

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

THURSDAY, 7 JULY 2005
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Mr Geoff Walker
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Ms Suzanne Mattler (intern) Mr Mark Wallbridge (Case Manager)
For the Principal Defender:	No appearances
For the accused Issa Sesay:	Mr Wayne Jordash Ms Ellen Rogers
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson Ms Rachel Irura Mr Charles Taku
For the accused Augustine Gbao:	Mr John Cammegh Mr Ben Holden

1 [RUF07JUL05A - CR]
2 Thursday, 7 July 2005
3 [Open session]
4 [The accused Sesay and Kallon present]
09:43:19 5 [The accused Gbao not present]
6 [The witness entered court]
7 [Upon commencing at 9.40 a.m.]
8 PRESIDING JUDGE: Mr Jordash, you're ready to proceed?
9 Good morning, counsel. You're ready to continue with your
09:47:19 10 cross-examination of this witness?
11 MR JORDASH: Yes, Your Honour.
12 PRESIDING JUDGE: We assume, as per your statement, that
13 you shall not exceed half an hour.
14 MR JORDASH: I intend to stick to it.
09:47:31 15 PRESIDING JUDGE: Thank you.
16 WITNESS: TF1-035 [Continued]
17 CROSS-EXAMINED BY MR JORDASH: [Continued]
18 MR JORDASH:
19 Q. Good morning, Mr Witness. I want to return to the November
09:47:59 20 notes we were looking at two days ago. Do you recall these
21 notes?
22 A. I don't get it clearly.
23 Q. Two days ago, Mr Witness, we were looking together at some
24 notes which were made by the lawyer you saw in November 2004. Do
09:48:49 25 you remember that I was taking you through paragraphs of those
26 notes?
27 A. Yes. I remember the discussion that we had, yes.
28 Q. I want to continue that discussion very briefly. I want to
29 refer to paragraph 13 of those notes. I want to refer to a

1 specific part of the paragraph, and the paragraph is referring to
2 the time when you say that Kallon was present. I'm reading part
3 of the paragraph. It says this: "It was in the evening around
4 5.00 p.m. and we were mining for the RUF and AFRC. The people
09:50:12 5 were there up until 6.00 p.m." -- I beg your pardon, Your
6 Honours, is anyone else having this echoing sound in their
7 headphones? I think somebody else is. It's just very
8 off-putting.

9 PRESIDING JUDGE: We don't. It seems to be okay at this
09:50:39 10 end.

11 MR JORDASH: I think my volume might have been too high.
12 Q. Let me start that again, Mr Witness: "It was in the
13 evening around 5.00 p.m. and we were mining for the RUF and AFRC.
14 The people were there up until 6.00 p.m. when they asked us to
09:51:05 15 come out of the pit. The people said that Mosquito permits us to
16 mine for ourselves and asked why they had to get out. Kallon
17 then left the area to check on the gravel washes. When he left,
18 all the people jumped back into the pit." Do you remember these
19 sentences being read to you, Mr Witness, three months ago in
09:51:54 20 April of this year?

21 A. Well, what I'm trying to say is simply as I said. When
22 that man took an additional statement from me, he had a computer.
23 He brought a man that was an interpreter. I spoke in Krio and
24 the man interpreted into English. We went on for some time.
09:52:31 25 Then he finished typing. That was the time that some people from
26 the Special Court went, two women and a man.

27 Q. Mr Witness, can I stop you there, please? What I want to
28 ask you is very specific. I've just read to you a section of the
29 notes from November. What I'm asking you is: Were they read to

1 you three months ago in April of this year?

2 A. They read it to me, but I told them that that is not what I
3 said, and the correct thing is what I said in Court.

4 Q. So you would say that you've never told the Prosecution
09:53:40 5 that the people had said Mosquito permitted them to mine for
6 themselves?

7 A. No, that is not what I said. What I said, which the man
8 corrected here, it was simple that they asked me in Court and
9 that is what I said. I don't know whether it was corrected or
09:54:04 10 not.

11 Q. I'm looking at the April 2005 notes, which have some
12 corrections on them. But that section of the November note has
13 not been corrected. Can I suggest to you, Mr Witness, that you
14 did not correct those sections of the notes?

09:54:38 15 A. I don't know whether it was corrected or not. What I know,
16 when we came to Freetown here, and all that the things that I
17 said which I said he should correct, I told them. I don't know
18 whether they corrected them or not because I'm not literate.

19 Q. And the reason that the April notes have no correction on
09:55:01 20 them is because you didn't correct it because it's true that
21 Mosquito did permit you to mine for yourselves. Isn't that true?

22 A. Mosquito did not tell us to mine for ourselves. We mined
23 for them by force. That is what I said and that is what the man
24 wrote, and that is what I said in Court here.

09:55:29 25 Q. Did you mine, Mr Witness?

26 A. Yes, we mined for the AFRC government.

27 Q. Did you personally get into the pit and mine for the AFRC
28 government?

29 A. I told you that we the elders were up, we were the ones who

1 were back in the ground. It was the people that had been
2 transferring it to the stream; they would give us the gravel and
3 people would take it to the waterside to wash it. That is what I
4 said here.

09:56:19 5 Q. Just so that we are clear, what were you specifically
6 doing, Mr Witness, during this forced mining?

7 JUDGE ITOE: Mr Jordash --

8 THE WITNESS: We were up and we had the buckets.

9 JUDGE ITOE: I thought I heard him say he didn't go to the
09:56:36 10 pit and this is what he said two days ago. He didn't go into the
11 pit. The stronger younger ones went into the pit, from what he
12 said. Then they were on the surface receiving the gravels. I
13 thought that is what he also repeated this morning.

14 MR JORDASH: That's what I'm trying to get some details
09:56:53 15 about.

16 JUDGE ITOE: Okay.

17 MR JORDASH: I could have been more specific in my question
18 and I apologise.

19 Q. Mr Witness, is this right: You were stood at the top of
09:57:06 20 the pit receiving the gravel, which you would then sift through
21 to look for diamonds; is this correct?

22 A. That's not correct. We have been parking the gravel. We
23 had people that were transferring the gravel to the stream, where
24 it would be washed.

09:57:32 25 Q. When you say parking the gravel, what do you mean?

26 A. Well, when it was taken from the pit, I told you that they
27 made three steps. When they took it from the pit, they will take
28 it right up to us on the surface and we will pack it, and we will
29 pack it up and we have some other people, men, women, who will

1 take it. They put it in rice bags and take it to the stream and
2 they had some people that were there who would wash it with
3 shakers. That is what I said. That is what I said to the man
4 who obtained the statement from me.

09:58:09 5 Q. All this time you were all being guarded by the SBUs; is
6 that right?

7 A. The SBUs and the junior commanders, they were all in the
8 pit. They were all in the pit and they were the ones guarding
9 us, and if you wanted to go, they had to allow you to do so.

09:58:43 10 Q. Did you have any other job at the pit, Mr Witness?

11 A. We did not have any other job except when they brought
12 gravel from the pit and who would pack it. That is the only job
13 that we had.

14 Q. Did you not have a job as -- let me refer you to
09:59:30 15 the November notes again, Mr Witness. Page 108183, paragraph 4,
16 if you would listen to this paragraph. This is at the time when
17 you say Mosquito was first addressing the people about mining.
18 "After this, they gathered the aged men and told them to go and
19 supervise the younger men, otherwise they said they would kill us
10:00:09 20 all. The idea was to keep the young men at ease because their
21 elders were around." Did you have a job supervising the younger
22 men?

23 A. I said earlier Mosquito said we were the ones that were to
24 supervise, but when we went to the pit, they said we the elderly
10:00:45 25 ones should be up and we were to pack the gravel. And the
26 younger ones who were there, they were the ones that should put
27 the gravel into bags and send it up.

28 Q. Okay. Now, the story you've told us about the forced
29 mining in the first three days, is it right from what you've said

1 to us that the first shooting at the pit happened on the third
2 day?
3 A. Yes.
4 Q. And that was the shooting that concerned Colonel Manawa;
10:01:40 5 yes?
6 A. I said Colonel Manawa shot the RPG in the air.
7 Q. And that was the first shooting at the pit?
8 A. They fired in the air and then the SBUs, they fired into
9 the pit. That was the first shooting.
10:01:59 10 Q. Nothing like that happened on the first two days. You were
11 just being forced to mine on the first two days?
12 A. Yes.
13 Q. Then after the strike when you returned to the pit there
14 was another shooting at the pit, and that was the second
10:02:27 15 shooting; that is correct?
16 A. After that shot, we went on strike for two days. The third
17 day, I said that was the time that I was captured and put into
18 the cell.
19 Q. When you returned, there was another shooting which led to
10:02:52 20 the people refusing to mine again; correct?
21 A. Yes.
22 THE INTERPRETER: Your Honours, would the witness be
23 allowed to come closer to the mic?
24 PRESIDING JUDGE: Thank you, Mr Walker.
10:03:41 25 MR JORDASH:
26 Q. Now, dealing with these days, if you can cast your mind
27 back to the first day, were you ordered by Mosquito, following
28 the meeting, to go straight to the mines?
29 A. Yes. From the meeting direct, he said all civilians should

1 go and mine and all went by force under gunpoint and all of us
2 went to go and mine.

3 Q. At the end of the day when the forced mining stopped, were
4 you ordered to return to the pit the next day?

10:04:24 5 A. Yes. They gathered us. They did not just tell us like
6 that. They gathered us and said everybody should go and we had
7 to go.

8 Q. So the next morning, did you go to the pit?

9 A. Yes.

10:04:45 10 Q. Did you feel as though you had no choice but to go to the
11 pit?

12 A. We didn't do anything. Not I alone. You had to go, you
13 see?

14 Q. Why did you have to go, Mr witness?

10:05:26 15 A. I told you that the first meeting that we held, Mosquito
16 said that everybody that was in xxxxxx had to be under his
17 control. So what they wanted to do, that was what everybody
18 should do. If you did not, it will not be good for you. So in
19 the morning if they asked you to go, you had to go by force. So
10:05:44 20 even if you did not want to go, you had to go, because you had
21 nowhere else to go.

22 Q. So did all the civilians in xxxxx leave their house in the
23 morning to come back to the pit?

24 A. Everybody: Man, woman and children. In fact, you are not
10:06:16 25 allowed to sell, or you can only sell when you come from mining
26 from Cyborg pit. It was not I alone. It was over thousands,
27 thousands and thousands of people.

28 Q. Were the soldiers waiting for you at the pit?

29 A. I said the soldiers gathered us. The junior commanders,

1 they were the ones who had been guarding us. The SBUs were there
2 permanently at the pit. They were there to make sure that nobody
3 mined, except you were allowed. The other junior commanders were
4 the ones who gathered the whole of the people in town and they
10:06:57 5 led them to the pit to mine.

6 Q. What, did the junior commanders wait for you in a
7 particular place in the town?

8 A. In the morning, they were everywhere. They gathered
9 everybody. They went everywhere. They went to every house and
10:07:16 10 they went in to any part, you know, to gather you to come to
11 Cyborg pit.

12 Q. I want to ask you about something you said when you gave
13 evidence in the other trial.

14 MR JORDASH: I'm looking at the transcript, page 26, Your
10:08:47 15 Honours, 22 February.

16 MR HARRISON: If it helps the Court Management number that
17 has been attributed to that page is 10882.

18 MR JORDASH: Thank you.

19 Q. Now, you remember, Mr Witness, don't you, giving
10:09:17 20 evidence --

21 PRESIDING JUDGE: Mr Jordash, page 25?

22 MR JORDASH: Page 26, Your Honour.

23 PRESIDING JUDGE: That would be 886.

24 MR JORDASH:

10:09:32 25 Q. Do you recall giving evidence in the Court next door,
26 Mr witness?

27 PRESIDING JUDGE: I think you may be misstating the witness
28 in part on this, because I don't think he gave evidence in the
29 Court next door. I thought it was in the CDF trial?

1 MR JORDASH: Oh, I beg your pardon. Of course, yes.
2 That's absolutely right.
3 Q. Can you remember giving evidence in this Court before in
4 another trial, Mr Witness?
10:10:06 5 A. Yes, about CDF, yes.
6 Q. Are you aware that what you say is recorded when you're in
7 this Court?
8 A. Well, I just speak, I don't know whether it was written.
9 The questions that were posed to me are the ones that I answered.
10:10:31 10 Q. Well, I'm letting you know that what you said in that Court
11 was recorded. I'm going to read to you a section of what you
12 said. I'm looking at line 3, Mr Witness, of a piece of paper
13 which has recorded what you said. The lawyer in that trial asked
14 you this question: "Mr Witness, you say at times you would mine
10:11:16 15 for five hours for the AFRC, and they asked you to mine for
16 yourselves. Then sometimes you say -- sometimes they open firing
17 on you when you just started mining. Was it the case that every
18 time you started mining they opened fire upon you every time?"
19 You said, Mr Witness, in response to that question: "That
10:11:54 20 was why I said this in my first statement, that at times they
21 allow us to mine for five hours and you mine for ourselves two
22 hours. As well, we go down to do the mining, it will be not even
23 10 or 15 minutes and they open firing on us. That has been
24 happening every day."
10:12:33 25 Do you remember saying that, Mr Witness, in this Court in
26 the CDF trial?
27 A. Well, the CDF trial, the lawyer was trying to ask me --
28 when I wanted to correct him, twice, the Court said I should
29 answer the question that was posed to me. So when I wanted to

1 continue, the Court said they wanted me to explain that
2 particular area. The lawyer said I came for the CDF trial, it
3 was not for the AFRC, and at that point I stopped there. I did
4 not continue. That's what I know.

10:13:08 5 Q. Well, Mr witness, you said in this Court that, firstly, the
6 junta, the AFRC, would allow you to mine for five hours for them
7 and for yourselves for two hours. Is it true that you were
8 allowed to mine for yourself for two hours?

9 A. I said -- they said we should mine for them for five hours
10:13:45 10 and we should mine for ourselves for two hours. But we went to
11 the site it was not possible. So we continued to mine for them.
12 They did not allow us to mine for ourselves at all. That is what
13 I said.

14 Q. Listen to these words then, Mr witness, because these are
10:14:00 15 your words: "As well, we go down to do the mining. It will not
16 even be 10 or 15 minutes and they open firing on us. That has
17 been happening every day."

18 A. I don't remember saying those words. I only said -- I only
19 concentrated on the CDF trial. When they started asking me about
10:14:32 20 AFRC/RUF, I started talking. Any question that was asked, I
21 tried to direct the Court to what I said. The man did not allow
22 me. They said I came for the CDF trial and they said we should
23 continue that.

24 Q. Mr witness, it's not true, is it, that you were shot at
10:14:50 25 every day when you were mining?

26 A. It was not every day that they opened fire at us. They
27 said the three days we did mining, that was the time that they
28 fired at us. I did not say every day.

29 Q. Well, Mr witness, you did say every day, because these are

1 your words that have been recorded by a machine which records
2 your words. So you did say every day.

3 A. I can't recall saying that. I can't -- I only talked about
4 CDF. When the man was asking me questions, I was trying to
10:15:39 5 correct what I said. But they did not allow me to talk; they
6 said I should continue with the CDF, what I experienced during
7 the CDF time.

8 Q. Well, Mr witness, I'm suggesting that you said that the
9 AFRC had fired at you every day. You said it, it was recorded
10:16:03 10 and it was a lie. Is that true? Is it a lie?

11 A. What I said here concerning the AFRC, the things that they
12 asked me about AFRC is what I said. The CDF trial, my lawyer was
13 trying to allow me to explain. I started to explain about the
14 AFRC. Any question that they posed to me, when I wanted to
10:16:30 15 answer it, they said, "No, let's cancel that." I came here for
16 AFRC -- CDF, sorry.

17 Q. Mr witness, I'll move on and I'll ask you about something
18 else. Your first statement you ever made to the Prosecution, to
19 the lawyer, November 2002. Do you remember that very first time
10:17:08 20 you met the lawyer in 2002?

21 A. In ~~xxxxx~~?

22 Q. Yes, ~~xxxxx~~. Do you remember?

23 A. That first woman who obtained statement from me, yes, I
24 recall.

10:17:37 25 MR JORDASH: It's the very first page. I don't have the
26 Court numbering, I do apologise -- 804. Thank you.

27 Q. I want to read part of this to you as well, Mr witness.

28 JUDGE ITOE: What is the date, please?

29 MR JORDASH: The date is 16 November 2002.

1 Q. Line 3, "The AFRC/RUF organised the mining of a big gravel
2 pit called Cyborg. They forced many people to mine. They'd say,
3 'we'll give you civilians five hours to mine for AFRC and one to
4 two hours to mine for yourselves.'" Mr Witness, do you recognise
10:19:38 5 these words coming from a statement taken by a lawyer in **xxxxx**?

6 A. Even here, I said it. I said Mosquito in the meeting --
7 Mosquito said we would mine five hours for the AFRC and we would
8 mine two hours for ourselves. But when we went to the mining
9 site, they did not even allow us to mine for ourselves. I said
10:19:59 10 that 100 times. I said that.

11 Q. Mr Witness, I know you have said it 100 times, but I'm
12 asking you whether you recognise it from this statement which was
13 taken by your lawyer, which you have been taken through on a
14 number of occasions since. Do you remember those words?

10:20:21 15 PRESIDING JUDGE: It's not clear to me, at least, that this
16 witness has been taken through that statement. We have been
17 through the statement of November 2004, but we are here
18 in November 2002. My recollection is not that the witness has
19 been taken through that statement the same way he has been taken
10:20:40 20 through the other ones. It may be so. I still do not recollect
21 that these questions were asked of this witness. I do not even
22 know if this statement was ever read back to him. So the process
23 for the 2002 is unknown to me. At least, I have no recollection
24 of that.

10:20:59 25 MR JORDASH: I shall deal with that then, Your Honour.

26 Q. Do you remember, Mr Witness, after meeting the lawyer
27 in November 2002 in **xxxxx**, then meeting a lawyer in **xxxxxx**
28 in January 2004 in a hotel? Do you remember that?

29 A. Whoever took the statement from me, from that time up to

1 now, I have not been able to see her. You see, when she obtained
2 them from me, from that time up to now, I have not been able to
3 see. The only time that they read statements to me was the CDF.
4 Q. Mr witness, do you remember meeting some other lawyers in
10:21:52 5 **xxxxx** at the beginning of 2004 -- a year and a half ago?
6 A. Except the two white men who met me who said they've come
7 to read that statement concerning CDF, I don't recall that. I
8 don't recall that.
9 Q. I suggest, Mr witness, you've been taken through this
10:22:25 10 statement at least twice at the beginning of 2004 in **xxxxx**. Do
11 you not remember meeting lawyers from the Special Court at the
12 beginning of 2004 in **xxxxx**?
13 PRESIDING JUDGE: Lawyers involved in the CDF trial?
14 MR JORDASH: Yes.
10:22:47 15 Q. Lawyers from the CDF trial?
16 A. Well, it was the CDF that they read to me in **xxxxxx**. It was
17 the CDF that they read to me in **xxxxxx**.
18 Q. What do you mean by that, it was the CDF that was read to
19 you in **xxxxxx**? I don't understand that, Mr witness.
10:23:09 20 A. Well, the statement that was obtained from me by the CDF,
21 that is what was read to me in **xxxxxx**. They said some other
22 person was coming to ask me concerning the AFRC/RUF, you see?
23 That was one black woman with another two men. These were the
24 ones that read the statement to me. They said there was an
10:23:38 25 individual who was coming to take an additional statement from
26 me. It was AFRC/RUF. They said they were coming; they said they
27 were only interested in CDF.
28 Q. We've got that, Mr witness. Do you recall if the man was
29 called Mohamed Bangura -- one of the men?

1 A. Yes, it was here that one Mr Bangura who took us from **xxxxx**
2 who brought me here. It was one Mr Bangura who was interviewing
3 me here. He was the one who asked me about CDF here.
4 Q. Did he take you through the statement which had been taken
10:24:22 5 in 2002, the one which included what you had to say about the
6 CDF?
7 A. Yes. See, what I said, he read it to me. What I did not
8 say, when he read it to me, I told him I did not say this. And
9 he said -- what I said, if he read it to me, I said that is not
10:24:54 10 what I said.
11 Q. Thank you. You were seen over two days; is this correct?
12 The 15th of February, and the next day by somebody else, a white
13 man; remember?
14 A. No, I cannot recall that. I was not seen by a white man.
10:25:18 15 It was only Mr Bangura that I spoke to and we came here.
16 Q. Well, that's sufficient. I want to read to you now part of
17 the first page of that statement, Mr Witness, fifth line down,
18 page 804. The statement says this, Mr Witness: "The whole **xxxxx**
19 population was inside that pit, thousands of people. Sometimes
10:25:58 20 10, 15 minutes after civilian time was over they'd order everyone
21 to come out, and if they didn't, which was often the case, they
22 would open fire on the people. I recall over 20 times when they
23 opened fire like that. It wasn't rational. Sometimes it was
24 after we'd just started mining for the day." Do those words
10:26:40 25 remind you of that statement, Mr Witness?
26 A. I did not say that; I did not say that. What I said
27 concerned the AFRC/RUF. That is what I was asked about in Court
28 here, I don't say so.
29 Q. Well, do you remember those words being read to you in

1 2004?

2 A. No, they did not read that to me. It was only the CDF that
3 Mr Bangura asked me to concentrate on and that is what I did.
4 when I came to this Court, that is what happened.

10:27:25 5 Q. Let me make my position clear, Mr Witness, you told the
6 Prosecution, the lawyer, that 10 to 15 minutes after civilian
7 time was over, they'd order everyone to come out. I suggest you
8 told that to the lawyer, because that was true. Is that not
9 right?

10:27:51 10 A. After the mining had been done, they said everybody should
11 come out. They did not show any time. When they had mined, when
12 they felt everything was finished, they said everybody should
13 come up and go to town. I did not talk about me or some other
14 thing.

10:28:14 15 Q. My point is this: that this was after civilian time of
16 mining was over, wasn't it?

17 A. I said that. Civilians did not mine for themselves. All
18 the mining that we had been doing was for AFRC. Civilians did
19 not have the guts, you know, to mine for themselves. The mining
10:28:34 20 that civilians attempted to do was the time that 25 civilians
21 were killed during that day.

22 Q. I suggest to you, Mr Witness, that what you've done is
23 construct a story which has developed over the months and the
24 years to create the idea of forced mining. I suggest there was
10:28:54 25 no forced mining.

26 A. Well, I've been in xxxxx since 1969. My work is mining and
27 farming. I would not lie. I'm a miner and I'm a farmer.
28 Everybody knows that. I'm a miner and a farmer in xxxxx
29 throughout this war. What I'm saying here is the truth. It's

1 something that happened to me and it's something that I saw.

2 Q. When the AFRC arrived in xxxxx, Mr Witness, were you and
3 your family living there?

4 A. My family was in xxxxx. It was only I who was in xxxxx.

10:29:50 5 See, I was trying to get my living.

6 JUDGE THOMPSON: Counsel, you were suggesting to the
7 witness that there was no forced mining at all?

8 MR JORDASH: Yes.

9 JUDGE THOMPSON: I didn't quite specifically get your
10:30:03 10 theory. Was there any mining?

11 MR JORDASH: Well, I'm suggesting to the witness that there
12 wasn't --

13 JUDGE THOMPSON: What's your alternative theory so I get
14 your position clear?

10:30:18 15 MR JORDASH: The alternative theory I'm taking from the
16 witness statement is that there was both government mining and
17 civilian mining.

18 JUDGE THOMPSON: Voluntary mining?

19 MR JORDASH: Yes.

10:30:40 20 JUDGE THOMPSON: Thanks.

21 MR JORDASH:

22 Q. Your family were able to escape the AFRC's forced mining in
23 xxxxx because they happened to be in xxxxx when the AFRC
24 arrived; is that right?

10:30:51 25 A. Before the AFRC came, my family was in xxxxx. It was only
26 I who was in xxxxxx with my miners. Before the AFRC took over, my
27 family was in xxxxx and I was in xxxxx.

28 Q. So you remained alone in xxxxxx living at your house?

29 A. I was in xxxxx. I did not say I was in xxxxx. I was in

1 xxxxxx.

2 Q. Sorry, you remained in xxxxx alone, living at your house;
3 is that correct?

4 A. It was not I alone who was in my house. It was not I alone
10:31:38 5 who was in my house. I rented people there. I was there with
6 some other people.

7 Q. well, who else? Sorry, I will rephrase the question. Were
8 you living with soldiers or civilians?

9 A. I was with civilians.

10:32:00 10 Q. And these were people from xxxxx, were they?

11 A. Some were born in xxxxx. Some just came there, but the
12 house was mine.

13 Q. How did they end up living with you? Were they living with
14 you before the AFRC arrived?

10:32:19 15 A. They were with me before the AFRC. They rented to me
16 before the AFRC.

17 Q. who had been living with you before the AFRC arrived in
18 terms of your family; any children?

19 A. None of my children were with me. My children and my wife
10:33:04 20 were in xxxxx.

21 Q. Is it right, Mr witness, that when the Kamajors arrived in
22 xxxxx, you civilians were all considered to be collaborators?

23 A. That is why I came and testified against them. When we
24 were punished under the AFRC, when the Kamajors they themselves
10:33:49 25 came, they said all we, the civilians who were in xxxxxx, were
26 AFRC collaborators and that all of us should be killed.

27 Q. Was it that they thought you had been working with the AFRC
28 and that is why you were considered as people to be killed?

29 A. Yes.

1 Q. Is that, Mr Witness, because you had been working with the
2 AFRC?
3 A. We had not been working with the AFRC. We had been
4 punished under the AFRC and when they themselves came, instead of
10:34:42 5 them to sympathise they said that all of us were AFRC
6 collaborators and that all of us should be killed.
7 Q. When the Kamajors turned up, is this right, the AFRC took
8 all the civilians to the HQ for protection?
9 PRESIDING JUDGE: For their own protection or the
10:35:19 10 protection of the civilian population?
11 MR JORDASH: The protection of the civilian population.
12 Q. Is that right, Mr Witness?
13 A. I don't get that one clearly.
14 Q. Okay. Let me shortcut this. I'm just about finished.
10:35:39 15 22 February you gave evidence in this Court, Mr Witness, and it's
16 page 28 of the transcript. I want to read you the conversation
17 you had with the lawyer in this Court. Line 13, page 10888. The
18 question to you, Mr Witness was: "Now, let's come to the day of
19 the attack. On the day of the attack the AFRC were in control of
10:36:43 20 xxxx, weren't they?"
21 You say, "Yes."
22 "And they were in control of the NDMC headquarters, weren't
23 they?"
24 Your answer, "Yes, they were there."
10:37:07 25 Question, "And that is why they asked civilians to go to
26 the headquarters, because they considered it a safe haven;
27 correct?"
28 Your answer, "I am sure, yes. I am sure, yes."
29 Is it correct, Mr Witness, that the AFRC, when the Kamajors

1 attacked, asked the civilians to go to the headquarters because
2 they considered it to be a safe haven?
3 A. Yes. When they attacked, the AFRC soldiers said that
4 everybody should go to the headquarters, say that everybody
10:37:57 5 should go to the headquarters. People went to the headquarters,
6 yes.
7 Q. And were protected by the AFRC?
8 A. I don't get that clearly.
9 Q. At the NDMC headquarters, they were protected by the AFRC.
10:38:40 10 A. That was the headquarters. That's where all the
11 ammunitions were. When they attacked, they asked all the
12 civilians - they said all the civilians should go to the
13 headquarters. Some civilians were there. Some who did not have
14 a chance to go there did not go there.
10:38:58 15 MR JORDASH: Thank you. I have nothing further. I've
16 taken a bit longer. Sorry.
17 PRESIDING JUDGE: Thank you. Counsel for the second
18 accused, you're ready to proceed with your cross-examination?
19 MR NICOL-WILSON: Yes, Your Honour.
10:40:02 20 PRESIDING JUDGE: Please do so.
21 CROSS-EXAMINED BY MR NICOL-WILSON:
22 Q. Mr witness, you were in **xxxxx** in May 1997 when you heard
23 that the SLPP government has been removed from office; is that
24 correct?
10:40:17 25 A. Yes, we were in **xxxxx** when we heard that the SLPP
26 government had been toppled. We heard about it.
27 Q. You also heard that a new government has been established
28 called the AFRC?
29 A. We heard about it, but at that time, they did not reach to

1 us, that's it.

2 Q. You also know that every government would have ministers;
3 is that not so?

4 A. Yes.

10:41:04 5 Q. This government had a minister of mines; is that correct?

6 A. Well, I don't know. I don't know about it. I only know
7 that every government had a minister. I don't know whether their
8 government had a minister of mines. I don't know.

9 Q. You also know that the government have different
10:41:43 10 ministries; is that not so?

11 A. Yes.

12 Q. And among the ministries would be the ministry of mines?

13 A. Yes.

14 Q. This AFRC government had mining inspectors in xxxx and in
10:42:14 15 xxxx.

16 A. That time, they did not reach to us during that period.
17 They were not up to our own place yet.

18 Q. So eventually they came over to xxxxx in August, according
19 to your testimony?

10:42:47 20 A. Yes.

21 Q. When they were in xxxxx, there were mining inspectors in
22 xxxxx and in xxxxx?

23 A. Well, when they arrived in xxxxx, they did not go with all
24 those people. They gathered us forcefully and told us that they
10:43:14 25 had taken over xxxxxx and the entire country, so everybody that is
26 in xxxxxx was under their control and they should go to the xxxxxx
27 pit and mine.

28 Q. Later, you heard that mining inspectors had been appointed;
29 is that not so?

1 A. All that you are saying, that's not the way it happened. I
2 said Mosquito gathered us at the football field. From there, he
3 ordered us to go to mine for them, that is all.

4 Q. After this incident with Mosquito, you heard about mining
10:43:57 5 inspectors in xxxxxx?

6 A. No.

7 Q. How long have you been mining for?

8 A. I started mining since 1966.

9 Q. Throughout your mining career, are you in a position to
10:44:32 10 tell whether or not the ministry have mining inspectors?

11 A. Yes, but during the AFRC period, I did not observe that. I
12 did not hear anything about mining licences, inspectors. All I
13 knew, when they came to xxxxxx, they told us to mine for them.

14 Q. Now --

10:45:11 15 JUDGE THOMPSON: Just a minute, counsel. Continue,
16 counsel.

17 MR NICOL-WILSON:

18 Q. Were you the holder of a mining licence before the SLPP
19 government was removed in 1997?

10:45:47 20 A. Yes.

21 Q. Between March and August 1997, did you renew your licence?

22 A. Well, I had a mining licence, but it had expired a long
23 time. I did not renew it. I did not renew it.

24 Q. So you were mining without a proper licence?

10:46:39 25 A. That was why, since I did not renew that, the place where I
26 had it first, that was why I never continued mining there, so I
27 went to xxxxx. I continued to stay there.

28 Q. When you went to xxxxxx, you employed some people to do
29 mining for you; is that not so?

1 A. Well, always, as I renew my mining licence, I normally
2 employed people, we negotiate so they can mine for me. That is
3 in xxxx, not central xxxxx.
4 Q. But in xxxxx, you were mining without a licence?
10:47:56 5 A. May God forbid, it will not happen. You cannot mine in an
6 area where -- in a controlled government area, without which
7 we'll be held responsible.
8 Q. And this is because there were mining inspectors checking
9 on miners?
10:48:28 10 A. Yes.
11 Q. And these working inspectors worked for the Ministry of
12 Mines?
13 A. Yes.
14 Q. Now, you informed this Court that when the AFRC went to
10:48:42 15 xxxxx in August 1997 they instructed you to do what they referred
16 to as AFRC government mining; is that correct?
17 [RUF07JUL05B-RK]
18 A. Yes.
19 Q. So you were mining for the AFRC government headed by Johnny
10:49:09 20 Paul Koroma?
21 A. I never knew their leader. I only knew that the leader in
22 xxxxxx was Mosquito. It was he who ordered us to mine for the
23 AFRC/RUF. It was a forceful mining. We never did it on our own,
24 out of our own desire.
10:49:42 25 Q. When you heard that the SLPP government had been moved out
26 of the office, were you informed about the new head of state, the
27 new man who replaced President Kabbah?
28 A. We heard about one Johnny Paul Koroma that was the
29 president in Sierra Leone.

1 Q. [Overlapping microphones] Johnny Paul Koroma was head of
2 the AFRC government?
3 A. According to what we heard, yes.
4 Q. And you were asked to mine for the AFRC government?
10:50:27 5 A. Yes, that is what Mosquito told us. He said we should mine
6 for the AFRC government but it was forceful mining. During the
7 other government that was not what was obtained.
8 Q. Now, in your testimony on Monday, you said that you are
9 originally from the xxx xxxx; is that correct?
10:51:04 10 A. Yes.
11 Q. And you have relatives in the xxxxx xxxx?
12 A. I was born there, yes.
13 Q. You have relatives residing in the xxxx xxxxx?
14 A. Yes.
10:51:29 15 Q. And also between August and December of 1997 some members
16 of your family were staying in xxxxxx?
17 A. Yes.
18 Q. You were communicating with members of your family in
19 xxxxxx between August and December of 1997?
10:52:05 20 A. Yes. If I had anything, I went to shop for something to
21 feed them so whatever I got I sent it to them.
22 Q. And you also used to send whatever you have to some of your
23 relatives in the xxxx xxxx?
24 A. Yes.
10:52:39 25 Q. Now, your relatives in xxxxx and in the xxxx xxxx
26 informed you that members of the AFRC were also present in those
27 districts?
28 A. Well, when AFRC took power, I was in xxxx. I had no
29 communication with them until when they took over xxxxxx. I had

1 no chance to leave there. In fact when they took over xxxxxx I
2 had no chance to go to xxxxxx. I had no chance to go anywhere.
3 when they went there, they gathered us together and told us that
4 we should move nowhere. I had no chance to go anywhere so there
10:53:24 5 was no way I could send anything for them.
6 Q. Now, also when AFRC took over in May 1997, you did not come
7 to Freetown. You were residing in xxxxx?
8 A. I did not even come to xxxxx. I only stayed in xxxxx.
9 Q. And you did not come to Freetown as well?
10:54:02 10 A. Not at all. I did not go to xxxxxx. Why should I come to
11 Freetown? I only stayed in xxxxx.
12 Q. But you heard about what was going on in Freetown,
13 including this new leader called Johnny Paul Koroma?
14 A. Yes, we heard that the leader was Johnny Paul Koroma,
10:54:21 15 Mr Johnny Paul Koroma was the president of the country. I heard
16 about it, yes.
17 Q. Similarly even though you were unable to travel to xxxxx
18 and to xxxx xxxxx, you heard that members of the AFRC were also
19 in those districts?
10:54:44 20 A. Well, I don't know about that. I did not hear about it.
21 I've only heard that they've taken over the country.
22 Q. Thank you.
23 Now before the SLPP government was removed, they had
24 ministers, resident ministers, in Bo for the Southern Province
10:55:24 25 and Kenema for the Eastern Province?
26 A. Yes, there were ministers, yes.
27 Q. And they also had civil servants and other government
28 functionaries in Bo and in Kenema?
29 A. I'm a farmer and a miner. I don't know much about

1 government. what I know is about the bush. I don't know much
2 about government ministers, civil servants, I don't know.
3 Q. But during the reign of the SLPP government you knew for
4 certain that there were police officers and prison officers in Bo
10:56:15 5 and in Kenema working for the government?
6 A. Yes.
7 Q. There were also soldiers in Bo and in Kenema working for
8 the SLPP government?
9 A. There were soldiers that were working, yes, everybody
10:56:41 10 worked for the government in which you govern.
11 Q. So this new government also had people working for them in
12 Bo and in Kenema?
13 A. well, I don't know, I was in ~~xxxxx~~. I don't know about
14 that. Do you understand?
10:57:02 15 Q. But you will expect them to have people working for them in
16 Bo and Kenema?
17 JUDGE ITOE: Speculating.
18 JUDGE THOMPSON: Speculating.
19 [Multiple speakers - transcript incomplete]
10:57:21 20 MR NICOL-WILSON: As Your Honour pleases. I'll proceed.
21 JUDGE ITOE: He has told you he was used to the bush.
22 JUDGE THOMPSON: He is not a student of government and
23 politics.
24 JUDGE ITOE: He's not a white-collar orientated person.
10:57:36 25 MR NICOL-WILSON: As Your Honour pleases.
26 Q. Now, did you -- I'll rephrase that. were you informed that
27 one of the members of the AFRC government based in Bo is a man
28 called Morris Kallon, between August and December of 1997?
29 A. I don't know about that.

1 JUDGE ITOE: What was the question?

2 MR NICOL-WILSON: Whether he was informed that one of the
3 members of the AFRC government based in Bo in August 1997 was a
4 man called Morris Kallon.

10:58:35 5 THE WITNESS: I don't know about that. I heard that name.
6 when Mosquito summoned that meeting, when I was released from the
7 cells that Mosquito had appointed one man known as Morris Kallon
8 as his deputy. I don't know Morris Kallon; that was the first
9 time I heard that name. I have never seen him. Whether he was a
10:58:59 10 government man or not, I don't know him.

11 Q. I'm putting it to you that between August 1997 and December
12 1997, Morris Kallon was residing in Bo.

13 A. I don't know about that.

14 JUDGE ITOE: Between?

10:59:37 15 MR NICOL-WILSON: Between August 1997 and December 1997
16 Morris Kallon was residing in Bo.

17 Q. I'm also suggesting to you that you are not in a position
18 to tell whether or not he was residing in Bo because you did not
19 know him.

11:00:25 20 PRESIDING JUDGE: He told you that he didn't know him. The
21 first time he ever heard his name was when Mosquito said this is
22 Kallon.

23 JUDGE ITOE: Who would deputise for him.

24 PRESIDING JUDGE: Yeah, "he is my deputy". Before that he
11:00:35 25 didn't -- he just told you that.

26 MR NICOL-WILSON: I am going to deal with that under a
27 separate head. I want to confirm that he did not know Mr Kallon
28 so he would not be in a position to tell whether or not he was in
29 Bo or elsewhere between August and December 1997.

1 PRESIDING JUDGE: I thought he had already said so, but if
2 you think it's not clear, go ahead.

3 MR NICOL-WILSON: I'll proceed if the point is clear to the
4 Bench.

11:01:00 5 PRESIDING JUDGE: But that's your case. If you feel that
6 you need to have that answer --

7 MR NICOL-WILSON: I'll proceed, Your Honour, as long as the
8 point is clear.

9 PRESIDING JUDGE: Well --

11:01:46 10 MR NICOL-WILSON:

11 Q. Now, when did you first get in contact with lawyers working
12 for the Office of the Prosecutor?

13 A. Well, they collected me to Freetown here and about two
14 months now, I think. First I came, I took two weeks and went
11:02:30 15 back.

16 Q. When was the first time you spoke to someone working for
17 the Office of the Prosecutor, the first time?

18 A. I think it was around -- around March/April, March/April.

19 PRESIDING JUDGE: I don't think he understands this
11:02:58 20 question. Maybe it is because you're using the words Office of
21 the Prosecution.

22 MR NICOL-WILSON: Yes, I am going to rephrase the question.

23 Q. The first time you spoke to your lawyers was in November
24 2002?

11:03:18 25 A. I have told you that I'm not literate. All that are asking
26 me, I don't understand except when you put it clearly to me.

27 Q. Now some lawyers working for the Special Court had a
28 meeting with you in November 2002.

29 PRESIDING JUDGE: Give him the location.

1 MR NICOL-WILSON:
2 Q. At xxxxx xxxxx?
3 A. Yes, one woman. A tall woman went and met us in xxxxx.
4 She went there to obtain statement from us after the disarmament.
11:04:04 5 Q. And you made a statement?
6 A. Yes, I made statement. But the interpreter, what I said in
7 krio and what he told the woman in English was different.
8 Q. How do you know?
9 A. Well, how I came to know when the other woman came and read
11:04:31 10 the statement to me. When another person was interpreting what I
11 said, well, when he read a particular portion I said, "No, this
12 was not what I said."
13 Q. Now, on the 15th of January 2004 you also made another
14 statement to your lawyers in xxxxx.
11:05:06 15 A. No, it was in xxxxx. I think it was in xxxxx that I made
16 statements.
17 Q. You did not make any statements to your lawyers in xxxx?
18 A. I think it was in xxxx; I cannot recall. I think it was
19 xxxxx that the people went and met me.
11:05:43 20 Q. How many times did you meet with your lawyers before
21 testifying in this Trial Chamber in February this year?
22 A. I think three times -- it was four times.
23 Q. And whenever you would meet with them, you would say
24 something and they will write down what you say?
11:06:15 25 A. In Freetown here.
26 Q. What about in xxxxx?
27 A. xxxxx it was only once.
28 Q. After taking your statement, they will read the statement
29 over to you, the one they took in xxxxx in November 2002?

1 A. The one that the woman obtained from me in ~~xxxxx~~, it was
2 not read to me except when we came in Freetown here. In any
3 situation wherein if I did not say anything I would say, "I did
4 not say this", so it would be corrected.

11:07:15 5 Q. After the statement was read over to you, you had your
6 thumbprint affixed to the statement?

7 A. Well, any one that was obtained from me they would ask me
8 to sign it, then I signed.

9 Q. I'm putting it to you that you signed those statements
11:07:39 10 after the statements have been read over to you.

11 A. When they read it to me, whatever I said, I said, "This is
12 what I said." If I did not say so, then I will tell them to
13 correct it.

14 Q. Now in your statement made on the 16th of November 2002,
11:08:38 15 you mentioned about killings that took place in the absence of
16 Mosquito and you said when Mosquito was not around they left an
17 SLA captain in charge; is that correct?

18 A. No.

19 MR NICOL-WILSON: Your Honour, can a copy of the witness
11:09:05 20 statement of the 16th of November 2002 be put to him? So he
21 could identify his signature by means of thumbprint.

22 PRESIDING JUDGE: How can he do that?

23 MR NICOL-WILSON: Your Honour, he thumb printed the
24 statement he made on the 16th of November 2002 and I want him to
11:09:30 25 have a look at it and see if he could recognise this thumbprint.

26 PRESIDING JUDGE: I would not be able to recognise my
27 thumbprint, but if you think the witness can do that then okay.
28 I mean, you have a copy of the statement there.

29 MR HARRISON: The reason why the Prosecution tried to

1 ensure that that was distributed and disclosed was that the
2 Prosecution would not resile from any representation that what is
3 disclosed is that of the particular witness, so we would make no
4 representation whatsoever suggesting that the statement that has
11:10:24 5 been disclosed is anything other than this witness's statement.
6 If it is necessary to have someone analyse the thumbprint, I
7 think in fact we would have to go and find the original because
8 the photocopy that is distributed would not allow anyone to
9 identify it. It is just not good enough quality. I'm not even
11:10:56 10 sure if the original is of good enough quality to have someone
11 analyse the print to determine identity.

12 PRESIDING JUDGE: As I say, counsel, it is of very, very
13 limited use. As I say, I could not tell you that this is or is
14 not my thumbprint. Certainly experts could say so, but I don't
11:11:16 15 think I myself could say so.

16 MR NICOL-WILSON: As Your Honour pleases.

17 Q. Now, you have mentioned that on 16th November 2002 you made
18 a statement at xxxxx xxxxx?

19 A. Yes, concerning the CDF, more.

11:11:44 20 Q. Now, you also said that you signed that statement, to use
21 your own words.

22 A. Yes, when the woman obtained the statement from me, they
23 read it to me concerning the AFRC. A lot of the portions that
24 was not what I said. Then the woman said she had interest in the
11:12:10 25 CDF more, so let me explain to her about the CDF. So I explained
26 to her about the CDF in details.

27 Q. And so what you said to her she recorded?

28 A. Well, what I told her concerning the CDF, that was what she
29 wrote. I don't know, that was what she wrote.

1 Q. And then she read the statement over to you?
2 A. She read it over to me again. The area that I said -- the
3 area that I said, this was the area -- this is what I spoke. I
4 said okay, I answered. On the other areas wherein there were
11:13:15 5 contradiction, those were the areas that I never said things. I
6 also directed her this is not what I said. She promised to
7 correct that. I don't know whether she has done that.
8 Q. Now, do you know one Captain Kunateh [phon]?
9 A. No.
11:13:32 10 Q. What about one Sheku Kunateh?
11 A. I don't know him.
12 Q. What about SI Olu?
13 A. SI Olu was a police. He was in charge of xxxxx before the
14 AFRC took over xxxxx. I know him.
11:14:33 15 JUDGE ITOE: Olu?
16 MR NICOL-WILSON: SI Olu. It is spelled O-L-U.
17 Q. Could you please repeat your answer as to who SI Olu was?
18 A. SI Olu was a Sierra Leone police. He was in xxxxx with the
19 SSDs before ever the AFRC took over Togo.
11:15:40 20 Q. Now, do you recall testifying in this trial chamber on the
21 18th of February this year?
22 A. Yes.
23 Q. Now, this is what you said when your lawyer was asking you
24 some questions. It is page 80 of the transcript of 18th February
11:16:21 25 2005. And the question is: "Before this time, Mr Witness, were
26 there any Kamajors in xxxxx?"
27 And your answer, starting from line 11 is: "No, there was
28 no Kamajor in xxxxx. The AFRC was in control and the commander's
29 name was --".

1 Then there is another question. "You were going to say the
2 name of the commander."
3 And the answer, "It was SI Olu. He was in charge."
4 PRESIDING JUDGE: What is the page again?
11:17:12 5 MR NICOL-WILSON: Page 80, 8-0. I think it is 10825.
6 PRESIDING JUDGE: Yes. Thank you.
7 MR NICOL-WILSON:
8 Q. So on the 18th of February you told this Court that it was
9 SI Olu who was in charge.
11:17:42 10 A. No that is not what I said. I said before the AFRC took
11 over, they asked me if there were Kamajors. I said no. They
12 asked me if the AFRC fought. I said they did not fight. I said
13 it was SI Olu who belonged to the Sierra Leone police was in
14 Tongo before the AFRC took over xxxxx. That is what I said.
11:18:09 15 JUDGE ITOE: What was he in xxxxx? He was just there.
16 what was he.
17 THE WITNESS: No, he was in charge of xxxxx, he was a
18 police. He was a police. He was in charge of xxxxx. He was
19 there with some SSDs.
11:18:42 20 MR NICOL-WILSON:
21 Q. Mr Witness, I am putting it to you that you told this Court
22 on the 18th of February this year that when the AFRC was in
23 control in xxxx, the commander's name was SI Olu?
24 A. No. I said before I was asked when AFRC took over xxxxx,
11:19:02 25 there was any Kamajor, I said no. I said it was SI Olu who was a
26 policeman that was controlling xxxxx. Before the AFRC took over
27 xxxxx, that is what I said. I said it was this SI Olu who was in
28 control of the area. That is what I said.
29 Q. Also on the 18th of February your lawyer asked another

1 question. The question is at page 80, 10825. The question is:
2 "Mr witness, did you yourself know at that time about the
3 existence of Kamajors at all?"

4 And the answer is, "Yes."

11:20:22 5 Then there is another question: "You say they were not in
6 Tongo but you knew about their existence. How did you come to
7 know about their existence?"

8 And the answer is: "Well, I used to see them in xxxxx. I
9 come to xxxx and see them there as well."

11:20:46 10 Now today you are informing this Court you were unable to
11 travel to xxxxx and xxx during the period when the AFRC was in
12 xxxxx and on the 18th you told the Court you used to see Kamajors
13 in xxxxx and xxxx?

14 MR HARRISON: Objection. That question is put unfairly
11:21:07 15 because there is no time frame whatsoever indicated in the
16 transcript as to what the witness's attention is being drawn to.

17 PRESIDING JUDGE: Thank you, Mr Harrison. Quite true. I'm
18 looking at the transcript and it is --

19 JUDGE ITOE: It is quite true.

11:21:20 20 PRESIDING JUDGE: what he has said in there, this is what
21 the witness has said, but the time frame is not related to the
22 AFRC period, per se. The witness has been testifying here today
23 it was while the AFRC was in control that he could not and did
24 not go to xxxx or xxx. The question is much more wide, the one
11:21:41 25 in the transcript at page 80. When you read that, it is obvious
26 the witness is talking, not necessarily of the AFRC period, but
27 on a much wider period of time than the AFRC.

28 MR NICOL-WILSON: As Your Honour pleases.

29 Q. Now, in your statement dated the 16th of November 2002, you

1 said when Mosquito was not here they left an SLA captain in
2 charge; is that correct?
3 A. No.
4 PRESIDING JUDGE: He has told you that he did not say that.
11:22:55 5 MR NICOL-WILSON:
6 Q. Now you said you have been residing in xxxxx since 1969; is
7 that correct?
8 A. Yes.
9 Q. Do you know one Victor Kallon?
11:23:18 10 A. No.
11 Q. Did you hear about any Victor Kallon who was a bodyguard to
12 Mosquito?
13 A. No.
14 Q. During the period the AFRC was in xxxxxx, did you hear about
11:23:59 15 any Momoh Kallon?
16 A. No. What I heard from Mosquito, he talked about junior
17 commanders, SBUs and senior commands. That is all that I know.
18 I don't know about any other thing.
19 JUDGE ITOE: Which is the third Kallon you mentioned?
11:24:32 20 Momoh Kallon?
21 MR NICOL-WILSON: Momoh Kallon, yes.
22 Q. What about one Mustapha?
23 A. Yes, Mustapha was a junior commander. I heard about him.
24 He was there at the mining site.
11:25:11 25 Q. You also never saw the man referred to as Morris Kallon?
26 A. Except at one time when the boys said they went and
27 reported -- when they came from where they washed the gravel,
28 when one man said, "You people get out of the pit." Then the man
29 said, "That is my boss Colonel Kallon." That was the second time

1 I heard his name.

2 Q. You heard his name, but you did not see him?

3 A. Not at all. The man pointed at him and said, "That is
4 Colonel Morris Kallon." That was the second time I heard that
11:26:06 5 name.

6 Q. In fact, when Mustapha made this statement that -- when
7 Mustapha pointed and said, "That is Morris Kallon. He is my
8 boss," there were many people standing in the direction where he
9 pointed?

11:26:39 10 MR HARRISON: I'm not sure that the witness has actually
11 said that it was Mustapha who identified or pointed in the
12 direction of Mr Kallon.

13 PRESIDING JUDGE: Mr Nicol-Wilson?

14 MR NICOL-WILSON: Your Honour, that is what the witness
11:26:59 15 said. He said one Mustapha mentioned the name Morris Kallon and
16 said, "That is my boss," and then he pointed.

17 Q. I'm now putting it to you that the direction he pointed,
18 there were many people standing.

19 A. I did not get you clearly.

11:27:17 20 PRESIDING JUDGE: Maybe you should just clarify that with
21 the witness, if it was Mustapha who told him that Kallon was his
22 boss.

23 MR NICOL-WILSON:

24 Q. Was it Mustapha who told you that he has a boss called
11:27:35 25 Morris Kallon?

26 A. Yes, Mustapha said -- he was going to talk to
27 Morris Kallon. Morris Kallon was his boss.

28 Q. Now, I am putting it to you that you did not see this
29 Morris Kallon that you mentioned?

1 A. I don't know him.
2 Q. Thank you. Do you know Peleto?
3 A. Well, it was after the disarmament, because I live in xxxxxx
4 permanently. It was after the disarmament that I heard about
11:28:33 5 that Peleto man.
6 JUDGE ITOE: What is it? Peleto? What is the name again?
7 MR NICOL-WILSON: Peleto. It is spelled P-E-L-E-T-O.
8 Q. Did you hear about Peleto after the disarmament?
9 A. Well, during the disarmament I heard that he was the
11:29:19 10 minister of mines. That was what I heard. That was during the
11 disarmament period. That is the period I'm referring to now.
12 Q. Thank you. Now, do you know if Peleto was ever based in
13 xxxxx?
14 A. I said it was during the disarmament period, when it was
11:30:11 15 coming to an end. He was not in xxxxx.
16 Q. Thank you. Now, on Monday, you also spoke about an
17 incident in which you said senior officers were having a party?
18 JUDGE ITOE: Which Monday?
19 MR NICOL-WILSON: This Monday.
11:31:02 20 MR HARRISON: It is just a minor point but the witness
21 might be confused. It was Tuesday.
22 MR NICOL-WILSON: I'll clarify it.
23 Q. On Monday this week.
24 PRESIDING JUDGE: No, no we were not in court on Monday.
11:31:19 25 JUDGE ITOE: We were not in court, that's why I'm asking
26 you which Monday.
27 MR NICOL-WILSON: Sorry, Your Honour.
28 Q. On Tuesday this week during your testimony, you spoke about
29 an incident which occurred while seniors officers were having a

1 party in xxxxxx.
2 A. Yes.
3 Q. You said you heard firing and you thought the kamajors had
4 attacked xxxxxx.
11:32:02 5 A. Yes.
6 Q. Now, you were not present where the firing was taking
7 place?
8 A. No.
9 Q. You said the next morning one Colonel Gibbo went to check
11:32:34 10 about what had happened the previous night.
11 A. I said one Colonel Gibbo came and I asked him. He came to
12 my house which was near to the guard post where the AFRC/RUF
13 stayed. When one Colonel Gibbo came there in the morning, I
14 asked him.
11:33:02 15 Q. Let me refresh your memory a little bit. The transcript of
16 the 5th July 2005, page 95 and that is on Tuesday and this is the
17 question your lawyer asked you. He said, "Did you know what the
18 firing was about?"
19 And your answer is, "well, I felt that it was the kamajors
11:33:36 20 that attacked, but in the morning one Colonel Gibbo he went and
21 checked at the guard post. He went to the house where I was
22 residing at the guard post. This colonel went there."
23 So I'm now putting it to you that the next day Colonel
24 Gibbo went to find out about what had transpired the previous
11:34:05 25 night.
26 A. I said one Colonel Gibbo went to the guard post in the
27 morning. I asked Colonel Gibbo that I heard firing at the Cyborg
28 pit the previous night and he explained to me. I did not go
29 there myself.

1 Q. Now, Colonel Gibbo explained to you what other people told
2 him happened the previous night?

3 A. Well, he said -- what he told me was the firing last night
4 was about junior officers picked some civilians to mine for them.
11:35:09 5 From that mining period they had a fracas with the SBU boys. One
6 of the SBU boys came and reported to Colonel Morris Kallon at the
7 dance. Colonel Morris Kallon went there. That was the time the
8 firing occurred. That was what he told me, so I did not get the
9 information from any other person but himself. That is what he
11:35:28 10 told me.

11 Q. Now, Colonel Gibbo was not present during the firing the
12 night before?

13 A. Well, I don't know. That is what he told me, that -- that
14 was what prompted the firing. I don't know whether he was there
11:35:49 15 or not, but that was what he told me. I did not ask him.

16 Q. And you were not present?

17 JUDGE ITOE: He was not present. He has answered.

18 THE WITNESS: No, I was not there. I was not there.

19 MR NICOL-WILSON:

11:37:11 20 Q. Now, in one of your statements to your lawyers, you said
21 your son was killed at the xxxxxx pit?

22 JUDGE ITOE: Not his son. He didn't say the son. It was
23 nephew.

24 MR NICOL-WILSON: Your Honour, he said son in the statement
11:37:36 25 at page 45. That is the statement of the 26th of November 2004.

26 Q. You said your son was killed in the pit.

27 A. No, I said it was my nephew that was killed, my brother's
28 son. He was a man that was mining for himself. So he was
29 married. He was mining for himself. The only thing, he was my

1 brother's son, so he involved in that -- he was killed during
2 that incident. I told you that my family was in xxxxxx. I was
3 the only person residing in xxxxx.

4 MR NICOL-WILSON: Your Honour, Mr Kallon would like to
11:38:24 5 leave for five minutes.

6 MR HARRISON: If I could just make a very brief point. The
7 Prosecution takes the position that on the statement dated the
8 18th to the 21st of April 2005, that is precisely what the
9 witness said in correcting the earlier statement.

11:38:38 10 PRESIDING JUDGE: You mean that statement -- well, we'll
11 carry on with this after this short adjournment. So court will
12 adjourn for five minutes. Thanks.

13 [Recess taken at 11.25 a.m.]

14 [RUF07JUL05C-AD]

11:39:19 15 [On resuming at 11.50 a.m.]

16 PRESIDING JUDGE: So Mr Defence Counsel, just at the time
17 of the adjournment there was a comment made by the Prosecution
18 about the question you asked the witness that this had been dealt
19 with in the additional information that the witness had provided.

11:53:57 20 MR NICOL-WILSON: I agree.

21 PRESIDING JUDGE: So do you pursue that question?

22 MR NICOL-WILSON: No, I don't pursue it.

23 PRESIDING JUDGE: That's fine. You may proceed.

24 MR NICOL-WILSON: Thank you.

11:54:14 25 Q. Mr witness, before the AFRC came to xxxxx in 1997, you were
26 doing diamond mining and had employees working for you?

27 A. Before the AFRC came to power, yes I had workers, but when
28 the AFRC came to power, I had no miners again. I was only doing
29 the work myself.

1 Q. You also made a lot of money from your mining activities
2 before the AFRC came over to ~~xxxxx~~?
3 A. If I had a lot of money? The AFRC made me suffer. I was
4 even unable to get work to feed myself and my family, so I was
11:55:23 5 just working to get something to sustain myself and family.
6 Q. Now, before the AFRC came to ~~xxxxxx~~ - before - you made a
7 lot of money from your mining activities?
8 A. If I was making a lot of money, I wouldn't have seated to
9 wait the AFRC to subject me to indignity, punish me seriously. I
11:56:02 10 had not anything. That is why I stayed in ~~xxxxxx~~.
11 Q. So before the AFRC came, you made nothing from your mining
12 activities?
13 JUDGE ITOE: He is not suggesting that.
14 PRESIDING JUDGE: You go from a lot of money to nothing
11:56:16 15 so --
16 JUDGE ITOE: You said a lot of money to nothing.
17 MR NICOL-WILSON: well, it is a question I am --
18 JUDGE ITOE: He made money and --
19 MR NICOL-WILSON: No, but he is saying he had --
11:56:25 20 JUDGE ITOE: Barely to sustain his family. Anyway you can
21 move on.
22 MR NICOL-WILSON:
23 Q. Okay, I will put it this way: You were not a lucrative
24 diamond miner before the AFRC came?
11:56:47 25 A. Before AFRC came to power I was mining, but I did not get
26 enough money. If I had a lot of money, I wouldn't have waited on
27 for the AFRC to trouble myself.
28 Q. You but you made some money that you used to sustain
29 yourself and your family?

1 A. I hadn't money.
2 PRESIDING JUDGE: Before the AFRC came to ~~xxxxxx~~ you were
3 making some money to sustain your family?
4 THE WITNESS: Yes, I had bits of monies that would sustain
11:57:36 5 I and my family, yes.
6 MR NICOL-WILSON:
7 Q. And you stopped making this little money when the AFRC
8 came?
9 A. Not at all. I was unable to get anything. All the time we
11:57:53 10 worked for these people I did not get anything.
11 Q. That is exactly what I am saying. When the AFRC came, you
12 were unable to make this little money that you used to make
13 before the arrival of the AFRC?
14 A. Not at all.
11:58:22 15 PRESIDING JUDGE: He means he was not making any money.
16 MR NICOL-WILSON: well, I have the Krio interpretation and
17 I have the English interpretation and it is not correct.
18 JUDGE THOMPSON: I think he is saying that he definitely
19 wasn't able to make any money when the AFRC came.
11:58:36 20 MR NICOL-WILSON: Exactly.
21 JUDGE ITOE: That is what he is saying.
22 PRESIDING JUDGE: That is my understanding of his answer.
23 [Multiple speakers - transcript incomplete]
24 MR NICOL-WILSON: Yes.
11:58:47 25 JUDGE THOMPSON: Right.
26 MR NICOL-WILSON:
27 Q. As such you were not happy about the removal of the SLPP
28 and the coming into office of the AFRC?
29 A. I did not get you clear. I am not a politician. I have

1 told you that I live in the bush. I don't know about anything
2 concerning the government. What I used to do was to sustain
3 myself. When the AFRC came, I was only trying to get something
4 to sustain my family. That is my concern, because I was unable
11:59:39 5 to move freely. But during the previous government I was able to
6 move from one place to the other. I was able to fend for myself.

7 JUDGE ITOE: That is why the lawyer says that when the AFRC
8 took over and you were not making this little money, you were not
9 happy.

12:00:00 10 THE WITNESS: I was not happy. I was not happy at all, at
11 all, at all.

12 PRESIDING JUDGE: Is it clear enough to you now?

13 MR NICOL-WILSON: Yes.

14 JUDGE ITOE: He is happy with that.

12:00:19 15 MR NICOL-WILSON:

16 Q. And now you have started your mining activities again?

17 A. Yes.

18 Q. And now you are very happy the AFRC is no longer around?

19 A. Although I haven't enough, but I am so happy that I now
12:00:47 20 live in a kind of heaven.

21 Q. Now, during your testimony on Tuesday, you said that the
22 rebels normally tell lies.

23 PRESIDING JUDGE: But maybe you have to put that a bit in
24 context. I mean, he may have said that but maybe it was in
12:01:33 25 answer to some questions about -- so to assist the witness and
26 the court as well.

27 MR NICOL-WILSON: Yes, Your Honour.

28 Q. One of our observations about the rebels is that they
29 normally tell lies.

1 JUDGE THOMPSON: If I recall correctly, it was the context
2 of getting them to come out. They were luring them to come out
3 on the pretext that they were ECOMOG. And then later on they
4 discovered that they had been duped, something like that. I
12:02:13 5 think that was the context in which --

6 MR NICOL-WILSON: Yes, Your Honour, but on more than one or
7 two occasions he said that because the rebels they normally tell
8 lies.

9 JUDGE THOMPSON: Yes, because of course that was the
12:02:28 10 experience they had.

11 MR NICOL-WILSON: Yes.

12 JUDGE ITOE: They had been what?

13 [Multiple speakers - transcript incomplete]

14 MR NICOL-WILSON: I am saying from his experience with the
12:02:31 15 rebels, the rebels normally tell lies. They misinform people; is
16 that not so?

17 JUDGE THOMPSON: Yes, that they will come out and -- that
18 was my own recollection of the context in which --

19 JUDGE ITOE: Could it be they lied because they didn't give
12:02:49 20 them their two hours of mining?

21 MR NICOL-WILSON: Yes, that is another instance, Your
22 Honour.

23 JUDGE THOMPSON: Yes, another one, a kind of --

24 MR NICOL-WILSON:
12:03:01 25 Q. So, Mr Witness, your experience with the rebels is that
26 they are not truthful all the time?

27 A. Well, I said that when -- I said that because when Mosquito
28 -- Mosquito said that in the meeting that while he was not there,
29 that was why that accident occurred, so that was the time I knew

1 that the rebels used to lie because all the things that happened
2 Mosquito was there. So when he said that he was not -- because
3 he was not there, that was why short -- things happened. That
4 was why I said rebels normally lie.

12:03:40 5 Q. You also said -- a few minutes ago you also said that
6 during -- in the course of making your statement on the statement
7 of the -- you said when you were making your statement on the
8 16th of November 2002 the interpreter in your presence
9 interpreted what you did not say.

12:04:30 10 A. I did not get that clearly.

11 PRESIDING JUDGE: I did not get that clear either.

12 MR NICOL-WILSON:

13 Q. You said when you were making your statement to the your
14 lawyers in ~~xxxxx~~ on the 16th of November 2002, the interpreter
12:04:51 15 interpreted things you did not say.

16 A. Yes, when the woman asked me what I said, I said, "Yes I
17 said this." what I did not say, I said, "This was not what I
18 said." That was why they said they were going to correct that.
19 Then the woman said maybe the person that interpreted this did
12:05:21 20 not interpret correctly.

21 Q. So it is possible for people to misinterpret others?

22 PRESIDING JUDGE: Are you asking him an opinion about this?

23 MR NICOL-WILSON: No, I'm suggesting to him.

24 Q. I'm putting it to you that it is possible for people to
12:05:46 25 misinterpret and misquote others?

26 A. well, I don't know. They are the people that are literate.
27 what I talked in Krio, that was not what he told her in English.
28 That is what I know.

29 Q. Now, you also made a statement to your lawyers on the 18th

1 of September 2001. It is 11269. In paragraph 15 -- in paragraph
2 1 of the statement you said -- on that paragraph 15 you said,
3 "This incident happened around 2002. I did not say that Morris
4 kallon was involved in this incident and I did not mention that
12:06:49 5 20 people were killed." Is that what you told your lawyers?

6 A. That was not what I said. I did not say anything
7 concerning that. I did not made a statement in 2001. Where
8 there were rebels, how can somebody make statement there?

9 Mr HARRISON: I think it is just a mistake. It is really a
12:07:19 10 statement that ought to be dated 18th, 19th and 21st of April
11 2005.

12 MR NICOL-WILSON: Thank you very much, Mr Harrison, for the
13 correction.

14 Q. Now, on 18th, 19th and 21st of April 2005 you made a
12:07:39 15 statement to your lawyers.

16 PRESIDING JUDGE: It may be more accurate and more helpful
17 to the witness to explain to him, because this is -- on these
18 dates they are reviewing previous information, as such, and what
19 you have in there appears to be corrections to previous
12:08:03 20 statements. It is only to help the witness to understand really
21 what you mean, otherwise we may be at it for a long period of
22 time.

23 MR NICOL-WILSON:

24 Q. After you testified in this Trial Chamber in the case
12:08:18 25 involving the CDF, you went and spoke to your lawyers in
26 connection with the trial of the RUF?

27 A. All the statement that I made, the man correct them all.
28 The lawyer, I did not meet him here again. The statement I made,
29 all that I said and all that I did not say, he corrected. He

1 said he corrected it, so the one he corrected, he read it to me
2 and asked me questions. Here, this is what I have explained in
3 Court here. I don't know about any other statement other than
4 this.

12:09:09 5 Q. Did you come to Freetown in April this year to talk to your
6 lawyers?

7 A. Yes.

8 Q. Now, when you were in Freetown, your lawyers asked you some
9 questions.

12:09:28 10 A. Yes.

11 Q. Then you made some corrections to your previous statement.

12 A. This is what I am saying. When he asked all about what I
13 have said, if he asked me if I said this, what I said, I said
14 yes. What I said no, so that was all. Those things were

12:09:56 15 corrected. Those are the areas that the woman corrected. The
16 ones that have been asked of here, that is what I know has been
17 corrected and those are the questions imposed on me in Court here
18 and I have answered to those questions.

19 Q. Now, on those days that you were in xxxxxx, the 18th,
12:10:25 20 19th and 21st, you were asked certain questions pertaining to
21 your statement you made on 26th November 2004.

22 A. Well, I don't know about that. All the statement I gave,
23 the ones that the lawyer said he corrected, after he has
24 corrected it he read it to me and I answered. That was the same
12:11:02 25 thing the lawyer woman did to me. She asked me questions and I
26 answered. The rest, I don't know.

27 Q. Now in response to a question the lawyer asked you about
28 the incidents that occurred on the night that you said these
29 senior commanders had a party, this is what you said: "This

1 incident happened around 2002. I did not say that Morris Kallon
2 was involved in this incident and I did not mention that 20
3 people were killed." That is what you told your lawyer.

4 PRESIDING JUDGE: As a correction.

12:11:43 5 MR NICOL-WILSON: As a correction to the statement he made
6 on 26 November 2004.

7 PRESIDING JUDGE: That's right. This is what the witness
8 is explaining. So when he talked to the lawyer there were things
9 that were not corrected to the lawyer. The lawyer told him he
12:11:55 10 would do the corrections. This, apparently, would be one of the
11 corrections.

12 MR NICOL-WILSON: One of the corrections.

13 Q. This is what I'm putting to you. This is one of the
14 corrections you made to your statement of 26 November 2004. Do
12:12:10 15 you remember making this correction?

16 A. The one that I am aware that I said, that is what I have
17 been asked of here in this Court.

18 Q. Now also during the period of the AFRC in xxxxx, you had
19 many names like xxxxxx and others; is that not so?

12:12:45 20 A. Well, this the lawyer asked me. But the lawyer asked me,
21 but he said after disarmament, what happened? I said after
22 disarmament xxxx was in xxxxx, xxxxxx was in xxxx. I said that
23 was what I knew. I did not say after the AFRC. I said during
24 the process of the disarmament. At that time xxxxx was in

12:13:15 25 xxxxx.

26 Q. Now between August 1997 and December 1997 when you said the
27 AFRC was in xxxxx, you heard many names of people, many names
28 were mentioned.

29 A. The only thing that I knew in xxxxx while we were there,

1 when Mosquito came, he said SBU, senior commander, junior
2 commander. I am not aware of any other name. The only time I
3 came to learn about names, that it was only the time that we were
4 taken from the cell and that was the time when they said Mosquito
12:14:15 5 has appointed somebody that was known as commander, rather Morris
6 Kallon. So I did not get all that they were discussing.
7 Q. So it is possible you may have heard certain names but you
8 did not meet the people?
9 A. They were not calling their names. I have said it. I said
12:14:51 10 senior commanders, SBU, junior commanders, that was the way they
11 called them.
12 Q. Thank you. Now because of your observation that the rebels
13 do not always speak the truth, you cannot say for sure that what
14 you heard about some of the officials is correct.
12:15:30 15 A. Well, I don't know about that.
16 JUDGE THOMPSON: Okay. I restrain myself.
17 JUDGE ITOE: I restrain myself as well.
18 MR NICOL-WILSON: Just a moment, Your Honour, I need to
19 consult with my lead counsel.
12:15:51 20 Q. Now, I am putting it to you that what you heard about this
21 Morris Kallon that you never saw is not correct.
22 A. Well, I don't know about that.
23 JUDGE ITOE: That you never saw. I think you better
24 separate them. What you heard of this and you never saw, you
12:16:58 25 better separate them. Let's get it clearly.
26 MR NICOL-WILSON: Yes, Your Honour.
27 Q. I am putting to you that what you heard about Morris Kallon
28 is not correct.
29 A. Well, what I heard about the man is what I have said in

1 court here. what I heard and what happened to me during the
2 AFRC/RUF period, that is what I have explained here.

3 Q. I am putting it to you that what you heard about this
4 Morris Kallon is not true.

12:17:37 5 A. what I heard about him is what I have explained. what I
6 heard is what I have, explained, and what happened to me during
7 the AFRC time is that what I have explained.

8 JUDGE THOMPSON: Probably what he is trying to say, he is
9 not concerned with investigating whether this is true or not. He
12:18:00 10 is merely reporting to the Court what he heard and that's as far
11 as he wants to go.

12 PRESIDING JUDGE: How can he know if it's true or not?

13 JUDGE THOMPSON: Yes, that's as far as he wants to go. He
14 does not want to go beyond that. You push him now, then you get
12:18:18 15 into an argumentative course of inquiry.

16 MR NICOL-WILSON: Yes, Your Honour, that's --

17 JUDGE THOMPSON: He says he cannot even make the leap with
18 you into that kind of inquiry because that is not his concern.
19 He is really reporting what he heard.

12:18:33 20 MR NICOL-WILSON: As Your Honour pleases. I was just
21 putting to him what is our own case.

22 JUDGE THOMPSON: I understand the point.

23 PRESIDING JUDGE: Yes, but the way you put the case, you
24 say you put it to him. You said what you heard about him is not
12:18:47 25 true. How can he -- all he is telling you is this is what I've
26 heard. whether it's true or not --

27 JUDGE THOMPSON: That is not my concern.

28 PRESIDING JUDGE: He says, "This is what I've heard."

29 MR NICOL-WILSON:

1 Q. I am also putting it to you that you are not in a position
2 to say what people told you about him is correct?
3 A. Well, I don't know about that. What happened to me during
4 the AFRC period and what I heard is what I have explained here.
12:19:27 5 MR NICOL-WILSON: That will be all for the witness.
6 PRESIDING JUDGE: Thank you. Cross-examination for the
7 third accused?
8 MR HOLDEN: No questions of this witness.
9 PRESIDING JUDGE: Thank you very much. Mr Prosecutor, any
12:19:43 10 re-examination?
11 MR HARRISON: There is none.
12 PRESIDING JUDGE: Thank you very much. Mr Witness, that
13 concludes your evidence in this trial of the RUF. We thank you
14 very much for coming here and we thank you very much for your
12:19:51 15 patience. Good luck to you.
16 [The witness withdrew]
17 PRESIDING JUDGE: Are we ready to proceed with another
18 witness?
19 MR HARRISON: There is a witness.
12:20:20 20 PRESIDING JUDGE: Who is the next witness?
21 MR HARRISON: It is TF1-122.
22 MR INTERPRETER: Your Honours, in which language will the
23 next witness testify in?
24 MR HARRISON: The next witness will testify in English.
12:20:57 25 PRESIDING JUDGE: So this is the witness that you had
26 listed as number 49 on the witness list? At least on the list I
27 have it the appears as number 49.
28 MR HARRISON: I am not sure what list that is.
29 JUDGE THOMPSON: On the updated list it is 49.

1 MR HARRISON: Unfortunately I do not have it in front of
2 me.
3 JUDGE THOMPSON: We have the one updated as of 4 July this
4 year. It is 49.
12:21:35 5 MR HARRISON: I suspect that is right, I just don't have it
6 in front of me.
7 PRESIDING JUDGE: I take it that the Defence has no
8 objection to proceed with this witness at this juncture. That is
9 all my concerns are.
12:21:45 10 MR HARRISON: This is something we discussed yesterday.
11 Perhaps they can indicate for themselves. I think they are
12 prepared to deal with this one.
13 PRESIDING JUDGE: Can I query the Defence about -- there is
14 no problem with the Prosecution proceeding with this witness now?
12:22:00 15 MR JORDASH: No problem.
16 PRESIDING JUDGE: Second accused?
17 MR CAMMEGH: No problem, Your Honours.
18 PRESIDING JUDGE: Thank you. Let's start.
19 [The witness entered court]
12:23:00 20 JUDGE ITOE: Will this be the 37th witness?
21 MR WERNER: Good afternoon Your Honours, yes the 37th
22 witness, TF1-122. He will testify in English; he is a Christian.
23 WITNESS: TF1-122 [Sworn]
24 PRESIDING JUDGE: Thank you. Mr Werner, are you ready to
12:24:22 25 proceed?
26 Mr WERNER: Yes.
27 EXAMINED BY MR WERNER:
28 Q. Good afternoon, Mr Witness.
29 A. Good afternoon.

1 Q. I am going to ask you some questions. would you please
2 answer my questions. If you do not understand, just ask me to
3 repeat. Mr witness, could you tell this Court, where were you
4 born?

12:24:35 5 A. I was born in the small village called xxxxxx.
6 Q. In which chiefdom?
7 A. That is xxxxx Chiefdom.
8 JUDGE THOMPSON: xxxxx?
9 MR WERNER:

12:24:49 10 Q. Are you able to spell it for the Court?
11 A. x-x-x-x-x-x
12 Q. And the name of the chiefdom.
13 A. xxxxx, x-x-x-x-x; xxxxxx Chiefdom, xxxxx District.
14 Q. How old you are you, Mr witness?

12:25:22 15 A. 46 years of age.
16 Q. You are able to read and write in English?
17 A. Yes.
18 Q. Mr witness, what were you doing in May 1997?
19 A. I was working as civil police officer.

12:25:40 20 Q. Could you tell this Court where were you working as a civil
21 police officer?
22 A. In xxxxxx, working at the xxxxxx Police Station.
23 Q. Is there another name for this police station, Mr witness?
24 A. My information is the Criminal Investigation Department;
12:26:07 25 that is, the CID office.
26 Q. What was your position in this department?
27 A. I was the station --
28 PRESIDING JUDGE: Sorry, Mr witness. Aren't you going a
29 bit too far if you want to protect the identity of this witness?

1 I don't know.

2 MR WERNER: I think that we have an agreement with the

3 witness.

4 PRESIDING JUDGE: That is fine.

12:26:35 5 MR WERNER:

6 Q. Could you tell this Court what you were doing at this time?

7 A. I was working as the station xxxxxxxx.

8 Q. Can you explain what does that mean?

9 A. I am responsible for all personnel working under my

12:26:52 10 supervision. I am responsible for their welfare.

11 Q. How many people were working under your supervision?

12 A. I had 54 personnel at that time.

13 Q. In May 1997?

14 A. Yes.

12:27:08 15 Q. Did anything happen on the 25th of May 1997 in Sierra

16 Leone?

17 A. Yes.

18 Q. Could you tell this Court what happened?

19 A. Yes. On the 24th of May 1997 I left xxxxxxxx for Freetown on

12:27:40 20 an official assignment. xxxxxxxx was quiet and calm. On the 25th

21 of May 1997, at about 5.30 a.m. -- that is the morning hours -- I

22 woke up by a sporadic gun firing all over Freetown City. I later

23 in the day heard an announcement that the army officers and the

24 RUF rebels have overthrown the constitutional government of

12:28:40 25 Sierra Leone.

26 Q. what did you do?

27 A. I later went to town to have a look for myself and I did

28 see a lot of destruction all over the city.

29 Q. When you said "to town", which town are you talking about?

1 A. For example, I saw the Bank of Sierra Leone on fire. The
2 Treasury Building was also on fire.
3 Q. What did you do after that?
4 A. I later visited some of my family members and advised them
12:29:33 5 to stay indoors. Then returned to where I lodged.
6 Q. What did you do after that?
7 A. I was trapped down in Freetown for about a week. After
8 that returned to xxxxx; that is my station.
9 Q. Off the top of your head, do you know the date of your
12:29:58 10 return to xxxxx?
11 A. That is supposed to be around June the 5th.
12 Q. Now in xxxxx Town -- as a result of what happened in
13 Freetown, did anything happen in xxxxx Town?
14 A. When I arrived in xxxxx I also met the RUF rebels and the
12:30:23 15 military juntas in full control. They were masquerading up and
16 down the entire xxxxxx township.
17 Q. Talking about your office, the CID office in xxxxx Town,
18 did anything happen there as a result of what you just described?
19 A. Well, the following morning I went to my office. I
12:30:51 20 summoned a meeting and advised all my personnel to remain neutral
21 and no-one to join the revolution as we are police officer, not
22 politicians.
23 Q. How did they react?
24 A. All of them listened to my advice with the exception one
12:31:21 25 personnel; that is xxxx xxxxxx, xxxx.
26 Q. That is what, xxxx?
27 A. That is one of my staff, xxxxx xxxxx.
28 Q. But you said xxxxx; what are you --
29 JUDGE ITOE: Mr Werner, you are going too fast.

1 Mr WERNER: Sorry, Your Honour.
2 PRESIDING JUDGE: You were saying that they all listened to
3 your except xxxx.
4 THE WITNESS: Yes, xxxx xxxxx.
12:31:58 5 MR WERNER:
6 Q. This number xxxxx, what is that?
7 A. That is his force number.
8 Q. Now you said that the AFRC/RUF troops were in full control
9 of xxxxxx Town. Where were they stationed in xxxxxx Town?
12:32:26 10 A. The AFRC were stationed in the brigade headquarters.
11 Already there was an established brigade headquarters there for
12 the military. So they retain that brigade as their brigade
13 headquarters.
14 Q. The AFRC?
12:32:49 15 A. Yes. They also had a place at No. 14 Hangha Road, which
16 they established their secretariat there.
17 Q. Who did that?
18 A. Both the AFRC and the RUF rebels. They were using that
19 buildings as their secretariat.
12:33:14 20 Q. What about the RUF rebels, where were they stationed?
21 A. Like the RUF commander, who was Sam Bockarie, alias
22 Mosquito, he had one building along Dama Road, that is the NIC
23 building. That is the building that he occupied with his men.
24 Q. Now, Mr Witness, was anyone in charge for the AFRC/RUF
12:33:56 25 troops to xxxxxx Town?
26 A. Yes, the AFRC have their Secretary of State East, that was
27 Eddie Kanneh. The RUF have Sam Bockarie, Mosquito, as a
28 commander.
29 Q. And where there any other commanders you can remember in

1 xxxxxxx Town?

2 A. Yes, they also have subcommanders like Akim, Issa Sesay.

3 Q. So, let's start with Akim. Who is Akim?

4 A. At first he was a government soldier.

12:34:47 5 Q. When was that?

6 A. Before the coup.

7 Q. What happened after the coup?

8 A. He later defected to the RUF rebels.

9 Q. Did you see him yourself in xxxxxx Town?

12:35:16 10 A. I saw him clearly, yes.

11 Q. Now you talked about Issa Sesay. Did you see Sesay at that

12 time in xxxxxx Town?

13 A. Yes, Issa Sesay was RUF.

14 Q. When did you see him?

12:36:01 15 A. After the coup.

16 Q. How many times?

17 A. Several times.

18 JUDGE ITOE: He saw Issa Sesay?

19 MR WERNER: Yes, several times at xxxxxx Town.

12:36:25 20 Q. Now, Mr Witness, before pursuing that line, to be clear, to

21 know which time frame we are talking about, do you know how long

22 did the AFRC/RUF stay in control of xxxxxx Town?

23 A. Yes.

24 Q. How long?

12:36:52 25 A. About nine months.

26 Q. Are you able to say from which month to which month?

27 A. From May 1997 to February 1998.

28 Q. During that period of time, where were you, of all those

29 nine months?

1 A. I was in Freetown for about a week. From there I returned
2 to xxxxxx. For the rest of that period I was in xxxxxx.
3 Q. Talking about that period of time, I repeat my question:
4 How many times from May 1997 to February 1998, how many times did
12:37:32 5 you see Issa Sesay?
6 A. Several times.
7 Q. Do you remember any of those times?
8 A. Yes, yes; I remember.
9 Q. Can you tell us?
12:37:57 10 A. Well, initially -- at the initial stage of the coup, when I
11 arrived in xxxxx, about a few days ago, I saw them at the forest
12 industry canteen. That is along xxxx Road, xxxxx. They were
13 having a meeting there.
14 Q. When you say "them", Mr witness, who are you referring to?
12:38:28 15 A. The AFRC and the RUF, big ones. They were all there at
16 that meeting. But they never allowed us to enter. So we stay
17 outside.
18 Q. Could you be more precise? Which commanders were at that
19 meeting?
12:38:41 20 A. Mosquito was there, Eddie Kanneh was there, Issa was there.
21 A whole lot of them were there; they attended that meeting.
22 Q. Anyone else?
23 A. Like Manawa, Massaquoi, Eddie Kanneh; a lot of them were
24 there.
12:38:59 25 Q. Was Issa Sesay staying at xxxxx Town?
26 A. Yes, he was staying at 30 xxxxx Road. That building
27 belonged to one late Pa Sesay.
28 Q. How do you know that he was staying at 30 xxxx Road?
29 A. I been there on several occasions. I have met him there

1 with his boys.
2 Q. who were his boys?
3 JUDGE ITOE: [Microphone not activated] -- number 30.
4 Mr WERNER: Sorry, Your Honour.
12:39:35 5 JUDGE ITOE: Number 30?
6 MR WERNER: 30 ~~xxxx~~ Road.
7 THE WITNESS: 31.
8 MR WITNESS: Sorry.
9 A. 31 ~~xxxx~~ Road.
12:39:38 10 Q. Can you spell ~~xxxx~~ Road for the benefit of the court?
11 A. ~~x-x-x-x-x~~, ~~xxxxxxx~~.
12 Q. Is that the same road where you said before that the
13 AFRC/RUF secretariat was located?
14 A. Exactly, that is the same road. The secretariat was locate
12:40:06 15 at 14 ~~xxxxx~~ Road.
16 Q. Now, you talked about "his boys" --
17 MR JORDASH: Just before the question, can we just repeat,
18 please, the name of the person who the apartment belonged to?
19 Mr WERNER: Sorry. I think I seem to be corrected. I
12:40:19 20 think he said "Pa Sesay".
21 Q. Is that correct, Mr Witness?
22 A. Late Pa Sesay.
23 Q. Now, Mr Witness, you said you were there with his boys.
24 who were his boys?
12:40:56 25 A. His fighters.
26 Q. Did you see them?
27 A. I saw them clearly.
28 Q. Were they staying with him?
29 A. Yes.

1 Q. How many of them did you see staying with him?
2 A. I did not count the number.
3 JUDGE ITOE: Mr Werner, can you please take your time and
4 allow us time for you to be reflected properly on the record?
12:41:28 5 MR WERNER: Sorry, Your Honour.
6 Q. Now, his boys, were they all from the same age group?
7 A. Well, it varies. Some are teenagers, some are adults; it
8 varies.
9 Q. How old were the youngest you saw?
12:42:25 10 A. 12, 14, 15 up to 18, and then you have from 20 upwards.
11 Q. How are you able to say that some of them are 12?
12 A. I am the father of many children, so I know when a child is
13 12 and above; I know.
14 Q. Mr witness, during that time -- May 1997, February 1998 --
12:43:08 15 at xxxxx Road, did you see anything happening?
16 A. I lot of odd things happen there, a lot.
17 PRESIDING JUDGE: When you say "xxxx Road", do you mean
18 31 xxxxx Road or 14?
19 MR WERNER: I was purposefully not being specific.
12:43:28 20 PRESIDING JUDGE: Okay.
21 Mr WERNER: I am confident the witness will --
22 PRESIDING JUDGE: Sorry. Thank you.
23 MR WERNER:
24 Q. Can you explain what happened?
12:43:40 25 A. Yes. A lot of odd things happened in the entire xxxxxx
26 township, not only xxxxx Road. I am prepared to tell this Court
27 what happened in xxxxx township, including what happened at
28 xxxxx Road.
29 Q. Okay, and can you tell this Court what happened at xxxxx

1 Road?

2 A. Okay. At the secretariat building, they have the Sierra
3 Leone national flag. According to our constitution that flag is
4 supposed to go up 6.00 a.m. - that is in the morning hour - and
12:44:38 5 come down at 6.00 p.m. - that is in the evening hour. They use
6 that flag as a sort of trap --

7 Q. Who are "them"?

8 A. Both the AFRC and RUF, to extort money from our people. So
9 what they do, they wait until 8 o'clock or 9 o'clock then they
12:45:05 10 started raising the flag up. When they see anyone moving within
11 that vicinity, they will stop that particular individual, harass
12 you, remove whatever you have and let you go, empty.

13 Q. May be for the sake of clarity, can you explain what should
14 happen when the flag is going up, normally?

12:45:33 15 A. As long as you are within that vicinity --

16 MR JORDASH: I am sorry, objection. We seem to be dealing
17 to generalities -- they did this, this is normally supposed to
18 happen, this didn't happen during the AFRC period. Did the
19 witness see this happening on a specific incident? Who did he
12:45:51 20 see it happening to? Which person played the trick? That is the
21 type of specificity which allows us to know the case we have to
22 meet.

23 PRESIDING JUDGE: You can always clarify that in
24 cross-examination.

12:46:07 25 JUDGE THOMPSON: Yes, that is right.

26 PRESIDING JUDGE: If there is no case, if it is too vague,
27 we will have to take it the way it is. It's your prerogative in
28 cross-examination to question this or not question it because
29 it's too vague.

1 JUDGE THOMPSON: I would like to add that it was the way
2 that the question was premised -- did certain things happen in at
3 xxxxxx Road. I remember the witness saying that a number of odd
4 things happen in the entire xxxxx township, including xxxxx
12:46:40 5 Road. But then the witness was pushed back to xxxxxx Road. It
6 is as a result of the question about xxxxxx Road that he is now
7 giving us this information beginning with the flag episode.
8 Isn't specific enough for the time? Perhaps this objection is
9 premature.

12:47:00 10 [Multiple speakers - transcript incomplete]
11 PRESIDING JUDGE: -- that time frame.

12 MR JORDASH: Some time between February and the end of the
13 junta, some people who were in the AFRC and the RUF played a
14 trick with a flag to some people.

12:47:15 15 PRESIDING JUDGE: Mr Jordash, we heard your comments. We
16 will see. It may be a bit premature; maybe your objection will
17 be sustained.

18 JUDGE THOMPSON: It is the Prosecution case really; it is
19 how they are putting it. Odd things happened. I do not know
12:47:31 20 whether this is the way they want to play. I can see the point
21 you are making, but I would like to hear further what is coming.

22 MR JORDASH: Certainly.

23 MR WERNER: I hope I will be able to convince my learned
24 friend that his objection was premature.

12:47:50 25 Q. Mr witness, could you carry on with your explanation?

26 JUDGE THOMPSON: Perhaps the flag episode should be
27 elaborated on upon.

28 MR WERNER: Yes.

29 JUDGE THOMPSON: It goes up at 6.00 a.m. and comes down at

1 6.00 p.m.
2 MR WERNER:
3 Q. Mr witness, please explain in general terms and then we
4 will go into specificities. What in this country should happen
12:48:12 5 in the vicinity when the flag is going up?
6 A. As long as you are in vicinity you are supposed to stand
7 still until the flag is down, or when it is going up you are
8 supposed to stand still until it goes up.
9 Q. Is it a general habit in this country?
12:48:31 10 JUDGE THOMPSON: Let's have practice first. As long as one
11 is in the vicinity one is supposed to stand up.
12 THE WITNESS: Stand still.
13 JUDGE THOMPSON: Yes, stand still. When it goes up?
14 THE WITNESS: Yes.
12:48:54 15 JUDGE THOMPSON: When it comes down?
16 THE WITNESS: Yes.
17 PRESIDING JUDGE: And that applies to anybody?
18 THE WITNESS: Anybody. After that you continue moving.
19 PRESIDING JUDGE: But the flag in question, I know it is
12:49:08 20 the flag of Sierra Leone, but any flag of Sierra Leone going up
21 or down, or the flag at this specific place? When you say you
22 have to stand still when the flag goes up or down depending time
23 of the day --
24 THE WITNESS: They have the flag at a specific place; that
12:49:25 25 is, at the secretariat building, 14 xxxxxx Road.
26 [Overlapping speakers - transcript incomplete]
27 JUDGE ITOE: That is where the secretariat of the AFRC was.
28 THE WITNESS: Yes, correct.
29 JUDGE ITOE: And Bockarie's secretariat was in the NIC

1 building in Dama Road.
2 Mr WERNER: That was his residence, Your Honour.
3 THE WITNESS: No, NIC building is along Dama Road.
4 JUDGE ITOE: Yes.
12:49:45 5 THE WITNESS: That is quite a different place.
6 JUDGE ITOE: Where was his own secretariat -- Bockarie
7 and -- that was where he occupied or so?
8 THE WITNESS: Yes they were using one secretariat.
9 JUDGE ITOE: They were using one secretariat?
12:49:54 10 THE WITNESS: Yes.
11 JUDGE ITOE: That was 14 xxxxxx Road.
12 THE WITNESS: Yes.
13 JUDGE ITOE: Okay, all right.
14 PRESIDING JUDGE: And it is at that location that the flag
12:50:05 15 was being raised or taken down daily?
16 THE WITNESS: Daily.
17 MR WERNER:
18 Q. And this custom to stand still when the flag is going up
19 and down, is it the same anywhere in Sierra Leone?
12:50:24 20 A. Yes, as long as you are within the vicinity you are
21 supposed to respect the flag. You stand still, after which you
22 continue moving.
23 Q. What happened then?
24 A. So then they sit and wait until 8.00 or 9.00.
12:50:41 25 Q. Who are "they", Mr witness?
26 A. Both the AFRC and RUF.
27 Q. Who are located where?
28 A. At the secretariat. They wait until that time is
29 succeeded. They started playing the trick. So when you moving,

1 they stop you.

2 Q. when who is moving?

3 A. Our people are not conversant with 8 o'clock or 9 o'clock.

4 They know of 6.00. So, our people will move because they don't

12:51:05 5 know of that time. So they just change it for themselves. So
6 when they stop you, they just rush and take whatever you have and
7 they let you go empty.

8 Q. Again, who were you talking about?

9 A. The RUF and the AFRC.

12:51:24 10 Q. Did you see, yourself with your own eyes, did you see that
11 happening during the period May 1997, February 1998?

12 A. Every day that is my route from my house to my office. In
13 fact, at one point in time I intervened when they are trying to
14 disturb a certain lady.

12:51:45 15 Q. who were trying to do that?

16 A. Both AFRC and RUF.

17 Q. what happened?

18 A. when the flag was going up at 8.30 to 9.00 and the lady was
19 going to the market, she never knew exactly what was going on, so

12:52:04 20 she continued moving.

21 Q. what happened?

22 A. They stopped that lady, took her to the secretariat.

23 Q. who took her to the secretariat?

24 A. The AFRC and the RUF and then they started to remove her

12:52:27 25 properties from her, including the money she was taking to
26 market.

27 Q. what happened?

28 A. So, I went there and asked them to stop as that is not
29 good. So they told me I am a saboteur. So they arrested me,

1 give me a thorough beating with a belt, and they locked me up for
2 about two hours in their cells.
3 Q. where?
4 A. At AFRC secretariat, 14 xxxxx Road, Kenema.
12:53:03 5 Q. what happened after that?
6 A. My authorities later intervened and I was subsequently
7 released.
8 Q. who were your authorities?
9 A. Commissioner xxxxx and the CPO, Francis xxxxx.
12:53:15 10 Q. what does CPO stand for?
11 A. That is a Chief Police Officer.
12 Q. Now, are you saying that you saw that this kind of event
13 happening almost every day?
14 A. Every day. After they had taken the money from people, you
12:53:40 15 see them running to the market to go and buy. They do that every
16 day.
17 Q. Now, you talked about what happened near 14 xxxxxx Road.
18 Did anything happen during that time -- still during that time,
19 May 1997, February 1998? Did anything happen at 31 xxxxxx Road?
12:54:10 20 A. Yes, 31 is just a stone throw to number 14.
21 Q. You talked previously about Issa Sesay's boys. Did you see
22 them doing anything at that time?
23 A. They also take advantage. When the flag is going up, if
24 anyone is moving within their own area they stop and take money
12:54:32 25 from you.
26 Q. Did you see that happening?
27 A. Yes, always.
28 Q. what did they do?
29 A. well, that was the time I intervened when they attacked

1 that lady.
2 Q. To be more specific, are you able to say those people who
3 attacked the lady, where were they staying, it is at 14 xxxx
4 Road?
12:55:02 5 A. Number 14 xxxxx Road, the secretariat.
6 Q. Did you witness any of them?
7 A. Yes.
8 Q. Who were they?
9 A. Witness?
12:55:23 10 Q. I am sorry. I am talking about the boys who attacked this
11 lady. You said they were staying at 14 xxxxx Road.
12 A. Yes.
13 Q. Was there anyone else who attacked that lady?
14 A. Both the AFRC and RUF were there. I am still seeing some
12:55:47 15 of them in the street.
16 Q. Okay. Now, Mr witness, you talked about several
17 commanders. Did you have any other names of commanders staying
18 at xxxxx at that time?
19 A. I can remember Manawa, who was also a commander. I
12:56:14 20 understand he is dead. There was another guy called Massaquoi.
21 Q. Any other one?
22 A. You have Morris Kallon, Issa Sesay.
23 Q. Just let's talk about Morris Kallon for one second. Did
24 you see him at that time?
12:56:35 25 A. Clearly, yes.
26 Q. How many times?
27 A. On several occasions.
28 Q. Can you remember any time in particular?
29 A. I used see these guys almost every day, every day.

1 Q. Mr witness, you told us about what happened at xxxxx Road.
2 Now, again, I am going to refer again and again to this period
3 May 1997, February 1998. Did anything special happen in xxxxxx
4 Town?

12:57:24 5 A. Yes.
6 Q. What happened?
7 A. Okay, to start with, at the earlier stage of the
8 revolution, one morning I went to my office and someone was in
9 the police cell, and he called me. Then I went there, and that
12:57:47 10 was Bonnie Wailer. I know xxxx xxxx before. He used --
11 PRESIDING JUDGE: Can you spell that name please?
12 THE WITNESS: x-x-x-x-x, xxxxxxx; xxxxx, x-x-x-x-x-x.
13 MR WERNER:
14 Q. Who was xxxx xxxxx?

12:58:18 15 A. xxxxx-xxxxx was a friend of mine.
16 Q. Carry on.
17 A. So, he was in the police cell and when he got there I met
18 him in military trousers. He was wearing a plain T-shirt.
19 Q. Did you speak with him?

12:58:53 20 A. Yes. I asked him what happened. He told me, "I and my
21 colleagues went to run a mission but I ran out of luck and I
22 subsequently caught. I was given a thorough beating before taken
23 to the police station."
24 Q. Did he explain to you what he meant by "mission"?

12:59:19 25 A. No, I am quoting him directly; that was what he told me.
26 He said he and his colleague went to run a mission and he ran out
27 of luck and he was subsequently caught and beaten and later taken
28 to the police station. I told him, "You've taken a very big risk
29 at this nick time."

1 Q. It is a bit confusing there. Could you tell this Court,
2 did you understand at that time what did he do exactly,
3 ~~xxxxx xxxxxxxx~~?

4 A. Later I understand that they went and broke into a house.

13:00:01 5 Q. Who went?

6 A. ~~xxxxx xxxxx~~ and his colleagues. Because later I came to
7 the office and saw the entry for myself.

8 Q. What happened?

9 A. So the matter was under investigate. All of a sudden, Sam

13:00:25 10 Bockarie -- that is Mosquito -- arrived in the station with his
11 men.

12 Q. Did you see him coming?

13 A. Clearly; I was in the office at that time.

14 Q. What happened?

13:00:37 15 A. So he asked about that particular matter, and we told him
16 it is under police investigation.

17 Q. What happened?

18 A. He asked for the man who was caught and the man was brought
19 to him. That was ~~xxxxxx-xxxxx~~.

13:01:02 20 Q. Then what happened?

21 A. He then urged ~~xxxxxx xxxxxx~~ to take him and identify his
22 other colleagues. So they all left the police station.

23 Q. Did anything happen after that?

24 A. After two hours they returned.

13:01:29 25 Q. Who returned?

26 A. Mosquito, ~~xxxxxx xxxxx~~ and two others.

27 Q. And what happened?

28 A. The second person, of course, we have a record of him; the
29 police have a record of him. He is a notorious criminal; there

1 is no question about it. The third person we don't have a record
2 of him; we don't know him. Mosquito ordered that they should
3 kill all of them.

4 Q. who ordered?

13:02:27 5 A. Mosquito said they should kill all of them, xxxx xxxxx
6 and his colleagues.

7 Q. At that time they came to the CID office, Mosquito came
8 back with men. who were those men?

9 A. Mosquito returned with xxxxx xxxxx and two others.

13:02:56 10 Q. I understand that. Sorry, my question was confusing. You
11 said that he came back with two men and his own men.

12 A. Yes.

13 Q. who were the soldiers who came back with Mosquito?

14 A. Both the RUF soldiers and AFRC rebels.

13:03:19 15 Q. How do you know that?

16 A. I saw them. They would always do things in common.

17 Q. what happened after that?

18 A. well, Mosquito drove away and the soldiers started shooting
19 these boys right in front of us, in the presence of so many
13:03:26 20 people.

21 Q. Did you see that happening?

22 A. Clearly. They shot them one after the other, one after the
23 other.

24 Q. where were you when that happened?

13:03:38 25 A. I was standing right there, outside the police station.

26 Q. what happened after that?

27 A. They shot and killed three of them and they left them there
28 and went away.

29 Q. Did the three persons die?

1 A. They died. Later on they returned to the police station
2 collected their bodies and went away with them.
3 Q. Who went to the police station and went away with them?
4 A. Both the RUF and the rebels. They came with a pickup Jeep,
13:04:19 5 collected the bodies and went away with them.
6 Q. Mr Witness, at that time in the CID office in xxxxxx Town,
7 do you know if there was a standard procedure for investigation
8 of a case of theft?
9 A. Yes.
13:04:37 10 Q. Could you tell this Court what was that procedure?
11 A. According to our constitution, when we have a report of
12 such nature, we investigate it properly. If there is evidence
13 against that person, our business is to charge to court. So it
14 is left with the court to decide.
13:05:04 15 PRESIDING JUDGE: Mr Werner, before you proceed with this
16 witness. It is one o'clock.
17 Mr WERNER: I was inquiring at what time you normally stop.
18 PRESIDING JUDGE: We will stop the evidence at this
19 particular juncture and will pick up where we are once we come
13:05:22 20 back at 2.30 p.m. The Court is adjourned until 2.30 p.m. Thank
21 you.
22 [Luncheon recess taken at 1.05 p.m.]
23 [RUF070705D - CR]
24 [On resuming at 2.40 p.m.]
14:48:28 25 PRESIDING JUDGE: Yes, Mr Werner.
26 MR WERNER: Thank you, Your Honour.
27 Q. You told us before the break about what happened when you
28 were in Kenema. Mr Witness, for the same period of time, May
29 1997 to February 1998, did anything else happen when you were in

1 xxxxxx Town?
2 A. Yes.
3 Q. would you tell this Court what happened?
4 A. Yes. well, at one point in time --
14:49:09 5 JUDGE ITOE: Let's have the time frame again. May 1997?
6 MR WERNER: Yes.
7 JUDGE ITOE: To?
8 MR WERNER: To February 1998.
9 JUDGE ITOE: Yes.
14:49:23 10 MR WERNER:
11 Q. Yes, Mr Witness.
12 A. Both the AFRC and the RUF, they went and attacked a house
13 at Mambu Street.
14 Q. Could you spell that name for the Court?
14:49:37 15 A. M-A-M-B-U, Mambu Street. Can I go ahead?
16 Q. Yes.
17 A. Okay. They attacked that house, looted all the property in
18 that house, set that house on fire with the idea that they've
19 gone there supposedly to chase the kamajors out of that premises.
14:50:20 20 we saw the house on fire --
21 Q. who are "we", Mr Witness?
22 A. Police.
23 PRESIDING JUDGE: Did you see it yourself?
24 THE WITNESS: Clearly.
14:50:35 25 PRESIDING JUDGE: The police included yourself for that
26 purpose?
27 THE WITNESS: Yes.
28 MR WERNER:
29 Q. Carry on, Mr Witness.

1 A. We saw them carrying the looted properties.
2 Q. Did you see anything else?
3 A. Three bodies were discovered at the scene. They were in
4 plain cloth. They were not in Kamajor uniform at all.
14:51:14 5 Q. When you say "at the scene", what do you mean? Where
6 exactly did you see the three bodies?
7 A. At the back of the house near the swamp, the house that was
8 on fire.
9 Q. Do you know if anyone led this attack?
14:51:48 10 A. It was well-planned and coordinated by the AFRC junta and
11 the RUF rebels.
12 Q. How do you know that?
13 A. Sam Bockarie, Mosquito, was there. Akim was there. Akim
14 was seen with one of the looted Mercedes Benz. He was riding on
14:52:12 15 top of the bonnet. They always operate together, both AFRC and
16 RUF. They carried out that attack.
17 Q. Did you see Akim?
18 A. Clearly.
19 JUDGE ITOE: You said he was sitting on what part of the
14:52:37 20 Mercedes?
21 THE WITNESS: On the bonnet. He was right on the bonnet
22 with an AK-47 in his hand, riding all over ~~xxxxx~~ Town.
23 MR WERNER:
24 Q. The Mercedes, when did you confirm this Mercedes?
14:52:57 25 A. I don't know who owned it, I only saw him with it.
26 Q. So was Akim part of the attack on that house?
27 A. Yes, he was.
28 Q. Do you know who killed these three people?
29 A. The attackers, both the AFRC and the RUF.

1 Q. what happened with those corpses?
2 A. We left them because the area was tense and there was fire
3 all over. So we returned to our station.
4 Q. Same period of time, Mr witness, end of May 1997/February
14:53:54 5 1998; did you see anything else?
6 A. Yes, there was another development right in our police
7 station. There was a fracas between one of our colleagues, that
8 is AKK. He was attached to the traffic department.
9 Q. Mr witness, do you know what AKK stands for?
14:54:15 10 A. That is Abdul Karim Koroma.
11 Q. When you say "attached to the traffic department", was he a
12 police officer?
13 A. Yes, he was.
14 Q. what happened?
14:54:42 15 A. So he had a fracas with one of his colleagues and later he
16 disappeared from the police station.
17 Q. Do you know who was the colleague?
18 A. I know him, but I can't remember him off hand now.
19 Q. When you say "fracas", what do you mean?
14:54:58 20 A. They had a quarrel.
21 Q. So what happened?
22 A. AKK disappeared from the police station. After a while, he
23 came in with Issa Sesay.
24 Q. Do you know if he knew him before?
14:55:24 25 A. Who?
26 Q. If AKK knew Issa Sesay before?
27 A. He told us he is a brother to Issa.
28 Q. what happened after that?
29 A. So when they came, they entered the commissioner's office

1 and the CPO's office.
2 Q. Where were you at that time?
3 A. I was in the corridor of my own office.
4 Q. Did you see them come in? Sorry, did you see Issa Sesay
14:55:56 5 come in?
6 A. Yes, clearly. He came down from the vehicle and entered
7 the commissioner's office, from there they went to the CPO's
8 office.
9 Q. What happened after that?
14:56:12 10 JUDGE ITOE: Mr Werner, please, we are following this
11 witness very attentively. It is not a dialogue between you and
12 himself.
13 MR WERNER: I know, I know, Your Honour. I apologise for
14 that.
14:56:28 15 JUDGE THOMPSON: Issa Sesay came down from the vehicle?
16 THE WITNESS: Yes.
17 JUDGE THOMPSON: And?
18 THE WITNESS: He came down from the vehicle with these men.
19 They entered the commissioner's office. From there, they entered
14:56:44 20 the CPO's office.
21 MR WERNER:
22 Q. What happened after that?
23 A. Well, after some while, Issa Sesay and his men came outside
24 with the Police Commissioner, that is Commissioner Kenneh and the
14:57:14 25 CPO, that is CPO Francis Sesay -- Francis Issa, rather.
26 JUDGE ITOE: Did you say Francis Sesay?
27 THE WITNESS: Francis Issa.
28 JUDGE ITOE: The CPO?
29 THE WITNESS: Yes.

1 MR WERNER:
2 Q. what happened after that, Mr witness?
3 A. I saw them enter the pick-up van.
4 Q. who entered the pick-up van?
14:58:03 5 A. The CPO and the commissioner.
6 Q. Anyone else?
7 A. The two men, only the CPO and the commissioner.
8 Q. where was Issa Sesay at that point?
9 A. Issa Sesay also entered the vehicle and they drove away.
14:58:23 10 Q. what happened after that?
11 A. well, for the rest of the day we didn't see both the CPO
12 and the commissioner, not until dead in the evening after 5.00
13 p.m.
14 Q. what happened then?
14:58:50 15 A. They came and they entered their offices.
16 Q. who came, Mr witness?
17 A. Both the commissioner and the CPO returned to the police
18 station, in the dead in the evening.
19 Q. How? How did they return to the police station?
14:59:05 20 A. The same pick-up brought them and dropped them in the
21 police compound. They were very sad in their faces, so we went
22 to find out what happened.
23 Q. Did you speak with them on that evening?
24 A. well, I did not personally speak with them, but some of the
14:59:39 25 senior police officers who were with them in the office spoke
26 with them. After that, these senior police officers told us that
27 both the CPO and the commissioner were humiliated by Issa Sesay
28 and his men.
29 Q. what does that mean, "humiliated"?

1 JUDGE THOMPSON: Just a minute, can with we just have that
2 clear before you amplify that further, Mr Prosecutor? Some of
3 the senior police officers spoke with them and did what?
4 THE WITNESS: They later told us that --
15:00:18 5 JUDGE THOMPSON: Let's have it clear.
6 THE WITNESS: Both the CPO and the commissioner were
7 humiliated by Issa Sesay and his men.
8 MR WERNER:
9 Q. Now, Mr witness, could you please explain what you mean
15:00:58 10 when you say "by Issa Sesay and his men"?
11 A. Well, the fact here is that they picked the commissioner
12 and the CPO, took them away, kept them for the rest of the day
13 against their wish. To me, that is humiliation, complete
14 humiliation.
15:01:17 15 Q. Anything else, Mr witness, you can remember for that
16 period?
17 A. In another development, I was sitting in my office right in
18 the corridor when I saw a group of RUF rebels marching one poor
19 farmer who was having a cutlass in his hand.
15:02:04 20 Q. Where were they when you saw them?
21 A. They were walking through Khobe Street.
22 JUDGE ITOE: Can you spell Khobe Street?
23 THE WITNESS: K-H-O-B-E. They were singing and dancing
24 that they had captured one Kamajor and they were going to take
15:02:44 25 that Kamajor to Mosquito.
26 MR WERNER:
27 Q. How was this man dressed?
28 A. He was dressed in working cloth, he has mud all over his
29 body from his feet up to his hand.

1 Q. what happened after that?
2 A. So I became serious and started to chase them in order to
3 know what had happened to that particular man. But before I
4 could get to the Bank of Sierra Leone, I heard two gunshot,
15:04:08 5 apparently from a pistol.
6 Q. Then what happened?
7 A. When I got to the scene - that was at the NIC building,
8 Dama Road, Kenema - I saw that particular poor farmer struggling
9 to die, lying on the floor with a gunshot wound in his head and
15:04:51 10 his stomach.
11 Q. Did you see anything else?
12 A. Mosquito was standing right there with his pistol in his
13 hand, brandishing his pistol in the air, boasting that he must do
14 away with all the Kamajors. I was very much angry, but I
15:05:34 15 couldn't do it otherwise, because his trigger-happy boys were all
16 standing around with their guns, with the AK-47 rifles in their
17 hands.
18 Q. How many of those boys did you see?
19 A. There were so many, so many of them. Mosquito ordered that
15:06:21 20 they should drag that man and dump him into the hole. So they
21 dragged the man and dumped him right into a hole behind the NIC
22 building. The hole is there up to this time.
23 Q. Mr witness, same period of time May 1997/February 1998.
24 Can you remember anything else?
15:07:28 25 A. Yes, I can remember that same period, one Mrs xxxxx came to
26 the police station --
27 Q. Could you spell that name for the Court.
28 A. Yes. X-x-x-x, xxxxx.
29 Q. what happened?

1 A. They came to the police station and reported that the AFRC
2 and RUF attacked them at home.
3 Q. who is "them"?
4 A. Mrs xxxx and her husband and other relatives at home -- put
15:08:25 5 them under gunpoint, looted all their property, including their
6 deep freezer.
7 Q. why did she mention the freezer, Mr witness?
8 A. The woman said when her husband intervened so the rebels
9 and juntas could leave the freezer. They shot him in the head
15:08:50 10 and in the stomach and he dropped and died.
11 Q. Do you know if anyone gave any order for Mr xxxx to be
12 killed?
13 A. well, according to the woman, all I know is the
14 responsibility of AFRC and RUF rebels.
15:09:43 15 Q. were they investigated by your office?
16 A. The matter was investigated by our office. We visited the
17 scene of the crime. I saw the body of Mr xxxxx. He was shot
18 twice. But the area was tense; they were shooting all over the
19 place. So we can't do otherwise. We returned to the office.
15:10:16 20 There was no proper investigation at that stage.
21 Q. Mr witness, in that period of time, did anything else
22 happen?
23 A. Yes. We have -- I cannot remember exactly, either ICRC or
24 Medecins Sans Frontieres, both NGOs were based in xxxxx. One of
15:11:10 25 them went and made a report of theft, which involved their drugs.
26 Q. Report to whom?
27 A. To we, the police. We started investigating that matter.
28 As we progressed, Mosquito and his men drove right in our
29 compound, the police station.

1 Q. Did you see them coming?
2 A. Yes, with their vehicle.
3 Q. What happened?
4 A. Mosquito asked how far have we gone with the ICRC case. We
15:12:05 5 told him the matter is under investigation.
6 Q. What happened?
7 A. Mosquito stated that he's going to assist the police in
8 tracing all the culprits.
9 Q. Did anything else happen after that?
15:12:51 10 A. Yeah.
11 Q. What happened?
12 A. So, later in the day, we heard a rumour that Mosquito had
13 captured the alleged thief and one Santos and he has killed them.
14 JUDGE ITOE: He had captured the alleged thief and who?
15:13:35 15 THE WITNESS: And one xxxxx.
16 MR WERNER: xxxxx is a name, Your Honour.
17 Q. Did you know xxxxx before?
18 A. Yes, I know xxxxxx very well.
19 JUDGE ITOE: When you say he killed him, who was that the
15:13:59 20 thief or xxxxx?
21 THE WITNESS: That he had killed them, both the alleged
22 thief and Santos.
23 MR WERNER:
24 Q. So, who is xxxxxx, Mr Witness?
15:14:12 25 A. xxxxxx was a cinema operator at the Capital Cinema.
26 Q. In xxxxx Town?
27 A. Yes, in xxxxxx Town. As for the alleged thief, I don't
28 know him before.
29 Q. According to what you know, was xxxxxx ever involved in any

1 illegal activities?

2 A. We, the police, do not have any criminal record, no bad
3 record.

4 Q. What happened after that? What did you do?

15:14:56 5 A. Well, after a whole day's work, I returned home and met the
6 body of xxxxx and that alleged thief lying right in front of my
7 house.

8 Q. Did you do anything?

9 A. We closed the front door and engaged the backyard. Those
15:15:27 10 bodies were there for about three days before they could come and
11 remove them there.

12 Q. Who came and removed them?

13 A. The boys of Mosquito.

14 Q. Now, Mr Witness, same period of time, did anything else
15:15:56 15 happen?

16 A. Yes.

17 Q. Can you tell this Court what happened?

18 A. At one point in time they launched an attack called
19 Operation No Living Thing. They were saying that --

15:16:19 20 Q. Sorry, Mr Witness, to interrupt you, but who launched that
21 attack?

22 A. The RUF rebels and the AFRC juntas. They were saying that
23 the Kamajors are coming to attack them, so therefore they've
24 launched Operation No Living Thing.

15:16:46 25 Q. Did anything happen after that?

26 A. Yes. For the rest of the day, they were on widespread
27 looting and burning of suspected houses.

28 Q. Who were doing that?

29 A. The AFRC junta and the RUF rebels.

1 Q. Did you see them?

2 A. Clearly, with my eyes, but for the rest of that day, we
3 didn't see any Kamajor in ~~xxxxx~~ Town.

4 PRESIDING JUDGE: You said there was widespread looting and
15:18:03 5 burning of houses, which houses?

6 THE WITNESS: Suspected to be owned by Kamajors.

7 MR WERNER:

8 Q. Did anything happen after that, Mr witness?

9 A. That continued throughout the night and they also break
15:18:10 10 into my own house, drove my wife, myself, my children, and they
11 made away with a lot of our household properties. So that night
12 I went and slept elsewhere with my little family.

13 PRESIDING JUDGE: So they looted your own property?

14 THE WITNESS: Yes.

15:18:16 15 PRESIDING JUDGE: Did they set fire to your house?

16 THE WITNESS: No, no, no.

17 PRESIDING JUDGE: Looted your property?

18 THE WITNESS: Yes.

19 MR WERNER:

15:18:23 20 Q. Did anything else happen after that, Mr witness?

21 A. So the following morning we returned home, but we didn't
22 find anything in our house except our bed.

23 Q. This following morning, that day, did you see anything?

24 A. Yes, when I looked across the street, that is just by --

15:18:49 25 Q. Don't give any location. We know enough about where that
26 was. Just explain, what did you see?

27 A. I saw a very big fat man, black in complexion lying
28 motionless in the street.

29 Q. How was he dressed?

1 A. He was dressed in plain cloth. He was dressed modestly,
2 anyway, plain cloth.
3 Q. Was anyone else in the vicinity when you saw that man?
4 A. Both AFRC and RUF rebels were singing and dancing, going
15:19:42 5 around the body, singing that they have captured and killed the
6 kamajor boss. I went there and saw the man, who was dead.
7 Q. Did anything else happen?
8 A. Yes, I later returned to my house. whilst I was standing
9 in my corridor, which was just 100 yards away, well, I can see
15:20:21 10 clearly from my corridor.
11 Q. What did you see?
12 A. One of the soldiers removed his bayonet and stabbed the man
13 right in his belly.
14 Q. Did you see anything else?
15:20:53 15 A. Well, they split open his belly, remove his intestine and
16 they put that across the street. They were manning that as a
17 sort of checkpoint.
18 Q. Just a minute, Mr witness. When you say "they put that
19 across the street", what is "that"?
15:21:16 20 A. The intestine of that man, that big fat man who was lying
21 there. They were there for about three days, singing and dancing
22 that they've captured and killed the kamajor boss.
23 Q. Anything else, Mr witness, during that period of time?
24 A. Yes, in the night time again, Mosquito and his boys,
15:22:29 25 including the AFRC juntas, went and broke into the warehouse of
26 ICRC and stole all their properties. That was the man who was
27 shooting people for simple larceny. They also went to the
28 Government hospital at xxxxx. They broke into their medical
29 store and stole all their medicine, including the ambulance.

1 They were using the ambulance to convey some of their looted
2 properties.
3 Q. Now, Mr Witness, in the same period of time --
4 JUDGE ITOE: Wait. Can you wait?
15:24:25 5 MR WERNER: Sorry.
6 Q. Mr Witness, during the same period of time, can you
7 remember anything that is important?
8 A. Yes. Late January 1998, I was at home. It was about
9 9.30 p.m. when I heard breaking news that Mosquito has arrested
15:24:55 10 BS Massaquoi, Brima Kpaka, Andrew Quee and several others.
11 PRESIDING JUDGE: would you repeat the names again,
12 Massaquoi, Quee?
13 THE WITNESS: BS Massaquoi.
14 PRESIDING JUDGE: Yes.
15:25:13 15 THE WITNESS: Brima Kpaka.
16 MR WERNER:
17 Q. Could you spell that name for the Court?
18 A. Brima is B-R-I-M-A; Kpaka, K-P-A-K-A. Andrew Quee. The
19 Quee is Q-U-E-E; and several others.
15:26:32 20 PRESIDING JUDGE: You heard that on the news in the
21 evening, at 9.30 in the evening?
22 THE WITNESS: Yes, at 9.30 p.m.
23 MR WERNER:
24 Q. What did you do, Mr Witness?
15:26:32 25 A. So the time was late. I was unable to go out to find out
26 what happened. So in the morning, around 9.30 to 10, I went to
27 the secretariat at 14 xxxxxx Road, xxxxxx. I saw a very large
28 crowd of people gathered around that building.
29 Q. Before you carry on, witness, just for the sake of clarity,

1 who is BS Massaquoi?
2 A. BS Massaquoi was the town chairman, the ~~xxxxx~~ Town council
3 chairman.
4 Q. And who is Andrew Quee?
15:27:22 5 A. Quee was a civil servant. Brima Kpaka was a top
6 businessman. But Brima Kpaka is still alive and he is in ~~xxxxx~~.
7 Q. What happened after that?
8 A. So I went to the secretariat and met a very large crowd of
9 people gathered around the building, including civilians, AFRC
15:28:22 10 soldiers, RUF rebels, they were all there. And Mosquito was
11 there, brandishing his pistol in the air, boasting that he is
12 going to do away with all the Kamajors. He has intelligence that
13 BS Massaquoi and others are supporting the Kamajors, so,
14 therefore, he is going to teach them a very good lesson.
15:28:38 15 Q. Did you hear him saying that?
16 A. Clearly. I was standing just by him, to a very large crowd
17 of people.
18 JUDGE ITOE: He was supporting the Kamajors and that he was
19 going to do what?
15:29:32 20 THE WITNESS: He was going to teach them a very good
21 lesson.
22 MR WERNER:
23 Q. Now, did you go inside the building?
24 A. Yes, I entered the building. I saw BS Massaquoi and others
15:29:41 25 in custody.
26 Q. What do you mean "others"?
27 A. BS Massaquoi, Brima Kpaka, Andrew Quee.
28 Q. You saw them?
29 A. Clearly with my eyes. Their hands were tied at their back

1 and the rope was already eating their flesh, had entered their
2 body.
3 Q. How many others did you see?
4 A. I think about five.
15:30:08 5 Q. In addition to the original three?
6 A. Five. I think about five or four.
7 PRESIDING JUDGE: Five or four in addition to?
8 THE WITNESS: Yes, there were supposed to be seven in
9 number.
15:30:35 10 MR WERNER:
11 Q. Did you look at them?
12 A. I looked at them clearly. There was liquid on the floor.
13 I don't know whether it was water or urine; I don't know but
14 there was liquid. And they were all lying down, they were crying
15:30:49 15 bitterly. They had injuries on their faces, like Brima Kpaka was
16 having a very big cut in his eyes. BS Massaquoi was having a
17 swollen face. The others were all having serious injuries on
18 their bodies.
19 Q. What happened after that?
15:31:41 20 A. I went to the police station. Everybody was sad. All the
21 men and women were sad with that event and we couldn't do
22 otherwise. So, after two or three days later, they transferred
23 the matter to we, the police, for further investigation.
24 Q. Who transferred the matter to the police?
15:32:11 25 A. The military police and Mosquito. They also handed over
26 their own case, an inquiry file, to us, which they opened in
27 respect of that case.
28 Q. What was the nature of that case, do you know?
29 A. They said they were corroborating with the rebels. They

1 are supporting rebels with money, drugs, arms, ammunition. We
2 also investigated that matter.
3 Q. Just to be clear, Mr Witness, at that point, where were
4 BS Massaquoi and the others?
15:33:24 5 A. They have already transferred them to us at the police
6 station. They were with us at the police station.
7 Q. In custody?
8 A. Yes, in custody. And so at the end of our investigation,
9 we wrote our report recommending their immediate release as we
15:33:55 10 found no evidence against them.
11 Q. Just to be clear, no evidence of what?
12 A. Corroborating with the Kamajors or supporting them.
13 Q. Who wrote that report?
14 A. The investigator.
15:34:11 15 Q. Of CID office?
16 A. Yes, but we do everything together. We compare everything
17 together and pass it on to our authorities recommending their
18 immediate release.
19 Q. Of all of them?
15:34:25 20 A. All of them. So the commissioner told us we should wait
21 until he go and discuss the issue over with the brigade
22 commander. At that time, Mosquito was not in town, so he went.
23 Q. Who went?
24 A. The commissioner.
15:35:03 25 Q. What happened after that?
26 A. The commissioner later returned and gave us a specific
27 instruction that we should ask each of those suspects in our
28 custody to produce their surety tomorrow morning so all of them
29 can be granted bail.

1 Q. Did all of them manage to do that?

2 A. Only two. We asked all of them to come along to ask their
3 surety to come the following morning. But only two, that is
4 BS Massaquoi and Brima Kpaka. In the following morning, their
15:36:35 5 sureties came to the police station. Indeed, they handed over
6 their sureties and they went away.

7 Q. We are talking about BS Massaquoi and Brima Kpaka?

8 A. Yes, the others were still kept in custody waiting for
9 their sureties to come and sign for them.

15:36:57 10 Q. What happened after that?

11 A. After two or three days, Mosquito returned from trek.

12 Q. What happened?

13 A. He came to our office and asked for BS Massaquoi, Brima
14 Kpaka and the others. We told him we released them because there
15:37:55 15 was no evidence against them. So he became furious and went
16 straight to the commissioner.

17 Q. What happened after that, Mr witness?

18 A. So Mosquito put his pistol at the head of the commissioner
19 and threatened that if he does not produce BS Massaquoi and
15:38:43 20 others in two hours' time, he will blow the commissioner up and
21 blow the police station up.

22 Q. What happened after that, Mr witness?

23 A. So the commissioner went to discuss the issue with the
24 brigade commander and later returned with the instruction that
15:39:47 25 BS Massaquoi, Brima Kpaka should be rearrested and detained.

26 Q. What happened after that, Mr witness?

27 A. So a team was formed, headed by Sergeant Fofanah and they
28 went and rearrested BS Massaquoi.

29 Q. What about Brima Kpaka?

1 A. Brima Kpaka, we were made to understand, was sick and
2 admitted to the Government hospital in ~~xxxxx~~.
3 Q. What happened after that, Mr Witness?
4 A. So BS Massaquoi was later detained at the police station.
15:41:55 5 He was there, I think, about two days. When I went to work early
6 one morning, I met the soldiers and the RUF rebels surrounding
7 the entire police compound with their guns in their hands,
8 searching for BS Massaquoi and the other suspects in custody.
9 Q. Do you know when was that, Mr Witness? Do you have a date
15:42:39 10 in mind?
11 A. That was supposed to be on Friday, 6th January.
12 Q. Are you sure about the month?
13 A. That's supposed to be Friday, 6th February.
14 Q. Which year?
15:43:03 15 A. 1998.
16 Q. Did anything happen on that day?
17 A. Yes, the man who was in charge of us, that is our boss,
18 asked who was in charge of that particular operation.
19 Q. What happened?
15:43:50 20 A. One Lieutenant AB Touray who was among them --
21 Q. Who is "them", Mr Witness?
22 A. The RUF rebels and the juntas, replied that he was in
23 charge of that operation.
24 JUDGE ITOE: Lieutenant Touray of the AFRC or RUF?
15:44:36 25 THE WITNESS: Lieutenant Touray of the AFRC junta.
26 MR WERNER:
27 Q. What happened after that, Mr Witness?
28 A. He told us that he has been sent by the SOS East to come
29 and collect BS Massaquoi and others.

1 Q. who told you that?
2 A. Lieutenant AB Touray.
3 Q. what happened after that?
4 A. Our boss who was in charge told him that before ever you
15:45:42 5 take away these suspects, you have to sign for them. He said,
6 "No problem. I will sign for them. I'm a messenger. I have
7 only been sent to come and collect them."
8 Q. what did you do then?
9 A. So appropriate entry was done by the desk officer by
15:46:03 10 handing over all those suspects to Lieutenant AB Touray and
11 Lieutenant AB Touray signed for them.
12 [RUF07JUL05E-RK]
13 Q. what did you do after that?
14 A. He went away with all of them after they had beaten and our
15:46:35 15 own presence, BS Massaquoi.
16 Q. You said he left with all of them? who are "them"?
17 A. BS Massaquoi, Andrew Quee and those who were in cells with
18 the exception of Brima Kpaka who was sick and admitted in the
19 Government hospital in xxxxxx.
15:46:55 20 Q. That was on the same day?
21 A. Yes, that same Friday, 6th February.
22 Q. Do you know what happened to those people, Mr witness?
23 A. well, yes, they were all killed.
24 Q. How do you know that?
15:47:17 25 A. I'm coming to that later.
26 Q. I just want you to go to that now.
27 A. Now.
28 Q. Yes.
29 A. I want to do it systematically.

1 Q. I am trying to do that as well.

2 A. I want to do it systematically so that the Court can get
3 the full insight of the whole matter.

4 Q. Could you just tell the Court what happened?

15:47:41 5 A. Yes. So, after they have taken BS Massaquoi and others
6 away -- that was Friday -- Sunday the 8th, early in the morning,
7 the Kamajors entered xxxxx from two flanks, apparently to come
8 and rescue BS Massaquoi and others. When they came to the police
9 station, they couldn't find them there, so they became

15:48:07 10 disgruntled and put all our documents on fire. So those who came
11 from Kombima [phon] flank were able to escape with Brima Kpaka,
12 who was in the hospital.

13 Q. What happened after that?

14 A. That same Sunday, later in the day, it was a widespread
15:48:39 15 rumour in the entire xxxxx township that Brima Kpaka and Andrew
16 Quee and others had been killed by the junta and the rebels.

17 Q. Just to be clear, Mr Witness, when you say the Sunday, two
18 days after -- two days after their arrest; correct? You are
19 talking about Sunday following the Friday; is that correct?

15:49:06 20 A. They took them from the police station on Friday. That is
21 supposed to be the 6th February 1998. Saturday was the 7th.
22 Sunday the 8th the Kamajors came to rescue them, but they were
23 beaten back by the rebels, except Brima Kpaka who was at the
24 hospital, he was rescued by the Kamajors.

15:49:36 25 Q. Did anything else happen on that day?

26 A. So that very Sunday we heard that BS Massaquoi and Andrew
27 Quee and the others had been killed by the rebels and the juntas.

28 Q. Did you do anything yourself on that day?

29 A. Yes, that very day, in the evening hours, I went to the

1 brigade headquarters, but I couldn't find them there.
2 Q. So what did you do?
3 A. I also went to Guinea base, but they were not there.
4 Q. What was Guinea base?
15:50:33 5 A. Guinea bas is just across from the brigade headquarters.
6 That is where the Guinean soldiers used to base before. So it is
7 still called that name, Guinea base. But that place was occupied
8 by the AFRC rebels and RUF juntas.
9 Q. What did you do after Guinea base?
15:50:51 10 A. I went down to a small stream by the name of xxxxxx.
11 Q. Can you spell it for the Court?
12 A. x-x-x-x-x-x-x, xxxxxxx. That is a small stream running
13 across xxxxxxx.
14 Q. What happened there?
15:51:22 15 A. So I went down by that stream and reached to a point where
16 you call xxxxx.
17 Q. Could you spell that for the Court?
18 A. Yes, yes. X-x-x-x-x-x-x, xxxxxxxxxxxx.
19 Q. Did you see anything at xxxxxxxx?
15:52:04 20 A. Yes, that is the area where I saw the body of BS Massaquoi
21 lying with a very big cement block on his head.
22 Q. Did you see anything else?
23 A. The body of Andrew Quee was also found lying --
24 JUDGE ITOE: Anything else?
15:52:45 25 THE WITNESS: There was a big cement block lying on his
26 head, on the head of BS Massaquoi.
27 JUDGE ITOE: How?
28 THE WITNESS: The cement block was just lying on his head,
29 like that.

1 JUDGE ITOE: On his head?
2 THE WITNESS: Yes. The body of Andrew Quee was also seen
3 lying by BS Massaquoi.
4 MR WERNER:
15:53:13 5 Q. Did you see it?
6 A. Clearly.
7 JUDGE ITOE: Did you say Andrew Quee?
8 THE WITNESS: Andrew Quee, yes.
9 MR WERNER:
15:53:34 10 Q. Did you see --
11 A. I also saw the bodies of four others who were in our
12 custody.
13 Q. At the same time as the three others?
14 A. Yes.
15:54:17 15 Q. Now, Mr Witness, did anything happen after the death of BS
16 Massaquoi?
17 A. Yes, after that I returned home. By then a lot of people
18 have already started pulling out of xxxxxx township. xxxxxx was
19 more of a ghost town, completely empty. The area was tense;
15:54:42 20 there was firing all over.
21 Q. Now, Mr Witness, you told us a lot about xxxxxx Town. Now,
22 for the same period of time we are talking about xxxxxx District.
23 Do you know if anything happened during that time in xxxxxx
24 District?
15:55:35 25 A. xxxxxx District, yes.
26 Q. Can you tell us what you can remember?
27 A. I can say something about xxxxx xxxx. xxxxx xxxxx is in
28 the Lower xxxxx Chiefdom, xxxxxx District.
29 Q. Okay, Mr Witness. I'm going to show you a map of xxxxxx

1 District. I believe that enough copies were given to all the
2 parties. I'm giving you a green pen. I give you a green marker,
3 could you circle for us on that map xxxxx Field?
4 A. xxxxx Field?
15:56:46 5 Q. Yes.
6 A. Okay.
7 Q. Just do a circle on what you believe to be xxxx Field.
8 MR JORDASH: May I just inquire as to whether the
9 Prosecution have copies for the accused?
15:57:27 10 MR HARRISON: I'm sorry, all the copies we have have been
11 distributed.
12 MR WERNER: I can give you mine.
13 MR JORDASH: I'll accept, thanks.
14 MR WERNER:
15:57:48 15 Q. Do you see Lower xxxxx located on that map, Mr witness?
16 A. Yeah, I'm looking for it.
17 Q. I believe if you look at the centre of the map you will
18 find Lower xxxxxx Chiefdom. Centre of the map, Mr witness.
19 Just take your time.
15:58:41 20 A. All right, I've traced the chiefdom; xxxxxx Chiefdom is
21 right here. We have xxxxx right up here. We have xxxxxx, which
22 is the chiefdom headquarter town.
23 Q. Now, with the green marker could you make a circle to
24 indicate what you believe to be xxxxx xxxxx?
15:59:10 25 A. xxxxx xxxxxx?
26 Q. Yes, the entire area of xxxx xxxx. Just do a circle.
27 A. [Marks] Okay, I have done that.
28 Q. Could you indicate at the top of the map TF1-122?
29 A. One, one?

1 Q. TF1-122. Now, if you could just turn the map to show to
2 the Defence counsel and the Bench what did you do.
3 A. [Witness complies]
4 Q. Mr witness, is what you did the whole of xxxxx xxxxxx?
16:02:27 5 A. Yes.
6 PRESIDING JUDGE: By the whole of xxxxx xxxx, this is the
7 portion that he has circled in green on this map. According to
8 you, this is what would be described as xxxx xxxx?
9 THE WITNESS: Yes, but that is not the entire chiefdom. We
16:02:54 10 have other areas that's just where xxxx xxx occupied.
11 MR WERNER:
12 Q. Is it the entirety of xxxx xxxx?
13 A. xxxx xxxx, that is xxxxx xxxxx.
14 MR WERNER: The Prosecution would request that that be the
16:03:20 15 next exhibit.
16 JUDGE THOMPSON: Mr Jordash, do you have any objection?
17 MR JORDASH: No, Your Honour.
18 JUDGE THOMPSON: Mr Touray, any objection?
19 MR TOURAY: So far I have not heard the foundation for the
16:03:41 20 tendering of this map.
21 MR HARRISON: Your Honour, that map has been judicially
22 noted.
23 MR TOURAY: Okay, no objection.
24 JUDGE THOMPSON: Mr Cammegh?
16:03:59 25 MR CAMMEGH: No, nothing to add, thank you.
26 JUDGE THOMPSON: Received in evidence and marked
27 Exhibit 31.
28 [Exhibit No. 31 was admitted]
29 MR WERNER: Your Honours, I would say I have about 15 to 20

1 minutes to go, can I carry on?
2 PRESIDING JUDGE: Yes, yes.
3 MR WERNER:
4 Q. So Mr witness, you told us you heard about xxxx xxx.
16:04:44 5 what is xxxx xxx?
6 A. xxxx xxxx, I know, is a mining area. You mine diamond at
7 xxxx xxxx.
8 Q. Again, during the same period of time, May 1997/February
9 1998, did you hear anything about xxxx xxx?
16:05:23 10 A. Yes.
11 Q. Could you tell this Court what you heard?
12 A. Well, at one time we were in xxxxx. We saw influx of
13 displaced people from xxxxx xxxx with bundles on their head -
14 thousands of them.
16:05:51 15 Q. Did you speak with some of them?
16 A. I spoke with a lot of them. They told us the RUF rebels
17 and the AFRC juntas went and attacked them. In the process they
18 killed a lot of civilians and captured a lot of able-bodied men
19 to do mining for them. That was the information we got from
16:06:40 20 them.
21 Q. Did they tell you if anyone was in charge of xxxxx xxx at
22 that time?
23 A. Well, they did not say so, anyway, but later on, we heard
24 that one Banya from the RUF was in charge.
16:07:21 25 Q. Was the RUF Banya [sic]?
26 A. Yes.
27 Q. Did you know him?
28 A. I don't know him before, but I later came to know him when
29 he visited xxxxx.

1 Q. Now, Mr Witness, I have already asked you this question
2 from the groups at Hangha Road. Let me ask you the same question
3 now for the entire xxxxx town. The soldiers you saw during the
4 same period May 1997/February 1998 in the whole xxxxx Town, were
16:08:12 5 they all of the same age group?
6 A. No, it varies. You have teenagers and then you have adults
7 among them as well.
8 Q. Were they all from the same gender?
9 A. No, you have both male and female.
16:08:37 10 Q. Now I'm talking about the females. How old was the
11 youngest you saw?
12 A. From 12, 13, 14 up to 18. They have others from 20, 21 and
13 above.
14 Q. Let's talk about the female again. Did you see any one of
16:08:59 15 them yourself at that time in xxxxx Town?
16 A. Every day I meet with them, I talk with them - every day.
17 Q. Where did you meet them?
18 A. I used to meet some of them at the NIC building, where
19 Mosquito was residing.
16:09:19 20 Q. Just for the sake of clarity, what does NIC stand for?
21 A. National Insurance Company.
22 Q. Why did you go there?
23 A. Because I want to really see so that I could give a very
24 good testimony to this Court.
16:09:49 25 Q. What did you see there?
26 A. Pardon?
27 Q. What did you see there when you went there?
28 A. I saw a lot of child soldiers, both men and women. Some of
29 them were carrying AK-47 rifle. Some of them, the gun was heavy

1 for them, but they still carry it. Some were without gun,
2 anyway.

3 Q. Was anyone in charge of them within the NIC building?

4 A. Mosquito was in charge of that building, he and his wife.

16:10:43 5 Q. Who was his wife?

6 A. Well, there was a lady they call the wife of Mosquito.

7 Q. Did you see her when you went there?

8 A. Yes. I even spoke to two of those girls. One told me she
9 was captured from Kailahun at the initial stage of the war. The
16:11:10 10 other one told me she was captured at Pujehun.

11 Q. Did they tell you who captured them?

12 A. The RUF rebels. They said they were going to school. They
13 were school-going children.

14 Q. How old were they at that time when you spoke with them?

16:11:33 15 A. They were around 16 at that time. But both of them were
16 carrying AK-47 gun.

17 Q. When you said they had been captured, they told you that
18 they had been captured at the initial stage of the war. Did they
19 tell you when it was?

16:12:23 20 A. Yes, at the beginning of the war; that is 1991.

21 Q. Did they tell what they were doing there the whole day in
22 Kenema Town?

23 A. In Kenema Town?

24 Q. Yes, during that time what were they doing?

16:12:51 25 A. Well, the women were not very much active as compared to
26 the boys. You always see them in the kitchen cooking, going to
27 the market, but they always carried the rifle.

28 Q. Now, Mr Witness, where were you in March 1998?

29 A. March 1998, I was in xxxxxx.

1 Q. Did anything happen in March 1998 in ~~xxxxx~~ Town?
2 A. Yes, yes.
3 Q. Please tell this Court what happened?
4 A. Yes, in March we also had a massive influx of displaced
16:13:50 5 people from Segbwema Njaluahun that is in the Kailahun District.
6 Q. Would you spell that name for the Court?
7 A. S-E-G-B-W-E-M-A, Segbwema. Njaluahun is N-J-A-L-U-A-H-U-N.
8 That is the chiefdom, Njaluahun Chiefdom. Kailahun,
9 K-A-I-L-A-H-U-N. That is the district, Kailahun District, that
16:14:17 10 is a different district now.
11 Q. Did you meet these people coming from Segbwema in ~~xxxxxxx~~
12 Town?
13 A. Yes, I met them, I spoke with them.
14 Q. Did they tell you anything?
16:14:35 15 A. Yes.
16 Q. What did they tell you, Mr witness?
17 A. Well, they told me that the RUF rebels and the AFRC juntas
18 attacked them over --
19 Q. Where?
16:14:51 20 A. In Segbwema, in their town. Killed so many civilians and
21 captured a lot of able-bodied men to carry their looted property
22 to Kailahun. Kailahun was their headquarter.
23 Q. And did they tell you when did this happen in Segbwema?
24 A. They told me it was in the early morning hour, around 5.00
16:15:29 25 when they were attacked.
26 Q. During the same month?
27 A. March, that is March.
28 Q. Which year?
29 A. 1998.

1 MR WERNER: I have no further questions of this witness,
2 Your Honour.
3 JUDGE THOMPSON: Gentlemen, we'll take a break of five
4 minutes and come back.
16:16:56 5 [Recess taken at 4.12 p.m.]
6 [On resuming at 4.37 p.m.]
7 JUDGE THOMPSON: Mr Jordash, you may now commence your
8 cross-examination.
9 CROSS-EXAMINED BY MR JORDASH:
16:43:45 10 MR JORDASH: Thank you, Your Honours.
11 Q. Good afternoon, Mr Witness.
12 A. Good afternoon.
13 Q. Just so you understand who I am, I represent Mr Issa Sesay.
14 Could I ask, please, that the witness be -- before I move to
16:44:05 15 that, it is right, isn't it, that you can speak about a diary
16 which was produced from the xxxxx Police Station?
17 A. Yes.
18 Q. It is right that you in a previous trial in this Court room
19 have spoken about that diary?
16:44:32 20 A. Yeah.
21 Q. It is right that you say you found that diary after the
22 junta had been ejected from xxxxx?
23 A. No.
24 Q. well, would you like to explain where you did find the
16:44:52 25 diary then?
26 A. Yeah. That was the time when the Kamajors entered xxxxx
27 Town, apparently to rescue BS Massaquoi and others. They thought
28 we were still having them in our custody in the police, but
29 fortunately for them, they never met them there.

1 Q. You found the diary at that point?
2 A. Yes, that very day the Kamajor entered.
3 MR JORDASH: Thank you. Could the witness please be shown
4 Exhibit 28, just to confirm that that is the diary, please?
16:45:33 5 PRESIDING JUDGE: Mr Jordash, you said the witness has
6 testified as to that in this Court.
7 MR JORDASH: I confused myself. I apologise.
8 PRESIDING JUDGE: I was wondering if I had missed something
9 somewhere.
16:45:46 10 JUDGE THOMPSON: I myself was wondering what had happened.
11 MR JORDASH: My fault entirely. I was thinking of somebody
12 else.
13 Q. Is that a diary you recognise, Mr Witness?
14 A. Yeah.
16:46:07 15 Q. Now, in due course I will take you to certain parts of that
16 diary, but I want to ask you generally about diaries.
17 A. Yeah.
18 Q. Firstly, does that diary come from the CID section of
19 ~~xxxxx~~ Police Station?
16:46:24 20 A. Yes, you are correct.
21 Q. It's a diary which you and officers under your supervision
22 completed?
23 A. Yes.
24 Q. Was that the only diary at the CID during February of 1998?
16:46:46 25 A. No, we have so many diaries apart from this.
26 Q. Could you indicate what kind of things went into the diary
27 which you're looking at now, Exhibit 28?
28 A. Yes. We enter all reports coming into the police station
29 into this diary.

1 JUDGE ITOE: The diary you have in front of you?
2 THE WITNESS: Yes, we enter movement of police personnel,
3 police vehicles, important dignitaries, important events.
4 PRESIDING JUDGE: When you use the word "reports" it means,
16:47:37 5 in fact, every single activity that is taking place at the police
6 station on a given day?
7 THE WITNESS: Yes.
8 PRESIDING JUDGE: That is all listed in that document?
9 THE WITNESS: Yes.
16:47:50 10 MR JORDASH:
11 Q. Am I correct that felonious offences were investigated by
12 the CID in xxxxxx during ordinary times and during the junta
13 time?
14 A. Yes, you're quite correct.
16:48:17 15 Q. Summary offences were investigated by general duties?
16 A. Yes.
17 Q. Another section in xxxxxx?
18 A. Yes.
19 Q. Reports of felons or suspected felonious offences were
16:48:40 20 recorded in the diary which you have in front of you?
21 A. Yes.
22 Q. Summary offences would be recorded elsewhere by general
23 duties?
24 A. Yes. Sometimes general duty record felonious offences and
16:49:02 25 the matter is referred to us at the CID for investigation.
26 Q. CID were obligated to investigate felonious offences, the
27 general duties would not investigate such offences; am I correct?
28 A. Yes.
29 Q. Summary offences, likewise, would be investigated by

1 general duties?
2 A. Yes.
3 Q. The duties of the CID was the protection of life and
4 property?
16:50:05 5 A. Correct.
6 Q. Apprehension and prosecution of offenders?
7 A. Yes.
8 Q. The cases would be reported by persons who attended the CID
9 office; is that correct?
16:50:36 10 A. Pardon?
11 Q. People could report offences to the CID by attending at the
12 office?
13 A. Yes.
14 Q. Then the complaint would be recorded and an individual
16:50:50 15 investigator would be allocated?
16 A. Yes.
17 Q. You've spoken of other diaries. What other diaries were
18 completed by the CID during ordinary times and during the junta
19 time?
16:51:32 20 A. We have a series of diaries.
21 Q. Let me try to limit my question and your answer: Was there
22 any other diary which recorded felonious offences or complaints
23 of felonious offences?
24 A. Yes.
16:51:48 25 Q. What was that diary?
26 A. They were all burnt down by the Kamajors.
27 Q. What I'm trying to get at is were those which were burnt by
28 the Kamajors, did they relate to different times?
29 A. Yeah, and different dates.

1 Q. I see. So that diary, Exhibit 28, was the only diary in
2 which the complaints of felonious offences were recorded during
3 the period covered by that diary.
4 A. Yes. From this date until the last date.
16:52:30 5 Q. Okay. Thank you. How many years have you been a police
6 officer?
7 A. I'm doing my 24 years.
8 Q. During that time you've - is this correct - risen through
9 the ranks having started at the lowest rank?
16:53:01 10 A. Yeah.
11 Q. As a police constable; am I right?
12 A. Yeah. Constable, corporal, sergeant, yes.
13 Q. During that time have you experienced the full range of
14 police work?
16:53:27 15 A. Pardon?
16 Q. During the time of your career as a police officer, would
17 you say you've experienced a full range of police work?
18 A. Of course, yes.
19 Q. Investigating crimes?
16:53:41 20 A. Yes.
21 Q. Recording crimes?
22 A. Yes.
23 Q. Giving evidence in court?
24 A. Yes.
16:53:56 25 Q. Writing witness statements?
26 A. Yes.
27 Q. Would you agree that the crucial aspect of writing witness
28 statements is to ensure that they are as accurate as possible
29 when you give them?

1 A. Yes.

2 Q. Would your normal practice be to write a witness statement
3 and then to check it for its accuracy?

4 A. Yes.

16:55:12 5 Q. Line by line?

6 A. Yes, you are right.

7 Q. Then to confirm that what was contained in that statement
8 was the truth, the whole truth and nothing but the truth?

9 A. Yes.

16:55:46 10 Q. Would you check it more than once, would that be your
11 normal practice?

12 A. After finished recording the report, you go over it, you
13 explain to the witness once.

14 Q. What about when you write a witness statement yourself
16:56:14 15 having observed suspected criminal offences? How many times
16 would you check your own witness statement?

17 A. When I write witness statement?

18 Q. Yes.

19 A. And if there is criminal offence?

16:56:31 20 Q. Well, for example, you're in xxxxx and you see an offence
21 being committed by a person.

22 A. Yeah.

23 Q. You have experience of seeing this kind of -- of seeing
24 such an alleged offence and then writing a witness statement
16:56:52 25 about that offence, am I right?

26 A. Yeah.

27 Q. And thereafter using the witness statement to prosecute the
28 alleged perpetrator of the offence?

29 A. Yeah.

1 Q. After you had written such a witness statement would you
2 check it?
3 A. I would check it.
4 Q. How many times?
16:57:22 5 A. Once.
6 Q. Would you sign it?
7 A. Of course.
8 Q. Why would you sign it?
9 A. I would sign it as a recorder.
16:57:28 10 Q. What would you be indicating when you signed it?
11 A. As a recorder.
12 Q. Would you be indicating it was true to the best of your
13 knowledge?
14 A. Of course.
16:57:41 15 Q. Would you indicate if you were not certain about something
16 in a witness statement?
17 A. Yes, and I would rectify it.
18 Q. You would rectify it --
19 A. Yes.
16:57:52 20 Q. -- if it wasn't accurate?
21 A. Yeah.
22 Q. Did you do that in this case?
23 A. In which case? This?
24 Q. Yes.
16:58:07 25 A. Yes.
26 Q. You've given a number of statements in this case?
27 A. Yeah.
28 Q. One dated the 30th of January 2003. Do you remember that
29 statement?

1 A. Yeah.
2 Q. Language during the interview was English?
3 A. English, yes.
4 Q. A language you are comfortable with?
16:58:46 5 A. Yes.
6 Q. Did you again see the Prosecution of the Special Court in
7 November of 2004?
8 A. Yeah.
9 Q. Did you go over that very first statement in January
16:59:02 10 2003 --
11 JUDGE THOMPSON: November 2003.
12 MR JORDASH: Sorry, Your Honour. I'm going quickly, I
13 know.
14 Q. 25th of November 2004?
16:59:12 15 PRESIDING JUDGE: This is the first statement?
16 MR JORDASH: The first statement is 30th January 2003; do
17 you remember that witness?
18 JUDGE THOMPSON: The second is 25th November 2004.
19 MR JORDASH: The second occasion I'm suggest the witness
16:59:29 20 met the Prosecution was on the 25th of November 2004.
21 Q. Am I correct? I've just made a mistake. In fact, the
22 second time you met the Prosecution was 13th January 2004; am I
23 right?
24 A. Correct.
16:59:52 25 Q. Then it was 25th November 2004?
26 A. Yes.
27 Q. Then 15th March 2005 you met the Prosecution; do you
28 remember that?
29 A. Yes.

1 Q. Then 26th May 2005?
2 A. Yes.
3 Q. You've met them again this week, haven't you, the
4 Prosecution?
17:00:28 5 A. This week?
6 Q. This week.
7 A. I only came yesterday from the provinces.
8 Q. Have you met them yesterday?
9 A. Mmm?
17:00:49 10 Q. Did you meet the Prosecution yesterday?
11 A. Yes.
12 Q. How many times do you think you have been through your
13 statement of 2003?
14 A. Once.
17:01:01 15 Q. Once?
16 A. At the date of the very recording.
17 Q. What did you do with the Prosecution then, the second time
18 you met them on 13th January 2004?
19 A. Just briefing.
17:01:19 20 Q. What do you mean by briefing?
21 A. You get yourself prepared, very soon we'll call upon you,
22 standby, we'll call upon you to testify, just like that.
23 MR JORDASH: Can I ask, please, that the witness is given a
24 copy of the interview notes dated 13/01/2004, page 10923? It
17:02:13 25 starts, "The witness wants to".
26 JUDGE ITOE: What is the date, Mr Jordash?
27 MR JORDASH: 13th January 2004 at page 10923.
28 Q. You can see at the top there, "Language during interview -
29 English"; do you see that?

1 A. Yes.
2 Q. You see your name. I'm not interested in it, please don't
3 say it.
4 A. Yes.
17:02:49 5 Q. You can see a person present, "Counsel: Paul Flynn"; yes?
6 Am I right?
7 A. Yeah.
8 Q. "Name of interpreter: None needed"; am I right?
9 A. Yeah.
17:03:01 10 Q. And it says this, doesn't it: "The witness wanted to add
11 to his previous statement." Do you see that?
12 A. Yes.
13 Q. Does that not indicate that you went through your previous
14 statement and wanted to add to it?
17:03:19 15 A. No, that does not mean I went through my statement. I only
16 wanted to make an actual statement, that is all.
17 Q. How did you know you hadn't included this in your original
18 statement? How do you know you hadn't included these facts, as
19 you say?
17:03:48 20 A. Well, as you progress, I just remember about things. Even
21 as I'm sitting down here now, there are certain things that are
22 just popping into my mind, just like that. So many odd things.
23 Things are so many that I cannot just sit at a go and just say it
24 all. But as you progress it comes on your mind.
17:04:04 25 Q. What I'm asking you is this, Mr Witness: did you remember
26 the contents of your first statement well enough to know that you
27 hadn't included these facts that we see in front of us --
28 A. Of course, of course.
29 Q. So you have a good recollection of what is in your original

1 statement?
2 A. Yes, of course.
3 Q. I imagine because of your police training?
4 A. well, perhaps.
17:04:30 5 Q. Now, what have you done with the Prosecution since that
6 date when you've met them; for example, in November 2004?
7 A. what have I done with them?
8 Q. Yes, what did you do with them?
9 A. well, it is making additional statements, just like that.
17:04:56 10 Q. Describe the scene to us. We weren't there. Were you in a
11 room with one or two prosecutors from the Special Court?
12 A. Yes.
13 Q. Did they have your original statement?
14 A. They have it, yeah.
17:05:11 15 Q. Were they looking at that statement?
16 A. well, I don't know, but all I know is that they have my
17 original statement.
18 Q. What did you talk about? Did you talk about the contents
19 of the original statement?
17:05:26 20 A. It is exactly what I have told this Court.
21 Q. well, excuse me if I have missed it. Would you mind
22 repeating again?
23 A. Yeah.
24 Q. Think very carefully, Mr witness. There are Prosecutors in
17:05:45 25 this Court. They know what happened, so think very carefully
26 when you answer the question.
27 A. Okay.
28 Q. Did you, in November, go through that original statement to
29 see if you wanted to add things to it?

1 A. In November?
2 Q. November 2004, Mr Witness. Concentrate on what I'm asking
3 you. Did you go through your original statement in November 2004
4 with the Prosecution?
17:06:16 5 A. The first statement I made on that very date, I went
6 through it. The second statement I made on that very day I went
7 through it. Apart from that, no, I have never gone through them
8 again, apart from those two dates.
9 Q. So in November 2004, can you remember giving additional
17:06:40 10 facts, as you alleged, to the Prosecution?
11 A. Yes.
12 Q. Why did you do that?
13 A. Because I thought I left it out and I thought it fit to
14 include that in my statement.
17:07:00 15 Q. You thought you'd left those facts out?
16 A. Yeah.
17 Q. Did you not ask the Prosecution who were present whether
18 you indeed left those facts out?
19 A. Yes, I did.
17:07:15 20 Q. Did they look at that statement to see if you had left
21 those facts out?
22 A. They just asked me what are the facts and I pointed them
23 out.
24 Q. You said, as you said to us, you thought you'd left facts
17:07:28 25 out. The Prosecution had in front of you your original
26 statement. Did not one of you check whether your thought was
27 correct and check the original statement?
28 A. Up to now, there is a lot of statement to make. As we
29 progress, it comes to my mind a lot. A lot of other dangerous

1 acts were done by these guys.

2 Q. I'm sure they were. I'm sure they were, according to you.
3 what I'm asking you about, though, Mr Witness --

4 A. I can still make more additional statements in respect of
17:08:02 5 what they did.

6 Q. I'm sure you're going to try. But I'm going to try to keep
7 you to my questions. What I'm asking you is: as you sat there
8 with facts which you thought were in your original statement, did
9 you give those facts that you thought were in your original
17:08:18 10 statement to the Prosecutors present?

11 MR HARRISON: I'm sorry to interrupt, but that was a bit of
12 a confusing question for me. It might be my misunderstanding.
13 I'm not sure if we're talking about the very first interview now
14 or if we're talking about an interview that took place on 25th
17:08:40 15 November 2004.

16 JUDGE THOMPSON: My recollection is that we're in November.

17 MR JORDASH: I'll try to clarify.

18 JUDGE ITOE: 25th November 2004.

19 PRESIDING JUDGE: The witness and you have been talking
17:08:58 20 about two statements. The first statement of January 2003.

21 JUDGE THOMPSON: Yes, that is different.

22 PRESIDING JUDGE: That is the first statement.

23 MR JORDASH: Yes.

24 PRESIDING JUDGE: The witness is saying that he reviewed
17:09:08 25 that at that time and never reviewed it afterwards.

26 JUDGE THOMPSON: Yes.

27 PRESIDING JUDGE: But he is also talking about the second
28 statement. The second statement, I take it, to be not the one
29 13th of -- what is the second one?

1 JUDGE THOMPSON: The second one is --
2 MR HARRISON: I gave the statement of 13th January to the
3 witness. Should I not have done that?
4 MR JORDASH: If I can try to clarify it.
17:09:39 5 JUDGE THOMPSON: Yes.
6 MR JORDASH:
7 Q. You've got the statement in front of you, 13th January
8 2004; correct?
9 PRESIDING JUDGE: Interview notes.
17:09:53 10 MR JORDASH: I beg your pardon, interview notes.
11 Q. 13th January 2004, the second time you met the Prosecution;
12 am I correct?
13 A. Yes.
14 Q. Is it right that the next time you met the Prosecution was
17:10:06 15 25th November 2004?
16 A. Yes, you're correct.
17 Q. Did you meet two men, one called Robert Braun,
18 one called Chris Dunn?
19 A. Pardon?
17:10:21 20 Q. Did you meet two men, one called Robert Braun and
21 one called Chris Dunn?
22 A. Yes, correct.
23 Q. Chris Dunn had a goatee beard; do you remember?
24 A. Yes.
17:10:30 25 Q. Now, I'm talking about that occasion when you met them.
26 You gave additional facts to the Prosecution on that date, didn't
27 you?
28 A. Yeah.
29 Q. Were they asking you additional questions? How did it come

1 about you gave those additional facts? Describe the process, if
2 you would?
3 A. Yes, they asked questions and I answered.
4 Q. Were they looking at your original statement when they
17:10:55 5 asked you questions?
6 A. No.
7 Q. Did they have your original statement with them?
8 A. They have it.
9 Q. You were giving facts which you didn't think were in your
17:11:15 10 original statement?
11 A. No. I mean, they were asking questions and I answered.
12 Most of the questions I answered are almost in my first
13 statement.
14 Q. How do you know?
17:11:26 15 A. Because I have made a statement before.
16 Q. Yes, but how do you know that those are in the original
17 statement?
18 A. That is my statement I made, so if you ask me the question
19 pertaining to it, to highlight it, I know I have made a statement
17:11:42 20 already, so if you want me to highlight it, I will do it.
21 Q. No, no, I'll take you to the statements in due course.
22 Were you content that what you'd said in that first statement was
23 correct?
24 A. Yes.
17:11:53 25 Q. Were you content in November 2004 that what you said to the
26 Prosecution was correct?
27 A. Yes.
28 Q. Have you in your own mind had sufficient time with the
29 Prosecution to correct any mistakes you have made?

1 A. Well, not at all.
2 Q. No?
3 A. Not at all.
4 Q. How many hours do you think you've spent with the
17:12:21 5 Prosecution since meeting them for the very first time?
6 A. We meet very often.
7 Q. Well, how many hours would you estimate?
8 A. One hour, sometimes two hours.
9 Q. In total, how many hours have you spent with them to go
17:12:30 10 through your evidence?
11 A. Let's say some days, roughly two.
12 Q. Overall. Give us an overall figure from - just an
13 estimation, that's all - January 2003, January 2004, November
14 2004, 15 March, 26 May this year and last night, in total?
17:13:00 15 A. I cannot estimate. I've met on several occasions with
16 them.
17 Q. Each meeting was at least an hour, am I right?
18 A. You're correct, yes.
19 Q. At least two hours?
17:13:14 20 A. Yes, at least two hours.
21 Q. So you've spent over ten hours with them; am I right?
22 A. You may be right.
23 Q. Thank you. I want to ask you now about xxxxx Road.
24 A. Yes.
17:13:38 25 Q. Can you describe to us the area of xxxxx Road? Is it a
26 residential area. Let me be more specific. I beg your pardon.
27 During the junta period was it a residential area?
28 A. Yes, coupled with commercial area. Commercial and
29 residence. It also houses some offices.

1 Q. Is it in the centre of the town or at the edge?
2 A. Right in the centre of the town.
3 Q. Were civilians living in the centre of the town during the
4 junta period?
17:14:25 5 A. A lot of civilians were living there, a lot.
6 Q. Did some civilians leave xxxxx during the junta period?
7 A. Of course, yes.
8 Q. Some chose to stay?
9 A. Yes.
17:14:43 10 Q. Were civilians leaving xxxx throughout the period of the
11 junta?
12 A. Throughout.
13 Q. Some civilians continued to live and work in xxxxx; am I
14 correct?
17:15:03 15 A. Yes, yes.
16 Q. Like yourself?
17 A. Of course.
18 Q. You decided to stay, am I right, and be neutral?
19 A. Yes.
17:15:26 20 Q. What did that mean to you?
21 JUDGE ITOE: Mr Jordash, was he the one who decided to
22 stay?
23 MR JORDASH: Well, he just said he was. I said --
24 Q. Was it your choice to stay, Mr Witness?
17:15:50 25 A. Because I have nowhere to go. I have no money to pay my
26 way out for my family. So the best I could do is to stay.
27 Q. Didn't you stay, also, because you felt you could protect
28 people by remaining in your post?
29 A. Of course, yes.

1 Q. You were a senior police officer?
2 A. No.
3 Q. No? You weren't a senior police officer?
4 A. Up to now I'm not a senior police officer.
17:16:23 5 Q. You had over 50 people in your command, am I right, during
6 the junta period?
7 A. Of course.
8 Q. That makes you pretty senior; no?
9 A. Yeah -- no.
17:16:38 10 Q. No?
11 A. I'm just sergeant. Sergeant is not a senior rank.
12 Q. But there are a lot more people below you than above you,
13 presumably?
14 A. Perhaps it's the position I had at that time, station
17:16:54 15 sergeant, all your personnel must go through you.
16 Q. Yes. I mean, a handful of police officers above you,
17 50-odd or more below you?
18 A. Yeah.
19 Q. So comparatively senior, can we agree on that?
17:17:07 20 A. Well, as far as the police time is concerned, I'm not even
21 a junior police officer. They call us other, ranks so from
22 constable to sergeant, we're other ranks. From inspector --
23 inspector is junior police. Then from ASB, they are senior
24 police officers.
17:17:30 25 PRESIDING JUDGE: It is divided in two; officers and
26 non-officers. So he is describing to you that he is under the
27 classification of non-officer. So you're using the term senior
28 officer, he's saying, "I'm not. I'm not a rank," so he might
29 have been the senior in the other ranks but not as a senior

1 officer. That is what he is trying to explain to you.

2 MR JORDASH: I know.

3 Q. So you were a senior policeman, but not a senior officer?

4 A. Non-commissioned officer.

17:18:04 5 Q. Okay. Whatever your position, you were determined to
6 remain in your post and, in doing so, would you suggest that you
7 saved many people?

8 A. Of course, yes.

9 [RUF07JUL05 5.15 p.m.- AD]

17:18:22 10 Q. By sticking to your post, by trying to continue to of
11 continue to investigate and prosecute, you assisted to maintain
12 some order in xxxxx?

13 A. Yes, that is my job.

14 Q. Am I right that there were prosecutions going on during
17:19:04 15 this period, the period of the junta? In xxxxx?

16 A. That was not -- we were not given free hand so I can say it
17 was not normal at all.

18 Q. No, I didn't ask whether it was normal. I asked whether
19 prosecutions were going on in xxxxx during the junta period.

17:19:33 20 A. We tried to carry it out but a lot of interference, we're
21 not given free hand, so I can say no to that.

22 Q. No prosecutions whatsoever in xxxxx, you would say. Think
23 carefully, Mr witness.

24 A. Like investigating cases, we start investigating certain
17:19:54 25 cases, halfway through interference, a lot of harassment,
26 intimidation, so we just stop halfway through without completing
27 that case. So I don't really call that a full prosecution of any
28 case at that period.

29 Q. You are aware, aren't you that another police officer from

1 xxxxxx has given evidence?
2 A. Of course, I am aware.
3 Q. Can I ask just you the question again?
4 A. Yes.
17:20:27 5 Q. Are you suggesting that no prosecutions went to actual
6 completion in xxxxxx during that time?
7 A. I am not suggesting that. What I am saying they don't give
8 us the free hand to complete any investigation, they will
9 interfere, they will harass, they will intimidate. You can't do
17:20:52 10 otherwise except you have to stop.
11 Q. Do you agree that you saved thousands of people?
12 A. Of course.
13 Q. How did you manage to do that then during the junta period?
14 A. Well, I can cite one instance when Mosquito brought a list
17:21:13 15 of more than 2000 people who are having shotguns, that is the
16 single-barrel guns. These were local Kamajors they have obtained
17 their guns for years and they've licensed that gun with the
18 police. I don't know how he came about those particulars. He
19 asked that we should arrest all of them, as they are all
17:21:39 20 Kamajors. So I was given that task as a team leader, so what I
21 did, I saved all those people and they all escaped. Otherwise he
22 was going to kill all of them.
23 Q. What about ordinary civilians, did you save them?
24 A. A lot. Like that poor lady whom they attacked at the NPRC
17:22:01 25 secretariat.
26 Q. Who else did you save?
27 A. A lot. There was another man who was attacked at
28 [indiscernible], I went and saved him.
29 Q. What were the circumstances in which you saved him?

1 A. They went and raided his house. He was a bit adamant with
2 the people. And they tied him, they were about to take him for
3 execution when I appear. So I pleaded with them, so he was
4 subsequently released but his properties were taken away.

17:22:38 5 Q. So you were somebody who by virtue of your police role was
6 listened to by certain factions of the rebels.

7 A. Of course, they are my brothers.

8 Q. What do you mean by that?

9 A. What do I mean? They are my brother Sierra Leoneans. I
17:22:56 10 hold nothing against them. I didn't just like what they were
11 doing to my people. Sometimes I talk to them, they listen.
12 Sometimes they don't listen.

13 Q. You have told us, I think, that you walked past ~~xxxxxx~~ Road
14 regularly?

17:23:17 15 A. Every day, every night.

16 Q. Am I right that you would see Sam Bockarie at the
17 secretariat most days?

18 A. Yes.

19 Q. And you would regard him as a brother too; am I right?

17:23:36 20 A. Pardon?

21 Q. Did you regard him as a brother too?

22 A. All of them are my brother Sierra Leoneans. I hold nothing
23 against them.

24 Q. So you would also plead with him to behave properly.

17:23:53 25 A. On several occasions. I go to my office every day. At one
26 point in time I even mentioned to him that our people are
27 suffering, let him try and see reason to stop this kind of
28 carnage. He have just laughed about it and walk away.

29 Q. But presumably sometimes he listened to you.

1 A. Some of his men sometimes they listen to me. Mosquito was
2 very, very vicious, can just do things like that. Whether you
3 are a friend or a brother, he don't want to know.

4 Q. Every day as you walked past the secretariat would you see
17:24:43 5 other senior members of the AFRC and RUF junta?

6 A. Yes, every day.

7 Q. And that is where they were essentially based?

8 A. Yes, they used that building to run their administrative
9 business, so they go there every day.

17:25:03 10 Q. Would you go into the building every day?

11 A. Yes, I go there every day.

12 Q. As part of your duties?

13 A. Yes. Sometimes they just arrest people unnecessarily,
14 punish them unnecessarily, sometimes I go to them to plead with
17:25:23 15 them to stop, to discontinue what they are doing. Sometimes they
16 listen, sometimes they don't even look at me. That is always the
17 case.

18 Q. What would you do every day? Was it an obligation to go
19 every day?

17:25:37 20 A. When I am seeing my people suffering that kind of way I
21 believe I have the responsibility to go and talk to these guys to
22 stop; the suffering is too much.

23 Q. So every day you would go to try to exert some authority
24 over the administration?

17:25:54 25 A. That is correct.

26 Q. Sometimes with success and sometimes not?

27 A. None.

28 Q. What did Sam Bockarie say when you released or let these
29 2000 Kamajors disappear?

1 A. what did he say?
2 Q. Yes.
3 A. well, that was done in high secrecy, so he was engaged in
4 some other things so he could not ask about that any longer.
17:26:31 5 Q. Let's just explore this a little bit. Sam Bockarie brings
6 you a list of kamajors, all of whom were armed and asks you to
7 deal with that and you release them and Sam Bockarie doesn't ask
8 you anything about them since.
9 A. Let's get this straight.
17:26:51 10 Q. Let's, please.
11 A. When we say kamajors in Mende we refer that to the local
12 hunters. I am not talking in terms of the fighters. You have
13 the fighters and you have the local hunters who have previously
14 retained their weapon before the war. We call them in Mende
17:27:11 15 kamajors. Not the fighters; I am not talking in terms of the
16 fighters, but the real local hunters. That is their name,
17 kamajors, that is what I am talking about, not the fighters.
18 Q. Okay. Sam Bockarie gives you a list of 2000 people, local
19 hunter, who he suspects are armed.
17:27:32 20 A. He gave that list --
21 Q. what did he ask you to do?
22 A. He gave that list to our CPO and ordered that we should
23 arrest all those people with those weapons. And the four of us
24 were given that task, so we went around and rescued all those who
17:27:57 25 were involved.
26 Q. How did you do that?
27 A. We asked them to go away, to leave xxxxxx, otherwise
28 Mosquito is going to kill them all.
29 Q. You went around, between the four of your --

1 A. Yes.

2 Q. -- to each and every address?

3 A. Yes. All the people are here in **xxxxx**. As I am talking

4 to you right now they are there.

17:28:13 5 Q. All 2000 people.

6 A. The majority of them. Not all of them, but the majority of

7 them.

8 Q. You said, "Better leave **xxxxx**, trouble --

9 A. otherwise you are going to be killed, yes.

17:28:25 10 Q. They all pack their bags and leave.

11 A. Yes.

12 Q. What do you say to Sam Bockarie the next time you see him?

13 A. The order was given to us by the CPO. We told the CPO all

14 those people have escaped. We couldn't find anyone.

17:28:39 15 Q. What was Sam Bockarie's reaction when you next saw him?

16 A. He was --

17 Mr HARRISON: The witness has not said that it was Sam

18 Bockarie. Sam Bockarie passes a message on the CPO and CPO then

19 delegates four people to undertake the task. There is no

17:28:54 20 indication from the witness that he then had any responsibility

21 to report back to Bockarie.

22 MR JORDASH: And I don't think in the question I suggested

23 that he did. I asked him, the witness, what Sam Bockarie said

24 when he next saw him. I didn't suggest there was a duty.

17:29:09 25 A. He was furious, but he can't do otherwise. Because the

26 people the ground have gone already. So you cannot ask us to

27 chase in the bush.

28 Q. Sam Bockarie didn't kill the CPO, as far as you are aware,

29 for his role in allowing 2,000 people to escape.

1 A. We he didn't meet them.
2 Q. You did meet who?
3 A. Those who we were supposed to arrest.
4 Q. Who didn't meet them?
17:29:52 5 A. The CPO told Sam Bockarie that my men have gone in search
6 of those people but they couldn't trace any one of them.
7 Mosquito became furious. What do you have to do?
8 Q. How do you know he became furious?
9 A. I was there.
17:30:07 10 Q. What did he say?
11 A. He just became furious and walked away. He didn't say
12 anything.
13 Q. Did he shout?
14 A. No, at that time he did not.
17:30:19 15 Q. He just said that he was angry and walked away.
16 A. He was very angry and walked away, yes.
17 Q. Are you making this up, Mr witness. Is that a lie?
18 A. Pardon?
19 Q. Are you making this up. Is that a lie? Is that really the
17:30:33 20 truth?
21 A. The people who were supposed to be the victims, who were
22 having those guns, are still alive, they are in ~~xxxxx~~ and they
23 are ready to come and testify to this Court. They are there. So
24 I can only tell you this story. I am telling you the facts.
17:30:54 25 They are there; they are alive; a lot of them are alive.
26 Q. Didn't civilian hunters align themselves often with the
27 kamajors during this conflict?
28 A. I don't know.
29 Q. Think, Mr witness.

1 A. I don't know.
2 Q. You really don't know?
3 A. I don't know.
4 Q. When the Kamajors attacked towards the end of the junta
17:31:41 5 period, they were looking, some of them, for police officers,
6 weren't they?
7 A. Well, I don't want to tell lie, because when I heard that
8 the Kamajors are coming, because of the involvement of some of my
9 colleagues - that includes my own very personnel working under my
17:32:15 10 direction supervision - I went into hiding with my little family.
11 If I sit and wait for the Kamajors to come they will cut off my
12 head. That is why I went into hiding.
13 Q. Why did you think that?
14 A. I have told you, because of the involvement of some of my
17:32:37 15 colleagues, and that includes my own very staff who was working
16 with me in my office.
17 Q. What was it about their involvement?
18 A. Their involvement?
19 Q. Yes.
17:32:44 20 A. Like my staff, Barba Tarawalay, who is 5604, he went and
21 joined Mosquito. He said he is the younger brother. He was
22 having AK-47. Every day he goes to our office with AK-47 rifle
23 at his back. The entire xxxxxx people used to see him.
24 Q. But you went every day to the office, didn't you?
17:33:07 25 A. Of course. Every day I go to the office.
26 Q. You reported things to Sam Bockarie, didn't you?
27 A. What thing do I have to report to Sam Bockarie? I don't
28 report anything to Sam Bockarie.
29 Q. What was the difference between you and Tarawalay?

1 A. Tarawalay was my staff. He was a CID officer working under
2 my command. He later went and joined them.

3 Q. In what way did he join? What is the difference between
4 him and you during the junta period?

17:33:36 5 A. He was a police officers, as myself, working under my
6 supervision. After the coup, he was even trying to convince some
7 of my own staff in my office to join up. But they never listened
8 to him. I have already advised them to stay neutral. But he
9 claimed to be the brother of Mosquito, so he went and joined him.

17:33:54 10 Every day when he is coming to the office, he is coming in with
11 his AK-47 and people see him go along with Mosquito.

12 Q. So he was doing what Mosquito asked him to do?

13 A. Exactly.

14 Q. Were you not doing what Mosquito asked you to do?

17:34:12 15 A. Mosquito did not ask me to do anything. He cannot even ask
16 me to do anything.

17 Q. Why not?

18 A. He cannot because I will not do it.

19 Q. So if Mosquito asked you to do something you would say no?

17:34:22 20 A. If he asked me to do something --

21 Q. You would say no.

22 A. Even if I say yes, I won't do it.

23 Q. Right. Is that the same for all the police officers in
24 ~~xxxxx~~ under your instruction?

17:34:39 25 A. Yes.

26 Q. So the reality is then that, at the best, you were working
27 alongside Sam Bockarie, not for him?

28 A. I was working for my people.

29 Q. Right. You continued operating normally and wouldn't do

1 what Sam Bockarie asked you to do?
2 A. He never asked me to do anything in particular, never.
3 Q. Right. So you were allowed to get on with your job as you
4 had before?
17:35:17 5 A. Yes, but not with free hand. A lot of interference, a lot
6 of harassment and intimidation. So we are not free at all.
7 Q. Yes, you did what --
8 A. We tried our own level best.
9 Q. But you have told us that you didn't do what Sam Bockarie
17:35:34 10 asked you do to. So am I correct in saying then you continued to
11 operate as you had always operated?
12 A. Sam Bockarie never asked me to do anything; never asked me
13 to do anything.
14 Q. And so your duties remained as they had before?
17:35:48 15 A. Of course.
16 Q. Thank you. Therein lies the difference between you and
17 Tarawalay.
18 A. Yes, that is the difference, because he was a rebel now.
19 Q. Thank you. Now, you came to know, at least by sight, the
17:36:19 20 administration in xxxxxx during the junta period. You came to
21 know them because you saw them regularly.
22 A. Yes.
23 Q. You knew who was wielding the power within the junta in
24 xxxxxx
17:36:36 25 A. That was Eddie Kanneh, the SOS, Secretary of State East.
26 Q. Right, and you knew who was operating beneath them. Him;
27 am I correct?
28 A. Yes.
29 Q. Eddie Kanneh, Mosquito are top men. You would have been

1 seen regularly the those who the next layers of commanders
2 underneath them?
3 A. Yes.
4 Q. All of whom hung around the secretariat, all of whom you
17:37:10 5 would see most days.
6 A. Secretariat, brigade headquarters, NIC building.
7 Q. Thank you. I want to take you to the beginning of the
8 junta period. Just give me a moment. Were you in -- let me
9 start that again. There was a brigade of Sierran Leonean army
17:38:14 10 officers already in xxxxxx.
11 A. Yes, you are correct.
12 Q. When Johnny Paul Koroma took over in Freetown, that brigade
13 aligned itself with Johnny Paul Koroma.
14 A. Exactly.
17:38:31 15 Q. Did you ever hear the announcement on the radio by Foday
16 Sankoh to the RUF to join Johnny Paul Koroma's men?
17 A. By Foday Sankoh?
18 Q. Yes.
19 A. No.
17:38:49 20 Q. When Johnny Paul Koroma took over in Freetown, the Sierra
21 Leonean Army brigade already stationed in xxxx took over the
22 administration in xxxxxx.
23 A. Yes.
24 Q. Some time later they were joined by the RUF rebels.
17:39:19 25 A. I saw them together immediately after the coup. That is
26 that very day, 25th May 1997. I saw them together that very day,
27 that very morning. They were together operating, doing things in
28 common. I was here Freetown; I saw the RUF in the street, I saw
29 the AFRC in the street. They were operating here together here

1 in Freetown unto to the provinces.

2 Q. Think very carefully, Mr witness.

3 A. That is what I am saying, from day one I saw them together.

4 May 25th 1997 they were together, early morning. I saw them

17:39:55 5 together in the street operating together, doing things in
6 common.

7 Q. who did you see? Can you name any?

8 A. I saw a man like Manawa. I know that man very well; in

9 fact, I know him before the war. I saw him in the street that

17:40:09 10 very morning with so many other rebels.

11 Q. Can I just take instructions please? who else did you see
12 from the RUF?

13 A. So many of them.

14 Q. who else, names?

17:40:45 15 Mr HARRISON: I would ask if the question could be somewhat
16 clearer. If he is asking about the actual day, May 25th, in
17 Freetown or about when the witness returned to xxxxxx, which
18 according to his evidence is a week later. I think the witness
19 may be somewhat misunderstanding.

17:41:06 20 PRESIDING JUDGE: I think the witness was capable of
21 answering that question as asked. I do not think he needs your
22 assistance for that. I think the question is quite clear.

23 THE WITNESS: The 25th May 1997, in the morning hours, the
24 very day of that coup, I saw the RUF rebels and the AFRC juntas
17:41:30 25 in the street of Freetown; here on that very day, that very
26 morning, I saw them.

27 MR JORDASH:

28 Q. I have understood that. I am asking you for any names of
29 the RUF rebels you saw on the very day of the coup in Freetown

1 besides Manawa.

2 A. A lot of rebels were in the street. Most of them were
3 talking in Liberian dialect. A lot of them were in the street.
4 I did see a lot of them.

17:42:04 5 Q. How did you know they were RUF?

6 A. They don't hide; they tell you openly. It is no hidden
7 business; they tell you openly that we RUF and AFRC, we are now
8 one, and they dance in the street. They don't hide; it is no
9 hidden business.

17:42:25 10 Q. Were you not hiding?

11 A. Myself at that time? No.

12 Q. You were wandering around the streets talking to RUF
13 rebels?

14 A. Talking to some of my schoolmates who are soldiers to go
17:42:43 15 and surrender to ECOMOG. Some of them did. Today some of them
16 are captains, some of the are majors. I have even spoken to some
17 of the RUF boys to stop this kind of nonsense.

18 Q. Well, Mr Witness --

19 A. That very day, I was in the street convincing them to go
17:42:59 20 and surrender of some. Some of the soldiers are here. They
21 surrender and today they are benefiting.

22 Q. I will move on, but I have two questions before I do.

23 A. Yes, come on. I am ready.

24 Q. I am suggesting to you, Mr Witness, that -- well, first
17:43:25 25 question is this: Did you spend all week trying to persuade the
26 RUF to surrender to ECOMOG?

27 A. Every time I meet them I talk to them to stop what they are
28 doing. Some of the RUF boys went and surrendered, as well as
29 some of the soldiers, who are my schoolmates. They are here in

1 Freetown.

2 Q. where were your family at this time?

3 A. what?

4 Q. where were your family?

17:43:49 5 A. My family?

6 Q. Yes?

7 A. At that time I was in xxxxx My family were in xxxxxx. I

8 only came to Freetown on an official assignment.

9 Q. So why, if you were wandering freely around Freetown did

17:43:57 10 you not just leave and go back to your family?

11 A. I was not wandering. I am well placed here in Freetown. I

12 have my relatives here in Freetown with houses. So I am not

13 wandering; I was not wandering. I have a role to play. I saw a

14 lot of my schoolmates in the street, and I spoke with them and

17:44:21 15 they went and surrendered.

16 Q. what I am suggesting is if you could go out in the street

17 to meet schoolmates, why not leave and go back to xxxxx to see

18 your family?

19 A. I contacted my family in xxxxxand they were quite all

17:44:28 20 right.

21 JUDGE THOMPSON: He has virtually told that us that here

22 was a public obligation on his part. He seemed to think that it

23 was more important to get some of his schoolmates who he thought

24 were involved in what he described is something undesirable

17:44:51 25 rather than go back. He was in Freetown. The answer seems clear

26 to me. If you are asking him why he chose to show more interest

27 in fulfilling what he thought was a public obligation he was

28 convinced about rather than thinking about the welfare of his

29 family, then you get into argumentative kind of thing. You get

1 into an area where he tells you what he thought was his moral
2 priority at the time.

3 MR JORDASH: I can move on.

4 JUDGE THOMPSON: You can explore it. But it would be
17:45:22 5 argumentative.

6 MR JORDASH: I am happy to --

7 JUDGE THOMPSON: Some people will tell you we sacrificed
8 our lives.

9 MR JORDASH:

17:45:31 10 Q. Did you feel safe in Freetown during that week?

11 A. Very safe.

12 Q. Thank you. I suggest to you that you did not see Manawa on
13 that day, because Manawa actually was in Liberia and didn't come
14 to Freetown until November of 1997.

17:45:49 15 A. Manawa -- as soon as I returned to xxxxx, I saw Manawa.
16 He was in full control in xxxxx, not here in Freetown. When I
17 returned to xxxxx I saw Manawa. He was in full control with his
18 men.

19 Q. I am sure you just said, maybe I am wrong, that you saw
17:46:03 20 Manawa in Freetown.

21 A. No, in xxxxx.

22 Q. Oh, you saw him in xxxx.

23 A. The day after the coup, I saw a lot of RUF rebels with
24 AFRC. When I returned to xxxxxx, Manawa was there.

17:46:15 25 Q. Okay. Let's move on. Can I suggest the RUF didn't join
26 the AFRC on the first day; they didn't join for several days
27 afterwards.

28 A. No, they joined; they operated together. That very day, I
29 saw them.

1 PRESIDING JUDGE: When you said you saw them, you were in
2 Freetown at that time?
3 THE WITNESS: Right here in Freetown. I saw the RUF
4 rebels, I saw the AFRC. They don't even hide, they tell you
17:46:48 5 openly.
6 PRESIDING JUDGE: My question to you is, when you say you
7 saw them operating jointly, that was in Freetown.
8 THE WITNESS: In Freetown here.
9 PRESIDING JUDGE: You don't what was taking place in xxxxx
17:46:55 10 at that time.
11 A. At all.
12 PRESIDING JUDGE: You went to back to xxxxxx a week after.
13 A. Yes, and I met them operating in xxxxx. I swear.
14 PRESIDING JUDGE: When you got back?
17:47:10 15 THE WITNESS: Yes.
16 MR JORDASH:
17 Q. Now, just thinking about the period of the junta. Am I
18 right that by February of 1998 xxxxxxx was quiet and calm?
19 A. February 1998?
17:47:40 20 Q. Yes.
21 A. February 1998, xxxxxx was in hell.
22 Q. It was hell.
23 A. Fire all over. That was the time when they were about to
24 pull out finally.
17:48:12 25 Q. Were things not better than they had been, say, at the
26 beginning of the junta period?
27 A. Things better like how?
28 Q. Well, calmer, more controlled.
29 A. The situation was more the worse.

1 Q. You think the period then just before the retreat of the
2 AFRC and the RUF from **xxxxx** was worse than the beginning?
3 A. From day one, from the beginning of their reign until the
4 last date, the situation was very, very rough.

17:49:02 5 MR JORDASH: Can I ask that the Witness please be given the
6 interview notes from the 25th of November 2004, page 10924? If
7 you turn straight away to 10926. Just so you understand when you
8 have found it, these are notes which were taken as a result of
9 Prosecutors Mr Brown and Mr Chris Dunn having met you.

17:50:13 10 A. Yes.
11 Q. Would you look at paragraph 11 at the top of the page,
12 please? "Things were better before the retreat of AFRC and RUF
13 from **xxxxx** in 1998. But even at the beginning when I arrived in
14 **xxxxxx** from Freetown, things were bad." Do you see that? Is
17:50:33 15 that something you said?
16 A. Continue reading. Throughout the entire period there was
17 looting and stealing.

18 Q. Mr Witness, I am going to get to that in a minute. Why
19 don't you concentrate with me, if you would, on the first
17:50:50 20 sentence?
21 A. Let's go. Let's go.
22 Q. "Things were better before the retreat of the AFRC and RUF
23 from **xxxxx** in 1998." Did you say that to the Prosecution?
24 A. Yes, that is my statement.

17:51:27 25 Q. So were things better before the retreat?
26 A. Well, better in the sense, you can see bulgur, some other
27 things to eat. But when they were retreating they broke into
28 every store in **xxxxxx** and made away with everything.
29 Q. Mr Witness, I know you want to say lots of bad things about

1 the junta, but were things better as this note suggests?
2 A. That is what I am saying, yes.
3 Q. Right. Things were better at the end than they had been at
4 the beginning when the junta came in.
17:52:10 5 A. Yes, because you can see bulgur and can buy bulgur and eat.
6 Q. Yes. Things were better, food was more available.
7 A. You hardly see it.
8 Q. What was it you said was more available? I missed the
9 word.
17:52:26 10 A. The food scarcity was there, but if you look for it you can
11 find it.
12 Q. Was the food situation better?
13 A. Very deplorable.
14 Q. It wasn't better?
17:52:40 15 A. No, it was not better at all.
16 Q. Well, why did you say that to the Prosecution, that things
17 were better.
18 A. Well, because you must see something to buy. But after
19 that, after they have taken everything away, that was the worst
17:52:52 20 stage. People were dying of hunger. No food.
21 Q. Mr witness, you can have plenty of opportunity to say bad
22 things. All right? I just want to find out if things were
23 better before the retreat, why you said that to the Prosecution,
24 what was better. Okay? Simple question. What was better?
17:53:11 25 A. Because you can find food in the market and you can buy it
26 to eat.
27 Q. Right. Anything else was better?
28 A. And maybe you can find drugs at the pharmacy or at the
29 hospital. After that there was nothing left in the hospitals as

1 well as in the pharmacies, and no food in the market.
2 Q. So, things were better, the market was better? Yes? The
3 pharmacies were better?
4 A. Manageable, yes. You can go there and can find food if you
17:53:47 5 have the money. If you don't have the money you are out.
6 Q. I am not suggesting that things were a paradise on earth.
7 I am just suggesting --
8 A. Yes, you are correct.
9 Q. Right, good. We agree on something. Things were operating
17:54:01 10 more normally, commercially. You agree, than they had been at
11 the beginning?
12 A. Under hard circumstances.
13 Q. Accepted, this was a war. But things were better than they
14 had been at the beginning commercially. Go on, you can agree if
17:54:21 15 you want.
16 A. Well, as long you can find something to buy, it was better,
17 yes.
18 Q. Right. People were going about trying to continue to
19 trade, for example?
17:54:32 20 A. Yes, under harassment and intimidation.
21 Q. The bank was open and people were using the bank?
22 A. They would go to the bank manager's house, put you under
23 gunpoint, bundle you into their van, bring you to the bank and
24 take money from the bank. I would sit in my office, right in my
17:54:55 25 office, and look at that. They operate that kind of way on
26 several occasions.
27 Q. On several occasion, I am not disputing.
28 A. Ah ha.
29 Q. But what I am asking about, was the bank working?

1 A. Under duress, yes.
2 Q. what else was working in xxxxxx?
3 A. what else was working in xxxxxx?
4 Q. Yes, the bank, the market. what else?
17:55:24 5 A. The hospital.
6 Q. The hospital.
7 A. The police.
8 Q. The police
9 A. I think that is all.
17:55:28 10 Q. what about places to drink?
11 A. To drink?
12 Q. Yes. Bars?
13 A. Yes, they were operating.
14 Q. Nightclubs?
17:55:44 15 A. Most of these guys own some of these bars and the
16 nightclubs. Yes, they are working.
17 Q. All kinds of shops?
18 A. Not all kinds of shops, anyway, because people who owned
19 the bigger shops, some of them have already left xxxxx.
17:56:04 20 Q. what kind of shops were working?
21 A. Like the petty traders.
22 Q. People were reporting crimes to the police station?
23 A. If people reporting crime?
24 Q. Yes, were people reporting alleged crime to the police
17:56:38 25 station?
26 A. Every day.
27 Q. Every day?
28 A. Yes.
29 Q. Civilians were reporting crimes to the police station?

1 A. Yes.
2 Q. Were people in the hospital getting treated?
3 A. Of course.
4 Q. Now, you told us about Bonnie wailer, a friend of yours.
17:57:20 5 Is that right?
6 A. Yes.
7 Q. How long had he been a friend of yours when he met his
8 untimely death?
9 A. About two years before his death.
17:57:35 10 Q. Did you see him regularly?
11 A. Yes.
12 Q. Was he normally into burglary?
13 A. Pardon?
14 Q. Was he normally engaged in burgling people's houses?
17:57:45 15 A. No, no.
16 Q. So this was a one-off mission of his, was it?
17 A. This is my very time of seeing that kind of act.
18 Q. Were you surprised?
19 A. Very, very much surprised at him.
17:57:54 20 Q. Were you surprised he had military fatigues?
21 A. Yes.
22 Q. Is it correct that he was arrested because Sam Bockarie
23 didn't want people to think he was a member of the AFRC engaged
24 in burgling people's houses?
17:58:17 25 A. According to what Bonnie wailer told me, he was arrested by
26 civilian, right in the house where they went and broke into. The
27 civilian beat him up and brought him to the police station, where
28 he was detained.
29 Q. And was Sam Bockarie angry about his activity because there

1 was a possibility people would think it was AFRC because of his
2 wearing military fatigues?
3 A. That is his business, because the man was doing things more
4 than that. So that is his business.
17:58:59 5 Q. What do you mean?
6 A. The man is a thief, armed robber, a killer and you are
7 shooting another man for simple larceny and what not. So that is
8 his business. I don't even care about that. The man is a thief
9 and he killing other people for thief.
17:59:17 10 Q. Is that why, from what you understood, Sam Bockarie was
11 angry with Bonnie Wailer -- because he was masquerading as and
12 AFRC officer?
13 A. That is his business. I don't care about that.
14 Q. Well, you don't care; I care about it at this moment.
17:59:36 15 A. I don't know; I don't know.
16 Q. Okay, fine. If you don't know we will move on.
17 A. I don't know.
18 Q. Now, you claim that Bonnie Wailer said to you, "I and my
19 colleagues went on a mission."
17:59:52 20 A. Yes, that is correct.
21 Q. And that was, you claim, a direct quote.
22 A. Yes.
23 Q. "I ran out of luck and was given a beating." Is that a
24 direct quote too?
18:00:05 25 A. "And I was caught and given a thorough beating and later
26 taken to the police station." That is exactly what he told me.
27 Q. Exactly what he told you?
28 A. Yes. I said, "Ah, you have made a mistake at this crucial
29 moment."

1 Q. It was only later on you learnt that he had broken into a
2 house --
3 A. Yes.
4 Q. From someone else.
18:00:18 5 A. Yes, because they reported into our diary. I read the
6 report and the people came and made statements in respect of
7 that.
8 Q. And it was some time after that when he was under
9 investigation, Sam Bockarie turns up?
18:00:36 10 A. Yes, that very day.
11 Q. That very day to ask you about the man who was caught?
12 A. Yes.
13 Q. To ask you about Bonnie Wailer?
14 A. Yes.
18:00:48 15 Q. Sam Bockarie then takes him off to identify his colleagues?
16 A. That's good.
17 Q. Sam Bockarie returns with two others and shot the three of
18 them.
19 A. Yes.
18:01:02 20 Q. Right. Let's have a look at what you said on the 30th of
21 January 2003. Could the witness have his statement, page 10920,
22 the very first statement? This is the statement, Mr Witness,
23 which you claim -- well, have a look at it. Do you recognise the
24 statement as your own?
18:01:57 25 A. Yes, that is my own statement.
26 Q. As you suggest, you haven't read it since 2003. So why not
27 have a look and remind yourself what is in it.
28 A. That is my statement.
29 Q. I want you -- I don't want to take advantage of you. I

1 want you to understand and remember what is in that statement.

2 Mr HARRISON: Sorry to interrupt. Did you wish to have the
3 handwritten version given to the witness? I only passed up the
4 typed version.

18:02:30 5 MR JORDASH: Thank you, Mr Harrison.

6 Q. Have a look at the handwritten one. Then if he could be
7 given the typed one so we can both work from the same copy. Just
8 have a look at both copies. If your writing is like mine, you
9 might find it easier to read the typed copy.

18:03:17 10 A. Yes, that is my statement.

11 Q. Right, okay. Did you sign it?

12 A. Yes.

13 Q. As true and accurate?

14 A. Yes.

18:03:30 15 Q. Okay, can you have a look at the typed copy, please; the
16 first page, 10920, second paragraph. Four lines down, into the
17 second paragraph: "Eddie Kanneh was the SOS East and Mosquito
18 was in charge of operations." Is that right; Mosquito was in
19 charge of operations?

18:04:03 20 A. Yes.

21 Q. Yep, okay. Just let me make a note of that: At six
22 o'clock on Thursday, today, "Mosquito in charge of operations".
23 Thank you. "When I came to work one morning, I found someone in
24 our cell in with a swelling face who was dressed in a military

18:04:28 25 combat uniform, nicknamed xxxxx xxxx. When I asked what was
26 the matter, xxxxx xxxxx told me that civilians arrested him and
27 brought him to the police on allegations of theft. In reply from
28 my question whether he stole from them, xxxxx xxxxxx said he
29 attempted but he was caught in the ceiling." Just stay with that

1 page if you would.

2 A. Okay.

3 Q. xxxxx xxxxx, did he tell you that he had been caught in
4 the ceiling attempting to steal, or did he tell you he had been
18:05:16 5 on a mission?

6 A. He said he and his colleague went to run a mission --

7 Q. Do you know why this statement says this?

8 A. -- in a particular house and he ran out of luck, so
9 subsequently he was caught.

18:05:29 10 Q. Do you know why the statement says that xxxx xxxxx told
11 you he had been caught in the ceiling stealing?

12 A. Ceiling, that is in the house where they went and broke
13 into.

14 Q. Did he tell you that?

18:05:46 15 A. Yes, that was what he said.

16 Q. When did he tell you that?

17 A. He said he was caught in the ceiling, right in the house
18 where they went and broke in.

19 Q. Okay. Let's read on. "Whilst on this conversation, came
18:05:55 20 from the AFRC secretariat and demanded that he, the suspect, be
21 handed over to them. I only recognised an RUF man among them
22 called Junior. They withdrew him from the cell and asked him,
23 also his colleagues he went to steal together with. Bonnie
24 wailer mentioned names to them and the AFRC/RUF men took him away
18:06:27 25 on board their vehicle. They returned shortly with three others
26 and shot four them at the police compound in xxxxxx." Is that
27 what you told the Prosecution in 2003?

28 A. Yes, but later on, when I went through statement, I asked
29 them to delete the four and bring it down to three, because there

1 was a mistake there.
2 Q. When was that?
3 A. I think, in the last statement, the second statement.
4 Q. What do you mean the second statement? The second
18:07:05 5 statement you gave to the Prosecution?
6 A. Yes.
7 Q. Why don't we have a look at it? You have it in front of
8 you -- 13th of January 2004. It was the second statement you
9 gave to the Prosecution. There is no mention there of any
18:07:19 10 correction.
11 A. They would have rectified this. I told them it was a
12 mistake. Number was three that was shot.
13 Q. When did you tell them that? Did you tell them that in
14 November 2004?
18:07:38 15 A. I think it was April, this April.
16 Q. This April? What, when you when through the statement
17 again?
18 A. Yes, when I saw that four, I asked them to put it to three,
19 because there were three men shot at the police station.
18:07:56 20 Q. Right. So you have been through this statement again in
21 April of this year; am I right?
22 A. Yes.
23 Q. Thank you. Now, at this time, 2003, you appear, am I
24 right, to be saying to the Prosecution, somebody turned up from
18:08:16 25 the AFRC secretariat, soldiers, you only recognised Junior and
26 Junior withdrew Bonnie Wailer from the cell, Junior and the same
27 soldiers returned, and they shot Bonnie Wailer and three other
28 people? Do you agree that is what your statement appears to say
29 from 2003?

1 A. Yes.

2 Q. So why are you now saying that it was Sam Bockarie?

3 A. They drove in with two pick-up vehicles.

4 Q. Why are you saying now it was Sam Bockarie?

18:08:57 5 A. You cannot say exactly what happened. You only touch the

6 important facts. They drove in our police compound with two

7 pick-up vehicle.

8 Q. I know what you --

9 MR HARRISON: The witness is entitled to answer this

18:09:10 10 question.

11 MR JORDASH: I beg your pardon.

12 PRESIDING JUDGE: Indeed.

13 MR JORDASH: I beg your pardon.

14 Q. Mr witness, please continue.

18:09:16 15 A. The AFRC were occupying one of van, while Mosquito and his

16 boys were occupying the other van.

17 Q. Why didn't you say so in 2003? Wasn't that the most

18 important fact? Mosquito, the rebel you disliked, the vicious,

19 murder/thief was there, why not say it?

18:09:41 20 A. The most important thing here, whatever the rebel does is

21 responsible of Mosquito and his men. Whatever the AFRC men done

22 is responsibly of their own authorities. So whatever happened to

23 Bonnie Wailer and others is the responsibility of Mosquito and

24 the authorities of AFRC. So, whichever way we look at it they

18:10:04 25 are responsible for that.

26 Q. Is that why you are saying it was Sam Bockarie, because you

27 personally hold him responsible?

28 A. Yes.

29 Q. That he was there, just that you hold him responsible?

1 A. Yes, he was there, he gave the order.
2 Q. I suggest you are lying.
3 A. There is no need for me to lie.
4 Q. And that was the true account. The true account was that
18:10:26 5 AFRC -- some soldiers came and took him.
6 A. Including some rebels. Two vehicles, one occupied on
7 rebels and one occupied by the AFRC.
8 Q. What you have betrayed is your bias against the AFRC on
9 this.
18:10:44 10 A. No, I am not --
11 Mr HARRISON: Objection, that can be suggested as argument,
12 but it is not a question that can be put to the witness.
13 PRESIDING JUDGE: Sustained, sustained. It is getting to
14 be argumentative. You can put questions to the witness, but
18:10:56 15 certainly not getting into these kinds of arguments.
16 MR JORDASH: I have finished on this section.
17 PRESIDING JUDGE: I think it is the right time to move to
18 tomorrow morning. On this last question we will adjourned the
19 proceedings to tomorrow morning at 9.30 a.m. Court is adjourned
18:11:20 20 until 9.30.
21 [whereupon the hearing adjourned at 6.05 p.m.,
22 to be reconvened on Friday, the 8th of July
23 2005, at 9.30 a.m.]
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EXHIBITS:

Exhibit No. 31	95
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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-035	2
CROSS-EXAMINED BY MR JORDASH	2
CROSS-EXAMINED BY MR NICOL-WILSON	20
WITNESS: TF1-122	52
EXAMINED BY MR WERNER	52
CROSS-EXAMINED BY MR JORDASH	100