

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

THURSDAY, 09 MARCH 2006
9.43 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Pierre Boutet, Presiding Bankole Thompson Benjamin Mutanga Itoe
For Chambers:	Ms Candice Welsch Mr Matteo Crippa
For the Registry:	Ms Maureen Edmonds
For the Prosecution:	Mr Peter Harrison Mr Alain Werner Mr Mark Wallbridge(Case Manager)
For the Principal Defender:	No appearance
For the accused Issa Sesay:	Mr Wayne Jordash Ms Chantal Refahi
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF09MAR06A - SV]

2 Thursday, 09 March 2006

3 [Open session]

4 [The accused present]

09:43:18 5 [Upon commencing at 9.43 a.m.]

6 PRESIDING JUDGE: Yes, Mr Cammegh, I see you're up so you
7 have --

8 MR CAMMEGH: Just a minor request. I don't mean any
9 discourtesy. I was hoping Your Honours would allow me to leave
09:44:35 10 the room for five minutes simply because I've left a copy of
11 Tuesday's transcript in my office and I'm trying to work on that
12 from instructions.

13 PRESIDING JUDGE: That's fine.

14 MR CAMMEGH: Thank you, very much.

09:44:49 15 PRESIDING JUDGE: Good morning. Yesterday when we
16 adjourned, the Prosecutor was trying to complete the
17 examination-in-chief and there was an objection from you,
18 Mr Jordash, at that time. Not knowing, but given you stated you
19 had an objection, we adjourned to dispose of it or hear it this
09:45:10 20 morning. So that's where we left off. I'm not sure if the
21 witness had been taken out of the Court at that time. I don't
22 remember. At least it was the intent to have him taken out.
23 Anyhow, he's not there at this moment.

24 MR JORDASH: I've considered the matter overnight and, in
09:45:30 25 light of Your Honour's earlier ruling, I withdraw the objection.

26 PRESIDING JUDGE: Thank you, Mr Jordash. So we may carry
27 on with the examination-in-chief of this witness and we'll just
28 ask that the witness be brought back in court. Thank you,
29 Mr Jordash.

1 I've been informed that the witness is getting some medical
2 attention at this moment. It may take five to 10 minutes before
3 he's ready to come back. Given that, we'll adjourn until he's
4 ready. It should be five or 10 minutes.

09:48:15 5 MR JORDASH: I raise at this point to just indicate that I
6 want to make an application in due course for cross-examination
7 to take place completely in closed session.

8 PRESIDING JUDGE: Of this witness?

9 MR JORDASH: Yes. I don't know if Your Honours want to
09:48:29 10 hear that now.

11 PRESIDING JUDGE: We may as well wait. He is almost
12 finished in the examination-in-chief, I understand, yes. That's
13 fine but, as you know, we need to go in a closed session in order
14 to hear the substance of your application. So we take note of
09:48:55 15 your notice and we'll move into a closed session to hear your
16 application as soon as we've finished with the
17 examination-in-chief. Thank you, Mr Jordash. So we'll adjourn
18 pending the arrival of the witness.

19 [Break taken at 9.50 a.m.]

10:01:43 20 [Upon resuming at 10.01 a.m.]

21 WITNESS: TF1-108 [Continued]

22 PRESIDING JUDGE: Good morning, Mr Witness.

23 THE WITNESS: Yes, good morning.

24 PRESIDING JUDGE: How are you doing now?

10:02:46 25 THE WITNESS: I say thanks to God a bit.

26 PRESIDING JUDGE: Thank you. So, Mr Prosecutor, you are
27 ready to resume your examination and, please, just take it where
28 we were when we adjourned yesterday.

29 MR WERNER: Good morning, Your Honours. I will.

1 JUDGE ITOE: Mr Prosecutor, do you have a time estimate as
2 to when you intend to wrap it up?
3 MR WERNER: It hasn't changed, Your Honour.
4 JUDGE ITOE: It hasn't changed.
10:03:23 5 PRESIDING JUDGE: So we should be at 10 minutes now.
6 MR WERNER: Yes, Your Honour.
7 JUDGE ITOE: Right. Okay.
8 EXAMINED BY MR WERNER: [Continued]
9 Q. Good morning, Mr Witness.
10:03:42 10 A. Good morning.
11 Q. Mr Witness, yesterday you said men and women civilians came
12 to Kailahun District and that they said they were captured?
13 A. Yes.
14 Q. Did anything happen to the women?
10:04:04 15 A. Yes, what I knew about them I will explain.
16 Q. Please do so, Mr Witness.
17 A. Well, those women that they took there, they said they were
18 captured. Some of them were sent to the training base. The
19 others, commanders took them as their wives.
10:04:44 20 Q. Just pause there.
21 A. That is what I know about them.
22 Q. When you say the commanders, who are you talking about, who
23 are you referring to, Mr Witness?
24 A. The RUF commanders, some of them.
10:05:23 25 Q. Mr Witness, did you ever see RUF commanders with a captive?
26 A. Yes.
27 Q. Which commander, Mr Witness?
28 A. I saw two Kono women, they said -- I saw two Kono girls,
29 they said they're wives of CO Augustine Gbao.

1 Q. Where did you see them?

2 A. In Sandaru.

3 Q. Did you talk with them?

4 A. Yes, we spoke.

10:06:31 5 Q. Did they tell you anything?

6 A. Yes, because those days when we were -- when we used to

7 talk to them, we would be afraid because they were wives of our

8 commanders. But we were civilian commanders, we do talk in

9 hiding. They did say they were wives of CO commander -- CO

10:06:59 10 Augustine Gbao.

11 Q. Did they tell you anything else, Mr Witness?

12 A. Yes, they said they were held, they're wives of him, they

13 do work for him, they do sleep in the same house.

14 Q. Did they tell you anything else?

10:07:29 15 A. Well, if you have a wife, she must sleep with you in the

16 house. She would do what is necessary for her to do for her

17 husband. But they said they were not happy with it.

18 Q. Okay. So you told us about CO Gbao. Do you know if

19 another commander had captives, Mr Witness, at that time?

10:08:04 20 A. Yes.

21 Q. What do you know?

22 A. I saw another two Kono girls. They said CO Issa Sesay was

23 their husband.

24 Q. Where did you see them?

10:08:36 25 A. I saw them in Dodo Kotuma.

26 Q. Did you speak with them?

27 A. Yes, I spoke to them.

28 Q. What did they tell you?

29 A. They said they were captured and he's a big man. He said

1 they are his wives and he sent them to Dodo Kotuma.

2 Q. Who is "he", Mr Witness?

3 A. Mr Issa Sesay.

4 Q. Did they tell you anything else?

10:09:39 5 A. They said he said they are his wives and he sent them to
6 Dodo Kotuma.

7 Q. Do you know what these women were doing there in Dodo
8 Kotuma, these two women?

9 A. Yes, the one I know, yes.

10:10:13 10 Q. What is their name, the one you know?

11 A. A Kono girl called Bondu.

12 Q. Did you speak with Bondu?

13 A. Yes. She told me all what I have said.

14 Q. Did Bondu tell you anything else, Mr Witness?

10:10:49 15 A. Yes, that they were there but they were not happy.

16 Q. Did Bondu tell you anything else about what she was doing
17 there?

18 A. Yes, that she said they were going to be there. She said
19 they were there doing some work. So she said they were there
10:11:41 20 together, they do sleep in the same house, they will go fish for
21 him, they'll launder for him.

22 Q. Who is "him"?

23 A. Him, Mr Issa Sesay.

24 Q. When you said they slept in the same house, who are you
10:12:02 25 referring to?

26 A. Mr Issa Sesay and the other women, Bondu. Because the
27 other one I was not very familiar to her. But it was Bondu who
28 spoke to me.

29 MR WERNER: We don't have any other questions for this

1 witness.

2 Q. Thank you, Mr Witness.

3 A. Okay.

4 PRESIDING JUDGE: Thank you, Mr Prosecutor. Mr Jordash,
10:12:57 5 are you ready to proceed with your application?

6 MR JORDASH: I am. I'd like to do it, if I may, in the
7 absence of the witness.

8 PRESIDING JUDGE: That's fine. Just for the information of
9 members of the public, Mr Jordash, as you know, this is sort of
10:13:11 10 the approach we've taken to try to give some indication about the
11 duration, and this for their information if they want to, should
12 the application be granted -- how long you expect we're going to
13 be in a closed session. So that's basically my question to you.
14 Again, as you know, you're not compelled to stick to what you
10:13:35 15 have stated. It's just for general indication. So are we
16 talking an hour, a day, a day and a half?

17 MR JORDASH: I'd think a day. I'd hope to finish the whole
18 cross-examination within a day.

19 PRESIDING JUDGE: What would be the full day? Today?

10:13:51 20 MR JORDASH: Today. I'd hope to finish by the end of
21 today - everything.

22 JUDGE ITOE: Just out of curiosity, I don't know what the
23 position is with the other members of the Defence teams. Are we
24 going to --

10:14:08 25 MR TOURAY: I will expect about --

26 JUDGE ITOE: No, are you doing it in closed session as
27 well?

28 MR TOURAY: No, not the entire cross.

29 PRESIDING JUDGE: But some.

1 MR TOURAY: Some of it, perhaps 25 minutes, half an hour.

2 JUDGE ITOE: Mr Cammegh?

3 MR CAMMEGH: I'm speculating, but I would have thought that
4 I will need to be some time in closed session. I would hope that
10:14:32 5 it wouldn't be any more than an hour and I would hope that my
6 cross-examination in total would be less than half a day.

7 PRESIDING JUDGE: Very well, thank you. So members of the
8 public, you have some indication as to what's coming up. We will
9 be in closed session if the application is granted for certainly
10:14:49 10 the day today and likely to be part of the day tomorrow as well
11 in closed session. We thank you for coming and please come back.
12 Thank you. Can we move into a closed session arrangement,
13 please?

14 Make sure that the witness is taken care of and taken
10:15:20 15 outside of the Courtroom when we hear the application. Then he
16 will be called back once we have made the decision. So just wait
17 a few moments, Mr Witness. They will take care of you.

18 THE WITNESS: Okay.

19 [The witness stood down]

10:15:49 20 [At this point in the proceedings, a portion of the
21 transcript, pages 9 to 115, was extracted and sealed under
22 separate cover, as the session was heard in camera.]

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WITNESSES FOR THE PROSECUTION:

WITNESS: TF1-108 3

EXAMINED BY MR WERNER 4

CROSS-EXAMINED BY MR JORDASH 9