

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

FRIDAY, 29 FEBRUARY 2008  
9.45 A.M.  
TRIAL (AMENDED)

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,  
Bankole Thompson  
Pierre Boutet

For Chambers:

Mr Felix Nkongho  
Ms Erin Shaw

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Charles Hardaway  
Mr Reginald Fynn

For the accused Issa Sesay:

Mr Wayne Jordash  
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Kennedy Ogeto

For the accused Augustine Gbao:

Mr John Cammegh

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29 FEBRUARY (AMENDED)

OPEN SESSION

1 [RUF1FEB08A-DG]

2 Thursday, 29 February 2008

3 [Open session]

4 [The accused present]

5 [Upon commencing at 9.45 a.m.]

6 [The witness entered Court]

7 WITNESS: DIS-027 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, learned counsel. We are  
09:54:07 10 resuming our proceedings and Mr -- yes, it was Mr Ogeto,  
that's

11 right, who was --

12 MR OGETO: Yes, it was me. Yes.

13 PRESIDING JUDGE: Yes.

14 MR OGETO: Good morning, My Lords, I have no questions  
for  
09:54:24 15 the witness.

16 PRESIDING JUDGE: No questions?

17 MR OGETO: Yes.

18 PRESIDING JUDGE: Thank you. Mr Cammegh.

19 MR CAMMEGH: May I please, Your Honour.

09:54:30 20 CROSS-EXAMINED BY MR CAMMEGH:

21 MR CAMMEGH:

22 Q. I have got just a few questions for you, please, Madam  
23 Witness. Madam, I think it's right, isn't it? That some time  
in

24 the second half of 1999, Komba Gbundema came in to Makeni and  
09:55:08 25 tried to take large numbers of children out of the town; am I  
26 correct?

27           PRESIDING JUDGE:  Some time when?  Late 1990 --  
28           MR CAMMEGH:  Yes.  Late, the second half, I can't --  
29           PRESIDING JUDGE:  Of 1999.

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1           MR CAMMEGH:  The second half, yes, of '99.  
2           Q.     Is that right, Madam Witness?  
3           A.     Yes, sir.  
4           Q.     Thank you.  And so far as you were aware, were those  
09:55:54 5           children kept in the bushes or in the bush, in the surrounding  
6           area of Makeni, until about October of that year, of 1999?  
7           A.     He didn't keep them.  We were just near by Easton  
Street.  
8           He was in Number 2, I was in Number 7.  When we had the  
meeting,  
9           they said they should catch the children, then everybody took  
his  
09:56:33 10          children and ran into the bush.  
11          Q.     How many children, in your estimation, ran into the bush  
at  
12          that time?  
13          A.     I know about my children.  The others, everybody was in  
the  
14          bush finding somewhere.

09:57:07 15  
children

16 Q. Can you give some approximation of the number of  
that you're talking about?

17 A. The ones I had with me?

18 Q. Yes.

19 A. I had 15 children.

09:57:31 20  
for,

21 Q. And apart from the children that you were responsible  
the

22 were you aware of other children running away from Makeni at  
same time and staying in the bush?

23 A. Except, when they asked us to come back to the town then  
I

24 went and asked the mothers of those children to come back to  
the

09:58:02 25 town. It was then everybody took their children out.

26 Q. And you say, it was then that everybody took their  
children

27 out. Roughly, how many children were taken out?

28 A. We all came to the town.

29 Q. What kind of -- what number of children? How many?  
Just

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1 roughly.

put

2 A. They were many because at that time the ones we took to  
3 them to school, they were about 60.

4 Q. Okay. What happened to those children when Superman and  
09:58:49 5 Komba Gbundema left Makeni, in about October of 1999?

6 A. Nothing. Nothing. Absolutely nothing. They were with  
me.  
7 Then I opened the school for them.

8 Q. Now, did they come back into the town at around the same  
9 time that Superman and Komba Gbundema left?

09:59:26 10 A. That was the time we came back. We did not meet them  
any  
11 longer.

12 Q. Okay. And so is it right, that the main reason that  
they  
13 came back was because Superman and Komba Gbundema had finally  
14 left the town?

09:59:43 15 A. No, sir. Issa Sesay sent to us in the bush saying that  
we  
16 should come back to town, since the bad men have gone.

17 Q. Okay. That's fine. So as far as you were concerned,  
Madam  
18 Witness, was it safe to go back to Makeni, as soon as Superman  
19 and Komba Gbundema had gone?

10:00:22 20 A. Yes. They sent people to get us from the bush.

21 Q. Okay. Now, I think you immediately got to work, didn't  
22 you, in setting up schools after Sesay came back; is that  
right?

23 A. Yes, sir. He called us saying that we should come to  
the  
24 town, there was no problem. But at that time --

10:00:58 25 THE INTERPRETER: Learned counsel, can the witness  
please

26 take that part of her answer?

27 MR CAMMEGH:

28 interpreter

Q. Madam could you repeat your answer please? The

29 missed your answer.

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1 A. Okay, sir.

2 Q. So could you just repeat what you just said?

with

3 A. When they asked us to come back to the town, we came

they

4 some people, then we had a meeting. And after the meeting

10:01:31  
loot

5 said if anybody had anything to do with somebody's house or

6 anybody's property, he said he will molest that person. So we

7 should come back to the town and leave the bush.

but

8 Q. I can't remember if I just asked this question or not,

9 is it right that the period that you're talking about is about

10:01:58

10 October or November of 1999; is that the time?

back

11 A. Sir, I can't remember dates, but at the time we came

to

12 from the bush it was about three days. And then we came back

13 call others to come back to the town.

into 14 Q. Okay. Now, you've describe Sesay calling people back  
10:02:23 15 the town?  
16 A. Yes, sir.  
17 Q. There were other -- there were other RUF commanders in  
18 Makeni at that time as well, weren't there; do you remember?  
19 A. Except the ones that were in our house. He was calling  
10:02:56 20 Nyandemo. He took us out of the houses.  
21 Q. Okay. Do you remember a man called Augustine Gbao  
22 travelling in and out of Makeni between about October and  
23 December of 1999, and finally settling in Makeni in January of  
24 2000?  
10:03:13 25 PRESIDING JUDGE: Too long.  
26 MR CAMMEGH: Okay.  
27 PRESIDING JUDGE: Too long.  
28 MR CAMMEGH:  
29 Q. Let me first ask you: Do you remember a man called

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1 Augustine Gbao?  
2 A. Yes, sir.  
3 Q. Do you remember him travelling in or out of Makeni, or  
can

4 you remember him visiting Makeni on regular occasions between  
10:03:40 5 approximately October 1999 and the end of that year?

6 A. Sir, I did not see that man going into the bush to take  
us  
7 from the bush. The one I saw was Kallon.

8 Q. Can you remember whether Mr Gbao set up home in Makeni  
from  
9 about January of 2000 and remained there in the months that  
10:04:22 10 followed?

11 A. I have a place in Makeni, but we left.

12 Q. Right.

13 PRESIDING JUDGE: Is your question answered, Mr Cammegh?  
I  
14 don't think so.

10:04:38 15 MR CAMMEGH: No. I'll pursue it.

16 PRESIDING JUDGE: You better pursue it, yes.

17 MR CAMMEGH: I'll return to that, Your Honour, I think.

18 PRESIDING JUDGE: Yes.

19 MR CAMMEGH:

10:04:48 20 Q. Now you've testified already about the fact that you  
is  
21 started -- or you opened various schools in the Makeni area;  
22 that right?

23 A. Yes, sir.

24 Q. I think you opened in total about 51 schools; is that  
10:05:07 25 correct?

26 A. Yes, sir. But the one was a mission school, we just  
send  
27 the children there. It was a mission.

28 Q. And you did this after Sesay and other commanders  
returned



29 to Makeni in October of 1999; is that right?

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1 A. I don't understand.

2 Q. All right. Did you -- well, I'll put it this way: Were  
3 you able to set up any schools before Sesay came back?

4 A. No. There was no chance.

10:05:55  
children

5 Q. Now, is it right for me to suggest that when you were --  
6 while you were setting up these schools and collecting  
7 together to attend those schools, you received the full  
8 cooperation of all the local RUF commanders; is that correct?

gave

9 A. Yes, sir. It was I, myself, who went to Issa and he  
10:06:34 10 me the okay.

11 Q. Okay. But --

12 A. He said I shouldn't offend anyone.

13 Q. Okay. When he said you shouldn't offend anyone, what do  
14 you mean by that? Do you mean that --

10:06:53

15 A. He said I should not take somebody's house by force, or  
16 take anybody's land. Whatever I wanted I should ask him.

schools

17 Q. Okay. But just to revert to the question I asked a few  
18 moments ago, would you agree that in order to set up your

of 19 you received the full cooperation, not only of Issa Sesay, but  
10:07:17 20 all the other local RUF commanders as well; do you agree?  
21 A. We went to a meeting. I called them to a meeting in the  
22 school. Then they said I should carry on.  
23 Q. When you say, "They said I should carry on," who are you  
24 referring to?  
10:07:43 25 A. Morris Kallon and some people. I don't understand the  
The 26 people, I don't know them. They went to us with the chiefs.  
27 chief is now dead.  
RUF 28 Q. Okay. But basically is the -- is this right, that the  
you 29 commanders who you met there were all in agreement with what

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OPEN SESSION

1 were doing?  
2 A. Yes, sir. They give me a paper to go around the bush  
3 anywhere that I wanted. If I wanted to establish a school  
there,  
4 I should go on.  
10:08:29 5 Q. Right. Now, you told me a few moments ago that you knew  
6 Augustin Gbao?

7 A. I saw him around the town.

Sesay 8 Q. Okay. Was he as important in the RUF as people like

9 and Kallon? Or was he lower down in the ranking, to your

10:08:53 10 knowledge?

11 A. Sir, I do not want to lie. I did not go to them. I was

12 afraid of what happened.

13 Q. Okay. But so far as you were aware the two who were

Sesay 14 authorising you to open schools and collect children were

10:09:33 15 and Kallon; is that right?

16 A. When I went to ask them, they said I was called to write

a 17 paper to give me.

18 Q. I just want to return to Augustin Gbao. You see what I

19 suggest is that --

10:10:01 20 A. Yes, sir.

Francis 21 Q. First I'll ask you this: Were you aware of the St

22 school?

23 A. Yes, sir.

24 Q. And are you also aware that in a -- I'm afraid I can't

10:10:21 25 remember the precise date myself, but at the very beginning of

26 2000, did St Francis School open it's doors to some Caritas

27 children?

28 A. St Francis, it was Pa Santigie who taught children

there. 29 Q. Right. Were you aware of the Caritas organisation or

1 Caritas charity?

heard

2 A. No, sir. I don't want to lie. I didn't go there. I  
3 of it but I didn't go there.

paper

4 Q. Did you ever become aware of Augustine Gbao signing a

10:11:28 5  
stay

5 which authorised children to go to Saint Francis School and  
6 there?

about

7 A. Sir, I don't want to lie. What I know is all concern  
8 my own business.

10:11:55 10  
job

9 Q. Okay. You said that you would see Augustin Gbao moving  
10 around I think, I think you said. Were you aware of what his  
11 was?

12 A. I don't know, sir.

can

13 Q. You didn't know his job, okay. Did he appear to you to  
14 have an important job or not such an important job? If you  
15 answer that question, I appreciate you may not be able to.

10:12:30

16 A. Mr Gbao?

17 Q. Yes.

they

18 A. When there was a meeting they would all go there. And  
19 will say thanks to us, when the women had meetings.

10:12:57 20 JUDGE BOUTET: Mr Cammegh, the witness has said they  
would  
21 be asked if the role that Gbao was playing, but the answer  
that  
22 we just got was, "we would all go there."  
23 MR CAMMEGH: Yes.  
24 JUDGE BOUTET: So what's the "we" if I can ask you to  
10:13:12 25 clarify --  
26 MR CAMMEGH: I think it needs to be explored.  
27 JUDGE BOUTET: -- it for our benefit.  
28 MR CAMMEGH: Yes.  
29 Q. You just said, Madam Witness, that: We would all --  
that

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1 we would go to these meetings. Who went to these meetings,  
2 please?  
3 A. Mr Gbao, with Kallon, and so many of them who used to go  
4 there. They would say thanks to us.  
10:13:41 5 Q. And when you say they said thanks to us, who do you mean  
by  
6 "us," and what were they thanking you for?  
7 A. For the good thing we did in the town; to gather the  
women,  
8 and the sick, and to care for them.

9 MR CAMMEGH: Yes, I've got no further questions. No  
10:14:23 10 there's nothing further. Thank you very much, Madam Witness.  
11 Thank you.

12 PRESIDING JUDGE: Yes, Mr Hardaway?

13 MR HARDAWAY: Thank you, Your Honours.

14 CROSS-EXAMINED BY MR HARDAWAY:

10:14:59 15 MR HARDAWAY:

16 Q. Madam Witness, good morning. I have a few questions for  
17 you, ma'am, all right?

18 A. Yes, sir.

19 Q. Now, based on what you told the Court yesterday, madam,  
10:15:24 20 would it be correct to say that everything you talked about  
21 yesterday occurred in the same year?

22 A. Sir, I can't understand because I'm not educated. I was  
23 just doing good to people.

24 Q. Madam Witness, remember when you were talking about the  
10:15:57 25 markets in Makeni and how Issa Sesay gave cement to the mosque  
26 for repairs; do you remember that?

27 A. Yes, sir.

28 Q. And when you were asked when it happened, you mentioned  
the  
29 same year; do you remember saying that?

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1 A. Yes, sir.

2 Q. And also when you opened the schools, that was also the  
3 same year; is that also correct?

4 A. But after some time.

10:16:36 5 Q. I'm not asking time but it was in the same year as  
6 everything else you had talked about; is that correct?

7 A. Concerning the mosque it was in the rains.

8 Q. But when you said it was the same year, that's what I  
9 was --

10:16:58 10 A. The same year.

11 Q. Okay. Now --

12 A. But not in the same month.

13 Q. Understood, Madam Witness. Now, when you said you were  
in  
14 the bush in Makeni during the time of the RUF AFRC; is that  
10:17:23 15 correct?

16 A. Yes, sir.

17 Q. That would also be in the same year as what you talked  
18 about with the schools, the market and the mosque; isn't that  
19 also correct?

10:17:47 20 A. Yes, sir.

21 Q. Okay. Now, just to make sure I have the order correct,  
22 ma'am, you stated the first time you were in the bush you  
stayed  
23 in the bush until you were told that Issa Sesay had removed  
the  
24 SLA and then asked the civilians to come back; is that  
correct?

10:18:21 25 A. Yes, sir.

26 Q. And you were informed of this by Morris Kallon; is that  
27 also correct?

28 A. Yes, sir but I was not alone. When they shouted then we  
29 ran away. Then they said we should halt and then turn back.

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OPEN SESSION

1 Then my companion said: They are not coming back. Then I  
said:

2 I am going back because I am tired.

3 Q. Now, Madam Witness, forgive me for not asking this a  
little

4 earlier. The time that you were in the bush during the  
RUF/AFRC

5 time, it would be correct to say that that was 1998, wouldn't  
10:18:56 it?

6 A. Sir, I don't understand the times. I know it was in the  
7 rains when we ran into the bush. It was during the first  
month.

8 Q. Now, it was after you returned to the town, after being  
9 instructed by Issa Sesay that Komba Gbundema and Superman said  
10:19:32 10 that they wanted to capture the children; is that correct?

11 THE INTERPRETER: Can learned counsel please take that  
bit  
12 of your question.

13 MR HARDAWAY:



14 Q. Madam witness --  
10:19:45 15 A. Sir.  
16 Q. -- it's correct that after you returned to the town,  
after  
17 being instructed by Issa Sesay to do so, that Komba Gbundema  
and  
18 Superman said that they wanted to capture the children; isn't  
19 that correct?  
10:20:09 20 A. No, sir.  
21 Q. That's not correct?  
22 A. That is not what happened.  
23 MR JORDASH: Sorry. Can I just ask my learned friend to  
24 repeat the question, I missed it.  
10:20:22 25 MR HARDAWAY: The question was: After you returned to  
the  
26 town after being instructed by Issa Sesay to do so, that Komba  
27 Gbundema and superman wanted to capture the children.  
28 Q. Now --  
29 PRESIDING JUDGE: And she says no.

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1 MR HARDAWAY: And she says no.

2 Q. Now --

reply, 3 PRESIDING JUDGE: That was not how it was from her

4 yes.

10:20:49 5 MR HARDAWAY: Yes, Your Honour.

back 6 Q. Now, Madam Witness, you had stated that after you came  
money; 7 to the town that Morris Kallon gave you rice, kerosene and

8 is that correct?

ask 9 A. Yes, sir. We went to meet him at the task force then I

10:21:13 10 for him. I did not even know him. Then they called him and  
he

11 came.

12 Q. Do you know --

13 A. Then I told him I was hungry.

14 Q. Do you know where he got the rice, kerosene and money  
from?

10:21:34 15 A. Yes, Caritas, I don't know how they call that place.  
Task

16 force.

17 Q. He got it from task force?

18 A. Yes.

19 Q. Do you know where task force got the rice, money and  
10:21:50 20 kerosene from?

21 A. No, sir.

22 Q. So it if I put it to you, Madam Witness, that the task  
23 force got the rice, money and kerosene from raids on towns and  
24 villages committed by the RUF, you would know nothing about  
that;

10:22:09 25 is that correct?

26 A. No.

Superman

27 Q. Okay. Now, you left the town after the issue with  
28 and Komba Gbundema, correct?

to

29 A. I left the town three times. When we went they ask us

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last

1 come back. When we go they will ask us to come back. The  
2 time I didn't go back again.

came

3 Q. I want to focus on the second time, ma'am. When you  
4 back it was then that you spoke with Issa Sesay concerning  
10:22:52 5 opening the schools; is that correct.

So

6 A. Yes, then I went to see him, I did not even know that a  
7 rebel was a human being like you and me. I thought they were  
8 something else. So I went to meet him and he came to see me.

me.

9 I told him and he asked me to say what I had to say and I told  
10:23:26 10 him about the school. And he said welcome, that he accepted

people?

11 Q. Now, Madam Witness, you just said something interesting.  
12 You said you didn't think that the rebels were human. Is that  
13 because you heard of the rebels doing terrible things to

14 A. No, sir, I had been hearing about rebels, rebels; I  
didn't  
10:23:52 15 know what they were referring to as rebels.  
16 Q. Okay. Now, going back to when Issa -- when you spoke  
with  
17 Issa Sesay at the school, it would be correct to say that if  
you  
18 had not spoken with Issa Sesay you would not have been allowed  
to  
19 open the school; is that correct?  
10:24:18 20 A. No, sir. By then he was in charge, he told us to return  
to  
21 the town.  
22 Q. Madam Witness, if you had not spoken to Issa Sesay,  
would  
23 you have been allowed to open the schools?  
24 A. No, sir, because I was afraid.  
10:24:45 25 Q. Now, you stated that Issa Sesay gave you 600,000 leones  
to  
26 open the school, at least the first school?  
27 A. Yes.  
28 Q. And that he also gave your husband cement to fix the  
29 central mosque; is that also correct?

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1 A. Yes, sir.

2 Q. And you also mentioned that he gave money to all the old  
3 women; is that also correct?

4 A. Yes, we went to say thanks to him for the schools, so he  
10:25:30 5 gave us some money and he told us to buy cold water.

6 Q. Do you know where Issa Sesay got all of this money and  
the  
7 cement for the mosque?

8 A. No, sir.

9 Q. So if I put to you that he received all this money and  
the  
10:25:51 10 cement from looting and raiding other towns and villages in  
11 Sierra Leone, you would know nothing about that; is that  
correct?

12 A. No.

13 MR HARDAWAY: If I may have a moment, Your Honours.

14 PRESIDING JUDGE: Yes, please.

10:26:19 15 MR HARDAWAY: Don't need one now apparently.

16 JUDGE BOUTET: Consultation is easy.

17 MR HARDAWAY: Consultation is easy when it's a party of  
18 one.

19 MR JORDASH: I'll consult him.

10:26:27 20 PRESIDING JUDGE: You can consult him.

21 MR HARDAWAY: Actually this probably be one he wouldn't  
22 mind but. Madam Witness, thank you for your evidence today.  
I

23 have no more questions of you. Your Honours, this concludes  
my

24 cross-examination.

10:26:39 25 PRESIDING JUDGE: Thank you.

26 THE WITNESS: Thanks to you too.

27 PRESIDING JUDGE: Yes, Mr Jordash, any re-examination.

28 MR JORDASH: If I may, just one question I think.  
29 PRESIDING JUDGE: If it is permissible.

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1 MR JORDASH: I hope there's not a presumption against.

2 JUDGE BOUTET: There's no presumption, it's just as you  
3 know there are limits to re-examination. It's no presumption,  
4 it's just the basic fundamentals.

10:27:48 5 MR JORDASH: Certainly.

6 RE-EXAMINED BY MR JORDASH:

7 MR JORDASH:

8 Q. You were asked, Madam Witness --

9 A. Sir.

10:27:54 10 Q. -- by the lawyer to your left whether you knew where Mr  
11 Sesay had obtained these various articles, rice, kerosene,  
money

12 and whether you --

13 A. No, sir.

14 Q. -- and whether you were aware or not as to whether the

10:28:30 15 items had been taken from towns in attacks on towns. Were you

16 aware --

17 A. I did not know, sir.

articles 18 Q. -- do you know if at the time you were given these  
19 and you were setting up the schools, whether there was any  
10:28:51 20 fighting going on in the Makeni area?  
21 PRESIDING JUDGE: But did he specify whether the  
fighting 22 was --  
23 A. No fight.  
24 PRESIDING JUDGE: -- the money was gotten from fighting  
10:29:07 25 around the Makeni area. There was no specification on that.  
26 MR JORDASH: Sorry I can't, I can't hear you.  
27 PRESIDING JUDGE: Was there any specification on that  
28 question -- was obtaining the money, you know, from attacks  
and 29 so on limited only to Makeni in the question that was asked by

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1 learned counsel.  
2 MR JORDASH: Well, to be honest --  
3 PRESIDING JUDGE: It was a general global question.  
4 MR JORDASH: But it's --  
10:29:34 5 PRESIDING JUDGE: Which the witness said: Well I don't  
6 know.

7 MR JORDASH: Well, she just said there wasn't any  
fighting  
8 in the Makeni area. That's what I hope the record should  
9 reflect. But -- the -- it's right and I think there was a  
global  
10:29:46 10 proposition put by my learned friend, but Your Honours may  
find  
11 it useful to know, whether there was at this time attacks  
going  
12 on. I can broaden the question more to cover the question.  
13 MR HARDAWAY: At this point I would rise to object, Your  
14 Honour, because in terms of the question while, in fact, it  
was a  
10:30:08 15 global question, I made no time reference, any reference was  
16 geographical and it was global. I made no time reference. So  
I  
17 would submit this would fall outside the scope of redirect  
18 examination.  
19 PRESIDING JUDGE: Yes.  
10:30:27 20 MR JORDASH: But the difficulty as we find again is that  
we  
21 don't know what the Prosecution are actually saying. Are they  
22 saying that the items came from attacks at the time in the  
local  
23 area or are they saying that the items came from attacks in  
other  
24 areas at that time. The problem is the global proposition.  
And  
10:31:10 25 I suppose it would help if the Prosecution said what it is  
they  
26 are saying. But where did these items come from. So that I  
27 might re-examine on the issue, so that we can ascertain  
whether  
28 the Prosecution might be right. This floating of global  
29 propositions without pinning their colours to the mask, is



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1 perhaps not so useful. But I don't want to --

2 JUDGE THOMPSON: Yeah, but isn't it here -- it's a  
little

3 of a difficult process when the Bench may not be quite certain  
4 whether a particular question is directed for the purposes of  
10:31:57 5 questioning the witness on matters which are in controversy  
6 between the parties, or whether it's just as to credibility.  
7 Remember the cross-examination can be either focused on  
matters

8 in issue, whether they are core issues or collateral issues or  
9 merely just as to credibility. So, if we're not quite sure  
10:32:30 10 whether a particular question was directed one way or the  
other,

11 how do you then take a position. Other than speculating what  
--

12 why he put that particular question.

13 MR JORDASH: Exactly. We're forced into speculation  
14 because Prosecution's case and propositions are so nebulous.  
We

10:32:59 15 don't know whether they are crossing to credit or crossing on  
a

16 particular --

of  
enjoy  
to  
10:33:21

17 JUDGE THOMPSON: And nebulousness which seems to be part  
18 the forensic or adversarial process, whereby, Prosecution  
19 this rather -- what you might call discretion of latitude, as  
20 test credibility or just put questions relating to matters in  
21 controversy. Whether core matters or collateral matters, of  
22 course the other side enjoys the same thing.

our  
10:33:46

23 MR JORDASH: Well, if I can put it this way, that it's  
24 case that at this time, we will make this submissions in due  
25 course, there is no fighting.

26 JUDGE THOMPSON: I see.

or  
course,

27 MR JORDASH: That's late -- we're dealing with the later  
28 part of 1999, after the peace accord, and no one is suggesting  
29 the Prosecution has not yet, I imagine they will in due

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1 but they haven't really suggested that there were specific  
2 attacks on specific towns --

3 JUDGE THOMPSON: That's it.

4 MR JORDASH: At this time.

10:34:04 5 JUDGE THOMPSON: Yes.

6 MR JORDASH: It's our case that the war had but for some  
7 skirmishes of renegade, isolated groups such as the West Side  
8 Boys. The war was finished. So the idea that my learned  
friend  
9 can suggest that there are these lootings and attacks on towns  
at  
10:34:25 10 this time, is in issue.

11 JUDGE THOMPSON: Yes. Thank you.

12 MR JORDASH: To be honest the witness has answered that  
13 Makeni, there weren't attacks in the Makeni area at this time,  
14 and I'm content to leave it at that. I think that's enough to  
10:34:40 15 rebut any global proposition. Thank you. No more questions.  
16 Thank you.

17 PRESIDING JUDGE: I thought there was no necessity for a  
18 re-examination. I'm happy you come to that conclusion  
yourself  
19 anyway. Mr -- Madam Witness.

10:35:02 20 THE WITNESS: Yes, sir.

21 PRESIDING JUDGE: We have come to the end of your  
testimony  
22 in this Court. We thank you for coming to share your  
experiences  
23 in Makeni at that time in order to enable us to arrive at a  
24 proper decision in this case. We thank you for coming and we  
10:35:29 25 wish you a safe journey back to your place of abode. Once  
more,  
26 thank you for coming.

27 THE WITNESS: Okay, I'm happy, sir. I say thanks to  
you.  
28 I, myself, never meant anything bad. I meant something good.  
If  
29 I knew that -- I was not able to stand up straight. I used to

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I

10:36:10  
children

you

your

10:36:59

10:48:08

1 walk as my companions do, but the good that I have done is for  
2 you and us and for the land. Forgive me for any mistake that  
3 may have made. Forgive me. Thank you.

4 PRESIDING JUDGE: Yes, you did good. You know, you took  
5 care of children. You are a mother. You took care of  
6 during that difficult period. So, that's good. And we wish  
7 all the best. You should continue, you know, doing that for  
8 community. Well, as the witness is being assisted out of the  
9 courtroom, we break off for just a few minutes. A few minutes  
10 please. The Chamber will rise, please.

11 [The witness withdrew]

12 [Break taken at 10.25 a.m.]

13 [Upon resuming at 10.40 a.m.]

14 [The witness entered Court]

15 PRESIDING JUDGE: We are resuming the session.

16 MR JORDASH: Your Honour?

17 PRESIDING JUDGE: Yes. Mr Jordash, I hear we are -- we

next 18 have a miscount of the witnesses and that instead of -- the  
informed. 19 witness will be the 43rd, 43rd. That's what we've been

10:48:42 20 MR JORDASH: I was right then, about a week ago.

21 PRESIDING JUDGE: Yes, you may have been right really,  
yes.

22 MR JORDASH: Could I just, on a different issue, I spoke  
to  
23 my client immediately after the last witness left.

24 PRESIDING JUDGE: Yes.

10:49:01 25 MR JORDASH: Because I was surprised that the witness  
spoke

26 for so long and the translation was so short and the  
translator

27 said: I did -- all I wanted to do was good. When, in fact,  
what

28 she said was, according to a quick conversation I had with Mr  
29 Sesay, was that she -- all she had wanted to do was good, she  
may

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1 have made some mistakes in her evidence, but she was just  
2 remembering what was best she could, or words to that effect.  
3 And obviously that's quite different to what the translator  
said.

in 4 So I would ask that -- nothing much may turn on it but I think  
10:49:45 5 terms of credibility, that says something about a witness who  
6 says that I --  
7 PRESIDING JUDGE: Let the translation booth confirm  
that, 8 you know, that they made a mistake to interpret the woman. I  
9 don't know. I heard what she said but I don't know.  
10:50:02 10 MR JORDASH: Perhaps the --  
11 PRESIDING JUDGE: If the translation booth can confirm  
what 12 you are saying then it will go into the record. Is the booth  
13 hearing me?  
14 THE INTERPRETER: Yes, Your Honours. Your Honours,  
we're 15 sorry if there was a misinterpretation but that was what we --  
10:50:17 16 that was what I gathered from the witness.  
17 PRESIDING JUDGE: That was what you gathered from the  
18 witness?  
19 THE INTERPRETER: Yes, Your Honour.  
10:50:30 20 PRESIDING JUDGE: What you interpreted was what you  
21 gathered from the witness?  
22 THE INTERPRETER: Yes, Your Honours.  
23 JUDGE BOUTET: But if I may on this issue, at times you  
24 would appear -- I mean I don't know understand that language  
but 25 when a witness speaks for ten seconds and the translation is  
10:50:44 26 seconds, it's puzzling. So maybe in the other language it can  
two 27 translated in one second. But as I say it's a bit puzzling  
be 28 as this bit has been put now, the witness spoke for some time,  
that

need 29 and it just came out to be three words. So -- but what we

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this 1 to have is not a summary of what witnesses say, it's the exact  
2 translation of what they have uttered. But if you say that's  
3 what it is, that's what it is. I have no means to challenge  
4 so.

10:51:21 5 MR JORDASH: Well, could I simply request that the  
6 translator listen to the tape again and see if there is --  
larger 7 because immediately I spoke to Mr Sesay and he had a much  
8 interpretation, and a very specific one about what the witness  
9 had said.

10:51:36 10 PRESIDING JUDGE: Well, let there be some coordination  
11 between the tape recordings, you know, the Court Management  
and 12 the stenographers to see where the truth lies. And then --

13 MR JORDASH: Thank you.

14 PRESIDING JUDGE: -- it will be brought to our attention  
10:51:57 15 and we will see if it would be a necessity for us to factor  
16 whatever the truth is of what she had said into the record.

17 MR JORDASH: Thank you. The next witness is DIS-089,

18 Witness 44.

19 PRESIDING JUDGE: Three.

10:52:22 20 MR JORDASH: Sorry 43. Language Krio.

21 PRESIDING JUDGE: Yes. Can the witness be sworn in  
please?

22 WITNESS: DIS-089 [Sworn]

23 [The witness answered through interpreter]

24 MR JORDASH: May I applied to go into a closed session  
for

10:56:17 25 about 20 minutes, please?

26 PRESIDING JUDGE: Yes. Can we move to a closed session,  
27 please. You said how many minutes, Mr Jordash? Twenty  
minutes

28 you say?

29 MR JORDASH: Twenty please.

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1 [At this point in the proceedings, a portion of the  
2 transcript, pages 23 to 44, was extracted and sealed under  
3 separate cover, as the proceeding was heard in a closed  
session]

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1 [Open session]

2 [Upon resuming at 12.18 p.m.]

3 PRESIDING JUDGE: Yes, we are resuming this session, are  
we  
4 in open session now.

12:26:33 5 MS KAMUZORA: Yes, My Lord.

6 PRESIDING JUDGE: Yes. This is the ruling of the  
Chamber  
7 on the closed session application, that was made by, Mr  
Jordash.

8 Mr Jordash, made an application to the Chamber for the first  
20  
9 minutes of the evidence of the DIS-089, to be heard in closed

12:27:02 10 session, in order to protect his identity. And under Rule 78,  
it  
11 is a rule that proceedings would be held in an open session.

But  
12 under section 70 -- under Rule 79 there is an exception, that  
the

13 Court could, under application of either party, order a closed  
14 session proceeding in order to protect the identity of the  
15 witness from a revelation, thereby endangering his security.

12:27:34 15  
On  
16 this application and acting on the provisions of Rule 79, the  
17 Chamber did accord, did grant Mr Jordash, the application to  
18 conduct the examination in chief of this witness, for the  
first

19 20 minutes. And at the end of it, we have now moved to an  
open

12:28:08 20 session and would continue with the rest of the

21 examination-in-chief, Mr Jordash, on the open session. May we  
22 proceed, please.

23 MR JORDASH:

24 Q. Yes. Okay we are in an open session, Mr Witness, so,  
12:28:27 25 please do not mention your present or past posts or anything  
26 which would reveal your identity. Follow me?

27 A. Okay.

28 Q. Now, I want to take you to the time, just before the RUF  
29 drove ECOMOG from Koidu Town, in December 1998. You were  
living,

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1 is this right, in Pukuma bush?

2 A. Bukuma.

3 Q. I'm sorry?

4 A. Bukuma.

12:29:24 5 Q. How close Koidu Town is that?

6 A. It's about nine, nine miles.

7 Q. And were you with other civilians?

8 A. Yes.

9 Q. How did -- did someone give you news or instructions  
about  
12:29:58 10 moving into Koidu Town?

11 A. Yes, we used to hear news about -- that ECOMOG had been  
12 removed from Koidu Town.

13 Q. And after receiving the news, who made the decision to  
move  
14 into Koidu Town? Decision which lead to you going into Koidu  
12:30:38 15 Town.

16 A. Well, the G5 said that all of us should come to Koidu  
Town.

17 Q. Who is the G5?

18 A. Mr xxxxxxx xxxxx and a xxxx.

19 Q. Did they indicate why everyone should move into the  
town?

12:31:06 20 A. Yes, they said they had removed ECOMOG from Koidu Town  
and  
21 we should all come to the town.

22 Q. Are you able to give an idea as to how many civilians  
were  
23 with you in this bush?

24 A. Yes.

12:31:41 25 Q. How many?

26 A. Well, we who were at Bukuma, as civilians were more than  
27 100.

28 Q. And when you went to Koidu Town did you go with any of  
29 those 100?

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1 A. We all moved together, because they said anyone who  
2 remained in the bush, whatever happened to you, was your  
3 business.

4 Q. What did you take that to mean?

12:32:08 5 A. If you wanted to save your life, if you stayed in the  
bush,  
6 somebody -- and something else came to harm you, no one would  
7 intervene. It would be left to you.

8 Q. And in the bush that you'd been in, how had the RUF been  
9 behaving, the bush that you were in?

12:32:38 10 A. Well, we who were at Bukuma, it was not like other  
places.

11 We and the fighters, they were assisting us, and in turn, we  
12 would assist them.

civilians 13 Q. So the relationship between the fighters and the  
14 in that bush, how would you describe it?

12:33:10 15 A. Well, the relationship between us and them, even though  
16 they were our bosses, but, they were allowing us to do our own  
17 private business.

18 PRESIDING JUDGE: So, their relationship was good.

19 THE WITNESS: Well, yes. I would say it was good  
because

12:33:48 20 if they wanted to go on food-finding, they would inform all of  
21 us, that they were going on food-finding. And they would  
22 protect  
23 us with weapons and they would say to us we will go with  
weapons.

23 If anyone wants to harm you, we will protect you with weapons.

bit 24 INTERPRETER: Your Honours, can the witness take that  
12:34:24 25 again.  
again, 26 MR JORDASH: Can you just say the last two sentences  
27 Mr Witness, please.  
28 THE WITNESS: Okay.  
29 A. I said, when they go on food-finding, they would  
announce

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1 it to us that they were going on food-finding. Those who were  
2 ready to go, the strong men would pick up bags and they would  
go  
3 along with the fighters, to protect them. So after getting  
the  
4 food you would know, because they had protected you, you would  
12:35:01 5 give them their own portion and you would take the rest.  
6 Q. And did the G5 operate in that bush?  
7 A. Yes.  
8 Q. How did it work?  
9 A. Well, he was the intermediary between the civilians and  
the  
12:35:26 10 fighters.  
11 Q. And in that bush if a fighter had harassed a civilian,  
did

12 the G5 do anything about it?

13 A. Yes. The G5 would intervene, they would stand in for  
us.

14 PRESIDING JUDGE: Stand in for who?

12:36:11 15 THE WITNESS: For we, the civilians.

16 MR JORDASH:

17 Q. Do they know who the commander was in that bush?

18 A. Yeah, they were there, but the one I can remember is  
19 Malaria.

12:36:44 20 Q. Malaria?

21 A. Yes.

22 Q. Okay. Now, did you -- how did you travel into Koidu  
Town?

23 A. Well, the G5's met us and said they've removed ECOMOG  
from

24 Koidu Town, so we should all come back.

12:37:12 25 Q. How did you travel? Was it on foot or?

26 A. No, we walked.

27 Q. When you arrived in the town, Mr Witness, what did you  
28 first do?

29 A. We got to the town everybody had to find somewhere where  
he

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1 could lay his or her head.

2 Q. And did all of the civilians go from that bush into the  
3 town?

4 A. Yes. We came one after the other. At times in groups,  
12:37:59 5 until we all came out of the bush.

6 Q. And when you were in the town, was your group, or the  
7 people from that bush, were they the only civilians coming  
into  
8 town?

9 A. Well, we met other civilians there as well who were  
there  
12:38:30 10 with ECOMOG.

11 Q. And, are you able to say how many, how long after ECOMOG  
12 had been driven out it was, when you arrived?

13 A. Yes.

14 Q. How long after?

12:38:57 15 A. About a week.

16 Q. And did you Mr Witness, find a place to stay? Did you  
go  
17 straight to Five-Five spot?

18 A. Yes, when we came out of the bush, the place I got an  
empty  
19 house, it was the place I occupied with my family.

12:39:22 20 Q. And the other civilians you'd come with, did they find  
21 other places to stay?

22 A. Yes. Everybody had to find a place because it was like  
23 three villages, Five-Five, Kainsi, Lebanon and Koakoyima.

24 Q. Why was it that the civilians went to those -- could you  
12:39:56 25 name the places again, Koakoyima, Lebanon, Five-Five?

26 A. Five-Five and Kainsi.



27 Q. Why did the civilians stay in these places, rather than  
28 other places in Koidu Town?

29 A. Well, when we got to Koidu Town, from the Five-Five  
bridge,

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The 1 centre of the town coming towards Opera, nobody was there.  
the 2 place was so bushy. So where people had settled before was  
3 place where we went to find places to stay.

4 PRESIDING JUDGE: Which are the places again? Five-  
Five?

12:40:44 5 THE WITNESS: Five-Five, that is Bamatu, Kainsi,  
Lebanon,  
6 and Koakoyima.

7 MR JORDASH:

ECOMOG 8 Q. And so you settled in Five-Five within a week of the  
9 being pushed out. Did -- did you observe in the next week or  
so

12:41:19 10 any other people coming into Koidu Town?

11 A. Yes. Everybody was coming.

12 Q. Everybody? Do you mean fighters or civilians?

13 A. We, the civilians. We were coming every day, some come  
14 from Guinea. Some come from other villages.

12:41:49 15 Q. And the people who came after you when your group had  
16 arrived in the weeks and months after, did they stay in the  
same  
17 areas that you've told the Court about?  
18 A. Yes, that is where people were living.  
19 Q. How far is Five-Five spot from Koakoyima?  
12:42:21 20 A. About a mile.  
21 Q. And how far is Lebanon from Koakoyima?  
and  
22 A. Well, about half-a-mile because its between Koakoyima  
23 Five-Five.  
24 Q. And how far is Kainsi from Koakoyima?  
12:42:49 25 A. Kainsi is just by Five-Five. You just go down the hill  
and  
26 then you come into Kainsi.  
27 Q. And which routes were people taking into Koidu Town at  
this  
28 point. Where were they -- you told us some were coming from  
29 Guinea?

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1 A. Its the main Kainkodu highway. Some people use -- some  
2 Yardu road to come in, some use Segbwema road to come in. So  
it

3 was not just like one route.

4 Q. And what about the Kono highway?

12:43:31 5 A. Well, people use that one too from Makeni, but I was in  
6 Five-Five, I know more about that area. The ones coming from  
7 Guinea highway, Yardu road from Segbwema road, I saw them  
coming  
8 with their bundles on and their families.

9 Q. And were you able to work out from what you saw and who  
you  
12:44:05 10 spoke to, why these other people were coming into Koidu Town  
over  
11 the weeks after you'd arrived?

12 A. Well, when we got there, everybody said the G5's told us  
13 and we too told our people that the war was ended. So  
everybody  
14 was happy to come back.

12:44:31 15 Q. Did you know of a man called xxxx xxxx at this time when  
16 you settled into Five-Five?

17 A. Yes, but I did not know him early. I knew him later on.

18 Q. Okay. I'll come to that later on. How busy, how  
populated  
19 was, were these various areas within say two or three weeks  
after

12:45:16 20 you'd arrived. Or within a month after you arrived?

21 A. Well, everybody was happy because when we went there  
first,  
22 there was food. There was food, the G5's gave us rice.  
23 Individually, they gave us bulgur, cocoa powder; that was what  
we  
24 ate, in the first month.

12:45:57 25 Q. And where did this food come from?

26 A. They met there, we too met there.

27 Q. Who had it belonged to previously?

28 A. The ones who were in Koidu Town, when the fighters drove  
29 ECOMOG out.

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been 1 Q. And this food that have been -- the supplies that had  
2 left, and how were they distributed?

3 A. Well, they shared it among the civilians. If you -- the  
4 family was large they'd give you in bits, if your family was  
not 5 large they'd give you by cups.  
12:46:49 6 Q. And who had the job of handing this food out?

7 A. The G5's.

8 Q. And how did you, Mr Witness, manage to feed yourself in  
9 those first few weeks of being at Five-Five?

12:47:25 10 A. Well, as we go there, it was up to you. When you went  
to 11 some rooms, you meet rice or bulgur and you'd be managing with  
12 that until the food that the G5's were giving -- could be  
given 13 to you, you managed it.

14 Q. Did you observe whether there was any money being used  
at

12:48:08 15 this time at Five-Five and the other places you had mentioned?

16 I'm talking about these early few weeks?

you  
with  
17 A. Nobody had money. When you went and fetch your wood,  
18 come and sold it, you got cassava. You come and exchange it  
19 whatever you wanted.

12:48:31 20 Q. And this system of exchange, did this continue?

21 A. Which exchange? The one that I'm talking about now.

22 Q. Yes.

23 A. Yes, we were doing it. So my children used to do it, if  
24 you wanted salt, they would give you salt. If you wanted  
maggi

12:48:56 25 they would give you maggi. If it was rice, they 'd give you  
26 rice.

27 Q. And are you able to say how long this lasted in 1999?

28 A. Well, about two months because people were coming from  
29 Makeni, from Magburaka, Masingbi.

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Masingbi?  
1 Q. Why do you mention people coming from Makeni and

2 A. Civilians would come to do business, to sell and then go  
3 back. Some would come with rice. Some would come with other  
4 things.

12:49:43 5 Q. When did they start coming in -- in 1999?

6 A. After the two months.

7 Q. And when they came, were there places where they would

8 exchange or trade?

9 A. Yes, there was a market.

12:50:06 10 Q. Where was the market?

11 A. In Koakoyima. Almost the middle of Koakoyima.

12 Q. And did you go to the market? Did you know people who

went

13 to the market?

14 A. Yes. My wife went to the market or sent the children.

12:50:30 15 Q. What did the market sell or what did it trade?

16 A. They sell pepper, rice, salt, maggi, clothes -- clothes,

17 and other things.

18 Q. So at this early stage when the Koakoyima market

existed,

19 were there any other markets at this first stage or was

Koakoyima

12:51:03 20 the only one?

21 A. Koakoyima. Just Koakoyima during 1999.

22 Q. Was there any restriction on which civilians were

allowed

23 to go to Koakoyima to the market?

24 A. No. All civilians were scattered all over the place, in

12:51:40 25 all areas.

26 Q. And at that time when the market was -- well, let's just

go

27 back a bit earlier. When you arrived there in Five-Five and

soon

28 after that, were there other activities in Koakoyima for

29 civilians?

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1 A. Well, yes, because children would sing and dance in the  
2 night.

3 Q. Where there places to eat or drink or socialise in  
4 Koakoyima?

12:52:20  
There

5 A. Yes. There was a Poyo bar. There were Poyo bars.  
6 were bars, little bars, and then sassman or other hard liquor.  
7 It was later we started bringing in beer and stout and other  
8 things.

busiest

9 Q. And of the four places you mentioned, which was the  
10 place in terms of civilian life?

12:53:01

11 A. Koakoyima was populated. That was where all civilians  
12 were.

very

13 PRESIDING JUDGE: It has been the evidence all along,  
14 heavily populated, the centre of business.

12:53:38

MR JORDASH:

16 Q. Did you know anyone living in Koakoyima, Mr Witness,  
17 personally?

18 A. Yes, I knew people.

19 Q. Any relatives?

12:53:48 20 A. Relatives, different tribes.

21 Q. Where was Jonathan Lamin living?

22 A. He lived in Lebanon, at the junction.

23 Q. The junction of Lebanon, how close to Koakoyima is the  
24 actual junction?

12:54:25 25 A. It's not far. Its like they are together.

26 Q. At this early stage when you've arrived in Five-Five and  
27 the few weeks after, was there any farming going on?

28 A. Hmm -- there was no farming activity. But the people  
who

29 were there earlier on, the farms they made, they were,  
civilians

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1 who used to go there to harvest.

2 Q. Did xxxx xxxxx have anything to do with farming at any  
3 stage?

4 A. Well, it was around April when he gave us seed rice and  
12:55:18 5 seedlings to brush our swamps. After we brushed our swamps  
then

6 we planted.

7 Q. Did you hear about a mining unit?

8 A. Yes, I heard about a mining unit.

9 Q. Did you know what it did? Did you hear?



12:56:04 10 A. Well, I used to hear from my friends.  
11 Q. Was there an office?  
12 A. At that time, I did not know about an office.  
13 Q. Did you learn about an office at any stage?  
14 A. Yes. Later on, the later part of '99 and 2000, early  
2000.  
12:56:45 15 Q. Do you know what it did?  
16 A. Who? Who are you referring to? Me or the mining unit.  
17 Q. Do you know what the mining unit did?  
18 PRESIDING JUDGE: You say you got to know about the  
mining  
19 office late '99, early 2000.  
12:57:12 20 THE WITNESS: Yes.  
21 PRESIDING JUDGE: It was when you got to know about the  
22 mining office.  
23 THE WITNESS: Yes.  
24 PRESIDING JUDGE: Thank you.  
12:57:22 25 MR JORDASH:  
26 Q. Did you know what it did? Let me ask you this: Were  
you  
27 involved in mining?  
28 A. No.  
29 Q. Do you know what the mining office did or not?

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mining 1 A. Well, I don't know because in my mind when they said  
had, 2 unit I used to think that anyone who was engaged in mining  
3 should have a legal document. If not he would be arrested.  
4 Q. Is that what you were told or what you observed?  
12:58:13 5 A. Yes. That is what I was told because I was unable to  
move 6 around, I was just around in my place on my personal affairs.  
7 Q. Was there any reason why you couldn't move around?  
8 A. Yes. I had a fracture, three fractures on my leg.  
9 Q. Did you ever meet anyone called xxxxxx?  
12:59:06 10 A. Yes. I heard about xxxxxx but it was later on.  
11 Q. And later on, what did you know?  
that 12 A. Well I did not know him early, you know. They told me  
13 xxxxxx was the boss of the mining unit.  
14 Q. Did you receive any complaints about xxxxxx?  
12:59:49 15 A. No.  
from 16 Q. Did you receive any complaints about mining in general  
17 civilians?  
random, 18 A. Well, we the civilians, since people were mining at  
19 so we said anyone one who was engaged in mining should leave  
13:00:33 20 the -- should leave about 25 feet off from the highway.  
21 PRESIDING JUDGE: Mr Witness, please, did you receive  
any 22 complaint from the --  
23 MR JORDASH: Sorry your Honour to interrupt, but I think

24 this is what he is going to talk about. There is a context to  
13:00:51 25 it.  
26 PRESIDING JUDGE: Well, if he answers a question and  
then  
27 continues that's fine because you know we get lost when we  
have  
28 preludes, you know, to the main issues that -- were there any  
29 complaints? Yes. Then he states the circumstances, yes or  
no.

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1 And then he states the circumstances.  
2 MR JORDASH:  
3 Q. Did you hear the learned Judge? Let me ask the question  
4 again and if you could answer it. Were there any complaints?  
13:01:24 5 PRESIDING JUDGE: He said he received no complaints  
about  
6 Kennedy. What about mining you know --  
7 MR JORDASH: In general?  
8 PRESIDING JUDGE: Yes, in general from civilians. Did  
you  
9 receive any complaints?  
13:01:34 10 THE WITNESS: Yes, I received complaints.  
11 MR JORDASH:  
12 Q. And what were the complaints you received?

13           PRESIDING JUDGE: He received the complaints from whom,  
14           from civilians?

13:01:47 15           THE WITNESS: Yes.

16           PRESIDING JUDGE: About mining?

17           THE WITNESS: Yes.

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

19           MR JORDASH:

13:02:01 20           Q.     What complaints about mining did you receive?

21           A.     The complaints I received about mining was people who  
were  
22           mining nearby the road, they said they were destroying the  
road.

23           So we gathered --

24           Q.     You gathered?

13:02:33 25           A.     The civilians gathered.

26           Q.     Gathered what?

27           A.     We assembled and we went to report to xxxxxx.

28           Q.     And you gathered to complain to xxxxxxxx for what  
29           purpose?

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1           A.     Because people wanted to destroy the road.

2 Q. And did you speak to xxxxxx?

3 A. Yes, we spoke with him.

4 Q. And did he do anything about the complaint?

13:03:27 5 A. Yes.

6 Q. What did he do?

7 A. We told him that whoever was mining by the road should  
be  
that.

8 arrested. And he said he would do that and indeed he did

9 Q. Do you know if other civilians were able to complain to  
13:03:53 10 xxxxxxx about mining issues?

11 A. No, I don't know about that.

12 Q. Did you receive any complaints about forced mining, Mr  
13 Witness, in 1999?

14 A. No.

13:04:37 15 Q. Were you aware of any civilians in Koakoyima in 1999  
being  
16 forced to mine?

17 A. No, nobody told me about that.

18 Q. Now you said that you were not able to move because of  
your  
19 injured legs, but would civilians come to your house on a  
number  
20 of issues?

13:05:06 21 A. Yes.

22 Q. But --

23 A. Well, except for disputes.

24 INTERPRETER: Your Honours, can the witness say that  
again?

13:05:28 25 MR JORDASH:

26 Q. Move your hand from your mouth please, Mr Witness, so we  
27 can get you clearly. Could you repeat your answer please.

28 A. I said except for those little disputes, and if somebody  
29 abused themselves or they might have problems.

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1 INTERPRETER: Your Honours?

2 PRESIDING JUDGE: Yes.

cassie,

3 INTERPRETER: The witness mentioned something like

4 can he, -- it's not clear, can he expand on that?

13:06:22 5 PRESIDING JUDGE: Mr Jordash?

6 MR JORDASH: Oh.

7 Q. You mentioned something like cassie; can you expand on  
that

8 please?

9 A. Yes.

13:06:38 10 PRESIDING JUDGE: I see Mr Fynn smiling. Maybe he may

11 volunteer to expand on that.

12 MR JORDASH: Maybe it's an alcohol issue again.

13 PRESIDING JUDGE: That's right, that's what I'm driving  
at.

14 He's briefing Mr Hardaway on a small piece of paper as to what

13:06:59 15 cassie is. Yes, Mr Witness please, let us know what cassie  
is.

down.

16 Cassie is in French, is what you take in breaks, breaks you

17 Yes, Mr Witness?

you

18 THE WITNESS: Well, when I speak of cassie, the native  
19 people, we had laws that if you did something, that is what

13:07:29 20  
public,

would pay. Like a fine. If you abuse, abuse someone in

we

21 you abuse in the public, you would pay a fine. If you pleaded

22 would release you. But if not, you would pay the fine, the

23 stipulated fine. That's what you mean by cassie.

13:08:12 25

24 MR JORDASH: I notice the time, Your Honour, and I've  
probably got about 15 minutes left.

the

26 PRESIDING JUDGE: Yes, Mr Jordash that's okay. We will  
27 rise here and we will continue in the afternoon. Well learned  
28 counsel, the Chamber will recess for lunch. We will resume

29 session at 2.30. We will rise, please.

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

2 [RUF29FEB08\_LK]

3 [Upon resuming at 2.40 p.m]

will 4 PRESIDING JUDGE: Good afternoon, learned counsel. We  
14:52:32 5 resume the proceedings. Yes, Mr Jordash. You had forgotten  
you 6 had not finished.  
7 MR JORDASH: Of -- no. Of -- certainly I cannot forget.  
8 PRESIDING JUDGE: You know you have not yet finished.  
9 MR JORDASH: No. I have a bit yet further to go.  
14:53:55 10 PRESIDING JUDGE: Although you have a very short rope to  
11 draw now.  
12 MR JORDASH: A very, very short.  
13 PRESIDING JUDGE: Yes.  
14 MR JORDASH:  
14:54:04 15 Q. Good afternoon, Mr Witness?  
16 A. Yes, good afternoon.  
17 Q. If I can just pick up on a few issues of Koakoyima in  
the 18 early part of 1999 when you arrived there or soon after. Did  
you 19 hear if there were any nightclubs there, at that time?  
14:54:42 20 A. Early 1999, or the later part? Which? The early part  
21 there were no restaurants, no bars.  
22 Q. You said that civilians had moved into Koakoyima in the  
23 early part of 1999. Was it -- was there any community, social  
24 community there, when the civilians were there early 1999?  
What  
14:55:26 25 kind of activities?  
1999 26 A. It was either early '99 -- 1999 or mid. Is it early  
27 or mid? I want to understand better.  
28 Q. Well, you told us that you and other civilians came and



of 29 settled in Lebanon, Koakoyima, Five-Five, within a week or so

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of

in

14:56:23

start

14:56:44

14:57:05  
from

1 ECOMOG being chased out; is that right?

2 A. Yes.

3 Q. So what I'm asking is, Koakoyima, in those early times

4 1999, whether there were gatherings of civilians at any place

5 Koakoyima?

6 A. Yes, civilians use to gather there, but they did not

7 business earlier on.

8 Q. Okay. Do you know if there was any offices there, RUF

9 offices in Koakoyima at that time?

10 A. By that time, no.

11 Q. Do you know if there was any restrictions on civilians  
12 being able to leave Koakoyima?

13 A. No.

14 Q. No, there were not; or no, you don't know?

15 A. I don't know. I didn't know because I did not hear it

16 anyone that you should not leave.

17 INTERPRETER: Your Honours, can the witness wait for the

18 interpretation.

19 MR JORDASH:

14:57:19 20 Q. Wait. Wait for the interpretation before answering the  
21 question, Mr Witness, please?

22 A. Okay. Okay.

23 Q. You hadn't heard that -- you hadn't heard anybody say  
what?

24 I asked you about whether there was restrictions of movement  
for

14:57:52 25 civilians into or out of Koakoyima. Did you hear of that?

26 A. No.

27 Q. Was there any restriction of movement of civilians  
within

28 Koakoyima itself that you heard about?

29 A. No.

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1 Q. Did you hear at any stage in these early months of RUF  
2 soldiers who are capturing civilians in Koakoyima?

3 A. No.

4 Q. Did you hear of RUF fighters in the other civilian  
14:58:49 5 populated areas of Koidu Town capturing civilians in these  
early

6 part of 1999?

7 A. No, I did not hear of that.

8 Q. You said you didn't mine. Do you know anything of  
mining  
9 in the early -- in the first half of 1999? Do you know  
anything  
14:59:24 10 about mining?

11 A. Well, I did not know about mining because civilians were  
12 coming, people were coming in. I use to see people passing in  
13 front of my house. They would go and come, in the evening  
they  
14 pass back.

14:59:44 15 Q. Just so that we are clear, they would come and go and  
pass  
16 back. Where would they be passing back to? Did you gather  
that  
17 information from any where? Where were they going?

18 A. No.

19 Q. Well, where did they appear to be heading? Were they  
15:00:15 20 heading out of Koidu?

21 A. No, everyone was about their own business. Some of them  
22 were going up, some were coming down.

23 Q. Were they going up and down on their own or going up and  
24 down with soldiers, or what was the situation?

15:00:31 25 A. No one would be around them. Some were either on  
26 food-finding, but everybody was going about his or her own  
27 business.

28 Q. How would you, aside from what you have said, describe  
the  
29 relationship between soldiers and civilians in this early part  
of

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1 1999 in Koidu?

2 A. Between the civilians and the fighters, or what do you  
3 mean?

4 Q. Yes, between the civilians. Civilians like yourself,  
and  
15:01:15 5 fighters. Was there a relationship?

6 A. Yes, because I knew that there was a good relation,  
there  
7 was good relationship. There were no complaints. Everybody  
was  
8 moving about his or her own business.

9 Q. And the men that -- you have told us about civilians  
moving  
15:01:40 10 up and down doing their own business, what was the main  
11 preoccupation of the civilian in this first few months of  
1999,  
12 what were they trying to do?

13 A. Well, initially when we entered, after we used up the  
food  
14 that were -- had been there, everyone was going to find food  
for  
15:02:04 15 him or herself. Who -- either you go on fishing or you go and  
16 fetch wood. That was what was happening.

17 Q. Did you go fishing?

18 A. Yes, my children used to go fishing.

you 19 Q. And you yourself, in the position that you've told us

15:02:33 20 obtained middle of 1999, did you have interaction with RUF  
21 commanders in Kono?

seed 22 A. Well, Pa Peter, Pa Vandí, they -- they used to give us

past 23 rice and they advised us to make our swamps, because it was

seedlings, 24 time for the upland farming. He gave us the seed and

15:03:13 25 we brushed and we planted them, and we nursed them for  
ourselves.

he 26 Q. When you say Pa Vandí gave, was there a system by which

27 gave, or who did he give the seedlings to?

the 28 A. Yes. He said we should not just sit down idly because

29 little thing that had been there had been exhausted. So he

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prepare 1 advised us as civilians not to sit down idly. We should

with 2 swamps in the middle of township, and we should be occupied

should 3 some work. Who that -- whoever wanted to plant potatoes

like 4 go on. We should not just sit down idly, moving up and down

15:04:04 5 that.

6 Q. And who -- who -- did anyone answer the call to --

7 A. Yes, we were happy. All of us were happy.

8 Q. Did anyone have a part to play in organising these farms  
or

9 swamps?

15:04:30 10

11 A. Yes, it was divided into groups. Such-and-such people  
us.

12 would make their own swamps. In fact, it was a challenge for

13 It was a challenge among ourselves who would make the largest

14 swamp and with whoever did make the largest swamp would be

15:04:54 15 compensated.

16 Q. Did Pa Vandi expect anything in return for the  
seedlings?

17 A. I don't think so, because when he gave it to us after

18 harvesting, we put them in a bag and we brought it to them and  
we

19 said these are for you. It's --

15:05:25 20 INTERPRETER: Your Honours, it's not clear, can the  
witness

21 take that bit again.

22 MR JORDASH:

23 Q. Take the last sentence again please, Mr Witness?

24 A. After harvesting, we put them -- after harvesting,

15:05:41 25 threshing the rice, we put them in a bag and we took it to  
them

26 and he said to us that it was for us, that we should eat it.

27 Q. Did the G5 hold any meetings?

28 A. Meeting of what kind.

29 Q. Well, any meetings with civilians?

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do 1 A. Yes, they used to speak to us, advise us. They used to  
2 that.  
3 Q. How was security for civilians in 1999, in Kono?  
4 A. Well, the fighters were securing us, they said that we  
15:07:01 5 should not be worried because the war had ended.  
6 Q. Were there any MPs in Koidu Town or its environs?  
7 A. Yes, there were MPs.  
8 Q. Did you know someone called Chief Bundu?  
9 A. No. I cannot recall that name.  
15:07:35 10 Q. Chief Bundu?  
11 A. Chief Bundu, yes, Chief Bundu. Komba Bundu.  
12 Q. Who was he?  
13 A. He was the normal town chief at Koakoyima.  
14 Q. Was he there in '99?  
15:07:58 15 A. No.  
16 Q. Were there any offices near his -- his -- his place of  
17 residence in Koakoyima?  
18 A. Yes, he -- the MP's were in his house at Koakoyima.  
19 Q. When were the MPs in his house? Do you remember when  
they

15:08:34 20 moved in there?

21 A. I think at -- just after we entered, they occupied that  
22 place because even I myself, I met them there but, I can't say  
23 when and how.

24 Q. That's fine. Last few questions, Mr Witness. Did you  
know

15:08:59 25 anyone called Jemba Ngobeh?

26 A. Yes.

27 Q. Who is she?

28 A. He was -- she was responsible for education, the  
29 educationist.

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1 Q. Did she do anything in Koidu in 1999?

2 A. Yes.

3 Q. What did she do?

4 A. She opened primary schools, later in 2000, later on, in

15:09:35 5 2000 she opened a secondary school. She opened primary  
schools

6 in the surrounding villages.

7 Q. Did you know someone called Reverend Teh?

8 A. Yeah, Reverend Teh, yes.

9 Q. Did he have anything to do with Jemba Ngobeh?



15:10:23 10 JUDGE BOUTET: What was the question, Mr Jordash, about  
11 this? Whether he knew Reverend Teh and whether Reverend Teh  
had  
12 anything to do with Jemba Ngobeh.

13 THE WITNESS: No. I only knew him, we only knew him as  
our  
14 pastor.

15:10:52 15 MR JORDASH:

16 Q. Do you recall Foday Sankoh visiting Kono in 2000?

17 A. Yes, I was present.

18 Q. Do you know which month it was?

19 A. I can't recall the month now.

15:11:14 20 Q. Do you know when it was Issa Sesay came to base  
permanently

21 in Kono?

22 A. He used to come and go back in and out of Makeni but, he  
23 did not stay there for up to two months. He would just come  
and  
24 return.

15:11:54 25 Q. Did he come to live in Kono at some stage, on a  
permanent  
26 basis?

27 A. The period in which he came to stay in Kono was the time  
28 when the traditional chiefs were coming to speak to him.

29 Q. Which year?

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1 A. 2000. Between 2000 and 2001.

2 Q. Until that time, who had been the top commander in Kono  
3 before Issa Sesay came?

4 A. It was Pa Vandí.

15:12:55 5 Q. Thank you. Now, I want to ask you about an incident.  
Did  
6 you hear about a town chief being killed at some stage after  
7 return to Koidu Town?

8 A. Yes.

9 Q. When was it?

15:13:31 10 A. Well, the chief who was killed it was not, in fact, in  
11 Koidu Town, it was Congo Wako, Nimikoro Chiefdom, behind  
Bumpeh.

12 MR JORDASH: When was that?

13 PRESIDING JUDGE: What was the name of the town.

14 THE WITNESS: Congo Wako.

15:14:01 15 MR JORDASH: And --

16 PRESIDING JUDGE: In which district? In which chiefdom  
17 rather.

18 THE WITNESS: Nimikoro Chiefdom, at the back of Bumpeh.

19 MR JORDASH:

15:14:17 20 Q. Do you know which year this happened?

21 INTERPRETER: Your Honours, can learned counsel take the  
22 question again.

23 MR JORDASH:

24 Q. Do you know the year in which this incident happened?

15:14:38 25 A. I have forgotten but it's between 2009 [sic] and 2000.

26 PRESIDING JUDGE: 1999?  
27 JUDGE BOUTET: 1999 and 2000.  
28 INTERPRETER: 1999 and 2000.  
29 MR JORDASH:

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of

Bumpeh.

gone

him.

1 Q. Do you know if at this time, well, let me ask you, what  
2 happened? Who killed the chief?

3 A. Well, I was not present but when the thing happened, one

4 villagers rushed to me, they went to the elder who was at

15:15:27

5 They met him and later on they came to me, and the big men who  
6 were at Koidu Town had explained to us that one fighter had

7 there to the chief saying that the chief did not say hi to

8 And --

9 Q. We lost the translation. Start again, continue, sorry.

15:15:57

10 A. There was a particular fighter who went to the chief at  
11 Congo Wako, Nimikoro chiefdom, he -- he went to say hi to the  
12 chief.

13 Q. Go on.

his 14 A. And he said the pa said that he was an old man and even  
15:16:20 15 children were yet to come and he was the only one that was  
there  
16 and the chief said he had nothing with him but as they  
conversed,  
17 the fighter saw a chicken in the pa's house and he took the  
18 chicken. That was how they narrated it to me. There was some  
19 kind of dispute between them and the --  
15:17:00 20 INTERPRETER: Your Honours, can the witness take that  
bit  
21 after the dispute.  
22 MR JORDASH:  
23 Q. After the dispute what happened?  
24 A. He shot the pa and killed him.  
15:17:13 25 Q. Did anything happen to the fighter who shot the pa?  
26 A. Well, the report -- the person who brought the report I  
27 sent him to the G5 and the G5 summoned him, and he came.  
28 Q. What happened?  
29 A. He came and they investigated. I was not present, and  
he

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1 was found guilty, later on.

2 Q. Do you know who investigated?

3 A. The G5.

4 Q. And when he was found guilty, what happened to him. Did  
15:17:53 5 anything happen to him?

6 A. Yes, they said that that was the law and that if he  
7 violated the law, he should pay the penalty and he should die.

8 Q. Did he die?

9 A. Yes.

10 Q. How did he die?  
15:18:20

11 A. He was shot.

12 Q. Where was he? Where did the shooting take place?

13 A. At Koakoyima.

14 Q. In a private place or in public?

15 A. In public.  
15:18:37

16 Q. And did you hear about any rapes near the Koakoyima  
area?

17 A. Yes, yes.

18 Q. What did you hear?

19 A. The raping cases did not happen in Koakoyima, it was a  
15:19:18 20 village in Gbense Chiefdom.

21 Q. What happened?

22 A. The woman came to us, explained the matter. She said  
that

23 the fighter came -- met him at her village. Met her -- sorry  
24 correction, at her village in the evening. And he said he  
wanted

25 to have a love affair with her, and later on he would marry  
15:19:54 her.

26 Q. What happened?

27 A. The woman said -- the woman disagreed. He pleaded with  
her

28 and pleaded but she refused. She said she was afraid. She

how 29 explained to us both of them were in the room alone, that was

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he 1 she explained it to us, the lady. She said he forced him --  
2 forced her and used her. The woman disagreed because she said  
3 you would not, you would not start a relationship today and  
have 4 a love affair the very same day. But, she said the man forced  
15:21:26 5 her.

6 Q. Sorry, who was she reporting this to?

and 7 A. Well, it was us, the Kono elders, who were at the place  
8 we said that was not for us and we called on the G5 - xxxxxxx  
9 xxxxx, the man who was responsible for G5.

15:21:53 10 Q. And did he do anything with the report?

11 A. Yes.

12 Q. What did he do?

local 13 A. She took the matter to the their own court, their own  
14 court for civilians, the lady herself.

15:22:13 15 Q. Did xxxxx xxxxx do anything with the report?

that 16 A. Yes, he worked on it and investigated and he found out

her. 17 it was the truth, that the man had forced the lady and raped

18 Q. Did anything happen to the man?

19 A. Yes, they called all of us, the civilians --

15:22:52 20 Q. Yes?

The 21 A. So we assembled and we said that no one should rape.

would 22 fighters should not rape. If you rape, you did rape, you

23 be killed.

24 Q. What happened?

15:23:12 25 A. Well, in the public, we sat down and he was shot at and  
26 killed.

27 Q. Which place did this take place?

28 A. In Koakoyima, before -- in front of Komba Bundu's house.

29 Q. Which year was this?

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1 A. In '99.

of 2 Q. You've given us two examples of public executions, both  
3 which took place in Koakoyima?

the 4 A. No. That was the first incident. The man who shot at

15:24:03 5 chief was later on but, that was the first incident.

6 Q. Yes, what I'm saying is, I hope you are receiving my  
7 question properly.

8 A. Yes.

9 Q. You have told us about two public executions, both of  
which  
10 took place in Koakoyima. Was there any reason why they both  
11 took place in Koakoyima, rather than other places?

12 A. Yes.

13 Q. What was the reason?

14 A. There were a lot of civilians present there. That's  
where  
15 a lot of people live there.

16 Q. So what you do mean? So there's a lot of civilians that  
17 live there but, why would the executions take place there?

18 A. So that they would be aware that they should know that  
19 whatever had been enforced as a law, should not be violated,  
that  
20 we were under the law, so that the news would spread to the  
other  
21 villages.

22 Q. Thank you. Did you get to know Mr Issa Sesay?

23 A. Yes, later on.

24 Q. Which year did you get to know him?

15:25:37 25 A. It was in the same, 1999.

26 PRESIDING JUDGE: After these two shootings?

27 THE WITNESS: I had known him before the last incident  
28 about the chief who was killed. I had known him before then.

29 MR CAMMEGH: I'm sorry to interrupt. Your Honour, can I



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1 leave the room for a few minutes, please. I need to pick up a  
2 document which I forgot to bring with me.

3 PRESIDING JUDGE: You do not have your able --

4 MR CAMMEGH: Co-counsel.

15:26:23 5 PRESIDING JUDGE: No. Your able representative, from

6 the --

7 MR CAMMEGH: Oh, let's not start that again.

8 PRESIDING JUDGE: You may leave. You may leave.

9 MR JORDASH: It's Friday afternoon.

15:26:37 10 PRESIDING JUDGE: Sure. It's a Friday afternoon.

11 MR JORDASH: Mr witness, we are almost there for my

12 questions, please. I'm --

13 PRESIDING JUDGE: Mr Jordash, there was a last question  
you

14 asked this witness.

15:27:16 15 MR JORDASH: Well, I think, You asked the last question.

16 PRESIDING JUDGE: Yes, that's right.

17 MR JORDASH: Which was: Did the witness get to --

18 PRESIDING JUDGE: Yes, you know, get to -- when did he  
get

19 to know Sesay. Was it after these two incident. He said that  
he

20 knew him before the last incident. Before the later incident.

21 Yes.

22 MR JORDASH:

23 Q. How did they treat you as a civilian?

24 A. Whenever he came, he would go to say hi to us and he  
would

15:27:31 25 treat us very well. He would speak to us well and ask us  
about

26 what happen happened in our absence and we would explain it to  
27 him.

28 Q. Let me move you forward a bit. Further on into 2000.  
Did

29 you hear about a meeting at Bona street?

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1 A. Yes.

2 Q. Who was at the meeting?

3 A. I saw Pa Tejan Kabbah with the Nigerian president, with  
the

4 other president, his name is very difficult to call but from  
15:28:51 5 Ivory Coast.

6 PRESIDING JUDGE: Is it in Kono?

7 THE WITNESS: Yes, at Bona street, at the church, the RC  
8 church.

9 MR JORDASH:

15:29:04 10 Q. Have you ever heard of President Konare?  
11 A. Yes, he was, he was present.  
12 Q. And were you present at the meeting?  
13 A. I was there.  
14 Q. What was the meeting about?  
15:29:20 15 A. It was about peace talks.  
16 Q. And did the Nigerian president, who was at that time  
17 Obasanjo, speak?  
18 A. Yes, he talked and he advised Mr Issa, well, when he  
heard  
19 that people calling Mr Issa general, he said Mr Issa was -- is  
a  
15:29:56 20 small boy, he said he was the chief of the generals. So all  
of  
21 us laughed.  
22 Q. Who was the chief of all the generals?  
23 A. He said he was the biggest of the generals, he said Mr  
Issa  
24 was a little one, a small one.  
15:30:17 25 JUDGE BOUTET: Who was the biggest of the general?  
26 President Obasanjo or Sesay.  
27 THE WITNESS: It was General Obasanjo.  
28 JUDGE BOUTET: Thank you.  
29 MR JORDASH: And Mr Sesay was the small one.

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1 THE WITNESS: Yes, Mr Issa.

2 PRESIDING JUDGE: You had not forgotten his military  
3 casket. You still refer to him as general? He to himself is  
4 general. Well, you know, that's a joke.

15:30:58 5 MR JORDASH: Oh. And --

6 PRESIDING JUDGE: He prefers the title general to that  
of  
7 president. Well, that's okay. Issa was a smaller general.  
He  
8 was a bigger general.

9 MR JORDASH: Yes.

15:31:13 10 Q. And was anything said about peace at this meeting?

11 A. Yes, that was why the meeting was held.

12 Q. Was anything said about Sesay besides him being the  
13 smallest general?

14 A. Yes. I heard it from General Obasanjo, he promised him  
15 that nothing would be done to him, that he should accept the  
16 peace, that he would give him an amnesty, a blanket amnesty,  
that  
17 they would send him to continue for higher education and let  
him  
18 just accept the peace and that he would do whatever he could  
for  
19 him.

15:32:06 20 Q. And finally --

21 JUDGE BOUTET: So this particular meeting that you are  
22 talking about in Kono, you say it was in the year 2000, Mr  
23 Witness.

24 THE WITNESS: I think 2000 to 2001, yeah. I am not -- I

15:32:35 25 cannot just say the definite time, I mean the date.

26 JUDGE BOUTET: But, can you give some indication, as to  
27 whether it was early 2000, at the end of 2000, or when is it  
as  
28 best as you can recall?

29 THE WITNESS: Well, I cannot actually recollect the  
exact

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1 date because after all of us left there happily, I was unable  
to  
2 recall the actual date.

3 MR JORDASH:

4 Q. Did you hear about a UN incident in Makeni, in May of  
2000?

15:33:25 5 A. Yes. We heard about that. We heard about that.

6 Q. Did the meeting with Obasanjo and the other leaders take  
7 place before or after that incident?

8 A. I think it was after the incident. After that incident.

9 Q. After that incident. And after the meeting did anything  
15:34:00 10 happen in Kono in terms of peace?

11 A. Yes. All of us were about peace and all the traditional  
12 rulers came. All of us went to Mr Issa, we talked with him,  
we

he 13 pleaded with him to accept in order for us to get peace. So

14 should talk to his people to hand over their guns.

15:34:33 15 Q. Do you know if all the commander in Kono and its  
environs

16 were happy about handing in guns? Did you observe?

17 A. Not all the officers were not happy. Some were not  
happy

18 at all. They were not glad.

19 Q. Did any express any views about Sesay?

15:35:00 20 A. Well, they did not say it to me, but you can read it  
from

21 their faces that they were not happy indeed.

22 MR JORDASH: Thank you. Can I just take instructions  
23 please?

24 PRESIDING JUDGE: Yes, you may please.

15:35:33 25 MR JORDASH: Thank you. I've got no more questions.  
Thank

26 you, Mr Witness.

27 THE WITNESS: Welcome.

28 PRESIDING JUDGE: Yes, Mr Ogeto.

29 MR OGETO: Yes, My Lords. I have a few questions.

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1 PRESIDING JUDGE: Yes.

2  
3  
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15:36:34 5  
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15:37:04 15  
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15:38:12 20  
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15:38:34 25  
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27

CROSS-EXAMINED BY MR OGETO:

MR OGETO:

Q. Good afternoon, sir. Good afternoon, Mr Witness.

A. Yes, afternoon.

Q. Yes, my name is Ogeto. I appear for Mr Morris Kallon,

of the accused persons in these proceedings. I have a few

questions for you. Please, try as best as you can to answer

questions, and try not to discuss anything that may reveal

identity; is that right?

A. Okay.

Q. You know Mr Morris Kallon, don't you?

A. Yes.

Q. When did you first know Mr Kallon?

A. It was in 1999.

Q. Where did you meet him in 1999.

A. It was at Koakoyima.

Q. Now you stated that the -- during the early part of the

junta you were in Koidu; is that right?

A. Yes.

Q. And it is right that there were junta soldiers in Koidu

that time?

A. Yes.

Q. Did you get to know if there was a commander of the

soldiers in Koidu at that time?

A. I don't know and I did not know him.

INTERPRETER: The interpreter is sorry. The witness has

one

the

your

at

junta

28 not been audible in some part of his testimony.

29 MR OGETO:

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1 Q. Please, Mr Witness, can you repeat your answer?

2 PRESIDING JUDGE: Come closer to the microphone, please.

3 THE WITNESS: Shall I repeat what I had said?

4 MR OGETO:

15:39:23 5 Q. Yes, please.

6 A. During that time, I did not know the commander because I

7 was not going out. I had a fracture.

8 Q. It is correct that Mr Morris Kallon was not based in

Koidu

9 or anywhere in Kono during the junta period, or at least

during

15:39:51 10 the period that you were in Koidu, during the junta period?

11 A. I did not know him. I did not hear about his name.

12 Q. You also stated that some time after the ECOMOG drove  
the

13 RUF and AFRC from Koidu, you were based at this place called

14 Koakoyima; is that right?

15:40:31 15 A. No.

16 Q. I understood you to be saying that at some point in time



you 17 after the AFRC and RUF soldiers had been pushed out of Koidu,

18 were based at Koakoyima; am I right?

19 A. No, I was at my house, Foray Momoh Street, Koidu  
bungalow.

15:41:09 20 Q. Yeah, but, did you subsequently go and get based at  
21 Koakoyima?

22 A. No, the time I came to Koakoyima, in fact, I did not  
stay

23 there. At that time when the fighters called us to come back  
to

24 Koidu Town, I came, I stayed at Five-Five spot. I was at  
15:41:36 25 Five-Five.

26 Q. I'm sorry. I think there is a confusion, Mr witness. I  
am

27 not talking about Koakoyima, I'm talking about Bukuma.

28 PRESIDING JUDGE: Bukuma?

29 MR OGETO: Bukuma.

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1 THE WITNESS: Okay. Okay, because when we heard the  
2 gunshots from the --

3 PRESIDING JUDGE: Bukuma was the refuge for him, he  
sought

4 refuge.

15:42:00 5 MR OGETO: Yes, My Lords.

6 PRESIDING JUDGE: Yes.

7 MR OGETO:

8 Q. You sought refuge at Bukuma?

9 A. Yes. Initially, I was at Fiama bush, later on I went to  
15:42:12 10 Bukuma at Gbense Bush, that is where I was hiding.

11 Q. And that was after the ECOMOG drove RUF/AFRC from Koidu  
12 Town; is that right?

13 A. Yes, when we heard the gunshot all of us run away, but  
we  
14 were trying to come to Freetown, but we hadn't the  
opportunity.

15:42:43 15 Q. Now. It's true that at this place, Bukuma, you were  
16 staying with soldiers; did I get you correctly?

17 A. It was the fighters who brought me out of bush. They  
said  
18 I should not remain in the bush with my family. They were the  
19 ones that told me to come to Bukuma Town.

15:43:10 20 Q. I understand that, but you were staying with them the  
21 entire period that you were at Bukuma?

22 A. Yes, I was with them, but I did not stay long with them.  
23 We stayed not up to four month. All throughout that time I  
was  
24 in the bush.

15:43:36 25 Q. Now, during the time that you stayed with these soldiers  
26 together with the other civilian that you were with, do you  
27 recall if you were ever forced to work for the soldiers?

28 A. That one it wasn't forced because our own work was to  
crack  
29 palm kernels or remove the palm kernels from their --

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1 PRESIDING JUDGE: You were not forced to work for the  
2 soldiers?

3 MR OGETO:

4 Q. Were you forced to work for the soldiers?

15:44:25  
that

5 A. I was not forced because I was an old pa I was there,  
6 was our work.

7 Q. And it is correct that the other civilians too, were not  
8 forced to work for the soldiers?

15:44:49  
a

9 A. What -- they were forcing us to pray. If you were  
10 anywhere, you must come to pray. After prayer, if there was  
11 work, initially they would ask you: Is there anybody to climb  
12 palm tree here? You would be allowed to harvest palm fruits.  
13 After say two, three days you would be allowed to go about  
14 own business; that is to go in search of food for yourself.

15:45:19  
my

15 Q. I just want to you to be very brief, Mr Witness. Maybe  
16 questions are not very clear.

questions

17 PRESIDING JUDGE: They are clear, Mr Ogeto. Your  
18 are clear.

19 MR OGETO:

15:45:31 20 Q. It is not correct that the civilians of Bukuma were not  
21 forced to work for the soldiers?  
22 A. We at Bukuma, were not forced. Like the issue of going  
for  
23 food-finding, you would go but there were gunmen behind you.  
If  
24 you went there, whatever you got, if you return, you must --  
you  
15:45:56 25 give something to the gunman that was guarding you. It was  
not  
26 forceful.  
27 Q. So the reason why the gunmen would go with you was  
because  
28 they were guarding you; is that right?  
29 A. Yes, because the Kamajors were around, were around the

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1 area.  
2 Q. Now, during this period when you were staying at Bukuma,  
3 did -- were there any attacks on Bukuma? Was Bukuma attacked  
by  
4 any forces?  
15:46:44 5 A. No. They would always stay at the other side of the  
river  
6 shooting, but they never came over to Bukuma since we were

7 staying there.

8 Q. Who would be on the other side of the river shooting?

9 A. It was the Kamajors.

15:47:20 10 Q. And who were they shooting at?

11 A. You know the fighters and the Kamajor were -- were never  
12 friends, they would not meet together. They would not drink  
from

13 the same cup. At any time they meet, they would fight.

14 Q. So when you talk of fighters, are you referring to the

15:47:49 15 RUF/AFRC?

16 A. Yes, those were the ones we were staying with, we used  
to  
17 call them fighters.

18 Q. During this same period that you were at Bukuma, did you  
19 personally witness any cases where women were forced to marry

15:48:18 20 soldiers?

21 A. No, I did not witness that.

22 Q. Did you hear of any cases where women at Bukuma were  
forced  
23 to marry soldiers?

24 A. No.

15:48:43 25 Q. You stated that in late 1997, during the junta period,  
you  
26 went to Freetown. Did I get your testimony correctly?

27 A. This morning?

28 Q. Did you say that you went to Freetown during the later  
part  
29 of junta period?

1 A. No, I did not come to Freetown. I did not say that.

2 Q. So during the junta period, between May of 1997 and  
3 December of 90 -- and February of '98, you did not go to  
4 Freetown?

15:49:52 5 A. Hmm -- I think it was in 1998, we came for training at  
6 Tower Hill, 1998.

7 Q. Was that before the overthrow of the junta?

8 A. Yes, it happened before that time.

9 Q. And for how long were you in Freetown during that  
period?

15:50:45 10 A. About a month.

11 Q. Where were you based in Freetown?

12 A. We were sleeping at Tower Hill in the offices there.

13 Q. Did you witness any killings in Freetown during that  
14 period, during the one month that you spent in Freetown?

15:51:13 15 A. No.

16 Q. How would you describe the situation in Freetown during  
17 that one month?

18 A. Well, during that one, that one month, I only used to  
hear  
19 gunshots at night and during the day.

15:51:39 20 Q. Did you get to know who was shooting?

21 A. No.

22 Q. And during that time did you get to know if there were  
any

23 attacks in Freetown?

24 A. No. When I was here during that period, no. On to the  
15:52:11 25 time I went back except later when I heard that the ECOMOG had  
26 attacked the fighters in Freetown, during that time I was in  
27 Kono.

28 Q. Thank you.

29 A. Welcome.

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the 1 Q. In the course of your direct testimony, you mentioned  
2 name xxxx. And I think you said he was is a G5. Am I right?

3 A. Yes, yes. xxxxxxxx and xxxxx xxxx.

4 Q. Did you know this person well, xxxxx?

15:52:58 5 A. Yes, they were with us, I wouldn't forget him. Anywhere  
6 I'm to see him, I know him. I would be able to identify him.

7 Q. Are you able to recall which period it is that you knew  
8 this person?

the 9 A. Which person are you talking about? Yes, it was during  
15:53:36 10 war I came to know him, that was the time when he was with us  
at  
11 Bukuma.

12 Q. So he was with you at Bukuma?

13 A. Yes. He was one of our G5s.

14 Q. Are you able to recall his other name? Did he have  
other

15:54:05 15 names?

16 A. xxxxxx? That's the name I know, Pa xxxxx. That was  
17 the name we used to call him.

18 MR JORDASH: Sorry to interrupt. Could Mr Issa Sesay  
use

19 the bathroom, please.

15:54:28 20 PRESIDING JUDGE: Yes, he may.

21 MR OGETO:

22 Q. Now, let me just take you back to the junta period and  
this

23 is going to be my last question, Mr Witness.

24 A. Okay.

15:54:42 25 Q. During the junta period from May '97 to February of '98,  
26 how can you describe the situation in Koidu Town?

27 PRESIDING JUDGE: From May?

28 MR OGETO: '97 to February of '98.

29 Q. What was the general situation in Koidu Town?

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were

1 A. During that time, everybody was on the move. People  
2 worried, they wouldn't do anything better. People were on  
3 stand-by.

4 Q. Do you know if shops in Koidu Town were open during that  
15:55:31 5 period?

6 A. Some were open, some were not open. Some people had  
7 already started transferring their things to Freetown here.

8 Q. Was there trade going on in Koidu Town during that  
period?

9 A. Yes, yes. It was -- bit-by-bit. Either you bought some  
15:56:05 10 rice and you place it in your house, maybe you stay indoors,  
you  
11 will not come out quickly. Or you carry it along with you  
12 wherever you are going to hide.

13 MR OGETO: My Lords, if I could consult.

14 PRESIDING JUDGE: Yes, you may, please.

15:56:24 15 MR OGETO: Thank you. Thank you, Mr Witness. Thanks My  
16 Lords, I have no further questions.

17 PRESIDING JUDGE: Thank you.

18 THE WITNESS: Thank you, too.

19 PRESIDING JUDGE: Yes, Mr Cammegh.

15:57:05 20 MR CAMMEGH: I have no questions. Thank you.

21 PRESIDING JUDGE: No questions, okay. Yes, Mr Fynn.

22 MR FYNN: Thank you My Lord.

23 CROSS-EXAMINED BY MR FYNN:

24 MR FYNN:

15:57:56 25 Q. Mr Witness, I will now ask you a few questions on behalf  
of  
26 Prosecutions.

27 A. Okay.

28 Q. You will agree with me that from 1998 onwards, mining  
29 activity was going on in the various places in Kono, correct?

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1 A. From which year?

2 Q. 1998?

3 A. No. 1998, I don't know.

4 Q. You were not in Kono in 1998?

15:58:43 the

5 A. Early or the later part because after the ECOMOG drove  
6 junta from Freetown.

7 INTERPRETER: The interpreter is sorry, can the witness  
8 come again?

9 MR FYNN:

15:59:09 10 Q. Were you in Kono in 1998?

11 A. I was in Kono.

12 Q. And at that time that you were in Kono in 1998, you'd  
agree

13 with me that mining was going on in Kono?

14 A. Mining was going on, they were mining, they were mining.

15:59:30 15 Q. And they were mining in several places, not so?

16 A. Yes, any chiefdom in which there were diamonds, work was  
17 going on in those areas.

engaged 18 Q. And while the RUF were in Kono in 1998, the RUF was  
19 in mining in Kono, not so?  
16:00:04 20 A. In 1998, the junta period? Everybody was mining.  
21 PRESIDING JUDGE: He asked you of the RUF.  
22 MR FYNN:  
23 Q. The RUF was mining, not so?  
24 A. In 1998 everybody was mining, RUF, junta; everybody was  
16:00:32 25 mining.  
AFRC/RUF 26 Q. There were some mine sites which were specifically  
27 mine sites, am I correct?  
28 A. No. Civilians were mining, everybody was mining.  
29 PRESIDING JUDGE: That is not the question, Mr Witness.

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1 Listen to the question. Put it to him again, please.  
2 MR FYNN: Okay.  
3 Q. Mr Witness.  
4 A. Yes.  
16:01:08 5 Q. There were some mine sites which were RUF mine sites?  
6 A. I don't know about that because there was no specified  
7 place for only the RUF because everybody was moving here and

were 8 there. Because at any place that people observe that there  
9 diamond people would go there, so there was no specific place  
16:01:44 10 which was reserved for the mining of the RUF only.  
11 Q. All right. You would agree with me that some RUF  
12 commanders had their own mine sites in Kono?  
13 A. I don't know. I don't know. Even if they had those  
places 14 I don't know.  
16:02:13 15 Q. But it is true, Mr Witness, that certain RUF commanders  
had 16 men who mined for them?  
17 A. Yes.  
18 Q. It is also true that these men were civilians, am I  
19 correct?  
16:02:42 20 A. Yes. Some miners who were working for them, some were  
21 civilians, some were their bodyguards and so on.  
22 Q. I would suggest to you Mr Witness, that those civilians  
who 23 mined on behalf of the RUF commanders were not paid for the  
work 24 they did?  
16:03:11 25 A. Well, I don't know whether they were paying them. But,  
26 what I, what I know was that they cook for them, they fed them  
as 27 supporters, but I don't know whether they gave them money.  
What 28 they did, what they did not, I don't know because nobody  
29 complains to me.

1 Q. I will also suggest to you, Mr Witness, that those  
2 civilians were forced to mine for the RUF commanders?

3 A. Well, I don't know. And nobody complained to me, if you  
4 were working for somebody and the person forced you, wouldn't  
you

16:04:00 5 hide? If you don't hide it means that you were happy to do  
the  
6 work.

7 Q. Mr Witness, if we would just move forward in time a  
little,  
8 to the time that Mr Sesay came to Kono. You know when Mr  
Sesay  
9 came to Kono, correct?

16:04:34 10 A. Yes, I know. But, I when I went there, I was only told  
11 that Mr Sesay had come. We, the civilians, were informed and  
we  
12 went there to greet him and explain to him what the G5 had  
been  
13 doing for us.

14 Q. And he was living at Lebanon close to Koakoyima, am I  
16:04:59 15 correct?

16 A. Yes.

17 Q. And you will confirm that xxxxx used to take diamonds to  
18 Mr Sesay at Lebanon; not so?

19 A. I don't know. I am not an officer, not a fighter, I am  
a

16:05:27 20 civilian. I don't know.  
21 Q. But did you hear that xxxxxxxx took diamonds to Mr Sesay  
at  
22 Lebanon?  
23 A. No, I did not hear about that.  
24 Q. Mr Witness, did you hear that Mr Sesay had civilians who  
16:05:48 25 were mining for him?  
because  
26 A. He is a big man. I don't know about his business  
27 everybody was going about his own business. Well, that maybe  
28 possible if you were able to support your men, but I don't  
know.  
1999, 29 Q. Mr Witness, you would agree with me that this was in

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1 not so, that Mr Sesay was in Lebanon?  
2 A. Yes, '99. He used to come and go back to Makeni. He  
used  
3 to settle between there and Makeni.  
4 Q. Now, Mr Witness, can you confirm that the RUF had  
training  
16:06:39 5 camps in Kono?  
And  
6 A. I was a civilian. I wouldn't say anything about that.  
7 there was not a day when somebody informed me about this.

8 Q. Mr Witness, have you ever heard of Superman Ground?

9 A. Yes, there was a village called Superman Ground at  
Meiyor.

16:07:14 10 Q. Do you know whether that was an RUF training camp?

11 A. Well, I did not know if a training camp was there. I  
don't

12 know.

13 Q. Mr Witness, I put it to you that there was a camp, an  
RUF

14 camp at Meiyor, and you ought to have known about that?

16:07:44 15 A. I don't know. If any of my children was captured I  
would

16 have known it, any of my brothers was captured I would have

17 known. But, I don't know.

18 Q. Mr Witness, you will confirm that you heard that  
civilians

19 were captured and taken to camps, correct?

16:08:14 20 A. Where I was staying? Those type of news did not reach  
my

21 ears. Let me don't say any lies because civilians were many.

22 Q. There were civilian camps in Kono which were run by the

23 RUF, correct?

24 A. Civilian camps? The camp that was in existence in Kono

16:08:52 25 which was at the old NDMC mining camp and that was where some

26 civilians settled, with the respective camp. And that camp

too,

27 civilians settled there. Those are the camps that I knew  
about.

28 Q. You also know about the camp at Wendedu, correct?

29 A. I don't know which type of camp. I don't know.

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1 Q. Civilian camps. First I asked you about training camps,  
2 now I'm asking you about civilian camps where civilians were  
kept  
3 by the RUF.

4 A. No. There was no camp at Wenedu.

16:09:56 5 Q. Mr Witness, when you mentioned that, in fact, had your  
6 brother been captured you may have heard of the camps, you  
would  
7 agree with me that you knew that there was a risk of civilians  
8 being captured by the RUF; am I correct?

9 A. No. If they were capturing civilian at Koidu Town,  
16:10:31 10 everybody would find his or her way. Everybody would have  
gone  
11 away, because if your companion is captured, tomorrow it will  
be  
12 your turn. And you are aware that civilians are unable to  
13 withstand hardship or punishment.

14 Q. Mr Witness, you would agree with me that civilians would  
16:10:53 15 not leave without permission of the RUF, correct?

16 A. Well, I cannot deny, because they used to obtain pass.  
If  
17 you wanted to go wherever, you would -- they would be given a  
18 pass. But later on after the town was filled with people  
there  
19 were no passes issued out, everyone was moving freely.



16:11:25 20  
civilian

Q. Mr Witness, you would agree with me that in 1999 a

been

21 who would have attempted to leave without a pass would have

22 forcefully brought back?

to

23 A. Yes, the law is that if you want to go anywhere you have

24 obtain a pass. If you go without a pass there is no place to

16:11:49 25

complain, because if the fighters see the pass with you, you

you

26 would be expected. But, if you don't have it they would have

They

27 have another intention. That was the lecture given to us.

28 said, if you had not a pass, if you go anywhere and you were

29 harmed, it was your business. But, if you had a pass then you

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1 would go free.

stay

2 Q. You would agree with me that civilians were forced to

3 in Kono?

4 A. I don't know whether they were forced to stay in Kono.

16:12:32 5  
used

There are a lot of escape routes in Kono. They would have

6 them and the town would have been empty.

7 Q. Mr Witness, in 1999 you had a bad leg, correct?

8 A. Yes, from October 30, 1995 when I had the fracture. In  
9 fact, they wanted to cut it off at Connaught Hospital because  
16:13:04 10 they said I'd advanced in years and I would not be cured. It  
was  
11 only a Limba man who cured me.

12 Q. Mr Witness, and the leg was giving you cause for concern  
in  
13 1999, correct?

14 A. Yes, I was concerned. I had to use the native mud, they  
16:13:34 15 would prepare it with the medicine and I would apply it. And  
I  
16 thank God I'm now like this. I came to --

17 INTERPRETER: Your Honours, I did not get that bit.

18 MR FYNN:

19 Q. Mr Witness, could you repeat that? The translator did  
not  
16:13:56 20 get it. After "I thank God," I believe?

21 A. I said from October 30, 1995, I left Kono. We escaped  
from  
22 the rebels, we came to Freetown. When we came to Freetown, in  
23 fact, I was in charge of the refugees at J. Matta. J. Matta  
24 here. I left to collect food, up to 200 bags of rice for the  
16:14:32 25 displaced. And the vehicle lost control, and they picked me  
up,

26 and I had a fracture on three parts in my leg. So I was taken  
to  
27 the Connaught Hospital and they said they had to cut out off.

28 they took me secretly and they took me to a Limba mammy at  
Shell.

29 Q. Now, Mr Witness, my question is that in 1999 you've  
agreed

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the

correct

went

I

in

1 the leg was giving you cause for concern. You were in Kono,

2 lady who had healed you was in Shell, in Freetown. Am I

3 that you could not come to Freetown though you wanted to have

4 treatment for your leg?

16:15:35

5 A. No. The mammy who cured me, I used to stand up, I was

6 walking slowly. I was with that, in that state, even when I

7 to Gbedu I was still using the crutches.

8 Q. Mr Witness, you would agree with me that even though you

9 may have wished to leave Kono in 1999, you could not do so

16:16:14

10 without RUF permission?

11 A. By then too, I had no money on me to come to Freetown.

12 was unable to come, in fact. So that's why I did not come.

13 Q. Mr Witness you would agree with me that food was scare

14 1999, not so?

16:16:52

15 A. Yes, we used to have it in bits but it was still not

16 enough.

17 Q. And going backwards a little, in 1998 food was scarce in

18 Kono, correct?

to 19 A. Yes, but we were having it half-and-half. We just had  
16:17:13 20 survive.  
finding 21 Q. And you have testified that civilians went on food-  
22 missions. When they went they were escorted by armed men; not  
23 so?  
24 A. Yes.  
16:17:35 25 Q. Now, would I be correct to suggest that these armed men  
had 26 to take permission from the G5 to go with the civilians?  
27 A. Yes, it did happen. It used to happen.  
28 Q. A strict record was kept of those civilian who went out  
29 with the armed men, not so?

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But, 1 A. Yes. Before leaving they would cook for you. And you  
2 would eat. And they would write down your names, and when you  
3 return they would call the names of those who had returned.  
4 God helped us since we stayed at Koakoyima nothing happened  
16:18:31 5 except for the illnesses and the deaths.  
of 6 Q. So, in fact, the armed men had to bring the exact number  
7 civilians he went out with; not so?

8 A. Yes.

9 Q. Mr Witness, I would suggest that you that the food found  
on  
16:18:56 10 these food-finding missions was given over to the RUF; am I  
11 correct?

12 A. Yes. The person who protected you on your way, on your  
13 return you should give him something. Before leaving, in  
fact,  
14 they would tell you that.

16:19:20 15 Q. Mr Witness, I would suggest to you that the guards you  
went  
16 with were to prevent you from escaping from the RUF?

17 A. Probably that was what was in their mind, but in our own  
18 mind, except you moved and you went somewhere else, if they  
saw  
19 you they would kill you. If you ended up dying then that was  
16:19:53 20 your destiny.

21 Q. Mr Witness, you will recall that the RUF attacked Kono,  
22 Koidu Town in particular, in February 1998?

23 A. Yes, there were attacks. I can't recall the dates  
exactly,  
24 but as we moved they were attacking Koidu Town.

16:20:47 25 Q. But you do recall that some of those attacks took place  
in  
26 1998?

27 A. Well, the first attack when they attacked was in October  
28 the 23rd, 1992. Yes, 1992 or 3. That was the first attack  
when  
29 we moved. That day was a Friday. There was a heavy rainfall

1 that night, I can't forget that.

2 Q. Mr Witness, if you come forward a little in time, after  
the 3 overthrow of the AFRC/RUF, did RUF attack Koidu Town? Do you  
4 recall?

16:21:25 5 A. Except when they were removed from Freetown because the  
6 force they advanced with, that was what made us to leave the  
7 town, in fact.

8 Q. Yes, that's the time I am referring to when they had  
just 9 left Freetown, Mr Witness?

16:21:47 10 A. Yes?

11 Q. You would agree with me that during that attack the RUF  
12 killed many civilians in Koidu Town?

13 A. Well I was not present. I would not say they killed or  
14 they did not kill. I had left, I don't -- I did not know. I  
16:22:13 15 cannot confirm or deny that.

16 Q. But, Mr Witness did you hear that a lot of civilians  
were 17 killed?

18 A. Yes. They said they had killed some civilians and some  
19 armed men. It was just hearsay.

16:22:35 20 Q. And did you also hear that a lot of property was looted?

21 A. Yes, for that, I heard about that. In 1992, how we left

22 our things we met them the same way, intact.

23 Q. So you met your things intact in 1992. But in 1998 when

24 the RUF was coming from Freetown, did you meet your things

16:23:06 25 intact? Did you hear that a lot of houses were looted?

26 A. Yes, they looted, they looted a lot of houses on our

27 return. On our return I saw some houses being burnt down but,

I

28 can't say who burnt them down. In fact, we did not meet

anything

29 there.

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1 Q. So you met all the houses burnt down; correct?

2 A. Yes, yes.

3 Q. And you also know that as the RUF retreated back to Kono

4 they abducted a good number of civilians?

16:23:46 5 A. Yes, I used to hear about that. I heard of that.

6 Q. And did you also hear that during that attack many women

7 were raped?

8 A. Yes, I heard about it. Even though it was a hideout,

9 people were still talking about it.

16:24:14 10 Q. Mr Witness, you have mentioned two incidents which I  
wish

the 11 to bring back to your attention. First was the one regarding  
12 chief who was killed over a chicken. Am I correct that that  
13 chief was not killed in Koakoyima?  
14 A. Well, he was brought, it was at Congo Wako, Nimikoro  
16:24:49 15 Chiefdom. It was not at Koakoyima.  
16 Q. Were there MPs at Nimikoro Chiefdom?  
17 A. Well they must, they definitely should have been there.  
18 But, I did not know whether they were there. In fact, I did  
not 19 go there.  
16:25:17 20 Q. Mr Witness, you also talked about a fighter who was  
killed 21 because he was accused of rape. That incident did not occur  
in 22 Koakoyima; am I correct?  
23 A. Yes. It was in a village at Gbense Chiefdom. They  
brought 24 the matter at -- to Koakoyima.  
16:25:44 25 Q. There were MPs at Gbense Chiefdom; am I correct?  
26 A. No. They were only based in Koakoyima.  
27 Q. Mr Witness, am I correct that the Gbense Chiefdom and  
28 Tankoro Chiefdom were like twin chiefdoms, they were two  
separate 29 administrations but for the time being were held together as  
one?

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1 A. The chiefdom is separated by water. The houses are  
2 separated by stones and water. If you do not understand, you  
3 would --

4 INTERPRETER: Your Honours, can the witness go over it  
16:26:44 5 again?

6 MR FYNN:

7 Q. Could you say that slowly, Mr Witness?

8 PRESIDING JUDGE: You were in charge of -- Mr Witness.

9 MR FYNN: My Lords, because of the -- I think those  
things

16:26:55 10 were said in the closed session. That is why I did not want  
to

11 confront him with that information.

12 PRESIDING JUDGE: Okay.

13 MR FYNN: I'm trying to get to it in a very round-about  
14 kind of way.

16:27:07 15 PRESIDING JUDGE: Yes, okay.

16 MR FYNN:

17 Q. Could you say it again, Mr Witness, what you just said  
18 regarding the two chiefdoms?

19 A. Okay, okay. Gbense Chiefdom and Tankoro Chiefdom, the  
16:27:23 20 centre, the township, formed Koidu, new Sembehun and the city  
21 council. Tankoro part is the --

22 THE INTERPRETER: Sorry. Let the witness come again,  
23 please.

24 MR FYNN:

16:27:43 25 Q. Mr Witness, you seem to be going too fast for the

26 interpreter. Please slow down, okay?  
27 A. Okay, okay.  
28 Q. And try to pause after every sentence. Yes, you may  
29 answer.

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1 A. Okay.  
2 Q. Yes, you were telling us about the Gbense Chiefdom and  
3 Tankoro Chiefdom.  
4 A. Yes.  
16:28:18 5 Q. Would I be correct to say that they were both --  
6 A. Yes.  
7 Q. -- having their own separate administration?  
8 A. Yes, even during the period of the traditional rulers,  
the  
9 paramount chief in Gbense is different. And the one in  
Tankoro  
16:28:52 10 is a different paramount chief. Chief Sahr Quee is in  
Tankoro.  
11 Chief Fekeh Kamachande, he is in Gbense.  
12 Q. Mr Witness, I would suggest to you that it is untrue  
that  
13 there were no MPs in the Gbense Chiefdom?  
14 A. No. At that time all of them were based at Koakoyima.

16:29:14 15 During that time nobody was in the township in Koidu Town.  
There

16 was nobody there.

17 Q. Mr Witness, I would suggest to you that it is untrue  
that

18 the executions you mentioned were carried out in Koakoyima, if  
at

19 all?

16:29:37 20 A. Well, the one who raped was gunned down before me in  
front

21 of the MP station -- the office.

22 Q. Mr Witness, when did the natural rulers return to Kono;  
do

23 you remember?

24 A. It was in 2001.

16:30:15 25 Q. Mr Witness, you mentioned that there was a meeting, I  
26 believe, in Bonea street at which president --

27 A. Bona street.

28 Q. Could you say that again, please?

29 A. Bona street. Yes, at the RC church.

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1 Q. Now could you just confirm who was at this meeting?

2 A. Yes. Head of state, Konare, Obasanjo and Kabbah, and  
their

3       respective entourage.

4       Q.     Mr Witness, was this a closed-door meeting?

16:31:26 5       A.     Well, no.  It was an open one.  It was only that some  
security 6       people were afraid because they came with very serious  
7       and the church was full.

8       Q.     And Mr Witness, you were not afraid; am I correct?

9       A.     Not at all, if women were there, I am a man.  Why should  
I 10       be afraid?  
16:32:00 10

-- 11       Q.     I take the point, Mr Witness.  Mr Witness, you mentioned

question 12                JUDGE BOUTET:  I'm sorry, Mr Prosecutor.  Was your

know 13       only to those dignitaries that came from a foreign land?  I

14       President Kabbah was there at that time but, I thought your  
16:32:25 15       question was to describe who attended that meeting and such.

it 16                MR FYNN:  Yes, My Lord.  Save that he seemed to clarify

door 17       when I asked him the next question, whether it was a closed-

so 18       meeting.  He went on to say it was not, everybody was invited,

19       I stopped my chase there.

16:32:43 20                JUDGE BOUTET:  Thank you.

21                MR FYNN:

Your 22       Q.     Mr Witness, you testified that you came to Freetown.

When 23       exact words:  "We came to Freetown for training in 1998."

24       you say "we," to whom did you refer?

16:33:08 25       A.     LWD workers.  Land, water, development department, and  
the

26 swamp irrigation, so on and so forth.

27 Q. Mr Witness, what kind of training did you come for?

28 A. It was how to develop swamps and how to design them.

29 Q. Mr Witness, I would put it to you that you were at that

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am I 1 meeting because the AFRC/RUF had designated you to be there;

2 correct?

paper. 3 A. No. In fact while entering you would not be given a

there 4 You were not given an invitation paper. You would only go

16:34:07 5 to listen what was happening. We were about peace. So nobody

6 was forced to go out. But if the place was full, and you'd be

7 checked, if you had any weapon it would alarm. As people

8 observed that things were taken from, they were given away --

You 9 PRESIDING JUDGE: Mr Witness, the question was simple.

16:34:30 10 went to that meeting because you had been designated by the  
AFRC

11 or --

12 MR FYNN: AFRC/RUF.

13 PRESIDING JUDGE: -- RUF. Is it a yes or no answer?

14 THE WITNESS: No.

16:34:42 15 THE WITNESS: No.  
16 MR FYNN:  
17 Q. Mr Witness, you travelled all the way from Kono to  
attend  
18 that meeting; am I correct?  
19 A. Which meeting?  
16:35:03 20 Q. The training.  
21 A. Okay, yes, yes, yes.  
22 Q. You travelled all the way from Kono to attend that  
23 training?  
24 A. Yes. They wrote us letters and they invited us for the  
16:35:25 25 training. They showed us the dates to come. All of us  
26 travelled. I was the not the only person that came from Kono.  
27 We were four in number. People came from all over Sierra  
Leone,  
28 Port Loko, Makeni, Kenema, Kailahun. All of us that were  
under  
29 swamp development came.

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1 Q. Mr Witness, I would put it to you that you came to that  
2 meeting because you were designated -- to that training  
because  
3 you were designated by the AFRC/RUF to be there?

4 PRESIDING JUDGE: He has said no.

16:35:58 5 MR FYNN:

6 Q. And similarly, it was because you were RUF, that's why  
you

7 were not afraid to be in that church meeting?

8 A. Well, no. It was not because you said I'm RUF that that

9 was why I attended that meeting. No, it wasn't.

16:36:24 10 Q. But, Mr Witness, you do not deny that you are in fact  
RUF?

11 A. I am not an RUF. I am an ordinary civilian.

12 Q. Mr Witness, I take the point that you are a civilian  
but,

13 nonetheless you are RUF. Would you agree with me?

14 A. No. It is not in my heart.

16:36:57 15 JUDGE BOUTET: What was the answer? It was not in my --

16 PRESIDING JUDGE: In my heart.

17 MR FYNN: In his heart.

18 JUDGE BOUTET: Thank you.

19 MR FYNN: My Lords, that will be all for him. I thank  
you

16:37:11 20 very much, Mr Witness.

21 JUDGE BOUTET: I'm sure Mr Jordash you have no  
examination

22 this time.

23 MR JORDASH: Well I kind of do.

24 PRESIDING JUDGE: Well let's see how far we go, Mr  
Jordash.

16:37:38 25 MR JORDASH: Only one issue and it's this, that if I can

26 try. The witness, Mr Witness --

27 PRESIDING JUDGE: Do you want us to ask this witness to

28 leave before you seek, before you explore your premises and --

that

29 MR JORDASH: No. I'm certain Your Honours will agree

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1 I'm right this time.

at a

2 PRESIDING JUDGE: Well, I give my proxy to my two  
3 colleagues. I will say nothing this time. But I'll join in  
4 certain stage.

16:38:18 5 MR JORDASH: You make me nervous now.

6 RE-EXAMINED BY MR JORDASH:

7 MR JORDASH:

like

8 Q. Mr Witness, you have said maybe two things which I'd  
9 to look at. On the one hand you said that all the houses in

16:38:40 10  
1999.

10 Koidu were burnt down in -- by the time you arrived back in

all

11 On the other hand you said that you, the civilians, moved into  
12 houses. Can you explain the state of the houses? Were they  
13 burnt down or what was the situation?

14 A. Not all the houses were burnt down.

16:39:23 15 Q. The ones in the centre of Koidu Town?

16 A. Even there, not all. Some houses were partially burnt  
17 down, some were not burnt down at all.



18 MR JORDASH: That's all I have. Thank you.

19 PRESIDING JUDGE: You have escaped.

16:39:44 20 MR JORDASH: It's Friday afternoon.

21 PRESIDING JUDGE: A good weekend for you, isn't it.

22 MR JORDASH: Yes, I'm grateful.

23 JUDGE BOUTET: You were on better ground this time.

24 PRESIDING JUDGE: You have to be grateful to one person,  
16:39:59 25 and that's Mr Fynn and Mr Hardaway on the other side. They  
26 didn't obstruct you this time. So I think they would deserve  
a  
27 weekend drink.

28 MR FYNN: It would be most welcome, My Lord.

29 PRESIDING JUDGE: Yes. All right. Mr Witness, we have

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to  
1 come to the end of your testimony and we thank you for coming  
2 testify before us and to let us have your story about what was  
3 happening in your area at that time. So we thank you once  
more  
4 and we wish you a safe journey back to your residence, and to  
16:41:07 5 your people.

6 THE WITNESS: Thank you, sir.

7 PRESIDING JUDGE: All right. We would recess and the  
8 witness can thereafter be assisted, you know, out of the  
9 courtroom. We will rise, please.

16:41:34 10 [The witness withdrew]

11 [Break taken at 4.33 p.m.]

12 [RUF1FEB08A - DG]

13 [Upon resuming at 5.05 p.m.]

14 [The witness entered Court]

17:14:03 15 PRESIDING JUDGE: Yes, Mr Jordash.

16 MR JORDASH: Yes, the next witness is DIS-066.

17 PRESIDING JUDGE: The forty-fourth. I hope we'll keep  
the  
18 count well now.

19 MR JORDASH: Forty-fourth.

17:14:19 20 PRESIDING JUDGE: Forty-fourth.

21 MR JORDASH: And the language is Krio.

22 PRESIDING JUDGE: DIS-

23 MR JORDASH: 066.

24 PRESIDING JUDGE: Can you swear him in.

17:14:43 25 WITNESS: DIS-066 [Sworn]

26 [The witness answered through interpreter]

27 PRESIDING JUDGE: Please. Yes. Yes, Mr Jordash, you  
may  
28 proceed, please.

29 MR JORDASH: I just appreciated that I need to have the

but 1 witness's name on record, but I don't need a closed session,  
2 if I could ask that the witness be allowed to whisper it to  
3 the --

4 PRESIDING JUDGE: Then it can be written.

17:16:13 5 MR JORDASH: Yes.

6 PRESIDING JUDGE: Is he -- can he not write his own  
name?

7 MR JORDASH: Let me just clarify. I don't think so.

8 EXAMINED BY MR JORDASH:

9 MR JORDASH:

17:16:21 10 Q. Mr Witness, good afternoon.

11 A. Yes, afternoon.

12 Q. Are you able to read and write? Can you write your own  
13 name?

14 A. No.

17:16:35 15 Q. Okay. Would you be able to say it quietly to either the  
16 witness and victims lady who can write it down on a piece of  
17 paper for you, but don't say it yet.

18 A. Okay.

19 PRESIDING JUDGE: Yes. Can she [sic] be given a paper,  
17:17:00 20 please. Thank you.

21 Mr Jordash, you're tendering the paper, are you?

22 MR JORDASH: Yes, please.

23 PRESIDING JUDGE: It is admitted and marked as exhibit -

24 what is that again?

17:18:56 25 MS KAMUZORA: 299.

26 PRESIDING JUDGE: 299. Okay.

27 [Exhibit No. 299 was admitted]

28 PRESIDING JUDGE: The paper has been tendered and marked  
29 confidentially as Exhibit 299.

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1 MR JORDASH: Thank you.

2 Q. Mr Witness.

3 A. Yes.

4 Q. You look nervous, don't be. Don't be anxious.

17:19:37 5 A. Okay.

I'm

6 Q. How old are you, please? Well, before we start that,

7 going to ask you some questions, and after I've finished there

8 will be some questions from others --

9 PRESIDING JUDGE: Can you have this please?

17:19:59 10 THE WITNESS: Okay.

11 MR JORDASH:

12 Q. -- and especially the Prosecution to your left. If you

13 don't understand my questions, please ask me to repeat the

14 question.

17:20:12 15 A. Okay.

16 Q. If you don't know the answer, it's perfectly acceptable  
to  
17 say I don't know. Please speak at a moderate pace, so that  
what  
18 you say can be translated; do you follow me?

19 A. Yes.

17:20:38 20 Q. How old are you?

21 A. 35 years.

22 Q. Where were you born?

23 A. At Bumbuna.

24 Q. And where do you live at presently?

17:20:57 25 A. I live in Bumbuna right now.

26 Q. Are you married?

27 A. Yes, I'm married.

28 Q. How many wives?

29 A. One.

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1 Q. Do you have any children?

2 A. Yes.

3 Q. How many?

4 A. There are three in number.

17:21:26 5 Q. Did you go to school?

6 A. I did not go to school.

7 Q. Have you ever met Issa Sesay?

8 A. No.

9 Q. I suppose it follows that you have never spoken to him  
or

17:21:56 10 have you spoken to him? Have you ever spoken to him?

11 A. With the first I have never discussed.

12 Q. Have you ever seen him?

13 A. I have not yet seen him.

14 Q. Now, I want to ask you about some of your experiences --

17:22:20 15 PRESIDING JUDGE: When he says that he has not yet seen  
seen

16 him, is it that he has never seen him? He says: I have not

17 him yet. What does that mean? Is that Krio [indiscernible].

18 THE WITNESS: I've never seen him before.

19 MR JORDASH:

17:22:41 20 Q. Would you recognise him?

21 A. Well, I wouldn't know him.

22 Q. Okay. Let me take you to the war. When the war first  
came

23 to Sierra Leone, where were you?

24 A. I was in Kono.

17:23:15 25 Q. Did you stay in Kono for some time?

26 A. Well, when the war came, I was there, but there were

27 certain times when I leave Kono and go elsewhere.

28 Q. Were you working in Kono when the war came?

29 A. Yes.

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OPEN SESSION

1 Q. What were you doing?

2 A. We were mining.

3 Q. What were you mining?

4 A. Diamonds.

17:23:58 5 Q. Do you know where you were in 1996 when President Kabbah  
6 became president?

7 A. I was in Kono.

8 Q. Were you still mining diamonds?

9 A. Yes.

17:24:27 10 Q. Did you stay in Kono mining diamonds throughout 1996?

11 A. Yes.

12 Q. Did you go anywhere --

13 A. No.

14 Q. Did you hear of the Abidjan Peace Accord?

17:25:01 15 A. I heard about that.

16 Q. Did you go anywhere after the Abidjan Peace Accord?

17 A. I did not go anywhere.

18 Q. Did you ever go to Tongo?

19 A. Yes, I went to Tongo.

17:25:46 20 Q. When did you go to Tongo?

21 A. I went to Tongo in 1997.

22 Q. When you went to Tongo in 1997, who was president?

23 A. I did not get you clearly.

24 Q. Let me ask this question: Are you aware that in May of  
17:26:21 25 1997, Johnny Paul Koroma took over as president in Freetown?

26 A. Well, we had been hearing about that through rumours.

27 Q. Did you go to Tongo before you heard that or after you  
28 heard that?

29 THE INTERPRETER: Can the witness come again, that is  
not

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1 clear to the interpreter.

2 MR JORDASH:

3 Q. Did you go to Tongo, Mr Witness, before you heard about  
4 Johnny Paul Koroma in Freetown, or did you go after you'd  
heard?

17:27:17 5 A. It was after I heard, later I went to Tongo.

6 Q. Why did you go to Tongo?

7 A. Well, during that period when I had left Guinea, when I  
8 left Guinea, I went to Tongo.

9 Q. What were you doing in Guinea?

17:27:41 10 A. Well, in Guinea I was in a camp.

11 Q. Which years were you in Guinea?

12 A. I was in Niadu camp at Ngegedu.



13 Q. Which year?  
14 A. Well, the year, that I wouldn't be able to recall again.  
I  
17:28:20 15 did not write it down.  
16 Q. Okay. Fair enough. Let's go back to you being in  
Tongo.  
17 Were you working in Tongo?  
18 A. Yes, I used to work in Tongo.  
19 Q. Doing what?  
17:28:41 20 A. We were mining for diamonds.  
21 Q. Who was in control in Tongo when you were mining?  
22 A. Well, during that time, we met Kamajors and some  
soldiers  
23 and RUF.  
24 Q. Were they all there together or different times?  
17:29:18 25 A. Well, at the camp they were not together, but when they  
26 were in town, they were just mingled together.  
27 Q. How long did you stay in Tongo, Mr Witness?  
28 A. Well, Tongo, I wouldn't be able to say the days I spent  
29 there.

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1 Q. Did you leave Tongo at some time?

2 A. Yes.

3 Q. Where did you go?

4 A. I went back to Kono.

17:29:59 5 Q. What made you leave Tongo?

why 6 A. Well, it was an attack that was made on Tongo, that is

7 I left there.

8 Q. Who attacked Tongo?

9 A. It was the Kamajors who attacked Tongo. That made me to

17:30:20 10 leave the place.

11 Q. Did other people leave at the same time?

12 A. Yes.

13 Q. Do you know whether it -- which year it was?

14 A. It was in 1997.

17:30:43 15 Q. When you were in Tongo in 1997 --

16 A. I'm unable to understand you.

17 Q. No, I haven't finished my question.

18 A. Okay.

19 Q. When you were there and the RUF were there, in Tongo,

were 20 you able to mine freely?

17:31:16 21 A. Well, we were mining, but during that time, the mining

was 22 under a certain condition.

23 Q. What was that?

24 A. The condition was in Tongo, during that time, when he

17:31:41 25 extract gravel because we used to mine at the terrace. You

have 26 some bags wherein you put the gravel which you carry somewhere

27 else.

28 Q. And what was the situation with the gravel at that time?

the 29 A. My gravel was -- it was a business between myself and

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1 bossman who was supporting me.

2 Q. Was the bossman a civilian or a fighter?

3 A. It was a civilian.

4 Q. Did you receive any proceeds for your mining at that  
time?

17:32:26 5 A. I'm unable to understand that question.

6 Q. Were you able to receive any benefit from your mining at  
7 that time in Tongo?

8 A. During that time I was able to get something that made  
me  
9 to maintain my life.

17:32:56 10 Q. Were you mining voluntarily or not?

11 A. I was glad to mine.

12 Q. And were there other civilians mining at that time?

13 A. Yes, there were civilians who were mining.

14 Q. Did you observe whether they were mining voluntarily or  
17:33:27 15 not?

16 A. Well, that -- I wouldn't be able to say on their own  
part.

And  
17 Q. Okay. Fair enough. But you were mining voluntarily.  
18 then you went to Kono in 1997?  
19 A. Yes.  
17:33:50 20 Q. And when you arrived in Kono, what did you do?  
21 A. Well, I had one of my friends. I went to him and I  
22 explained to him that I had come from Tongo and I had  
returned.  
23 Q. And why did you go and explain that to him?  
24 A. It was because we were attacked, that is why I left the  
17:34:30 25 place.  
26 Q. This friend of yours in Kono --  
27 A. No, it was a Mende.  
28 Q. Okay. This Mende friend of yours, who you found in  
Kono,  
29 did you have any --

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1 PRESIDING JUDGE: You are what tribe.  
2 THE WITNESS: Mandingo.  
3 MR JORDASH:  
4 Q. Did you work in Kono, when you arrived in 1997?  
17:35:21 5 A. Yes, I was working there.

your 6 Q. Can you explain how it was? What you did to arrange  
7 work on arriving at Kono?  
8 A. Yes, I would explain.  
9 Q. Go ahead.  
17:35:33 10 A. Well, when I went and met this of my friend who was  
Tommy,  
11 he was working there at Kaisambo were working there. Then I  
told  
12 him that we -- I wanted to --  
13 THE INTERPRETER: Can the witness go a little bit  
slower?  
14 MR JORDASH:  
17:35:55 15 Q. Remember to try and pause every so often.  
16 PRESIDING JUDGE: He said he was working where? Tommy  
was  
17 working where?  
18 MR JORDASH: Kaisambo.  
19 PRESIDING JUDGE: Kaisambo.  
17:36:10 20 THE WITNESS: Tommy was working at Kaisambo.  
21 MR JORDASH:  
22 Q. Go on.  
23 A. I told him that I would join him so that all of us would  
24 work together.  
17:36:31 25 Q. And did you go to Kaisambo?  
26 A. Yes.  
27 Q. Were there other people at Kaisambo working?  
28 A. Yes.  
29 Q. A few people or many people, what kind of number?

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1 A. Many people.

2 Q. What were they doing?

3 A. They too were mining there.

4 Q. And did you have a supporter?

17:37:11 5 A. Yes.

6 Q. Was that a civilian or a fighter?

7 A. It was a civilian.

8 Q. Were there other -- were you the only civilian with a  
9 supporter at Kaisambo?

17:37:24 10 A. No.

11 Q. Did you see other supporters there?

12 A. Yes.

13 Q. Civilians or fighters?

14 A. They were civilian.

17:37:40 15 Q. Were there any fighters in Koidu or Kono District at  
this

16 time?

17 A. No, during the time we were working there, I did not see  
18 fighters there.

19 Q. Just so that we're clear, are you talking about Kaisambo  
or

17:38:03 20 Koidu Town or Kono? Let me break it down.

21 A. Kaisambo is located in Koidu Town.

22 Q. Okay. Do you know if there were any soldiers in the  
23 district at that time?

24 A. Well, during that time in 1997 when we were mining  
there,  
17:38:37 25 initially soldiers were there.

26 Q. You may not know, but I'll try anyway. You said there  
were  
27 many civilians mining at Kaisambo, are you able to give us a  
28 rough idea how many?

29 A. Well, I did not count them, but there were many.

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1 Q. How many pits were there at Kaisambo?

2 A. The pits were many. I was unable to count them all.

3 Q. In terms of civilians mining, do you think there were  
tens  
4 or hundreds or thousands?

17:39:29 5 A. Well, that was why I told you that I did not count them,  
6 but there were many.

7 Q. Was Kaisambo near any other mining places?

8 A. Yes.

9 Q. Where else -- what was near Kaisambo?

17:40:07 10 A. Well, the place we used to call there because it was  
11 separated by a street, but I'm thinking about the place. Just

The 12 allow me a little bit. The other place was called Bakondo.  
13 other area was called Joe Bush. That was the name we used to  
14 call that place.  
17:40:39 15 Q. Was any mining going on in that place, when you were at  
16 Kaisambo?  
17 A. Yes, they were mining there.  
18 Q. Who was mining there?  
19 PRESIDING JUDGE: Mining where?  
17:40:53 20 MR JORDASH: At the place he mentioned.  
21 PRESIDING JUDGE: Bakondo. He mentioned Bakondo and Joe  
22 Bush.  
23 THE WITNESS: Yes. Yes.  
24 MR JORDASH:  
17:41:04 25 Q. Is Bakondo and Joe Bush one place or two places?  
26 A. They were two place.  
27 Q. Was anybody mining in Joe Bush?  
28 A. Yes, they were mining there.  
29 Q. Civilians or fighters?

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1 A. Well, civilians were there.



2 Q. Do you know how many?

3 A. I wouldn't be able to say the number.

4 Q. Few or many?

17:41:35 5 A. There were many.

6 Q. And Bakondo, any mining there?

7 A. Yes.

8 Q. Civilians or fighters?

9 A. Civilians.

17:41:56 10 Q. Few or many?

11 A. There were many.

12 Q. Do you know if the mining conditions in those two places

13 were the same or different to the ones in Kaisambo?

14 A. Well, the condition that obtained there, I did not know

17:42:28 15 about it.

16 Q. Do you know if the civilians were mining freely or not?

17 A. Well, not that they told me they had any problem there.

18 PRESIDING JUDGE: Has he answered your question, Mr

19 Jordash?

17:42:59 20 MR JORDASH: I think.

21 PRESIDING JUDGE: Do you think he has answered the

22 question?

23 MR JORDASH: Yes, I do.

24 PRESIDING JUDGE: He has, okay. That he was never told

17:43:11 25 that civilians had any problem there?

26 MR JORDASH: Yes.

27 Q. Did the -- Well, I'll take Your Honour's cue. Civilians

28 never told you they had a problem there. What do you mean?

Just

29 elaborate a bit.

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1 A. Okay. For instance, if there were any problem, whatever  
2 you will hear that through rumours, but I wouldn't be able to  
say  
3 what was obtained there because I was not involve in mining in  
4 that area.

17:43:45 5 Q. And at this time when you were mining in Kaisambo, who  
6 received the gravel?

7 A. Well, during that time it was a company owned the place,  
8 and they had their securities there. It was the security that  
we  
9 handed the gravel to.

17:44:13 10 Q. Did you hand all the gravel to the securities?

11 A. No.

12 Q. Which proportion of the gravel did you hand to the  
13 securities?

14 A. Well, if you had a single pile, that would be divided in  
17:44:32 15 the middle.

16 Q. Do you know if it -- was that division at Bakondo and  
Joe  
17 Bush, or was it a different division?

18 A. No, for those areas I wouldn't say.

these

19 Q. Fair enough. Did you see any men with guns at any of

17:45:07 20 three places?

21 A. No.

in

22 MR JORDASH: I'm about to start a new area, the area of  
23 intervention, but I'm happy to continue. I use the word happy  
24 a very general sense.

17:45:57 25 PRESIDING JUDGE: Are others joining you in your  
happiness?

26 THE WITNESS: Oh, no problem.

here

27 PRESIDING JUDGE: Well, I think we will call it a day

We'll

28 for the weekend, and I wish everybody a restful weekend.

29 resume the session on Monday at 9.30.

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p.m.,

1 The Chamber will rise, please.

2 [Whereupon the hearing adjourned at 5.40

3 to be reconvened on Monday, the 3rd day of

4 March 2008 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 299

101

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-027

2

CROSS-EXAMINED BY MR CAMMEGH

2

CROSS-EXAMINED BY MR HARDAWAY

10

RE-EXAMINED BY MR JORDASH

16

WITNESS: DIS-089

22

EXAMINED BY MR JORDASH

24

CROSS-EXAMINED BY MR OGETO

76

CROSS-EXAMINED BY MR FYNN

83

RE-EXAMINED BY MR JORDASH

99

WITNESS: DIS-066

100

EXAMINED BY MR JORDASH

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