

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

TUESDAY, 15 APRIL 2008
9.39 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Erin Shaw
Ms Sandra Brown
Ms Peace Malleni

For the Registry:

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

For the accused Augustine Gbao:

Mr John Cammegh
Mr Scott Martin

1 [RUF15APR08A - BLP]

2 Tuesday, 15 April 2008

3 [The accused present]

4 [Open session]

09:49:14 5 [Upon resuming at 9.39 a.m.]

6 PRESIDING JUDGE: Good morning, learned counsel. Good
7 morning, everyone. Mr Taku.

8 MR TAKU: Good morning, Your Honou.

9 PRESIDING JUDGE: I suppose you're set to continue this
09:50:21 10 morning?

11 MR TAKU: Yes, Your Honours.

12 PRESIDING JUDGE: I wonder whether the end of the tunnel
is
13 in sight --

14 MR TAKU: We are making --

09:50:32 15 PRESIDING JUDGE: In view of your abbreviations and
16 revisiting some segments of your testimony. Anyway, you are
17 still within your time limit, so you may proceed.

18 MR TAKU: Thank you, Your Honour.

19 PRESIDING JUDGE: Yes.

09:50:55 20 EXAMINED BY MR TAKU:

21 MR TAKU:

22 Q. Good morning, Mr Kallon.

23 A. Good morning, Chief Taku.

24 Q. Yes. This morning we shall speak very clearly and
perhaps

09:51:06 25 slowly because the court reporters need to get every word that
we
26 are saying. Apparently in the past I spoke a bit fast and
please
27 also try to utter everything so the record in our own
interests
28 and that of everyone. You understand that, sir?
29 A. I will do that so, My Lord.

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1 Q. That said, with your leave, Your Honour's, I may want to
2 revisit just two areas and ask --
3 HIS HONOUR: Yes, feel free.
4 MR TAKU: Thank you, Your Honour.
09:51:46 5 PRESIDING JUDGE: Yes, you may.
6 MR TAKU:
7 Q. Mr Kallon, TF1-371 testified before this Court and Their
8 Honours, transcripts of 21 -- 21 July 2006, first page 5 and
page
9 -- page 4 and page 5 -- and he said the following, Mr Kallon.
He
09:52:35 10 stated that he was present in Buedu with Sam Bockarie --
11 PRESIDING JUDGE: Are you reading from the transcript?
12 MR TAKU: I have the -- I have the -- I will rephrase
it,

capture 13 it is so long; it's a very long passage. I just want to

14 exactly --

09:52:54 15 PRESIDING JUDGE: Because my fear is that in
paraphrasing

16 you might be dephrasing, you know, what the witness did say.

17 That's my fear. This said, you may continue.

18 MR TAKU: Okay. Let me --

09:53:08 19 PRESIDING JUDGE: I'm worried about the authenticity of
20 paraphrasing.

21 MR TAKU: Okay, Your Honours. Let me bring the

22 accusations -- just the accusations that he made.

23 Q. He alleged that he was at the VHF communications station
24 when intelligence reports came implicating you in the crimes
in

09:53:36 25 Tombodu. You and Rocky. He went further to say that you were
26 recalled by Sam Bockarie for sanction, and that you were
retained

27 in Buedu for some time and released, whereas Rocky was given a
28 heavier sanction, and that Rocky was a subordinate officer to
you

29 at that point in time. Now, were you in Court when he gave
that

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1 testimony, sir?

2 A. Yes, My Lord.

3 Q. First: were you ever recalled for sanction in Buedu
because
4 of the crimes committed in Tombodu?

09:54:55 5 A. No, My Lord.

6 Q. Was Rocky at any time a subordinate officer to you?

7 A. No, My Lord. While we are in Kono 1998, no.

8 Q. Were you aware if Rocky was ever recalled to Buedu for
9 sanction because of the crimes in Tombodu?

09:55:42 10 A. No, sir. No, sir. Unless when I was called in August,
11 then after my detention I was posted to Pendembu, probably
within
12 that time he was called to Buedu but I don't know of that,
sir.

13 Q. Why were you recalled in August and punished?

14 A. As I told you yesterday, sir, it was the alleged Fiti
Fata
09:56:13 15 mission, feeling one that I was the one who sabotaged that
16 mission.

17 JUDGE BOUTET: You testified to that yesterday; twice
18 indeed.

19 MR TAKU: Thank you, Your Honour.

09:56:28 20 Q. He also alleged that when he visited you in Buedu, he
21 discovered that you had a girlfriend who was doing mining.
22 First, did he visit you in Buedu, sir -- in Kono, sir?

23 A. 1997 I was not in Kono as the witness testified to
about.

24 I was not in Kono 1997, My Lord. 1998 we all retreated to
Koidu

09:57:03 25 and there he left me. He went to Kailahun and when he went to

to
meet
26 Kailahun he did not return to Koidu until -- he did not return
27 Koidu again until I left Kono. So he did not visit me and
28 any girlfriend of me doing mining there, sir.
29 Q. Did you have a girlfriend within mining?

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and
09:58:12
rob
former
09:58:47
to
1 A. No, My Lord. I was not having girlfriend who were doing
2 mining.
3 Q. TF1-141 testified on 11 April 2005, at pages 95 to 98,
4 alleged that you -- you went together with SBUs to attack the
5 bank in Koidu. Were you in Court when he testified, sir?
6 A. Yes, sir, I was in Court, but it is not true. I do not
7 Koidu Town bank. The man who carried the money after they
8 retrieved this money from those who robbed the bank, 367, he
9 testify also before this Court that the bank was robbed by
10 ULIMO, known as STF and some SLA and Sam Bockarie instructed
11 Colonel Superman to retrieve this money and, as I told you
12 yesterday, Superman also appointed 366 as task force commander
13 help retrieve this money, and that money issue also were

of 14 investigated by the Joint Security in Kono and I was not one
09:59:18 15 the person who were investigated, sir.
16 Q. The same witness, Mr Kallon, on 11 April 2005, pages 102
to 17 103, says that -- alleged that you had a communication set at
the 18 Guinea Highway. What do you say about that, sir?
19 A. Wrong, My Lord, I was not having no communication set
09:59:53 20 because at that particular point in time of operation only
person 21 who carry communication is commander who has area of
22 responsibility, or commander who were deployed at the
strategic 23 position to able give quick information to his centre.
24 Q. The same witness at page 90, lines 18 to 22, Your
Honours,
10:00:37 25 alleged that you used to summon muster parades at the Guinea
26 Highway, muster parades, the Guinea Highway. What do you say
27 about that, sir?
28 A. No, sir. In the first place, the calling of muster
parade 29 --

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1 PRESIDING JUDGE: Did you summon muster parades?

2 THE WITNESS: No, sir.

3 MR TAKU:

4 Q. The calling of muster parade, the directive always come
10:01:07 5 from the commanding officer on the ground and then the
commanding
6 officer always instructed the MP. They were responsible of
7 calling formation for muster parade. That was not my
8 responsibility, My Lord.

9 Q. Mr Kallon, can you please tell Their Lordships what
became
10:01:54 10 of Rambo of the RUF, not Red Goat. What became of him?

11 A. 1997 --

12 PRESIDING JUDGE: Did Rambo RUF have an alias? Did he
have
13 another name?

14 THE WITNESS: His actual name is Buster Flomo, alias
Rambo,
10:02:17 15 RUF Major Rambo. 1997 this, sir, RUF Rambo was with Sam
Bockarie
16 in Kailahun.

17 PRESIDING JUDGE: He was a major?

18 WITNESS: Yes, My Lord. When the AFRC overthrow, he
came
19 along with Sam Bockarie in Freetown, and Sam Bockarie deployed
10:02:42 20 him towards Lungi as a commander of RUF. Then, 1998, when I
Kono.
21 retreated from Bo, I met them all together with Superman in

22 In that meeting, before JPK could leave Koidu Town, Rambo was
one

23 of the officers he appointed as deputy operation commander,
that

24 appear in Exhibit 9 of this Court. When JPK left, Rambo acted
in

10:03:21 25 that position until in August, when I left Kono for Kailahun
for
26 punishment, I heard that Rambo was promoted to the position of
27 brigade commander, second brigade commander in Kono. So Rambo
28 was in that position until we came together -- I came together
29 with Mr Sesay to reattack Koidu Town, in December 1998. Rambo

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1 was second brigade commander until we advanced to Makeni and
he
2 and Superman advanced to Waterloo. That was the Rambo I knew.
3 Then in either March or mid-April, if I'm not mistaken, this
same
4 Rambo was killed by Superman and the SLA, during the infight
10:04:17 5 against Mr Sesay in Makeni.

6 MR TAKU:

7 Q. What date again?

8 A. Exactly, I've forgotten the exact date.

9 Q. Which year?

10:04:27 10 A. But it was 1999, Rambo was killed by Superman in Makeni,
Superman
11 during the infight between Superman and Mr Sesay, when
12 came to attack Mr Sesay.

13 Q. Did this attack in which Rambo died take place before or

14 after 5 January?

10:05:02 15 A. The attack on Mr Sesay take place after those AFRC who
16 invaded Freetown retreated from Freetown, sometime in
February.
17 When they came they were grumbling that the RUF do not help
them
18 to able achieve them to hold Freetown and Mr Sesay was
instructed
19 by Sam Bockarie to take Gibril Massaquoi to Kailahun. So,
when
10:06:11 20 Sesay went to Lunsar to get Gibril Massaquoi, Superman joined
21 Gibril Massaquoi. They open fire on Mr Sesay. Mr Sesay ran
from
22 there. He came to Makeni. They follow him there overnight
23 around 2 o'clock, as I was not present, I heard. They launch
a
24 surprise attack on Mr Sesay residence at Mina Hill, the
10:06:11 25 government reservation in Makeni. From there, they walked to
26 Rambo house and they captured Rambo and executed him, while
27 Mr Sesay jumped through the bush, and surfaced to Magburaka.
28 Q. Now -- now, let us just clarify one point before we move
to
29 the new subject. Yesterday, before we left, please, we were

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1 referring, we talk about the attack on Freetown. But, let me
2 draw your attention to specific areas in the -- of the
testimony
3 of TF-366, 14 November 2005, Your Honours, page 25, page 27,
page
4 29.

10:07:06 5 PRESIDING JUDGE: 14 November?

6 MR TAKU: 2005, Your Honours.

7 Q. Page 25, 26, 27, 29. And the allegation is this, sir:
It
8 is that you, Rambo -- you and Rambo and the witness 366 went
to
9 Waterloo, and that 366 lived in the same house with you while
at
10:07:54 10 Waterloo. Now, did you go to Waterloo with 366 and Rambo?

11 A. No, My Lord. I do not go to Waterloo with 366, but I go
to
12 Waterloo.

13 Q. When do you go to Waterloo, sir?

14 A. I went to Waterloo together with Mr Sesay when those
10:08:21 15 politician were released from Pademba Road after the AFRC
16 retreated to Waterloo. Sam Bockarie instructed Mr Sesay to go
17 and receive all those politician and take them to Makeni, so
in
18 that occasion I went together with him.

19 Q. Who are those politicians? What are their names?

10:08:48 20 A. Like Mr Victor Foh, former President Joseph Saidu Momoh,
21 Mr Oseh Williams, and so many others, I cannot recall their
names
22 all now, My Lord.

23 Q. Now, on that trip to Waterloo, did you meet Five-Five,
24 Gullit, Bazzy, Mammy Tina, Red Goat, Five-Five, Wako Wako; did

10:09:23 25 you meet them during that trip?

26 A. I met some, not all you have named. I met Gullit that
very

27 day. I met Bazzy, but I did not see Five-Five. I see Hassan

28 Papa Bangura, but all the other people like Tina -- I only saw

29 Tina in Makeni, but I do not see her at that point, Waterloo,

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1 My Lord.

2 Q. In what condition did you see them?

3 A. They were the authority, especially Gullit and Bazzy and

4 Papa Bangura, they were the authority who came to Freetown and

10:10:07 5 released these people from Pademba Road. We cannot just go
and

6 take them with our own power and bring them to Makeni. We say

7 yes, they have done -- they came to Freetown but these people,

8 being they are elder people for this country, we want to take

9 them to our safety zone. Makeni was our safety zone. That
was

10:10:32 10 the time we met with these people.

11 Q. Now, when you met these people, what did they tell you?

12 A. Who?

13 Q. These people you met Gullit, what did -- what did you

on 14 discuss with him? Did he tell you anything about the attack
10:11:11 15 Freetown?
Our 16 A. No, sir, that was not our mission to there actually.
17 mission was to ask them permission to hand them -- hand these
18 politician over so that we can take them to Makeni.
you 19 Q. Now, the witness alleged that -- now, about the -- did
10:11:21 20 discuss -- did they ask you why you didn't assist them?
21 A. No.
2005, 22 Q. Now, Your Honours, the proper reference is 9 November
23 I'm sorry. 9 November 2005.
24 JUDGE BOUTET: Instead of 14 November?
10:11:56 25 MR TAKU: Yes, Your Honour.
26 JUDGE BOUTET: It's the same page or different page?
27 MR TAKU: The same page, Your Honour.
they 28 Q. Now, Mr Kallon, prior to meeting these people, before
29 went to attack Freetown, had you met them? Did you meet them

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1 before they went to attack Freetown?

2 A. No. When we retreated to Kono 1998, after they break

Kabala, 3 themselves away from Kono, they took north-east of Kono to

communication 4 I do not see with them eye-to-eye and I was not in

10:12:29 5 with them until that day mid -- I think mid-February. That
was

retreated 6 the time they retreated from -- mid-February 1999, they

7 from Freetown.

any 8 Q. Now, when you met these people at Waterloo, did you see

9 houses burned, any property destroyed at that place when they

10:12:54 10 came -- when you met them?

11 A. Yeah. When we get to Waterloo, we met almost the whole

12 Waterloo was burned down and when we -- I personally inquired

13 from RUF Rambo, I was told that they met the town burning and

way 14 that was -- it was done by those AFRC guy who were on their

10:13:15 15 for this 6 January invasion of Freetown. That was the time
they

16 burned down Waterloo. And you can even tell the houses were

17 burned for a month or so.

18 JUDGE BOUTET: Who told you that? It was RUF Rambo?

19 THE WITNESS: RUF Rambo because he was the one with

10:13:41 20 Superman there.

21 MR TAKU:

22 Q. So was Superman also there?

23 A. Yes, he was the one as a commanding officer of the RUF

them. 24 there, before this AFRC guy retreated from Freetown and met

10:14:02 25 Q. So is it your evidence that prior to the AFRC retreating

26 and attacking Freetown, Superman was the commander RUF in

27 Waterloo?

the

28 A. Yes, My Lord. As I explained to you yesterday, after

29 fracas between Superman and us in Makeni in December 1998, he

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1 advanced himself to Lunsar and he was in direct communication
2 with Sam Bockarie. He asked Sam Bockarie that he wants to
3 advance towards Gberi Junction, Masiaka and Sam Bockarie
4 instructed Rambo to join him, so both of them advanced to this
10:14:43 5 point until they came, they said they fought in Waterloo for
6 three weeks with the Guinean contingent before they could able
7 clear them. I think that was in early February they able

clear

8 the Guinean contingent that were based in Waterloo. So he was
9 the RUF senior commander based in Waterloo with Rambo, My

Lord.

10:15:08 10 attention

At that time now, as I told you yesterday, I was paying

11 on Kono/Makeni highway because the Kamajors were frequently
12 attacking those towns, Matotoka, Makali, Masingbi. In fact, I
13 went and make something like a base in Masingbi to just give
14 confidence to the people. I even make a shop like and open

video

10:15:30 15 club there.

16 Q. Oh, we'll come to that. Anyway, let's just finish with
17 this Waterloo. Did you participate at any times in Waterloo
when
18 you went to receive these politicians?
19 A. No, My Lord, I do not even sleep there that day I went
and
10:15:53 20 the day we were going, we were under jet attack. We were
hiding,
21 going half-half break, going half-half break until we finally
22 reach Waterloo. Even our -- we move back to Makeni.
23 Q. So this jet attacked you from where, sir?
24 A. That was ECOMOG Alpha Jet from Lungi International
Airport.
10:16:19 25 Q. So how long were you in Waterloo for that mission?
hours,
26 A. My Lord, I cannot be precise. Say four hours, five
27 but immediately we get to Waterloo we see where the immediate
28 authority in charge of who brought these people and we were
given
29 the green light to take them along, so we took them. At that

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1 time we were having our own vehicle. We capture some ECOMOG
2 trucks, Land Rover from ECOMOG in Makeni, Teko Barracks so
those

3 were the vehicles we use.

4 Q. Who sent you on this mission?

10:17:03 5 A. As I told you, it was Sam Bockarie through the commander
6 that were in charge, Sesay. Mr Sesay.

for 7 Q. Did he tell you why you had to take these politicians
8 protection?

9 A. Actually, no. No, but as a reasonable man, I feel these
10:17:26 10 people are -- they were the current politician of this country
11 and maybe that was the reason why say we should take them, but
I 12 cannot really tell what was the reason.

13 Q. Did you take the politicians?

14 A. Yes, sir.

10:17:44 15 Q. You took them to where?

16 A. We brought them to Makeni and then we dispatched them to
17 Kailahun to this location and some of them went and joined
18 Corporal Sankoh in Lome. They participated in the peace
process.

19 Q. Who went with Corporal Sankoh in Lome to participate in
the 20 peace process? Who?
10:18:06

21 A. If I'm not mistaken, even Mr Victor Foh was one and some
22 other I cannot recall their name, because I was not present.

23 Q. Now, TF-366 was he in Waterloo? Did you see him there?

24 A. Yes, My Lord. As I told you, 366 always liked to ally
10:18:36 25 himself with Superman because Superman was adjutant officer,
26 yeah. I saw him there that very day.

27 Q. Did he reside in the same house with you?

28 A. Myself, I was not staying in Waterloo, so he and myself

not 29 were not residing in any house. And even where we went I did

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1 see him --

2 PRESIDING JUDGE: So you saw 366 in Waterloo?

3 THE WITNESS: Yes, sir.

4 PRESIDING JUDGE: But what you are saying is that you did

10:19:06 5 not go to Waterloo with him?

6 THE WITNESS: At all, no sir.

7 PRESIDING JUDGE: You went there, from what you are saying,

8 with Sesay?

9 THE WITNESS: Yes, sir.

10:19:13 10 PRESIDING JUDGE: But you were in Waterloo during your

11 short mission and you saw him there.

12 THE WITNESS: Yes, sir.

13 PRESIDING JUDGE: What about the other person, that is he

14 himself and the three of you who were supposed to, who according

10:19:28 15 to that witness were supposed to have gone to Waterloo, which is

16 what you refute. Did you see the other -- what's his name again?

17 Mr -- Mr Taku?

18 MR TAKU: Rambo.

19 PRESIDING JUDGE: Yes, Rambo, yes. Okay, yes. You saw
10:20:22 20 Rambo there; that's okay.

21 THE WITNESS: Yes, sir. I saw Rambo there.

22 PRESIDING JUDGE: That's okay.

23 JUDGE BOUTET: Mr Kallon, in this mission to Waterloo,
you
24 say you went there under Sesay. Sesay was the commander?

10:20:22 25 THE WITNESS: In Waterloo?

26 JUDGE BOUTET: Yes. No, you went there with Sesay.

27 THE WITNESS: Yes, sir.

28 JUDGE BOUTET: Your mission to Waterloo.

29 THE WITNESS: Yes, sir.

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1 JUDGE BOUTET: Was under Sesay. He was your boss, if I
can
2 put it this way.

3 THE WITNESS: Yes, sir.

4 JUDGE BOUTET: Who went with you? I mean, you went on a
10:20:27 5 mission. You're senior commander at that time. You said they

6 didn't go alone. How many of you were there?

7 THE WITNESS: My Lord, myself and two of my security,
8 Mr Sesay with two -- three of his security we were in the car,

in

9 the Land Rover. Then the trucks with the drivers and one --

one

10:20:47 10 security in the trucks they went -- we went together in
Waterloo.

11 Not a crowd or fighting force we went with. We only went with

to

12 just empty vehicles. We thought that the crowd was too much

13 let two, three trucks go to bring them come.

your

14 JUDGE BOUTET: So you only -- you didn't even go with

10:21:07 15 three bodyguards; you only had two?

16 THE WITNESS: Yes, sir. It was not fighting mission we
17 were going on. We heard that Superman and Rambo has captured
18 Waterloo, so Waterloo was not a fighting ground again.

19 JUDGE BOUTET: Yes. But to go -- you were going from
10:21:26 20 Makeni to Waterloo?

21 THE WITNESS: Yes, sir.

22 JUDGE BOUTET: Were you?

23 THE WITNESS: Yes, sir.

10:21:33 24 JUDGE BOUTET: But you're saying at the same time that
25 Waterloo had been captured but on the way you were under
attack.

26 THE WITNESS: By Alpha Jet, My Lord.

27 JUDGE BOUTET: So it was not a very peaceful trip to
28 Waterloo per se?

on

29 THE WITNESS: Please, sir, Alpha Jet fly -- attack you

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forces
as
the
10:22:06

1 the air, not on the ground. I can only move with fighting
2 on the ground, for the ground forces. But Alpha Jet -- even
3 far as Makeni Alpha Jet used to come there but as you come
4 assault or drop bomb and go back, we cannot able to react to
5 attack of Alpha Jet.

far

6 JUDGE BOUTET: So what you're saying is your mission to
7 Waterloo to recuperate these people was a small mission in as
8 as the people involved; it was a small group?

9 THE WITNESS: Yes, sir.

10:22:24 10 JUDGE BOUTET: In total about ten, from what you are
11 saying?

12 THE WITNESS: Yes, sir.

13 JUDGE BOUTET: Okay.

we
10:22:36

14 THE WITNESS: The bodyguard himself, myself and Mr Sesay
15 did not reach ten but the one/one armed escort that were in

16 trucks and the truck drivers.

17 PRESIDING JUDGE: How many trucks?

18 THE WITNESS: Three trucks, one Land Rover. So probably

19 all around up to ten.

10:22:47 20 JUDGE BOUTET: And these trucks you say were vehicles
that

21 had been captured from ECOMOG in Makeni?

22 THE WITNESS: Yes, My Lord.

23 JUDGE BOUTET: Thank you.

24 MR TAKU:

10:23:21 25 Q. Now, TF-360 testified on 21 July 2005, and at page 38,
RUF 26 Your Honours, 38 and 39, he alleged that there was a group of
27 combatants that was based in Waterloo, Hastings and that were
28 headed by Superman but -- and that you were also there under
the
29 command of Superman. The witness also said that the --

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1 PRESIDING JUDGE: Let us -- let us finish with that
2 allegation first.

3 MR TAKU: Yes, sir.

4 THE WITNESS: No, My Lord. I was not based in Waterloo
10:24:25 5 under command of Superman. Not at all, My Lord. Maybe this
see
6 he say he saw me there, it was the time I went for those
people,

7 that was the time he seen me, so I cannot deny that.

8 MR TAKU:

9 Q. In fact, the witness alleged, at page 45, that while at
10:25:02 10 Waterloo you planned the reattack on Freetown. Did that
happen,
11 sir?

12 A. No, I was not in Waterloo when they plan reattack for
13 Freetown, no, My Lord. I was not there.

14 Q. In fact, he says that -- that's page 45, Your Honours --
10:25:25 15 that in that meeting there was Gullit, Five-Five, Bazzy,
16 yourself, Superman, Rambo and others. And he says further, at
17 page 49, Your Honours, that you were based in Makeni when the
18 attack on Freetown took place. But that at one stage you went
to

19 Waterloo to fight before returning to Makeni and that he, the
10:26:07 20 witness, later on withdrew to Lunsar with Superman?

21 A. No, My Lord. The witness done made up things there. I
22 went to Waterloo but not for fighting. It's a made-up
23 allegation.

24 Q. Now let me find out one thing: While at Waterloo did
you
10:26:27 25 see anyone that you know commit any crimes within the four,
five

26 hours that you say you were there?

27 A. No, My Lord.

28 Q. Burning houses, amputating or committing any crimes?

29 A. No. No, sir. As I told you, RUF particular, there were

1 law against all those things; amputation, innocent killing.
2 Q. Now, 6 July 2006, Your Honours, witness TF-334. 6 July
3 2006. That is an SLA. He testified, Mr Kallon, pages 41 to
42,
4 Your Honours, and said that the RUF took no part in planning
the
10:27:35 5 attack of Freetown and that he never send the enforcements --
or
6 the reinforcements never came. But -- now, he goes further to
7 say that the reinforcement that came was a small contingent of
8 SLAs, a few RUF with no commander among them led by Red Goat.
He
9 also says that when the SLA -- that's Gullit and others
10:28:08 10 retreated, the very first contact they had with the RUF,
people
11 attacked them in order to seize property that they had. Now -
-
12 JUDGE BOUTET: Are you quoting from the transcript now
13 or --
14 MR TAKU: I'm paraphrasing what he said and I have it
right
10:28:26 15 here, Your Honour, and it's a very long statement. I was here
16 and I listened to the statement. He said when they came to
17 Waterloo, the Hastings, they attacked --
18 JUDGE BOUTET: That's okay, Mr Taku, I'm just asking
what
19 you were just saying in Court. Were you just paraphrasing or
10:28:42 20 reading or repeating what's in the transcript. That's all I'm

21 saying or are you trying to --

22 MR TAKU: It's about -- if I can say, Your Honours --
let

23 me just give all the pages of the transcripts.

24 JUDGE BOUTET: Yes.

10:28:53 25 MR TAKU: To help the Court.

26 JUDGE BOUTET: What's the --

27 MR TAKU: There's 41.

28 JUDGE BOUTET: 41 and 42. What's the [indiscernible]
29 number again?

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1 MR TAKU: 51, 55, 60 and 61 -- 60 and 61, Your Honours,
2 elaborated on this extensively. He said that -- and let me

quote

3 exactly what he said here.

4 JUDGE BOUTET: Give me the witness number again, please.

10:29:19 5 MR TAKU: 3 -- 334 SLA.

6 JUDGE BOUTET: Yes.

the

7 MR TAKU: Yes. He says that the RUF never took part in

and

8 planning of the attack on Freetown and he says that, quote:

9 after three weeks of having rampaged through Freetown burning
and
10:29:42 10 committing crimes for the three weeks that you were there, Red
11 Goat came -- where Red Goat was an SLA who went first but he
has
12 some other men he had with and there were a few RUF and no
13 commander among them. End of quote, Your Honour, here. But
he
14 also says, Mr Kallon, that when he came -- they had the first
10:30:12 15 contact when they withdrew from Freetown contact when they
were
16 forced out by ECOMOG bombardments. As soon as the RUF got
into
17 contact with them people attacked them in order to --
18 JUDGE BOUTET: What you are saying now is it in the
19 transcript or it's your analysis of what's taken place.
10:30:30 20 MR TAKU: I'm paraphrasing now, Your Honour. I'm
paraphrasing
21 paraphrasing now. This is in the transcript but I'm
22 it that when they met them -- let me just go -- give me one
23 minute, Your Honours. Yes he says page 41, Your Honours,
lines
24 18 to 25, instead of assisting the AFRC, they instead attack
10:31:25 25 them -- started attacking them in order to take the property
that
26 they brought along. That is pages -- page 41, Your Honour,
from
27 lines 1 to 25, I presume. Now, Mr Kallon, in that instance
when
28 you said you went to take the politicians you said that is the
29 only contact you had with these individual. Did you also
attack

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1 them in order to seize their property.

think

2 THE WITNESS: No, Mr Taku. Those people retreated I

exactly

3 three or four days before I went there and as the witness

RUF

4 making in that testimony, actually I don't really know if any

10:32:28
Freetown,

5 were involving to the planning of January 6 invasion of

in

6 no. Not to my own knowledge. And when they came, if they get

their

7 contact with the RUF in Waterloo or they were attacked for

8 property, I cannot testify to that because I was no there,

9 My Lord.

10:32:48

10 Q. Now, Superman, did you know what happened to Superman?

11 A. Superman?

the

12 Q. Yes, do you know what happened to Superman after -- at

RUF

13 end I mean. Because let me say: Did Superman remain in the

14 throughout or is there some times he left?

10:33:10
not

15 A. My Lord, Superman abstain himself from the RUF. If I'm

16 mistaken it was either July or August 19 -- 2001 Superman left

went

17 the RUF. That he was going back home to Liberia and that he

18 to the interim leader by then, Mr Sesay, and I think Mr Sesay
19 give him farewell to go.

10:33:45 20 Q. Do you know because -- what became of him? Did you
pursue

21 him to Guinea and Liberia to kill him?

22 A. No, Superman left Sierra Leone. He went -- I don't
know.

23 He went home, to Liberia, and when he went to Liberia,
Superman

24 and myself do not see from that time to now. I do not see

10:34:05 25 Superman.

26 Q. Is there a time in your -- when you were in the RUF --
is

27 there a time that you became a battlefield commander?

28 A. Yes, sir. That was in 2001, after Superman left.

29 Q. How did you become a battlefield commander, sir?

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1 A. When Superman left, that time Superman was present, I
was

2 the battle group, he was the battlefield, Mr Sesay was the

3 interim leader. So when he left I just have to rise to that

4 position.

10:34:59 5 Q. And where was Foday Sankoh?

in

6 A. At that time now, Mr Sankoh was in Pademba Road Prison,
7 detention.

8 PRESIDING JUDGE: You say you were the battle group?

9 THE WITNESS: Yes, sir.

10:35:14 10 PRESIDING JUDGE: You were the battle group?

11 THE WITNESS: Yes, sir. As I told this Court yesterday,
12 My Lord, I became the acting battle group in April 2000.

13 PRESIDING JUDGE: So when Superman left you became the
14 battlefield --

10:35:30 15 THE WITNESS: -- commander, My Lord.

16 JUDGE BOUTET: Who assigned you to that position at that
17 time? Was it Sankoh or Sesay?

18 THE WITNESS: At that time now, Mr Sankoh was not in the
19 picture again and the interim leader was -- was also an acting
10:35:50 20 leadership, so he called a meeting. Superman has left us, who
21 can take his position? And I was chosen by officers that I
22 should act in that position, so he endorse it.

23 MR TAKU:

24 Q. Where was 371 and xxxxxxxx at the time they gave
10:36:16 25 you this position?

26 A. At that time I held this position, 371 has not been
27 released yet from Pademba Road Prison and xxxxxx, he
28 was here, and he also became the deputy battle-group commander
to
29 Brigadier Kailondo.

When
many
some

1 Q. Now, you said 371 had not left Pademba Road Prison.
2 did he -- when was he detained at Pademba Road Prison and why?
3 A. He was detained together with Corporal Sankoh and so
4 others, and he was in the -- in Pademba Road Detention when
10:37:05 5 RUF senior and junior officers voted him to become the interim
6 leader, when I oppose it. 371, Mr Taku, let me just explain
7 small thing. 371 was a man -- he has all bad character. He
8 practiced tribalism.
9 PRESIDING JUDGE: You've said it before. You've said he
10:37:40 10 was not fit to be a leader. We have heard you on that.
11 THE WITNESS: Yes, sir.
12 PRESIDING JUDGE: You may proceed on other issues.
13 MR TAKU:
14 Q. You told the Court that when you retreated -- when you
went
10:38:00 15 to take these politicians to bring them to Makeni there were
jets
16 and that these were ECOMOG jet. That's what you testified
this
17 morning?
18 A. Yeah, when we were going, not when we're coming from
19 Waterloo. After we left Makeni going.
10:38:16 20 Q. Yes.
21 A. That was the time the jet -- we met with these jet.

ECOMOG 22 Q. Is there a time that you came face-to-face with an
23 commander? If so, who and when?
24 A. Yes. If I'm not mistaken, in June 1999, I started
getting
10:38:41 25 contact with the ECOMOG battalion commander based at Mile 91
26 because at that time the infight has intensified between
Superman
27 group and that of Mr Sesay group, we who were behind Mr Sesay,
so
28 Superman capture Makeni. While we were basing in Magburaka
there
29 were no way for us to get our own living unless we make, we
force

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1 we selves to make contact with the enemy. So we contact the
2 battalion commander, ECOMOG battalion commander, one Colonel
3 Moyie and we agree on meeting. We hold meeting. We open road
4 between Magburaka and Mile 91. Vehicles started running from
10:39:36 5 Mile 91 to Magburaka, and then vehicles started leaving from
6 Magburaka to Mile 91. We started getting our basic needs like
7 salt, Maggi, cigarettes and so on and so forth.
8 Q. Now, have a look at these pictures, please, which we

9 disclose and you will explain them one-by-one. The
information

10:39:53 10 behind are the numbers and information given by Court
Management,

11 so you will look at the back of the picture, you identify it
and

12 we will ask a few questions and you will tell the Court. Now,
13 before -- you said you got in touch with Colonel Moyie.
Before I

14 ask you this, when you got to Mile 91 what did you people
10:40:20 15 discuss? Did you people talk about the peace process, about
the

16 prospect of peace for your dear country?

17 A. Yes, My Lord. When I got the first contact with Mr --
with

18 Colonel Moyie, I told him that now ceasefire agreement have
been

19 signed in Lome between the RUF and the government of
10:40:44 20 Sierra Leone. But for now, you people are the soldier for the
as

21 government of Sierra Leone fighting for the government. But,
22 you know, we have thousands of civilians within our controlled
23 territory with lack of food, lack of medicine, or lack of so
many

24 human basic needs there. So I would like you to please allow
the

10:41:07 25 RUF transport vehicles to be leaving from Magburaka to Mile
91.

26 He asked me to bring some traditional chief from Magburaka and
he

27 also brought traditional chief from Mile 91 because these are
two

28 different chiefdom, even though they are in the same district,
so

29 those chiefs and myself plus him with some RUF officer, they
met.

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1 And the people see the need that they their people are to get
2 basic need. So they allow -- he allow RUF vehicles started
3 leaving from Magburaka to Mile 91, and commercial vehicles
4 started leaving from Mile 91 to Magburaka.

10:41:57
give

5 Q. You say you brought some traditional chiefs. Can you
6 the Court the name of the traditional chief you brought?

7 A. In Magburaka, I go with Pa Abu Bakar, he was one of the
8 section chief of Kolifa Magban Chiefdom. Then with some few
9 elder that were appointed by the paramount chief, who I cannot
10 able recall their name all now, and then those from Mile 91 I

10:42:24
was

11 not used to them, so I don't know their names.

12 Q. Now, look at those pictures. Your Honours, we did
13 disclose, made a disclosure. Now, look at the first picture,
14 please. Look and explain to the Court -- read the information

10:42:53
explain

15 behind the first -- at the back of the picture because that is
16 the information which is the Court Management number and

17 exactly what the picture stands for?

18 A. Okay. The first one I take, 25427, is a picture when I

visit

19 finally get Colonel Moyie from Mile 91, he paid the first

10:43:21 20

to Magburaka. Where we are sitting that was the house I was

21 staying at Magburaka reservation.

22 Q. What year is that?

23 A. That was in June 1999. There, he and myself met. We

24 discuss. I express the feeling of my people within our

10:43:45 25
he

controlled territory and then he too express the security risk

not

26 want to take, and he want me to guarantee him that RUF will

attack

27 lure him to an attack. I said: You will never receive no

basic

28 from the RUF position if you allow my people get all those

29 needs, and he did. We agreed. Vehicles started running. I

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Colonel

1 started going to Mile 91. He started visiting Magburaka until

2 the time the Lome accord was signed.

3 Q. Yes. The next picture, please?

4 A. The next one is 25428. It's the time Mr -- I mean

10:44:29 5

Moyie came to Magburaka. We were moving around Magburaka

6 showing -- people crowd -- you can see the picture crowd were

7 waving to him and he, too, were responding to the crowd.

8 Q. Apart from you and Colonel Moyie, who are these people
you

9 can see on this picture, please?

10:44:51 10 A. The one visible that I can see -- the man with the black
next

11 cap and the white gown was RUF local journalist. Then the

12 one with the Rayban glasses with creps was Colonel Isaac --

13 Brigadier xxxxxxxx. Then the one near Brigadier xxxxxxxxxx

14 is Colonel Moyie. Then you see Colonel Issa Sesay. Then you
see

10:45:22 15 Morris Kallon. Then the other one are ECOMOG. I cannot know
16 their name.

17 Q. Now, move to the next picture?

18 A. And some civilians around them. Then the next picture
is

19 25412. Colonel Moyie came to Magburaka at the roundabout in
10:45:45 20 Magburaka.

21 Q. At what time, sir?

22 A. That same June. This were happening day-to-day, day-to-
day

23 until finally I'm able to get confidence to one another, you
24 know. So he came. The kind way the crowd came to receive
him,

10:46:04 25 to welcome him, you can look at the picture seeing how he was
26 trying to touch everybody. Everybody was trying to touch him.

27 Q. Can you explain why the crowd was enthusiastic, came out
to

28 welcome him; can you explain?

29 A. Yeah. Chief Taku, these people have been the great
enemy.

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1 They were with these people who came. We drove them and they
2 went to Mile 91. We were fighting one another until they see
the
3 two enemy have come together. I'm quite sure it was very
amazed
4 to even the civilian populace. That's why they came in that
10:46:45 5 crowd to see really what we are telling them on the ground,
that
6 we have already make peace with the ECOMOG and vehicle has
7 started soon running from their territory to our zone.
8 Q. Yes. Move to the next picture, sir.
9 A. The next one is 25413. You see myself, Colonel Moyie,
10:47:09 10 xxxxxxxx and one ECOMOG officer. We are the ones sitting
11 together in front of the -- there is a petrol station by the
12 roundabout in Magburaka. There we were sitting, you know,
13 chatting together.
14 Q. What was that location?
10:47:33 15 A. This was -- I think this was now early July when the
Lome
16 were finally signed.
17 Q. Move to the next picture, sir.
18 A. The next one 25414 is the same. We are moving from the
19 paramount chief house, coming back, so that they can get on
board

10:47:56 20 their vehicle to go back to Mile 91.

moving 21 Q. Now let's just stop there briefly. You say you are

22 from the paramount chief's house. What was the nature of your

23 relationship with the paramount chief?

24 A. My Lord, as I told you, the RUF slogan was -- we say arm

to

10:48:17 25 the people, power to the people and wealth to the people, and

chiefdom 26 this paramount chief was the traditional ruler of that

27 where the headquarter of Tonkolili District was, so we cannot

do

28 anything there without him. We do everything with his

blessing.

29 JUDGE BOUTET: What is this slogan you've just mentioned

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1 that you used? Arm to the people.

2 THE WITNESS: Arm to the people, power to the people.

3 PRESIDING JUDGE: And wealth.

4 THE WITNESS: And wealth to the people.

10:48:49 5 JUDGE BOUTET: Who had -- who had made this slogan?

You?

6 THE WITNESS: This was made by Corporal Sankoh from Camp

7 Jackson, Naama to Nidepo. In the morning he used to come to

the

to 8 parade. He say RUF. That was the slogan we used to say: Arm

9 the people, power to the people, wealth to the people.

10:49:14 10 JUDGE BOUTET: Mr Kallon, what was your -- these meetings

11 and these discussions with ECOMOG what's your -- what's your role

12 at that time? What do you do in Magburaka?

13 THE WITNESS: At that time I was the commanding officer in

14 Magburaka, My Lord. I was the most senior RUF commander there.

10:49:37 15 After, as I told you when Superman attack Mr Sesay, Mr Sesay went

16 to Buedu. I was the most senior officer now boundaring between

17 Superman group and Sam Bockarie, Issa Sesay group in Magburaka

18 and that was our own headquarter. And at that time, as you know,

19 Magburaka was one of the most populated district headquarters

10:50:06 20 under the RUF control.

21 JUDGE BOUTET: Now, why was it?

22 THE WITNESS: Because Magburaka, My Lord, if you go there,

23 one door was not break into and one kitchen was not burned down.

24 Everything, as the people ran away, they came, they met their

10:50:29 25 property intact. So this give them more zeal and many were

26 running away from Makeni as is coming to Magburaka to stay for

27 safety, so they do not be harassed by Superman.

28 JUDGE BOUTET: So what you're saying there are many

29 other refugees in Magburaka at that time that were come from many

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1 locations?

2 THE WITNESS: That, sir, I cannot call them refugee but
3 displaced. They were displaced.

4 JUDGE BOUTET: Displaced.

10:50:57 5 THE WITNESS: Yes, sir

6 JUDGE BOUTET: Fine. People that were not normal
residents
7 of Magburaka?

8 THE WITNESS: Yes, sir. Because Superman and his group
9 were really intensifying, then harassing them, so they could
not

10:51:07 10 bear that. Information spread that Magburaka, we are safe.

11 JUDGE BOUTET: You -- my last question, on one of the
12 picture you say that Mr Sesay is there with you in one of
these
13 photos.

14 THE WITNESS: Yes, sir.

10:51:18 15 JUDGE BOUTET: Was he in Magburaka with you?

16 THE WITNESS: No, sir. At this time now when he came,
this
17 time now, this other picture is when he came, that was the
time
18 this picture were taken, My Lord.

19 MR TAKU:

10:51:30 20 Q. He came from where?

21 A. When he came back finally from Kailahun area. He used
to
22 come, go. Because that is the only safe zone.

23 Q. Mr Kallon, within this time that you say you were
24 commanding officer in Magburaka, this time that you met the
10:51:57 25 paramount chief and this --

26 PRESIDING JUDGE: Are you through with the pictures?

27 MR TAKU: No, no. Okay. I will.

28 Q. Now, move to the next picture, sir.

29 A. The next picture is 25420. That was the day I took
Colonel

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1 Mnoye, the first day I took Colonel Mnoye and the first MILOBS
2 group that visited the RUF territory after the signing of Lome
3 accord. That -- you see the old man who is standing is the
4 paramount chief. Then the soldier who bending down so was
10:52:30 5 Colonel Mnoye and the two MILOBS sitting down.

6 Q. Now, how many -- you say the first time that UNAMSIL --
7 MILOBS entered how many of them are there? How many MILOBS
8 officers are there?

9 A. Just -- just two. There were two that came with Colonel
10:52:54 10 Mnoye from Mile 91.

11 Q. Now, when they came in that instance, did they discuss
with
12 you, did the MILOBS?

13 A. Yes.

14 Q. What did they say?

10:53:01 15 A. Yes, they and myself talk that they are the one who
coming
16 to supervise the disarmament process in Sierra Leone.

17 Q. Let's move on to the next picture.

18 A. The next picture 25422. This was a meeting between the
RUF
19 battalion commander that were between Mile 91 and Magburaka
and
10:53:38 20 Colonel Mnoye with a MILOBS, they held this meeting for the
21 Kamajor and the RUF to be interacting together so that they
will
22 not be attacking one another again. That peace has finally
come
23 to Sierra Leone. They are now -- we are only waiting for time
24 for taking the arms from the combatant.

10:54:02 25 Q. When was that?

26 A. This was around September 1999, My Lord.

27 Q. And who was that commander at Mile 91 between Mile 91
and
28 Magburaka?

29 A. His actual name was Sylvester Massaquoi, alias Jazz
Spirit.

the 1 Q. Now, before we move on, you -- you did mention that at
2 time that --

with 3 PRESIDING JUDGE: The question again: Are we through
4 the photographs?

10:54:40 5 THE WITNESS: No, there are more.

6 MR TAKU:

7 Q. Yes, go ahead, please. I thought we were --

8 PRESIDING JUDGE: Do we need all of them?

9 MR TAKU: Yes, sir.

10:54:48 10 THE WITNESS: They are all the same explanation.

11 MR TAKU:

12 Q. The same?

13 A. Yes.

Your 14 MR TAKU: Okay. We tender them, for the photographs,
10:54:53 15 Honour.

he 16 PRESIDING JUDGE: Well, if -- I mean, we want to have --
17 has referred to seven so far.

18 MR TAKU: Yes.

19 Q. How many more are there?

10:55:02 20 A. Ten more.

21 Q. Okay. The rest of the pictures, please?

22 A. Okay.

23 Q. [Overlapping speakers]?

24 A. This one was the time we agree for the vehicles to start
10:55:25 25 leaving from Magburaka to Mile 91, and Mile 91 to Magburaka.

26 This was a Ferry Junction.

27 PRESIDING JUDGE: What's the number of that picture?

28 MR TAKU:

29 Q. What is the number?

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1 A. 25423. You see at Ferry Junction, you see the ECOMOG
2 soldier one side, the RUF fighter and the civilian on one
side.

3 And this was in late June 1999?

4 Q. Move to the next picture, please?

10:55:57 5 A. 25419. This is the same picture, walking from the
6 paramount chief house, coming back to where the ECOMOG vehicle
7 were for Colonel Mnoye and others to onboard to Magburaka
Town.

8 Q. Yes, the other one, please?

9 A. Actually, 25419, 25421, 25418 and 25417 are the same.

10:56:35 10 Q. Are you done with that, sir?

11 A. They are the same picture.

12 Q. Have you finished with all the pictures now?
13 A. No, I've got four more.
14 Q. Yes, go ahead.
10:56:43 15 A. Five more. This one --
16 Q. What number?
17 A. 25416. You see when the MILOBS came together with
Colonel
18 Mnoye, they met the RUF battalion commander, this Sylvester
19 Massaquoi, alias Jazz Spirit, at the Ferry Junction, that is
the
10:57:05 20 picture they took and the commander brought the picture to me.
21 Q. Yes.
22 A. Then 05426 is a photograph of Corporal Sankoh and Major
23 General Sam Bockarie.
24 PRESIDING JUDGE: 254 what?
10:57:28 25 THE WITNESS: 05426, My Lord. Photograph of Corporal
26 Sankoh and Sam Bockarie. Then 25415. You see it was a mix-up
27 picture. Both civilian, RUF --
28 HIS HONOUR: 2541?
29 THE WITNESS: 25415, My Lord. Both RUF, Kamajor, ECOMOG

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1 and civilians. This picture were taking at Ferry Junction.

2 JUDGE BOUTET: What's the date of that one?

3 MR TAKU:

4 Q. What's the date?

10:58:11 5 A. The number --

6 Q. The date. When was it taken, sir?

7 A. My Lord, I cannot recall this date now. Then 25424. It

8 was the very day I was introducing Mr Sesay to Colonel Mnoye.

9 Then 25425. It's another visit Colonel Mnoye paid to
Magburaka.

10:58:46 10 We were sitting together and I was expressing especially about

11 food. They need some food and medicine. If he can allow

12 medical -- NGOs to be visiting our territory for look after
the

13 sick and other things within the RUF control area. So the

14 picture finish, sir.

10:59:14 15 Q. Now, did the NGO effectively -- no, Your Honours, I seek

16 leave of the Court to tender these pictures, sir.

17 PRESIDING JUDGE: I don't think they have been shown to
the

18 other parties.

19 MR TAKU: Yes. Show them to the --

10:59:33 20 PRESIDING JUDGE: To the Prosecution and to the Defence

21 teams of the first and the third accused persons.

22 MR WAGONA: My Lord, there is no objection from the

23 Prosecution except may I have the spelling of this colonel who

24 was being referred to because I kept getting Mnoye. If I
could

11:00:28 25 get the spelling because I seem to have a different person in

26 mind.

27 PRESIDING JUDGE: I tentatively wrote M-O-I; I wrote
Moi.

name

28 MR TAKU: Your Honour, it's M-N-O-Y-E. I think it's a
29 from the eastern region. M-N-O-Y-E. Mnoye. From the eastern

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1 region of Nigeria. Mnoye. M-N-O-Y-E.

2 PRESIDING JUDGE: M-N-O-Y-E.

3 MR TAKU: Yes, Your Honours.

4 PRESIDING JUDGE: It's a strange name.

11:01:55 5 MR TAKU: In the eastern region and the middle belt we
6 have --

7 PRESIDING JUDGE: I know what I'm talking about.

8 MR TAKU: Okay, sir.

9 PRESIDING JUDGE: Coming from that region. Yes.

11:02:16 10 MR TAKU: We apply to tender the exhibits.

he

11 PRESIDING JUDGE: There were a series of pictures which
12 were withdrawn as being the same with I think the one that is
13 marked as 25419 by Court Management. There are some pictures
14 said were the same. We didn't go through them so I hope that

11:02:58 15 they are not being tendered in the process as well. I don't
know

16 what you intend to do.

than 17 MR TAKU: Where the pictures -- where there are more
18 one --
19 PRESIDING JUDGE: Yes.
11:03:09 20 MR TAKU: Where the pictures, where there are more than
21 one.
22 PRESIDING JUDGE: Yes.
will 23 MR TAKU: It depends if, Your Honours, and I think we
24 draw a list. The other side that tendered just one, so as to
11:03:18 25 avoid confusion. We'll sort that out with Court Management,
26 later on.
27 PRESIDING JUDGE: Are they exactly the same? Have you
28 verified them?
29 MR TAKU: I've looked at them and I was really surprised

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same 1 when he said they were exactly the same. Maybe it was the
2 occasion that the pictures were taken but to say they were the
3 same.
4 PRESIDING JUDGE: They were different snapshots, not so?
11:03:38 5 MR TAKU: That's what I thought, when I looked at the --

one 6 PRESIDING JUDGE: It is for him to tell us. He is the

7 who said, you know, that they are the same.

8 THE WITNESS: If you see the front image before, the one
9 you see the front image are the same. It was on the same
snap.

11:04:25 10 MR TAKU: Yeah, Your Honour, just one, that is 25421 and
11 25417 are the same. The rest are different. So we --

12 JUDGE BOUTET: I thought he'd said 419, 421 and 418 were
13 the same.

14 MR TAKU: Well, Your Honour, apart from these, I think
they

11:05:00 15 were different snapshot of the same occasion. But just these
16 two, 254 --

17 PRESIDING JUDGE: Now, how many pictures are there in
the
18 whole? I mean, I don't want to get into this complicated
19 exercise. On the whole there are how many pictures? Because
we

11:05:17 20 have record, I have record that they are 14 for purposes of
this
21 exercise, minus those which were deemed to be identical, how
many
22 pictures are there, bearing the numbering from Court
Management?

23 MR TAKU: Your Honours, 15 minus these two.

24 PRESIDING JUDGE: Fifteen?

11:05:44 25 MR TAKU: Yes, yes, Your Honour.

26 PRESIDING JUDGE: Any objection from the Defence?

27 MR JORDASH: Sorry, Your Honour, no, no objection.

28 PRESIDING JUDGE: Mr Cammegh?

29 MR CAMMEGH: No, thank you.

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1 PRESIDING JUDGE: Right. Well, I think we'd -- we WOULD
2 admit them in evidence and mark them as Exhibit 342 --

3 MS KAMUZORA: My Lord, it's Exhibit 343.

4 PRESIDING JUDGE: 343?

11:06:12 5 MS KAMUZORA: Yes.

6 PRESIDING JUDGE: Okay, 343. Yes, it's Exhibit 343, you
7 are right. It's Exhibit 343, you are right. That is 25427
will

8 be Exhibit 343A and then it will follow that series, you know,
9 25428 B, 25412 C, 25413 D, 25414, E, and 25420 F, 25422 H, I

11:07:18 10 think -- that's FI. I, rather. FI. Then 25423 G, 25419, I

11 think, would be H. Then you have 25416 takes the next

12 alphabetical order; 2505426 the next alphabet; 25415 the next

13 alphabet; 25424 the next alphabet; and 25425 the next alphabet

14 and then the 15th picture which we don't have, which was not

11:08:19 15 referred to, you know, and whose number we do not have, takes
the

16 next alphabet. You have excluded two. You say you are
tendering

17 15 and you are excluding two?

18 [Exhibit No. 343A-P was admitted]

19 MR TAKU: Yes. No, just one, because the two were

11:08:34 20 identical so we'll withdraw one and tendered the other.
21 PRESIDING JUDGE: But you are tendering 15 photographs
in
22 all, are you? Do you confirm that?
23 MR TAKU: Just one minute, Your Honour, 16, Your Honour,
24 16. Because two were identical so we are -- we will withdraw
one
11:08:55 25 and keep the other one.
26 PRESIDING JUDGE: Right. Well, they are admitted and
27 marked sequentially the way I've indicated it, and you sort
out
28 the numbering, you know, in terms of alphabetical
identification
29 with Court Management.

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1 MR TAKU: Thank you, Your Honours, we will do that.
2 PRESIDING JUDGE: They will be admitted and labelled,
you
3 know, accordingly.
4 MS KAMUZORA: My Lord, there are 17 pictures. There are
11:09:13 5 not 16.
6 MR TAKU: Yes, well, we are withdrawing one. They are
7 identical so -- may I proceed, Your Honours?
8 PRESIDING JUDGE: Is it 16 or 17 photographs?

9 MR TAKU: Sixteen, Your Honours.

10 PRESIDING JUDGE: Sixteen. Well, the indication has
been
11 given as to the numbering and you will sort that out on the
12 numbering very clearly as has been indicated on the records,
and
13 we are therefore, we have it on record that we've admitted 16
14 photographs.

15 MR TAKU: Yes, Your Honours.

16 PRESIDING JUDGE: Right.

17 MR TAKU: Yes, Your Honour. Thank you, Your Honour.

18 Q. Mr Kallon, where were you when the peace was signed in
19 Lome?

11:10:22 20 A. My Lord, I was in Magburaka, Tonkolili District, when
the
21 Lome accord was signed in July -- July 7, 1999.

22 Q. How did you know about --

23 PRESIDING JUDGE: Sorry, the -- the witness was where?

24 THE WITNESS: I was in Magburaka.

11:10:44 25 PRESIDING JUDGE: In Magburaka?

26 THE WITNESS: Yes, sir.

27 PRESIDING JUDGE: When the peace accord was signed on
the

28 --

29 THE WITNESS: 7 July 1999.

1 PRESIDING JUDGE: That is in Lome?

2 THE WITNESS: Yes, My Lord.

3 MR TAKU:

4 Q. How did you know about it? How did you learn about it -

11:11:11 5 HIS HONOUR: This was in 1996?

6 THE WITNESS: 1999, My Lord.

7 PRESIDING JUDGE: 1999, that's right.

8 THE WITNESS: Before Corporal Sankoh could sign the Lome

9 accord, message came from Major General Sam Bockarie that

11:11:31 10 Corporal Sankoh has told him he is going to sign peace on
behalf

11 of both RUF men and women with the government of Sierra Leone.

12 He going to sign that peace agreement in Lome to end the
conflict

13 in Sierra Leone.

14 MR TAKU:

11:12:06 15 Q. So when you received this information from Bockarie, how

16 did you react?

17 A. My Lord, I was more than happy because that was going to
be

18 the end of all suffering everybody were doing including
myself.

19 Suffering in the sense, every day attack, if you do not attack

11:12:48 20 enemy, we attack you. Or if you -- enemy do not attack you,

21 Alpha Jet will attack you, or helicopter gunship will attack
you,

with 22 so I was happy. And I immediately called immediate meeting
23 the Media RUF Officer that were within me, including the
24 traditional leaders that we were staying with in Magburaka,
that
11:13:15 25 the RUF, Foday Sankoh is going to sign the Lome accord on
behalf
26 of all RUF combatant and civilians within their controlled
27 territory.
28 Q. How was their reaction?
29 A. Everybody was over happy.

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peace 1 Q. Now, you say you were happy, you were overjoyed that
2 was going to come. How was your conduct now in -- how did you
3 conduct yourself on getting this information? What activities
4 did you carry out?
11:14:00 5 A. Mr Taku, as I told you, when this information came that
6 they are going to sign for final peace in this country, I was
7 extra happy. At the same time, I knew that I was going to go
8 back to my normal life.
9 Q. So what did you do with that knowledge that you had to
go
11:14:28 10 back to normal life? What did you do?

11 A. What I begin do immediately, I started preaching for
12 reconciliation between RUF itself and with the civilians. And
13 before the signing of the accord, that was the picture I show
to
14 try all our level best to get the ECOMOG who were enemy at
that
11:15:00 15 time for us to --

16 PRESIDING JUDGE: You were Preaching for reconciliation
17 between THE RUF and the civilians?

18 THE WITNESS: Yes, My Lord.

19 MR TAKU:

11:15:12 20 Q. What else? What other activities did you carry out?

21 A. Immediately that peace were signed and upon the return
of
22 Corporal Sankoh from Lome --

23 PRESIDING JUDGE: You mentioned ECOMOG.

24 MR TAKU:

11:15:30 25 Q. ECOMOG, yes, go ahead.

26 A. Yes, sir. I said before the final peace were signed in
27 July, that was the reason in June we started interacting with
28 these ECOMOG for us to get free passage of goods and so on for
29 the civilian in our controlled territory.

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1 Q. And what else did you do -- you yourself, what activity
did

2 you yourself carry out apart from preaching reconciliation?

3 A. Immediately Mr Sankoh returned from Lome to Sierra
Leone,

4 after the first visit he paid to Makeni and Magburaka, I
really

11:16:20 5 conclude straightaway that yes, peace has finally come,
Because

6 at that time, he came with some government representative; the
UN

7 field commander, then ECOMOG field commander, xxxxxxxx,

8 Jetley with one Honourable Patrick Foya, Foya or Foyo,
something

9 like that. They came to Makeni. He held meeting. In that

11:16:52 10 meeting, Mr Sankoh speak, General Jetley speak, xxxxxxxxv

11 speak, and they all preach the same about peace process. But
in

12 Mr Sankoh's area of speech, he say he has signed the peace on

13 behalf of the RUF, and when he give instruction for carry on
the

14 disarmament, then the disarmament will take place in any given

11:17:27 15 location. So afterwards I started doing to repatriate myself

16 into private business. I started opening some half-half bar
to

17 start selling drinks, you know.

18 Q. You started this drink you said in which locations?

19 A. I started in early ' 99 in Masingbi and then I get one
to

11:18:06 20 Magburaka and then finally to Makeni. In Makeni I open former

21 Disco Supercase. Magburaka I build -- I ask the paramount
chief

22 to give me a space right before the court barri. I build a
pub

23 called Moriesta then Masingbi I was carrying on the same bar
24 operation.

11:18:33 25 Q. Now before we move any step further we'll come to that.
26 Please show him exhibit -- Court exhibit --

27 PRESIDING JUDGE: So you had a bar in Masingbi and you
had
28 a pub called Moriesta.

29 THE WITNESS: Yes, My Lord.

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1 PRESIDING JUDGE: In Magburaka.

2 THE WITNESS: Magburaka.

3 PRESIDING JUDGE: And what else.

4 WITNESS: Disco Supercase in Makeni.

11:19:02 5 MR TAKU:

6 Q. Who were your customers in this bar?

7 A. They were varied. Civilians, former RUF, and the
UNAMSIL.

8 Q. Now, have a look at Court Exhibit 207, please. We have
9 copies here. We made copies for the parties and for Their

11:19:57 10 Lordships. Mr Kallon, you look -- you see that -- that's
Court

11 Exhibit 207. Can you indicate who signed that exhibit, sir?

Major 12 A. The signing not clear, actually, but the document is
was 13 General Sam Bockarie from the chief of defence staff and that
14 Major General Sam Bockarie.
11:20:58 15 Q. What is it about? What is the heading subject?
16 A. It says to all combatants, subject peace agreement
between 17 government of Sierra Leone and the Revolutionary United Front
of 18 Sierra Leone on 7 July 1999.
19 Q. Is there any time that you became aware of this
document, 20 sir? Did you see it?
11:21:22 21 A. Yes.
22 Q. And can you read it to the Court, sir, if possible.
With 23 your leave, sir, if he can read it to the Court?
24 PRESIDING JUDGE: Why? Why should he read it.
11:21:33 25 MR TAKU: All right. Let me move on, sir.
26 PRESIDING JUDGE: If you want to ask any specific
question 27 on that, you know, you ask him.
28 MR TAKU:
29 Q. Now, Mr Kallon, was there -- the former -- I mean the

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1 SLA/AFRC were they parties to the Lome Peace Accord?

2 A. My Lord, as I told you --

3 PRESIDING JUDGE: What was your question again.

4 MR TAKU: If he knew. Let me put it freshly.

11:22:06
were

5 Q. Did you receive any information whether the AFRC/SLA

6 parties to the Lome Peace Accord?

7 A. To me, no. Because the message Sam Bockarie saying that
8 Sankoh is saying that he is going to sign the Lome accord that
on

9 behalf of RUF men and women and the civilians. Probably that
was

11:22:35 10 included AFRC, but the name RUF was the one sound.

11 Q. What was the nature of the relations between you and the
12 AFRC/RUF at that point?

13 A. At that point in time, July 1999, AFRC were separately
on

14 their own from us. I told you from May 1998 the break
themselves

11:23:05 15 off from the RUF. They were now carrying on their own
operation

16 differently, RUF were different. anywhere the two group used
to

17 meet there were some clashes of fight. Only sometimes early
1999

18 Superman aligned himself with them for some time. Later on he
19 too would break away with them.

11:23:35 20 Q. Now, when you received this exhibit, this Court

21 Exhibit 207, you say you received it from Sam Bockarie. Did
you

22 respect it about the peace -- do you respect the terms of the
23 ceasefire?

24 A. Yes, sir. Yes, sir.
11:23:59 25 Q. What about the Government of Sierra Leone at the time?
Did
26 they respect it?
27 A. Before the signing of the peace accord, the ceasefire --
28 the Government of Sierra Leone, the civil militia, especially
by
29 Kono/Koinadugu axis they were breaking that ceasefire some
time.

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who 1 Actually they were not respecting the ceasefire but the RUF
offensive 2 were completely on defensive position who never go on
3 until the signing of this and until we disarm.
to 4 Q. You also said that at some point in time the leader came
11:24:43 5 Makeni with UNAMSIL officers and ECOMOG and they made
speeches.
6 Now, please give him this document dated 22/11/99. It is,
7 Your Honours, we filed it and it came to us as a Rule 68
8 disclosure with a number from the Prosecutor's office
9 00015502200015504. Please show Mr Kallon and show the
Prosecutor

11:25:23 10 and the parties. We tried to make a copy for your Lordships
but
11 the photocopying, Your Honours, the quality is so bad.
12 [Indiscernible] from the Prosecutor's office that is legible.
13 PRESIDING JUDGE: You say the document was disclosed to
you
14 under Rule 68?
11:26:00 15 MR TAKU: Yes, Your Honours.
16 Q. Yes, Mr Kallon, what is the heading of that letter --
that
17 report?
18 A. It's headed: To: Security commander. From: IDU
19 Commander. Subject: Visitation of the leader, Corporal Foday
11:27:11 20 Sankoh, representative of the international community and
ECOMOG
21 security.
22 Q. Now, please can you just read out the areas I marked,
read
23 them out, then I will ask you a few questions on that
document,
24 sir?
11:27:32 25 A. On page 15502, paragraph 8, the third line said the
leader
26 was accompanied by ECOMOG officer General JA Pamba, UNAMSIL
27 commander Colonel Josie, that the State House police agent,
28 Mr Patrick Foya, the adviser and chairman Mr Kallon, RUF
29 spokesman Mr Eldred Collins and the SLA warrior Colonel Akim

1 Watertank.

2 Q. Yes. Please move to the next area that marks. Thank
you.

3 Tell the paragraph and read it.

4 A. 15503, paragraph 11 -- 9 rather, the leader took the
11:28:36 5 microphone where he introduce four journalists. Among them
were

6 Chris Johnson and Kev Lewis, he further complains that the war
is

7 finished and that peace has come to our beloved land

8 Sierra Leone. He said there will be no more war and the RUF
is

9 not prepared to wage any other war. His mission in Makeni and

11:29:12 10 Tonkolili is to explain the Togo Lome Peace Accord which the
11 RUF/AFRC and President Tejan Kabbah has signed.

12 Q. Now, the next, please. Give the paragraph and read.

13 A. Paragraph 13, he also said that the Revolutionary -- the
14 revolution which he launched in 1991 forced the APC government
to

11:29:38 15 re-introduce the multi party system and told all combatant to
16 transform into a political wing and must be ready to hand over
17 weapons to ECOMOG and UN disarmament team at any time he
18 instructed us to do so. He also blame the educated people of
19 this country.

11:30:10 20 Q. Yes --

21 A. Then --

22 Q. -- move on.

23 A. Paragraph 14, moreover the ECOMOG commander, General JE
24 Pamba said the war is over. He did in the past year say --
past
11:30:22 25 year Sierra Leone was in the bush shaking but now no more bush
26 shaking. ECOMOG and RUF/AFRC combatant are no longer enemy
but
27 friendly brothers deploying -- developing Sierra Leone. He
28 advised combatant to lay down arms to reconstruct the country
--
29 reconstruct the country.

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1 Q. Now, Mr Kallon, let me ask a series of questions there.
2 The leader advised that the RUF will transform itself into a
3 political party. Did it transform into a political party?
4 A. Yes. I think in November to early January -- November,
11:31:17 5 December, January, Corporal Sankoh launched the RUF party in
6 Freetown here. RUF was called RUF.
7 PRESIDING JUDGE: What date was that?
8 THE WITNESS: My Lords, starting from November to
December.
9 PRESIDING JUDGE: What year.
11:31:35 10 THE WITNESS: 1999 and throughout now he was arrested
RUF
11 was called RUF.

12 MR TAKU:

13 Q. Did you -- were elections organised at any moment in
which

14 you took part as a candidate on the banner of RUFPP?

11:31:59 15 A. Yes, My Lord. In 2002 the general election,
presidential

16 and parliamentary election, a district block election, yes, I

17 took part and before I was the regional chairman for southern

18 region, for RUFPP. Then I was candidate for Bo District but I
do

19 not get seat.

11:32:27 20 PRESIDING JUDGE: For what elections? The
parliamentaries.

21 THE WITNESS: Yes, sir, under the district block
election.

22 2002 it was not constitutional constituency election.

23 PRESIDING JUDGE: You say you were chairperson of the

24 southern what?

11:32:45 25 THE WITNESS: Southern region. Chairman for -- regional

26 chairman for RUFPP.

27 MR TAKU:

28 Q. You said you contested elections in the Bo constituency
and

29 lost. Mr Kallon, did you accept the result as a Democrat?

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1 A. In the first place the election was not Democrat. The
2 election was on district broad base, not constituency
election.

3 So the government of the day say they are going to conduct
4 district block election. And the RUF we opposed that. The
11:33:30 5 representative RUF sent on that agreement to firm whether
6 district block election or constituency election, we oppose
that.

7 Q. Now, how do you oppose that? Did you -- when you
opposing
8 did you take up arms?

9 A. No.

11:33:48 10 Q. Or what did you do? How did you oppose that?

11 A. Our representative walk out in that meeting that the
12 election should be conducted under constituency level.
13 [Indiscernible] the government of the day first, then RUF --
you
14 have to -- because of RUF are to reintegrating to political
11:34:08 15 party, we are forced to take part.

16 Q. And you accepted the result?

17 A. Yes, there were no other way, yes.

18 Q. Why did RUF prefer the constituency to the block
elections?

19 A. I believe constituency election all candidates who get
11:34:46 20 symbol for each of the party go to the people and they explain
21 their own political style to the people and they will vote you
22 in. But the district block election, the same government in
23 power just organise and they were the machine of the day. So
24 they just will to the level they wanted. That's why we prefer
11:35:09 25 the constituency election than the district block.

26 Q. Okay. And that document again before you, the chairman
27 said that you people, the RUF was going to disarm, you should
28 have probably disarmed when he instructed you to disarm. You
29 read that paragraph to the Court. With regard to disarmament
in

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chairman 1 Makeni, first, did you -- was there any order from the
2 to disarm that you're aware of?

3 A. You mean Makeni?

4 Q. Yes, sir.

11:35:58 5 A. Yes. But I want say something before coming to that
small.

6 Q. Yes?

7 A. For example, Segbwema, when Sankoh ready for Segbwema to
8 disarm, Sankoh himself, Jetley and so many other
representative

9 from government, they went there, he himself took the arm and
11:36:26 10 launched the disarmament. Likewise in Port Loko where
Superman

11 disarm in November to December 1999, he did the same thing.

12 Likewise Fadugu in Koinadugu District, he was the same person
who

13 went and launch the disarmament and he said there were
agreement
14 according to the MILOBS that the RUF were to start disarming
on
11:36:55 15 17 April 2000 in Makeni. But Corporal Sankoh do not turn up
in
16 Makeni and before that in the 16 morning the MILOBS inside
17 commander one Lieutenant-Colonel JJ Poraj he met me with a
letter
18 that they want to be reception centres.
19 Q. Okay. Let's stop there first. You will come to there,
in
11:37:37 20 moment where that it so. So with that -- what took place in
21 Makeni, you said that the chairman did not show up?
22 A. No.
23 Q. Your Honours, we seek leave to tender that document
before
24 the witness now dated -- what's the date there again?
11:37:59 25 A. Wait, let me check, please.
26 Q. 22 November 1999, Your Honours.
27 PRESIDING JUDGE: Yes, any objections? Can it be shown
to
28 the Prosecution, please.
29 MR WAGONA: My Lord, I saw it. There's no objection.

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23 Q. Now, show him Exhibit 33, Your Honours, pages --

24 PRESIDING JUDGE: Court Exhibit 33?

11:40:29 25 MR TAKU: Yes, sir. Pages 00008830 and pages 00008896.

26 Show him both. Now, before I ask you the questions: why did
you

27 deem it necessary to inform the leader? You say he got in
touch

28 with you. You said you wanted to send it to the leader. Why?

29 THE WITNESS: Because of what the leader said in the

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start 1 meeting in Makeni and Magburaka that before any disarmament

I 2 at any of the location he will instruct to do so. Even though

in 3 was not the commander in Makeni but he met me with this letter

4 Magburaka in my pub so I just have to take the opportunity and

11:41:59 5 inform the leader.

6 Q. Who was the commander in Makeni, sir?

7 A. Colonel Kailondo was the RUF ground commander in Makeni

8 based at Teko Barracks.

9 Q. Do you know an individual by the name Colonel Jimmy?

11:42:28 10 A. Yes. Colonel Jimmy also were in Makeni. He was the RUF

11 representative on the CMC with the MILOBS.

12 Q. So what is the name of CMC, sir?

13 A. Ceasefire Monitoring Committee. I think all the warring
14 faction were represented in that committee in each of the
region.

11:42:58 15 So he was our own regional commander for that committee.

16 Q. And what would be his duties with regard to the
disarmament
UNAMSIL
17 under the demolition centre or in the problem involving
18 in that location?

19 A. His duty was to report all violation to the CMC
committee.

11:43:25 20 All violation that he find out from the RUF. Like, for
example,
21 if RUF position is attack or if there is -- if RUF position is
22 attack, he was the one who supposed to take that straightaway
to
23 the UNAMSIL MILOBS.

24 Q. Now, go back to the document from Poraj-- colonel --
11:44:05 25 Lieutenant-Colonel Poraj. Can you read the content to the --
26 Their Lordships?

27 PRESIDING JUDGE: Will that be Exhibit 33?

28 MR TAKU: Yes, sir.

29 PRESIDING JUDGE: Refer to it as Exhibit 33, please.

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1 MR TAKU: As Exhibit 33.

2 PRESIDING JUDGE: Yes.

3 MR TAKU:

4 Q. Can you read it, please?

11:44:22 5 JUDGE BOUTET: What's the page?

6 MR TAKU: The page is 8830, My Lord.

7 JUDGE BOUTET: Thank you.

8 THE WITNESS: From Lieutenant-Colonel JJ Poraj.

9 PRESIDING JUDGE: Is he reading the whole of it? Is it

11:44:35 10 necessary?

11 MR TAKU: The first paragraph, sir.

12 PRESIDING JUDGE: Yes.

13 WITNESS: MILOBS observer team commander Makeni, date

14 16/04/2000. Sir. According to Brigadier Kallon he receive

11:44:53 15 letter from above team today and this was said to be in the

16 letter: Greeting. I have the honour to inform you that

UNAMSIL

17 will be ready to start DDR program on Monday, 17/04/2000. Our

18 instruction is to establish two reception centre, Makeni and

19 Magburaka area as to open the DDR on that date.

11:45:26 20 MR TAKU:

21 Q. Now, stop there, please. Who was addressing that to the

22 leader?

23 A. This were -- this letter was sent to Mr Sesay. Mr Sesay

24 also in turn sent to the leader.

11:45:43 25 Q. Now, look at Exhibit 33 again dated 16 April 19 -- 2000

--

again

26 the same date. What page is that, please? Give the page
27 to Their Lordships?
28 A. 8896. From: Smile. Smile was Foday Sankoh. To:
29 Sparrow. Sparrow was Morris Kallon. Subject: Instruction.

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area

1 Date: 16/04/2000.
2 Q. Can you read that out, sir?
3 A. "You should not allow anyone to fool you on any
4 disarmament program. There should be no disarmament in that
11:46:34 5 for now until further instruction."
6 PRESIDING JUDGE: What document is that?
7 MR TAKU: It's Exhibit 33, sir.
8 PRESIDING JUDGE: Is this still part of 33.
9 MR TAKU: Yes, another page the same day.
11:46:48 10 PRESIDING JUDGE: Um-hmm.
11 WITNESS: 00008896.
12 MR TAKU:
13 Q. So what did he say?
14 JUDGE BOUTET: And this is a message of 16 April.
11:47:02 15 WITNESS: Yes, sir. Message: From: Smile, who was

16 Sankoh, To: Sparrow, who was Morris Kallon. Subject:
17 Instruction. "You should not allow anyone to fool you on any
18 disarmament program. There should be no disarmament in that
area
19 for now until further instruction. Any mistake towards
11:47:21 20 implementing the above subject matter, you will be
responsible.
21 Act as mandated. Fond regard."

22 PRESIDING JUDGE: When he talks of that area he means
23 Makeni.

24 THE WITNESS: Makeni, Magburaka. Because the two
reception
11:47:44 25 centre building was about these two places, My Lord.

26 MR TAKU:

27 Q. Now, when you received this --

28 PRESIDING JUDGE: Yes.

29 MR TAKU:

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1 Q. When you received this message from Foday Sankoh, what
did
2 you do? What was your reaction, sir?

3 A. My Lord, I know Foday Sankoh threats, everybody know him
--
4 that in RUF --

11:48:14 5 PRESIDING JUDGE: What was your reaction, please.

6 WITNESS: Yes, sir. I -- I -- I keep off myself from
the

7 exercise because of this threat.

8 PRESIDING JUDGE: You did not go with Poraj in that

9 exercise.

11:48:30 10 THE WITNESS: No, sir, I do not even go back to Poraj

11 again.

12 MR TAKU:

13 Q. You didn't go back to Poraj. How did you feel when you

14 received that letter from Foday Sankoh?

11:48:49 15 MR CAMMEGH: Forgive me, Your Honour, Mr Gbao Would like
to

16 go to the bathroom, please.

17 PRESIDING JUDGE: We're still wrapping up, please. Let
him

18 wait. Yes, can you wrap up with that question, please.

19 MR TAKU:

11:49:04 20 Q. Yes, how did you feel, sir?

21 A. My Lord, as I said I feel threatened and I know Foday

22 Sankoh --

23 PRESIDING JUDGE: [Overlapping speakers] obey the

24 instructions of his, of his boss.

11:49:10 25 MR TAKU: Er.

26 PRESIDING JUDGE: Is that not so?

27 MR TAKU: No, I just wanted to know how he felt. Did he

28 feel at ease? Was he --

29 PRESIDING JUDGE: He felt constrained not to proceed
with

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1 disarmament.

2 MR TAKU: No --

came

3 PRESIDING JUDGE: At that time. Because instructions

4 from his boss restraining him from doing that.

11:49:30
Let

5 MR TAKU: Well, I don't know how he will answer, sir.

6 me just put it to him and see.

7 PRESIDING JUDGE: Put it to him and let's see.

8 MR TAKU:

9 Q. So how did you feel exactly when you got this from

11:49:41

10 Foday Sankoh?

--

11 A. Mr Taku, as I told you we are yearning to disarm then as

12 the letter I received from JJ Poraj I knew the next day the

13 disarmament we are to start but very unfortunately in the 28

was

14 hours Sankoh sent that there should be no disarmament and he

11:50:00

15 threatening me directly that if I involve myself in to that I

16 will be responsible.

17 MR TAKU:

18 Q. Did you go back to Poraj?

19 A. No, I do not go back to Poraj again.

11:50:16 20 PRESIDING JUDGE: The Court will recess at this juncture
21 for a couple of minutes. The Court will rise, please.

22 [Break taken at 11.40 a.m.]

23 [RUF15APR08B - BLP].

24 [Upon resuming at 12.15 p.m.]

12:24:46 25 PRESIDING JUDGE: Yes, Mr Taku, we're resuming the
session.

26 You may proceed, please.

27 MR TAKU: Thank you, Your Honours. Mr Kallon, you
remember

28 we tried to be slow for the attention of the court reporters.

29 PRESIDING JUDGE: Yes, he has attained that.

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1 MR TAKU: Yes, Your Honour.

2 PRESIDING JUDGE: Yes.

3 MR TAKU: Yes.

4 PRESIDING JUDGE: Have they complained that we are fast?

12:25:07 5 MR TAKU: Not to Your Honour --

6 PRESIDING JUDGE: I haven't heard them complaining up to
7 now. When they do complain, we always follow them.

8 MR TAKU: Yes, Your Honours.

9 PRESIDING JUDGE: I think they are not yet complaining,
12:25:22 10 so --
11 MR TAKU: Okay, Your Honours.
12 PRESIDING JUDGE: I'm sure we're doing fine with the
pace,
13 you know, that we are keeping.
14 MR TAKU: Thank you, Your Honours.
12:25:30 15 PRESIDING JUDGE: Yes.
16 MR TAKU:
17 Q. Mr Kallon, before we went on break, I heard you saying
that
18 when you received that message from the leader, addressed
19 directly to you, you felt threatened. Why did you feel
12:25:48 20 threatened?
21 A. Mr Taku, the content of the letter, I, who were waiting
for
22 the 17th day to start the disarmament, then, out of sudden I
23 receive letter on the 16th stopping me completely not to
disarm,
24 and then the contents say anything goes wrong, I will be
12:26:30 25 responsible. So it make me extra scared and I know what
26 Foday Sankoh capable of doing to its own RUF officials. He
did
27 that to Rashid Mansaray and others.
28 JUDGE BOUTET: So what do you mean?
29 MR TAKU:

1 Q. What do you mean?

2 A. My Lord, if I was to force myself to carry on any
program,
3 minus what Sankoh stop me not to do, I'm sure what he did to
4 Rashid Sandy and others he should have done the same to me.

12:27:00 5 Q. What did he do to them? That's what his Lordship wants
to
6 know?

7 A. He executed them.

8 JUDGE BOUTET: But that was in 1991, 1992, something
like
9 that?

12:27:10 10 THE WITNESS: But he is the same leader of the RUF,
11 My Lord.

12 JUDGE BOUTET: So are you suggesting that he continued
to
13 do that throughout, in the RUF, from '91 until '99 and 2000?

14 THE WITNESS: Yes, My Lord. I see what he did to Sam
12:27:29 15 Bockarie in the days of Zogoda for implementing its own RUF
law
16 that no soldier should rape. A soldier rape at Matru Jong,
Sam
17 Bockarie executed that soldier. If it was not the War
Council,
18 Sam Bockarie was supposed to be killed by Foday Sankoh. So
these
19 are the examples I thought of, I consider myself to restrain
12:28:02 20 myself.

21 MR TAKU:

22 Q. Yes. Before we proceed further, you also told the Court
23 that Sam -- Foday Sankoh was in control of the disarmament
24 process. Indeed, he went physically to the field and gave the
go
12:28:30 25 ahead and, now, have a look at this Exhibit 33 again.
26 Your Honours, I'm giving to him now pages 0008885, from the
27 leader to Survivor, info Sparrow, dated 12/1/2000; 0008886
dated
28 14 January 2000; 00008884. Can you -- Court management,
please,
29 these are Court exhibits, sir, Exhibit 33. Please give it to

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1 him. And if you recall any alias, you tell Their Lordships
who
2 the person is, so that we don't waste a lot of time. Now, the
3 first letter, do you see that Sparrow -- info Sparrow, what is
4 the date on that, please, and what is the number?
12:30:20 5 A. The number here is 8885. The letter from the leader to
6 Survivor, info sparrow. Survivor was Mr Sesay; Sparrow was
7 Morris Kallon. The subject matter was instruction, the date
8 12/1/2000.
9 Q. Can you read it, please? It's not very long.
12:30:49 10 A. "Be informed that the first commander and the military

to 11 observer will be proceeding to Magburaka and Makeni on visit
12 the Kenyan battalion as well as proposed DDR program. Said
13 delegate will depart Freetown 0830 hour on 13/1/2000 using UN
14 helicopter. Team will land in Magburaka and then drive to
12:31:26 15 Makeni, use six vehicles and will return same day with the
above,
16 you are hereby to grant them free -- you are hereby to grant
17 them" --
18 JUDGE BOUTET: "Permission."
19 THE WITNESS: "Permission." Thank you, My Lord.
12:31:49 20 MR TAKU:
21 Q. Yes. Move to the next one, sir.
22 A. 8884 from the leader to (break) Issa. Subject:
23 Instruction. Date -- date 11/01/2000. Subject: Instruction.
24 "You are hereby to instruct Colonel Komba to hand over all
arms
12:32:25 25 collected from the UN beginian contingent back to them and
shall
26 grant them free passage to pass through -- to pass through
their
27 end to Port Loko. The UN Ambassador, Mr Francis Okelo, has
met
28 with me this morning on the issue and everything has been laid
to
29 rest. They will come with officials letter in respect of the

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1 issue. Though -- and this Colonel Komba should go by it
2 accordingly. Let them hand over all that we are taking from
3 them. Firm regard".

4 Q. Yes, move to the next one, sir.

12:33:24 5 A. 8886, from the leader to Shining Star. Shining star was
6 Komba Gbundema, dated 14/1/2000. Subject: Directive. "By my
7 directive you are to go along with all armament and other
8 equipment seized to Baimoi for onward delivering to UNAMSIL
9 beginian contingent. You should also grant them free passage

to

12:33:56 10 pass through with all armament to their destination, Port
Loko.

11 You are also to remove all road blocks within your area of
12 operation to ensure free movement of" --

13 JUDGE BOUTET: "Pedestrians."

14 THE WITNESS: Sir?

12:34:20 15 JUDGE BOUTET: "Pedestrian."

16 THE WITNESS: "Pedestrian vehicles traffics" --

17 JUDGE BOUTET: "Traffickers."

18 THE WITNESS: "Traffickers and even to help aid workers
to

19 be successful in their operation. You are also to arrange,
12:34:34 20 organise, and prepare your men for disarmament ranging from
21 Kambia onward to Port Loko."

22 MR TAKU:

23 Q. Now, Mr Kallon, who was -- what position did Komba
Gbundema

24 hold at this point in time?

12:34:53 25 A. At this point in time Komba Gbundema was the brigade
26 commander, RUF brigade commander, based in Kambia, which is
his
27 headquarters at Kamakwie. But Kamakwie is in Bombali
District.

28 Q. Can you situate this area from which the said -- can you
29 situate to the Court this area from which he say he seized
this

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1 material from the beginian UNAMSIL forces?

2 A. Yeah. This was towards Port Loko, Baimoi Junction.
From

3 Kambia to Port Loko, there you see this Baimoi Junction. That
4 was the area indicated on this document for him to carry all
the

12:35:49 5 weapon he seized from the UNAMSIL and to prove -- to prove to
6 you, on the 11th of the same month, Sankoh sent this
instruction

7 through Sesay. Sesay sent this instruction to Komba. Komba
do

8 not hear that instruction. That's why on the 14th Sankoh sent

9 the same instruction directly to him, Komba, to prove that
Sankoh

12:36:23 10 -- he can tell officer do this. While you are doing it he can

officer 11 move on your back again. He instruct another -- the same
12 that he -- he asked you to instruct, tell him that: Do not
is 13 listen to what -- that instruction. Only listen to me. That
to 14 the reasoning of this type of message. On the level he sent
12:36:44 15 Sesay to instruct Komba to hand over this weapon, Komba failed
to 16 do it, there on the 14th. He instructing him now and giving
him 17 the exact direction where he to go and hand over this weapon
at 18 Baimoi Junction.

19 JUDGE BOUTET: Now, why do you say that on the first
12:37:02 20 instruction from Sesay Komba didn't do it? Is it in the
message 21 somewhere or you know this?

22 THE WITNESS: I know this, sir.

23 JUDGE BOUTET: Okay.

24 MR TAKU:

12:37:13 25 Q. So what sort of a commander was he, Komba? You hear
from 26 he disobeying Issa Sesay. What sort of man was he, please?
27 A. If I can just strike your mind little bit before coming
28 back to this subject, sir.
29 Q. Yes, go ahead.

Western

Lion

sent

not

on

Makump?

did

- 1 A. Komba Gbundema have been all along with Superman in
2 Jungle, and we retreated again to Kono, Komba Gbundema was the
3 man who Superman organised the battalion called Red Lion
4 Battalion. Komba Gbundema has been operating with this Red
12:37:46 5 Battalion until when Superman break away from Kono in August,
6 joining Komba Gbundema, they were at the Kabala axis until
7 December we met again. And when we met it was Superman who
8 Komba Gbundema to that axis. Kamakwie, Kambia, Port Loko, I
9 mean, axis. So he felt his commanding officer was Superman
12:38:11 10 Issa all along, and he was one of the officers join Superman,
11 they launch their attack on Sesay in Makeni.
12 Q. Now, just to clear that: When they launched the attack
13 Issa Sesay, on which side were you?
14 A. I was with Mr Sesay but I was not present on the ground
12:38:30 15 when the attack took place.
16 Q. Now, back to 17 April -- no, 17 April 19 --
17 A. 2000.
18 Q. -- 2000, please. Yes. On that day, 17th, you say you
19 didn't go back to Poraj. Did you go to the DDR centre at
12:39:03 20 A. No, My Lord. From the 16th, I received that letter, I

nightclub 21 not even make use of myself again to even check on my
22 in Makeni until 26 April. I went to Makeni. While at my
Freetown 23 nightclub, Colonel Kailondo came. He say he just from
24 and as he says he's from Freetown, I started offering him free
12:39:40 25 room to drink. After he got -- he begin get tipsy, he told me
26 that Sankoh has warned him -- I mean, told him to warn me to
stay 27 off on all activities of RUF within his own area of control,
that 28 is Makeni. For this reason, because we are friends, that's
why 29 he advised me personally. So myself as he told me this --

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1 PRESIDING JUDGE: Who is this?
2 THE WITNESS: Komba -- I mean Kailondo, My Lord. As he
3 told me this I quickly get inside my Benz car and go back to
4 Magburaka because Magburaka was my own personal base all
along.
12:40:25 5 JUDGE BOUTET: I just want to make sure I understand.
You 6 had received a message from Sankoh yourself.
7 THE WITNESS: Yes, sir, in Magburaka.
8 JUDGE BOUTET: And it was directed to you?

9 THE WITNESS: Yes, sir, in Magburaka.

12:40:35 10 JUDGE BOUTET: In Magburaka?

11 THE WITNESS: Yes, sir.

12 JUDGE BOUTET: And he was telling you not to engage in
any

13 disarmament on the 17th?

14 THE WITNESS: Yes, sir.

12:40:44 15 JUDGE BOUTET: But you never received any other
16 instructions after that from Sankoh?

17 THE WITNESS: Not at all.

18 JUDGE BOUTET: But you did have this conversation with
19 Kailondo in your bar in Makeni?

12:40:53 20 THE WITNESS: Yes, sir.

21 JUDGE BOUTET: And in that bar Kailondo tells you what
22 again?

23 THE WITNESS: Kailondo said he just from Freetown.

24 JUDGE BOUTET: Yes.

12:41:01 25 THE WITNESS: And Sankoh say I should stay off of all
26 activity in his own area of responsibility.

27 PRESIDING JUDGE: In his, Kailondo's area of
28 responsibility?

29 THE WITNESS: Yes, My Lord.

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1 PRESIDING JUDGE: Yes.

2 THE WITNESS: But that was Makeni and its environs. So
3 immediately he told me this I got in my car and returned back
to
4 Magburaka.

12:41:29 5 MR TAKU:

6 Q. When you heard Kailondo telling you this, what position
did
7 Kailondo hold in Makeni at the time?

8 A. At that very time Kailondo was the Makeni ground
commander.

9 In fact, we were calling him the regional commander of RUF for
12:41:54 10 Northern Region headquarters.

11 Q. Now, how did you feel at the time he told you this
before
12 you got this; how did you feel when you heard him say this?

13 A. He just remind me on the 16 letter, threatening letter I
14 received from Corporal Sankoh, that still, there is a still
plot
15 going on against me.

12:42:13

16 Q. And now, when you got into your Benz car, what -- what
17 colour was your Benz car, please?

18 A. Actually, the Benz I was using, it was blue/black
colour,
19 at this point in time, Mercedes Benz.

12:42:50 20 Q. Now, when you went back to Magburaka on that 27 -- 27 or
21 26?

22 A. 27.

23 Q. 27?

24 A. 26.
12:43:03 25 Q. Did you go to the DDR programme at Makump?
26 A. No, I only passed through. The DDR camp was on the
side,
27 right from Makeni to Magburaka, on the right-hand side. I
only
28 passed through the road, I get to Magburaka.
29 Q. Now, tell Their Lordships -- now, did Kailondo tell you
why

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1 Sankoh wanted you to keep off activities in Makeni?
2 A. Mr Taku, as a reasonable man, when Kailondo brought up
that
3 idea that Sankoh say I should keep off from his own area of
4 responsibility, walie Bilai Karim, I do not further ask him
any
12:44:01 5 other question again. I just thought it wise and remember the
because
6 16th message Sankoh sent to me and go back to Magburaka
from
7 Sankoh knew that Magburaka was my own base. Before he came
8 Lome I was based in Magburaka.
9 Q. Now, is there a time that you stopped at the DDR
program?
12:44:30 10 If yes, when and why?

11 A. Yes, sir. If I remember well, sir, on 30 April I have a
12 friend in Magburaka, he was also wanted to open a pub. He
asked
13 me to lend him my musical set from my own pub. Then I told
him
14 that: No guy, I said that you will make a loss the overnight
12:44:59 15 customer, but for this reason I have an RUF officer in Makeni
who
16 has a musical set, who testified before this trial, TF1-041.
I
17 came to him and asked him to allow me use his musical set. We
18 took that musical set from Makeni. We went, we played for the
19 whole night at that of my friend pub. He open his pub. The
next
12:45:29 20 morning, on 1 May, I was bringing TF1-041 back and make a stop
at
21 the Makeni DDR camp at Makump to -- really, the intention I
22 stopped there for was to greet one of our party chairman, one
23 Mr Andrew Kanu, and the various RUF party member that were
24 working at that DDR centre, especially the women's wing who
were
12:46:06 25 doing the cooking at the DDR camp. So I made a stop there.
26 Q. Now, you made a stop there to greet your party chairman,
27 Mr Who?
28 A. Mr Andrew Kanu and the RUF women's wing.
29 Q. What was -- what was he doing there?

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but
before
customers
12:46:48 G5,
from
carpenters
12:47:13 on
11
12
13
14
to
12:47:37
what
I
12:48:01
21

1 A. At that time before he was now working with the NCDDR
2 at the same time he was party member of the RUF and, but
3 that, when this DDR programme were starting, because of the
4 UNAMSIL who were carrying on this programme they were
5 in my bar, I made a series of recommendation, especially the
6 Mammy Queens then, to be the cooker instead of taking cooker
7 Freetown to Makeni, and they accepted and they employ most of
8 them to that. Even the -- how can I call that? The
9 who were building the camp itself, all those people were also
10 recommended by me to the man -- the DFID guy who were carrying
11 the building in the camp.
12 Q. Why did you recommend these people? Who were they?
13 A. Please, sir, they were RUF party member and we all have
14 been suffering without money, so a project came to -- for them
15 receive their earning, so I just have to make that
16 recommendation, so that they will start earning something.
17 Q. So when you stopped at that camp that -- that 1 May --
18 time sir, of the day?
19 A. It was in the morning hour, around 9, 10. 9, 10 to 11.
20 can't be precise, but within that.
PRESIDING JUDGE: That is in the Makump DDR camp?

22 THE WITNESS: Yes, My Lord, five miles to Makeni.

23 MR TAKU:

24 Q. And you said -- now, how did you arrive there? In what
12:48:16 25 vehicle? Were you on foot or you were in the car?

26 A. I came here with the same Benz car, the blue/black
myself
27 -- we were four in the car. Myself, TF-041, my driver and my
28 uncle. He is now a late man. We were four in the car. The
29 uncle was a civilian, the driver also is a civilian. Only 041

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1 and myself were RUF combatant.

2 Q. Did you carry any weapon in that car?

3 A. No, My Lord. Because when the UNAMSIL were deploying
the
4 order given to us at that time was: Anywhere UNAMSIL deploy,
it
12:49:00 5 is no arm-going area. We were not allowed to carry gun there.
6 So I not used to move with gun within that area again because
7 they were deployed there.

8 Q. Now, you say you saw Mr Andrew Kanu. Where was he? How
9 far was he to the camp?

12:49:18 10 A. Okay. Please, sir, the camp -- this is the road; this
is

so
the
11 the camp. Just about 10 or how many metre off from the road,
12 immediately I break at the junction, the reception centre of
13 NCDDR, it was right on the road and there he was sitting.
14 Q. He was sitting there at the centre?
12:49:38 15 A. Yes. I came down, shook hand with him. Then the Mammy
to 16 Queens who were at the kitchen also waved to me. Myself waved
17 them. Then I walked to go and --
18 PRESIDING JUDGE: The Mammy who? The Mammy Queens?
19 THE WITNESS: The Mammy Queens who were doing the
cooking
12:49:55 20 for the DDR centre, sir. Yes, sir, from Makeni.
21 MR TAKU:
22 Q. Why do you call them Mammy Queens?
23 A. We are calling them -- the G5 was one who give them that
Queens.
24 name so, myself, I just take use of that name now, Mammy
12:50:11 25 They were the elder mammy, and the who were organising the RUF
26 party in Makeni, so they call them Mammy Queen. So when they
27 greeted me I take the opportunity to walk to the kitchen.
While
28 walking, I passed through the carpenter centre where they were
29 building these beds. I told the carpenter, I said, "Hey, bo,"
I

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for
the
something
12:50:51
045
Kallon,
12:51:15
had
12:51:34
anyone
that
12:52:00

1 said, "this bed you are making, you are not making this bed
2 pig." I said, "This is human being." I said, "They brought
3 sample of the bed in Port Loko and DDR camp. You saw it. But
4 instead building the same thing, you are now building
5 else different. You all look like you are building a cage for
6 hog." Then I continue my journey to the Mammy Queen. After I
7 spoke to them, again I get back to my car, I went, I dropped
8 -- 041.
9 Q. Now, while you were in that camp at that time, Mr
10 did you see any RUF combatants who have come to disarm or who
11 have disarmed?
12 A. No. No, sir.
13 Q. Did you know at that point in time that RUF combatant
14 disarmed?
15 A. No, My Lord.
16 Q. Did you discuss with anyone at that time or confront
17 about the disarmament of the RUF?
18 A. No, My Lord.
19 Q. Did you discuss with any UNAMSIL or MILOB officer in
20 camp?
21 A. No, My Lord. In fact, where the UNAMSIL security or

where
22 UNAMSIL officer where -- it was another little distant from
23 these people were working. Their tents were about 20 to 30
metre
24 off from the centre where these people were working. And
where
12:52:20 25 the reception centre I met Mr Andrew Kanu. I do not see no
26 military observer officer there. Only Mr Andrew Kanu and few
27 NCDDR workers I saw there. I cannot recall their name now.
28 Q. Now, Mr Kanu, do you know where he lived, where he
stayed?
29 A. Mr Andrew Kanu is a current Makeni Town Council
chairman.

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1 Q. At that time did you know where he lived?
2 A. Yeah, he was staying in Makeni Town, at Back Street,
3 something like that. If I'm not mistaken.
4 Q. At the time you approached these people, the people the
12:53:06 5 carpenters, the Mammy Queens and had this conversation with
them,
6 was 041 there?
7 A. 041 was right with me because he too -- he was heading -
8 he was the one heading the G5 wing in Makeni, and these people
9 have been working in his office in Makeni.

12:53:32 10 Q. At the time you stopped there, did you see any
combatants

11 coming from the direction of Makeni?

12 A. No.

13 Q. To that camp?

14 A. No. But the village -- after the camp, there were check
12:53:51 15 point there, Makump itself. Drive a few metres from the --
from

16 the camp.

17 Q. You saw a check point?

18 A. Yeah. There were deployment there. Check point was not
19 physically on the -- on the road but there were RUF ground
12:54:06 20 commander there.

21 Q. Who was that?

22 A. They call him Ishmael Bangura.

23 Q. Now, you said when you got to Makeni you dropped 041.
How

24 long did you stay in Makeni?

12:54:30 25 A. Immediately we get to Makeni, that time the office of
26 Kailondo, the overall MP adviser, the task force were --

27 Q. Give their names, please. Give their names, when you
call

28 them, by titles, give their names?

29 A. The Makeni ground commander at that time was Colonel

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Then
Ibrahim
is
12:55:13
drop
shouting
12:55:45
Kailondo
in
12:56:09
vehicle.
12:56:25

1 Kailondo. They call him Anibanusus Vandi, his real name.
2 Colonel AS Kallon, the overall MP adviser. Then Colonel
3 Dugba, who was the RUF task force commander in Makeni. Their
4 office were right at the Independence Square on the -- there
5 an old bank there. That was the building they were using as
6 office. When I get to this Independence Square I met lot of
7 crowd there. 041 looked the street going to his office. I
8 in. I saw Colonel Kailondo standing without no shirt,
9 that he will not take this. He will not take this. Trying to
10 find out from Kailondo what he will not take. The way
11 approach to me, with gun in anger position, and I was unarmed
12 myself, I say: Oh, this trouble is coming around. I got back
13 my car, took the road towards Magburaka. I returned back to
14 Magburaka.
15 Q. Now, by the time you left that scene and returned to
16 Magburaka, did you stop at that centre?
17 A. No.
18 Q. The DDR centre?
19 A. No, I went in speed. They were now three in the
20 Q. Who and one were?
21 A. Myself, my uncle, Mr Jalloh, and the driver, who were
22 Mende.

23 Q. Now, did you see any crowd at the time you drove back at
24 the centre, DDR centre?

12:56:41 25 A. No, only those I left working there.

26 Q. Did you see any disarmed RUF combatants there?

27 A. No, My Lord. I do not even break to see -- let me check
28 and see whether this is RUF, this is civilians, no.

29 Q. Were you still in the same vehicle that you took to
Makeni

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1 from Magburaka?

2 A. Yes.

3 Q. When you drove back?

4 A. Yes, My Lord, the same blue/black Mercedes Benz 200.

12:57:15 5 Q. Now, when you got to Magburaka, what did you do, sir?

6 A. When I got to Magburaka I went back to my house at
7 government reservation. While there, after I eat, I came back
on

8 the road. The friend who I helped open his pub, I came there.

9 Q. What was his name, sir?

12:57:36 10 A. They call him Borbor Kanu. He offer me a bottle of

11 Maltina. While taking this Maltina, an RUF senior officer, he
is

--

12 a Vanguard by the name of Colonel Pepe, he came on top of bike

13 on XL bike. He say, "Oh, Morris Kallon, what are you doing

14 here?" UNAMSIL has attack our position in Makeni. I said,

"What

12:58:05 15 you -- UNAMSIL has attacked you in Makeni. UNAMSIL has not

16 attacked me. What are you expecting me to do?" While

shouting,

17 shouting, the guy who has his shop, he told me that he was

going

18 to close his shop. Myself, I said: Okay. Then I left. I

took

19 the Maltina bottle he offered me. I walked back to

reservation.

12:58:26 20 When I got to reservation, within 30 minutes I heard

helicopter

21 gunship. But the helicopter gunship were not assaulting,

neither

22 dropping any bomb. I knew straightaway that there is a

problem.

23 So I take my wife and my children, I drove out of Magburaka to

24 Masingbi that very day.

12:58:51 25 Q. Why Masingbi, sir?

26 A. Masingbi has been my second base since 1991, when we

27 advance to Magburaka, and I have a shop there also, so I just

28 decide to carry my wife. It's a road again also -- a very

short

29 from -- from Masingbi to Bo, down from Magburaka to Bo, you

know.

1 In case of any high tension, my wife and others can able to
take
2 a refuge road to get towards the Mende line.
3 Q. Now, while in Makeni, did you at any time, sir, go to
the
4 radio room to see a radio operator to send a message to anyone
12:59:44 5 whatsoever?
6 A. No, sir. Even I was in Magburaka I was having radio
there.
7 No, sir, I did not go to no radio room in Makeni, even though
the
8 office where I stop, I drop off 041, there were radio station
in
9 that office, but I do not go up to the radio station, and the
13:00:07 10 radio there was operated by this guy called Phillip Sanu. I
do
11 not go there. I do not even enter the building or the office
12 itself. I got back to Magburaka. Because the commanding
officer
13 was trying to get to Kailondo, he do not recognise me and he
do
14 not accept to talk to me, the mood I meet him that morning.
He
13:00:32 15 were like a drunk. He had his shirt off, tie on his waist,
you
16 know, shouting. I saw a group of his combatants around him.
So
17 there was no way for me to make any attempt. He has already
18 warned me three, four days ago.
19 Q. Now, when you went and left your family in Masingbi, did

13:00:55 20 you come back to Magburaka?
21 A. Yes, I came back on 2 May to Magburaka.
22 Q. Did you go to Makeni on that day?
23 A. No. On that very day, before I could arrive in
Magburaka,
24 on the way from Matotoka, there's a bridge called Pampana
Bridge.
13:01:19 25 I heard that Kailondo and Komba Gbundema has come and attack
Arab
26 College. So if I'm going Magburaka I should not use the main
27 road again. The UNAMSIL have taken defensive position --
28 offensive position there. There were a bypass road that you
29 cannot reach to the Arab College to enter Magburaka Town.
That

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reservation 1 was road now I enter. I came straight to my house at
2 on Mabonto road.
3 Q. You say you went to get your family, but when you came
back 4 to Magburaka, how many of you were in the car?
13:01:54 5 A. That time it was myself, my driver and my security. You
6 know Benz car, how many people you take.
7 Q. How did you transfer your family to --

force 8 A. My wife, myself, my driver and my children, they will
But 9 ourself -- I force them in the car, I took them to Masingbi.
13:02:19 10 while coming, I only take few security from Masingbi. As I
told 11 you, Masingbi was my sub base. I took few security from
there, 12 join me in the car to come Makeni.
13 Q. Come where, Makeni or Magburaka?
14 A. Magburaka. Sorry, My Lord.
13:02:35 15 Q. Now, when you got to Magburaka how was the situation in
the 16 town, sir?
down 17 A. Really, my eyes tell me, even the civilians, as I get
say I 18 to my house, paramount chief saying some elder to me that what
19 going on? Asking me what going on? I say I don't know. I
13:02:58 20 don't know.
21 Q. Now, let us for a while take our minds back and go to
sir? 22 Makoth at a place called Morria. Do you know that location,
23 A. I know Makoth but actually I don't know Morria.
24 Q. This Makoth was in which district, sir?
13:03:28 25 A. Makoth, I believe it is in Port Loko, or the boundary
whether 26 between Port Loko and Bombali. I don't really know now
in 27 that village fall in Bombali District or Port Loko but it is
28 that line.
29 Q. Who was the commander -- sorry, let me rephrase that,
sir.

1 Do you know a locality called Lunsar?

2 A. Yes.

3 Q. Who was RUF commander in Lunsar, sir?

4 A. The RUF commander at Lunsar at that time was still T

13:04:11 5 Miloskie Kallon, Lieutenant-Colonel Miloskie Kallon. Then

6 Batkanu, which this Makoth fall under, was under the command
of

7 one Milton Keita aka Gangay Pot because that battalion fall
under

8 5th Brigade Lunsar.

9 Q. Now, did you attack or abduct UNAMSIL officers at Makoth
on

13:05:05 10 the way from Lunsar, sir?

11 A. No, My Lord. I do not adopt another attack any UNAMSIL
in

12 between that road Makeni and Lunsar, no. What I knew
happened,

13 if I can explain.

14 Q. Yes, sir, go ahead.

13:05:30 15 A. On the third morning I left Magburaka. I came to
Makeni.

16 On my way coming, I do not use the new Azzolini highway, I
take

17 dusty road there as you come out of --

18 PRESIDING JUDGE: When you said on the third morning, of

19 what month?

13:05:59 20 THE WITNESS: May 2000, My Lord. I took the road --

my 21 there's a branch road there to go to Teko Barracks. I was on
22 way to --

23 PRESIDING JUDGE: You were going to where, on the 3rd?

24 THE WITNESS: To Makeni, sir. When I approached Makeni
13:06:13 25 Town, using Magburaka old road, I decide to enter the barracks
to

Barracks 26 go to Teko Barracks. But while on the way going to Teko

the 27 I met with few RUF combatants and told me that Kailondo is at

28 office -- task force office. So I drove to task force office.

was 29 When I get to task force office now there I met Mr Sesay. He

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there 1 asking what going -- what going wrong? Immediately I get

know. 2 he asked me the same question. I said: Well, sir, I don't

3 From that day I received this message from Corporal Sankoh. I

who 4 don't really know what's going on here. Kailondo is the one

13:07:04 5 is supposed to tell us what is the problem now in this area.
So

6 while Mr Sesay and myself were trying to discuss and see from
7 Kailondo and AS Kallon what happened, we saw a long, long,
long
8 convoy in the evening hour now coming from Lunsar Highway
9 directly heading toward Teko Barracks. Both trucks, Land
Rover

13:07:33 10 and truck -- I mean ammo car. Kailondo say it was Sankoh who
11 told him to call Komba Gbundema and come intercept the
12 reinforcement of UNAMSIL that were coming to Makeni. There
Issa
13 putting hand on his head and say: Oh, you people have
jeopardise
14 the peace process and the life of civilian in this territory,
in
13:08:02 15 this area.

16 MR TAKU:

17 Q. Did you go to Teko Barracks on that day?

18 A. Yes. On that very day we drove at that Teko Barracks.

19 Q. With whom?

13:08:15 20 A. Myself, Mr Sesay, and Mr Sesay say -- I mean Kailondo
told

21 Mr Sesay that Komba Gbundema say Sankoh told them to take
those
22 people to RUF former base at Kangari Hill. There Mr Sesay
say:

23 Okay, then you, Kailondo, start carrying these people away
24 straightaway from here because the situation very tense at
that

13:08:47 25 moment. He, Kailondo, load the people towards Kono so that he
26 can able to take them from that chaotic zone to a safe area.

27 Q. Where was AS Kallon? Was he in the office -- task
28 office -- when Kailondo was given the explanation?

the 29 A. Yes, sir. That was the same building shared by MP and

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1 task force.

2 Q. Now, when -- did you go back to Magburaka that very day?

3 A. No, that very day I do not go to Magburaka.

4 Q. Why?

13:09:41 5 A. For two things: the first one, for my property at Disco
6 Case. I was having powerful music cassette and satellite dish
7 there. And with drinks worth over \$2000 to \$3,000 drinks, so

I

8 was trying to safeguard that. At the same time, the way the

9 situation were tense in Makeni, Kailondo himself, who Sankoh

13:10:12 10 giving this instruction, were not able to contain situation

11 again --

12 PRESIDING JUDGE: You said you had drinks of more than

13 \$3,000?

14 THE WITNESS: Yes, sir. Property worth in that disco.

13:10:22 15 Kailondo who were the commanding officer in that particular

16 ground, he could not able to even control his own RUF fighter

17 there again. And if you look again, Mr Taku, that time Makeni

18 has overpopulated with civilians. So if I could go back to

19 Magburaka. The RUF should have going on rampage of looting
13:10:48 20 civilian property and so on and so forth, so to help contain
21 situation let the civilian not suffer too much, that was the
22 reason make one of the reason being I stay in Makeni that day.

23 MR TAKU:

24 Q. So what did you do to help the civilians, so there
should

13:11:00 25 be no looting, so they did not suffer, what did you do when
you

26 remained there?

27 JUDGE BOUTET: Did you say that the RUF was looting at
that

28 time?

29 THE WITNESS: No, I said Kailondo him who received this

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1 instruction from Sankoh could not able to control his own RUF
2 fighters, and if you look the way situation was on the ground,
3 the RUF were to go on rampage of looting civilians. So for
help

4 contain that, so that they cannot loot the civilians, that was

13:11:33 5 one of the reason also I stay in Makeni for. So that night
now

6 we get in contact with the acting paramount chief.

7 MR TAKU:

8 Q. What is his name, sir?

9 A. Pa Alimany O So Ula, O So Ula, or something like that.

But

13:11:49 10 the actual name, the nickname we used to call him, The Lion.

11 Q. So you get in touch The Lion. Let me --

12 A. From there, with other prominent people there who in

13 Makeni, we were driving from edge to edge, just so that when

14 these RUF combatants see our vehicles moving, they will not go

on

13:12:12 15 in any raping -- I mean rampage of looting. So that was the

16 reason make I do not return to Magburaka that day.

17 PRESIDING JUDGE: And of course to protect your own

18 property as well?

19 THE WITNESS: Yes, My Lord.

13:12:27 20 PRESIDING JUDGE: Yes.

21 MR TAKU: Well, let me move very fast to what some

22 witnesses said here. I will not talk about 041 because --

23 PRESIDING JUDGE: We are rising for lunch, Mr Taku.

24 MR TAKU: It's a matter for Your Honour.

13:13:18 25 PRESIDING JUDGE: The Chamber will rise for lunch,
please.

26 [Luncheon recess taken at 1.04 p.m.]

27 [RUF15APR08C -BP].

28 [Upon resuming at 2.45 p.m.]

29 PRESIDING JUDGE: Good afternoon, learned counsel.

We're

1 resuming the session. Mr Taku.

2 MR TAKU: Thank you, Your Honour.

3 Q. Now, Mr Kallon --

4 A. Yes, sir.

14:56:47 5 Q. -- you stated that you knew Komba Gbundema. Can you
6 describe him to the Court?

7 A. Yes, sir. Komba Gbundema is a man, he and myself had
the

8 same height, but he is fair in complexion and when walking he
9 walk limping.

14:57:23 10 Q. Do you know the type of vehicle that Komba Gbundema used
at
11 that time, that is to say, in the month of May 2000?

12 A. In May 2000, that day I saw Komba Gbundema, he was using
13 one of these Guinean tactical jeep-like but the colour was red
14 and yellow.

14:58:00 15 Q. Now, a number of witnesses came to testify here and one
of
16 them is TF1-117. This witness testified on 4 July 2006, page
4,

17 Your Honours. He stated that the incident -- that's page 4,
18 lines 3 to 14 -- he stated that the incident took place in the
19 rainy season in June -- in June -- and that he was in Kono
then.

14:59:01 20 He stated that the attacks on UNAMSIL took place at Mobanta
and

21 Mankneh, at page 73, Your Honours, lines 25 to 28. And this
22 witness stated that you were a member of the task force,
whereas
23 Mr Kallon was a member of the task force, and that members of
24 that task force, among them there was xxxxxxx, xxxxxxxx and
14:59:51 25 Superman, who were also there, and that you were the persons
who
26 planned the attack. He was asked, Your Honours, on 30 June
2006,
27 page 82, lines 6 to 7 -- that's courtroom identification --
28 JUDGE BOUTET: You say now in June?
29 MR TAKU: Yes, Your Honour. 30 June 2006, at page 82,

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1 lines 6 to 7.
2 JUDGE BOUTET: Same witness?
3 MR TAKU: Yes, Your Honour.
4 Q. He was asked to identify -- that courtroom
identification
15:00:36 5 and he could not identify you; he identified a fellow accused.
6 Mr Kallon, were you a member of the task force?
7 A. No, sir, I do not one day serve in that unit within the
8 RUF.
9 Q. Were you a member -- was Superman a member of the task

15:00:55 10 force?
11 A. No.
12 Q. Was Superman present when -- did anybody inform you that
13 Superman was present when the arrest or abduction of the
UNAMSIL
14 took place; did anybody inform you about that?
15:01:19 15 A. No, sir. In May 2000, Superman was not in Makeni. May
16 2000 from the 1st, 2nd, 3rd, 4th, no, but he came the
following
17 week in the same May, he left Freetown and went to Makeni.
18 Q. TF1-314, Your Honours, the transcript of 14 November
2005,
19 page 48, lines 14 to 18, then page 49, lines 2 to 29, the
witness
15:02:16 20 stated that she was not there when UNAMSIL troops were met by
you
21 and some other persons but that vehicles belonging to UNAMSIL
22 were removed and that she saw -- and that you and others were
23 using those vehicles; what do you say to that, sir?
24 A. No, My Lord. I was not using none of these UNAMSIL
15:02:48 25 vehicle.
26 Q. What vehicle were you using, sir?
27 A. We capture lot of vehicle from ECOMOG and I was using
one
28 of the Hilux -- Toyota Hilux. Then when we get to Magburaka I
29 got that --

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1 PRESIDING JUDGE: You say you captured --

2 THE WITNESS: Lot of vehicles from ECOMOG in Kono.

3 PRESIDING JUDGE: And you were using one of the Hilux,
as
4 well?

15:03:15 5 THE WITNESS: Yes, sir, My Lord. And then when we got
to
6 Magburaka, the Magbass -- the Magbass chairman or director, he
7 say I should take care of his Benz; he leave the Benz with me.
8 That was the Benz I was using.

9 MR TAKU:

15:03:39 10 Q. Magbass is what, please?

11 A. The director -- manager who were -- who was in Magbass
12 company.

13 Q. Company?

14 A. Yes, the sugar company, Magbass, in Magburaka, Tonkolili
15:03:56 15 District.

16 PRESIDING JUDGE: But you were using one of the --

17 THE WITNESS: ECOMOG's

18 PRESIDING JUDGE: -- ECOMOG captured Hilux vehicle --
19 vehicles.

15:04:03 20 THE WITNESS: Yes, My Lord, I do not use none vehicle
from

21 UNAMSIL.

22 MR TAKU:

23 Q. Witness 071, he testified on 24 January 2005 -- 24
January

24 2005, page 7, line 1 to 5, and stated that you, he stated
15:05:12 25 Kallon -- Mr Kallon, they went to the positions of the
26 peacekeepers at Magburaka and Lunsar and demanded that they
27 should return the weapons that the fighter had disarmed
secretly
28 without your notice, that's the notice of Kallon, and that
they
29 had already surrendered to the peacekeepers. Mr Kallon, what
do

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1 you say to that, sir?
2 A. Not true. I do not go to no UNAMSIL at Lunsar or
Magburaka
3 in return of any weapon seized from the RUF, no. It might be
4 other Kallon, as he say in the -- but not me, Morris Kallon,
at
15:05:52 5 that time.

6 Q. TF, sorry, TF1-366, he testified on 10 November 2005,
page
7 37, Your Honours, lines 11 to 18.

8 PRESIDING JUDGE: TF1?

9 MR TAKU: 366.

15:07:12 10 PRESIDING JUDGE: Testified on?

11 MR TAKU: On 10 November 2005, page 37, lines 1 to 18.

mining

12 Q. First at page 35, he stated that he was minister for
13 and that he was in his house at Magburaka when he received
14 information that the UN were about to be attacked in Magburaka

15:07:12 15 that

but that you went, Morris Kallon, went at Lunsar Highway and

fought

16 indeed you started the attack against the UNAMSIL and you

that?

17 for the whole day with the UNAMSIL. What do you say about

18 A. My Lord, that witness lie. In the first place --

19 PRESIDING JUDGE: He said you started the attack against

15:07:37 20

you with the UNAMSIL. Answer the question.

21 MR TAKU:

22 Q. Did you start the attack against UNAMSIL, at Lunsar?

23 A. That's why I say, My Lord, the witness lie.

24 PRESIDING JUDGE: The witness lied does not answer the

15:07:45 25

question. Answer the question directly, please.

26 MR TAKU:

27 Q. Did you or did you not?

28 A. No.

you

29 Q. Did you start the attack at Lunsar against UNAMSIL and

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1 fought for the whole day?

2 A. No, sir.

3 Q. The same witness at 15 November, Your Honours, 2005,
page
4 46, lines 6 to 26, the witness stated that Komba Gbundema was
15:08:34 5 assigned to Kambia sometime in 2000, but that he attacked
UNAMSIL
6 soldiers in Lunsar, and he was with you because you call him
to
7 come to Makeni. Did you call Komba Gbundema to come to Makeni
to
8 attack UNAMSIL at Lunsar?

9 A. No, sir.

10 Q. Now, at page 13, Your Honours -- page 18 to 14, lines 27
15:09:14
to
11 28, and 2 to 18, this witness says he doesn't -- he did not
know
12 the code name Smile, he has never heard about that and that he
13 did not know the code name Survivor -- no, that the code name
14 Survivor, you were called Survivor. Now, were -- was your
code
15:09:59 15 name Survivor?

16 A. No, My Lord.

17 Q. Who was Survivor?

18 A. I told you, Survivor was Mr Sesay.

19 Q. And who was Smile?

15:10:15 20 A. Smile was Foday Sankoh.

21 Q. Mr Kallon, TF1-362 testified on 22/4/2005, page 41,
lines
22 14 to 15, Your Honours, and said that the battalion commander
for
23 Magburaka was Base Marine; did you know Base Marine?

24 A. Yeah, I know Base Marine.

15:11:10 25 Q. What was the position, the post of Base Marine in May
2000?

26 A. In May 2000, Base Marine was the battalion commander in
27 Masingbi, on to Magburaka.

28 Q. Do you know one Alfred?

29 A. Yes, Alfred Turay.

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1 PRESIDING JUDGE: Was a battalion commander where?

2 THE WITNESS: From Masingbi on to Magburaka. There I
know

3 Alfred Turay.

4 MR TAKU:

15:11:52 5 Q. Who was he?

6 A. Alfred Turay was ground commander for Magburaka.

7 Q. Now, TF1-360, he testified on 22 March 2006, page 7,
8 testified and said that the attack at Makump, Makeni and
9 Magburaka, where the fighting was raging, were led by one
Bagumeh

15:13:10 10 and Komba Gbundema, who came over from Kamakwie. Do you know
who

11 Bagumeh is, sir?

12 A. A -- the name similar to that I know is Gugumeh.

13 Q. Gugumeh, but he said Bagumeh here. But who is Gugumeh?

14 A. Gugumeh is the same as Miloskie Kallon and he was the
5th

15 Brigade commander based in Lunsar where this Makoth fall
15:13:40 under.

16 MR TAKU: One minute, Your Honours. Your Honours, we
are

17 trying to verify something; we'll inform the Court as soon as
we

18 get the right reference. We'll come back to the point as soon
as

19 we get the right reference, Your Honours. Now, TF1-228, he

20 testified on 22 March 2006. He testified that they came to a
15:14:37 village called Moriah. That's page 17, Your Honours, lines 9
to

21 21, and that when they got there, there were around 100 RUF

22 combatants. He was taken to a shelter where he identified --

23 where he -- and he was held at gunpoint by someone he later

24 identified as the commander of that area, who was Morris
15:15:24 Kallon.

25 Were you commander of that area called Moriah on -- in May
2000,

26 Mr Kallon?

27 A. No, sir.

28 Q. Were you in that location on that day?

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name 1 A. No, sir. I don't know any town on that highway by the
2 of Moriah.

van 3 Q. At page 22, lines 3 to 7, he said he was put in a red
4 and -- which was driven by some RUF with Morris Kallon on the
15:16:06 5 passenger side. Were you ever in a red van driven by an RUF
at 6 any time in May?

Hilux 7 A. No, sir. All vehicles I was using was not red. The
8 I was using was white; the Mercedes was blue/black.

9 PRESIDING JUDGE: You called it blue/black. Is that, is
15:16:48 10 black the same as blue/black?

black, 11 THE WITNESS: There is a spray colour like blue and
blue 12 unless you come closer before you can differentiate between
13 and black. It is not black directly and it is not blue
directly, 14 My Lords.

15:17:35 15 MR TAKU:

16 Q. Now, TF1-263, Your Honours, testified on 7 April 2005 --

17 JUDGE BOUTET: Did you say 260 or 263?

18 MR TAKU: 263.

he 19 Q. On 7 April 2005 at page 39, lines 4 to 27, and said that
15:18:03 20 was hiding behind a mango tree and saw some -- and saw -- one
21 minute, Your Honour, I'm sorry. Let me -- I don't think this
22 witness talked about Mr Kallon but talked about somebody else.
23 I'm sorry about that. We'll withdraw that, Your Honour.

24 PRESIDING JUDGE: You're withdrawing TF1-263?

15:18:43 25 MR TAKU: Yes, Your Honours.
26 THE WITNESS: Please sir, I want to say something.
27 MR TAKU:
28 Q. Yes, go ahead.
29 A. Yes, TF1-263 talk about me.

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1 Q. Okay, say it.
2 A. That he saw me with UNAMSIL. He saw me in the
3 Teko Barracks, where UNAMSIL were, when he went to look for
his
4 brother, and it is not true, My Lord.
15:19:24 5 Q. TF1-041 testified on 10 July 2006, at page 63, lines --
6 PRESIDING JUDGE: When he said he saw you with UNAMSIL,
did
7 he mean UNAMSIL captives?
8 THE WITNESS: Yeah, according to how he testified before
9 this Court that day, sir, he said when they capture UNAMSIL
they
15:19:48 10 carried them into the Teko Barracks. The following morning he
11 went to look for his brother and he saw me in Teko Barracks.
He
12 did not point directly that I was with the captured UNAMSIL,
13 My Lord.

14 MR TAKU:

15:20:05 15 Q. Did you go to Teko Barracks on that day?

16 A. No. No, sir.

17 Q. TF1-041 testified that on 10 July 2006 -- no, testified
--

18 I'm sorry, TF1-041 testified on 10 July 2006, at page 67,
19 Your Honours, lines 1 to 29, he testified that he left
Magburaka

15:21:16 20 with you in a blue/black Mercedes Benz and that you were --
21 indeed, it was Pa Jalloh on the driver and that you people
22 reached the DDR camp Makump at across the bridge, Your
Honours,
23 page 69, Your Honours. Did you leave Magburaka with the
driver

24 to that location? 041?

15:21:48 25 A. Yes, sir, I explained that this morning, that 041 was
the
26 one I lent the musical set from to open my friend shop in
27 Magburaka, so that very day it was on 1 May, he and myself
drove
28 together in that same Benz as you describe it, and when we got
to
29 Makump, DDR camp, I told you I had a break there. I spoke to
--

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1 I spoke to those people I called their name today. Mr Andrew
2 Kanu and the Mammy Queen with the carpenter. Then, from
there,
3 we took off to Makeni.

4 Q. Now, TF1-165 --
15:22:37 5 JUDGE BOUTET: What was the question vis-à-vis with
respect
6 to 041? You are challenging that or --

7 MR TAKU: No, we just want to establish whether he was
in
8 this car on that day and whether they stop at that location
and
9 he's saying yes, that is true. I didn't -- he has just
reminded

15:22:56 10 me that he has testified about that today. He is not
challenging
11 that.

12 JUDGE BOUTET: That's why I'm asking the question.

13 MR TAKU: Yes, Your Honour. Let me move faster.

14 JUDGE BOUTET: There is nothing there that you are
15:23:08 15 challenging.

16 MR TAKU: Absolutely nothing.

17 JUDGE BOUTET: Okay.

18 MR TAKU: Yes. In fact, he has recounted most of what
the
19 witness said. I shall move on, Your Honours. We will come
back

15:23:23 20 and make one correction on the date on transcript with regard
to
21 360.

22 PRESIDING JUDGE: That is okay. When it comes to that,
you
23 know, you'll make it.

24 MR TAKU: Thank you, Your Honour.

15:23:34 25 PRESIDING JUDGE: Proceed, please.

26 MR TAKU: Yes, Your Honours. The allegation -- the
27 transcripts of the testimony of 263 is 11 April 2005, page 39,
28 Your Honour, lines 25 to 28.

29 Q. Now, TF1-165 testified on -- that's on 29 March 2006,
and

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1 at page 6, he stated that Kallon was initially a colonel and
2 promoted to brigadier, so he was told in April that Kallon was
a
3 colonel and promoted to brigadier and moved to headquarters in
4 Makeni from Magburaka and replaced by one Alfred. What do you
15:24:49 5 say about that, sir?

6 A. Yes. As I told you, April 2000 I was colonel but when I
7 got the promotion appointment as acting battle group, I told
this
8 Court that I became brigadier. But the only thing it is not
9 correct in that testimony, I do not move my headquarter or my
10 location from Magburaka to Makeni. I only used to come to
15:25:14
Makeni
11 and I return back to Magburaka.

12 Q. The witness also said he received a radio message from

firing

13 Major Maroa and that you came from the direction of Makeni

14 in the air and slapped Major Ganese bundled him in the car and

15:25:50 15 drove back to Makeni. What do you say about that?

DDR

16 A. No, sir. As I told you, on 1 May, I passed through the

back

17 camp in the morning and that same morning I passed through

18 to Magburaka. I was not armed. I was not even with security.

19 So that accusation is wrong. It might be different Brigadier

15:26:28 20 Kallon by my own Brigadier Kallon at that time, no, sir.

21 PRESIDING JUDGE: Were there two Brigadier Kallons?

I

22 THE WITNESS: No, sir. At that particular point in time

23 was the only Brigadier Kallon in Magburaka.

24 MR TAKU: Well, he is talking about Makeni.

15:26:48 25 Q. Brigadier Colonel. Kallon was moved to Makeni.

26 A. No, sir.

27 Q. Did you at any time, Mr Kallon, slap or assault Major

28 Ganese?

I

29 A. No, sir. That very Major Ganese only in this courtroom

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1 came to know him throughout within our control area, Makeni,

2 Magburaka. I do not set eye on Major Ganese. Only in this
3 courtroom. And I do not slap any UNAMSIL military observer or
4 military personnel, no, sir.

15:27:42 5
165,

Q. Now, TF -- one minute, Your Honours, let me. Now, TF1-
6 again, on 29 March 2006, page 17, lines 1 to 29, stated that

he

7 met colonel -- met brigadier -- that he met Kailondo and he

was

8 asked whether -- well, I'm sorry, Your Honours, we're not
9 disputing. We're trying to eliminate the questions. We're

15:30:16 10 getting to the end, that's why. No, he stated that --

11 JUDGE BOUTET: What's the page?

12 MR TAKU: Your Honours, it was page 17, lines 1 to 22.

13 JUDGE BOUTET: 17?

14 MR TAKU: Yes, Your Honour.

15:30:28 15 JUDGE BOUTET: Thank you.

16 MR TAKU:

17 Q. Now, he was asked the following question and these are
the

18 answers he gave.

19 "MR JORDASH: Thank you. On 26 February or thereabouts
you

15:30:53 20 met with a Makeni commander, Colonel Kailondo who was
based

21 in Makeni?

22 "A. Correct. I met him. In the afternoon, to be
precise.

23 "Q. He was a local authority who regarded as someone
you

24 would deal with to obtain permission for festivities of
the

15:31:15 25 UNAMSIL?
I 26 "A. Yes, Your Honour. If it pleases you, I may say how
27 came to meet Kailondo."
28 Now, was Kailondo someone, Mr Kallon, that UNAMSIL
UNAMSIL 29 authority would meet if he needed permission to conduct

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1 festivities in Makeni?
was 2 A. Yes, sir, I think I talked that this morning. Kailondo
3 Makeni command --
4 PRESIDING JUDGE: Was a ground commander?
15:31:47 5 THE WITNESS: In Makeni.
6 PRESIDING JUDGE: In Makeni.
7 THE WITNESS: And he was having all authority. And, in
I 8 fact, he used to pay visit to Foday Sankoh in Freetown, which
9 do not one day visit Sankoh in Freetown. He used to come in
15:32:00 10 person and receive instruction in person. I returned back to
11 Makeni.
12 JUDGE BOUTET: I could not find your reference again.
13 MR TAKU: 165.

14 JUDGE BOUTET: Yes, I have that. 29 March --
15:32:20 15 MR TAKU: It was question from Mr Jordash.
16 JUDGE BOUTET: Yes, but it's not at page 17 or 18.
17 MR TAKU: Let me see. 17, 18. It was [indiscernible]
Mr
18 Touray [indiscernible].
19 PRESIDING JUDGE: Yes, where are we? Where are we?
15:33:26 20 MR TAKU: His Lordship is verifying the --
21 JUDGE BOUTET: I checked your pages. I mean, you gave
22 reference, they are not there, and I have the transcript in
front
23 of me, it's not there. Page 17.
24 MR TAKU: One minute, Your Honours.
15:33:37 25 JUDGE BOUTET: Well, you may carry on and find that and
26 give us the reference later, I mean --
27 PRESIDING JUDGE: Yes, please, carry on. Carry on.
28 MR TAKU:
29 Q. Now, Mr Kallon, 3 -- TF-360, did you see him in Makeni

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1 within this period of time?

2 A. No.

3 Q. Did you know where he was?

4 A. No. Even if he was in Makeni, I do not see him on that
day

15:34:17 5 I went there.

6 Q. Did you ever go to the radio -- RUF radio station in
Makeni
7 to send a message to Mr Sankoh or to anyone about the UNAMSIL
8 attack?

9 A. No, sir.

15:35:06 10 MR TAKU: Now the reference, Your Honours, of 165, in
which

11 he said he received the message from -- radio message from
Major
12 Maroa about the assault on Major Ganese is at page -- pages 28
13 and 29 of the transcript of 29 March 2006.

14 Q. Now, TF142 -- 042 -- he came here and testified on 20
June

15:35:51 15 2006, page 24, lines 2 to 10, Your Honours, and he alleged
that

16 somebody whom he did not identify at the time, but he later on
17 learnt was Morris Kallon arrived at the DDR centre in a pink
18 Mercedes Benz and assaulted Major Salahuedin, Major
Salahuedin.

19 And thereafter ordered him, Major Ganese, into the car and
sped

15:36:43 20 off in the direction of Makeni. You heard him give that

21 evidence?

22 A. Yes, sir.

23 Q. Did you assault Major Salahuedin at the DDR centre?

24 A. No, sir. When I got to DDR camp that morning, I do not
get

15:37:03 25 no contact with any UNAMSIL personnel, no, sir.

26 Q. Now, he says that you were -- Ganese himself and
Salahuedin

the

27 were MILOBS. Let us break it a bit. What was the nature of

28 relationships with MILOBS?

29 A. Myself?

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the

1 Q. Yes, prior to this date; did you have any problems with

2 MILOBS?

3 A. No, I told you, their team-side commander,

4 Lieutenant-Colonel JJ Poraj, he met me in my pub in Magburaka,

15:37:55 he

5 and he was the one and myself were getting along. Every day

he

6 used to come to Magburaka, he must go to my pub and sometime

me.

7 met me, and if I'm not there he must made the same and call

8 When I come, we take drinks together and chat about the

do

9 disarmament program. So one day myself and military observer

15:38:20

10 not have any problem. Not at all.

then

11 Q. At page 24, Your Honours, lines 28 to 29, then page 25,

12 lines 1 to 5, 042 testified that he didn't know you then but

13 was when he rejoined his colleague Major Maroa, who was an

14 officer in charge Company A, from the KENBATT 5 who told him
that
15:38:56 15 that person who was assaulting him was Morris Kallon. Now,
16 first, did you -- you heard this evidence. What's your
reaction
17 to this, please?
18 A. I heard it. As they give this evidence, maybe the man,
the
19 person who informed him that the one who assaulted him was
Morris
15:39:24 20 Kallon, but it was not me.
21 Q. He says that that person came from Makeni direction,
firing
22 the gun in the air, and was so agitated, so angry, and -- now,
23 when you returned from Makeni back to Magburaka again, did you
24 have any gun?
15:39:49 25 A. No, sir. I was not having arm and the vehicle colour
that
26 witness described, I was not using that type of vehicle, My
Lord.
27 Q. Did you approach any of the MILOBS or the UNAMSIL
personnel
28 with a gun with violence on 1 May 2000?
29 A. No, sir. As I told you, on my way from Makeni to

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page

15:40:59
indicated

that

was

15:41:50

I

I

to

15:42:11

15:42:32

1 Magburaka, I do not make any stop at the DDR camp. I passed
2 through and I went to Magburaka.

3 Q. Now, TF-044 testified on 27 June 2006, Your Honours,

4 10, lines 28 to 29, and he said that Major Ganese told him

5 that -- told him that Salahuedin was almost shot and he

6 that the person -- somebody else -- the person who assaulted

7 Ganese and Salahuedin was somebody else, not you. You heard

8 evidence?

9 A. Yeah, I heard that in this courtroom and it is true; it

10 not me.

11 Q. Now, did you --

12 JUDGE BOUTET: Why are you leading this evidence again?

13 mean, he is not denying this. I mean, this is, as we've said

14 many times, arguments and evidence you're going to be using in

15 submission. Why do we go through this? Unless he denies it,

16 don't know.

17 MR TAKU: Thank you, Your Honours.

18 MR CAMMEGH: Forgive me, Your Honour, Mr Gbao would like

19 use the bathroom again, please.

20 PRESIDING JUDGE: Yes, he may.

21 MR TAKU:

22 Q. Now, Lieutenant-Colonel Mende, I'm trying to get his TF

23 number.

24 A. 044.

25 Q. Yes, 044. Now, he testified that he came to -- the

the 26 transcript of the same day we gave Your Honour -- he came to
-- 27 task force office in Makeni to -- in search of his colleagues
Kallon 28 two colleagues who had been abducted -- and saw a -- saw
29 and asked him and Kallon said no, he was not aware of what

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them 1 transpired, he didn't know their whereabouts, but directed
2 to a man, Jimmy, in Teko Barracks. Were you in the task force
3 that day again, Mr Kallon?
4 A. No, sir, please, sir, I was not there.
15:43:16 5 Q. Did you direct Major Knut and Lieutenant-Colonel Mende
to 6 the task force office?
7 A. No, sir, I did not. According to that witness, we met
8 Brigadier Kallon. Brigadier Kallon directed him to Teko
Barracks 9 and go meet Colonel Jimmy. It was not me, as this witness
15:43:40 10 testified before this Tribunal. That was not me. And in
fact, 11 the attorney who represent me that day get into little
argument 12 with him that was mistaken Kallon, not Morris Kallon.

13 Q. Now, he also testified that when they were taken to
14 Teko Barracks and from there to Yengema, to Yengema, under the
15:44:09 15 custody of 362, that you went there several times, and he went
16 there in the cover of SBUs and every time 362 would tell him
and
17 xxxxxxxx [phon] that this is Kallon. Did that -- did you
18 go there [Indiscernible]?

19 A. No, I did not go to Yengema and, no, that witness lie.
But

15:44:56 20 really, if I can just say something, sir. It was not 044 who
21 testified that allegation, it was 288. 044, according to him,
22 when he got to Yengema he was having fracture on foot and he
was
23 isolated out of his comrades, so 288 was the one who say I
used
24 to go to Camp Yengema, to Monica house, I'm sorry, to TF-362
and
15:45:32 25 I used to go in company with SBU, and it is not true.

26 PRESIDING JUDGE: He says TF who? TF what? Who made
the
27 allegation? 288?

28 THE WITNESS: 288, yes, My Lord, and not true. I
believe
29 retired General [REDACTED] has testified before this Tribunal;
he

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1 said that clearly.

2 MR TAKU:

3 Q. No, please, we had advised that we should use
pseudonyms,
4 please.

15:46:06 5 A. Sorry, My Lord.

6 JUDGE BOUTET: I think [REDACTED] testified in the open.

7 MR TAKU: Okay, I wasn't here. It's okay please. It
was

8 open session, Your Honours, yes. It was closed session,

9 Your Honours, I remember I saw the ruling of the Court in that
--

15:46:28 10 THE WITNESS: Okay, I'm sorry. I have forgotten his DIS
or

11 another DNK.

12 MR JORDASH: Sorry, can that be redacted? I think
that's

13 as much my fault as Mr Kallon's.

14 PRESIDING JUDGE: Please, let it be redacted.

15:46:42 15 THE WITNESS: It's a lie, the state of that evidence,
sir.

16 PRESIDING JUDGE: It is safer to use the pseudonyms,
17 please, so that we avoid errors like this.

18 MR TAKU:

19 Q. Now, Mr Kallon, I want to move to something else. Now,
15:47:28 20 Mr Kallon, after this event of Makeni, did you know anything -
-

21 if anything happened to Foday Sankoh?

22 A. Yes, sir. As I have been talking to this Court, on 8
May,

23 Foday Sankoh was arrested in Freetown here with other RUF

24 personnel.

15:47:56 25 PRESIDING JUDGE: 8 May what year?

26 THE WITNESS: May 2000, My Lord.

27 MR TAKU:

28 Q. Do you know why he was arrested?

29 A. The only thing I heard, when Superman and xxxx xxxxxxxx

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1 escape, that people demonstrated against Foday Sankoh and went
2 directly in his compound, and there were shoot-out in that
3 demonstration, and some RUF personnel die and some civilian
die.

4 But I was not really present when --

15:48:32 5 Q. Did you hear the reason why people demonstrated and went
to

6 his house?

7 A. Really, no. They who went did not explain anything.
They

8 just say people started demonstrating on the street and they
9 march straight to Foday Sankoh compound saying -- thinking
that

15:48:52 10 they don't want Sankoh again, Sankoh should leave Freetown and
so

11 on and so forth, and that day Sankoh was arrested and
undressed

12 and taken to Pademba Road Prison.

13 Q. Did you know some of the RUF personnel who were arrested
14 with him? If you know, please give their names to Their

15:49:17 15 Lordships.

16 A. Yes, sir. The minister of housing, Lieutenant-Colonel
17 xxxxxx was arrested; minister of trade and industry, who
18 testified before this Tribunal, TF-136, TF1-371 --

19 Q. No, please, just give the pseudonym, please.

15:49:45 20 A. Yes. TF1-371.

21 Q. Yes.

22 A. He was also arrested. Honourable Leather Boot was
23 arrested.

24 Q. Leather Boot?

15:49:55 25 A. Yes, xxxxxxxx; Akim Turay was arrested; Mr Francis

26 was
27 Musa was arrested; Eldred Collins was arrested; Mr SYB Rogers
28 arrested, the former RUF War Council chairman.

28 Q. Eldred Collins was what?

29 A. At that time now Eldred Collins was, I think, spokesman
or

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1 press -- press man for the RUF, for Foday Sankoh.

2 Q. Now, when you were arrested on 8 May 2000, what happened
to
3 the UNAMSIL -- no. Well, let me not put that, let me not go
that
4 way. Now, where were you when Foday Sankoh was arrested?

15:50:58 5 A. I was in Magburaka.

6 Q. Now, let's move to this area. What happened to the
peace
7 process with the arrest of Foday Sankoh?

8 A. With the arrest of Foday Sankoh, and the incident of
9 UNAMSIL, actually he brings small box to the peace process.

15:51:22 10 PRESIDING JUDGE: Mr Kallon, if I may ask this question:
11 You've just said that people demonstrated on the streets and
12 ended up in Sankoh's house. Did the UNAMSIL incident have
13 anything to do with these arrests beside the demonstration?

14 THE WITNESS: My Lord --

15:51:49 15 PRESIDING JUDGE: Well, let me put it this way: What
led
16 to his arrest? The demonstration, yes. They didn't want him
in
17 Freetown anymore, yes. We have that from what you've said.

18 THE WITNESS: My Lord, according to --

19 PRESIDING JUDGE: But globally, you know, and very
15:52:10 20 succinctly, what led to this arrest?

21 THE WITNESS: According to Colonel Superman and xxxxxx
22 xxxxxxxx, when they escape Freetown and went to Makeni, what I
23 heard from them, that Foday Sankoh was not genuine in peace
24 process. That's why he is saying hallelujah in Freetown and

he
15:52:43 25 is saying go and do that in his other controlled area.

26 MR TAKU:

27 Q. Go and do what? Tell the -- use clear terms.

28 A. Go and do that in the sense the incident of UNAMSIL on 1
29 May to -- until the time he was arrested.

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1 PRESIDING JUDGE: So the incident about the UNAMSIL and
so
2 on did not contribute to his arrest; you are not aware?

3 THE WITNESS: No, sir, because those who escape, they
did
4 not talk about the incident of UNAMSIL. They just said

15:53:28 5 demonstrator went to Foday Sankoh's compound and shoot out
occurs
6 there. That was the reason then show.

7 PRESIDING JUDGE: All right, okay.

8 MR TAKU:

9 Q. But did you subsequently learn that the UNAMSIL issue
15:53:51 10 played, apart from what [indiscernible] subsequently learn
that

11 the UNAMSIL issue played a role in the arrest of Foday Sankoh,
in
12 the population demonstrating, when they said he really was not
13 sincere about peace?

14 A. I'm quite sure, yes.

15:54:02 15 PRESIDING JUDGE: No, don't speculate.

16 THE WITNESS: They said he was saying hallelujah in
17 Freetown and he was saying something else in the other area of
18 RUF controlled territory, so maybe as his Lordship say, I
should
19 not speculate.

15:54:16 20 PRESIDING JUDGE: No, no, no, you may, if you are --

21 THE WITNESS: Yeah, sure.

22 PRESIDING JUDGE: -- but what are you saying about
23 hallelujah, you know, saying hallelujah in Freetown and what?

24 THE WITNESS: Then his group has captured UNAMSIL in
15:54:28 25 Makeni.

26 MR TAKU:

27 Q. What did you understand by the population saying that he
is
28 saying hallelujah in Freetown, and doing the contrary in other
29 controlled territories, in particular in Makeni? What do you

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1 mean? What do you understand by that?

2 JUDGE BOUTET: Well, I mean, it is not his evidence that
3 the population was saying that. This is what Superman and
4 xxxxxxxx brought back to Makeni as to the reason. Where they
15:54:57 5 got that, we don't know.

6 MR TAKU: Okay. Thank you, Your Honours.

7 Q. Now, with him in prison, what became the fate of the
8 leadership of the RUF?

9 A. While Foday Sankoh was arrested the -- what I heard and
10 later was told by Mr Sesay -- the West African leaders met in
11 Monrovia and prevailed on Mr Charles Taylor for him to get

hold

12 of any immediate RUF commander. That was the time they called
13 for Mr Sesay. And when Mr Sesay went there, upon his return,

he

14 said the West African leaders said they don't -- no longer

want

15 to work with Corporal Sankoh so we were to appoint a new

16 leadership. But he alone cannot able to tell them who is the

he

17 leader until he come and consult the RUF family. And, indeed,

18 came. We called a general meeting in Kono. We are all RUF

some

19 senior and junior ranking officers met. That was the time

20 people choose 371; some people choose Mr SYB Rogers, the
former

21 War Council chairman and some of us choose Mr Sesay. Luckily,

we

22 that choose Mr Sesay was approved by the West African leaders,

President

23 that President Obasanjo, Alpha Konare, Yaya Jamiye and

24 Taylor. They approve of our own candidature that we choose.

He

25 was appointed the interim leader.

26 Q. Can you tell us what -- now, what about you? Did you
27 occupy any position? Did anybody appoint you to any position
28 thereafter?

when

29 A. Thereafter, I remained as battle group and Superman,

1 he returned, he take the position because he was the previous
2 battle group. He take the position as field commander, the
3 position that Mr Sesay was heading before he became the
interim
4 leader. And that was the message, according to him and xxxxx
15:57:46 5 xxxxxxxthey brought. That if they change the leadership,
6 Superman should be the battlefield commander, so automatically
he
7 became the battlefield commander.
8 Q. Now, when Mr Sesay took over as the interim leader, did
he
9 continue with the peace process?
10 A. My Lord, the peace process came back into track. The
15:58:06 11 shaking Lome retaking formula back. That was the time they
talk
12 about Abuja 1, Abuja 2 ceasefire agreement.
13 Q. Now, can you tell us when Mr Sesay took over, assumed
the
14 interim leadership? If you don't know probably, don't know
15:58:46 15 exactly, no problem, please. Just tell us.
16 A. Starting from August to October, November, something
like
17 that. I can't --

18 Q. What year?

19 A. 2000.

15:58:56 20 Q. It was the year in 2000.

change 21 A. That was the time the arrangement was made to -- for

was 22 this leadership. I cannot be precise month or date, but it

23 in 2000.

look 24 Q. Now, you talk about Abuja 1, Abuja 2. Please have a

15:59:15 25 at this document. I have copies here for Your Lordships and
my

26 learned colleagues.

27 A. Yeah, this is some of the report I knew of.

28 Q. Now --

29 A. Meeting of the committee of six, the Abuja 1, Abuja 2.

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and 1 Q. Now, what was the -- the title, please? Read the title

2 the date?

3 A. "The meeting of the committee of six, of the ECOWAS

4 mediation and security council, the United Nations, the

16:00:47 5 government of Sierra Leone" --

6 PRESIDING JUDGE: This document is not yet exhibited.

7 MR TAKU: Okay, yes.

8 PRESIDING JUDGE: Is it exhibited? I'm asking.

9 MR TAKU: No, no, it's not yet exhibited, Your Honours.

16:00:57 10 PRESIDING JUDGE: Okay, yes.

11 MR TAKU: I want to tender it.

12 PRESIDING JUDGE: Yes.

13 MR TAKU: We did disclose it, Your Honours, to the
parties.

14 PRESIDING JUDGE: That's okay. Let Mr Kallon continue,
16:01:01 15 please.

16 MR TAKU:

17 Q. Can you read it, please, Mr Kallon?

18 A. "The government of Sierra Leone and RUF, on the
19 reactivation of the peace process in Sierra Leone, Abuja, 10
16:01:17 20 November 2000."

21 Q. Can you look at the last page, please. You see a
signature

22 there. Can you read whose signature is that?

23 A. "Done in Abuja on 10 November 2000, HE Modibor Sidebe
24 [phon], Chairman".

16:01:44 25 Q. Now, look at paragraph 4. You see it written there.
What

26 is written there, please, paragraph 4?

27 A. Paragraph 4: "The meeting was conveyed in order to
28 negotiate and obtain a ceasefire and cessation of hostility
29 between the Government of Sierra Leone and the RUF with a view
to

1 create" --

2 Q. "Creating" --

3 A. -- "creating a conducive environment that will
facilitate

4 the resumption of the peace process in the country."

16:02:27 5 Q. Now, paragraph 7, please.

6 A. 7 said: "The leader of the RUF delegation in response
7 associated himself completely with the feeling and
8 sentimenting" --

9 Q. "Sentiments," please.

16:02:49 10 A. "Sentiments expressed by the representative of the
11 Government of Sierra Leone. He stressed the fact that the RUF
as

12 present constitute" --

13 Q. "Presently constituted".

14 A. -- "constituted is totally committed to achieving peace
in

16:03:05 15 Sierra Leone and of finding a final solution to the problem
that

16 best" --

17 Q. "Beset."

18 A. -- "beset their country."

19 Q. Now, when they say the RUF as presently constituted,
were

16:03:18 20 they referring to the RUF under the interim leadership of
21 Mr Sesay?

22 A. Yes, that was the new RUF now.

23 Q. And at that time you were battle-group commander working
24 under Mr Sesay?

16:03:33 25 A. Yes, My Lord.

26 Q. Now, tell the Court were all the senior members of RUF,
27 were they happy? Were they satisfied?

28 PRESIDING JUDGE: What are you doing with this document?

29 MR TAKU: I tender this document, Your Honours. I seek

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much. 1 leave to tender this document, Your Honours. Thank you so

2 PRESIDING JUDGE: Any objections?

3 MR WAGONA: No objection.

4 MR JORDASH: No objections.

16:04:14 5 MR CAMMEGH: No objection.

6 PRESIDING JUDGE: Yes. It is a document admitted and
7 marked as Exhibit 345.

8 [Exhibit No. 345 was admitted]

9 MR TAKU: As the Court pleases. Your Honour, with your
16:04:48 10 leave, Your Honours, in order to expedite the process, may I
read

11 paragraph 18?

12 PRESIDING JUDGE: Yes, you may.

13 MR TAKU: Thank you, Your Honours.

14 PRESIDING JUDGE: Of Exhibit 345?

16:04:57 15 MR TAKU: Yes, Your Honours:

16 "The meeting took note of the fact that the disarmament"

--

17 PRESIDING JUDGE: That's paragraph what, you said?

18 MR TAKU: 18, Your Honour.

19 PRESIDING JUDGE: Yes.

16:05:14 20 MR TAKU: "The meeting took note of the fact that the

21 disarmament, demobilisation and the reintegration program had

22 started and was being implemented by its relevant commission

23 created under the Lome agreement but was only suspended after

the

24 unfortunate incident in May 2000 that disrupted implementation

of

16:05:49 25 the peace process. He also took note that plans had begun for

26 the restructuring and training of the Sierra Leone Armed

Forces

27 before the May 20 incident. In this regards, the meeting

agreed

28 that recommencement of the DDR program is one that would

rebuild

29 the confidence of the people of Sierra Leone in the commitment

of

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training 1 the RUF for peace. He agreed that both the DDR and the
2 programs should start within the shortest possible time after
3 commencement of the ceasefire. They requested the relevant
4 commissions to meet as soon as possible to restart this very
16:06:48 5 important aspects of the Lome Peace Agreement. The meeting
also
6 agreed that it will reconvene in a month's time to evaluate
the
7 situation in Sierra Leone."

8 Q. Mr Kallon?

9 A. Yes.

16:07:04 10 Q. Did the DDR program actually start shortly after that?

11 A. Yes, sir.

12 Q. And did you disarm?

13 A. Yes, sir. But I was second to last -- I was -- yes, we
14 were the last to disarm, on 18 January 2002, after we have
16:07:42 15 disarmed all the RUF.

16 Q. Why?

17 PRESIDING JUDGE: You disarmed when?

18 THE WITNESS: 18 January 2002 in Makeni, Wosim Field,
19 My Lord.

16:07:42 20 MR TAKU:

21 Q. Why have you to -- after you disarmed all the RUF --

22 A. Yes, Your Honour.

23 Q. -- did you take part in the disarmament of the RUF?

24 A. Yes, sir. We used the same arm to disarm the RUF
because

16:08:22 25 some of the RUF, as I told you, like 045, 371, and xxxxxx

26 xxxxxx, they incited some of those RUF not to disarm, and we
27 were to only put them under control through the arm we were
28 carrying, so that's why we were the last to disarm xxxxx

29 PRESIDING JUDGE: You said some like xxxxxx were

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1 against --

2 THE WITNESS: Yes, sir. xxxxxxxx, TF-371, 0 --

3 TF1-045, TF1-366 and so many of them, they were not happy that
we

4 are leaving Mr Sankoh in prison and disarming the RUF. TF1-
362,

16:09:48 5 you know, they say it was not Sesay or Kallon brought arm --
give

6 them arm, so we are not the one to take arm from them.

7 MR TAKU:

8 Q. Can you specify the role you and Mr Kallon played in the
9 disarmament process?

16:09:48 10 A. My Lord, at that time now I was the most instrument
11 Mr Sesay use. Anywhere Mr Sesay and the SRG and the field
12 commander agree, within the RUF control area to disarm, I was
the

13 one Mr Sesay sent to go and mobilise and start the disarmament
14 there. So I did in Kambia, so I did in Magburaka, Kono, Tongo

16:09:58 15 Field. Only Kailahun, I do not go there. Anywhere he used to
16 say Kallon have agreed so-so and so-so district should disarm,
as
17 he give that order, I make sure the disarmament commence on
the
18 day he show me. You RUF, you willing, you do not -- you must
19 disarm.

16:10:12 20 Q. Is there any challenges you faced, any risk you faced in
21 Kailahun axis?

22 A. Yes, My Lord, a lot of challenges. I met with lot of
23 obstacles but with the help of God we were able to conquer.

24 Q. Do you know how Mr Sankoh reacted to you and to Mr Sesay
16:10:34 25 and yourself disarming the combatants while he was still in
gaol?

26 A. Yes, sir. On 18 January 2002, after the symbolic arm
27 burning in Lungi, myself, Mr Sesay and xxxxxxxx flew from
28 Lungi to Cline Town hospital. There they brought Mr Sankoh.
As
29 Mr Sankoh saw all he was [speaks Krio] that we have betrayed
him,

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1 we have sold him. We left him in gaol and disarmed the RUF
and
2 which of course RUF were not our property. In fact, he also

He 3 wanted to slap Mr Sesay with the tumbler, they served us tea.
4 was wanted to slap Mr Sesay with that tumbler. But God bless,
16:11:31 5 Mr Sesay was mad. The tumbler could not reach him and fall on
6 the ground. And we were there communicating with him when
7 TF1-371 came. He forget about us. He started discussing some
8 kind future plan about with TF1-371 that he should not follow
us.
9 He should make sure he still maintain the revolution and put
the
16:11:59 10 revolution back in track. I don't really know what he was
11 meaning by that.
12 Q. Mr Kallon, can you tell the Court why you decided to put
13 Mr Sankoh back and move forward towards the peace process?
You
14 decided it was time to move ahead with the peace process, to
16:12:33 15 leave him and this other group TF-371, xxxxxxxxxx and
16 others back, and move toward the peace process? What informed
17 your mind to take that decision?
18 A. My Lord, when that May 8, when that May 2000 incident
took
19 place, I feel Foday Sankoh used to make his slogan, arm to the
16:12:59 20 people, power to the people and wealth to the people. I just
21 thought that RUF was not the property of one person because it
22 does involve so many life of Sierra Leonean, from all tribes
23 joined that very revolution so he alone I feel it was not
24 property for him. And at that time peace was really needed
for
16:13:23 25 the people of this country. So, instead of following Corporal
26 Sankoh to release him from detention, we deem it necessary to
27 make sure to return peace and stability to the people of
28 Sierra Leone.

29 Q. Now, Mr Kallon, the country is at peace.

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1 A. Say again, sir.

2 Q. The country Sierra Leone is at peace now. They have
3 organised democratic elections that makes this country one of
the
4 rare fairest countries in a troubled continent. As you sit
here
16:14:07 5 today, do you think you played a role, your own role as a
6 citizen, towards that peace process and has brought the
country
7 this far?

8 A. Yes, My Lord. Not just the peace process, but even if
you

9 look the way back history of Salone, Salone was governed by
one
16:14:26 10 political party system. With the interfere of the RUF or with
11 the coming of the RUF put a democratic system back into track,
12 and with the contribution we all made, RUF, today Sierra Leone
13 have gained back a democratic political system. This is the
14 example of the 2007 election. You see all walk of life
partake

16:14:59 15 in to the election.

16 Q. Are you proud to be a Sierra Leonean?

17 A. I am very very proud to be Sierra Leonean and I remain
to
18 be Sierra Leonean, My Lord.

19 Q. Now, let me just ask one question -- one question.
Well,

16:15:48 20 Mr Kallon, can you tell the Court when you were arrested?

21 A. Yes, My Lord. I was arrested on 10 March 2003 at the
22 Sierra Leone CID headquarters, around 10 in the morning.

23 Q. Since your arrest, is there a time that the Prosecutor
met
24 you to have any discussion with you or to discuss with you
about
16:16:27 25 the nature of the charges against you? If you know, please
tell
26 the Court.

27 A. Yes, My Lord. When I was arrested, the first counsel
that
28 were representing me, one Mr Goverson [phon] --
29 JUDGE BOUTET: What's the relevancy of this?

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1 MR TAKU: I don't know. Well, I think I'll let him
explain
2 then, Your Honours.

3 JUDGE BOUTET: I'm asking you, not the witness. You.

4 What's the relevancy of this?

16:17:12 5 MR TAKU: The relevancy, Your Honours, is that they
tried

6 to strike a deal with him. If he --

7 JUDGE BOUTET: So what?

8 MR TAKU: Okay, Your Honours. Okay, we can stop that.
I

9 move to something else. I'm sorry. Thank you.

16:17:30 10 Q. Mr Kallon, let's not say about that. You refuse to
11 incriminate these people. Okay. Now --

12 JUDGE BOUTET: And even this comment. I mean, what is
this

13 all about? I mean, we don't know what has transpired or not.
14 Now you say you refuse to incriminate these people. Are you
now

16:17:42 15 giving evidence on this matter?

16 MR TAKU: I want him to say so, and why he refused.

17 JUDGE BOUTET: Yes, but I mean, this is not permissible
for

18 the witness nor for, you. We don't want to know about this.
As

19 we are saying, it's not relevant and you say you move
something

16:17:55 20 somewhere else, so -- and it's no more proper for you to put
on

21 the record what was being discussed or not discussed.

22 MR TAKU: We withdraw that, Your Honour, with due
23 apologies.

24 Q. Mr Kallon --

16:18:06 25 A. Yes.

26 Q. -- for these five or six years you've been in detention,
27 you've reflected about the charge against, reflected about
your

28 life, reflected about your country and just your personal
29 circumstances in life. We're coming to the end of your

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want
you
16:18:37
Honourable
they
hear
16:19:06
as
see
lives

1 examination-in-chief. Is there anything in particular you
2 to tell Their Lordships, please, before I take my seat? If
3 have, tell the Court.
4 A. Yes, sir. What I do know, what I saw from the time this
5 trial start before this Honourable Chamber, I know the
6 Judges are Judges with integrity and wisdom, knowledge, and
7 have listened throughout the Prosecution case, Prosecution
8 witnesses. They have started listening to Defence -- some
9 Defence witnesses, including myself, and very soon they will
10 my own Defence witnesses. I believe they will treat me fairly
11 I presume myself as an innocent man, and I will urge them to
12 back how I came into this RUF. I was not invited. I was
13 captured and forced to join the movement. I regret so many
14 lost, especially the victim today I'm seeing. Even myself, I

16:19:53 15 lost lot of my own family member. But with the time I spent
in
16 detention, I pray to God for the hurt system that Sierra Leone
17 went through for the past ten years, let that history not
repeat
18 itself again. I believe the Honourable Judges will able to do
19 something that will please the whole country. Thank you very
16:20:25 20 much, sir.

21 MR TAKU: Your Honours, with that, we end our
22 examination-in-chief. Thank you for paying attention,
23 Your Honours. Thank you for your patience. Thank you Mr
Kallon.

24 THE WITNESS: Thank you, sir.

16:20:33 25 MR TAKU: My learned colleagues will ask questions. The
26 Prosecutor will ask questions and try to be as brief and to
the
27 point as you have been. You understand?

28 THE WITNESS: Yes, sir, My Lord.

29 MR TAKU: Thank you, sir.

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1 Your Honours, if we discover any of the references I did
2 promise, we will bring the corrections to the attention of
3 Your Honours and to my colleagues. Thank you, Your Honour.

4 PRESIDING JUDGE: Thank you.

16:22:22 5 PRESIDING JUDGE: Yes, Mr Jordash, any cross-examination
6 for the first accused?
7 MR JORDASH: Yes, please.
8 PRESIDING JUDGE: You may proceed, please.
9 MR JORDASH: Thank you.

16:22:28 10 CROSS-EXAMINED BY MR JORDASH:
11 MR JORDASH:
12 Q. Good afternoon, Mr Kallon.
13 A. Good afternoon, sir.
14 Q. I only have a few questions. I hope not to be more than
16:22:39 15 about 20 minutes or so, so you know where -- where I'm going?
16 A. Okay, sir.
17 Q. I just want to understand a little more of your
18 relationship with Mr Sesay; relationship in terms of military
19 command. Am I correct that you left Kailahun around 1994 to
go
16:23:25 20 to Zogoda?
21 A. Yes, My Lord.
22 Q. And but for a few, perhaps two short visits back to
23 Kailahun in 1995, you didn't return to Kailahun on any
permanent
24 basis until 1998?
16:24:00 25 A. Yes, My Lord.
26 Q. Which would have been at the time that Sam Bockarie
ordered
27 you to report to Buedu?
28 A. Yes, My Lord.
29 Q. And so from 1994 until the coup, until the junta period,

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1 your contact with Mr Sesay was practically nil; nothing?

2 A. You are correct, sir.

3 Q. In summary, I'll come to the details in a minute, but --

4 PRESIDING JUDGE: His contact with Sesay on what --
within
16:24:57 5 what time frame?

6 MR JORDASH: From 1994 until the coup.

7 PRESIDING JUDGE: His contact with Sesay was nil?

8 MR JORDASH: Yes.

9 PRESIDING JUDGE: That's what you were saying?

16:25:15 10 MR JORDASH: Yes, nothing. Practically nothing.

11 Q. In terms of military command, from 19 -- well, from --
12 during that period your commanding officers were people other
13 than Sesay?

14 A. Yes, sir. Sesay was not my commanding officer between
that
16:25:44 15 time.

16 Q. And so I think what you've told us, what you've told the
17 Court so far, is that, for example, in May of 1996, you're at
the
18 Bo Jungle and you're receiving -- is this right -- orders from
19 Staff Captain Kargbo; is that right?

16:26:13 20
actual

A. Yes. When we were there the order -- actually the

21 order was coming directly from Mohamed Tarawallie.

22 Q. Right. From Tarawallie to Kargbo --

23 A. Yes.

24 Q. -- and from Kargbo to you?

16:26:29 25
that

A. No. From Kargbo -- at that time I was the adviser in

my

26 position. From -- when the order come, Kargbo come and seek

27 advice what to do and what not to do.

for

28 JUDGE BOUTET: Mr Jordash, what time frame did you give

29 that?

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1 MR JORDASH: This was 25 May 1996, which I think --

2 JUDGE BOUTET: May 1996?

3 MR JORDASH: May 1996.

4 Q. Which was when you went to the Bo Jungle?

16:27:06 5

A. Yes, sir.

6 Q. Was it Tarawallie who sent you to the Bo Jungle?

7 A. Yes, sir.

to

8 Q. And then after the Bo Jungle, as we've heard, you went

9 Kangari Hills because the Bo Jungle was effectively overrun by
16:27:24 10 the pro-government forces?
11 A. Yes, My Lord.
12 Q. And you were then -- or you fell under the command of
xxxxxx
13 xxxxxxx
14 A. Yes, My Lord.
16:27:34 15 Q. And at that stage xxxxxxxxxx was reporting to Tarawallie
16 in the first instance until he disappeared; is that right?
17 A. Yes, sir, from August to November, yes. But from
November
18 now to Sam Bockarie directly.
19 Q. And Sam Bockarie at that stage effectively took over as
the
16:28:03 20 man next to Sankoh?
21 A. Yes, My Lord. In fact, he was now in full control of
the
22 RUF.
23 Q. This is --
24 A. Sankoh was absent also.
16:28:14 25 Q. Right. So day-to-day, 1996 and early 1997, until the
coup
26 you're receiving orders are from xxxxxxxx?
27 A. Yes, sir.
28 Q. And then we arrive at the coup, 25 May 1997, and xxxx
29 xxxxxx is instructed by Sam Bockarie to go to Freetown -- or
to

1 go to Makeni, I should say?

2 A. Yes, sir, on 28 May 1997, yes, sir.

3 Q. And you told the Court that you didn't move, but you
stayed

4 initially with the wounded soldier whilst xxxxxxxx troops
16:29:11 5 went and stationed at Teko Barracks?

6 A. Yes, My Lord.

7 Q. And from what you've told the Court you then move, on 3
8 June, to Teko Barracks to join everyone else?

9 A. Yes, My Lord.

10 Q. And you discover at that stage that the top men at
11 Teko Barracks are Tamba Karimu and Abraham Dugbe; is that
right?

12 A. The very day I reach there, actually the commanding
officer

13 himself were there, xxxxx. When xxxxxxxx was leaving
14 to go to Freetown, that was the time he left his adjutant,
Tamba

15 Karim and Major Abraham Dugbe in charge for all activities of
16 the
RUF.

17 Q. The RUF at Teko Barracks?

18 A. At Teko Barracks, yes, sir.

19 Q. And those two men reported directly to xxxxxxx

16:30:11 20 A. Yes, sir.

21 Q. And did so during the junta period; is that right?

22 A. Yes, sir.

23 Q. And xxxxxxxx, during the junta period, obtained a job
24 directly from Johnny Paul Koroma?

16:30:32 25 A. Yes, sir, in around October November, yes, sir.

26 Q. And during the junta period, xxxxxxxx ostensibly --
27 mainly took order from Johnny Paul Koroma; is that right?

28 A. Yes, sir.

29 Q. With some instruction or orders coming from Sam
Bockarie?

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1 A. Yes.

2 Q. To xxxxxxxx?

3 A. Yes.

4 Q. But Sam Bockarie at this stage took a back seat, if you
16:31:09 5 like, and let Johnny Paul Koroma give orders to xxxxxxx is that
6 right?

7 A. Yeah, after he removed himself from Freetown in
September,

8 yes, sir.

9 Q. So what was happening at Teko Barracks which was during
the

16:31:28 10 junta period not a great deal; is that right?

11 A. No, there were no fighting.

effectively 12 Q. But whatever was happening at Teko Barracks was
of 13 under the control of Dugbe/Karimu who were under the control
14 the xxxxxx

16:31:49 15 A. Actually, sir, when I left in August, I heard that it
was 16 now Kailondo acting in that position. At that time Tamba
Karim 17 have are already joined his boss in Freetown, so it was now
18 Kailondo -- Major Kailondo that was acting in that position.

19 Q. And am I correct then that all the men stationed at
16:32:15 20 Teko Barracks, at the point when Kailondo took over, were
simply 21 there stationary effectively resting?

22 A. Yes, sir. But at the same time xxxxxxxx was still
23 recognised to every one of us as the area commander within the
24 RUF command level.

16:32:36 25 Q. So, just so that the Court is clear, so, in 1996 nor
early 26 1997, did you have any contact whatsoever with Mr Sesay?

27 A. Not at all until from May 1996 until first or second
week 28 in September when I came down to Freetown, that was the time I
29 saw Mr Sesay in person, and that was the time he and myself

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1 speak.

2 Q. 1997?

3 A. Yes, sir.

4 Q. And so am I correct that even during the junta period,
you
16:33:38 5 are not receiving orders from Sesay, neither when you are in
the
6 Northern Jungle nor in Teko Barracks, nor when you are in Bo?

7 A. Not at all. All order from Northern Jungle was from
xxxxx.
8 Teko Barracks were from Isaac. My departure from Teko to Bo
from
9 Isaac and even when I was in Bo, any time I used to come for
my
16:34:16 10 ration, and the men that were under me there, I used to met
with
11 Colonel Isaac and he direct me what to do with the supply.
12 Sometime, in fact, he can tell me that your supply has gone to
13 Makeni headquarters. Go and receive it there.

14 Q. Am I correct that the first order you received from
Sesay
16:34:45 15 was effectively the order in February of 1998 to attack Bo
with
16 him?

17 A. Yes. And that too was not direct order. He just say we
18 are to make use of the route to Bo so that we can get to
Kenema.
19 So he did -- per se he give me order that go and attack Bo,
no.
16:35:17 20 Q. So until -- until that time, am I right that it was not
21 Sesay's business, not simply in terms of giving you orders,
but

22 it was not his business in terms of supervising your
activities?
23 A. No, I was still supervised by xxxxxxxx.
24 Q. Thank you.
16:35:45 25 A. During junta time.
26 Q. Now moving on to February, March of 1998, when you've
27 arrived in Kono District. I want to ask you to look at
Exhibit
28 336, please. I ask the Court Management, please.
29 MR JORDASH: I notice the time and the exhibit appears
to

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1 have been filed.
2 PRESIDING JUDGE: This is Exhibit 336?
3 MR JORDASH: Your Honour, yes, it's the role call of
4 command in Kono.
16:37:50 5 Q. Now I want to ask a few questions about this to try to
6 understand --
7 PRESIDING JUDGE: I think we should give him an
opportunity
8 to look at it, you know.
9 MR JORDASH: Your Honour, yes. It's simply the first
16:38:02 10 page --

page. 11 PRESIDING JUDGE: Mr Kallon, yes, look at the first

12 MR JORDASH: -- I'm interested in.

13 THE WITNESS: Yes, sir.

14 MR JORDASH:

16:38:12 15 Q. Are you familiar with this document?

16 A. Yes, sir.

17 Q. I want to try to understand so that the Court can

Kono 18 understand exactly what the -- where the top commanders in

19 derive from. Where -- where their history was. Where did

they

16:38:40 20 come from. So let's just start, say, at --

21 PRESIDING JUDGE: Mr Jordash, if we may recess at this

22 point.

23 MR JORDASH: Your Honour, yes.

24 PRESIDING JUDGE: And you may be able to sort out that

16:38:57 25 document and Mr Kallon will also be -- have had the

opportunity

26 to look at it and to testify meaningfully on it. So we will

27 recess for a few minutes, please.

28 [Break taken at 4.30 p.m.]

29 [Upon resuming at 5.05 P.M.]

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1 PRESIDING JUDGE: Yes, Mr Jordash.

2 MR JORDASH: Thank you.

3 PRESIDING JUDGE: We have copies of the exhibit which
you

4 were to take the witness through. I think we may proceed now.

17:15:50 5 MR JORDASH: Thank you.

6 Q. Mr Kallon, I want to just ask you about some of the
names

7 on here.

8 A. Yes, sir.

9 Q. Am I correct that as far as you perceive this document,
it

17:16:12 10 lists, in descending order, ranks within Kono post junta
period?

11 A. Yes, sir.

12 Q. So Mingo, top man at the top. Downwards through the
13 document, the lower you go, the less the rank?

14 A. Yes, sir.

17:16:39 15 Q. Does that include also the less the assignment too? So
16 Denis Mingo, top assignment as battle-group commander and also
17 top as colonel?

18 A. Yes, sir.

19 Q. And so can we say that, for example, xxxxxx, can you
17:17:07 20 see that name one, two, three, four, five from the bottom?

21 A. Yes, sir.

22 PRESIDING JUDGE: Is number 3, the witness?

23 THE WITNESS: No, on this list I'm number 8, My Lord.

24 PRESIDING JUDGE: I see. No, I just -- that's why I was
17:17:23 25 asking.

26 MR JORDASH:

27 Q. So xxxxxx, was that xxxxxx

28 A. Yes, sir, that is his real name.

29 Q. So we can say his rank and assignment are lower than,
for

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1 example, Komba Gbundema, whose name is higher up on the list,

2 both rank and assignment. Or is it simply his rank is lower?

3 A. Yes, sir. If you -- if you don't mind, I can explain a

4 little about these majors in terms of their rank and the
varying

17:18:03 5 deployment they had.

6 Q. It's -- it's more whether just generally this document

7 represents both ranks and assignments and lists, in descending

8 order, ranks and assignments; or is it simply this shows
ranks?

9 A. Actually, this number show rank --

17:18:21 10 Q. Okay.

11 A. -- not the assignment. The names were [Indiscernible].

12 Q. And during this period in Kono, were ranks significant?

13 A. Why?

14 Q. No, were ranks in general significant in Kono at this

17:18:41 15 time -- significant in terms of command and ability to
command?

16 A. No, sir, because there were some ranking officer without
17 assignments.
18 Q. Okay. Would you agree with this, though, that this
first
page
19 page represents the upper -- how can I put it? This first
17:19:14 20 are the most significant officers in Kono at this time?
21 A. Yes, sir. Just how you see they number it, they number
the
22 rank and the names so they -- they -- their position go.
23 Q. Okay. So I want to just deal with the names above xxxxx
24 xxxxxx and ask you about these people -- or most of these people
17:19:46 25 who, as you told us, are the most significant in Kono at that
26 time. So Matthew Barbu -- Major Matthew Barbu, was he a
27 Liberian?
28 A. Yes, sir. Major Matthew Barbu was Liberian, at the
same
29 time Vanguard [indiscernible].

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1 Q. And had been stationed in the Western Jungle under the
2 command of Superman?
3 A. Yes, sir.
4 Q. Major Moses Dumbar, Liberian?

17:20:14 5 A. Yes, sir.
6 Q. Stationed in the Northern Jungle?
7 A. Yes, sir.
8 Q. With xxxxxxxx?
9 A. Yes, sir.
17:20:20 10 Q. Major -- is it Bobby Wiesehe, W-I-E-S-S-E-H?
11 A. Yes, sir. Major Bobby Wiesehe, yes, sir, he was with
12 Superman in Western Jungle.
13 Q. And so had operated with Superman for several years in
the
14 Western Jungle?
17:20:48 15 A. Yes, sir.
16 Q. Major Parker, Base Marine, was he a Liberian?
17 A. Yes, sir.
18 Q. Ex-ULIMO.
19 A. Yes, sir.
17:20:57 20 Q. Major Lauocrus Harmon, was he an STF from Freetown?
21 A. Yes, sir.
22 Q. Liberian?
23 A. Yes, sir.
24 PRESIDING JUDGE: Major who?
17:21:15 25 MR JORDASH: Lauocrus.
26 PRESIDING JUDGE: Lauocrus Harmon.
27 MR JORDASH: Harmon. I think L-A-U-O-C-R-U-S.
28 Q. Isaac Paye, I think a major again; is that right?
29 A. Yes, sir. This one, he was a Vanguard.

1 Q. And he was -- was he not an STF?

2 A. No.

3 Q. Where did he been based pre coup?

4 A. Isaac Paye, I think he was in Northern Jungle.

17:21:43 5 Q. Northern Jungle. So answerable to xxxxxx for several
6 years?

7 A. Yes, sir.

8 Q. Major PF Kennedy?

9 A. STF.

17:21:52 10 Q. So Liberian as well?

11 A. Yes, sir.

12 Q. Had he he been -- where had he been post -- pre coup?

13 A. They were in Freetown. We came and met them in
Freetown,

14 sir.

17:22:05 15 Q. Then we have -- is that Major Wallace, also STF based in
16 Freetown?

17 A. Yes, sir.

18 Q. Sam Tweh?

19 A. Major Sam Tweh.

17:22:19 20 Q. What -- what nationality was he?

21 A. A Liberian.

22 Q. And he had been based, had he not, in the Northern
Jungle?

23 A. No, he was in Western Jungle.
24 Q. Oh, Western Jungle. So answerable to Superman during
the
17:22:34 25 period before the junta period?
26 A. Yes, sir.
27 Q. Komba Gbundema, a man whose name we know well --
28 A. He was with Superman, Western Jungle.
29 Q. Kailondo --

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1 PRESIDING JUDGE: Was he Liberian too?
2 THE WITNESS: No, Sierra Leonean, My Lord.
3 MR JORDASH:
4 Q. Kailondo was a Liberian; is that right?
17:22:52 5 A. Yes, sir, in Northern Jungle.
6 Q. Northern jungle. And Amara Bockarie, Sierra Leonean,
but
7 he too had been stationed in the Western Jungle?
8 A. Yes, sir.
9 Q. Martin George, Sierra Leonean?
17:23:13 10 A. Liberian, My Lord.
11 Q. Liberian?
12 A. Yes, sir.

13 Q. And is it Major Nessian NK -- HK; who was he?
14 A. Nessian. He was an STF, My Lord.
17:24:02 15 Q. STF?
16 A. Yes, sir.
17 Q. Liberian then?
18 A. Yes, sir.
19 Q. Emmanuel Rogers?
17:24:02 20 A. Emmanuel Rogers? No, I don't know him.
21 Q. No?
22 A. Not to my --
23 Q. You don't know?
24 A. No.
17:24:02 25 Q. Fair enough. Rocky was Liberian?
26 A. Yes.
27 Q. Oh, sorry, I've missed Baibure.
28 A. Baibure is a Sierra Leonean.
29 Q. Sierra Leonean?

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1 A. Yes.
2 Q. But where had he been based pre coup; do you know -- pre
3 junta?

4 A. Before the junta, Baibure was with TF1-371. They all
17:24:09 5 crossed to Liberia.

6 Q. So he had been one of those in the Pujuheun or Zagoda
areas
7 who'd crossed over to Liberia because of the Kamajor attacks
in
8 1996?

9 A. You are correct, sir.

17:24:23 10 Q. And Rocky was a Liberian, no?

11 A. Yes, sir.

12 Q. Again, he was one those who also retreated to Liberia?

13 A. Yes, sir.

14 Q. So -- and those who retreated to Liberia were based,
before
17:24:36 15 retreat, in Zagoda or Pujuhun?

16 A. Some were from Zagoda to Pujehun and some were based in
17 Pujehun. They all retreated to Liberia.

18 Q. Right. And then Nyah was a Liberian, no?

19 A. Yes, sir.

17:24:52 20 Q. Had been based in the Western Jungle with --

21 A. No, sir, Northern Jungle.

22 Q. Northern Jungle, sorry.

23 A. With Isaac.

24 Q. With xxxxxxx. Balla, Northern Jungle.

17:25:04 25 A. Yes, sir.

26 Q. Liberian?

27 A. Yes, sir.

28 Q. There's you, from what you've told us, from the Western
29 Jungle?

1 A. Yes, sir. No, Northern Jungle.

2 Q. Sorry, Northern Jungle.

3 A. Yes, sir.

4 Q. I beg your pardon. Lansana Conteh from the Western
Jungle?

17:25:25 5 A. Yes, sir.

6 Q. But Sierra Leonean?

7 A. Yes, sir.

8 Q. Hector Lahai, he was one of the coup makers, no?

9 A. Yes, sir.

17:25:38 10 Q. So had been based in Freetown before the junta period?

11 A. Yes, sir.

12 Q. And then Colonel xxxxxx was that xxxxxxxx?

13 A. Yes, sir.

14 Q. I'll come back to him in a minute. Then I want to just
17:25:57 15 deal then with Mingo, Isaac and Rambo; all Liberians, is that
16 right?

17 A. Yes, sir.

18 Q. Basically, is this right: the only significant officer
in

19 Kono at this point from February 1998 until -- well, December

17:26:26 20
Kailahun

1998 who had -- who was Sierra Leonean and from -- from
21 who had been based from the early years of the war until the
22 coup -- let me simplify this. xxxxxxxx was, from this list,
23 the only Sierra Leonean who had been based in Kailahun pre

coup?

24 A. Yes, sir.

17:26:49 25
were

Q. So effectively what we had in Kono post intervention
26 men who were, first of all almost without exception except for
27 xxxxxx not from operations in Kailahun since 1994 at least?

28 A. Yes, sir.

29 Q. And two, largely Liberian; is that right?

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1 A. Yes, sir. And the -- their loyalty all were with those
2 Liberian commander above.

had

3 Q. Yes. That was my next point. So principally, what we

4 was, for some reason or another, all the Liberians and all the

17:27:46 5
Kono

Western and Northern Jungle men congregating and remaining in

6 for most of 1998?

7 A. Yes, sir.

8 Q. And you will agree with this, won't you, that that was

in 9 hugely significant in terms of loyalties. Loyalty, therefore,
17:28:09 10 Kono was based largely on history of operating together;
11 secondly, Liberian ethnicity?
12 A. Yes, sir. More or less again history on the side of the
13 RUF, both Liberian and Sierra Leonean. Once you were with
14 Superman during that retreat, everybody were looking up to
17:28:35 15 Superman.
16 Q. Yes.
17 A. Those who were with xxxxxxxx, everybody were looking up
18 to xxxxxxxx.
19 Q. Was it -- maybe you don't know the answer to this. And
if 20 you don't, then I don't want you to speculate. But did
17:28:43 somebody 21 make a decision that all the Kailahun people would go back to
22 Kailahun, and all the Northern and Western Jungle -- or many
of 23 them -- would remain in Kono, or was this simply the way in
which 24 the loyalties played out? Do you understand my question?
17:29:06 25 A. Yes, sir, I understand it. But actually they go on to
26 Kailahun -- everybody was wanted to go to Kailahun. It was
Sam 27 Bockarie who stopped everybody in Kono with the exception of
371, 28 Mr Sesay, and Johnny Paul Koroma, and his family.
29 Q. Well, then the next question, then, is who decided that
all

1 these top men, the significant commanders, would be those from
2 the Northern Jungle and the Western Jungle, or the Liberians,
3 rather than, say, for example, Sierra Leoneans who had been
based
4 in Kailahun? Who made that decision; do you know?

17:29:50 5 A. No, sir. But again this, I think, is through the way
the
6 retreat came and when the group arrived there, Sam Bockarie
7 ordered for everybody to stop there.

8 Q. No, I understand. So are you saying that there was lots
of
9 Kailahun RUF residents in Kono during this year?

17:30:14 10 A. No. Lot of the Kailahun RUF group, they were in Kenema,
has
11 Tongo Field, actually, with Sam Bockarie. Because Superman
12 already been deployed in Freetown.

13 Q. No, sorry, you misunderstood. I'm not being very clear.
14 As we've seen from this list, all the significant men at the
top

17:30:41 15 of this list --

16 A. Um hmm.

17 Q. -- except for xxxxxxxx are from the Northern Jungle, the
18 Western Jungle, and all are Liberian?

19 A. Yes, sir.

17:30:53 20 Q. What I'm trying to understand is why only xxxxxxxx? Why
21 only him -- being Sierra Leonean and from Kailahun -- why only

22 him in the top significant men?

23 A. Really that -- I cannot go beyond what I have said.

24 Q. Okay.

17:31:16 25 A. Yes.

26 Q. But was it Superman who selected these men, put them
into
27 this order?

28 A. In this list form?

29 Q. Yes.

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1 A. Yes, it was Superman who prepared this nominal role.

2 Q. Right. Do we know who gave these men their assignments?

3 Would it have been either Superman or xxxxxx during their
4 time in the Northern Jungle or the Western Jungle?

17:31:43 5 A. During the time of Western -- Northern Jungle in
particular

6 where I was, all assignments were given by xxxxxxxx. I
7 presume the same thing happened in Western Jungle.

8 Q. Right. I see.

9 A. And when we arrive in Kono, actually the assignments now
17:31:58 10 were given by Superman.

11 Q. I see.

12 A. In consultation with xxxxxxxx, I'm sure.

13 Q. So it would have been Superman who gave, for example,
the

14 radio sets to the different commanders?

17:32:15 15 A. Yes, sir.

16 Q. So, for example, Kailondo got a radio set at Yellow
Mosque;

17 is that right?

18 A. Yes, sir.

19 Q. And Amara Bockarie, otherwise known as Amara Ambush, he
got

17:32:30 20 a radio set for Woma?

21 A. Yes, sir.

22 Q. Rocky, Superman, gave a radio set for Wendedu?

23 A. Wendedu, yes. Later to Tombodu.

24 Q. So Superman picked -- hand picked the men he wanted to
have

17:32:42 25 a radio set?

26 A. Yes, sir.

27 Q. So that they would communicate directly to him?

28 A. Yes, sir.

29 Q. And then he would communicate whatever he chose directly
to

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1 Sam Bockarie?

2 A. Yes, sir. All station that were operating within Kono
were

3 reporting directly to Superman, and Superman was reporting
4 directly to Sam Bockarie. So I know.

17:33:08 5 Q. Do you know if he hand picked those men with -- who
would

6 have the radios on the basis of personal loyalty?

7 A. I'm quite sure, and through -- yes, personal loyalty and
8 then some of them were the same -- they were from the same
9 country, Liberia. But, for example, Komba Gbundema, Amara
Ambu,

17:33:34 10 Amara Bockarie, all those guy were -- have been with him
before,

11 you see.

12 Q. Okay. Now, you've given evidence about how you were
13 recalled to Buedu.

14 A. Yes, sir.

17:33:51 15 Q. I don't want to ask you in detail about this, but I want
to

16 ask you about the system of preventing and punishing crime in
17 Kono. Could I suggest there was two routes: One was the
route

18 of the JSU, Joint Security Unit, so people who committed
crimes

19 were supposed to be punished or investigated through whatever
JSU

17:34:35 20 existed in Kono during 1998; is that right?

21 A. The only crime I see Joint Security investigate was the
22 bank robbery.

23 Q. Well, I'm asking you -- yes, I'm not disputing that.
I'm

by 24 not disputing that. But what I'm saying is that was the route
17:34:55 25 which crime was supposed to be investigated and prevented and
26 punished, the JSU?
27 A. Yes.
28 Q. I'm not making comment on whether the JSU was working or
29 not. I don't wish to make a point about that. I'm saying
that

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be 1 that is theoretically the way in which crimes were supposed to
2 dealt with; the MPs, IOs, and so on?
3 A. Yes.
4 Q. Yes. And that unit, or those people, were answerable to
--
17:35:26 5 ultimately to Superman?
6 A. Yes.
7 Q. So that was one route. And the other route was through
8 Sam Bockarie recalling people if he chose to; am I right about
9 that?
17:35:38 10 A. Yes. In my own case, yes.
11 Q. Yes.
12 A. In my own case, I was recalled by Sam Bockarie from
Kono,

13 and then I was investigated by the Joint Security Board in
Buedu.

14 Q. So those were the two routes by which suspects could be
17:36:00 15 dealt with from Kono in 1998; am I right? There was no other
way
16 in which people who committed crimes in Kono could be dealt
with:
17 JSU or Sam Bockarie recall?
18 A. Yes, through Sam Bockarie and Superman even if he
himself
19 wished to discipline, yeah.

17:36:21 20 Q. Right. So the only route by which crime could be
punished
21 or prevented from outside of Kono during 1998 was through the
22 intervention of Sam Bockarie?
23 A. Yes.

24 Q. Thank you. You mentioned, I think yesterday, a second
or
17:36:51 25 a third meeting held by Superman at the Tankoro Police
Station?
26 A. Yeah.

27 Q. Is that right?
28 A. Yes.

29 Q. Am I correct that that meeting was held after Johnny
Paul

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1 Koroma and Issa Sesay had left Kono?

2 A. Yes.

3 Q. Now you then, after 1998, meet up again with Sesay in
4 December of -- sorry, I beg your pardon. You meet up with him
in
17:37:34 5 Pendembu?

6 A. Yes, in August '98, sir.

7 Q. And then you go on an operation with him in December
1998
8 to recapture Koidu Town?

9 A. Yes, sir.

17:37:48 10 Q. And so from the period of December 1998, and through the
11 early part of 1999, you are taking some orders from Sesay; is
12 that right?

13 A. Yeah. Like -- yes, from August, while we were in
Pendembu,
14 in the morning, "How are you, sir?" Food there, we eat.
Those
17:38:16 15 were the order. There were no operation order.

16 Q. Well, yeah, nothing is going on in Pendembu
particularly.

17 A. No, not at all.

18 Q. And you are not doing anything particularly?

19 A. Not at all.

17:38:25 20 Q. So December 1998 when you go on the operation with
Sesay,
21 this is the first operation you've been on with him?

22 A. Yes.

23 Q. Well, throughout the whole indictment period --

24 A. Yes, sir.

17:38:38 25 Q. -- except for the attack on Bo?

26 A. Yeah, from 1996. Only Bo we joined together.

27 Q. And from December 1998, January, February, March 1999,
you
28 are taking orders from Sesay during that period?

29 A. Yeah.

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1 Q. Are you taking orders also from Sam Bockarie during this
2 period?

3 A. No, all order were coming directly to Sesay and then
Sesay
4 passed the orders to us.

17:39:17 5 Q. And Sankoh then comes back into the picture around March
6 and April of 1999; am I right?

7 A. Yes.

8 Q. And when Sankoh comes back into the picture, it's pre-
Lome
9 but it's the beginning of the peace negotiations; is that
right?

17:39:37 10 A. Yes.

11 Q. And Sankoh returns, first of all contacting various
12 subcommanders to re-establish contact after several years
being

13 out of contact; am I right?

14 A. Yes.

17:39:54 15 Q. And Sankoh starts to contact individual commanders
himself

16 such as Kailondo, Superman, xxxxxxxx, Sam Bockarie, yourself,
17 Morris Kallon?

18 A. Yes.

19 Q. This was Sankoh's way?

17:40:21 20 A. Yeah. In the morning Sankoh just come in radio room,
21 contact all call sign. All call sign answer to his call. He
22 give -- he give it to you directly without even passing
through

23 Sam Bockarie.

24 Q. So the only time, am I correct, that during the
indictment

17:40:40 25 period -- well, let me put it differently. December, January,
26 February and March, or so, you're taking orders from Sesay,
but
27 after that time you are taking orders also from Sankoh?

28 A. Yes. After Sesay were attacked by Superman, when he
left

29 the scene I was there. I was taking order from Sankoh. I was

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1 taking order from Sam Bockarie, yes.

2 Q. And obviously, if you received an order from Bockarie or
3 Sankoh, that order would countermand any order given by Sesay?

4 A. Yeah, but at that time actually Sesay was not giving me
17:41:38 5 order directly. It was Sam Bockarie more or less, sometimes
6 Sankoh.

7 Q. Right. And increasingly, as UNAMSIL came into the
picture,
8 orders were coming from Sankoh to you and other subcommanders?

9 A. Yes. Some order were coming directly from Sankoh to
Sesay
17:42:04 10 for me; some were coming directly to me.

11 Q. And it was Sankoh who increasingly contacted
subcommanders
12 through 1999 and into 2000?

13 A. Yes.

14 Q. And increasingly became insistent that subcommanders
17:42:28 15 contacted him directly?

16 A. Yes. And he himself contact subcommander give that
direct
17 directive to them without passing any other commander. Once
18 where you are radio there, Sankoh give you direct order
19 sometimes.

17:42:43 20 Q. So by the time you get to May of 2000, or end of April
21 2000, many commanders -- many of these subcommanders were
22 refusing to take orders from anyone but Sankoh. They were
23 expected to take orders from Sesay but, in fact, like we saw
on
24 the radio logs with Komba Gbundema, often refused and waited
for
17:43:15 25 direct orders from Sankoh; is that correct?

26 A. Yes, sir.

and 27 Q. And of course, that included Komba Gbundema, Kailondo
28 Ibrahim Dugba?
29 A. Yes, sir.

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1 Q. And Ibrahim Jalloh; do you remember him?
2 A. Ibrahim Jalloh?
3 Q. Jallah, sorry.
4 A. Yes, Ibrahim Jallah.
17:43:42 5 Q. Is that from the Western Jungle?
6 A. Yes.
7 Q. Another commander who was taking orders directly from
8 Sankoh?
9 A. Yes. Miloskie Kallon, all those were taking direct
17:43:52 10 instruction from Sankoh.
11 Q. In fact, would you agree with this that, effectively,
once 12 again, the men from the Northern Jungle and the Western Jungle
13 aligned themselves together and were refusing to take orders
from 14 those from Kailahun?
17:44:08 15 A. Yeah. Especially the Liberians' tribe -- I mean, the

16 Liberian nationality, they align themselves together with their
17 bosses; that is, Superman and xxxxxxxx.

18 PRESIDING JUDGE: I'm afraid --

19 MR JORDASH: Your Honours, I've only got two questions
17:44:28 20 left.

21 PRESIDING JUDGE: Yes.

22 MR JORDASH:

23 Q. John Peters from the Northern Jungle?

24 A. Yes, sir.

17:44:34 25 Q. One of those who, around the time of April or May 2000,
26 was, like many in the Northern -- from the Northern Jungle,
27 refusing to take orders from the Kailahun men?

28 A. Yes, sir. In fact, he was based with Kailondo in
Makeni.

29 Q. And so by the time of the UNAMSIL incident, what you
have

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Jungle, 1 is fragmentation: Once again, Northern Jungle, Western

2 Sesay, yourself, all reporting directly to Sankoh?

3 A. Yes. If you look at the message I show here, on 16
April I

4 passed a message through Mr Sesay because he and myself, we
are

17:45:32 5 preaching this disarmament to the RUF fighters. But when
Sankoh
6 stopped me directly without passing through Sesay, from that
time
7 now, I have no message to Sesay, neither to Sankoh, until
UNAMSIL
8 incident happened.
9 Q. Okay. Last question: You mentioned, I think during
17:45:52 10 questioning by Mr Taku, I think you said that Rashid Sandy had
11 been killed by Sankoh, and I think you meant Rashid Mansaray?
12 A. Yes, sir, I just mistaken.
13 Q. Thank you. I've got no further questions, thank you.
14 Thank you, Mr Kallon.
17:46:15 15 A. Thank you very much, sir.
16 PRESIDING JUDGE: Well, we've come to the end of the
17 proceedings and to the beginning of our mid-weekend, so we
will
18 rise and resume the proceedings on Thursday. May we rise,
19 please.
17:47:27 20 [Whereupon the hearing adjourned at 5.37
p.m.
21 to be reconvened on Thursday, the 17th day
of
22 April 2008 at 9.30 a.m.]
23
24
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EXHIBITS:

34 Exhibit No. 343A-P

46 Exhibit No. 344

97 Exhibit No. 345

WITNESSES FOR THE DEFENCE:

EXAMINED BY MR TAKU

2

104 CROSS-EXAMINED BY MR JORDASH