?

6 Q. Bunumbu?

7 A. From Bunumbu? Yeah, while we were at Bunumbu we used to  
8 hear about what was happening at the front line. In fact, RUF  
9 was no longer gaining grounds, so there was that frustration all  
10 over in RUF territory. More so, they had retreated back into the  
11 bush from all the major towns and cities. So at one point we  
12 sent for General Sam Bockarie that we wanted to meet with him.

13 The message went to him and he came. So when he came, we told  
14 him that we are all along been saying that fighting could not  
15 solve the Sierra Leonean crisis, but he should also explore  
16 diplomatic means, just as we have been doing before when we were  
17 serving as xxxxxxxx in the xxxxxxxx.

18 So we gave him the phone number, the telephone number of Mr Amara  
19 Essy. If he calls Mr Amara Essy and talks with him, things would  
20 be better for him. So he consented. He left there and went back  
21 to Buedu. After two days he came back. He told us that he has  
22 talked with Mr Essy, but Mr Essy say he was not going to talk  
23 with him until he proved that the xxxxxxx that were captured  
24 are alive. Because he asked him, General Sam Bockarie told him

15:56:24 25 that xxxxxx. He said he wanted to make sure first. So he  
26 came to us after two days and then on the satellite phone, we  
27 talk with Mr Essy from xxxxx. He asked us certain questions  
28 about our own private life, our family lives and we answered.  
29 Then he could recall our voices.





1 Q. Let me just pause you there.

2 A. So that what was made him carry us to **xxxxx**, and that is  
3 what gave the back to this Lome Peace Accord because from there,  
4 Mr Essy connected him to UN Secretary-General and then the  
15:57:11 5 diplomatic talks started all over again.

6 Q. Did anything happen while you were at **xxxxxx**?

7 A. Yes, so many things used to happen.

8 Q. Do you remember anything happening while you were at **xxxxx**  
9 in 19**xx**?

15:57:45 10 A. Yes, a specific incident I could remember was at that time  
11 when this talking resumed, these diplomatic talks resumed, so  
12 there was this issue of ceasefire, so that the talks would take  
13 place in Lome. So the Kamajors and the RUF, there was this issue  
14 of ceasefire. So, to my understanding, there was sort of  
15:58:23 15 understanding between the Kamajors and the RUF that no one should  
16 attack his friend's position again. So all these people thought  
17 for the second time that the war was over again. So while we  
18 were in **xxxxx**, some government of Sierra Leone soldiers, SLA,  
19 three of them were brought to **xxxxxx**, to the same place where we  
15:59:01 20 were held, the MP office, one afternoon. Then we were informed  
21 that these were SLA soldiers who have gone -- who had earlier  
22 gone to Kamajors position and spent a night there, then they  
23 returned the following day. So that was around Bunumbu area.  
24 This Bunumbu Teachers' College area. So the commanders there  
15:59:39 25 charged them upon their return that they have passed information  
26 to Kamajors about the location of the RUF. So they regarded them  
27 as Kamajor's sympathisers and that they have collaborated with  
28 them. So they were brought to **xxxxx**. In the night -- they were  
29 there in the afternoon. We saw them. We were in the same



1 building. So in the night, they were executed right before the  
2 MP building in Kailahun -- in Buedu.

3 Q. Did you see that happen?

4 A. Yes. Although we were in our detention place, but the room  
16:00:46 5 we have was like a shop room. We could see through the holes and  
6 it was, in fact, directly in front of where we were detained that  
7 the killing took place. The three of them were shot, but it was  
8 at night.

9 Q. What did you see happen?

16:01:14 10 A. There were fire -- we heard gun sounds. The only  
11 distinctive thing I could remember was that I heard the voice of  
12 General Issa. In fact, he made a statement referring to us. He  
13 said they are killing those ones, but our own crime is greater  
14 than those other ones because we have betrayed the entire  
16:01:49 15 movement where we caused Pa Sankoh to be arrested. We have sold  
16 Pa Sankoh to the international community for plenty of dollars so  
17 that we or our children could go later and stay abroad. We are  
18 there, they are feeding us just, wasting their time and money on  
19 us feeding us, whereas, we, too, are supposed to be dead. I  
16:02:19 20 heard him say that.

21 Q. When did this happen?

22 A. That was just after we had returned from Bunumbu to xxxxxx.  
23 As I told you, we came to xxxxx in November.

24 Q. Just for the sake of clarity, November of what year?

16:03:04 25 A. 1998.

26 Q. Did you see anything else happen at Buedu?

27 A. I can remember one other senior AFRC officer was executed.  
28 His name was or his name is -- I can only remember his last name,  
29 xxx is xxx but he was a senior member within the AFRC.



1 After their retreat from Freetown, they came toxxxxx  
and then he

2 asked for permission to go down to Lofa County and return, but  
3 then he stayed longer. After investigation, it was learned that  
4 he travelled to Monrovia, but he returned later to Buedu. So  
16:04:39 5 upon his return, he was arrested by General Sam Bockarie and he  
6 was charged to have passed information to the enemy, the RUF  
7 enemies in Monrovia. So because of that, they executed him.

8 Q. Did you see this happen?

9 A. No, it happened out of the MP building. But that day they  
16:05:22 10 came and collected him. He too was in a cell, in the same  
11 building where we were in detention. They came and collected him  
12 and carried him away. Then later on we heard gun sounds, then we  
13 were informed that that is the man that they have just shot.

14 Q. Who was it that carried him away?

16:05:45 15 A. Normally it is the MPs who carried them away, but upon  
16 instructions from the High Command.

17 Q. When you use the term "High Command," what do you mean?

18 A. Well, in RUF terms, when they say High Command, it is  
19 either the CDF, the chief of defence force, or his deputy. If  
16:06:14 20 they are not around, then the more senior officer on the ground  
21 could assume the name of High Commander. But at that time  
22 General Mosquito was there. In fact, he came to the MP office  
23 and instructed that they should carry the man to the outskirts of  
24 Buedu.

16:06:44 25 Q. Can you say when this happened?

26 A. It was around the same time, not too far from the time  
27 these other soldiers were executed. It must be early December  
28 1998.

29 Q. When you were in xxxxx, do you remember anything else that

SCSL - TRIAL CHAMBER I

1 happened?

2 A. Yeah. In xxxx, we were detained in fact in the same  
3 room -- in the same room with the captured prisoners of war who  
4 were the ECOMOG soldiers, these Nigerian soldiers. We were in  
16:07:49 5 the same room with them. At one point, one of them was sick.  
6 They call him Hassan, Hassan Fada, F-A-D-A, one of the ECOMOG  
7 soldiers. So one morning we just saw the MPs came and call him  
8 and they carried him also towards the outskirts of the town and  
9 then they fired him; they shot him dead. When we inquired, we  
16:08:29 10 were informed that they suspected him of tuberculosis and they  
11 didn't want the disease to spread to other prisoners and that is  
12 why they went and executed him. He was from Bauchi State in  
13 Nigeria.

14 Q. When was this?

16:09:18 15 A. This was in 1999, because the prisoners were captured in  
16 December '98, January '99 and February and March 1999. So this  
17 thing happened after March 1999, but before the signing of the  
18 Lome Peace Accord.

19 Q. When were you released from detention?

16:10:06 20 A. The mandate for our release came in August 1999, after the  
21 signing of the Lome Peace Accord, but we were finally released  
22 in October after Pa Sankoh has gone to Buedu. The helicopter was  
23 sent for xxxx. An ECOMOG helicopter collected xxxx at Kenema. xxxxx  
24 travelled by road from xxxxx to Kenema thenxxxx boarded the  
16:10:45 25 helicopter, ECOMOG military helicopter, to the ECOMOG base. From  
26 there, they brought us to safety.

27 MR HARRISON: Those are all the questions.

28 PRESIDING JUDGE: Thank you. Mr Jordash, are you ready to  
29 proceed with the cross-examination?





1 MR JORDASH: I could, although I'd rather not. I don't  
2 know if Your Honours would be amenable to adjourn. There has  
3 been a lot of information and I could start, but it's been a long  
4 week. This witness knows a lot of things and I'd prefer not to.  
16:11:31 5 But if Your Honours would prefer, I'm happy to start.

6 PRESIDING JUDGE: My concern is in fact because we're  
7 getting close to the end of the session, as such, and I'm just  
8 concerned we might have some spill-over. Next week is a short  
9 week.

16:11:52 10 MR JORDASH: Yes.

11 PRESIDING JUDGE: I don't know. We are in your hands in  
12 this respect. I don't know how long your cross-examination and  
13 those of your colleagues will be.

14 MR JORDASH: If I can indicate, I don't think I would be  
16:12:12 15 much more than a morning, going into Monday afternoon, perhaps.  
16 But I don't intend to spend all day cross-examining this witness.  
17 I don't know if that assists.

18 PRESIDING JUDGE: Mr Jordash, we would prefer that you  
19 start, but rather than ask you now, we'll take the afternoon  
16:13:08 20 recess, 15 minutes earlier than normal. When we come back, we'll  
21 ask you to start your cross-examination. So we may at least be  
22 able to gain an hour this way.

23 MR JORDASH: Certainly.

24 PRESIDING JUDGE: Thank you, Mr Jordash. Court is  
16:13:23 25 adjourned.

26 [Break taken at 4.13 p.m.]

27 [Upon resuming at 4.37 p.m.]

28 PRESIDING JUDGE: Mr Jordash, you may proceed with your  
29 cross-examination.



1 MR JORDASH: Thank you.

2 CROSS-EXAMINED BY MR JORDASH:

3 Q. Good afternoon, Mr Witness.

4 A. Good afternoon, sir.

16:48:43 5 Q. I represent Mr Issa Sesay, so you know who I am.

6 A. Yes.

7 Q. At Camp Naama there were only about 60 Sierra Leoneans

8 being trained; is that correct?

9 A. Around that figure.

16:49:07 10 Q. There was another base where the Liberians were being

11 trained; is that correct?

12 A. Yes.

13 Q. You never saw Charles Taylor come to Camp Naama, did you?

14 A. No.

16:49:17 15 Q. You never saw --

16 JUDGE ITOE: Mr Jordash --

17 MR JORDASH: Sorry, Your Honour. I thought I'd return the

18 favour, since you made me go on.

19 PRESIDING JUDGE: Yes, but we're not the only ones. As you

16:49:32 20 know, we were just to get a call from the interpreters saying

21 that they can't follow.

22 MR JORDASH: Certainly.

23 PRESIDING JUDGE: You were on the visit by Taylor.

24 MR JORDASH:

16:49:52 25 Q. You didn't see John Tarnue visit --

26 JUDGE ITOE: Did he say -- he said Taylor never visited?

27 MR JORDASH: He never saw --

28 JUDGE ITOE: He never saw Taylor in Camp Naama.

29 MR JORDASH:



1 Q. You never saw John Tarnue in Camp Naama? Do you know a man  
2 called John Tarnue?  
3 A. I know him.  
4 Q. Was he training anyone at Camp Naama?  
16:50:24 5 A. I did not remember seeing him at Camp Naama.  
6 JUDGE ITOE: But in what context do you say you know the  
7 name? You know, in what context?  
8 THE WITNESS: John Tarnue?  
9 JUDGE ITOE: Yes.  
16:50:50 10 THE WITNESS: He used to be an instructor at BWI in xxxxxx.  
11 Before the war I resided in xxxxxx, so that was the time I got to  
12 know him.  
13 MR JORDASH:  
14 Q. What's BWI?  
16:51:06 15 A. Booker Washington Institute in xxxxxx.  
16 PRESIDING JUDGE: You say he was an instructor there at  
17 that time?  
18 THE WITNESS: Yes.  
19 PRESIDING JUDGE: You say before the war, so it's pre-1991?  
16:51:18 20 THE WITNESS: Yes. But to say I saw him at Camp Naama, no.  
21 MR JORDASH: Thank you.  
22 Q. Did you ever hear about a joke how Charles Taylor used to  
23 make everybody generals?  
24 A. Say it again, please.  
16:51:57 25 Q. Am I right that Charles Taylor was known for handing out  
26 the title of general to many people?  
27 A. Yeah, we used to hear about that.  
28 Q. The first two years of the war were essentially controlled  
29 by the Liberians; is that right?



1 A. Yeah.

2 PRESIDING JUDGE: To avoid confusion here, you mean the war  
3 in Sierra Leone?

4 MR JORDASH: Sorry, yes. Yes, the war in Sierra Leone.

16:52:52 5 Q. The bulk of the fighting force who crossed the border to  
6 begin the war were Liberians?

7 A. Yeah.

8 Q. The principal commanding officers were Liberian?

9 A. Yes.

16:53:30 10 Q. The war started in Bomaru following an incident involving  
11 Liberians and looted items; is that correct?

12 PRESIDING JUDGE: What's the name of the place, Mr Jordash?

13 MR JORDASH: Bomaru, B-O-M-A-R-U.

14 Q. I think that incident, am I right --

16:54:01 15 JUDGE ITOE: An incident involving --

16 MR JORDASH: Involving Liberians and --

17 PRESIDING JUDGE: Looting?

18 MR JORDASH: And looted goods.

19 PRESIDING JUDGE: It's Liberians and looted goods, not  
16:54:13 20 necessarily looting?

21 MR JORDASH: That's right. Looted goods.

22 Q. It was an incident which, in fact, started the war  
23 prematurely. It wasn't supposed to start at that point; is that  
24 right?

16:54:33 25 A. So we heard.

26 Q. The Liberians who were commanding that initial stage of the  
27 war reported to Taylor; is that correct?

28 A. Yeah.

29 Q. In those initial stages of the war, there were very few of





1 the Vanguard, the Sierra Leoneans, who, in fact, had any  
2 weapons; is that correct?  
3 A. Yes.  
4 Q. Whereas the Liberians were well armed?  
16:55:42 5 A. Yes.  
6 Q. Is it fair to say that Foday Sankoh, for the first two  
7 years, was, as a commander, impotent in terms of control of the  
8 war?  
9 A. Ask the question again, please.  
16:56:11 10 Q. Was Foday Sankoh relatively impotent in the first two years  
11 of the war in terms of playing a commanding role?  
12 A. I want to think so.  
13 JUDGE ITOE: You want to do what?  
14 THE WITNESS: I want to think so.  
16:56:42 15 MR JORDASH:  
16 Q. The behaviour of the dominating Liberian forces was violent  
17 towards civilians and this did not meet with agreement from the  
18 Vanguard; is that right?  
19 A. You are correct.  
16:57:27 20 Q. Because the Vanguard -- well, perhaps there are several  
21 reasons, but the Vanguard regarded Kailahun as their -- or Sierra  
22 Leone, perhaps -- as their home and so regarded the behaviour of  
23 the Liberians as unacceptable.  
24 A. Yes.  
16:57:45 25 Q. Another reason that they found it unacceptable was because  
26 they'd been trained in the ideology at Camp Naama, and the  
27 ideology did not suggest that civilians were to be the victims of  
28 the war. They were supposed to be --  
29 A. That's right.



1 Q. They were supposed to be those who benefitted from the war.

2 A. Yes.

3 Q. In other words, the war was supposed to liberate civilians  
4 from a corrupt government; that was the ideology.

16:58:58 5 A. Yep.

6 Q. The war also was not, it was said at Camp Naama and the  
7 early years, supposed to be about diamonds, was it?

8 A. I didn't get the question right.

9 Q. Let me put it clearer. It's my fault. Let me put it more  
16:59:45 10 simply. From what you observed and what you were told, both at  
11 Camp Naama and later, diamonds did not play a role in the motives  
12 for the war --

13 A. Not at all.

14 PRESIDING JUDGE: So you are saying not at all in the sense  
17:00:09 15 that diamonds were not a motive at all for the war.

16 THE WITNESS: No, we were not told that.

17 JUDGE ITOE: But you were told that part of the ideology  
18 was to fight against a corrupt government, isn't it?

19 THE WITNESS: Yes, the corrupt system.

17:00:26 20 JUDGE ITOE: A corrupt system.

21 THE WITNESS: Yeah.

22 JUDGE ITOE: And you're saying that diamonds were not  
23 supposed to be part of the ideology, or so. What was the  
24 question?

17:00:36 25 MR JORDASH: It could have been clearer.

26 Q. Let me try to simplify it.

27 PRESIDING JUDGE: You were saying that at the training at  
28 Naama, or subsequent to that, at the beginning of the war, that  
29 diamond was not talked about to be a motive for the war?



1 MR JORDASH: Yes, that's exactly --

2 PRESIDING JUDGE: That's what you're putting to the  
3 witness?

4 MR JORDASH: Yes.

17:01:00 5 Q. Do you agree with that, Mr Witness?

6 A. No, I didn't know. I didn't understand the ideology that  
7 way.

8 PRESIDING JUDGE: But was diamond discussed as a matter for  
9 the war, aside from ideology, while you were at Camp Naama? I'm  
17:01:23 10 not talking about while you were [overlapping speakers]

11 THE WITNESS: Yes, what I know we were told of the motive  
12 of the war is to change the corrupt system, because the system  
13 had made the masses to suffer. In that Sierra Leone is not a  
14 poor country, but the wealth is not evenly distributed. There is  
17:01:51 15 a whole lot of corruption going on, corruption, nepotism,  
16 favouritism. So the objective was to change the corrupt system,  
17 but not to target, but it was not -- the motive was not go and  
18 target diamonds. No, I was not told that.

19 MR JORDASH:

17:02:14 20 Q. Thank you. From what you observed, was Foday Sankoh  
21 committed in those early years? Did he appear committed to that  
22 aim?

23 A. The objective of the war, you mean?

24 Q. Yes. In the early years.

17:02:59 25 A. Well, in the early years he appeared committed, but  
26 because --

27 JUDGE ITOE: You stop there.

28 THE WITNESS: Okay.

29 JUDGE ITOE: Yes, appeared committed. Wait for counsel to



1 take you further.

2 MR JORDASH:

3 Q. Was he a charismatic leader who was able to persuade people  
4 at Camp Naama that his aims were attractive?

17:03:29 5 A. Yes, he was a very good -- he was eloquent, charismatic and  
6 whatnot.

7 Q. At some stage, after the first two years, Foday Sankoh took  
8 control of the fighters who remained in Sierra Leone; is that  
9 right?

17:04:05 10 A. Yes.

11 Q. Did he continue, at the time of his taking control, to  
12 promote that self-same ideology of seeking to overtake a corrupt  
13 government?

14 A. To some extent.

17:04:57 15 Q. Did he remain possessed of this charisma which attracted  
16 young men to his army?

17 A. Yes.

18 Q. Was he able to persuade a large number of youths and men,  
19 and women, to become part of the fighting forces?

17:05:31 20 A. Yes.

21 Q. Was the G5 set up on the instruction of Foday Sankoh?

22 A. He set it up.

23 Q. Was the G1 set up to be answerable to the leader?

24 A. I didn't get you clearly.

17:06:33 25 Q. Let me break it down. The G1 was responsible, am I right,  
26 for recruiting and training of commanders?

27 A. Yeah.

28 Q. Was it expected that the G1 would be directly answerable to  
29 the leader?





1 A. Yes.

2 Q. Whereas the other G numbers, G2, G3, G4, G5, could, at  
3 times, answer to other top commanders? Does that make sense or  
4 not? I can understand if it doesn't.

17:07:40 5 A. Yeah, I understand what you are saying. I don't want to  
6 say yes or no in that sense, because what I know about the G  
7 staff, these are executive positions directly answerable to the  
8 commander in chief. Other staffs, you can have S1, S2, S3, S4,  
9 S5, they could be answerable to the battle group commander, the  
17:08:19 10 battlefield commander, other commanders. But the G staff, they  
11 report directly to the commander in chief, Corporal Sankoh.

12 Q. And that was a system set up by Foday Sankoh?

13 A. Yes.

14 Q. And known to those in the RUF?

17:08:44 15 A. Yes.

16 Q. That became part of the ideology; is that fair to say? The  
17 system?

18 A. The system.

19 Q. Yes. Part of the ideology to come from the charismatic  
17:09:12 20 leader Foday Sankoh; is that correct?

21 A. That was the system he set up.

22 Q. Okay. Let's leave it at that. Did Foday Sankoh work on  
23 divided loyalties?

24 PRESIDING JUDGE: On what?

17:09:45 25 MR JORDASH: Divided loyalties.

26 Q. Do you know what I mean by that, Mr Witness?

27 A. I know.

28 Q. Is that the way you observed him operating in those early  
29 years?



1 JUDGE ITOE: Let me get this clear. When you say he worked  
2 on divided loyalties, is it that it is his loyalty to the  
3 movement that was divided or the loyalty of his commanders?

4 MR JORDASH: I can break that down.

17:10:23 5 JUDGE ITOE: Please.

6 MR JORDASH: I will.

7 Q. Rashid Mansaray and Mohamed Tarawallie were his two top men  
8 in 1991 until -- when do you say they were his two top men? Do  
9 you agree that they were?

17:10:45 10 A. At the training base they were his two top men.

11 Q. When you all moved into Sierra Leone, they remained his two  
12 top men, did they not?

13 A. Initially, no.

14 Q. Initially, no. After the Liberians had been driven out?

17:11:02 15 A. Yeah, they remained the two top men.

16 Q. Am I correct that Foday Sankoh would operate by keeping  
17 some information from those two men and using the information  
18 flow as a means by which he maintained his own personal power.  
19 Do you understand what I'm putting to you?

17:11:28 20 A. I understand.

21 Q. Do you agree?

22 A. Yeah, sometimes he used to do it that way.

23 Q. So what he might do is miss out Rashid Mansaray and just  
24 tell Mohamed Tarawallie some piece of information and at another  
17:11:48 25 time he might do the opposite and just tell Rashid Mansaray. Do  
26 you understand?

27 A. Yes, I understand what you are saying.

28 Q. Do you agree?

29 A. I agree.



1 Q. He could skip the chain of command and miss out the two top  
2 men and speak to somebody at a lower rank, or lower assignment;  
3 do you agree?

4 A. Yeah, he used to do it.

17:12:33 5 Q. Would you agree with this: Foday Sankoh would expect  
6 reports from all sorts of ranks in the structure; he wouldn't  
7 operate necessarily through this hierarchical chain of command.  
8 Do you follow what I'm putting to you?

9 A. Yes.

17:13:00 10 Q. Do you agree with that?

11 A. Yeah, what he used to say is that sometimes these two top  
12 commanders could not be around unless there is a security threat.  
13 So when you observe it, you don't have to go to Kailahun or  
14 Pendembu to look for Mohamed or Rashid. You can go directly to  
17:13:24 15 him and report.

16 Q. So this was the set-up, the system, which the Vanguard, in  
17 a sense, grew up with in the early years of the RUF war?

18 A. Yeah.

19 Q. So sometimes Foday Sankoh might give instructions to the  
17:14:08 20 battle group commander without knowledge of the battlefield  
21 commander and vice versa; is that right?

22 A. Yeah.

23 Q. And he might also give orders to the battalion commander  
24 without knowledge of the battlefield commander and battle group  
17:14:26 25 commander. Is that something which the Vanguard observed in  
26 those early years?

27 A. Yeah.

28 Q. Again, that was the system which all the Vanguard, the 60  
29 who crossed into Sierra Leone, would have been used to from the



1 early years?

2 A. Well, those were just observations.

3 Q. Sorry?

4 A. Those were just observations, but not a laid-down

17:15:04 5 principle.

6 Q. Exactly. But that was something which all the Vanguards  
7 would have been aware of in those early years of the Foday Sankoh  
8 administration?

9 A. Yeah.

17:15:43 10 PRESIDING JUDGE: Mr Jordash, before you get into that  
11 part, you had a question that he was expecting reports, that's my  
12 understanding, from all ranks and structure. Is it what you mean  
13 by the subsequent question you've asked, or you meant by that --  
14 I don't know if that's what you were trying to get at; he could  
17:15:57 15 go and ask a report from anybody in the ranks structure and that  
16 would come directly to him without going to any other in between,  
17 for example?

18 MR JORDASH: Yes.

19 Q. Did you follow what the learned judge just said? Did you  
17:16:17 20 understand my question to be that and, if so, did you agree with  
21 it?

22 A. What I understand from you, whether Pa Sankoh used to  
23 bypass the chain of command also?

24 Q. Exactly.

17:16:34 25 A. Yeah, it's true.

26 PRESIDING JUDGE: But by bypassing the chain of command, he  
27 could go to a battalion commander and ask the battalion commander  
28 to give him a report on a situation without informing anyone in  
29 between?





1 THE WITNESS: Yeah, that is bypassing.

2 PRESIDING JUDGE: Yes, that's bypassing. But he could also

3 bypass by giving a direct order to the battalion commander. So

4 we are talking of reports here, other than just giving direction

17:16:59 5 to. Do you follow me?

6 THE WITNESS: Yeah.

7 PRESIDING JUDGE: So was he in the habit of going to

8 subordinate commanders, asking directly to them for reports?

9 THE WITNESS: It was not all the time, but certain times

17:17:14 10 when he deemed it necessary.

11 PRESIDING JUDGE: Thank you.

12 MR JORDASH:

13 Q. The G5 was set up --

14 JUDGE ITOE: Mr Jordash, I imagine you are trying to

17:17:40 15 buttress the phenomenon that was displayed in the various

16 messages, the messages which were sent to and through Lion,

17 Smile, Race [phon] directly and so on.

18 MR JORDASH: Exactly.

19 JUDGE ITOE: I don't know what the number of the exhibit

17:17:58 20 is.

21 MR JORDASH: I know what Your Honour is referring to. Yes,

22 exactly.

23 JUDGE ITOE: Okay.

24 MR JORDASH:

17:18:10 25 Q. The G5 was set up to do a number of things: One, to

26 promote the ideology amongst civilians; is that right?

27 A. Yeah.

28 Q. Another to help to obtain food for civilians; is that

29 right?



1 A. Say it again, the second one.

2 Q. Was one of the roles of the G5 expected to be to help  
3 obtain food for civilians?

4 A. Yeah.

17:18:52 5 Q. Is that what you did as a G5?

6 A. Yeah.

7 Q. Partly?

8 A. Yeah.

9 Q. And it was also set up -- well, let me put it more  
17:19:09 10 directly. Did you also, as G5, deal with complaints from  
11 civilians?

12 A. Sometimes.

13 Q. Complaints about ill treatment by soldiers?

14 A. Sometimes. Sometimes the complaints used to go to the MP  
17:19:35 15 office.

16 Q. Was the idea of the G5 to deal with complaints primarily,  
17 or was it the MP office which was expected to deal with them?

18 A. No, by right, according to the laid-out functions, that  
19 should fall on the G5 wholly and solely.

17:20:04 20 Q. Right. But systems being systems, sometimes that didn't  
21 happen and people would report complaints to the MP office  
22 instead?

23 A. Yeah.

24 Q. Did G5 play a role with the setting up of -- let me start  
17:20:31 25 that again. Did G5 play a role in ensuring that civilians in RUF  
26 territory could receive their usual religious service, so  
27 providing churches and mosques and so on?

28 A. Yes, churches and mosques were set up in the liberated  
29 zones.



1 Q. Anything else that the G5 was expected to do?

2 A. Well, the G5 was also to co-ordinate relief supplies with

3 NGOs.

4 Q. Now, when the Liberians were pushed out -- and am I

17:21:42 5 correct that that was a concerted operation to drive out the

6 Liberians?

7 A. Yes.

8 Q. The situation for civilians did get better?

9 A. It improved.

17:22:26 10 Q. Is it right that when it got better and a fight took place

11 in a particular village or town, it was expected that the

12 commander would put civilians behind the front lines?

13 A. Yeah.

14 Q. Obviously there was some commanders who treated civilians

17:23:11 15 well, and there were some bad commanders; is that fair, from what

16 you observed?

17 A. Well, normally in war not everybody will be good.

18 Q. No, but it was expected, and this is what happened with the

19 good commanders.

17:23:37 20 A. There were some commanders who were very, very, very nice

21 to civilians. In fact, when the Liberians left, most of the

22 Sierra Leone-born commanders, they were very sympathetic with the

23 civilians because these are their own people.

24 Q. Yes. Well, many of them were from the Kailahun and Pujehun

17:24:05 25 District?

26 A. Yeah.

27 Q. So this was their native-born -- the people they'd grown up

28 with.

29 A. Uh-huh.



1 Q. Can you just say yes?

2 A. Yes.

3 Q. Because what you are saying is being recorded.

4 A. Yes.

17:24:21 5 Q. The idea was to obtain the active participation of the  
6 civilian populace? That was the idea.

7 A. Yeah, to get their full support.

8 Q. Am I correct that Superman was there in those early years?

9 He was an NPFL fighter?

17:25:08 10 A. Yes, assigned to Lofa County.

11 MR JORDASH: Could I request -- it would help me.

12 PRESIDING JUDGE: You've reached the end of the day. Very  
13 well. We will adjourn the proceedings to Monday morning at 9.30.

14 [Whereupon the hearing adjourned at 5.26 p.m.,

17:26:35 15 to be reconvened on Monday, the 3rd day of  
16 April 2006, at 9.30 a.m.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: LEONARD NGONDI	2
CROSS-EXAMINED BY MR TOURAY	2
CROSS-EXAMINED BY MR CAMMEGH	12
WITNESS: TF1-168	40
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