

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

MONDAY, 14 APRIL 2008
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Erin Shaw
Mr Christopher Boies

For the Registry:

Ms Maureen Edmonds
Ms Advera Kamuzora

For the Prosecution:

Mr Charles Hardaway
Mr Vincent Wagona

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Charles Taku
Mr Kennedy Ogeto
Ms Tanoo Mylvaganam
Mr Lois Mbafor

For the accused Augustine Gbao:

Mr John Cammegh

1 [RUF14APR08A-DG]
2 Monday, 14 April 2008
3 [Open session]
4 [The accused present]
5 [Upon commencing at 9.40 a.m.]
6 WITNESS: ACCUSED MORRIS KALLON [Continued]

7 PRESIDING JUDGE: Good morning, learned counsel, and
good
8 morning to you all. We are resuming the proceedings, and
9 Mr Taku.

09:49:49 10 MR TAKU: Good morning, Your Honours, and good morning,
11 Mr Kallon.

12 THE WITNESS: Good morning, Chief Taku.

13 PRESIDING JUDGE: I didn't quite recognise Mr Kallon
this
14 morning. I thought it was a second -- I thought it was a
second

09:50:03 15 Defence witness who had come in. Mr Kallon, you are looking
very
16 smart this morning.

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

18 PRESIDING JUDGE: Good. Yes, you may proceed, please.

19 EXAMINED BY MR TAKU: [Continued]

09:50:25 20 MR TAKU:

21 Q. Mr Kallon, we, because within the time we have, we have
to
22 move fast and only go to things which are very, very relevant
to

23 your defence; you understand?

24 A. Yes.

09:50:36 25
certain

Q. We also have here the statement of agreed facts on

When

26 issues, and it is not our intention to open these issues.

ask

27 we do refer to them, it's only to lay down the foundation to

28 the question; you understand?

29 A. Okay, sir.

SCSL - TRIAL CHAMBER I

Page 3

SESAY ET AL

14 APRIL 2008

OPEN SESSION

week

1 Q. Now, we want to clarify one issue that we raised last

Their

2 before we move quickly to Kono and other areas. You told

do

3 Lordships that you were not a member of the Supreme Council;

4 you remember that?

09:51:15

5 A. Yes, My Lord.

6 Q. But that you were a member of the AFRC Council; you

7 understand?

8 A. Yes, My Lord.

facts,

9 Q. Now, for your information, the statement of agreed

09:51:34 10 it was already agreed that the Supreme Council was the supreme
11 organ of the --
12 PRESIDING JUDGE: That we know.
13 MR TAKU: Yes, Your Honours.
14 PRESIDING JUDGE: Yes.

09:51:45 15 MR TAKU: Now --
16 JUDGE BOUTET: Not only we know, it's been agreed upon
17 by --
18 MR TAKU: Yes, Your Honour.
19 JUDGE BOUTET: -- I don't understand why we're again
09:51:50 20 working like this. You just said to your client that we
should
21 move quickly, so --
22 PRESIDING JUDGE: Move away from agreed issues or issues
23 which are not in contest.
24 MR TAKU: Thank you, Your Honours. Thank you.

09:52:04 25 PRESIDING JUDGE: Yes.
26 MR TAKU:
27 Q. Now, did there exist within the RUF -- well, it is also
28 agreed already that there was a War Council. Let me find out:
29 Were you a member of the War Council of that area?

SCSL - TRIAL CHAMBER I

1 A. No. No, My Lord.

2 PRESIDING JUDGE: Of which War Council?

3 MR TAKU: The RUF War Council.

4 Q. Now, without reopening the issue, let me read what TF-
366,

09:52:57 5 in the transcripts of 26 July 2005 --

6 PRESIDING JUDGE: TF what?

7 MR TAKU: 360, Your Honour. TF1-360. 26 July 2005,
page

8 38, line 16, and at page 39 lines 19. With your permission,
Your

9 Honours, let me read, then ask the question.

09:53:26 10 TF1-360 testified that at the relevant time, the seat of
11 the War Council was at Buedu; that Mosquito and Superman
attended

12 a meeting in Buedu but that Morris Kallon did not, and that
all

13 decisions and orders regarding the movement came from the RUF

14 High Command in Buedu; that: "Buedu was the seat of power and

09:53:57 15 authority," and your role, Morris Kallon, was merely to
receive

16 orders and decisions that concerned you, to pass them for

17 implementation, and that you could never, never issue orders,

18 even if authorised to do so by your superiors in Buedu; do you

19 agree with that.

09:54:17 20 A. Yes. The War Council Buedu they been based and then

21 Mosquito was the High Command of the RUF and the headquarter
was

22 Buedu, Kailahun District, and at the time we were in Kono, all

23 other operational order and other order came directly from Sam

24 Bockarie to Superman in Kono, My Lord.

09:54:47 25
clarify

or

you

the

Q. Now, let me find out one thing, Mr Kallon. We'll
26 another issue that was raised last week. Can you tell their
27 Lordships whether, in the course of your ideological training,
28 the training you had in the RUF, whether anyone was ever told
29 or told anyone to your knowledge that to attain the goals of

SCSL - TRIAL CHAMBER I

Page 5

SESAY ET AL

14 APRIL 2008

OPEN SESSION

standing

09:55:41 5
civilian

civilian;

take, I

so

09:56:03 10

1 revolution, collective punishment must not be inflicted on the
2 civilian population of Sierra Leone; did anyone ever tell you
3 that? Did you ever hear that?

4 A. No, My Lord. If you -- you can go back to the 25

5 point, it make it very clear that no one should enslave

6 within the RUF; that is, you are not to kill innocent

7 you are not to amputate innocent civilian; you are not to

8 mean, liberty with the women; that is, no raping and so on and

9 forth, My Lord.

Q. Did anyone tell you -- or anyone ask, to your knowledge,

to 11 that in order to attain the goals of the revolution, they have

12 terrorise the civilian population of Sierra Leone?

attended, 13 A. No. At the RUF training base, or the two bases I

14 no. But there were certain elements within the RUF, I cannot

09:56:36 15 vouch for them. Like Superman, Massaquoi, Sam Bockarie
himself,

Superman, 16 and -- like 361, 360, 366, all those were follower of

somehow 17 so I cannot vouch for them. And they always used to be

18 separate from the body of the RUF. Like, instance, when we

Superman 19 retreated 1998 in Kono. After August, Fiti Fata attack,

09:57:18 20 break away from the RUF and go towards the northern area, that
is

on 21 Kabala. So -- and right before this Tribunal, 366 -- 361 say

22 their way going, there were a lot of atrocity committed, so I

23 cannot vouch for him, My Lord.

24 PRESIDING JUDGE: You mentioned those you couldn't vouch

09:58:02 25 for. You said Superman, Gibril Massaquoi, Bockarie himself.
Did

26 you mention another name?

27 THE WITNESS: Yes, sir.

28 PRESIDING JUDGE: And -- and who else?

were 29 THE WITNESS: 361, 360, 366, Mike Lamin, this -- those

1 people who were doing things out of the ideology of the RUF.
2 That's why some of us do not go along with them, My Lord.

3 MR TAKU:

4 Q. Now, Mr Kallon, you testified that on 25 May 1996 you
were
09:58:51 5 in Bo Jungle; do you remember that?

6 A. Yes, My Lord.

7 Q. Now, were you ever told by anyone at any time in this --
in
8 the struggle that to attain the goals of the revolution you
must
9 conquer, capture the diamond areas of Sierra Leone in order to
09:59:16 10 use the proceeds?

11 PRESIDING JUDGE: What material is that in these
12 proceedings?

13 MR TAKU: Okay. Well, I mean, look at the indictment,
Your
14 Honours --

09:59:28 15 PRESIDING JUDGE: Yes, looking at the indictment, how
16 material as to whether he was told and as to whether it really
17 happened?

18 MR TAKU: Okay. Thank you, Your Honours. Thank you for
19 that. Let me move to another area.

09:59:39 20 Q. Now Mr Kallon, you said that you came right to Mile 91
and
21 you were asked to attack, to go back and attack Bo. Why were
you
22 asked to go back and attack Bo? What was the aim, when you

23 retreated from Bo, that you were asked -- what reason were you
24 given?

09:59:59 25
Sesay

A. In February 1998, the reason when Lieutenant-Colonel

26 and Lieutenant-Colonel Peter Vandj, from the side of the RUF,

Kailahun

27 when they came, actually we were finding way to get to

So

28 to the borderline. That was the former headquarter of RUF.

we

29 it was the route we wanted to use but very unfortunately, when

SCSL - TRIAL CHAMBER I

Page 7

SESAY ET AL

14 APRIL 2008

OPEN SESSION

so

1 got to Bo, Lieutenant-Colonel Sesay, by that time, got wounded

way

2 there was no way for us to push towards Kenema and find our

us

3 to Kailahun. That was the only reason we reattack Bo back for

4 to get shorter road to Kailahun.

10:01:07 5

Q. Now --

6 PRESIDING JUDGE: Mr Taku, please, get along with your

7 examination. Get along with your examination. Don't -- even

8 though I may be writing, I am following you. You know, we are

9 following you.

10:01:23 10 MR TAKU: Thank you, sir.

11 PRESIDING JUDGE: Yes, please get along with the
12 examination at the pace which you think you should. If we
want
13 to go slower we would indicate that.

14 MR TAKU: Yes, Your Honours.

10:01:34 15 PRESIDING JUDGE: Yes.

16 MR TAKU: Right away let me just say one thing, Your
multiple
17 Honours. In the course of the examination because of my
18 charging it may occur that we may go back to the same facts.
If
19 Your Lordships think it's redundant, please, you can always
draw
10:01:51 20 my attention to say that it has been covered --

21 PRESIDING JUDGE: Yes, we would. We would. Conduct
your
22 examination-in-chief as freely and as independently as you
23 consider it.

24 MR TAKU: Thank you, Your Honour.

10:02:04 25 PRESIDING JUDGE: Where we think that we -- that you're
26 getting into proscribed grounds, you know, we would step in.

27 MR TAKU: Thank you, Your Honours.

28 Q. Now, can you also tell Their Lordships why when you came
29 back to Mile 91 you went to Magburaka and you went to Kono;
why?

1 A. My Lord, at that time, in that very February, the ECOMOG
2 were running behind both RUF and the AFRC, and we were finding
3 all means and possibility to get towards Kailahun because
4 Kailahun had been our headquarter and Kailahun particular
there

10:02:53 5 were no AFRC deployed in Kailahun Town and Buedu and so forth.
6 Their deployment only stop at Daru. So when I get to

Magburaka,

7 My Lord, I met there with Mr -- I mean Lieutenant-Colonel Issa
8 Sesay, and I was told that Superman and his group has already
9 captured Kono and from Kono, Koidu Town to Kailahun is another
10:03:21 10 way shorter to Kailahun than for me to go back and take any
other
11 route. That was the reason, My Lord.

12 Q. Now TF1-366 testified, on 11 November 2005, pages 59 to
60,
13 and told this Honourable Trial Chamber that you went as far as
14 Masiaka, you were in Masiaka, and that between RDF -- that

from

10:04:12 15 Masiaka to RDF you came from Bo and ordered Operation Pay
16 Yourself. What do you say that to, please?

17 A. No, My Lord. I do not go to Masiaka during the retreat
in
18 February, My Lord. And, as I told you, the motive of TF-366
19 testifying against me. I have already --

10:04:33 20 PRESIDING JUDGE: Answer the question first.

21 THE WITNESS: I did not go there, My Lord, and I did not
22 order Operation Pay Yourself, My Lord.

23 MR TAKU:

24 Q. Again, do you know why this witness would make that
10:04:56 25 allegation against you, even though you say you didn't go
there,
26 why would he say that you were there and you gave that order.
27 Why do you think?

28 A. My Lord, last week I explained the problems, the
different
29 different problems occurred between myself and 366.

SCSL - TRIAL CHAMBER I

Page 9 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 PRESIDING JUDGE: And would that be the same
explanations?

2 THE WITNESS: Yes. Yes, My Lord.

3 PRESIDING JUDGE: Then we gloss through that and
proceed.

4 THE WITNESS: Thank you, My Lord.

10:05:22 5 MR TAKU:
6 Q. Now, Mr Sesay testified on 9 May 2007, amended
transcripts

7 Your Honours, at page 24 to 25, line 19, you said that you,
8 Morris Kallon, did not come to Masiaka. The stop at Mile 91
9 after you withdrew from Bo. Mr Sesay, at page 32 to line 24,
10:05:44 10 line 24 also said that he had with him two senior commanders
who

11 had trained him, Mr Sesay, Mike Lamin and Major Isaac Mongor;
12 what do you say about that?

Mongor
13 A. Yes, that is true. I did not go Masiaka, and Isaac
Camp
14 and Mike Lamin, they were the training commandant from the
10:06:13 15 Jackson, Naama base and all along they have been the senior-
most
16 officers within the RUF rank.

17 Q. Did they also train you?

18 A. Yes, My Lord.

19 PRESIDING JUDGE: That's Mike Lamin and who?

10:06:26 20 THE WITNESS: Isaac Mongor, My Lord.

21 MR TAKU:

22 Q. Now, Mr Kallon, TF-360, testified on 20 July 2005, at
pages
23 10 to 11, line 20 to 23, he testified and said that even
though
24 he was not present in Makeni, but that you told him, you
briefed
10:07:15 25 him that there was a meeting in Flamingo Nightclub in which
you
26 participated Bazzy, Johnny Paul Koroma, Five-Five and Mr
Sesay,
27 and that you briefed him that you ordered Operation Pay
Yourself.
28 What do you say about that, please?

29 A. No, My Lord, not true. I did not attend no meeting at

1 Flamingo Nightclub, and I do not give any order of the alleged
2 Operation Pay Yourself, and I do not go to Makeni during the
3 retreat, My Lord.

4 Q. Mr Kallon, can you tell Their Lordships --

10:07:50 5 PRESIDING JUDGE: Flamingo Nightclub is where again?

6 MR TAKU: Makeni, sir.

7 PRESIDING JUDGE: Uh-huh.

8 MR TAKU:

9 Q. Can you tell Their Lordships why this witness would
testify

10:07:59 10 against you falsely on that?

11 A. Chief Taku, 360 and 361, they were both operated under
12 Colonel Superman, and they were following Colonel Superman
from

13 point to point and because myself and Superman do not used to
go

14 along well, and do not used to agree to some of his
activities,

10:08:33 15 so all his boy behind him. We don't have to get close to make
16 any allegation against me because of me presently facing the
17 trial.

18 Q. Now, TF1-371 testified, on 20 July 2006, at page 31, and
19 establishes the following common structure of the retreat. He
10:09:03 20 says that he was a colonel, he was a full colonel, but he said
21 that, at page 61, lines 1 to 3, that on the retreat the
command

22 structure was still intact and assignments given to senior

that 23 military officers and High Command were intact. He stated
24 the RUF hierarchical command, a chain of command which was
10:09:36 25 maintained throughout the junta period, and it was maintained
26 throughout the junta period, and up to the point of leaving
the 27 city and retreating to Masiaka and Makeni, he established the
28 following command structure, which was established --
allegedly 29 established at Masiaka. This is starting from the highest.
He

SCSL - TRIAL CHAMBER I

Page 11 SESAY ET AL
14 APRIL 2008 OPEN SESSION

Sam 1 said Issa Sesay was a field commander and he [indiscernible]
2 Bockarie and that you, Morris Kallon, you were the field
3 commander and deputy -- no. You were the deputy group -- no,
4 you're the battle-group Commander, I'm sorry, a position
formerly
10:10:13 5 held by Issa. Various brigade commanders known as area
6 commanders [indiscernible] various RUF battalions were also
7 there. At the same -- and at the same level in the hierarchy,
8 that's to say, they had the same level in the hierarchy
overall
9 security commanders, G4, G5, directly responsible for the

10:10:45 10 internal defence unit, battalion commanders et cetera. That
is
11 on 10 July, at page 61 to 62. What do you say about that?
Were
12 you, Mr Kallon, battle-group commander at Makeni, under Mr
Issa?
13 A. No, My Lord. 1997, 1998, I was never in that position,
and
14 to make clear, 1998 retreat, Issa was not the battlefield
10:11:13 15 commander of the RUF. He was the battle-group commander of
the
16 RUF in February 1998, and the different area commander xxxx
17 talk about in this Tribunal, it is true, xxxx were on the
18 retreat, and he was from my area commander -- Superman was on
the
19 retreat. He was from my area commander. But I was not
10:11:41 20 battle-group commander and deputy to Mr Sesay. I did not held
21 that position.
22 Q. Again, Mr Kallon, why would you think TF1-371 would
testify
23 falsely against you in this regard?
24 A. My Lord, last week I think I showed the motive why TF1-
361
10:12:07 25 can lie on me, because of I do not support him in real
capacity,
26 or wanted to held leadership within the RUF.
27 PRESIDING JUDGE: Is it TF1-361 or TF1-371?
28 THE WITNESS: 371, Your Honour.
29 MR TAKU: 371.

1 JUDGE BOUTET: 37 what?

2 MR TAKU: 371, Your Honours.

3 JUDGE BOUTET: So when you refer to the transcript, you
4 refer to the transcript of 371 and not 361?

10:12:38 5 MR TAKU: Yes, I've finished with 361. Then I was now
on

6 371, Your Honour.

7 PRESIDING JUDGE: That was where my confusion came from
8 [indiscernible] 361 or 371.

9 MR TAKU: 371, Your Honours.

10:12:49 10 JUDGE BOUTET: So the reference of July 2006 is the
11 evidence of 361?

12 MR TAKU: No, 371. He testified --

13 JUDGE BOUTET: 371.

14 MR TAKU: Yes, Your Honours.

10:13:01 15 JUDGE BOUTET: Thank you.

16 PRESIDING JUDGE: And you say 371 had some malice
against

17 you because you did not support him in what?

18 THE WITNESS: The real position there, the position he
19 wanted to get in the RUF. First, he wanted to be trade and
10:13:12 20 industry minister in 1997. I do not supported him. Then he
21 wanted to be the interim leader after the arrest of Foday

Sankoh,

22 and I did not support him. So all along he has been getting -

23 MR TAKU:
24 Q. When you say you do not support him, what do you mean?
Did
10:13:33 25 you express your opinion publicly? Did he know -- did members
26 know?
27 A. Yes.
28 Q. Explain what you mean, please.
29 A. Yes. It was in the meeting when the ECOWAS leader
called

SCSL - TRIAL CHAMBER I

Page 13 SESAY ET AL
14 APRIL 2008 OPEN SESSION

were
1 for Mr Sesay in Liberia. When they returned, they said we
2 to appoint someone among ourselves to become the interim
leader.
3 Many people voted for xxxx at the clearing. I said no.
4 Sesay had been the field commander since Sam Bockarie left the
10:14:02 5 RUF. Sesay had been the field commander. If we are to emerge
6 any leadership, let us take him as the interim leader.
7 Q. Why do you support Mr Sesay over him? Is there any
8 particular reason, please?
9 A. Yes, My Lord. I know xxxx very well. He's one of
10:14:20 10 the man who actually was not having the interest of the people
in

himself

11 this country. He was wanted things for himself, to make

support

12 comfortable, and so on and so forth. So I cannot able to

fighting

13 that type of man to lead an organisation who we say were

14 for the right of the people.

10:14:44
that

15 Q. Now, listen, the same witness -- the same witness said

16 after the pull-out, "everybody had the rank of brigadier,"

17 including yourself, Mr Kallon, and that those ranks were given

to

18 April 1998 by deputy to the witness, to you, to Denis Mingo,

19 xxxx, to xxxx; what do you say about that, sir?

10:15:10

20 A. No, My Lord. The -- I do not hold that type of rank in

the

21 1998. Even the -- the leader of the RUF who were acting in

22 absence of Corporal Sankoh, which was Sam Bockarie, he did not

retreating.

23 have brigadier at that time, in February '98, while

Lord.

24 I knew him still as colonel. I was major at that time, My

10:15:50
18

25 Q. Now, listen carefully: Under cross-examination, that's

26 July 2006, Your Honours, at page 123, lines 25 to 28. Under

27 cross-examination the witness 371 says, when the looting was

28 happening on the way from Freetown, you were not present; he

29 admitted that under cross-examination. What do you say?

1 PRESIDING JUDGE: You want him to say no?

2 MR TAKU: Okay. All right. Let me move on. I just
3 wanted -- right. Let me move on, Your Honours. Thank you.

4 Q. Now, let's move quickly, Mr Kallon, to another area.

10:16:34 5 You've told Their Lordships -- now, Mr Kallon, when did you
get

6 to Kono, when you returned from Bo?

7 A. Do you mean the date?

8 Q. Yes. Yes, sir.

9 A. The date, if I'm not mistaken, it was on 18 February,
1998.

10:17:20 10 I'm sure. We get there around -- around 5 to 6, myself, Mr
11 Sesay, Eldred Collins, xxxx, yes.

12 Q. Now, when you got to Kono, was JPK still in Kono?

13 A. When we arrived into Kono, to be honest, that moment I
do

14 not know whether JPK was present because I was trying to get a

10:17:56 15 place to accommodate my family, but the next morning, yes, I
saw

16 JPK.

17 Q. Now, when you saw JPK, what was he doing? What did he
do?

18 What was he doing when you saw him?

19 A. The day we arrive in Koidu Town, the next morning, I
came

10:18:19 20 to greet Mr Sesay because he was wounded. We were there. JPK

21 sent that he want to see us. I mean us, myself, Sesay and all

22 officers around there. So we went. He say he want to get a

23 meeting, joint meeting both RUF and the AFRC, in Kono. We
24 remained there. He sent for all his former honourable member
of
10:18:49 25 AFRC junta. Everybody came in that meeting. In that meeting
26 Johnny Paul Koroma organised the group there by appointing
27 Superman as overall commander for both RUF and the AFRC.
Then,
28 if you look at Exhibit 194, you will see the person who he
29 appointed as deputy to Superman, in the absence of xxxx

SCSL - TRIAL CHAMBER I

Page 15

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 xxxx. That was the meeting Johnny Paul Koroma called for that
2 morning. He say he has received message from Sam Bockarie to
3 proceed to Kailahun but, before proceeding to Kailahun, he has
to
4 put the command structure in place.

10:19:46 5 Q. Did he put the commander structure in place?

6 A. Yes, My Lord, by appointing Superman as overall
commander

7 and then --

8 Q. Yeah. Have a look at Exhibit 9. That's Court Exhibit
9,

9 Your Honours. Show Mr Kallon. Is the information in Exhibit
9

10:20:30 10 correct, about the command structure that he has put in place?

11 A. Yes. Not all the people actually he appointed, but the
12 first two column, yes.

13 Q. He appointed the first two columns?

14 A. Yes. And then the -- another two column on the left-
hand

10:20:54 15 side, if you look at the document I'm holding so, that is the
16 field commander one, and then field commander two, and then
17 operational commander and deputy operational commander but the
18 rest now were organised by Superman and his deputy.

19 Q. Who was the deputy to Superman?

10:21:18 20 A. On this document -- actually, when we retreated xxxx
to
21 was not present in Koidu Town. We met. They said he has gone

22 Kailahun. The person who were deputy to Superman, acting on
23 behalf of xxxx, was the former PLO3.

24 Q. Who was that?

10:21:43 25 A. Ibrahim Bazzy Kamara, he was the one acting in PLO2
absent

26 as deputy.

27 Q. Now, can you see your name on that?

28 JUDGE BOUTET: Sorry, PLO2 was xxxx?

29 THE WITNESS: xxxx

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 16

14 APRIL 2008

OPEN SESSION

1 JUDGE BOUTET: And PLO3 was --

2 THE WITNESS: Ibrahim Bazzy Kamara.

3 JUDGE BOUTET: He was Bazzy Kamara.

4 THE WITNESS: Yes, My Lord.

10:22:13 5 JUDGE BOUTET: So in this exhibit you were shown, under
6 "Superman" you have xxxx and then in Gullit's absence Bazzy
7 Kamara.

8 THE WITNESS: Yes, My Lord.

9 JUDGE BOUTET: So what is not accurate there is not in
10:22:25 10 Gullit's absence, it's in xxxx absence it's Bazzy; is it what
11 you are saying?

12 THE WITNESS: Yes, My Lord.

13 JUDGE BOUTET: But other than that it is accurate?

14 THE WITNESS: Yes, My Lord.

10:22:36 15 MR TAKU:

16 Q. Now, do you see your name on that exhibit, please?

17 A. Yes. I see my name with the -- a wrong rank attached to
18 that name.

19 Q. What is the rank attached to the name on the exhibit?

10:22:55 20 A. On the exhibit, they write there Brigadier-General
Morris

21 Kallon RUF.

22 Q. Were you brigadier-general then?

23 A. No, My Lord.

24 Q. Did you ever rise to brigadier-general?

10:23:06 25 A. No, My Lord.

26 Q. Now, Mr Kallon, let me just find out: Who appointed
you?

27 You say that JP appointed some people, some other appointed
28 other; who appointed you?

this 29 A. As I told you last week, when Johnny Paul Koroma put

SCSL - TRIAL CHAMBER I

Page 17 SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 command structure in place, after he left Kono, Superman found
2 out that I was idling, so he say I should take, join Colonel
3 xxxx to create obstacle on the highway. He was the one
4 who appointed me to do that work.

10:23:39 5 Q. As indicated there?

of 6 A. Yes, responsible for creating obstacle to the movement
7 ECOMOG.

8 PRESIDING JUDGE: Can you hold on, please. Can you hold
9 on, please.

10:23:50 10 JUDGE BOUTET: But were you attending this meeting that
was 11 organised by JPK?

12 THE WITNESS: Yes, I was in the meeting.

13 JUDGE BOUTET: So you were at that meeting?

14 THE WITNESS: Yes, My Lord.

10:24:02 15 JUDGE BOUTET: And it's at that meeting that he
organises

16 the structure not exactly as Exhibit 9 but that's where he put
17 that structure in place?

18 THE WITNESS: Yes, My Lord, by appointing Denis Mingo as
19 overall commander.

10:24:14 20 JUDGE BOUTET: Yeah, and Denis Mingo was there and you
were
21 there too.

22 THE WITNESS: Yes, My Lord.

23 JUDGE BOUTET: Okay. That's where he discovered that
you
24 were in Kono at that time, is it?

10:24:23 25 THE WITNESS: Who?

26 JUDGE BOUTET: Mingo, Superman.

27 THE WITNESS: He discovered that I was in Kono?

28 JUDGE BOUTET: Yes.

29 THE WITNESS: Yes, that was the next day.

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 18

14 APRIL 2008

OPEN SESSION

1 JUDGE BOUTET: Because you were saying that "They
2 discovered that I was in Kono and that's where they assigned
me
3 some" --

4 THE WITNESS: No, I say after the command structure had
10:24:38 5 been put in place, the first column and the second column, the
6 third and fourth column, Superman found out that I was idling.

7 He give responsibility to other majors by giving them area of
8 responsibility. I have no area of responsibility, that's why
he

9 say I should join Isaac Mongor to create this obstacle on the
10:24:59 10 highway.

11 JUDGE BOUTET: Okay, thank you.

12 MR TAKU:

13 Q. Now you say he gave responsibility to other majors and
he
14 gave them area of responsibility. Can you tell their
Lordships

10:25:09 15 who these majors were --

16 A. Yes, sir.

17 Q. -- and their responsibilities?

18 A. Yes, sir. The first one was Major Kailondo. He gave
him a
19 town called Yellow Mosque with a radio set. Then he appointed
10:25:28 20 Major Rocky CO in a village called Wendedu, later on called
Banya

21 Ground. Then he appointed one Captain Amara Ambush to a
village

22 called Wuama. Then he appointed another one in Gandorhun
Kpaneh

23 village itself. Then he appointed one Major Konuwa to a place
24 called PC ground, where later on Kennedy called there as
mining

10:26:15 25 zoo bush. Then, from there, he and his deputy, they put

26 battalion in structure. They gave Battalion 1, Battalion 2,

27 Battalion 3, Battalion 4 in Kono. Battalion 1 was responsible

28 the route we retreated with from Makeni to Kono at Mambudu

29 check-point.

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Q. And who was the commander?

2 A. The one SLA Lieutenant T, he was the commander of that
3 battalion.

4 PRESIDING JUDGE: So the long and short of it is that
all

10:26:44 5 these people were given functions, you were not given
functions?

6 THE WITNESS: Yes, sir.

7 PRESIDING JUDGE: Yes, I think we can end that
enumeration

8 there.

9 MR TAKU: Thank you. Thank you, Your Honours, but let
me

10:26:53 10 just put one very fast question.

11 PRESIDING JUDGE: Yes.

12 MR TAKU:

13 Q. Now, Mr Kallon, JPK was there, and would -- did he, the
14 JPK, discover that you were in that meeting?

10:27:05 15 A. Yes, sir. He saw me.

16 Q. Now, did he in any -- did he approach you as a member of
17 the council to seek your input, your opinion, before putting
in

18 place this command structure?

19 A. No. This council, AFRC council I was talking about, My
10:27:38 20 Lord, most member left in Freetown here, drivers' union,
21 teachers' union, traders' union, they left in Freetown. All
the
22 civilian body, they left in Freetown. So there were no more
23 existing -- no council, AFRC council were existing in Kono, so
24 far I know. But he was having his immediate honourables who
10:28:03 25 carry on the coup within there. And then, before ever we were
AFRC.
26 retreating, there were big problem between the RUF and the
27 Our rank at that time we were not recognised by AFRC soldiers.
28 They say we were bush officers. They were calling our
colonel,
29 bush colonel. They were calling our major, bush major, you
know,

SCSL - TRIAL CHAMBER I

Page 20

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 there were series of fighting among ourselves during the time
we
2 were in that purported marriage.
3 Q. Show him Exhibit 35, salute reports by Sam Bockarie,
salute
4 report by Sam Bockarie. These grievances that you're talking
10:28:58 5 about, are they stated in that salute report for Foday Sankoh?
6 A. If I can peruse through it to see --

7 Q. Have a look at it, please. Give one for Their
Lordships.

8 Your Honour, we had a problem this morning with the
photocopying

9 machine. The staff did not report in time until we came, so,
but

10:29:17 10 these are Court exhibits, were was not -- is that the salute
11 report by Sam Bockarie to Foday Sankoh?

12 A. Yes, sir. This is -- yes.

13 Q. Yes. Not to take a lot of Court's time repeating the
same

14 thing, are the grievances of the RUF against SLA, are they
stated

10:29:39 15 there?

16 PRESIDING JUDGE: What Exhibit is that?

17 MR TAKU: 35, sir.

18 THE WITNESS: 35, My Lord.

19 MR TAKU:

10:29:47 20 Q. In respect about the council, the AFRC council and other
21 issues, are they stated to Sam Bockarie?

22 A. Just one second please. Let me see. I do not see it
but I

23 see some name of the AFRC coup maker in it but actually I not
see

24 the council --

10:30:31 25 PRESIDING JUDGE: When you say AFRC coup makers, who are
26 these coup makers?

27 MR TAKU:

28 Q. Who are these coup makers, please/?

29 A. These are PL01, Abu Sankoh, AK Zagalo, Tamba Gborie --

1 PRESIDING JUDGE: Yes, Tamba Gborie.

2 THE WITNESS: Yes, sir. Then, those are the names I saw
on

3 this document.

4 MR TAKU: Let me have the exhibit back, please.

10:31:02 5 PRESIDING JUDGE: I asked you a question. When you say
the

6 coup makers, who were the coup makers who you know?

7 THE WITNESS: Okay, sir. Abu Sankoh.

8 PRESIDING JUDGE: You said DL01. Abu Sankoh.

9 THE WITNESS: Yes.

10:31:15 10 PRESIDING JUDGE: Yes. PK Zagalo.

11 THE WITNESS: Yes, sir. PLO2.

12 PRESIDING JUDGE: Tamba Gborie.

13 THE WITNESS: PLO2, Alex Tamba Brima.

14 PRESIDING JUDGE: Who was PLO2?

10:31:29 15 THE WITNESS: Alex Tamba Brima, PLO3, Ibrahim Bazy
Kamara,

16 then you get Honourable Five-Five, Santigie Borbor Kanu --

17 PRESIDING JUDGE: Why was he called honourable?

18 THE WITNESS: They also --

19 PRESIDING JUDGE: From who made the coup --

10:31:49 20 THE WITNESS: Yes --

21 PRESIDING JUDGE: They were all honourables?

22 THE WITNESS: They all were honourables.

23 PRESIDING JUDGE: Uh-huh.

24 THE WITNESS: Then you have Honourable Hassan Papa
Bangura.

10:32:01 25 You have Honourable Foday Kallay. You have Honourable Idriss
26 Kamara, aka Leather Boot and the others, I cannot recall they
are

27 all --

28 PRESIDING JUDGE: Thank you.

29 JUDGE BOUTET: Were all these people that you listed as
the

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 22

14 APRIL 2008

OPEN SESSION

SLA? 1 coup makers, were they all in the military? Were they all

2 THE WITNESS: Yes.

3 JUDGE BOUTET: All of them?

4 THE WITNESS: Yes, they were all SLA.

10:32:45 5 JUDGE BOUTET: Thank you.

6 MR TAKU:

7 Q. Now, once in Kono, now listen to what the -- some
witnesses

8 say about the positions that you said you held. TF1-360

9 testified on 20 July 2005, at pages 22, lines 3 to 13, and he

10:33:23 10 said that you instructed AFRC to call formation but some
refused

11 to attend the formation for whole arrangement and you fired
and

12 killed one of them whose name the witness did not know; what
do

13 you say about that?

14 A. No, My Lord, the allegation is not true. Yes, indeed, I
10:33:50 15 fire one SLA soldier, two, not for attending -- failing to
attend

16 formation. I fired them because of burning houses. I met
them

17 they were burning houses. That was the reason I fired them.

18 Q. Now, you told the Court that --

19 PRESIDING JUDGE: Sorry, I didn't --

10:34:14 20 MR TAKU: Yeah, I ask that TF-360 alleged that on the --
in

21 the transcript on --

22 PRESIDING JUDGE: You called a formation and they didn't
23 come, so you fired somebody whose name you didn't know.

24 MR TAKU: He fired -- which name he didn't know.

10:34:31 25 PRESIDING JUDGE: Yes. What does he say to that?

26 MR TAKU:

27 Q. What do you say about that. Please?

28 A. I say no, sir, the allegation is not true.

29 PRESIDING JUDGE: You didn't call --

1 MR TAKU:

2 Q. Did you call, make a call formation?

3 A. No.

4 Q. What happened? But did you fire at SLAs?

10:34:46 5 A. Yes, My Lord.

6 PRESIDING JUDGE: Did you fire anybody?

7 THE WITNESS: Yes, My Lord, I fire two SLA.

8 MR TAKU:

9 Q. Did they die?

10:34:57 10 A. No, My Lord.

11 Q. What happened? Why did you fire them?

12 A. The very day -- one of the day when I was at the

13 obstacle-making when I saw smoke from the town, that mean
Koidu

14 Town. I got on top of my bike. I was having one XL. When I

10:35:22 15 came going towards the area I was, where a street there called

16 Pambelin, if I'm not mistaken the name, sir. I meet two SLA

17 soldier setting house on fire. Because I was alone on the
bike

18 trying to stop them, they failed to stop that they have got an

19 order to burn down the houses. I say no, but because they not

10:35:47 20 recognise me myself I take my gun, I fire them. They too
fired

21 me but my own was able to catch them.

22 Q. Whose houses were they putting fire on that you
intercepted

23 them?

24 A. The civilian houses in Koidu Town, sir.
10:36:10 25 Q. You say they fired at you, you fired back?
26 A. Yes, sir.
27 Q. And they were wounded?
28 A. Yes, sir.
29 Q. When was that, please? Approximately when, tell Your

SCSL - TRIAL CHAMBER I

Page 24

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Lordship?
2 A. That was in May.
3 Q. May what year?
4 A. May 1998. And for that reason Colonel Superman have to
10:36:54 5 send message to Sam Bockarie that I have sabotage the
instruction
6 he give to burn down the houses, and I want for the enemy to
come
7 and occupy these houses, so that they can get stand and fight
the
8 RUF. For this reason, I was called to Buedu. Myself, during
9 that time, I take that opportunity, I carry my family along
with
10:37:18 10 me. When I went, I explained myself to Sam Bockarie and at
that
11 time I tell God thanks he understood me. So he has to release
me

12 to come back to Kono.

13 Q. How long did you stay in Buedu?

14 A. The very day I reach, that was on the 20 -- 27th, I
slept.

10:37:43 15 The next day he say I should return back. So on 30 May, I
came

16 now, I met Koidu Town was under serious attack. We all just
17 retreated to where they call Superman Ground.

18 Q. Under serious attack from who?

19 A. From ECOMOG. That time, when you see the jet moving
10:38:12 20 around, the bombs shelling the town. Long-range bombing was
21 going on. Even the ground assault firing were very close to -
- I

22 mean within the township.

23 PRESIDING JUDGE: So, after you had been received in
Buedu

24 by Bockarie you went back to Koidu?

10:38:31 25 THE WITNESS: Yes, sir, My Lord.

26 PRESIDING JUDGE: That was when you met the bombing?

27 THE WITNESS: Yes, sir. I met the whole township was in
28 very quiet-some situation, so we all retreated to Guinea
Highway,

29 known as Superman Ground.

SCSL - TRIAL CHAMBER I

1 MR TAKU:

2 Q. Now, TF-360, again, he testified, Your Honours, on 20
3 July 2005, at page 23, line 6 to 7. He said that --

4 PRESIDING JUDGE: TF what? 360 still?

10:39:04 5 MR TAKU: Yes, Your Honours. He testified that he saw
6 Gullit and Five-Five in Kono in March 1998. That they were
7 preparing to open their own jungle in Bombali District,

northern

8 province at Rosos, "Because they no longer wanted to work with
9 Morris Kallon so as to avoid additional problems." That's

what

10:39:28 10 this witness says. What was the nature of the relations with
the

11 SLAs generally while in Kono?

12 A. My Lord, in Kono and elsewhere, I was not the friendly
man

13 to the SLA. One, because when they called the RUF they did
not

14 recognise the RUF. At the same time, they were calling the
RUF

10:39:58 15 ranking bush officers and that RUF are not trained. RUF are
16 civilians. And, as I told you last week, the very day they
17 invite us, that very day, the SLA attack our position in

Kangari

18 Hill and kill many RUF. So, all along, if I was the leader of
19 the RUF at that time, I cannot allow any RUF to join this SLA.

10:40:27 20 And more or less again we do not go with the same ideology.
Even

21 though they say they were professional army, but their conduct
do

22 not prove to me that they were professional army at that time.

23 Q. Now, TF-334, an SLA soldier, testified on 6 July 2006.

24 PRESIDING JUDGE: TF what?
10:41:14 25 MR TAKU: 334, Your Honours.
26 Q. At page 42 and again at page 72 and 73, and stated that
27 you, Mr Kallon, and the SLA in Kono never saw eye to eye and
that
28 you were indeed the immediate cause of the split between the
SLA
29 and RUF, in that you shot at two SLAs, even though they did
not

SCSL - TRIAL CHAMBER I

Page 26 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 die, these two SLA soldiers he identified as Fogo and Goat
2 Throat. He testified that this left a very high tension and
3 Superman reported you to Buedu for disciplinary action and
4 redeployment. Now, you listened to this witness. Were you in
--

10:41:47 5 PRESIDING JUDGE: The two identified soldiers who were
shot
6 were who?

7 MR TAKU: Fogo, Your Honour. F-O-G-O, Your Honours.

8 PRESIDING JUDGE: And --

9 MR TAKU: The other one was Goat Throat.

10:42:01 10 Q. Now, were you in Court when this witness came to
testify,
11 Mr Kallon?

12 A. Yes, My Lord.

13 Q. Were you the immediate cause of the split between the
SLA
14 and the RUF, as this witness testified about?

10:42:15 15 A. My Lord, as I told you, I met these gentlemen were
setting
16 house on fire, yes. Maybe because of that firing, I fired
them
17 that led their authority to move from Kono. But I was not
there
18 now when they were making this arrangement. I went to
Kailahun
19 on the report of Sam Bockarie -- I mean Superman to Sam
Bockarie.

10:42:39 20 So I was called to Kailahun to report. When I came now on the
21 30th I heard that they, all SLA and their authority have gone
22 towards Mansofinia to the northeast of Kono, towards Kabala.
So
23 maybe that can -- may be the cause or not. I can't tell now,
24 actually.

10:43:05 25 Q. Now, Prosecution witness TF1-371 testified on 21 July,
Your
26 Honours, 2006 at page 2 to 6, he alleged that you were the
most
27 senior commander in Kono and that many people were killed in
28 Tombodu, and houses were burned in Kono. This witness stated
29 that Rocky was subordinate to you, Mr Kallon, and there were

SCSL - TRIAL CHAMBER I

SESAY ET AL

you 1 other battalion commanders who took orders from you. What do
2 say to that, please?

3 PRESIDING JUDGE: TF what?

4 MR TAKU: 371, sir.

10:43:50 5 Q. Of 21 July 2006, at pages 2 to 6.

6 A. No, My Lord, TF1-371 he lie on me. When we retreated to
7 Kono there were -- in the RUF side there were three colonel.

You

8 have Colonel Superman, you have Colonel Isaac, then you have -

-

9 PRESIDING JUDGE: Answer the question first. Put the
10:44:08 10 question to him.

11 MR TAKU:

12 Q. Were you the most senior commander?

13 PRESIDING JUDGE: He says he was the most senior
commander.

14 Then he can come with his explanation.

10:44:15 15 THE WITNESS: No, My Lord.

16 MR TAKU:

17 Q. Now, who were the most senior commander?

18 A. Colonel Superman was the most senior commander. Then
you

19 have Colonel Isaac Mongor, you have Lieutenant-Colonel Peter
10:44:33 20 Vandii. Then in the AFRC side you have the deputy to Superman,

21 who were PLO2, and PLO3. Then you have the operational
commander

22 Honourable Hassan Papa Bangura. Then you have the deputy

23 operation commander Major Rambo.

what 24 Q. Now, let's just stop there for a while. Rambo was of

10:44:57 25 nationality, sir?

26 A. Rambo was a Liberian. Rambo, Isaac Mongor and Superman,
27 Rocky CO and many others, they were Liberian.

28 PRESIDING JUDGE: Rocky CO too?

29 THE WITNESS: Yes, My Lord. Kailondo also was a
Liberian.

SCSL - TRIAL CHAMBER I

Page 28

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 MR TAKU:

2 Q. Now, one question: TF1-371, when questioned about this
3 allegation he made against you, witness, and let me stop to
4 remind you, please. Do not say anything that will reveal the

10:45:53 5 identity of a witness and if you have any difficulty in
talking

6 about a witness without revealing identity say, that Their
7 Lordships will devise a mechanism by which you can get the
8 information to them without necessarily revealing the
identity;

9 you understand, sir?

10:46:11 10 A. Thank you very much.

11 Q. Okay. Now, TF-371 was questioned on this and he said
that

in 12 upon retreating to Kono and then Buedu in March 1999 you were
said 13 control of Kono. But when questioned and shown Exhibit 9 he
14 he did not say you were in control of the whole of Kono and he
10:46:31 15 said that because -- and that he said that because you were
not 16 the battle-group commander. So what do you -- what is your
17 reaction to this?
18 PRESIDING JUDGE: Can you say that again? What is --
read 19 the transcript, please. Let's see what is there.
10:46:47 20 MR TAKU: Yes. Well, I was just paraphrasing the
21 transcript.
22 PRESIDING JUDGE: Well, don't paraphrase the transcript.
23 We don't want you to paraphrase it.
24 MR TAKU: Okay, sir.
10:46:54 25 PRESIDING JUDGE: Read it as it is. Otherwise in
26 paraphrasing it, you know, you might dephrase it.
27 MR TAKU: Yes. We will reserve this area -- yes, sir.
I 28 will get the exact words in the transcript. We will have them
29 somewhere and I will come back to the issue and read it out
what

SCSL - TRIAL CHAMBER I

1 he said actually.

2 Q. Now -- now, listen, Mr Kallon, let's move to another
3 witness. We'll come back to this. We'll get the exact words
of
4 this witness.

10:47:25 5 A. Okay, sir.

6 Q. Yes, please locate it here. Now TF-051 testified on 27
7 January 2005, at page 147, lines 8 to 18, and alleged that
Rocky
8 CO took the witness to Sunna Mosque where RUF commanders
ordered
9 that TF-015 should be killed. And that you were one of those
who
10:47:56 10 voted for him to be killed?

11 PRESIDING JUDGE: Is it 015 or 051?

12 MR TAKU: 015, sir.

13 Q. That you were one of the persons who was to be killed.
But
14 that he vetoed, he vetoed the vote of all the commanders who
were

10:48:12 15 there, and he said that Rambo was the superior commander to
16 Rocky. Now, were you in Sunna Mosque with Rocky and this
17 witness?

18 A. No, sir. Even up to now sitting here, I don't know
where
19 what is -- Sunna Mosque is in Kono. I was not one day in the
10:48:37 20 mosque with Colonel Rambo, Rocky CO, no, My Lord.

21 Q. Would you have gone inside the mosque to vote that
somebody
22 be killed?

23 A. No, My Lord.

24 Q. Why?
10:48:49 25 A. No.
26 Q. Why? Why would you not vote for somebody to be killed
in a
27 mosque? Do you have any reason, particularly?
28 A. My Lord, in the first place, I'm a Muslim. Mosque is
the
29 place of worship in the Muslim way of worshipping God. I
cannot

SCSL - TRIAL CHAMBER I

Page 30 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 go there and vote in for someone to be killed. No. And at
that
2 particular point in time, February 1998, until the time
AFRC/RUF
3 retreated out of Koidu Town in May, no, I do not attend no
4 mosque, neither for prayer not for voting for someone to be
10:49:28 5 killed. No, sir.
6 Q. Now, TF1-366, Your Honours, testified on 7 November
2005,
7 at page 72 lines 2 to 6 and stated that Morris Kallon was in
8 charge of Makeni, Bo, Kono. Were you in charge of Makeni, Bo
and
9 Kono?
10:49:57 10 A. My Lord, no. Even in normal administration in Salone,
11 Makeni is a northern province. It has its own separate

12 structure. Bo is a southern province, it has its own separate
13 administration. Kono is -- falls under eastern province. It
has
14 its own separate administration. Both in the civil
10:50:29 15 administration and military administration during the time of
16 AFRC. AFRC, you have the brigade commander in Makeni. You
have
17 the SOS in Makeni. You have the brigade commander in Bo. You
18 have the SOS in Bo. You have the brigade commander in Kenema,
19 you have the SOS there. These were the people who were making
10:50:46 20 deployment. So TF-366 lie on me.

21 Q. Now, the witness again says that the transcript, Your
22 Honours, of 14 November 2005, pages 44 to 45, the witness
alleged
23 again that you were the most senior person in Kono in the
24 position of battle-group commander, Mr Kallon?

10:51:15 25 A. No, Chief Taku, I was not the battle-group commander in
26 Kono throughout 1998, 1999, I do not held that position. I,
even
27 the indictment I'm facing here do not plead me to be a
28 battle-group commander in 1998, or neither 1999.

29 Q. Now, again, the witness was asked whether at that time
he

SCSL - TRIAL CHAMBER I

there
a
He
10:51:59
see
the
Sankoh
10:52:25
10:52:32
Kono

1 was promoted, at the time he was promoted to rank of major,
2 was a senior commander in Kono. He replied: "Yes, there was
3 senior commander in Kono." Asked who was he, who was that?
4 answered: "Morris Kallon and Superman. But Morris Kallon was
5 the most senior. He was the battle-group commander." What do
6 you say to that, sir?
7 A. No, sir, it is wrong. And to prove me right, you can
8 either Exhibit 32 or 33 or 34, I can't precisely recall where
9 message is, where Superman sent salute or message to Foday
10 and he respond that --
11 PRESIDING JUDGE: You said exhibits what?
12 MR TAKU: 33, Your Honour. 33 --
13 PRESIDING JUDGE: 34?
14 THE WITNESS: Really, I don't know among these three
15 exhibits which one the message in. Either 33, or 34.
16 MR TAKU: No, 32, at page 000S649, Your Honours.
17 Q. And it's dated 24 May 1999, salute report of Superman to
18 the leader Foday Sankoh.
19 A. In that message Superman say he, as a battle-group
20 commander, he maintained the position in Kono. Not all of
21 was captured by ECOMOG. If you read through that message you
22 will see exactly what Superman claim of being in Kono, so this
23 witness lie on me, My Lord.

24 Q. Again, now, why would this witness lie against you, Mr
10:53:25 25 Kallon?

26 A. Please, sir, the only motive I can so far tell you
because
27 of at two time I arrested that witness. And the last one I
28 arrested him with a serious disgrace because of --

29 PRESIDING JUDGE: That's TF-366?

SCSL - TRIAL CHAMBER I

Page 32

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 MR TAKU: 366, yes, sir.

2 PRESIDING JUDGE: TF1-366.

3 MR TAKU: Yes, sir.

4 THE WITNESS: Because of the way he was maltreating the
10:53:54 5 civilians in Tongo Field. So, for that reason, he has any
cause

6 to lie on me because I'm facing trial today.

7 MR TAKU:

8 Q. Now, while in Kono -- let's stop here for a while. What
9 were the functions of TF-366?

10:54:14 10 A. My Lord, if my memory serve me well, in the second or
the
11 third meeting when Superman call at Tankoro Police Station,
12 Superman appointed TF1-366 as task force commander to
implement

13 those who do not want to take his order, who were about
killing
14 civilian in the villages or burning houses. Then the second
10:54:48 15 occasion again, when they looted the Koidu Town bank, that was
in
16 March, Superman appointed that same witness as task force
17 commander to arrest all those who involved in to that robbery,
18 the bank robbery. That was the function I knew for that TF-
366
19 at that time in Kono, My Lord.
10:55:16 20 Q. Was he someone --
21 JUDGE BOUTET: But the witness has already testified to
22 that on Friday; exactly that.
23 MR TAKU: Exactly, Your Honours.
24 JUDGE BOUTET: So why do we go over that again?
10:55:26 25 MR TAKU: I just want to find out something, Your
Honours,
26 to go to -- ask him to give -- let me just ask the questions,
27 Your Honours, and you will see with your permission.
28 JUDGE BOUTET: What I mean is, he just testified to
that,
29 as to why 366 may have said that, his answer is exactly the
same

SCSL - TRIAL CHAMBER I

1 that he gave on Friday.

2 MR TAKU: Okay, Your Honours, I can remember that.

3 JUDGE BOUTET: And my question is simply, why do we go
over

4 that again? He had been appointed task force commander by
10:56:24 5 Superman and this is what he did and this is why he did that.

6 MR TAKU: Yes, we're going to some other allegations he
7 made against that -- that answer will be relevant. But let me
8 just lay the ground.

9 Q. Now, Mr Kallon, so was this witness 366, TF -- no, TF1-
366,

10:56:24 10 someone, I mean the course of this duty as task force
commander,

11 to whom did he report?

12 A. He reported directly to Superman. He was appointed by
13 Superman. He reported directly to him.

14 Q. Now, you said that in the case of the bank that you said
10:56:45 15 that they broke into the bank, and you said there was an
16 investigation conducted, and he was a member of the panel --
17 that's your evidence?

18 PRESIDING JUDGE: He was a task force commander --

19 MR TAKU: Task force commander, yes.

10:56:58 20 PRESIDING JUDGE: Who was --

21 MR TAKU: To arrest --

22 PRESIDING JUDGE: -- involved in the investigation in
the
23 arrest of those who conducted the burglary of the bank.

24 MR TAKU: Yes.

10:57:05 25 PRESIDING JUDGE: Is that what you said, Mr Kallon?

26 THE WITNESS: Yes, sir. But I don't know whether he was
on

he 27 the panel when they investigated those who they arrested, but
28 was the one who were appointed to arrest.

29 PRESIDING JUDGE: To arrest?

SCSL - TRIAL CHAMBER I

Page 34 SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: Okay.

3 MR TAKU:

44, 4 Q. Now, have a look at Exhibit 44, Your Honour. Exhibit

10:57:34 5 Your Honour, is the -- no, no, excuse me, there is an error
here.

6 Now do you see Exhibit 44, the report of the investigation
panel,

7 by AS Kallon; are you aware of that?

8 A. To be honest, I only saw that in this courtroom.

9 Q. Okay. You saw that in this courtroom. Now, my question
10:57:57 10 is: Flowing from that exhibit, when offences were reported to

11 Mosquito, crimes committed within Kono or within the RUF, were
12 they investigated? Was there a mechanism for investigation?

13 A. Yes, sir. That is one, the robbery of the Kono bank.
That

14 is one. A panel were set. The Joint Security were set to

10:58:27 15 investigate that.

16 Q. The Joint Security, what do you mean by Joint Security,
17 please? Tell the Court.

18 A. What I heard, the Joint Security I knew was a member of
MP,
19 G5, IDU, IO, Black Guards, these were the security all put
10:58:47 20 together, they call them Joint Security, I think so.

21 Q. Did three -- TF1-366, at any time while you were in
Kono,
22 file any complaints against you, that in the course of his
23 duties, as a task force commander, file any complaint against
you
24 to Superman for -- which was -- I mean, to Superman for having
10:59:16 25 committed any crime whatsoever, that you know of?

26 A. No, My Lord. And the only complaint so far in Kono
27 against me was two complaints.

28 PRESIDING JUDGE: You're not being asked about that one.

29 MR TAKU: Yes.

SCSL - TRIAL CHAMBER I

Page 35

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 PRESIDING JUDGE: Answer the question and stop there.

2 MR WITNESS: No, no, My Lord.

3 MR TAKU:

that 4 Q. All right. Now, you talk about two complaints. Now
10:59:44 5 you've said that, which are these two complaints, please?
Superman 6 A. As I told you, the firing of the two SLA soldier,
7 sent complaint against me that I sabotage the Sam Bockarie
8 command. Then on the -- in August, when Superman returned
from 9 Buedu meeting, we attack Koidu Town; he called that attack
Fiti 10 Fata. During the attack I was not feeling well. I really
11:00:09 11 manage set fire under, under cellar of the up-garagae to warm myself.
12 Superman also send message that I was the one who sabotage
that 13 Fita Fata mission. So, that was the only two complaint so far
I 14 know Superman saying against me in Kono, in 1998. And that
last 15 one in August, I was withdraw and detained.
11:00:33 16 Q. By whom and where?
17 A. I was withdraw from Kono to Buedu; I was detained there
by 18 Sam Bockarie.
19 Q. For how long?
11:00:50 20 A. I was in -- really, I was in detention for 14 days.
From 21 there the people War Council met, they discussed, and I was
22 released and I was posted to Pendembu where Mr Sesay was
posted.
23 Q. Is there any time you know to -- I mean you know about,
24 that you were ever, within this time Kono, were you ever
accused
11:01:24 25 for committing any crime whatsoever in the location of
Tombodu?

26 A. No, My Lord.
27 Q. Were you ever called to Buedu by Superman in respect of
28 committing any crime against civilians in Tombodu?
29 A. No, My Lord.

SCSL - TRIAL CHAMBER I

Page 36

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Q. Okay. We are going to come to that soon. Now, TF1-360,
2 testified on 20 July 2006, TF1-360, Your Honours, 20 July
2005,
3 page 15, lines 3 --

4 PRESIDING JUDGE: TF1 what again?

11:02:02 5 MR TAKU: 360. The date, Your Honours, 20 July 2005,
page

6 15, lines 3 to 29, then page 9 -- 18, lines 2 to 20, and said
7 that Superman was appointed overall commander and that he was

a

8 battle-group commander. Do you agree with that?

9 A. Yes.

11:02:24 10 Q. Now, TF1-361 on 18 July 2005, at page 5, testified,
that's

11 page 5, Your Honours, then at page 115 lines 12 to 15, the
same

12 witness said in -- under cross-examination by Charles Taku,
your

13 counsel, he testified that you were deputy to Superman, but
that

14 you had no area of responsibility. Were you deputy to
Superman,
11:03:16 15 Mr Kallon?
16 A. No, My Lord. As we've gone through Exhibit 9, I was not
17 deputy.
18 Q. Now, Mr Kallon, I'm very -- I'm going to ask you a
series
19 of question on some witnesses, just for the completeness of
the
11:03:44 20 record. I'm conscious about the motion for the extension of
time
21 frames and the ruling. However, let me just ask you now that
the
22 allegations are here, let me ask you to explain. TF1-141
23 testified on 11 April 2005, pages 91 to 92, and also testified
24 again on 15 April 2005, pages 96 to 97, lines 17 to 18, 29,
and
11:04:20 25 they all said that on Guinea Highway you were battlefield
26 commander with the rank of major, and that you sent some of
them
27 on a food-finding mission during which they killed civilians
who
28 were unable to carry the load put on them and raped women. Mr
29 Kallon, were you here when this witness testified? Were you
in

SCSL - TRIAL CHAMBER I

1 Court?

2 A. Yes, My Lord.

3 Q. Now you listened to this testimony, what do you say
about

4 that?

11:04:58 5 A. It is not true. I was not battlefield commander at
Guinea

6 Highway and I do not send nobody on food-finding mission.

7 Q. Did you know TF1-141?

8 A. I do not even --

9 Q. Have you ever met him?

11:05:17 10 A. No.

11 Q. TF -- the same witness, Mr Kallon, on 11 April 2005,
page

12 95, lines 2 to 3 and lines 5 to 7, he alleged that a Kallon --
a

13 Kallon, who was battlefield commander, sent them on these

14 missions, food-finding missions? He also alleges that that

11:06:00 15 Kallon --

16 PRESIDING JUDGE: Is that what the transcript says?

17 MR TAKU: It says Kallon. It says Kallon.

18 PRESIDING JUDGE: Well --

19 MR TAKU: It says Kallon, sorry. It says Kallon.
Sorry,

11:06:07 20 Your Honour. He says Kallon.

21 PRESIDING JUDGE: That's why you should not put any
words

22 into the transcript.

23 MR TAKU: Okay, sir.

24 PRESIDING JUDGE: Because when you say "a Kallon" and
then

11:06:13 25 when it is indeed "Kallon," it makes all the difference. It
26 creates a room for other interpretations.
27 MR TAKU: Exactly, sir.
28 PRESIDING JUDGE: Particularly in the light of the
defence,
29 which I see that you -- you are building up. So please, be
very

SCSL - TRIAL CHAMBER I

Page 38

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 faithful in reading the transcript. He said "Kallon" not "a
2 Kallon."

3 MR TAKU: He said "Kallon," sir.

4 PRESIDING JUDGE: Yes.

11:06:35 5 MR TAKU:
6 Q. He said Kallon was battlefield commander, he sent them
out

7 on food missions, and he also alleged that Kallon took a young
8 girl as his wife among the women who were captured from the
9 forest on Guinea Highway. Did you, Mr Kallon, take a young
wife,

11:06:53 10 a young girl as your wife, among the woman who were captured
from

11 the forest on the Guinea Highway.

12 A. No, My Lord. No, My Lord.

Guinea 13 Q. Were you aware of women captured from the forest of
14 Highway?
11:07:13 15 A. This -- no, because Guinea Highway, the time we
retreated
16 from Koidu Town to Guinea Highway is a route towards Kailahun
and
17 a route towards Guinea. There were various deployment on that
18 road, where civilian, soldier with their family members were
19 staying. So I don't really know which of the forest this
witness
11:07:37 20 talk about, but I do not really take any young girl as a wife.
I
21 was having my own wife.
22 PRESIDING JUDGE: Are there two Guinea Highways?
23 THE WITNESS: Only one, sir, in Kono I know of.
24 PRESIDING JUDGE: So, from the transcripts, it is -- the
11:07:53 25 allegation is that -- that's the allegation by TF1-141, that
you
26 took as your wife a young woman, you know, who was captured.
27 MR TAKU: From the forest.
28 PRESIDING JUDGE: From?
29 MR TAKU: The forest.

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: From the forest in Guinea Highway?
2 MR TAKU: Yes, sir.
3 PRESIDING JUDGE: Yes.
4 THE WITNESS: No, My Lord, that never happened.
11:08:19 5 MR TAKU: So you say that -- say, Your Lord, say again.
6 JUDGE BOUTET: Well, Mr Taku, I'm just looking at this
7 transcript. It's not quite what he was saying, because I'll
read
8 the answer about the women, where were they? Were these
women,
9 they were from the surrounding villages. Some were captured
in
11:08:35 10 the middle of the forest. So it's [indiscernible]. So, it's
not
11 all what the witness says that they were taken from the
forest,
12 they were taken from the surrounding villages.
13 MR TAKU: Thank you, Your Honours.
14 PRESIDING JUDGE: That is why we have to limit ourselves
to
11:08:51 15 the contents of the transcripts.
16 MR TAKU:
17 Q. Mr Kallon, did you take a young wife from this village?
18 A. No, My Lord. On Guinea Highway I was having my wife
with
19 me. I do not take no woman to be my wife.
11:09:07 20 PRESIDING JUDGE: That is not relevant if you had your
wife
21 with you is not relevant for the proceedings. It isn't
relevant.
22 The fact that you were with your wife, does not necessarily
mean
23 that you could not take on another. We've had people here who

24 said they have three, four, five wives. So that is to us not
11:09:27 25 relevant. Yes, please.

26 MR TAKU:

27 Q. Mr Kallon, now again, this Guinea Highway you said they
28 were -- you said they were settlements for combatants and
others.

29 Apart from you, were there other commanders living in the

SCSL - TRIAL CHAMBER I

Page 40

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 village? Were you living in the Guinea Highway?

2 A. Yes, I was living at Superman Ground.

3 Q. That's also called Superman Ground?

4 A. Yes.

11:09:55 5 Q. Who's the commander of that?

6 A. Superman was the commander.

7 Q. Now, did Superman at any time, Mr Kallon, was there any
8 complaint filed to Superman about anyone 141 or any person
that

9 you took a woman for your wife at Guinea Highway?

11:10:09 10 A. No.

11 JUDGE BOUTET: Mr Taku, the question was whether or not
12 there had been any complaint.

13 MR TAKU: Whether there was any complaint to Superman or
14 any other higher authority that he took a woman.

11:11:16 15 JUDGE BOUTET: By anybody.

16 MR TAKU: By anybody, yes. TF1-141 or any other person
17 that he took a woman as his wife at Guinea Highway, that was
the
18 question.

19 JUDGE BOUTET: Thank you.

11:11:16 20 THE WITNESS: I said no, sir.

21 MR TAKU:

22 Q. Mr Kallon, had such a complaint been laid, would you
have
23 investigated?

24 A. Yes, My Lord, because that is one of the law in our 8th
11:11:27 25 code of conduct. Do not take liberty with a woman and as an
26 officer, if you do that, it would be considered raping. You
will
27 face the same consequence.

28 Q. What are the consequences for rape?

29 A. It was execution.

SCSL - TRIAL CHAMBER I

Page 41

SESAY ET AL

14 APRIL 2008

OPEN SESSION

line

1 Q. Now, TF1-360 testified on the 20th June 2005 page 17

stationed 2 11, page 18 line 23. And he stated that while he was
3 in Koidu Town, in late February to March 1998, he received
4 information that, "Morrison Kallon had been appointed battle
11:12:38 5 field inspector." He also said that, "at that time --
6 PRESIDING JUDGE: Mr Taku, is it Morrison.
7 MR TAKU: Morrison.
8 PRESIDING JUDGE: That is what is in the transcript.
9 MR TAKU: That is what is in the transcript.

11:12:55 10 Q. He also said that at that time Sam Bockarie was
appointed
11 chairman of the RUF to AFRC alliance and Mr Sesay was
appointed
12 battlefield commander and Superman was appointed battle-group
13 commander. Now he says in late February to March 1998, were
you
14 appointed, sir, battlefield inspector?

11:13:14 15 A. No, My Lord.
16 PRESIDING JUDGE: Late February 19 --
17 MR TAKU: 1998, sir.
18 JUDGE BOUTET: What's the date of that transcript,
again,
19 is it 20 June?

11:13:32 20 MR TAKU: 20 June 2005.
21 THE WITNESS: No.
22 JUDGE BOUTET: You are sure of the date?
23 MR TAKU: Yes, sir. I hope it's here, sir. 20th
24 June 2005. Exactly.

11:13:53 25 JUDGE BOUTET: I don't see any transcript of 20 June
2005.
26 Anyhow, I'll look further.
27 MR TAKU: I have it right here.

28 Q. Now, let's move on, Mr Kallon. The witness on the 19th
29 of -- now on the 19th of July 2005, on page 2 line 17 to 18

SCSL - TRIAL CHAMBER I

Page 42

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 TF1-361 testified that: You will come to Superman with
2 information about any development at the front. That was the
3 time the jets came. In that position of battlefield inspector
4 you will come to Superman with information about any
developments

11:15:23 5 at the frontline. That was the time the jets came. What do
you
6 say about that, sir?

7 A. Not true, sir. It is not true and I was never
battlefield
8 inspector. If you look at the Exhibit 35, again, it will
clearly
9 prove that I was not battlefield inspector.

11:15:51 10 Q. Now, --

11 PRESIDING JUDGE: But did you ever come to Superman with
12 any information you might have obtained from the battlefield?

13 THE WITNESS: No, My Lord. Even the obstacle --

14 PRESIDING JUDGE: Notwithstanding the fact that you
11:16:06 15 were -- even if you were not, as you say, you know, the

16 battlefield inspector, you're saying that you never, ever,
17 brought any information to Superman on the events or the
18 occurrences in the war front.

19 THE WITNESS: No, My Lord, because even the obstacle
11:16:30 20 Superman say I should join Colonel Isaac, Isaac was the one
who
21 were relaying everything to Superman, My Lord.

22 JUDGE BOUTET: Mr Taku, I just looked and the transcript
23 that you referred to as 20 June is not 20 June, again, it's 20
24 July. So if you don't get it right, I have TF1-360. He
11:16:51 25 testified in July, not in June. I think in June we were not
in
26 an RUF session. I'm saying this because if you give reference
27 for us to check them and read them, you have to give us the
28 accurate reference. As I mentioned to you, I looked and based
on
29 what I had in front of me, here, TF1-360 if it is the one you
are

SCSL - TRIAL CHAMBER I

Page 43

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 referring to, he testified on 20 July 2005 and not June.

2 MR TAKU: Thank you, Your Honours for that correction.

In

3 fact, this information I have consistently from different
labs.

myself, 4 I don't know why my team [indiscernible] that date. I,
11:17:34 5 was a bit worried because I sited transcripts by this witness
in
6 July, and I saw this reference here. I was checking on this
text
7 and another text before me.

8 JUDGE BOUTET: Yes. I was trying to read whatever you
were
9 quoting as such, I couldn't find it. Now I found it, and I
can
11:17:52 10 tell you, based on the record, it is -- this witness testified
in
11 part on 20 July and not June 2005.

12 MR TAKU: Thank you, Your Honour. I'm sorry about that.

13 JUDGE BOUTET: It's for you as well. I mean, if you
give
14 inaccurate information, we will not be able to do the cross
11:18:08 15 reference that you would like us to do so.

16 MR TAKU:

17 Q. Now, TF1-360 he testified on the 26 of July 2005 at
pages
18 22 to 29 and you said that -- admitted that the position of
19 battlefield inspector was not found in exhibits -- in either
11:18:53 20 Exhibits 35 or 36, and that it was not listed among the
command
21 position with RUF contained in the salute reports. You've
seen
22 those salute reports, Mr Kallon; is this position listed among
23 them?

24 A. No. The position, as we know it, it is not existed.

11:19:19 25 That's why.

26 Q. Now, the witness also testified has said that your role

--

them 27 he also said that your role was to receive orders and pass
28 for execution, and that you were surrounded by seniors like
29 Lieutenant-Colonel Peter Vandi, Colonel Isaac Mongor and

SCSL - TRIAL CHAMBER I

Page 44 SESAY ET AL
14 APRIL 2008 OPEN SESSION

that 1 Superman, and that you could not issue orders on your own to
2 anyone unless authorised to do so, and that you were bound to
3 obey orders because this obey order in RUF given by superiors
4 carry the risk to one's life. Mr Kallon, what do you say to
11:20:10 5 please?

6 PRESIDING JUDGE: Do you want him -- is that evidence
7 prejudicial to him? Is the evidence prejudicial to him?

8 MR TAKU: It's not, sir.

9 PRESIDING JUDGE: Why should we visit it?

11:20:17 10 MR TAKU: Okay, sir.

11 PRESIDING JUDGE: Thank you. We should not get back to
12 that, unless you want him to incriminate himself.

13 MR TAKU: No, sir.

14 Q. Now, TF-361, Mr Kallon, and correctly now it is July. I
11:20:38 15 thank his Lordship once more for correcting me and directing
me

2005 16 to the exact areas. Now, Mr Kallon, he testified on 18 July
Koidu 17 at pages 89 to 91 that Rambo was operational commander in
18 from February to August 1998. And that prior to that period
19 Kamajors occupied the town and committed so many crimes. Now,
11:21:06 20 prior to you coming to Koidu in February 1998, was that town
21 occupied by the Kamajors?

Koidu. 22 A. When me retreated, I met Superman and his group in
23 Maybe they met Kamajors there. I can't tell, but me -- when I
24 retreated, I met them there.

11:22:17 25 MR TAKU: Microphone is on, sir. Microphone is on, Your
26 Honours.

you 27 PRESIDING JUDGE: Sorry, Mr Taku, for the interruption
28 may proceed please. Yes.

29 MR TAKU:

SCSL - TRIAL CHAMBER I

Page 45

SESAY ET AL

14 APRIL 2008

OPEN SESSION

before 1 Q. Now, Mr Kallon, let's move to another area quickly
2 we go to specific crime bases. Okay. Paragraph 27 in the
3 indictment alleges that in early 2000 you became battle-group

4 commander in the RUF subordinate to Mr Sesay; do you agree,
sir?

11:23:12 5 A. Yeah, in April 2000 I became acting battle-group
commander.

6 Q. Is there any significance of that date, April, at the
time
7 you became battle-group commander; can you tell the Court?

8 A. If I'm not mistaken between 12 and 14 April, 2000.

9 Q. Why were you made acting -- who made you acting
11:23:44 10 battle-group commander at that time?

11 A. Just Corporal Sankoh because by then the battle-group
12 commander, Dennis Mingo, has already disarmed and still there
13 were area RUF has not yet disarmed. That's why he appointed
me
14 as acting.

11:24:07 15 JUDGE BOUTET: What's the relationship between the fact
16 that Mingo disarmed or not, so I fail to understand the
17 [indiscernible] which you are trying to explain, Mr Kallon, if
18 you may. You were asked as to why you were appointed as
acting
19 battle-group commander.

11:24:23 20 MR TAKU: Exactly, that was the question. Why were you
21 appointed?

22 THE WITNESS: Yes, sir, because the battle group -- the
man
23 who was held in that position, Denis Mingo, has already
disarmed
24 and still RUF were armed in other part of the country.

11:24:50 25 Q. Why had Mingo to disarm?

26 A. That was Corporal Sankoh instruction for the Lome
accord.

27 Q. So the disarmament was pursuant to the Lome accord, is
that

28 what you are saying?

29 A. Yes, My Lord.

SCSL - TRIAL CHAMBER I

Page 46

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Q. When was the accord signed?

2 A. In July 1999.

3 Q. Now, let's --

4 JUDGE BOUTET: I still don't understand the rationale

11:25:20 5 with -- between the fact that Mingo had disarmed and you being
6 appointed.

7 MR TAKU: Exactly.

8 JUDGE BOUTET: So, had you disarmed yourself at that
time?

9 THE WITNESS: No, My Lord. Maybe Sankoh was not wanted
for

11:25:31 10 that position to be vacant, that's why he appointed me to act
in

11 that capacity.

12 JUDGE BOUTET: And Mingo could not any more because he
had

13 disarmed, that's what you are saying?

14 THE WITNESS: Yes.

11:26:21 15 JUDGE BOUTET: Okay. So, to be the battle-group
commander

16 at that time you still had to be armed. You were -- you had -
17 if you had disarmed at that particular moment you could not
18 occupy one of those functions or positions?

19 THE WITNESS: At all not, sir.

11:26:21 20 JUDGE BOUTET: Okay. Thank you.

21 PRESIDING JUDGE: Did I understand you to have said that
22 that Denis Mingo disarmed on the instructions of Foday Sankoh?

23 THE WITNESS: Yes, My Lord.

24 MR TAKU:

11:26:21 25 Q. He disarmed from which location?

26 A. Lunsar, Port Loko District.

27 Q. And where were you?

28 A. I was in Tonkolili District, Magburaka.

29 Q. So, who gave the instruction for disarmament?

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 47

14 APRIL 2008

OPEN SESSION

1 A. Throughout it was Foday Sankoh, until he was arrested in
2 May -- May 8. He used to go and kick off the disarmament.

3 PRESIDING JUDGE: May 8, what year.

4 THE WITNESS: 2000, My Lord.

11:27:07 5 PRESIDING JUDGE: Was arrested here in Freetown?

6 THE WITNESS: Yes, My Lord.

7 MR TAKU:

8 Q. And indeed --

9 PRESIDING JUDGE: Indeed what, Mr Taku?

11:27:36 10 MR TAKU: Well, Your Honours --

11 submission, PRESIDING JUDGE: I hope you are not making a

12 we are expecting questions herewith and no conclusions.

13 MR TAKU: I'm just trying to avoid being --

14 PRESIDING JUDGE: Unless they are on issues which are

not

11:27:51 15 contested.

16 MR TAKU: Exactly, sir. If the witness have testified

in

17 favour of it, there's no need to bring that out now. I'd

rather

18 go to issues which are --

19 Q. Okay TF1-071, testified on 21 January 2005, page 24 --

11:28:10 20 PRESIDING JUDGE: Twenty first?

21 MR TAKU: January, 2005.

22 PRESIDING JUDGE: That's TF1-071.

23 MR TAKU: Yes, sir, at page 24, lines 19 to 23.

24 Q. And stated that he became a battle-group commander in

1999,

11:28:30 25 and that in 2000 and 2001, he became battlefield commander,

page

26 26 line 4. What do you say about that?

27 A. No, My Lords, 1999, I do not be -- I was not the

28 battle-group commander. And in 2001, yes, I became the

29 battlefield commander, after the departure of, I mean, Denis

Page 48

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Mingo. And I believe the indictment itself say early 2000 I
2 became battle-group, not 1999.

3 Q. Now TF1-371, Your Honours, testified on 31 July 2006,
page

4 128, lines 1 to 4, on page 126, he said that you were
appointed

11:29:34 5 battle-group commander, and overall commander of Koidu by Sam
6 Bockarie in August 1997, until Lome Peace Accord
deliberations.

7 And you've just said the Lome Peace Accord, for your
information,

8 Your Honours, it's not contested, was signed even taking
judicial

9 notice, on 7 July 1999, as specified in the indictment at
11:30:00 10 paragraph 4. Now, were you appointed battle-group commander
and

11 overall commander of Koidu by Sam Bockarie in August 1997,
until

12 the Lome Peace Accord deliberations, as stated by TF1-371.

13 A. No, My Lord. August 1997, I was not in Koidu. I was in

14 Bo. And I do not hold that position battle-group commander

11:30:26 15 position until April 2000, and even April 2000, it was an
acting,

16 not -- I was not appointed by Sam Bockarie. If I was
appointed

17 by Sam Bockarie you should have seen it in Exhibit 35, his
salute

18 report to Sankoh, My Lord.

19 Q. Now, Mr Kallon, this witness was challenged on that on
11:30:57 20 cross-examination, and he said that he knew about it because
it
21 was indicated on the pay slip that you were appointed
22 battle-group commander and that was how he came by the
23 information. What is your reaction? First, were there pay
24 slips -- were you -- were there pay slip -- did the pay slip
11:31:21 25 exist in the RUF? How were you paid, if at all you were paid?

26 A. RUF, we were not paid. Even 1997, when the AFRC called
us
27 to town, they were not giving us salary. They were giving us
28 something like token for us to get soap and other things, so I
29 was not on payroll for me to have a pay slip. No, My Lord.

SCSL - TRIAL CHAMBER I

Page 49

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Probably because that witness he was appointed NSA director,
2 probably he was on payroll, but I was not.

3 Q. How did you survive then, if you were not paid?

4 A. They were giving us something like token. When month
end,

11:32:04 5 they give us certain budget, so that all RUF will share it
among

6 ourselves. The group I was having in Bo, they give us our own

the
this
7 share with the rice quota and so on and so forth, and 371 was
8 logistics officer at that time, he testified to that before
9 Court; 367.

11:32:38 10 Q. 367?

11 A. Yes, My Lord.

12 PRESIDING JUDGE: 367 or 371? Where are we?

13 THE WITNESS: 367, My Lord, he was the logistics
officer.

14 He used to receive on behalf of the RUF.

11:32:54 15 MR TAKU:

16 Q. Yeah. Again, let us be very very careful about issue of
17 identification. It is very, very very important, so that
18 anything that can identify any witness that has testified in
this
19 Court are there for the pursuance for the Defence. If you
have

11:33:12 20 any difficulties in giving the answer that you see that they
21 could, please inform us, and we'll inform Their Lordships and
22 we'll look for a way.

23 A. Okay, sir.

24 Q. Do you remember at one moment, there is an individual
who
11:33:22 25 we refer to as Mister A?

26 A. Yes, My Lord.

27 Q. So, if you find that -- instead of you to call his name,
28 use Mister A. The Court has already given him another
pseudonym,

29 Mr A.

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 A. Okay.

2 Q. Okay. Now, let me call series of locations within Koidu

3 and ask whether you know those locations and whether you went

4 there over the -- during the time -- the time frame stated in
the

11:33:49 5 indictment, that is from about 14 February 1998 to June. Now,

6 Tombodu, were you in Tombodu within this time frame, sir?

7 A. No, My Lord.

8 Q. Fiondu, were you in Fiondu, sir? Do you know a location

9 called Fiondu?

11:34:12 10 A. No.

11 Q. Willifeh, were you in Willifeh, sir?

12 A. I don't even know there. I don't know.

13 Q. Mortema, were you there, sir?

14 A. I pass through Mortema.

11:34:26 15 Q. When?

16 A. When I was retreating from Magburaka to Kono you have to

17 pass through Mortema before entering to Koidu Town. And when

18 Superman say I should join Colonel Isaac to create the
obstacle,

19 I used to pass through Mortema go to the area where we were

11:34:48 20 creating obstacle. Mortema is part of Koidu Town actually.

21 Q. Bia -- Biaya?

22 A. No, I don't know there.

23 Q. Now, while in Kono District, did you have any AFRC/RUF
24 subordinates under your command, sir?

11:35:12 25 A. No, My Lord. I was not having any area of assignment
for

26 me to have manpower under my control, no.

27 Q. Now --

28 PRESIDING JUDGE: Did you say AFRC and RUF subordinates?

29 MR TAKU: Yes, sir.

SCSL - TRIAL CHAMBER I

Page 51

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Q. Now, about this area Tombodu, who was the battalion
2 commander of Tombodu within the time frame pleaded in the
3 indictment, 14 February 1998 to June 1998? Who was the
battalion
4 commander of that?

11:36:23 5 A. The person I heard his name was Mohamed Savage, he was
the
6 battalion commander, and he was deputised by one Staff Alhaji.
7 Both of them were SLA soldier.

8 Q. Now, TF1-361 testified on 18 July 2005, at pages 120 and
9 121, testified that it was Savage who was in Tombodu, Komba

11:37:09 10 Gbundema, with his Red Lion Battalion in Yamadu towards
Kayima,
11 and that his commander in Koidu had his own forces and that
12 Morris Kallon have no forces under him. That even when Savage
13 committed crimes and got mad, it was Rocky CO who was sent
there.

14 Let me give you the reference, Your Honours, again.

11:37:35 15 PRESIDING JUDGE: What question -- what question do you
16 want to put to the witness?

17 MR TAKU:

18 Q. What do you say about this, sir?

19 PRESIDING JUDGE: No, why should he say anything about
11:37:45 20 that. Does that incriminate him?

21 MR TAKU: No, sir.

22 PRESIDING JUDGE: No, we don't want that.

23 MR TAKU: Okay, sir.

24 PRESIDING JUDGE: Okay.

11:37:52 25 MR TAKU:

You 26 Q. Now tell us about the commanders in Kono, generally.
27 listed to the Judges the different areas of command and the
28 battalion commanders, these battalion commanders, to whom do
they 29 give -- to whom did they report? Even in their own area of

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 command, to whom did they report?

2 A. Really, the time we were in Kono, when they divided this
3 battalion, the SLA what I observed at that time, the SLA was
4 having more loyalty with the SLA officers. But really, I was
11:38:36 5 there they were giving their daily salute report or daily sick
6 report to Superman or neither the deputy to Superman. No, I
7 cannot tell, really, because I was none of them in that
capacity.

8 Q. Now, did you have a radio set, communication set?

9 JUDGE BOUTET: The question was not whether or not they
11:39:00 10 provided reports, the question was to whom they reported.

11 MR TAKU: To whom they reported, sir.

12 THE WITNESS: Yes, sir.

13 JUDGE BOUTET: Not meaning by sending a salute report,
in
14 other words who was their boss.

11:39:12 15 THE WITNESS: I presume Superman and his deputy, because
16 they were the both, the most senior authority at that time
there,
17 but not a day I was fortunate to meet there any of this
battalion
18 commander reporting to them.

19 MR TAKU:

11:39:33 20 Q. Did you have any command authority over Rocky CO, for
21 example, sir.

22 A. No, My Lord. Rocky CO and myself we were colleague in
rank
23 and in the title of vanguard. We were trained together and,
in

Foday

11:39:54
them

24 fact, when we were training -- taking training in Liberia,
25 Sankoh brought up an idea called old fighter and we, he just
26 recruited from the highway. The old fighter were those who --
27 Liberian who fought along with the NPFL war. So he brought
28 to RUF training depot, so he called them old fighter. So they
29 were more -- they take themselves more senior than we just an

SCSL - TRIAL CHAMBER I

Page 53

SESAY ET AL

14 APRIL 2008

OPEN SESSION

I

11:41:22
you

carrying

11:41:22
set

1 ordinary civilian they brought us into the society.
2 Q. Was Rocky C one of them?
3 A. Yes. In Kono at that time we had C rank. He was major.
4 was major.
5 Q. Now, well, did you have a radio communication set while
6 were in Kono, sir?
7 A. No, My Lord. I believe, if I'm not mistaken, DIS-163,
8 DIS-214, testified before this Tribunal that I was not
9 radio set, and indeed so.
10 Q. Can you tell Their Lordships the importance of a radio
11 in the command structure while in Kono, if you know?

12 PRESIDING JUDGE: And if we do not know.

13 MR TAKU: Okay, sir, let me move on.

14 PRESIDING JUDGE: No, no, go ahead. Your witness.

11:41:27 15 MR TAKU: Yeah.

16 THE WITNESS: I believe radio communication in terms of
war
17 is one of the easiest means of communication from one end to
18 another. But more especially, for example, Kono. While we
were
19 in Kono, all information from the central headquarter that
came
11:41:49 20 to Superman, it was through by radio. And all deployment
under
21 Superman in Kono where he has radio, he has easy access to
those
22 deployment area.

23 MR TAKU:

24 Q. Now --

11:42:08 25 PRESIDING JUDGE: Mr Taku, I'm afraid we have to stop
here.
26 And we will proceed our normal recess and resume within the
next
27 couple of minutes. The Chamber will rise, please.

28 [Break taken at 11.32 a.m.]

29 [RUF14APR08B - BP]

SCSL - TRIAL CHAMBER I

1 [Upon resuming at 12.08 p.m.]

2 PRESIDING JUDGE: Yes, Mr Taku, you may proceed.

3 MR TAKU: Thank you, Your Honour. Registrar, please,
can

4 you give this exhibit to Mr Kallon. This is Court Exhibit 32,

5 Your Honours. The first one is page 0008649 to the from
12:19:27 Superman

6 dated 24 May 1999, and the second one, Your Honour, is --

7 PRESIDING JUDGE: Are they interrelated?

8 MR TAKU: Yes, sir, they are.

9 PRESIDING JUDGE: Because for the tidiness of the
10 proceedings --

11 MR TAKU: They are, Your Honour.

12 PRESIDING JUDGE: -- you will be taking them one after
the

13 other.

14 MR TAKU: Yes, they are, Your Honour.

15 PRESIDING JUDGE: They are interrelated?

16 MR TAKU: Yes, Your Honour.

17 PRESIDING JUDGE: Okay. All right.

18 MR TAKU: The other one is page 0008678 dated 15 July
1999.

19 That is through -- to Concord through Brigadier Issa Sesay,
Info

12:19:44 20 Smile, from Brig Kallon, Subject: Report. Please show him.

21 Q. Yes, Mr Kallon, do you recognise those pages of Exhibit
32

22 that, from the radio log, that were tendered? Do you
recognise

23 them, sir?

24 A. Yes, sir.

12:20:15 25 Q. Now, can you read the first place I marked, please, that
26 Superman talks about his command, to Thier Lordship?

27 A. You mean on 8649?

28 Q. Yes, sir.

29 A. The second paragraph he say, "In my - in my own capacity
as

SCSL - TRIAL CHAMBER I

Page 55

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 battle-group commander appointed in your absence by
2 Lieutenant-Colonel JP Korma and Log."

3 Q. Who was Log? Who was Log?

4 A. Log was code name for Sam Bockarie.

12:21:08 5 Q. Okay. Continue, sir.

6 A. "I would like to explain the role I have played and even
in

7 your presence, above all, I have always expressed loyalty and
8 dedication."

9 Q. Now go to the next area that Log -- that you see your
name?

12:21:31 10 A. On page 8650 it says, "Zogoda fell in your absence. And
up

11 til now, Zeno is at large. I listened and obeyed the

even 12 instructions sent by you to join forces with the AFRC, but
13 that again was mistrusted by the High Command on behalf of" --
14 JUDGE BOUTET: "Misconstructed", not "mistrusted."
12:22:09 15 THE WITNESS: -- "misconstructed by the High Command.
On
16 behalf of the entire RUF, the main thrust to Freetown that I
am
17 sure can be the possible reasons for our unwarranted
withdrawal
18 from Freetown, with all these mistakes on the part of our
19 commanders, I will still try very hard to maintain my hold on
12:22:48 20 Kono, and I can tell you that since our withdrawal from
Freetown,
of 21 the enemy never capture the entire township of Koidu Town --
22 Koidu (Kono). Every combatant in Kono can attest to it." It
23 said, "But when we got again to Makeni after a tedious
fighting
24 and casualty, a troop was also organised by Brigadier -- Brig
12:23:28 25 Morris Kallon and others to harm me, but by God praises I was
26 able to escape."
27 MR TAKU: Now, give that back. Bring that back.
28 Q. Mr Kallon -- Mr Kallon, Superman alleges that you
organised
29 a troop to try to harm him. Can you tell the Court the nature
of

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 your relations with Superman? Why would he say a thing like
2 that?

3 PRESIDING JUDGE: Did he organise anything, put that to
him
4 first.

12:24:08 5 THE WITNESS: My Lord, I want to answer this with small
6 explanation, My Lord.

7 PRESIDING JUDGE: Answer the question first: Did you
8 organise anything to harm Superman -- any operation to harm
9 Superman? You will explain.

12:24:23 10 THE WITNESS: Not to harm him, no, sir.

11 MR TAKU:

12 Q. Why did you turn against Superman, who was your boss?

13 A. I -- we capture Makeni on 24 or 25 December 1998. The
men

14 Superman brought from the northern part, Kabala axis, join us
to

12:24:49 15 capture Makeni, Teko Barracks particular. After they met, we

16 have captured the township of Makeni everything were intact.

17 Houses were locked. We are only there defending -- defending

18 the -- the enemy position from Teko Barracks. But his own
troop

19 he brought in Makeni Town started going bugging people their

12:25:16 20 house and civilian houses, opening shops, taking property. He

21 made the -- our own fighter from Kono axis, withdrew their

22 attention from fighting, they started to join his men. That
was

commander."

is

12:25:44
out

Superman,

the

23 the reason I say, "Oh, no, I will report you to the
24 I called the attention of Mr Sesay that this is what Superman
25 doing. If we do not arrest Superman, things are going to go
26 of hand here. That was the time I say we are to arrest
27 and indeed I went to his house. If he was to stand, I was to
28 arrest him, even though he was my boss.
29 Q. Now, Mr Kallon, while in Kono, what was the nature of

SCSL - TRIAL CHAMBER I

Page 57

SESAY ET AL

14 APRIL 2008

OPEN SESSION

there?

I

12:26:18

time?

position?

1 relations with Mr Superman?
2 PRESIDING JUDGE: So he was not in town when he went
3 THE WITNESS: Superman? He was there, but he escaped.
4 entered through the main door. He went out through the back
5 door, My Lord.
6 JUDGE BOUTET: What's -- what's your position at the
7 You say Superman was your superior, but what was your
8 MR TAKU:
9 Q. What was your position at the time?

12:26:30 10 JUDGE BOUTET: And it refers in this message -- in this
11 message, yes --
12 THE WITNESS: Yes.
13 JUDGE BOUTET: -- to you as Brigadier Morris Kallon. So
--
14 THE WITNESS: Yes, sir. My Lord, at this stage the
ranking
12:26:40 15 in that message, it was not my rank. In 1998 December,
brigadier
16 was not my rank.
17 JUDGE BOUTET: But the message is -- is 24 May 1999.
18 THE WITNESS: Yes, sir.
19 JUDGE BOUTET: So are you a brigadier at that time in
'99?
12:26:57 20 THE WITNESS: Yes, sir.
21 JUDGE BOUTET: You are?
22 WITNESS: Yes, sir.
23 JUDGE BOUTET: So as I say, the message is talking -- is
24 dated, according to the exhibit, 24 May 1999.
12:27:06 25 THE WITNESS: Yes, sir.
26 MR TAKU:
27 Q. Now, that's your own message to the leader, that
document
28 before you. Can you read what you wrote to the leader --
29 PRESIDING JUDGE: Let's get it clear. From the question
--

1 from the replies you have given, in May 199 you have risen to
the 2 rank of a brigadier?

3 THE WITNESS: 1999, sir.

4 PRESIDING JUDGE: Yes.

12:27:28 5 THE WITNESS: No, I said the messages in there
brigadier,

6 it was not my rank.

7 PRESIDING JUDGE: I see.

8 THE WITNESS: Yes, sir.

9 MR TAKU:

12:27:36 10 Q. When was you -- when did you become brigadier -- did you
11 become a brigadier at some point in time?

12 A. Yes, sir.

13 Q. When?

14 A. That was early 2000.

12:27:44 15 JUDGE BOUTET: So in 1999 you are not a brigadier?

16 THE WITNESS: No.

17 JUDGE BOUTET: Okay. Only in 2000?

18 THE WITNESS: Yes, sir.

19 JUDGE BOUTET: And you become a brigadier when you
become

12:27:55 20 the acting --

21 WITNESS: Battle-group commander.

22 JUDGE BOUTET: -- acting battle-group commander.

23 THE WITNESS: Yes, My Lord.

24 MR TAKU:
12:28:04 25 Q. Now, you have before you your own letter to the leader
26 through Issa Sesay. Can you see --
27 A. Yes, sir.
28 Q. Can you read it to the Court. In particular, what you
talk
29 about Superman.

SCSL - TRIAL CHAMBER I

Page 59

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 JUDGE BOUTET: This is Exhibit 34 that you are reading
2 from, is it? You say that the --
3 MR TAKU: 32, Your Honour.
4 JUDGE BOUTET: 32 is the one he was reading from.
12:28:32 5 MR TAKU: Yeah, this one too is 32.
6 JUDGE BOUTET: This one is also 32?
7 MR TAKU: Yes, Your Honours.
8 Q. What page is that, please, and the date?
9 A. The page is 0008678; the date of the message is
15/07/99.
12:28:58 10 Q. Yes. Can you read that to Their Honours, please?
11 A. This is to Concord through (break) Issa Sesay: Info
12 Smile --
13 Q. Who is Concord?

14 A. Concord was also Sam Bockarie.

12:29:10 15 Q. Okay.

16 A. From (break) Kallon. Subject: Report. "Sir, upon the
17 instruction by the leader for me to proceed to Makeni, I did
so.

18 Three days ago, upon our arrival at Makeni, we were highly
19 received by Brigadier -- Brig Mani, Brig Gullit, and Pa Demba
12:29:43 20 Marah. They tried their level best to bring us together, but
Colonel 21 upon the arrival of Colonel Gibril Massaquoi, Lieutenant-
22 Nya and Brig Isaac, they started that - they stated that they
23 will never work with me. They provoked me a lot, saying I am
24 refuge. They disarmed 60 arms from my men, including two RPG2
12:30:18 25 with three rockets and three packet of AK rounds. With all
this
including 26 I was advised by the acting paramount chief of Makeni,
27 most of the religious leaders, to behave as a man and keep to
28 myself. This reason give me the cause to base at Teko
Barracks,
29 so kindly tell the brothers that we are all the same and we
are

SCSL - TRIAL CHAMBER I

Page 60

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 all fighting for the same goal, since peace is now on -- on
the

2 way for us, so please accept infos for your necessary action.

3 Best regard."

4 Q. Now, Mr Kallon --

12:31:12 5 JUDGE BOUTET: Sorry, can you give me the reference of
that

6 page again?

7 MR TAKU:

8 Q. Give the reference of the page to His Lordship, please.

9 A. 00008678.

12:31:26 10 JUDGE BOUTET: Thank you.

11 MR TAKU:

12 Q. Now, Mr Kallon, with this report can you now, with the

13 specific -- specific context of Kono, can you tell Their

14 Lordships the nature of your relations between you and
Superman

12:31:41 15 while in Kono, between 15 or 14 February 1998 and 30 June 1998
or

16 30 May 1998, please?

17 A. My Lord, as I told you, Superman was the overall
commander

18 in Kono. When I got there, the way I see Superman was
behaving,

19 that's why I kept to myself, because he is the overall
commander,

12:32:13 20 he has been appointed by Johnny Paul Koroma, and with the
21 approval of -- with Sam Bockarie. So the first instance when
I

22 saw this SLA burning these houses after our fire dance,
Superman

23 saying -- complain against me that I'm sabotaging command, for

24 this reason, My Lord, he and myself, there were no tight

12:32:39 25 friendship between us. I keep off from him until we all met
at

26 Makeni. But while we met at Makeni, why I take that advantage
27 because the missions in December '98, I was deputising Issa in
28 that mission, that's why myself say no, we have met, we have
29 already captured this ground, Makeni. I cannot allow you to
come

SCSL - TRIAL CHAMBER I

Page 61 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 and give a bad reputation. So in Kono there no good
relationship
2 between Superman and myself.
3 Q. Now, can you tell the Court if you know a group of
4 individuals called the Cobra -- Cobra Unit?
12:33:48 5 A. Yes, sir. I know the Cobra Unit in Kono. They were
6 bodyguard directly to Superman. This unit were the men from
Kono,
7 Western Jungle that were with Superman. When they get to
8 he called that group Cobra.
9 Q. Now, you testified that TF1-361 and --
12:34:19 10 PRESIDING JUDGE: Sorry, came from what jungle?
11 THE WITNESS: Western Jungle, My Lord.
12 MR TAKU:
13 Q. You testified about your relations with Superman in
Kono.
14 Is there a time you know of that you -- that you approached

12:34:49 15 TF1-361 and TF1-360 -- you approached them to discuss about
your
16 relation with Superman?
17 A. Yes, sir. I can recall especially when we retreated to
18 Superman Ground. There I told TF1-360 and TF1-361 to send me
19 secret message to Sam Bockarie. They were in hooch.
Superman,
12:35:22 20 he appointed as battle-group commander believing with the
21 ideology - in connection with the ideology of the RUF in Kono
22 that the loss that was supposed to implement, Superman were
not
23 implementing none.
24 Q. Why had you to approach those two individuals to fight
12:35:45 25 against their boss, Superman?
26 A. They were the only source of communication within the
area
27 I was. They were radio operators. So that -- that was the
only
28 reason, like, I met them for them to send, and then I told
29 them -- I practice some kind way of [indiscernible] or what
that

SCSL - TRIAL CHAMBER I

Page 62

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 we are Sierra Leoneans, Superman is a Liberian, and he is

2 creating some problems for the people of Sierra Leone.
Tomorrow,

3 after the war, we're going to stay in Sierra Leone, and this
4 Superman has to go back home. For this reason, if we leave
aside

12:36:27 5 -- we sit outside and see Superman carry on things out of the
6 way, we will have the blame tomorrow. But behind my back,
7 instead of sending the message to Sam Bockarie, they went and
8 reported to Superman what I have tell them to do.

9 Q. And how did Superman react to that?

12:36:52 10 A. Superman was very annoyed. That was the -- one of the
11 reason led Superman to saying that I was the one who sabotaged
12 the Fiti Fata mission. So he -- he -- we are not in any good
13 mood again until I left his -- he send complaint against me; I
14 left Kono.

12:37:19 15 Q. Can you tell the Court when this Fiti Fata mission took
16 place, what month?

17 A. Actually, Superman was called the ending part of July to
18 Buedu. We remained in Kono. He went together with TF1-361
and

19 TF1-360. They all went to Buedu to meet Sam Bockarie. The
held

12:37:50 20 a meeting. He, Superman came with loose material, ammunition,
21 that Sam Bockarie issued him this ammunition for us to attack
22 Koidu Town, ECOMOG position.

23 Q. What month was that?

24 A. That was in August. He went in late July -- ending of
12:38:12 25 July. After that meeting he came. He say we are to wait for
a

26 herbalist to come and give initiation to all combatants, a

on
herbalist
27 bullet-proof like, so that all -- all combatant who would go
28 that mission, they will not be hit by bullet. And this
29 came. They initiated -- everyone on force in Superman Ground

SCSL - TRIAL CHAMBER I

Page 63
SESAY ET AL
14 APRIL 2008
OPEN SESSION

actually,
I
that
12:38:58
1 went on that mission, but that initiation give me cold,
2 because they wound, wound, wound our skins. So I set fire, as
3 told you earlier today, under, under cellar. I was sitting by
4 that fire. When the mission failed, up to 70 people died in
5 mission. Superman say I was the one who sabotaged the mission
6 because I attempted to send report against him.

111
grievances
7 Q. Now, TF-361 testified on 18 July 2005 at pages 110 and
8 and said that Superman commit atrocity against civilians and
9 that -- he also went further to say that amongst the

12:39:36
refused
want
you
10 he submitted in his report to Foday Sankoh was that you
11 to submit to his authority. You were stubborn. You didn't
12 to -- to respect the command territory of Superman; what do

13 say to that?

14 A. Yes, I think the same matter I've said, sir. I really -

12:40:00 15 if I was having my own way, I cannot take command from
Superman

16 because the way he are behaving in Kono particular until the
time

17 we met again in Makeni. He was just doing things like he is
not

18 the freedom fighter. Indeed, he was not on the RUF training
base

19 to get the type of ideology we got.

12:40:19 20 Q. Why do you say that, that he was not on the training
base;

21 he didn't get the ideology. Why do you say that, sir?

22 A. Actually, he was not at Camp Jackson Naama. At the same
23 time the Camp Lion required Foday Sankoh open in Sierra Leone,
I

24 do not see Superman attending any of that base there. So
that's

12:40:38 25 why I just conclude that he has no ideology. Maybe he was
just a

26 brave fighter, but he doesn't know the reason why we are
fighting

27 for in this country.

28 Q. Mr Kallon, you remember earlier you said that crimes in

29 Kono, if they are committed and reported, they will be

SCSL - TRIAL CHAMBER I

SESAY ET AL

investigate. 1 investigated and that if you commit a crime, we will

That's 2 Show him, please, Rule 68 disclosure from the Prosecutor.

3 the excerpts from the -- the proofing notes of TF1-374 in the

4 Charles Taylor trial disclosed to us. Please show him and

give a

12:41:36 5 copy to Their Lordships, please. Mr Kallon, you have a copy

6 before you. Can you read that out, please, to their

Lordships,

7 just the first three paragraphs there?

8 A. Yes, sir.

9 Q. Please, go ahead.

12:42:36 10 A. Kosia, the RUF Military Police, Deputy Commander was in

11 charge of MP, whose duty was to investigate allegation made

12 against fighter as well as civilians; all rape, unlawful

13 killing,

14 burning houses, maltreatment --

15 Q. Maltreatment, yes.

12:42:56 16 A. -- maltreatment were cases reported and investigated

17 under

18 the supervision of this person. After investigation, it's

19 he

20 alleged to have been completed, it was this person, Kosia, who

21 makes recommendation to the overall MP commander the type of

22 punishment to be given. This -- in the absence of the overall

12:43:20 23 commander, he approved the punishment. The type of punishment

24 most timely recommended for fighter --

25 PRESIDING JUDGE: Yes, go ahead.

26 MR WAGONA: My Lords --

24 PRESIDING JUDGE: Yes, Mr Wagona.

12:43:39 25 MR WAGONA: I don't understand the purpose for which
this

26 one is being referred to. Based on the purpose, I would maybe
27 have an objection.

28 MR TAKU: The witness laid a foundation that if crimes
were

29 investigated -- were reported in Kono, in Koidu in particular,

SCSL - TRIAL CHAMBER I

Page 65

SESAY ET AL

14 APRIL 2008

OPEN SESSION

of 1 they will investigate it. In fact, he even cited an example

2 the bank where there was investigation and I put the question
to

3 him: If in the course of his duties as a task force commander
4 TF-366 found any -- that you commit any crime and report it to

12:44:23 5 Superman or some other high authority, we even investigated
and

6 said yes. Now I'm showing him now to show that indeed that
that

7 statement will surely be true because this individual is
saying

8 that he was in charge of investigating crimes on behalf of --

9 JUDGE BOUTET: Where and when? There's no date.
There's

12:44:40 10 no location. There's no -- absolutely nothing. We don't know

11 this Kosia - where was it? In 1992 or 2000? Or in which
12 location? You're talking of Kono, and there's no reference to
13 Kono at all. First time we hear this name -- name about Kono.

14 MR TAKU: Okay, Your Honour, let me ask him if he knew
this

12:45:04 15 individual and the location in which it was. Let me -- let me
16 lay that foundation again first.

17 Q. Mr Kallon, did you know this individual by name Kosia,
18 please?

19 A. Yeah, I know one Pa Kosia who was the G1.

12:45:17 20 Q. Where was he?

21 A. Really.

22 PRESIDING JUDGE: Yes, Mr Wagona.

23 MR WAGONA: My Lords, I would object because this
document

24 and the contents has no nexus with what is sought to be
adduced

12:45:47 25 through this witness in connection with this document. And
this

26 document is talking about excerpts, and I'm not sure myself
27 whether this is from a transcript, or from a statement made by
28 this witness. I do understand that this was part of the
29 disclosures to the Defence, but if it is part of a transcript,

I

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 66

14 APRIL 2008

OPEN SESSION

you. 1 would prefer that we rely on the transcript itself. Thank

2 MR TAKU: Your Honours, without wasting time, let me
3 rephrase my question and let me lay a foundation --

4 PRESIDING JUDGE: Back to this document. Is it part of
a
12:46:46 5 transcript, or what is it?

6 MR TAKU: No --

7 PRESIDING JUDGE: It is an excerpt of what?

8 MR TAKU: It is a proofing notes by the Prosecutor of
their

9 witness Charles Taylor, and they disclosed that under Rule 68
to

12:46:55 10 us. That's what we have here, sir. They cannot challenge --
11 they cannot themselves determine that material is exculpatory
and

12 they come here to challenge it. They can't do that. This is
13 what we have from them, and I just wanted to ask and use it
for a

14 different purpose from talking about Kono specifically. I
just

12:47:15 15 want to find out from Mr -- from Mr Kallon if the procedure
16 mentioned here is the procedure that applied to the RUF,
either

17 in Kono or elsewhere. That's what I want to put in that
general
18 context only.

19 JUDGE THOMPSON: But is this document in evidence?

12:47:31 20 MR TAKU: No, sir, we want to tender it later.

21 JUDGE THOMPSON: I see.

22 MR TAKU: Rule 68 disclosure from the Prosecutor.

now 23 JUDGE THOMPSON: And probably what -- what is in issue
24 is whether sufficient legal foundation has been laid --
12:47:46 25 MR TAKU: Exactly, sir, I think so.
26 JUDGE THOMPSON: -- for this witness to tender this
27 document.
28 MR TAKU: Exactly, sir.
29 JUDGE THOMPSON: It probably is a lack of clarity --

SCSL - TRIAL CHAMBER I

Page 67 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 MR TAKU: Yes, sir.
2 JUDGE THOMPSON: -- as to what you are trying to achieve
--
3 MR TAKU: Exactly, sir.
4 JUDGE THOMPSON: -- that may well be agitating the other
12:47:58 5 side.
6 MR TAKU: All right, sir. Thank you sir. Let me lay
the
7 foundation.
8 PRESIDING JUDGE: Just a minute. Yes, Mr Jordash,
please.
9 MR JORDASH: Only that it's agitating us as well.
12:48:10 10 JUDGE BOUTET: I still have the same concern that I have
11 expressed. In fact, you've asked your client if he knew Kosia

12 and he answered --

13 JUDGE THOMPSON: He is not even sure.

14 JUDGE BOUTET: He says he knows of a Kosia that was G1.

12:48:22 15 This is not the evidence of a G1 here; it's the deputy --
16 military police deputy commander so it's -- and when is this
17 taking place? What circumstances? Is it in '96, '97, '98,
'99,

18 2000? Don't know. How is it relevant at all?

19 MR TAKU: Your Honours, we are drawing it all on the
basis

12:48:44 20 that Mr -- Mr Jordash says that it agitates him. On that
basis,

21 we will withdraw it and go to another issue.

22 PRESIDING JUDGE: Yes, because we're in Kono --

23 MR TAKU: Exactly, sir.

24 PRESIDING JUDGE: -- we're in Kono --

12:48:54 25 MR TAKU: Exactly, sir.

26 PRESIDING JUDGE: -- and the material you are seeking to
27 tender --

28 MR TAKU: Exactly, sir.

29 PRESIDING JUDGE: -- was whether crimes were in

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 68

14 APRIL 2008

OPEN SESSION

mention 1 investigated in Kono, and the document has absolutely no
2 of Kono or even the timeframe.

3 MR TAKU: Exactly sir.

4 PRESIDING JUDGE: Within which it is supposed to have
been
12:49:08 5 made. So it's not just because of --

6 JUDGE THOMPSON: And perhaps now that you say it, I was
7 just going to say that it's agitated me too.

8 MR TAKU: Exactly, sir. Thank you. So we withdraw the
9 question.

12:49:22 10 PRESIDING JUDGE: And the document.

11 MR TAKU: And the document, sir.

12 PRESIDING JUDGE: Right.

13 MR TAKU: Yes, on the grounds that it's taken --

14 PRESIDING JUDGE: Now that we have withdrawn it, that's
12:49:33 15 okay. That's all right. It's withdrawn.

16 MR TAKU: Yes, sir.

17 PRESIDING JUDGE: I know you are withdrawing it because
it
18 agitated Mr Jordash but there were many more agitations to it.

19 MR TAKU: But also and more importantly because of the
12:50:00 20 very wise observation from the Bench.

21 PRESIDING JUDGE: And the objections from the
Prosecution
22 as well.

23 MR TAKU: Exactly, sir.

24 PRESIDING JUDGE: Yes.

12:50:05 25 MR TAKU: Exactly, sir.

26 Q. Now, let me go through that topic differently from
another

no
27 perspective. Mr Kallon, what you've testified about is maybe
28 there's no reason to talk about this because it's about Junior
29 Lion saying that SLAs took no instruction from RUF. RUF took

SCSL - TRIAL CHAMBER I

Page 69

SESAY ET AL

14 APRIL 2008

OPEN SESSION

another
1 instruction from SLA on 8 October 2000. So let me go to
2 area.

the
3 JUDGE BOUTET: But why do this? I mean, obviously as
4 Presiding Judge has reminded you, this is argument you can put
12:50:59 5 forward in your submission at the end of the trial; why are we
6 concerned about this at this time? I mean, we're just losing
7 time with this, Mr Taku. If you are just reminding the
accused
8 that one witness has said things that would not implicate him,
so
9 what, at this stage?

12:51:21 10 MR TAKU: Well, I'm trying to eliminate some questions,
11 Your Honour, so as to move faster, based on this observation
from
12 the Bench.
13 Q. Now, let us move quickly to the testimony of TF1-071.

page 14 Your Honours, that is on 26 January 2005, pages 19 -- that's
12:52:05 15 19, lines 24 to 27; page 20, lines 1 to 3, lines -- page 24,
16 lines 26 to 28. Listen, Mr Kallon: this is in respect of the
--
witness 17 the Kamachendeh Street murders, committed by Rocky. The
were 18 stated, Mr Kallon, that Rocky was not reporting to you. You
19 not reporting to him and that you were just colleagues; that
12:53:00 20 there was no instruction from you to Rocky and, in answer to a
could 21 question from the Presiding Judge, if there was any way you
22 have intervened to stop the murder, and the witness said
23 absolutely nothing, but the witness said you were present; you
24 knew about this. What do you say about the -- the Kamachendeh
12:53:19 25 Street massacre by Rocky?
it 26 A. I was not there. I don't know about that. I only heard
27 in this Courtroom.
28 Q. This witness again, at page 60, lines 22 to 24 and 29,
of 29 pages 61, lines 5 to 7, and then -- testified about the murder

SCSL - TRIAL CHAMBER I

Page 70

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 a Nigerian lady at Wenedu. He said that you expressed your

location 2 concern to Rocky about the proximity of ECOMOG to that
3 and that they were only about two to three kilometres away and
4 that you should be careful that if this lady escaped -- about
the 12:54:30 5 lady escaping to go and give information to ECOMOG, and that
you 6 expressed your concern about the safety of RUF and the
7 under Rocky's control. A few days after your guards came and
8 cautioned Rocky and Rocky killed -- asked one Sergeant Teneh
to 9 execute this woman. First, Mr Kallon, did you go to Wenedu
to 10 see Rocky?
11 A. Yeah, I go Wenedu.
12 Q. When?
13 A. It was sometime in March.
14 Q. Did you talk about the Nigerian woman when you went
there? 15 A. No.
16 Q. Did you see any Nigerian woman there?
17 A. No. I only go Wenedu in connection of Prosecution
witness 18 TF1-078. I went to see him there. So, being Rocky was my
19 colleague, I take the opportunity to talk to him, but I do not
12:55:38 20 even go there personally for Rocky. I was having salt, Maggi
and 21 some other stuff for that old man, yes. That was the reason I
22 went there.
23 Q. When you saw Rocky, what was Rocky doing at the time you
24 saw him?

12:55:54 25 A. He was the commanding officer on that ground. He was
the
26 officer, Superman assigned him to that ground. The only thing
27 when I saw him, I told him that: Oh, this old man is my old
man.
28 Please take care of them as a colleague. So I introduced that
29 particular old man 078 personally to him because the old man
was

SCSL - TRIAL CHAMBER I

Page 71

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 not well. He has his feet swelling, his wife and children
2 because he said they were in the bush, so I carried this
medicine
3 salt and Maggi and other half-half thing for him. That was
the
4 time. But I do not see no Nigerian woman and Rocky and myself
do

12:56:45 5 not discuss anything about any Nigerian woman.

Wendedu
6 Q. Did you know about the presence in the location of
7 of any Nigerian woman at all?

8 A. No, My Lord. No, sir. No, sir.

Kono?
9 Q. How many times did you go to Wendedu when you were in

12:57:14 10 A. I only go there once. It was just about one-and-a-half
11 miles from where I was staying in Koidu Town, this Wendedu

12 village.

13 Q. Did you know Sergeant Kenneh?

14 A. No. Only from TF-0716 Sergeant Kenneh was bodyguard to
12:58:00 15 Rocky, in this Courtroom I heard that, but I don't know that
16 Kenneh person.

17 Q. Now, Mr Kallon, TF1-045 testified before this Court,
on 9
18 November 2000 -- 19, Your Honour. It can't be 9 because that
was

19 [indiscernible] this witness, must be an error on our part,
12:59:01 20 because it was 18, 19, 25 November. But this was on 19. At
page

21 45 --

22 JUDGE BOUTET: Which year?

23 MR TAKU: 2005, Your Honours.

24 Q. Lines 9 to 29 and accused you --

12:59:21 25 PRESIDING JUDGE: At page what?

26 MR TAKU: At page 45, Your Honours.

27 Q. That you and Mr -- that you arrested him on the
instruction
28 of Mr Issa Sesay and detained him at the MP. No, that you
29 arrested him and also arrested TF1-366 and you carry him from

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 72

14 APRIL 2008

OPEN SESSION

1 Tongo Field to Makeni, and detained him in your house. Do you
2 remember that?

3 A. Yes.

4 Q. You heard that testimony?

12:59:57 5 A. Yes.

6 Q. Why did you -- did you arrest him, please, first?

7 A. Yes.

8 Q. Why did you arrest him?

9 A. TF1-045 was one of the officer who were inciting in
Tongo

13:00:12 10 Field. Gibril Massaquoi and TF1-371 saying to them not to
adhere

11 to disarmament until Foday Sankoh be released. So this
12 information get to we, that these are the officer who inciting
13 people in Tongo Field. That was the reason Mr Sesay and
myself

14 say we need to arrest them. It was Mr Opande who we asked to
15 give us helicopter and took me there. But when I arrested
13:00:39 them I

16 do not use the helicopter again, I use the vehicle because I
tied

17 them, just so that they would suffer, so the next officer
would

18 not see and disrupt the disarmament process.

19 JUDGE BOUTET: I still have a problem with your
reference.

13:01:07 20 19 November doesn't exist. There's no --

21 MR TAKU: Therefore, it will be the 25th, Your Honour,
22 because I myself have problems with that. That was the first
23 witness I cross-examined here, and I saw here 9. I said no,
it

24 can only be -- it is from 18 November and I think on 25
November.

13:01:25 25 This will be --
26 JUDGE BOUTET: You are talking of 045?
27 MR TAKU: Yes, sir.
28 JUDGE BOUTET: So you said 25 November?
29 MR TAKU: Yes, sir. Because I remember that is what he

SCSL - TRIAL CHAMBER I

Page 73

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 said toward the end of the cross-examination.

2 JUDGE BOUTET: But something not on the 19th --

3 MR TAKU: It's not the 19th. It's an error here.

4 JUDGE BOUTET: And the same with the reference you gave

us

13:01:46 5 for the previous witness. I still couldn't find it. I mean,
I'm

6 just asking you to assist us because if you give us inaccurate

7 information, I, we are unable to -- I mean, with the amount of

8 evidence that has been given, Mr Taku, it will not be possible

9 for us to track that down and I think it is important for you

13:02:07 10 that we find it.

11 MR TAKU: Is it 071, sir?

12 JUDGE BOUTET: Yes.

13 MR TAKU: Yes. 071, at [indiscernible] transcript 26

14 January 2005.

13:02:14 15 JUDGE BOUTET: Well, I cannot find that on 26 January of
16 2005, anyhow, but --

17 MR TAKU: Let me have one of my colleagues help me here.
18 2006.

19 JUDGE BOUTET: Maybe you can move ahead and when we come
13:02:30 20 back after the break you can make sure that the verify those
21 references so we have accurate information, if possible.

22 MR TAKU: Mr Kennedy will help us with the date, sir.

14 23 Q. Now, where was I? Now, TF1-366, Your Honours, that is

you 24 November 2005, at page 76, and he stated, sir, alleged that

13:03:24 25 ordered 15 civilians at Tombodu, ordered to be arrested.
Three

the 26 of them were released but twelve were locked in the house and

27 house was set on fire. What do you say about that?

to 28 A. Not true. I wasn't here at all, that he and myself went

room 29 Tombodu. We arrested 15 people and put them in court barri

SCSL - TRIAL CHAMBER I

Page 74

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 and set the barri on fire. It is not true. Throughout 1998 I

2 did not go to Tombodu.

3 Q. He also said that you ordered your bodyguard by name
4 Trouble and a relative of yours by name Ambush to set that
13:04:16 5 fire -- house on fire. What do you say about that?
6 A. Not true, My Lord.
7 Q. Why again would this witness testify against you, sir?
8 A. It can be the same motive because I did -- he feel when
9 they arrested him it was bad idea to him. So this is the
13:04:33 10 opportunity he get to return to me. So --
11 Q. At page 40, on 16 November 2005, he alleged that at
12 Superman Ground you killed a boy for sheep -- because of a
sheep?
13 PRESIDING JUDGE: This is TF-what?
14 MR TAKU: TF-366.
13:04:57 15 PRESIDING JUDGE: 366. We are still on 366?
16 MR TAKU: Yes, sir.
17 Q. They killed a boy for a sheep?
18 A. Not true, My Lord. I heard myself that a Kallon kill
one
19 Black Guard which was Foday Sankoh's security for stealing
sheep.
13:05:22 20 Q. You heard from whom?
21 A. I heard it from a civilian.
22 Q. And who was this?
23 A. I was not present.
24 Q. He told which Kallon killed?
13:05:34 25 A. He say it is Kallon, Superman bodyguard, but I really, I
do
26 not verify who were this Kallon, whether it was Miloskie
Kallon
27 or any other Kallon.
28 PRESIDING JUDGE: For stealing a sheep?

29 THE WITNESS: Yes, My Lord. But it was not me.

SCSL - TRIAL CHAMBER I

Page 75

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 MR TAKU:

2 Q. Did he tell you who the boy was? You say the boy was
3 Foday Sankoh's bodyguard?

4 A. Yes.

13:05:58 5 Q. Whom he killed?

6 A. Yes, a Black Guard.

14 7 Q. The witness again on 8 November 2005, at pages 32, lines
8 to 28, and at page 33 to 36, testified that you went with him
9 to -- on patrol at Bumpe and came into contact with some
13:06:40 10 civilians at a spot called Five-Five -- Five-Five Spot -- and

killed 11 this civilian had [indiscernible] and shovels and that you

12 three of these -- killed three of these individuals. What do
you

13 say about that, sir?

14 A. He is lie, sir.

13:06:58 15 Q. Do you go on patrol with him to Bumpe?

16 A. No. He and myself never go anywhere.

any 17 Q. Did he work under you -- was he under your command at
18 time --
19 A. No.
13:07:10 20 Q. -- in Kono?
21 A. No, sir. I met he and Superman in Koidu Town. It was
22 Superman I see he was giving assignment to him. He and myself
23 were never on any move.
24 Q. On 14 November 2005, page 66, and again he repeated the
13:07:36 25 accusations on the 16th, at page 22. He says that you sent
them
26 to Gandorhun Gbane, Gandorhun, G-A-N-D-O-R-H-U-N, Your
Honours.
27 Gbane is G-B-A-N-E. To kill civilians and burn houses. What
do
28 you say about that? Did you send this witness and some other
go
29 to that location, sir?

SCSL - TRIAL CHAMBER I

Page 76

SESAY ET AL

14 APRIL 2008

OPEN SESSION

we 1 A. No, sir. That is a lie. When we retreated 1998, in
2 February, we all left Koidu Town on the way for Kailahun. We
3 went to Gandorhun Gbane but before arriving at Gandorhun Gbane
4 met Colonel Isaac Mongor and Rambo there already. They have

13:08:35 5 captured Gandorhun. I don't know who sent Colonel Isaac and
6 Rambo there. Upon arrival there, Sam Bockarie say only Johnny
7 Paul Koroma, 371, and Mr Sesay are to go Kailahun -- to
Kailahun.

8 So the rest of us actual stay with Superman. Right there,
9 Superman make deployment in Gandorhun so I not really know
when

13:09:07 10 this witness say I sent him. He was just trying to implicate
me.

11 Q. The witness also says, sir, that you -- there was a
meeting

12 that took place in Superman's house in Koidu Town in which
there

13 was a decision to rob the bank, to break the bank, go rob the
14 bank in Koidu Town and that indeed you robbed the bank. Did
you

13:09:32 15 attend a meeting in order to plan the robbing of the bank,
sir?

16 A. Actually, TF-366, he not testify to that directly, so.
He

17 even don't talk about meeting that we were in a meeting. We
18 heard a bank was robbing. Then I went there and robbed the
bank.

19 But the one who testified to Superman house meeting, it was
13:10:21 20 TF1-360. He say myself, Isaac Mongor, Superman and other, but
21 366, he do not refer to Superman house.

22 Q. No, but he said you robbed a bank?

23 A. Yes, but it is lie.

24 Q. Okay. Now that you've talked about that -- talked about
13:10:21 25 that, I want to cite that witness also. Show him the report
of

26 the board of inquiry, sir. Give a copy to Their Lordships, by
27 Miloskie Kallon.

28 PRESIDING JUDGE: It is 12, please. It is 12. It is 1

29 o'clock and we shall rise for lunch, please.

SCSL - TRIAL CHAMBER I

Page 77

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 MR TAKU: Okay. We will try to make the reference -- to
2 verify the reference, Your Honour.

3 PRESIDING JUDGE: Yes. Do you see the time? This break
4 time gives you time to verify a number of things.

13:11:14 5 MR TAKU: Thank you, Your Honours. Thank you so much.

recess

6 PRESIDING JUDGE: Learned counsel, the Chamber will
7 for lunch, please.

8 [Luncheon recess taken at 1.01 p.m.]

9 [RUF14APR08C - DG]

14:53:42 10 [Upon resuming at 2.43 p.m.]

Taku,
11 PRESIDING JUDGE: Good afternoon learned counsel. Mr
12 may we proceed please.

Your
13 MR TAKU: Yes, we'd like to relay our apologies here,

14 Lordships, I did verify the transcripts and the Honourable Mr
14:54:00 15 Justice Boutet was right in respect of 071, it is 21 January
16 2005, and the pages remain the same, Your Honours.

17 JUDGE BOUTET: Just a second 071 --

18 MR TAKU: Yes.

19 JUDGE BOUTET: Okay.

14:54:12 20 MR TAKU: Yes, Your Honour.

21 JUDGE BOUTET: That's -- what's the date?

22 MR TAKU: Twenty-first January 2005, Your Honour.

23 JUDGE BOUTET: Okay.

24 MR TAKU: We have -- we printed out copies here of the
14:54:23 25 pages and with respect to the other side, Your Honours, indeed
26 the client himself was right when he corrected me, it is 366,
the
27 rest of the citation is correct, closed session, 9 November
2005,
28 at page 45.

29 JUDGE BOUTET: Nine November.

SCSL - TRIAL CHAMBER I

Page 78

SESAY ET AL

14 APRIL 2008

OPEN SESSION

sincerely, 1 MR TAKU: Yes, Your Honour. And we do apologise

the 2 Your Honours. The technology being what it is, some of us --
3 times have forced us to get into it. It was troubling. God
4 willing, we arrive.

14:55:07 5 JUDGE BOUTET: I thought you were about to say we will
6 survive but that's okay.

7 JUDGE THOMPSON: I didn't realise that you were also
8 involved in some -- the preaching business. I thought you
were
9 just chief. I didn't realise you were reverend too.

14:55:26 10 MR TAKU: Well, as chiefs we are also spiritual leaders
in
11 our respective communities. Yeah. So. That's it, Your
Honours.

12 Good afternoon, Your Honours, good afternoon Mr Kallon.

13 Q. Mr Kallon, before we went on break I had shown you an
14 exhibit that is the -- from the office of the Joint Security
14:55:57 15 Board, Kono District, dated 6 May 1999. One minute, Your
16 Honours. Okay. 44, Exhibit 44 that's Court Exhibit 44,
please.

17 Show Mr Kallon a copy and a copy to the Judges. Mr Kallon,
just
18 read by the subject, the subject only of that. By and large
it's
19 from whom and addressed to whom, please.

14:56:55 20 A. This addressed to Sam Bockarie.

21 Q. From whom?

22 A. From Joint Security Chairman Major AS Kallon.

23 Q. In respect of what, what is the subject matter, sir?

24 A. Subject: Statement obtained at the abovenamed office on
14:57:21 25 Lieutenant Richard, Sergeant Ballah and Mr Dumbuya on
Commercial

26 Bank break-in in Koidu, Kono, sometime in March 1998.

27 Q. Now, were you aware of this inquiry about the bank.

28 What -- the breaking into the Commercial Bank in Koidu, Mr

29 Kallon?

Page 79

SESAY ET AL

14 APRIL 2008

OPEN SESSION

the
member

1 A. I was not aware of this inquiry, but I was aware about
2 break-in of the bank, but I did not see this. I was not a
3 of this Joint Security.

14:58:01

4 Q. Yes. What happened? Can you explain what happened with
5 regard to the break-in of the bank?

heard

6 A. Exactly, early in March, when we get to Koidu Town, I
7 Superman was instructing witness TF1-366 to arrest all those
8 ex-ULIMO fighters, they called them STF and SLA, and any other
9 RUF who were involved into the break-in of the Commercial Bank

in

14:58:43

10 Koidu Town. So, I heard Superman was giving that instruction,
11 but I did not really monitor or witness this Joint Security
12 communique.

the

13 Q. Where were you at the time that this break-in in bank,
14 break-in of the Commercial Bank in Koidu Town took place?

14:59:05

15 A. At that time this break-in took place really -- that was
16 the time now I started going with Colonel Isaac Mongor on the
17 highway to start creating the obstacle. So, one afternoon we
18 returned from the creating obstacle place, we were told that

some

19 ULIMO fighters, known as STF, has broken into the bank and

robbed

14:59:36 20 all the money.
21 Q. Now, let's just take advantage of what you said now to
22 clarify one thing. When you said you went with Colonel Isaac
to
23 liaise [indiscernible] role, what was actually your duty?
What
24 do you mean by creating obstacle? What are these obstacles
they
14:59:56 25 say you went to create there?
26 A. The very day I was assigned to go with Colonel Isaac, I
saw
27 him with Caterpillar, that was the machine he was trying to
dig
28 the road, big big holes on the road, so that ECOMOG cannot
able
29 to drive directly in as they come with speed across the bridge

SCSL - TRIAL CHAMBER I

Page 80

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 towards Koidu Town, that was the area he was digging the hole
2 with the Caterpillar machine.
3 Q. So when you dug the road, what did you do?
4 A. I mean, he was just creating big big hole on the road,
like
15:00:38 5 a cut from the edge of the road to the edge of the road,
create

holes
take
able
that
15:00:59

6 big holes there, and go again to the other side, create big
7 there. So that when ECOMOG come, they reach there, it will
8 them time to fill -- refill this hole before ever they can
9 to get to Koidu. It was sort of thing we were creating in
10 road.

11 Q. So, you were there with who and who? Who were your
12 subordinates, if at all you had any?

The
that

13 A. At that particular moment there were no subordinates.
14 battalion that were on that highway at Mamoudu checkpoint,

15:01:15
they

15 was the battalion we were responsible to provide security for
16 these people who creating the obstacle. So, and they were not
17 assigned with we who were creating this obstacle, so per se
18 were subordinate to me, no. They were under command.

19 Q. Who was the battalion commander of that area?

15:01:39
20 A. As I tell you earlier today, it was Lieutenant Tito, one
21 SLA soldier.

29,
22 Q. Now, TF1-366, on 8 November 2005, at page 6, line 1 to
23 testified and stated that the -- you came to a location
24 Five-Five, where you met these civilians that you said were
15:02:28 25 Kamajors, and that you killed three of them; what do you say
26 about that, sir?

27 A. Chief --

28 PRESIDING JUDGE: Being Kamajors?

29 MR TAKU: No, that he alleged that those civilians were

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Kamajors.

2 PRESIDING JUDGE: Okay.

3 THE WITNESS: Chief, as I told you, it is lie. 366 and

4 myself never move between that time, and, to be honest with
you,

15:03:01 5 I did not kill nobody allegedly Kamajor.

6 Q. Operation Born Naked. Have you ever heard of Operation

7 Born Naked?

8 A. Yeah, I heard it in this Courtroom.

9 Q. Were you involved in any such operation, Operation Born

15:03:22 10 Naked?

11 A. No, not a day, no.

12 Q. Well, I ask this question because the allegation about

the

13 pregnant woman is caught with emotion on time frames before

this

14 Court, we don't want to waste a lot of time, but now that you

are

15:03:42 15 here I just thought that you could clarify that. Now, in the

16 transcript of 20 July 2005, page 23, Your Honours, lines 11 to

17 25, and at page 66, lines 25 to 26, 360 talks about the

killing

18 of a boy called Kai, they killed a boy called Kai, K-A-I, by

19 shooting him down in the head because the boy had killed a
15:04:21 20 sacrificial sheep, and that he heard about that information at
21 the Debunde Street, in Koidu, Hill Station. What do you say
22 about that, sir?
23 A. Chief, as I told you, I do not kill nobody for sheep.
That
24 allegation is completely made up allegation against me.
15:04:48 25 Q. The same witness, at page 46 line 15, 29, page 47, line
21,
26 said that you killed a Black Guard called Christopher for
27 stealing your sheep. What do you say about that?
28 A. No. There were problem between myself and a man called
29 Christopher, but he was not a Black Guard, he was a Vanguard
like

SCSL - TRIAL CHAMBER I

Page 82

SESAY ET AL

14 APRIL 2008

OPEN SESSION

This
I
doors.
Freetown,
15:05:42 1 me. In 2001, there were law no one should break a house.
2 Christopher, a Vanguard, he was a colonel. I was in my house.
3 heard that Christopher has uproot zincs, steal windows and
4 He loaded it in two trucks from Makeni. On his way to
5 he was intercepted by the MP. When the MP stopped him, he and

6 those boys who carry on this stealing act, they open fire on
the
7 MP. When myself came there, he do not recognise me, they open
8 fire on me. He and myself we sited one another until I gun
him
9 down. And they were trying to kill me also. I was rescued by
10 the United Nations Mission, I mean, United Nations soldiers,
15:06:11 they
11 disguised me by giving me UN clothing and so, so on and so
forth,
12 and escaped me out of Makeni to the sector headquarter
Magburaka,
13 and then they flew me to Port Loko.
14 Q. Who was this -- the leader of this United Nations force
15 that rescued you?
15:06:35
16 A. He was called Colonel Oladipo. He was the NAMBATT, I
don't
17 know, NAMBATT number five or eleven commander in Makeni. He
was
18 working under sector of General Ali Hassan. And General Ali
19 Hassan, he was based in Magburaka.
15:06:55 20 PRESIDING JUDGE: [Microphone not activated]
21 THE WITNESS: My Lord, sir.
22 MR TAKU: Microphone, Your Honours.
23 PRESIDING JUDGE: You said you were rescued by who?
24 THE WITNESS: Colonel Oladipo. Then, later on, Mr Sesay
15:07:17 25 intervened. I was -- I was asked to come back to Makeni.
26 MR TAKU:
27 Q. Now, Mr Kallon, you testified earlier about some burning
of
28 Koidu Town, and you said that two SLA that you saw putting
fire
29 on the town, you challenged them, they challenged you and you

Page 83

SESAY ET AL

14 APRIL 2008

OPEN SESSION

lines

through

15:08:20

any

15:08:47 10
himself

of

15:09:06 15
way

by

1 fired at them. But TF1-360, on 20 July 2005, at page 82,

2 13 to 16, alleged that you received orders from Mr Sesay

3 Superman to burn down Koidu Town on the withdrawal. Did you

4 receive any such instructions from Mr Sesay, sir?

5 A. No, sir. That witness, he lie, because the way he

6 explained I receive this instruction, it's not true.

7 Q. Did you receive any instruction at all?

8 A. No, Sesay do not give me no instruction, because when we

9 get to Koidu Town, Sesay was wounded actually, he was not in

10 operation move. All what he was thinking of was to get

11 to Kailahun, so that witness lie.

12 Q. Did you receive any orders from anyone whatsoever?

13 A. I do not receive no order from nobody concerning burning

14 Koidu Town, me, personally, no.

15 Q. Did you take part in the burning of Koidu Town in any

16 whatsoever, sir?

17 A. No. I was trying only to prevent it but I was muzzled

18 my superior.

19 Q. Now, TF1-041, Your Honours --

15:09:30 20 PRESIDING JUDGE: When you say you were muzzled by your
21 superiors, what do you mean?

22 THE WITNESS: My Lord, when I try to prevent, when me
and
23 these two SLA meet, after I fire them, Superman sent complaint
24 report against me to Sam Bockarie that I am sabotaging this --

15:09:48 25 PRESIDING JUDGE: We've heard all that, yes, we've heard
26 all that.

27 THE WITNESS: That is it, sir. That I mean he muzzle me
28 because he do not allow me to exercise any right to stop those
29 who were carrying on that criminal act.

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 84

14 APRIL 2008

OPEN SESSION

1 MR TAKU:

lines
2 Q. Now, TF1-041 testified on 17 July 2006, at page 18,
3 22 to 23, again at page 20, lines 5 to 25, and again at page
35,
4 line 27, page 37, lines 4 to 29, page 36, line 17 to 26, page
27,
15:10:40 5 lines 11 to 28, and said that when ECOMOG was advancing on
Koidu,

in 6 RUF and AFRC and STF, all these groups started burning houses

7 Koidu Town; were you aware of that, sir?

whole 8 A. Yes. As I told you, I came from Kailahun, I met the

9 town were burning. That time ECOMOG were getting half part of

15:11:05 10 the town. RUF/AFRC were half part of the town, and burning

came 11 houses. Houses were on fire, but that day, that very day, I

12 from Kailahun.

13 Q. TF1-334 --

14 PRESIDING JUDGE: I don't have -- there's no clarity in

15:11:29 15 that response. ECOMOG was occupying one part of the town

16 AFRC/RUF were occupying one of the town, there were burnings.

17 Who was burning?

18 THE WITNESS: My Lord, when I first inquire, they say

19 ECOMOG were throwing -- the jets were dropping bombs on the

missiles 15:11:50 20 houses. The houses caught fire, and then the long-range

21 they were --

22 PRESIDING JUDGE: On the day when you arrived?

23 THE WITNESS: Yes.

24 PRESIDING JUDGE: When you arrived.

15:11:58 25 THE WITNESS: Yes, sir.

26 PRESIDING JUDGE: Yes.

27 THE WITNESS: Yes, sir. Then they say the long-range

And 28 missile bombs were also catching fire on some of the houses.

were 29 indeed so, even the fighters themselves, the AFRC/RUF, they

Page 85

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 putting houses on fire.

2 JUDGE BOUTET: You saw that or you were told?

3 THE WITNESS: I was told, My Lord, because I met them
now

4 almost at the outskirts of the town running towards Superman
15:12:26 5 Ground.

6 JUDGE BOUTET: So you were told that AFRC and RUF
soldiers
7 were also setting houses on fire.

8 THE WITNESS: Yes, sir, and that they say it was Johnny
9 Paul Koroma who say because the Kono people do not support his
15:12:39 10 government, that's the reason he give order to burn down
houses
11 in Kono, in Koidu Town.

12 Q. Well, Mr Kallon, TF1-334, he testified that it was
Johnny
13 Paul Koroma who ordered Bazzy to burn down Koidu Town to
punish

14 civilians for being complicit with the Kamajors or to being in
15:13:14 15 complicity with Kamajors, and that was on the transcript of 7
16 July 2006, pages 13, 14, 19, lines 1 to 7, then page 70, lines
1
17 to 29; is that what you heard?

18 A. Yes, sir. The few that remained with the RUF, they

19 retreated to Superman Ground, that's what they were saying,
the
15:13:37 20 SLA. They say it was Johnny Paul who pass down instruction
21 before going to Kailahun, but actually, I did not hear that.
22 Q. Now, TF1-367 testified on 26 June 2006, at page 9, lines
1
23 to 29, stated that it was Mosquito who sent a message to
Superman
24 to burn down vehicles and houses belonging to combatants who
were
15:14:16 25 not prepared to go to the front line. And it was Superman who
26 passed the information to his SBUs to defend the orders, the
27 SBUs, the Cobras; did you also hear about that?
28 A. Yeah, but the witness who testified to that I knew in
this
29 Court was 367.

SCSL - TRIAL CHAMBER I

Page 86

SESAY ET AL

14 APRIL 2008

OPEN SESSION

2006.
1 Q. Yes, 367. That's what I quoted, please, on 26 June
when
2 A. Yes, I heard that also. That was the very day in May
3 I met these two SLA who were putting this house on fire. I
fire
4 them. That was the time I get to know that Superman was the
one
15:14:54 5 who passed that instruction when I get to Buedu.

6 Q. Now --

7 JUDGE BOUTET: But I don't think he has answered your
8 question. You put --

9 MR TAKU:

15:15:07 10 Q. Did he heard about that allegation too?

11 JUDGE BOUTET: Yeah, but you put to the witness that it
was
12 Mosquito, to Superman, who had done this and that. So wasn't
it
13 the question you posed to the accused?

14 MR TAKU: I read out what the witness said, that the
15:15:23 15 information came from Mosquito to Superman that the houses and
16 vehicles belonging to combatants, who had refused to go to the
17 front line to fight, should be burned down and that Superman
18 passed these orders --

19 PRESIDING JUDGE: Did the combatants own vehicles? I
mean
15:15:41 20 houses.

21 MR TAKU: Well, that's what the witness -- that is what
the
22 witness said, Your Honour.

23 PRESIDING JUDGE: Very well.

24 MR TAKU: And that he passed this information to his
SBUs,
15:15:54 25 Superman's SBUs, to implement the order.

26 JUDGE BOUTET: Yes.

27 MR TAKU: So that's what I'm asking him, whether he
heard
28 about that allegation at the time.

29 THE WITNESS: Yes, sir. I said when I got to Buedu -- I

Page 87

SESAY ET AL

14 APRIL 2008

OPEN SESSION

I

this

15:16:22

15:16:27

15:16:36
accept

1 got to Buedu, that was the time I heard that Sam Bockarie say
2 am the one who's sabotaging his instruction, but at the time
3 instruction came, I do not know anything about it, until I
4 confronted these two SLA, when my report went to Superman -- I
5 mean Sam Bockarie.

6 JUDGE BOUTET: So you agree with the evidence of 367,
7 that's what you are saying?

8 THE WITNESS: Yeah.

9 JUDGE BOUTET: You did not know at the time.

10 THE WITNESS: Yes, sir.

11 JUDGE BOUTET: But you learned afterwards that there was
12 Mosquito that had instructed Superman to do that. That's what
13 you learned?

14 THE WITNESS: Yes, sir.

15 JUDGE BOUTET: Okay. So you do not deny this; you
16 this evidence?

17 THE WITNESS: Yes, sir.

18 JUDGE BOUTET: Okay.

19 MR TAKU:

15:16:43 20
Honours,

Q. Now, 371 testified on 21 July 2006, page 63, Your
21 lines 26 -- 24 to 26.

22 JUDGE BOUTET: Sorry, what's the date again? 371?

23 MR TAKU: 21 July 2006.

24 JUDGE BOUTET: Yes.

15:16:59 25 MR TAKU: Page 63, Your Honours, lines 24 to 26.

26 Q. He said that you had SBUs, and stated that you ordered
them

27 to burn houses, the houses of soldiers in Koidu. Did you have
28 SBUs, Mr Kallon?

29 A. No, I do not have SBU who were carrying gun, but I was

SCSL - TRIAL CHAMBER I

Page 88

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 having my own -- I was having children actually.

2 Q. Who's children?

3 A. My own born children were among and some were my family
4 member.

15:17:38 5
who

PRESIDING JUDGE: You have said you did not have SBUs
6 were carrying guns?

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: What do you mean by that?

9 THE WITNESS: The one the indictment allege, about I
having
15:17:50 10 children with me, My Lord.
11 MR TAKU:
12 Q. And the children you had with you were who or whom?
13 A. I was having my own son, my daughter, my sister's son,
my
14 wife sister son, daughter, they were with me. There were up
to
15:18:06 15 14 children with me.
16 JUDGE BOUTET: What do you mean they were with you?
17 THE WITNESS: My Lord, while we retreated from home to
get
18 to Koidu Town, they were with me until May, when I was
reported,
19 before going to Kailahun before I could take them along with
me.
15:18:22 20 So they were with me in Kono.
21 MR TAKU:
22 Q. Your Lordship wants to know what do you mean by, "they
were
23 with me." How?
24 A. They stay with me. They were my family members, sir.
15:18:36 25 JUDGE BOUTET: When you were moving for your operations,
26 were they with you as well?
27 THE WITNESS: No, sir. That's why I think the commander
on
28 the ground found me idling. Every day I used to take them
29 outskirts of the town for the fear of death or long-range
missile

1 bombing, so I used to be always outside of Koidu Town with
them 2 in the bush, for safety.

3 PRESIDING JUDGE: Correct me, I may be wrong somewhere:
4 The impression you have been giving, you know, throughout your
15:19:13 5 evidence, is that you had a large family and you were always
6 moving with this family; wherever you delocated you went with
the 7 family?

8 THE WITNESS: Yes, sir.

9 PRESIDING JUDGE: I mean, and in the process, you know,
of 10 whatever activity, you know, that you were involved in, what
15:19:33 11 happening to these? You were moving around with them still?

12 A. No. Like, when we get to Koidu Town now, when Superman
13 give me this, say I should join Isaac Mongor to create this
14 obstacle, I used to leave them at Kuiwo where I was staying.

15 Then I go to create the obstacle. So in the morning hour,
16 themselves can go to where I used to guide and go, sort of Zoo
17 Bush, like in the bush, they can go and spend the day. So

18 I'm off from my duty, I can go and meet them there; evening
time 19 we come back to town.

15:20:16 20 MR TAKU:
21 Q. Zoo Bush, what is the meaning of Zoo Bush? Can you
explain
22 to Their Lordship about Zoo Bush, please?
23 A. It's a sort of hide-out.
24 PRESIDING JUDGE: It's a hide-out. Their Lordships
know.
15:20:30 25 MR TAKU: Thank you, My Lords.
26 JUDGE BOUTET: We know of Joe.
27 Bush too.
28 PRESIDING JUDGE: Joe Bush, yes.
29 JUDGE BOUTET: And Zoo Bush.

SCSL - TRIAL CHAMBER I

Page 90 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 PRESIDING JUDGE: Zoo Bush and Joe Bush, yes.
2 MR TAKU:
3 Q. Now, Mr Kallon, TF-041 testified on 11 July 2006, page
45
4 to 46. He said he saw some persons burning houses at Koidu,
and
15:21:00 5 they told him that you were the one who has said that if
anybody
6 burn down houses was going to be promoted, and that he came to
7 confront you that, to tell you that the bombs were dropping
and

bombs 8 the houses were being burned. You told him that. But how,
9 are dropping, why are you talking all about the houses were
15:21:21 10 burning; did that happen?

was 11 A. No. No, sir. At that time, myself, I was major. If I
He 12 having way to promote, I would promote myself. So no, sir.
13 say lie.

14 Q. Now, let's move quickly to -- now, can you tell Their
15:21:48 15 Lordships about -- let's explain some things. His Lordship
asked
16 a question about something I'd like you to clarify. You
talked
17 earlier about civilians in Koidu, that there were civilians in
18 Koidu; do you remember, last week?

19 A. Yeah, we retreated with civilian in Koidu.

15:22:11 20 Q. Where did these civilians come from, please?

21 A. My Lord, like, from -- for my own part of civilian I
22 brought, as I told you, they were my family member from my
home.
23 Because of my affiliation with them, they themselves were scared
24 not to remain behind so that they would not be harmed by
15:22:33 25 Kamajors. So I can conclude that almost all the other, as you
and 26 know, SLA were in town before. They have their own family,
27 the RUF who come will rejoin some of their family, so they all
28 retreated together.

29 Q. Now, you said that you brought your family from home;
home

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 from where, please?

2 A. From Bo; Bo is my home, sir.

let

3 Q. Why did you think that your affiliation with them would

4 the Kamajors harm them, if they remained in Bo?

15:23:13
on

5 A. The very day the Kamajors attack us Bo, on 15 February,

6 the 16th, when we get back to Bo, that very day Mr Sesay got

7 wounded. We met lot of, lot of civilians in police cells that

8 they say Kamajor blame them to be collaborator and they were

alive,

9 killing some of them by hanging tyre on them, burning them

15:23:40
before

10 so it was a blessing in disguise. I took my family along

11 ever they could come and meet them.

12 Q. Now, on 17 July 2006, at page 31, Your Honours, TF-041

13 testified that there was a mining commander present in Kono.

14 That during this time -- during this time, by that it was a

15:24:24
the

15 separate and distinct unit, and that they took no orders from

16 mining commander. That the mining commander made his request

17 through Superman, through Superman, and, of course, witness

18 recalled frictions between Superman and you, which led to you

19 being recalled by Mosquito to Buedu. Now, was there a mining

15:24:54
20

commander in Kono, that you know of?

21 A. Yes, My Lord. Two of that kind don't testify before
this
22 Court. I knew them. TF-367 was one, the first mining
commander.
23 Then TF-366 also were mining commander. But before TF-366 --
24 PRESIDING JUDGE: You said 36 -- what?
15:25:28 25 THE WITNESS: 367, My Lord, and 366. But, My Lord,
before
26 367 come as mining commander, there were a man in charge try
to
27 mobilise that, called Major Mohamed. He and Michael Kumba,
they
28 were in charge of that before 367 were sent by Sam Bockarie.
29 MR TAKU:

SCSL - TRIAL CHAMBER I

Page 92

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Q. Was there -- was mining carried out in Kono?
2 A. At the particular point in time we retreated, newly no.
3 But after ECOMOG remove us from Koidu Town to Superman Ground,
4 yes, they organise what they call mining.
15:26:18 5 Q. Who organised it?
6 A. That time now it was 367, Prosecution witness 367.
7 Q. Who ordered this mining?
8 A. This mining were ordered directly in my own presence by

his 9 Superman because earlier, before that time of the retreat to
15:26:41 10 Superman Ground, he make a written order to all commander to
hand
11 over civilian for the commencement of mining on 30 March 1998.
12 Q. Is that the written order you tendered here last week?
13 A. Yes, My Lord.
14 Q. Exhibit number -- one minute, Your Honour. Let me find
out
15:27:12 15 the exhibit number from my --
16 THE INTERPRETER: Your Honours, would the witness be
asked
17 to go a little bit slow, so as to enable the interpreter to
18 interpret faithfully in Krio.
19 MR TAKU: Well, we wouldn't stop to answer questions
about
15:27:29 20 the context last week, let's just rush and move forward.
21 PRESIDING JUDGE: Can you inform your witness to go
slowly,
22 so that he can properly -- so that he can be interpreted
23 properly?
24 MR TAKU: Yes.
15:27:37 25 PRESIDING JUDGE: You heard what -- you heard the
message
26 from the translation cabin.
27 MR TAKU:
28 Q. Now, can you repeat the answer and go slowly please,
29 because there are lots of -- it's important so --

1 A. Yes, My Lord, I said I knew about mining.

2 Q. Yes.

3 A. And the instruction to organise this mining in Koidu
Town,
4 it came from Superman, that he made a written instruction to
all
15:28:04 5 commander to hand over all civilians to G5 for the
commencement
6 of mining on 30 March 1998, but TF-367, he came from Buedu,
from
7 Sam Bockarie, he came with fuel, bailing machine, petrol,
engine
8 oil, food that he came as overall mining commander. He
reported
9 to Superman. That was the time Superman send him to Major
Konewa
15:28:47 10 Ground. He -- when he went there he create the name as Mining
11 Zoo-Bush, where this radio operator was they called Sundiata
12 Keita and he was deployed with 360 in that radio station, My
13 Lord.

14 PRESIDING JUDGE: Did I hear you say that Superman
15:29:10 15 instructed all commanders to hand over all civilians to the
G5?

16 THE WITNESS: Yes, My Lord.

17 PRESIDING JUDGE: For purposes of conducting mining
18 operations?

19 THE WITNESS: Yes, My Lord, on 30 March 1998, sir.

15:29:28 20 MR TAKU: And that it was a written instruction, that's

21 exhibit 341, Your Honours, that you admitted.

22 PRESIDING JUDGE: And where were these civilians from?

23 THE WITNESS: And these were the civilians who retreated

24 with all combatants. I cannot really say now whether they
were

15:29:50 25 family member or not, sir, but some I'm sure, like my own.

26 MR TAKU: Of course, we did not mean to refuse, Your

27 Honour.

28 Q. You told Your Lordships that you refused to hand over
your

29 family members last week, and you told Superman so, so --

SCSL - TRIAL CHAMBER I

Page 94

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 PRESIDING JUDGE: No comments.

2 MR TAKU: No, I am only just reminding --

3 PRESIDING JUDGE: There should be no comments on the

4 evidence you are leading Mr Taku, please.

15:30:15 5 MR TAKU: I am sorry, Your Honours.

6 PRESIDING JUDGE: Yes.

7 MR TAKU:

8 Q. Now, TF1-041 testified on 11 July 2006, at page 29,
lines 1

9 to 29, Your Honours, he said, "It was not Morris Kallon's job
to

15:30:31 10 take people, to bring them to the mine and in fact he did not
11 take truck loads of people to the mine in Kono. I did not see
12 him doing this, let me not tell lies." You heard that
evidence?

13 A. From?

14 Q. TF-041, testifying on 11 July 2006, at page 29 lines 1
to

15:30:53 15 29.

16 JUDGE BOUTET: Page 29?

17 MR TAKU: Page 29, Your Honours. "It was not Morris

18 Kallon's job to take people, to bring them to the mine and in

19 fact he did not take truck loads of people to mine in Kono. I

15:31:10 20 did not see him doing this. Let me not tell lies."

21 JUDGE THOMPSON: Is that in issue?

22 PRESIDING JUDGE: Who is -- yes, is that in issue?

23 JUDGE THOMPSON: Is that in issue.

24 PRESIDING JUDGE: Who is this, this is TF what, you say?

15:31:19 25 MR TAKU: 041.

26 PRESIDING JUDGE: Answer the question.

27 JUDGE THOMPSON: Is it in issue?

28 MR TAKU: Well --

29 JUDGE THOMPSON: Is it in issue? Remember, the issue is
to

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 determine controversies between the parties.

2 MR TAKU: Okay, Your Honours, let me move on. Thank
you.

3 JUDGE THOMPSON: That's fundamental.

4 PRESIDING JUDGE: The Prosecution witness is giving
15:31:42 5 evidence that -- what do you want me to say -- that
exonerates,
6 you know, your client and you are revisiting it? What do you
7 want him to say?

8 MR TAKU:

9 Q. Well, Mr Kallon, let me just concentrate on you, not --

15:32:15 10 JUDGE THOMPSON: And counsel, I did not mean to disturb
the
11 rhythm of your examination-in-chief, it's just that sometimes
12 I -- I know you'd be -- you've prepared this with such
13 thoroughness, and the methodology seems quite refined. It's
14 just that when you put it in this way, in this elaborate
sense,
15:32:37 15 it sounds very much like a kind of commentary on the evidence,
16 whereas we're looking for the actual factual aspects of the
17 controversies between the parties. In other words, what you
are
18 rebutting. That's my own perception of it, but, with that
19 comment, I'll restrain myself.

15:33:02 20 MR TAKU: Thank you, Your Honours.

21 Q. Mr Kallon, did you at any time lead or transport people
or
22 order any person to go to the mines to participate in this
mining
23 by Mosquito? Did you -- order by Superman -- did you?

24 A. No, no, sir.
15:33:20 25 Q. I mean, where, by people, I mean civilians?
26 A. No, sir, even soldier I do not send or I do not carry
them
27 to do mining, My Lords.
28 Q. Now, TF1-367 testifying on 22 June 2006, at page 51,
lines
29 1 -- lines 16 to 21, he said that -- he's testified and said
that

SCSL - TRIAL CHAMBER I

Page 96

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Mr Kallon had a house in Kono where his boys were doing
mining.
2 Mr Kallon, did you have a house in Kono in which your boys
were
3 doing mining?
4 A. No, but I was having house in Kono, but I was not having
15:34:23 5 boys staying there mining, doing mining for me, no.
6 Q. Well, just a minute, Your Honours. Doing some editing,
7 Your Honours, to concentrate on him not on the general. Now,
Mr
8 Kallon, did you know, just before I move to another area,
another
9 location, this individual they call Savage? While in Kono,
did
15:35:29 10 you know him?

11 A. While in Kono I heard the name, but I don't know him
12 facially, in person. I don't know him in person, but I heard
13 that he hailed from Kono; he's a son of Kono soil.
14 Q. What about Staff Alhaji?
15:35:50 15 A. Staff Alhaji, him, I know him.
16 Q. You know him where?
17 A. I know him in late -- in early 1999.
18 Q. Where?
19 A. In Kono, on to Makeni, and after the peace -- after 2002
15:36:11 20 election, I saw him in the army, at Wilberforce Barracks.
21 Q. So he had integrated the army in Wilberforce Barracks?
22 A. Yeah, he's deployed at Wilberforce.
23 Q. Now, Mr Kallon, have a look at Exhibit 217, that's the
24 Court Exhibit 217?
15:37:08 25 PRESIDING JUDGE: Yes, Mr Wagona?
26 MR WAGONA: My Lords, I would object to the use of this
27 exhibit in these proceedings.
28 PRESIDING JUDGE: Mr -- Mr Taku?
29 MR TAKU: Your Honours.

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: Is this a Court exhibit already or --

2 MR TAKU: Well, I met it in the proceedings, and I
presume

3 it's a Court exhibit because I see the Registry number there,
4 Your Honours, and the --

15:37:49 5 PRESIDING JUDGE: Well, I want to know if that is Court
6 exhibit.

7 MR TAKU: Yes, Your Honour.

8 PRESIDING JUDGE: Because if it isn't a Court exhibit
9 already, then we may have cause to look into the objection
that

15:38:03 10 is being raised by Mr Wagona. Yes, Mr Wagona.

11 MR WAGONA: My Lord, it is an exhibit.

12 PRESIDING JUDGE: It is an exhibit.

13 MR WAGONA: It was used only for the voir dire, for the
14 trial within a trial.

15:38:20 15 PRESIDING JUDGE: What is wrong with that? Why do you
want

16 to exclude the voir dire from the trial itself? Is the voir
17 dire, are you saying that the voir dire is not part of the
trial?

18 MR WAGONA: It's not part of the main trial.

19 PRESIDING JUDGE: I am saying not the main trial, is the
15:38:35 20 voir dire not part of the trial?

21 MR WAGONA: It was, My Lord, and this exhibit was used
only

22 for the purpose of the voir dire.

23 PRESIDING JUDGE: Was it admitted only for purposes of
the

24 voir dire; is that what is on the record?

15:38:49 25 MR WAGONA: That was my understanding because each time
an

indicated 26 exhibit was being admitted during the voir dire, it was

27 that it was becoming an exhibit in that voir dire.

For 28 JUDGE BOUTET: Which voir dire are we talking about?

29 the admissibility of --

SCSL - TRIAL CHAMBER I

Page 98 SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 PRESIDING JUDGE: Of Sesay's statements?

2 MR WAGONA: Yes, My Lord. Yes.

3 PRESIDING JUDGE: I don't know what -- what --

must 4 JUDGE BOUTET: I don't remember this particular one, I

15:39:18 5 say. I'm a bit at a loss to understand this one, but Mr
Jordash

6 seems to be nodding in the positive, so this was filed?

Morissette 7 MR JORDASH: Yes, I used it to cross-examine Mr

8 and then --

9 JUDGE BOUTET: Morris -- it is from Morissette?

15:39:41 10 MR JORDASH: Yes.

11 JUDGE BOUTET: Okay.

12 PRESIDING JUDGE: Yes.

13 JUDGE THOMPSON: What was the number again, 217?

14 MR WAGONA: That is correct, My Lords; 217.

15:39:58 15 JUDGE THOMPSON: And this, you said it was specifically
for
16 the voir dire?
17 MR WAGONA: That is correct, My Lord.
18 JUDGE THOMPSON: In other words, your recollection is
that
19 we numbered the exhibit separately and distinctly from the
15:40:17 20 numbering for the main trial; is that what you are saying?
21 MR WAGONA: No, what I'm saying is that each time an
22 exhibit was used --
23 JUDGE THOMPSON: For the purposes of voir dire.
24 MR WAGONA: Voir dire.
15:40:30 25 JUDGE THOMPSON: It was given a separate and distinct
26 number?
27 MR WAGONA: No.
28 JUDGE THOMPSON: That was the confusion.
29 MR WAGONA: What I was saying, My Lords, is that my

SCSL - TRIAL CHAMBER I

Page 99

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 understanding was that the exhibits that were used during the
2 voir dire were used for that limited purpose; they were not
3 tendered for the purpose of the main trial.

4 JUDGE THOMPSON: But my difficulty now is that if the

15:40:55 5 numbering conformed to the numbering for the entire trial,
then
6 we're in a procedural bind because, in the national system,
there
7 is sometimes a separate and distinct approach to the numbering
of
8 exhibits for the purposes of a voir dire as distinct from the
9 main trial.

15:41:19 10 MR WAGONA: My Lords --

11 JUDGE THOMPSON: I don't now recall what we did.

12 MR WAGONA: My Lords, what I recall is that there was no
13 distinction in the numbering, but I would still maintain my
14 argument.

15:41:31 15 PRESIDING JUDGE: And I suppose you -- there was also no
16 specific ruling or indication that the exhibits were admitted
17 exclusively for purposes of the voir dire?

18 MR WAGONA: Well, if that's what the position of the
Court
19 is, then I'll understand --

15:41:49 20 PRESIDING JUDGE: No, no, no. I'm saying, I mean, was
21 there any position taken at that time? I'm just -- I'm just -

22 MR WAGONA: What I recall happening was that each time
an
23 exhibit was being tendered, it was mentioned by a party that
let

24 this become the next exhibit in the voir dire, and that these
15:42:08 25 exhibits were used to assist the Court in determining that
26 particular issue.

27 JUDGE THOMPSON: But you can see why I say that we're in
a
28 procedural bind if the numbering was not separate and distinct

then

29 for the purposes of the voir dire, the trial within a trial,

SCSL - TRIAL CHAMBER I

Page 100

SESAY ET AL

14 APRIL 2008

OPEN SESSION

in

1 it would seem otiose to make an objection now when the exhibit
2 fact is part of -- is seen as an exhibit, as Court exhibit
3 conforming to the numbering; you see my point? I mean, I can
4 take that view.

15:42:51
will

5 MR WAGONA: But, My Lords, I have made my point and I
6 leave it for the Court.

7 PRESIDING JUDGE: If I may ask: What do you want to use
8 Exhibit 217 for, Mr Taku?

individual,

9 MR TAKU: Your Honours, in that exhibit, this

15:43:13

10 Savage, later on went to a group -- the [indiscernible] called
11 the West Side Boys. And the Prosecutor himself asked him the
12 question: Who was your commander when you were out with the
13 junta? Who was your West Side? He said it was a certain

Colonel

14 Karimu. The question was that he didn't say in that instance
15 that it was Mr Kallon. All it establishes exactly on this
16 question of the alleged subordinate of Kallon, whether Savage

was

17 one of them and what Savage himself, to go into the mind of
18 Savage himself without -- the other statement about him is
this:
19 Whom did he say was his commander during the time frame? That
15:43:55 20 is, from the time that he was in Kono until 2002, January
2002.
21 This question was put, series of questions, that he said was -
-
22 JUDGE BOUTET: So this is, what you are trying to --
23 MR TAKU: Just that, just that.
24 JUDGE BOUTET: Yeah, but this is a statement, from what
I
15:44:18 25 understand --
26 MR TAKU: From Savage.
27 JUDGE BOUTET: From Savage to the police who was
conducting
28 an interview with Savage at the time; that's what it is.
29 MR TAKU: No. The Prosecution investigators --

SCSL - TRIAL CHAMBER I

Page 101

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 JUDGE BOUTET: Yes, but that's what I mean. The
2 investigator, or the police, whatever it is --
3 MR TAKU: Exactly, sir.
4 JUDGE BOUTET: -- Morissette was acting on behalf of the
15:44:29 5 Prosecution interviewing Savage at the time.

6 MR TAKU: Exactly, sir.

7 JUDGE BOUTET: So this is an interview that Savage gave.

8 MR TAKU: Exactly, sir.

9 JUDGE BOUTET: And this is part of the transcript of
that
15:44:41 10 interview.

11 MR TAKU: Exactly, Your Honour.

12 JUDGE BOUTET: And you want to introduce that for what
13 purpose?

14 MR TAKU: No, it is already in evidence and I want to --

15:44:43 15 JUDGE BOUTET: It is not in evidence, this transcript.

16 MR TAKU: I'm sorry about that.

17 JUDGE BOUTET: Well, at least --

18 MR TAKU: I thought it was in evidence. If not, then
I'll
19 drop that.

15:44:52 20 PRESIDING JUDGE: Where are we? I mean, are these not -
-
21 these documents which you've given to us, are they not in
22 evidence?

23 MR TAKU: No, no. I saw the Exhibit 217.

24 PRESIDING JUDGE: What is exhibit 217? Please, can
Court

15:45:09 25 Management assist us please? We want to know what Exhibit 217
26 is, even if it were in the voir dire, it was numbered
27 sequentially with the entire exhibits, you know, of the trial.

28 MS EDMONDS: Excuse me sir.

29 PRESIDING JUDGE: Yes, Court Management.

Page 102

SESAY ET AL

14 APRIL 2008

OPEN SESSION

look

1 MS EDMONDS: Looking at the list, it doesn't actually
2 as if it was in the voir dire. It says the voir dire exhibits
3 start at 223.

15:45:48

4 PRESIDING JUDGE: I think what would interest us is to
5 see -- to see what you have on your records as Exhibit 217.

6 MS EDMONDS: 217 says out-of-court interview transcript,
7 excerpt of TF1-34 tendered during the witness period of Issa
8 Sesay. And it was tendered on 6 June 2007.

Sesay;

15:46:11

9 PRESIDING JUDGE: During the witness period of Issa
10 that is when we had the voir dire.

11 JUDGE BOUTET: Yeah.

12 PRESIDING JUDGE: That is when we had the voir dire.

document

15:48:29

13 JUDGE THOMPSON: Learned counsel, take us a little more
14 carefully through. What is the purpose of putting this

now

15 to the witness and what exactly is the advantage to your side
16 that you're seeking for the purposes of your defence or what
17 disadvantage was caused your side by this document that you
18 seem to, as it were, redress? In other words, and when you
19 answer the question, put it in the context of what assistance

15:49:08
answers

20 will this Tribunal derive from any further questioning or

21 that might come from the witness?

22 MR TAKU: Thank you, Your Honours. The advantage, Your
23 Honour, comes very very clearly from a question asked here
which
24 everyone of us want to ask, if Savage were here. And the
answer
15:49:32 25 will determine the responsibility to who was a commander, who
had
26 command responsibility over the acts of Savage here. The
27 question is this: What I want to know is who above you,
Colonel
28 Savage, who above you was directing the activities as well as
you
29 know. Who was giving you the orders to you? Who was giving
you

SCSL - TRIAL CHAMBER I

Page 103

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 the orders to you? Who do you receive to who was giving you
2 orders? Then he say: To do what? Everything you have done.
3 And this was about the activities of Savage within the time
4 frame.

15:50:14 5 JUDGE THOMPSON: But what's incriminating in respect of
6 your client which you're now trying to rebut? Remember, it's
an
7 adversarial contest. Your client from the witness box now is

8 attempting to rebut allegations that are of an incriminating
9 nature, that may have been led by the Prosecution, and
anything

15:50:38 10 that you use to do so must, of course, achieve that purpose.
So

11 what are you trying to achieve now? In other words, how --
what

12 benefit does the Tribunal get from this line of

13 examination-in-chief?

14 MR TAKU: Well, I get your point, Your Honour.

15:51:05 15 JUDGE THOMPSON: I'm just trying to follow it.

16 MR TAKU: I get your point. My mind, at the back of my
17 mind --

18 JUDGE THOMPSON: My fear is that if we don't have it

19 clearly, we run the risk of multiplying the issues when we

15:51:15 20 shouldn't.

21 MR TAKU: I think you are right, Your Honour. My mind
was
22 just to address this issue of alleged AFRC/RUF subordinates.

23 JUDGE THOMPSON: Yes.

24 MR TAKU: That permits the indictment. Just to find out

15:51:27 25 that whatever crimes were committed and everywhere they said,

26 well, alleged -- it is not the evidence, it's the indictment.

27 JUDGE THOMPSON: I can see your difficulty, I can see
your

28 difficulty but, of course, in putting your client's case you
want

29 to move away from unnecessary generalities and more to the

1 specificities, and that's my difficulty here, whether you're
2 really not just sailing in generalities, when you should in
fact
3 be confined to specific things that allegedly disadvantage or
4 incriminate your client. That's my random thinking on it.

15:52:11 5 MR TAKU: Well, I take the advice seriously, Your
Honours,
6 and I would drop the issue. I move to the next point. Thank
you
7 very much, Your Honour.

8 PRESIDING JUDGE: Let me say this: I mean, the way I --
9 what I decipher from your defence is that there was no real
15:52:34 10 unified command, you know, between the RUF and the AFRC.

11 MR TAKU: Exactly, Your Honour.

12 PRESIDING JUDGE: This has been the trend all along in
this
13 case. There was some meeting, some agreement at certain
points
14 in time, but there was no real unified structure, you know,
where

15:52:53 15 one could take orders from the other. If there were majors
here
16 and there they were at random, you know, made for the
convenience
17 of individuals and not necessarily for institutional or based
on
18 institutional instructions [indiscernible] that. So, what do
we

19 know of Staff Alhaji and Savage? Savage has been shown in
this
15:53:21 20 Court -- I mean the evidence which has been led in this Court
is
21 that Savage was a sort of a lawless person an SLA like Staff
22 Alhaji who was doing things the way he thought he should do
them
23 and was not answerable maybe to any particular person.
24 Your client is saying that he was in charge of nothing
and
15:53:46 25 that the boss in the place was -- was Superman and so on and
so
26 forth. So I don't think we should multiply issues, you know,
27 like my colleague has said it. You know, it's good to let the
28 matter, you know, rest there, you know, the way you want it to
29 rest there, so that we can move ahead and avoid certain

SCSL - TRIAL CHAMBER I

Page 105

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 complexities, you know, that might become too intricate for us
to
2 decipher in due course when we're examining the entirety of
the
3 evidence.
4 MR TAKU: Thank you, Your Honours. We will move away
from

15:54:23 5 that. We withdraw and then move quickly to another
allegation.

6 Q. Kenema, please. We'll deal with child combatants and
other
7 issues separately, but let's get now to Kenema. Did you get
to
8 know one BS Massaquoi, please?

9 A. I heard of BS Massaquoi.

15:54:51 10 Q. You heard about him how? What sort of man was he?
and
11 A. I heard that he was the Kenema town council chairman,
in
12 he was the one who created the lorry park. And he was the one
13 charge of the marketing and so on and so forth.

14 Q. What opinion do you have about this individual, sir,
when
15:55:16 15 you heard all this?

16 A. What I heard, he was one Sierra Leonean who actually
anyone
17 can admire. They say he was -- he didn't go to school but
18 through his local business he was able to educate himself and
he
19 achieved that position as city -- I mean, town council
chairman.

15:55:46 20 And I heard that he was very lovely by the people of Kenema.

21 Q. Between 25 May 1997 to 28 February 1998, did you hear
22 anything you know of that happened to this man that you've
spoken
23 about?

24 A. Yes. Around November, November to December or January,
I
15:56:23 25 heard that Sam Bockarie and Eddie Kanneh gave instruction to
26 kill --
27 PRESIDING JUDGE: Around what time December, what year -

28 MR TAKU:

29 Q. Are you sure of the date?

SCSL - TRIAL CHAMBER I

Page 106

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 A. I'm not too sure of the date, sir. I just guess of the
2 date.

time

3 Q. Yes, give the date that you are sure? The approximate

you

4 you heard. If you don't know the date, tell Their Lordships

15:56:46

5 don't know the date. Don't just give --

6 A. I think December, January if I'm not mistaken actually,
7 because it was information that Sam Bockarie and the SOS East
8 Major Eddie Kanneh, they have killed BS Massaquoi and some
9 others, which I cannot recall their names now.

15:57:08

10 Q. Where were you when you heard this information?

11 A. I was in Bo when I got that infos.

quite

12 Q. Now, are you quite sure of the date? If you are not

about

13 sure, please tell Your Lordship that you are not quite sure

14 the date.

15:57:25

15 A. That's why I say I cannot really remember the day or the

16 date.

that 17 PRESIDING JUDGE: The important thing is that he heard
18 Massaquoi, you know, had been killed allegedly by Mosquito and
19 Eddie Kanneh.
15:57:37 20 THE WITNESS: Yes, sir.
21 PRESIDING JUDGE: Yes.
22 MR TAKU:
23 Q. What was your reaction when you heard about this news,
24 please?
15:57:47 25 A. This -- I did not feel good because how can you just go
and
26 kill a prominent person without any -- no reason? The reason
27 they show they killed the man for, even though I was not there
to
28 verify, but the reason to me it was poor. They say he was
29 supporting Kamajor and really, to me, that reason was not
enough

SCSL - TRIAL CHAMBER I

Page 107

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 to just kill a prominent person like that.
2 Q. Now that you are on that point, Mr Kallon, let me just -
-
3 well, let me -- well, let me continue, please. Is there a
time
4 that you went to Kenema, between this time frame that I have

15:58:55 5 given, did you ever go to Kenema?

6 A. Yes, September I went to Kenema.

7 Q. What year?

8 A. 1997, September, but I don't know the exact date.

9 Q. What did they go there to do?

15:59:08 10 A. I went there to Sam Bockarie. He told me that more men
has

11 come from Liberia and he wanted --

12 PRESIDING JUDGE: But, Mr Taku, are you leaving the
issue

13 of BS Massaquoi to rest at this stage? Are we still coming
back

14 there?

15:59:28 15 MR TAKU: No, sir.

16 PRESIDING JUDGE: We are no longer coming back there?

17 MR TAKU: Yes, sir. Yes, I just asked him whether he
was

18 there, he said 'no' and what was his opinion.

19 PRESIDING JUDGE: BS Massaquoi?

15:59:40 20 MR TAKU: Yes, sir.

21 PRESIDING JUDGE: Anyway, I thought you were going in --

22 into it for other substantial reasons, as related to the
defence

23 of your client.

24 MR TAKU: Okay, yes. Yes, sir, that's why I asked him

15:59:55 25 whether he went to Kenema at some other point.

26 PRESIDING JUDGE: Uh-huh.

27 MR TAKU: Yes.

28 Q. Now when -- is there any incident you know of when you
went

29 to Kenema, did you come to meet some of the combatants? Did

Lordships,
combatants?

1 you -- was there anything memorable, you can tell Your
2 that brought you into confrontation with some of the

3 A. You mean in connection with BS Massaquoi killing --

4 Q. No, with the civilian population?

16:00:25

5 A. Yes, I can recall the very day I get to Kenema, one lady
6 was moving, one -- some SLA soldier before their Secretariat,
7 they say, they are putting flag up and the lady is moving on

the

8 road. So, for this reason, they went to ransack this woman to
9 take her money. The woman was going to market to get her

16:00:55

10 foodstuff, to take her money. I say no. Luckily I was there.

I

11 said, by the time you are putting the flag up, it do not

notify

12 anybody. Normally, you put flag up by 6.00, 6.30 and pull the

13 flag down 6.00, 6.30, but look at this time of the day you are

14 putting flag up, how can you expect civilian to go by that

rule?

16:01:21

15 I said no, leave the women alone. I did so, I was able to
16 prevent. They did not take anything from the woman.

17 Q. Now, about -- to put an end to this issue of Gibril

you
18 Massaquoi, when you got there, you said that's the only time
19 went there and you rescued this woman, you intervened for the
16:01:41 20 lady. About this issue of BS Massaquoi, did you approve of
the
21 death of this man?
22 A. The time I went there, at that time BS Massaquoi had not
23 been killed.
24 Q. Yes, but subsequently, when you heard that he was
killed,
16:01:56 25 did you approve of that?

26 PRESIDING JUDGE: I will not have asked him. He has
27 answered that question, largely. Largely.

28 MR TAKU: Okay, Your Honour. Let me move --

29 PRESIDING JUDGE: He did not approve of it. The motive

SCSL - TRIAL CHAMBER I

Page 109

SESAY ET AL

14 APRIL 2008

OPEN SESSION

supporting
1 even which was put across for killing him, that he was
2 the Kamajors, was to him frivolous. It was not enough to kill
a
3 man of such prominence in society.

4 MR TAKU:

16:02:24 5 Q. Now, let's move now to Tongo Field, please. Mr Kallon,
at

that
Field?
6 what time did you go to Tongo Field within this time frame,
7 is, 25 May 1997 to 28 February 1998, did you go to Tongo

8 A. No. No, I do not go to Tongo, sir, throughout '97.
9 PRESIDING JUDGE: Between what dates, Mr --
16:03:16 10 MR TAKU: 25 May 1997 to 28 February 1998.

11 PRESIDING JUDGE: To 28 February?

12 MR TAKU: Yes, Your Honour.

where
on
13 Q. Can you please account for your period -- for your --
14 were you -- well, you testified on 25 May 1997, where were you
16:03:38 15 that date again, please? Tell us.

16 A. Please, sir, I told you I was at Kangari Hill on 25 May
17 1997. I was under attack by Kamajor and the SLA soldier.

18 PRESIDING JUDGE: When the coup was announced?

19 THE WITNESS: Yes, My Lord, by 305.

16:04:16 20 MR TAKU:

or
21 Q. Now, at this point in time, when Mosquito was in Kenema,
22 Tongo Field, Kenema, within that time frame, what was his
23 position in the RUF?

of
24 A. Mosquito was the acting leader of the RUF in the absence
16:04:34 25 Foday Sankoh with the position of field commander, battlefield
26 commander, with the rank of colonel.

27 Q. Now, TF-125 on 12 May 2005, at page 47, Your Honours,
28 testified that after the coup, the military structure remained
29 intact, and that civilians could bring complaints against

Page 110

SESAY ET AL

14 APRIL 2008

OPEN SESSION

that
Mosquito
16:05:30

1 harassment by military personnel. Witness testified further
2 "initially they were disciplined. By the end of the day
3 became very arrogant and took orders from nobody." You heard
4 that evidence. Does that describe exactly the character of
5 Mosquito within that time, if you know?

6 PRESIDING JUDGE: What comment do you have to make about
7 that?

8 MR TAKU:

9 Q. What comment do you have to make about that, please?

16:05:40
of
of

10 A. Yes, sir. As I told you earlier, Mosquito was that type
11 dictator commander within the RUF. At the end of the day
12 whatsoever he feel of doing, that is his decision. No one to
13 judge his decision. If you attempt that, it will be the end
14 your own life.

16:06:23
to
Tongo
pointed

15 Q. TF1-035 came here and testified on 5 July 2005, pages 79
16 87, that Mosquito led about 300 rebels under his command to
17 Field to mine and kill. But he also said that somebody
18 out an individual to him and said that that individual -- that

for 19 individual was Mr Kallon -- was Kallon, and that he deputised
16:06:57 20 Mohamed -- for Mosquito in the Cyborg Pit, where SBUs have
killed 21 some people. Were you the one that this 035 testified about,
22 sir?
23 A. No, because the Morris Kallon the witness testified
about 24 say he was a colonel. At that time I was not colonel and I
was 16:07:20 25 not at Tongo Field, I was in Bo, with the rank of major.
26 Q. Did you know this individual 035?
27 A. Only that day I saw him in this courtroom. I don't know
28 him before.
29 Q. TF-041 also testified on 10 July 2006, at page 21, lines
2

SCSL - TRIAL CHAMBER I

Page 111 SESAY ET AL
14 APRIL 2008 OPEN SESSION

diamond 1 to 3, and stated that Morris Kallon helping with digging
in 2 at Tongo Field in December 1997. Did you go to Tongo Field,
3 December 1997, sir, and did you have people, people digging
4 diamonds there?
16:08:16 5 A. No, sir, I did not go to Tongo and I was not having
nobody

6 mining for me there.

Field? 7 Q. Now, Mr Kallon, when expressly did you go to Tongo

Their 8 Did you go there at some point in time? If yes, when; tell

9 Lordships.

16:08:46 10 A. Yes, sir. I went to Tongo in early 2001 when complaint
that 11 came of TF1-366 mistreatment of civilians as he was alleging

12 he was minister of mines. He was undressing civilian, beating

13 them. That complaint came to the knowledge of Mr Sesay and Mr

14 Sesay instructed me to go and remove him from there. That was

16:09:18 15 the time I went there, undress him, all what he cease from

16 civilian I return back to them and came back.

17 PRESIDING JUDGE: Mr Sesay sent you there to do what to
18 him?

19 THE WITNESS: To remove TF-366 from Tongo Field, but the
16:09:43 20 way I reached there, the complaint from the populace, sir, it
was

21 so severe, so the only way to appease, to please the civilian

the 22 population unless for me to deal with him in the presence of

23 people, because they say he was undressing civilians, old and

24 young, right in front of him, they made this complaint, so

16:10:05 25 myself, to please the people, I undress him the same way, he
used

them, 26 to undress the others. And he looted lot of property from

27 so I took this property and return back to the civilians.

67, 28 Q. Now, TF1-366, he testified on 8 November 2005, at page

some 29 he stated that he received orders from you and Superman and

SCSL - TRIAL CHAMBER I

Page 112

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 others to send young boys, many of the miners, to undergo
2 training in Bunumbu, and also to mine for commanders in Kono,
3 Kamakwie, Kailahun and that Superman, Rambo, himself and you
4 forced these people to work in Kono, page 66, lines 3 to 15.

16:11:14 5 What do you say about that, sir? Did you instruct 366 to send
6 young boys to miners to undergo training in Bunumbu and also
to
7 mine for commanders?

8 A. No, sir.

9 Q. In Kono, Kamakwie, Kailahun?

16:11:35 10 A. No, sir. One, I was not the G1 for the RUF who were
11 responsible for recruitment. Two, I was not G5 who were
12 responsible for gathering civilians. Three, I was not the
mining
13 commander who responsible to carry on mining duty. Four, I
was
14 not the commanding officer of Kono to instruct people to carry
on
16:12:13 15 any duty, as that witness alleged.

16 Q. To your knowledge, was any training taking place in
17 Bunumbu, within this time frame?

18 A. Bunumbu, as I heard from TF-362, yes, but I did not go

But 19 there to see what kind of people he was -- she was training.

16:12:42 20 I heard that most SLA who crossed to Liberia during the
retreat,

21 they came back. And when they came back, Sam Bockarie
instructed

22 them to go for ideological training on that base. I knew of
23 that. I heard it. I did not go there to see.

24 Q. They crossed to Liberia when, sir? Can you tell the
Court?

16:13:12 25 A. February 1998, sir, during the general retreat. But I
did

26 not see a young civilian from Kono convoy to go and take
27 training, no. In the RUF there were something they called G1.
28 He was responsible for recruitment.

29 Q. On the -- 366 again testified on 8 November 2005, page
67,

SCSL - TRIAL CHAMBER I

Page 113

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 lines 6 to 15, that you, Mr Kallon, ordered the capture of
2 civilians in Kono to be sent for training. Did you order the
3 capture of civilians in Kono to be sent for training?

4 A. No, sir.

16:14:18 5 Q. Does the previous answer you gave apply to this?

6 A. Yes, sir.

7 Q. Now, 366 again says that he saw you with SBUs at -- in
8 Freetown, Makeni, Magburaka, Kono, Guinea Highway, Kailahun,
9 Payam and the Northern Jungle. He testified on 8 November
2005,
10 16:15:06 pages 67 to 90, lines 28 to 29, that he saw you, Morris
Kallon,
11 in 19 -- the date was 1997, 1994, 1998 to 2000. That was 8
12 November 2005, page 70, lines 11 to 12. And he says there
were
13 some who were ten years old, 15 years old, 14 years old; 8
14 November 2005, page 70, lines 14 to 16. Mr Kallon, can you
15 16:15:43 comment on that, sir? What do you say to that allegation?
16 A. A lie. A lie. He lie on me, sir. This witness --
1994,
17 this witness and myself were not in one location. 1997, this
18 witness -- '94 to early '97, this witness and myself were not
in
19 one location. This Kangari Hill he testified about, he only
saw
20 16:16:07 the bush -- oversaw the bush while passing in car. He do not
21 ever go to Kangari Hill. Two, '97 this witness and myself
were
22 not deployed in one place. I told you I met this witness one
23 time at Benguema. He was deployed under Superman, and at that
24 time I was deployed in Bo, in August 1997, when I went there
for
25 16:16:35 our first food. So this witness saying he saw me with SBU at
26 Kono, these places is lie. Coming to Kono, he and myself were in
27 this but he didn't -- the SBUs he claimed he saw with me, I told
28 Court that they were not armed carrier or they were not child
29 combatants; they were family member, and these were the same

SESAY ET AL

14 APRIL 2008

OPEN SESSION

I

--

and

convoy

true.

1 children he saw with me -- he alleges saw with me in Magburaka
2 and Makeni. Even now they are with me in Freetown here, while
3 am in detention. They are in Freetown here.

4 Q. Well, TF-114, there's no time frame stated, but he says

16:17:37 5 he has testified on 25 April 2005, page 22 ---

6 PRESIDING JUDGE: TF what, sorry?

7 MR TAKU: 144, Your Honours.

8 Q. This witness testified that he saw that you brought a
9 convoy of children to be sent for training, it was in Buedu,

16:18:01 10 the same witness testified that --

11 PRESIDING JUDGE: Start from there. Did he bring a

12 of children --

13 MR TAKU:

14 Q. Did you bring a convoy of children for training?

16:18:14 15 A. No, sir. And again, let me just correct something, My
16 Lord. The witness who make that allegation was TF1-114.

17 Q. 114, thank you. Yes, you are right.

18 A. He was the one who made that allegation. It is not

19 As I say, in May, when my report went to Sam Bockarie, I went
16:18:36 20 with my family. These were the family he saw with me, and I
have

21 based them in Buedu.

22 PRESIDING JUDGE: His allegation is that he brought the
23 children where?

24 MR TAKU: To Buedu. The convoy went to Buedu.

16:18:56 25 PRESIDING JUDGE: You are saying that the children you
26 brought there were your family members?

27 THE WITNESS: Yes, My Lord. Please, sir, if I can just
add
28 something?

29 PRESIDING JUDGE: Please feel free to add. It's you,
it's

SCSL - TRIAL CHAMBER I

Page 115

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 your official privilege. You know, you are giving evidence.
2 What do you want to add?

3 THE WITNESS: Yes, sir. From 1992, early 1992, when the
4 Gio people were driven out of Sierra Leone, Foday Sankoh put
16:19:42 5 complete law and order not to allow any child to carry gun,
and
6 from that time RUF started abiding by that law. The only few
7 officer used to violate that, like Superman, TF-371, Gibril

8 Massaquoi, these were especially when we advanced to Makeni in
9 1998. These were the people I used to see children with them
16:20:12 10 with gun.

11 MR TAKU:

12 Q. Well, during the break period, we will ask you during
the
13 break to write down the names of some of those children that
were
14 with you, with the family members, and their ages, and if you
can

16:20:34 15 give other details for us, we'll also show the Judges. We do
not
16 want to ask that question to you to give the names here in
open

17 session; understand? Or you want to give them publicly?

18 A. Yeah, they are my children, sir.

19 Q. Okay. Okay. Go ahead, please; give the names.

16:20:51 20 A. You have Fatmata Kallon, she is my daughter. She is now
21 16 years of age. You have Mohamed Kamara, she's my sister --
22 she's my nephew, my sister's son, he's now 18 years attending
23 Christ the King College, Fatmata attending Bo Commercial. My
son
24 Mohamed Kallon is now 14 years. Can I go ahead?

16:21:26 25 Q. Yes, go ahead. Give us as many as you can?

26 A. Then you have Mamie, my small sister. At that time she
was
27 about nine -- nine to ten years. You have Brima. You have
28 Alpha. You have Momoh. All those are from one father, not
from
29 one mother, but they were staying with my mother in Bo. Then,

Page 116

SESAY ET AL

14 APRIL 2008

OPEN SESSION

and 1 from there now, my mother sisters, younger brother, sisters,
2 my wife younger brother and sisters, they were all with me.

3 Q. Mr Kallon, did you have --

16:22:07 4 PRESIDING JUDGE: You mentioned those who had been using
5 SBUs against Sankoh's instruction. You mentioned Superman and
6 who?

most 7 THE WITNESS: Gibril Massaquoi. 371. Those were the
8 senior officers I saw with children in Makeni. 371, I saw him
9 with children in Buedu.

16:22:43 10 MR TAKU:

11 Q. Mr Kallon, TF-114 testified before this Court on
12 29/04/2005, at page 29, and stated that you had a farm at
13 Kailahun where your mother and family stayed and cultivated
14 rice,
15 and that the local people would sometimes work there for food,

16:23:07 16 and that he himself worked there for vegetables. Now, apart
17 from

18 members of your family, did any young people beyond the age of
19 15, or civilians, come to work on your farm, Mr Kallon?

20 A. No, sir, but I want to explain something.

Q. Yes, go ahead, sir.

16:23:30 21 A. This farm, 141 -- I mean, 114 claim, myself do not see
the

21 farm. Yes, my mother make swamp while in Buedu with my
22 mother-in-law, but I did not see there. And, according to
them,
23 it were their own children that were working on this farm.
And
24 in fact, 1999, when they harvested the rice, December, they
did
16:23:58 25 not even eat the rice. I went and collected them and brought
Pa
26 them to Magburaka. They left the rice with one old man called
27 Palmer.
28 Q. Mr Kallon, TF1-296 testified, on 11 July 2006, Your
29 Honours, at page 100, lines 6 to 29, that RUF officially
handed

SCSL - TRIAL CHAMBER I

Page 117

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 over, in 1997, children associated with the RUF -- children
2 associated with conflict within the RUF. On July 14, she said
3 she -- she said she did not verify the information at
paragraph
4 37 of her report in which she wrote: "Further plans to have
16:25:14 5 children from Makeni to Lunsar for inward transfer were
opposed
6 by Kallon, and that she was given the information by Caritas
but
7 did not verify, and that approval had to be brought from Foday

were 8 Sankoh and that she saw the letter from Sankoh." Mr Kallon,
9 you involved in any way whatsoever with this exercise?
16:25:38 10 A. No, sir. To start with, 1997, believe with me, I don't
with 11 know whether RUF hand over any children that were associated
12 RUF. I don't know that. Two, this very woman who talk about
13 this, she say Morris Kallon was in Lunsar responsible to hand
14 over the children. No. If you can recall, DIS-188 testified
16:26:12 15 before this Court that in April 2000 Foday Sankoh designate
16 Miloskie Kallon to take charge of all children affair, to hand
17 them over to Caritas and other NGOs.
had 18 Q. Did you oppose the handing over of children until they
19 to get permission from Foday Sankoh?
16:26:46 20 A. Not at all. Not at all, sir. If I was opposed, then I
21 cannot join Mr Sesay to open schools for the children to start
22 going to school. Before Caritas could come in RUF territory
23 schools were already in existence, Kono, Masingbi, Makali,
And 24 Magburaka, Makeni and its surrounding schools were going on.
16:27:23 25 even RUF were having orphanage home. They separated children
26 from their family that were within the RUF. When Foday Sankoh
27 give that instruction, we gather those children. They were
taken 28 care of by one old lady called Adama, she was the regional
29 chairlady for the RUF in Makeni, she was in charge of that

1 orphanage home, on to the extent we introduce her to United
2 Nations Mission in Makeni, Colonel Oladipo and others, they
3 started assisting her with food and other medical facility.

Your

16:28:17

4 Q. TF1-288, Mr Kallon, the transcript of 22nd March 2006,
5 Honours, page 26 lines 22, page 27 lines 3 to 12 --

6 PRESIDING JUDGE: TF1, what?

7 MR TAKU: 288.

he

16:28:47
whose

8 Q. He testified that during his detention in Yengema that
9 was there for a period of 23 days that you, one Lansana, you
10 people visited the residence of the particular commander in

11 house they were detained, and every time you people came, you
12 came with a retinue of young soldiers, SBUs. Did you go to
13 Yengema?

16:29:16

14 A. No, sir. That witness lie on me and the witness who
15 testified before this Court that she was in charge of that
16 detention, she testified. She didn't say I go there. And
17 indeed, I did not go there and I was not using SBU as a armed
18 carrier. Mr Taku, let me just add something, sir.

a

16:29:37

19 Q. Go ahead, sir.
20 A. We were in war. I do not see using of child soldier as
21 bodyguard to me. Suppose something go and happen to me, how a

much 22 child can be able to defend me? I do not see that logic too
23 for, you know.
24 Q. Now, the next area of question I'm going to ask you, Mr
16:29:56 25 Kallon, related to the periods 14 February 1998 to 30 June
1998,
26 in respect of paragraph 55 of the indictment. Mr Kallon --
27 A. Yes, sir.
28 Q. You stated that you were married and that -- can you
tell 29 Their Honours whether while in Kono, between February 14 to

SCSL - TRIAL CHAMBER I

Page 119

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 June 30 1998, you were still married?
2 A. Yes, sir.
3 Q. So how many wives, sir?
4 A. I was having two wives.
16:30:34 5 Q. What are their names?
6 A. I have Esther, I have Gloria.
7 Q. And Gloria?
8 A. Yeah.
9 Q. When did you get married to these wives, is it within
the
16:30:53 10 time frame in Kono or elsewhere?

11 A. No, I got married to Esther, 1991. I got married to
12 Gloria, 1992.

13 Q. In which location, sir?

14 A. Gloria is born of Jujuma, she's a half-cast Lebanese,
her
16:31:11 15 father Lebanese, her mother Mende. Then Esther is born of
16 Baiwala and they are still currently with me.

17 Q. Now, TF1-361 testified on 12 July 2006, I think, page 20
18 lines 9 to 16, has stated that the captured civilians at
Superman

19 Ground were helping the commanders do some work. Some help in
16:32:09 20 cooking food for them, ambush people and some, they love
making

21 friendship with soldiers but there was strong love because
22 soldier cannot take a woman like that, except when the woman
23 decides so. So, if that happened you go to the authority and
the
24 authority give s you the woman. You cannot just use force to

16:32:28 25 rape a woman. They will be killed. That was the law. Now,
and
26 he stated that a rebel raped a woman and was killed. Mr

Kallon,
27 now, the question of killing people were you very aware that
that
28 was the punishment?

29 A. Yes, this was from the training base of the RUF, that
was

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 one of the point in the 28 standing order, that you should not
2 rape. Raping, its penalty is execution. Once they caught
you,
3 and they found you guilty of that raping act, no mercy, you
will
4 be executed. And 371 was the first RUF officer who set that
16:33:22 5 example as he was one of the training commandant.

6 Q. How did he set the example, sir?

7 A. He set that example in Pujehun District. At that time
he
8 was battle-group commander in Pujehun 1991.

9 Q. What did he do in that instance?

16:33:40 10 A. He killed two former NPFL fighter for raping.

11 Q. Now, TF1-141, he testified on 11/4/05, that is 11 April
12 2005, at pages, pages 79 to 84, and he said that he was a
young
13 boy living in Koidu 1998 with his parents when he encountered
14 fighting and was captured, and that the capture he described
them

16:34:29 15 as being Kallon 's men. Did you hear that evidence, Mr
Kallon?

16 A. I heard it from him here, sir.

17 Q. What do you say to that, sir?

18 A. He lie.

19 Q. Did you know this witness? Have you ever known him?

16:34:41 20 A. As I told you today, no. I only saw him on video screen
21 here. Beside that, I have never seen him in my life.

22 Q. Well, now, TF1-366, Mr Kallon, he states that Opera,
Opera

23 is in the centre of Koidu. That is, Your Honours, 8
24 November 2005, pages 25 to 26, lines 26 to 27. He says that
16:35:21 25 Opera is in the centre of Koidu and that you and Superman were
in
behind
26 charge of Koidu at this time, and they were based in Opera
27 the post office on John Kelly street, and he said that you
were
28 the senior commander to Superman at that time and that within
29 that time women were captured. What do you say to that, sir?

SCSL - TRIAL CHAMBER I

Page 121

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 PRESIDING JUDGE: He has never been a senior commander;
2 that is what he has said.

3 MR TAKU: Okay, sir.

4 PRESIDING JUDGE: All along.

16:35:49 5 MR TAKU: Okay, sir, let me move ahead.

6 PRESIDING JUDGE: To Superman.

7 MR TAKU:

8 Q. Now, TF3-366, he testified 8 November 2005, page 74,
that

9 you had two or three wives and that you will give him orders,
you

16:36:19 10 gave him orders, he the witness, to go and bring wives for you

11 and this occurred. He did that from 1991 to 2002?

12 PRESIDING JUDGE: Mr Taku, that's TF what?
13 MR TAKU: 366, Your Honour.
14 Q. That you gave him orders within a period spanning from
1991
16:36:41 15 to 2002, to bring him wives?
16 PRESIDING JUDGE: From 1990 --
17 MR TAKU: One, to 2002.
18 Q. That's page 73, Your Honours, the transcript of 8
19 November 2005, lines 19 to 28, and that this happened in
16:37:01 20 Kailahun, Kono, Makeni, Pendembu, Lungi, Lokomassama, but, by
and
21 large, Mr Kallon, were you in all these locations within that
22 time frame given by him from 1991 to 2002?
23 PRESIDING JUDGE: If I may ask, did you send him around
to
24 shop for wives for you?
16:37:26 25 THE WITNESS: No, My Lord. 1991, I was in Pendembu, but
1991.
26 this witness at that time I doesn't, I not even know him,
27 1997, Lokomassama, I do not go there. Lungi, I do not go
there.
28 Freetown, here I was staying -- when I used to visit Freetown,
I
29 used to stay at Gloria family house number 40A off Wilkinson

SCSL - TRIAL CHAMBER I

And 1 Road. So, no need at that time for me to send this witness.
2 at that time this witness were at Benguema, almost 10 to 15 or
3 20 miles from Freetown. Then, Kono, this witness and myself,
I 4 used to see him but he was with Superman. He was not under my
16:38:34 5 instruction.

6 MR TAKU:

7 Q. Now, TF1-071 testified, Your Honours, this was the
8 transcript of 19 January 2005, pages 45 to 46, and he said
that 9 complaints came from neighbouring villages, in particular
16:39:04 10 Tombodu, that houses were burnt, civilians were killed, some
11 people, civilians were amputated, and that a meeting was
convened 12 at Tankoro Police Station, meeting -- that a meeting was
convened 13 at Tankoro Police Station. A muster parade was convened by
14 Superman, and that -- to address these concerns and that you
were 15 present. Were you present in that muster parade, sir?
16:39:30 16 present. Were you present in that muster parade, sir?

17 A. Yes, this is a meeting I was telling you about. Either
the 18 tour of all this meeting today I was talking about, it was
that. 19 I was in that meeting one time when this complaint came, that
was 20 the time Superman appoint this TF-366 as task force to look
into 21 this, to arrest all those who do not want to take his order.
I 22 was in that meeting when that complaint came. That a fleeing

22 woman from Tombodu, that there were a commander there called
23 Savage, he was killing, amputating people and he has burnt the
24 entire township of Tombodu.

16:40:26 25 Q. And the witness testified in the same transcript that a
26 second meeting was called in Tankoro Police Barracks; were you
27 present, sir?

28 A. Yes.

29 Q. What -- what was discussed in that meeting?

SCSL - TRIAL CHAMBER I

Page 123

SESAY ET AL

14 APRIL 2008

OPEN SESSION

do 1 A. In that meeting, Superman, I heard him say all those who
referring 2 not want to follow his instruction, more or less he was
3 to the SLA, he say, he give them 72 hour to leave Kono, but
4 anyone who stay, you are to go by his instruction.

16:41:15 5 Q. Doing some urgent editing, sir. Now --
6 PRESIDING JUDGE: Maybe, you may -- you may take
advantage 7 of the break, of the recess which I'm now calling, to do some
8 more editing.

9 MR TAKU: Thank you, sir.

16:41:42 10 PRESIDING JUDGE: The Chamber will recess for a few
11 minutes, please. We will rise.

12 [Break taken at 4.31 p.m.]

13 [Upon resuming at 5.05 P.M.]

14 PRESIDING JUDGE: Yes, Mr Taku, you may proceed, please.

17:15:02 15

MR TAKU:

2005,

16 Q. Yes, Mr Kallon, TF1-360, he testified here on 20 July

Superman

17 Your Honours, at page 56, and also at page 57. He stated that

18 you returned -- that he, the witness, he returned with

19 to the villages on the Guinea Highway near Koidu Town, and,

17:15:38 20
to

according to him, that you instructed the Liberian commander

21 lead the mission to drive people away from Nemikoro on the

22 highway. He said that the bodyguards of Superman and your

radio

23 bodyguards joined this mission and he was sent there as a

24 operator. He said that you reported to Rocky CO. You said to

17:16:09 25
again

him, quote, Whoever sees us -- see us shall never see ever

26 and to -- you also ordered people's arms to be amputated; that

your

27 the witness himself and other combatants on the mission on

28 instruction amputated the hands of anyone they saw, and the

Gieya

29 witness saw this himself, and a group of about 20 people at

SCSL - TRIAL CHAMBER I

ever
Bumpe

1 Junction all had both hands amputated. Mr Kallon, did you
2 go to a place -- did you send this witness and Rocky CO and
3 others to a location called Nemikoro on the highway between
4 and Tongo?

17:17:01
taking
and
end

5 A. No, My Lord. As other witnesses testified before this
6 Court, that Rocky and myself were colleague, Rocky was not
7 instruction from me, neither was giving him instruction. I do
8 not send Rocky on that type of mission, and when this witness
9 Superman returned from Buedu, they went to Buedu almost the

17:17:35
the
herbalist

10 of July 1998. They came. The first week in August, that was
11 time we launch this alleged Fiti Fata mission after the
12 initiate every one of us in Guinea Highway. There were no
13 mission when Superman returned to Superman Ground, only the
14 alleged Fiti Fata mission.

17:18:04
go
mission

15 Q. Did you at any time send TF-360 as a radio operator to
16 and work with Rocky at any time whatsoever?
17 A. No, My Lord. Rocky -- radio was under Superman control.
18 The radio that we are at Guinea Highway, it was in Superman's
19 veranda -- house veranda, and all mission -- operational

17:18:32
20 were sent out by Superman. I do not send this radio -- this
21 TF-360 on any mission along with Rocky CO.

in 22 Q. Did your bodyguards go on any mission to that location
23 which people's hands were amputated, Mr Kallon?
has 24 A. No, sir. At this time we're talking about, major only
17:18:57 25 total of four bodyguards, only four, and we are at war zone.
I 26 cannot remove these four men within me -- around me and send
them 27 on mission once I am not going on that mission, My Lord.
28 JUDGE BOUTET: Can you repeat that? Did you say "at
that 29 time"?

SCSL - TRIAL CHAMBER I

Page 125 SESAY ET AL
14 APRIL 2008 OPEN SESSION

1 THE WITNESS: At that time.
2 JUDGE BOUTET: You had only four bodyguards?
3 THE WITNESS: Four bodyguard. The rank of major only
have 4 four bodyguards.
17:19:24 5 JUDGE BOUTET: You, because you were a major, can you --
6 THE WITNESS: Yes, sir.
7 JUDGE BOUTET: So the number of bodyguards would
increase 8 with the number --

9 THE WITNESS: The rank goes.

17:19:33 10 JUDGE BOUTET: The rank. So --

11 THE WITNESS: Yes, sir.

12 JUDGE BOUTET: So a major has four bodyguards.

13 THE WITNESS: Yes. Lieutenant-Colonel have seven;
colonel

14 have 12 to 15, yes, sir.

17:19:47 15 JUDGE BOUTET: But you said: At that time I had only
four

16 because I was a major. But were there other times that even
as a

17 major you could have more than bodyguards?

18 THE WITNESS: No.

19 JUDGE BOUTET: No?

17:19:59 20 THE WITNESS: That's why I say in the RUF you get
bodyguard

21 according to the rank. A lieutenant has only one bodyguard;
22 captain have two; major have four; staff captain get three;
23 lieutenant-colonel has seven.

24 JUDGE BOUTET: But that's his -- all year round, so --

17:20:27 25 THE WITNESS: All along that was the routine law, sir.

26 JUDGE BOUTET: Whether you are on operations or not, you
27 always have these bodyguards with you?

28 THE WITNESS: Yes, sir.

29 JUDGE BOUTET: Okay. Thank you.

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 MR TAKU:

2 Q. Can you give the name of your bodyguards as of July --
who
3 were your bodyguards in July when -- July 1998 when this
witness
4 spoke about this?

17:20:47 5 A. July 1998 my bodyguard -- the commander was called Momoh
6 Kallon alias Ziggy -- Sergeant Momoh Kallon alias Ziggy. The
7 other one called Sulaiman Momodu.

8 Q. Slowly, for Their Lordships. There are lots of -- yes,
go
9 ahead, please, sir.

17:21:09 10 A. The other one called Salu. I've forgotten his surname.
11 Then the other one called Foday Juana, alias Major Goy.

12 Q. Let us now move quickly to Freetown. Yes, before I go
13 there, please: Can you recall their ages to the Court, please
--
14 the ages of your bodyguards?

17:22:21 15 A. Like, for example, Momoh Kallon and myself -- and myself
16 almost the same age. He even do older than me a year or two.
17 Then Salu -- Salu was around 21. Sulaiman Momodu and myself
all
18 about the same age. Then Juana was around 22, 23, sir --
Foday
19 Juana, alias Mendeguwe.

17:22:21 20 PRESIDING JUDGE: So none of your guards was under 15?

21 THE WITNESS: Not at all, My Lords.

22 MR TAKU:

still 23 Q. Just for curiosity's sake, are they -- are they all

24 alive, sir?

17:23:01 25 A. No. Momoh Kallon dead now. Salu, Foday, Sulaiman
Momodu,

26 they are alive.

27 Q. Thank you, sir. Now, the 5th --

28 PRESIDING JUDGE: Who is dead?

29 MR TAKU:

SCSL - TRIAL CHAMBER I

Page 127 SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Q. Who is dead?

2 A. Momoh Kallon alias Ziggy, sir.

3 Q. Now, 5 January 1999, where were you, Mr Kallon?

four 4 PRESIDING JUDGE: SO Mr Kallon, you ended up with just

17:24:21 5 when you were a major?

6 THE WITNESS: Yes, My Lord.

7 PRESIDING JUDGE: You advanced in rank, didn't you?

8 THE WITNESS: Yes, sir.

your 9 PRESIDING JUDGE: Now, you gave us the composition of

17:24:21 10 bodyguards up to the rank of a colonel, where you said a
colonel

11 is entitled to about 12 to 15 guards.

12 THE WITNESS: Yes, sir.

13 PRESIDING JUDGE: So when you became a brigadier --

14 THE WITNESS: I was having up to 30 bodyguard, My Lord.

17:24:22 15 PRESIDING JUDGE: When you became a brigadier you had up
to

16 30 bodyguards?

17 THE WITNESS: Yes, My Lord.

18 MR TAKU:

19 Q. Again, when was that?

17:24:22 20 A. That was in 2000. April 2000.

21 Q. And where were you located?

22 A. I was in Magburaka, Tonkolili District.

23 JUDGE BOUTET: Would the fact of a particular assignment
24 bring with it some additional bodyguards?

17:24:23 25 THE WITNESS: My Lords, if you -- you are major, you are
26 assigned in this particular target --

27 JUDGE BOUTET: Yes.

28 THE WITNESS: -- probably you can use any of these
target

29 soldier as a guards, but in reality your entitled bodyguard is

SCSL - TRIAL CHAMBER I

battalion,
men
1 four. If you are lieutenant-colonel in charge of this
2 your actual bodyguard is seven, but you can use the battalion
3 to escort you anywhere you are going --

4 JUDGE BOUTET: But if as --

17:24:55 5 WITNESS: -- and there are no bodyguards.

6 JUDGE BOUTET: Yes, sorry. As a brigadier -- were you a
7 brigadier or a brigadier general?

8 THE WITNESS: I was brigadier, not brigadier-general.

9 JUDGE BOUTET: As a brigadier, you had the -- you had
been
10 assigned to be the battle-group commander?

11 THE WITNESS: Yes, My Lord.

12 JUDGE BOUTET: As battle-group commander were you given
13 additional bodyguards because you were a battle-group
commander?

14 THE WITNESS: Yes, sir. That's why I said I was having
up
15 to 30 bodyguards, even though at that time now we were not at
war
16 again.

17 MR TAKU:

18 Q. Why would you be given at least -- up to 30 when you
were
19 not at war?

17:25:36 20 PRESIDING JUDGE: Because of his rank.

21 THE WITNESS: The title I carry and then the
22 responsibility. At that time now I was a member of the Peace
23 Council, because the War Council was terminated after the
signing
24 of Lome accord, I was member of Peace Council.

17:25:56 25 MR TAKU:

26 Q. Mr Kallon, on 6 January 1999, where were you?

27 A. On 6 January 1999 I was in Makeni. I was in Makeni
Town,

28 sir, that very day.

29 Q. You know one SAJ Musa?

SCSL - TRIAL CHAMBER I

Page 129

SESAY ET AL

14 APRIL 2008

OPEN SESSION

of 1 A. Yeah, I know SAJ Musa very well. He was chief secretary
2 state for the AFRC junta period.

3 Q. Did you have any contact with him on that day, or any
time 4 before that day, or thereafter?

17:27:02 5 A. In the first place, sir, before the retreat -- if I can
6 just -- SAJ Musa was one of the men who actually do not like
the 7 RUF coming to join the AFRC simply because the alleged
position

8 of deputy chairman of AFRC, he was wanted to get a position.
He 9 head it, so he was not wanted to even see RUF exist around.
So

17:27:35 10 he was -- there were no relationship between SAJ Musa in
11 particular and RUF. He was one of the causer -- even the
acting

he 12 RUF leader, Field Commander Sam Bockarie, left Freetown, and
13 was one of the men, according to information, that got in Kono
and 14 when Gborie, Tamba Gbori went and looted around the embassy,
17:28:05 15 I heard that he took few chairs to Mr Sesay house. He was the
arrest 16 one say Sesay's involved into that looting so they had to
very 17 Sesay, according to what I heard in Kono. So he was a guy
he 18 full of himself. Even the AFRC themselves wanted to feel that
19 want to overthrow him -- overthrow them.
17:28:35 20 JUDGE BOUTET: But before -- he was RUF before that time
--
21 before the AFRC, wasn't he?
22 THE WITNESS: No, no. He was NPRC, deputy chairman to
23 Strasser, then the same in exile in England.
24 PRESIDING JUDGE: Who? Who is this?
17:28:53 25 THE WITNESS: Musa. SAJ Musa.
26 MR TAKU: SAJ Musa, yes.
27 THE WITNESS: So when the AFRC overthrow, they call him.
28 He came and he took the position of Foday Sankoh as deputy
the 29 chairman, at the same time chief secretary of state for all

SCSL - TRIAL CHAMBER I

1 SOS, ministry they call that time.

2 MR TAKU:

3 Q. So did you at some point in time hear that there had
been
4 an invasion of Freetown on 5 January 1999?

17:29:36 5 A. Yes, sir. It start on 25 December. While in Makeni
6 attacking Teko Barracks, we heard over BBC that a rebel attack
7 Benguema Barracks and there were just like manna from heaven.
8 There were many more than manna from heaven so -- and they
were
9 heading for Freetown -- but our group who came from Kono at
that

17:30:08 10 time who were engaged attacking the ECOMOG at Teko Barracks,
so
11 when we attacked Teko Barracks, Teko Barracks fall on the same
25
12 December. On 6 January we heard over BBC that the AFRC has
13 invaded Freetown.

14 Q. So on that date you said you were in Makeni?

17:30:37 15 A. Yes, sir.

16 Q. Now, did any of this -- SAJ Musa or anybody else, did he
17 call you? Did he talk to you about the invasion of Freetown?

18 A. No, My Lord. No.

19 Q. Did Mosquito talk to you about the invasion of Freetown?

17:31:11 20 A. No, sir. Even the commander I was with, he did not tell
me
21 about the invasion of Freetown.

22 Q. Who was the commander?

23 A. Issa Sesay.

24 Q. Did Superman tell you?

17:31:24 25 A. No.
26 Q. What about Mosquito?
27 A. No, sir.
28 Q. What about JPK?
29 A. No, sir. Me and JPK were not even in communication.

SCSL - TRIAL CHAMBER I

Page 131

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 Likewise, Sam Bockarie.
2 Q. Now, TF-360 -- no, TF-334 testified, Your Honours, on --
3 that is pages 41 to 42 -- let me see. Now, let me put the
4 question different: Mr Kallon, did you know whether any
members
17:32:32 5 of the RUF went for the enforcement -- to enforce the SLA in
6 their time in Freetown?
7 A. No, sir. What I know, after Makeni fell, Superman, he
8 himself feel uncomfortable to be in Makeni because of the way
he
9 and his men from Kabala were behaving. He said he was going
to
17:33:05 10 base, advance and capture Lunsar and make his base there. So
he
11 advanced and fought the ECOMOG that we are based in Lunsar,
and
12 he was based there. On his way advancing from Lunsar to Gberi

13 Junction, he said the target is so heavy, he communicate to
14 Mosquito, because at that time now he was classing myself and
my
17:33:31 15 commander Mr Sesay as enemy. They say we attempt to kill him.
16 So he communicated with Sam Bockarie. Sam Bockarie instructed
17 Rambo to join him, Rambo who came withdraw from Kono. So
Rambo
18 join him. Both of them fought the ECOMOG from Gberi Junction,
19 Masiaka, to Waterloo. But they made -- they met very strong
17:33:57 20 resistance from the ECOMOG in Waterloo. I think they fought
21 there about three weeks before ever they could clear the
Guinean
22 forces there.
23 Q. Now, did you at any stage ever go to Waterloo, Mr
Kallon?
24 A. No. At that time when that fighting were going on
there,
17:34:24 25 no, sir, I did not. At that time now I was concentrating,
26 because the Kamajors started penetrating between Kono and
27 Magburaka, especially Masingbi and some villages. So they
were
28 attacking these villages, so I started paying attention so
that
29 our supply line would not be cut to Kono. In fact, that was
the

SCSL - TRIAL CHAMBER I

base
1 time I moved part of my family back to Masingbi and make a
2 there so that that persistent attack from Kamajor will not
3 happen
4 again.

Honour.
4 Q. Now, TF-3 -- TF-23 -- 360, please. No, sorry, Your

17:35:21 5 One minute, Your Honour. Let me verify the citation. Yes,
6 TF-360. He testified that you came as far as -- there was a
7 that
8 Liberian called Rambo who came as far as Ferry Junction --
9 another
10 he came as far Ferry Junction and that he -- thereafter

11 group headed by Superman came from Koinadugu and met you and
12 Mr Sesay, and that this group went as far as Waterloo,
13 Hastings,
14 testimony
15 which is on the highway to Waterloo to Freetown. The

16 of 21 July 2005, page 339 [sic]. Did you go there as far as
17 Hastings on the highway from Waterloo to Freetown, Mr Kallon?

18 A. No, sir. No, sir. And they themselves who came to
19 Freetown, they only attack Hasting and go in the middle of the
20 town. The Rambo who I hear that he came to Freetown was Rambo
21 Red Goat of SLA. The Rambo RUF who came with us from Kono, he
22 joined Superman on the instruction of Sam Bockarie to attack
23 Waterloo. I do not know whether that Rambo ever cross even
17:36:45 15
17:37:11 20 Kussoh or Allen Town, in Kussoh.

21 Q. Now, wait one minute.

22 JUDGE BOUTET: Mr Taku, what was your question with
23 reference to the evidence of 360?

24 MR TAKU: It was whether he --

17:37:53 25 JUDGE BOUTET: Because you put to the witness that this
360

26 testified that the group of Superman came from Koinadugu and
met
27 with your witness Kallon and Sesay and they went to Waterloo.

28 MR TAKU: That is, the transcript of 21 July, page 38,
29 lines 12 to 16 they said that Superman came from Koinadugu.

SCSL - TRIAL CHAMBER I

Page 133

SESAY ET AL

14 APRIL 2008

OPEN SESSION

1 JUDGE BOUTET: Yes.

2 MR TAKU: And that then from Kono there was a group
headed

3 by Superman -- no, Morris Kallon, Mr Sesay, and that the
witness

4 said that this group was based at Waterloo, Hastings where the
17:38:41 5 airfield as seen on the highway from Waterloo to Freetown, and
he

6 went further, Your Honours, to state that this group which was
at

7 Hastings - the commander at Hastings was -- the overall
commander

8 was a Liberian called Rambo, and Rambo had been making reports
to

9 Kallon and Sesay.

17:39:03 10 JUDGE BOUTET: So what was the question, if any, you put

11 about that?

12 MR TAKU: So I asked whether they went to Hastings and
13 whether they got reports from Rambo about his activities in
that
14 area.

17:39:16 15 THE WITNESS: I say no, sir. Rambo did not go to
Hastings.

16 Rambo, indeed, he was based in Waterloo after they cleared --

17 PRESIDING JUDGE: Which Rambo? Rambo SLA who you called
18 the Red Goat --

19 WITNESS: No, sir.

17:39:29 20 PRESIDING JUDGE. -- or Rambo RUF?

21 THE WITNESS: No, Rambo RUF from Kono. Indeed, Superman
22 came from Koinadugu. He joined us in Makeni on 25 December
1998.

23 After he started looting and doing other thing he feel

24 uncomfortable to be in Makeni, so he said he is advancing to

17:39:49 25 Lunsar. When he advanced to Lunsar, he said he was advancing
26 ahead. That was the time Sam Bockarie instructed Rambo to
join

27 him. Both of them came as far as Waterloo, and they fought
about

28 three weeks in Waterloo the Guinean contingent that were based

29 there, before they could clear there. At that time now those

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 AFRC guys were in Freetown already, My Lords.

2 MR TAKU: My Lords, we are entering a major area.

3 PRESIDING JUDGE: Okay.

4 MR TAKU: Fifteen to 18, from 15 to 18.

17:40:33 5 JUDGE BOUTET: Just before this evidence of 360 you
said,

6 Mr Taku, is 5 July '05 at page 38?

7 MR TAKU: Let me just see. 21 -- 21 July, Your Honour.

8 JUDGE BOUTET: 21?

9 MR TAKU: Yes, My Lord.

17:40:54 10 JUDGE BOUTET: Page 38 and follows.

11 MR TAKU: Page 37 and follows.

12 JUDGE BOUTET: Thank you.

13 PRESIDING JUDGE: Well, thank you, Mr Taku. I think we
14 don't have any cause to go to the major area that you'll be
17:41:12 15 visiting in the next segment of your examination-in-chief, so
we
16 would rise and resume the session tomorrow, for you to
continue
17 with your examination-in-chief.

18 MR TAKU: Thank you, Your Honour.

19 PRESIDING JUDGE: The Chamber will rise, please.

17:41:29 20 [Whereupon the hearing adjourned at 5.30
p.m.
21 to be reconvened on Tuesday, 15 April 2008
at
22 9.30 a.m.]
23
24

25

26

27

28

29

SCSL - TRIAL CHAMBER I

WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED MORRIS KALLON 2

EXAMINED BY MR TAKU 2