

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

MONDAY, 21 APRIL 2008
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Peace Malleni
Mr Felix Nkongho
Mr Alex Paredes-Penades

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Vincent Wagona
Mr Reginald Fynn

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
Ms Lois Mbafor

For the accused Augustine Gbao:

Mr John Cammegh
Mr Scott Martin

1 [RUF17APR08A-BP]

2 Monday, 21 April 2008

3 [Open session]

4 [The accused present]

09:49:46 5 [Upon commencing at 9.40 a.m.]

6 [The witness entered Court]

7 WITNESS: ACCUSED MORRIS KALLON [Continued]

8 CROSS-EXAMINED BY MR WAGONA: [Continued]

9 PRESIDING JUDGE: Learned counsel, good morning. We're
09:50:55 10 going to start -- we're starting our proceedings and Mr
Wagona?

11 MR WAGONA: Yes, My Lords.

12 PRESIDING JUDGE: Yes, you were to continuing this
morning
13 with your cross-examination.

14 MR WAGONA: Yes, thank you, Your Honours.

09:51:16 15 PRESIDING JUDGE: May we please.

16 MR WAGONA:

17 Q. Good morning, Mr Kallon.

18 A. Good morning, sir.

19 Q. Mr Kallon, do you know how far Gandorhun is from Koidu?

09:51:35 20 A. I think approximately 20, 25 miles, if I'm not mistaken,
21 but I'm not really sure the mileage.

22 PRESIDING JUDGE: That's Gandorhun to Koidu?

23 MR WAGONA: Yes, My Lords.

JPK 24 Q. Is it not true, Mr Kallon, that after the intervention,
09:52:14 25 and TF1-371 first stayed in Koidu, and you and Mr Sesay went
26 as far as Gandorhun, where JPK later joined you in order to
27 proceed to Kailahun?
28 A. No, My Lord. We all moved the same day from Koidu Town,
29 while he left first and --

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Can 1 PRESIDING JUDGE: The question covers many locations.
What 2 you limit yourself to the location between -- is it Makeni?
3 were the locations you had in mind? You had Koidu, Gandorhun?
4 MR WAGONA: Only those two.
09:52:58 5 PRESIDING JUDGE: Only those two and then Kailahun?
6 MR WAGONA: Okay.
know, 7 PRESIDING JUDGE: So let's -- let's distinguish, you
8 these locations and finish with one.
9 MR WAGONA:
09:53:11 10 Q. Mr Kallon, is it not true that before JPK set off from
of 11 Koidu on his way to Kailahun, you and Mr Sesay had gone ahead

12 him and he later joined you at Gandorhun?

13 A. No, My Lord. We all set off from Koidu the same time
and

14 we arrived Gandorhun the same time.

09:53:59 15 Q. Is it not true that when JPK and TF1-371 joined you at
16 Gandorhun, you then all spent the night there, and it was the
17 next day that JPK continued to Kailahun?

18 A. My Lord, JPK did not meet me in Gandorhun. We all
arrived

19 there together, it is true, the very day he was wanted to go
with

09:54:32 20 the vehicles but the attacking teams who attacked Koidu Gieya
21 could not able to clear the Kamajors that were blocking the
road,

22 so we all sleep in Gandorhun. The next morning, JPK and TF1-371
23 and others took the footpath from Gandorhun to Kailahun.

24 Q. Now, in 1998 in Kono, while you were there, the radio
09:55:24 25 operators were under your command; not so?

26 A. No, My Lord. I believe those radio operator who did
27 themselves testify before this --

28 PRESIDING JUDGE: What was under his command? The radio
29 what?

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1 MR WAGONA: The radio operators.

2 THE WITNESS: No, My Lord.

3 PRESIDING JUDGE: Were the radio operators under your
4 command?

09:55:51 5 THE WITNESS: No, My Lord.

At

6 PRESIDING JUDGE: The radio operators where, Mr Wagona?
7 what location?

8 MR WAGONA: In Kono.

were

9 THE WITNESS: My Lord, if I may. Those radio operator

09:56:04 10
214

not under my control, and if you can remember, DIS-163, DIS-

message

11 testified before this Tribunal that they were not under my
12 control. And I was not sending message and not receiving
13 on my behalf, only welfare message.

14 MR WAGONA:

09:56:43 15 Q. And was that throughout 1998?

16 A. Yes, My Lord. From February to June -- 30 June 1998 --
17 there were no radio operators under my control. And --

February

18 JUDGE BOUTET: The question was through -- through '98.
19 You answered yes. You said no -- yes, pardon me, from

09:57:11 20 to 30 June. What about before February and after June?

was

21 THE WITNESS: Before February and after June, I was not
22 having no radio operator, My Lord, and after June 30, 1998 I
23 not having radio operator in Kono, My Lord.

09:57:37 24 MR WAGONA: My Lords, with the leave of Court, I wish to
25 read from the transcript of TF1-360 of 21 July 2005.

26 Q. Mr Kallon, I will read for you from line 9 to 14 --

27 JUDGE BOUTET: What's the page?

28 MR WAGONA: It's page 6, My Lords.

29 "Q. At the time that Superman went to Koinadugu what
did

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1 you do?

2 "A. Well, I still remained at Superman Ground. I
worked

3 directly with Morris Kallon as commander. The work that
I

4 was doing was operating the radio. I was receiving and

09:58:37 5 passing information to him."

6 Isn't that what was happening, Mr Kallon?

7 A. No, My Lord. And if I can explain small. I left
Superman

8 at Superman Ground in August, when I went to Buedu under
escort,

9 so Superman do not left me in Superman Ground in Kono. And
then

09:59:13 10 again that witness, if you can recall, DIS-163, that witness
were

11 operating on different ground at Tuyor, where they call PC

12 Ground. He was not operating Superman radio directly, so I
was

13 not in Superman Ground when that witness say he was reporting
to

14 me.

09:59:48 15 Q. Now, on Friday, concerning issuing of passes, you said
you

16 issued only one pass to a civilian; do you remember?

17 A. Yes.

18 Q. But do you accept that you had authority to issue
passes?

19 A. No, My Lord. As I told you, the time we were at --
enter

10:00:15 20 Koidu Town, this old man were sent to me by one of my
colleague,

21 who were Major Rocky. And Rocky feel that the old man was --

22 PRESIDING JUDGE: Answer the question first, Mr Kallon.

23 THE WITNESS: I said no, My Lord, I was not having

24 authority to issue pass.

10:00:39 25 PRESIDING JUDGE: And you can explain now.

26 THE WITNESS: This old man who I give in this written
27 paper, he was sent to me by my colleague, Major Rocky. It was
28 Major Rocky troop that found him in the bush and he wanted to
29 return and get his remaining family, and Rocky sent him to me

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1 because the old man were speaking Mende language. For this
2 reason, Rocky say but your brother is right at the door here;
3 from the village where Rocky was and where I was at Tuyor,
just
4 about a mile distant. So when the old man came I asked him
for
10:01:24 5 he and myself to say. He said no, because of jet raid I
should
6 give him paper so that he can go and retrieve his family from
the
7 bush. That was the time I give him the paper to go and meet
8 Rocky, the same colleague who sent him to me, so that Rocky
can
9 give him guards to go and collect his family.

10:01:45 10

MR WAGONA:

11 Q. And you're referring to TF1-078?

12 A. Yes, My Lord. But I do not do that as an authority to
give
13 pass.

14 Q. My Lord, with leave of Court I will read from the
10:02:06 15 transcript of that witness TF1-078 of 22 October 2004, at page
68
16 up to page 69. Mr Kallon, from page 68 I will read for you
from
17 line 25, and continue to page 69 up to line 3, and it starts
with
18 the answer.

19 "A. What was my concern at that moment was to get my
10:02:56 20 balance people from the forest, because they were --
their
21 lives were at risk too. I told him I had left some
people

22 in the bush. I wanted pass. He said no, he was not
23 authorised to issue pass to civilians, but he would give
me

24 some his security to take me to Major Morris Kallon. He
10:03:46 25 could do that. He was the only person in authority to
do
26 that."
27 Weren't you the only person in authority to issue passes
at
28 that time?
29 A. No, My Lord. As I told you, passes were only authorised
by

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1 G5. I only write letter -- wrote letter to Rocky to give the
old
2 man security so that he can go and retrieve his family from
the
3 bush.

4 Q. So you did not issue a pass?
10:04:26 5 A. No. It was written letter I give the old man to Rocky
6 back, the man who sent him to me.

7 Q. Is it not part of your case, in fact, that at Guinea
8 Highway you were busy issuing passes to civilians?
9 A. No. My counsel don't use that phrase, but that was not
my
10:04:36 10 assignment.

11 Q. Okay. I'm going to read for you from the testimony of

12 TF1-015, 31 January 2005, at page 97 going on to page 98, and
13 this is during cross-examination of this witness by your
counsel.

14 PRESIDING JUDGE: TF what?

10:05:13 15 MR WAGONA: TF1-015.

16 Q. And I'll first read for you from line 9 to 11.

17 "Q. Let me just put it to you that Morris Kallon was
never

18 at the Sunna Mosque, he was never there. I'm putting it
to

19 you."

10:06:00 20 And then from line 28 onwards to the next --

21 PRESIDING JUDGE: What was the response to that question
in

22 cross-examination?

23 MR WAGONA: My Lord, the next question is the same
question

24 so --

10:06:37 25 PRESIDING JUDGE: I see. Okay.

26 MR WAGONA: So the response will come out later.

27 Q. From line 28:

28 "Q. I'm further putting it to you that Morris Kallon
was,

29 at that time, busy at that time at that time at Guinea

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1 Highway issuing passes to civilians.

2 "A. Teacher, that time was far behind me. The time of
my
3 captivity was far behind me before they started issuing
4 passes to enter.

10:06:45 5 "Q. I'm just putting it to you. You can deny it. You
can
6 say no or yes. It is up to you. But my question is:
He
7 was not there. He was at Guinea Highway issuing passes
to
8 civilians.

9 "PRESIDING JUDGE: You are putting it to him? It is not
a
10:07:05 10 question.

11 "MR TOURAY: Yes.

12 "Q. I'm putting it to you that Mr Kallon was never at
the
13 Sunna Mosque; he was at the Guinea Highway issuing
passes
14 to civilians."

10:07:17 15 So isn't it in fact your case that you were busy issuing
16 passes to civilians at this time?

17 A. My Lord, I told you: I said my counsel just use that
18 phrase but I was not using, issuing passes to civilians, as I
19 told you.

10:07:35 20 MR TAKU: Your Honours, we are interested to, with your
21 permission, Your Honours, to know the answer of the witness,
22 whether the witness said "yes" or "no," whether it was agreed
or
23 not. Let him read the answer of the witness; I'm interested
to

to 24 know, Your Honour. Maybe your colleagues might be interested

10:07:50 25 know.

26 PRESIDING JUDGE: Yes. The response, you know, of the
27 witness. That is what -- that was my earlier question.

28 MR WAGONA: My Lord, I've read the response.

29 PRESIDING JUDGE: What was the response?

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1 MR WAGONA: Which was: "A. Teacher, that time was far
2 behind me. The time of my captivity was far behind me because
3 they started issuing passes to enter."

4 So that was the response but counsel kept putting the
10:08:18 5 question.

6 PRESIDING JUDGE: Are you saying that the witness did
not
7 respond to that question? Or to what counsel was putting to
him?

8 MR WAGONA: Well, I can read out what followed
9 subsequently, if that's the inference --

10:08:34 10 PRESIDING JUDGE: If it is not relevant, please, you
know,

11 let us be done with it.

12 MR WAGONA: It's not relevant.

13 PRESIDING JUDGE: Right. Let's proceed.

14 MR WAGONA:

10:09:14 15 Q. Now, Mr Kallon, you remember you gave a notification of
16 alibi; do you recall that?

17 A. Yes, My Lord.

18 Q. And that was filed on 8 May 2007?

19 A. Actually, I don't know the date they file it.

10:09:44 20 Q. Now, I'm going to read from that notification, at page
3,

21 where it says:

22 "Morris Kallon was on ambush mission in Gold Town
Village

23 between Sewafe and Masingbi around 15 December 1998, and

24 then proceeded to Makeni. He did not return to Kono
until

10:10:23 25 the beginning of January 1999."

26 Is it the case that once you got to Gold Town, you never
at

27 all returned to Kono?

28 A. My Lord, Gold Town itself is Kono. It's in Kono
District.

29 And immediately after the ambush fell, the next morning, when

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1 Koidu Town were clear, I came back to Koidu with one of the
2 captured Hilux, Toyota Hilux, and give the salute report to
3 Mr Sesay that the ambush failed successfully and this -- this
4 were the one we capture in the ambush. Right where I met
10:11:23 5 Mr Sesay, I left him there and returned back to the same spot
of
6 the ambush. There the advance troop started moving. So I was
7 within Kono District at that same time. I not just move from
8 Kono District to Koidu District, My Lord.

9 JUDGE BOUTET: But this alibi notification, does it talk
10:11:53 10 about Kono District or it talks of Kono Town -- Koidu Town?
You
11 say Gold Town is Kono. Do you mean Kono Town or Kono
District.

12 THE WITNESS: Please, sir, the alibi is not before me;
I'm
13 just responding to what he read to me. I say Gold Town itself
is
14 within Kono District.

10:12:14 15 JUDGE BOUTET: In district, not in Koidu Town?

16 THE WITNESS: Not in Koidu Town, My Lord.

17 MR WAGONA:

18 Q. Well, the alibi only talked about Kono. So your
evidence
19 is that you did return to Koidu?

10:12:28 20 A. Yes. When the ambush fell, the next morning I returned
to
21 Koidu Town. I met with Mr Sesay and I moved back to where the
22 ambush was.

23 JUDGE BOUTET: And the ambush was in Kono District?

24 THE WITNESS: Yes, My Lord.

10:12:53 25 JUDGE BOUTET: So during all that time you were in Kono

26 District?
27 THE WITNESS: Yes, My Lord. Gold Town is in Kono
District.
28 JUDGE BOUTET: So the ambush location was Gold Town?
29 THE WITNESS: Yes, My Lord.

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1 JUDGE BOUTET: In Kono District you went from Gold Town,
in
2 Kono District, to Koidu Town also in Kono District, so during
all
3 of that time you remained in Kono District?

4 THE WITNESS: Yes, My Lord. I went on the ambush in
Kono
10:13:18 5 District and when the ambush fell I used the highway that I
set
6 the ambush on, I came to Koidu Town, and I used the same
highway
7 back to the ambush location, My Lord, before ever I cross to
8 Tonkolili District, My Lord.

9 JUDGE BOUTET: Thank you.
10:13:42 10 MR WAGONA: My Lords, I would now wish to, with leave of
before
11 Court, to place the exhibit, the complete version of 336,
12 the witness. I have distributed copies already to the Defence
13 teams. My Lord, this is the exhibit I was trying to refer to

14 on --

10:14:15 15 PRESIDING JUDGE: The complete --

16 MR WAGONA: Yes. Yes.

17 PRESIDING JUDGE: -- version of what was --

18 MR WAGONA: What was supposed to be Exhibit 336.

19 PRESIDING JUDGE: You want to show him that? You want
to

10:14:30 20 show --

21 MR WAGONA: Yes, My Lord.

22 PRESIDING JUDGE: Yes, go ahead.

23 MR JORDASH: Sorry, may -- could I just inquire whether
the

24 Prosecution have a spare copy? I left my copy in my office.

10:15:38 25 PRESIDING JUDGE: Ask them.

26 MR WAGONA:

27 Q. Mr Kallon, if you could open the first page where the
list

28 of names starts; you have that?

29 A. Yes, My Lord.

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1 Q. Why do you say that name number 3, Lieutenant-Colonel
2 Morris Kallon, was not you?

3 A. Because, My Lord, it was not me. I told you during your
4 cross-examination that there were one Morris Kallon with
Superman

10:16:17 5 and he was an STF.

6 Q. And he was a lieutenant-colonel.

7 A. Yeah. We met him in Freetown here. He retreated from
8 Freetown with his rank as lieutenant-colonel, where some of
other

9 colleague of him were major.

10:16:39 10 Q. So, as far as you are concerned, you appear at number 8
11 Major Kallon?

12 A. Yes, My Lord.

13 Q. Could you please turn to the page which ends with 25585.
14 25585; do you see that?

10:17:43 15 A. Yes, My Lord.

16 Q. And you will see that it has manpower to building site
and
17 lists four names there?

18 A. Um-hmm.

19 Q. Do you know anything about what that was referring to?

10:18:07 20 A. Please permit me to look the previous page before coming
to
21 that.

22 Q. Okay.

23 A. So that I can able to address myself. No, I don't know
24 that.

10:18:40 25 Q. And the next item, "manpower to cut sticks for overall
G5
26 commander," with three names there, do you know anything about
27 that?

28 A. No, My Lord. As I told you, G5 were the one in charge
of

that 29 the civilians control, and 041 testified before this Court

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1 he was the one in charge of the civilians in Kono.

to, 2 PRESIDING JUDGE: What page did you refer the witness

3 Mr Wagona? The second page after 25585.

4 MR WAGONA: My Lord, it's on the same page.

10:19:16 5 PRESIDING JUDGE: On the same page?

6 MR WAGONA: Yes.

7 PRESIDING JUDGE: I see. Okay.

8 MR WAGONA:

one 9 Q. Mr Kallon, could you move ahead from that page to the

10:19:28 10 ending with 25588?

11 A. Yes, I'm there, sir.

top 12 Q. And you will see that that one is -- has a date at the

see 13 right-hand corner of -- I think that is 13 July '98; do you

14 that?

10:20:02 15 A. Yes, My Lord.

you 16 Q. And then it says "list of manpower to go for food." Do

17 see that?

18 A. Yes, My Lord.

19 Q. And then you'll notice that the first 19 names have
ranks

10:20:18 20 against them; do you see that?

21 A. Yes, My Lord.

22 Q. And the subsequent names from 20 to 51 do not have any
23 indication of ranks against them; do you see that?

24 A. Yes, My Lord.

10:20:39 25 Q. Do you know anything about this manpower going for food?

26 A. My Lord, the document itself speaks for itself. If you
27 look at list of the names, manpower to go for food, SLPA, RUF,
28 then you see junta 2 in brackets. Those junta 2, the troop
that
29 retreated from Freetown, they brought a lot of young men along

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1 with them that they say they were alleged to be a collaborator
2 from Freetown here. So when they got to Kono they named this
3 group as junta 2, and they were directly under the commander
4 [sic] of Superman and his deputy. Then some of the SLA who
were

10:21:34 5 from those different, different barracks from Freetown, they
also

I 6 retreated with this type of people. So that is the only thing
7 can able to tell you about these name.

as 8 Q. So at this time the SLA was still working with the RUF
9 junta 2; is that right?

10:21:55 10 A. No. I do not say the junta 2 were SLA. They retreated
11 together from different, different barracks. Those soldiers
who 12 retreated from Gold Town Barracks, those who retreated from
Juba, 13 those who retreated from Wilberforce, those who retreated from
14 Benguema and as well as Teko Barracks, they were having this
type

10:22:23 15 of group of people called junta 2 and when they were leaving
16 Kono, majority of this junta 2, they remained in Kono; they do
17 not follow the SLA.

18 Q. So they remained in Kono with the RUF?

19 A. Yes, with Superman.

10:22:52 20 JUDGE BOUTET: Mr Wagona, before you move ahead, so I
21 understand what the witness appears to be saying here, I'm
just 22 trying to understand this question of civilians with names of,
or 23 rank beside that name, I presume these are civilians with -- I
24 see on the page 588, the very first name is, I think, James

10:23:39 25 Koroma, and then I just -- it means Corporal John Tarawallie
26 combat medic -- combat medical. What does that mean, Mr
Kallon?

27 Does that mean that Koroma was with Tarawallie or he came out
of 28 Freetown with Tarawallie? How -- you see number 2, it says
Abu

29 Conteh, again the same John Tarawallie. So --

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1 THE WITNESS: A lot -- the document itself before you.

2 JUDGE BOUTET: Yeah.

speaks

3 THE WITNESS: Myself, I believe the writing on it it

4 for itself. I cannot really say whether John Tarawallie came

10:24:25 5 with James Koroma and John Tarawallie and James Koroma, who is

6 the corporal, My Lord, you know, because I was not there when

7 this list were prepared.

morning

8 JUDGE BOUTET: But somewhere in this document this

9 when I was looking at it, somewhere I saw, and that's what I'm

10:24:45 10 looking for, civilians that were attached to military or

11 something like that. And that's what I was trying to find out

12 from you, what was the meaning of that.

13 MR WAGONA: My Lord, that might be on a different page.

14 JUDGE BOUTET: Right. It may be on a different page in

10:25:10
if

15 here. But I was trying to see if it had the same meaning or

an

16 not, well, yeah. I'm looking at 583 at the top. It says, as

17 example, name of civilians from Banya Ground and their
caretaker,
18 so I'm using that as an example. I'm not saying he is. You
see
19 583, Mr Kallon?
10:25:36 20 THE WITNESS: I'm looking for it, sir. Yes, sir, I've
seen
21 it, sir.
22 JUDGE BOUTET: You see at the very top what it says?
23 THE WITNESS: Yes, sir, name of civilian from Banya
Ground
24 and their caretakers.
10:25:47 25 JUDGE BOUTET: So I see on the left-hand side of that
page
26 it's, I presume these are civilians, and on the right-hand
side
27 is caretaker that appear to be military, so it would be
Captain
28 Tarunka.
29 THE WITNESS: Yes, sir, as according to the document.

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1 JUDGE BOUTET: Yes, yes, according to the documents.
But
2 you know nothing about that document yourself?
3 THE WITNESS: No, sir, I was not at Banya Ground. This

4 proved that this document were prepared at Banya Ground.

10:26:22 5 JUDGE BOUTET: That's all right, Mr Wagona. I'm sorry
for

6 that, I was just trying to make sense of all of this -- these
7 names, so.

8 MR WAGONA:

9 Q. Okay. Mr Kallon, if you could go back to where we were?

10:26:34 10 A. To where?

11 Q. To 25588?

12 A. Yes, My Lord, I'm there.

13 Q. Now, those names from 20 to 51 would have been
civilians;

14 is that correct?

10:26:47 15 A. No, My Lord. I cannot answer say "yes" because they
have

16 private soldiers who do not carry rank, so I can cannot see
name

17 written under a ranking or officers, then those without rank I
18 say as presume them to be civilians.

19 Q. Okay. If you could move to the next page ending with
10:27:19 20 25589; are you there?

21 A. Yes, My Lord.

22 Q. You'll see that that one also has the date of 13 July
'98?

23 A. Yes, My Lord.

24 Q. And it is also a list of manpower to go for food?

10:27:34 25 A. Yes, My Lord.

26 Q. Now, do you see name number 3, name number 5 and name
27 number 6, indicating that they are SBU? Do you see that?

28 A. Yeah, I have seen this, sir.

29 Q. Do you know anything about what these SBUs were at this

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1 time?

here,

2 A. No. But, My Lord, as I told you, even myself sitting

3 I retreated with children. Probably this could be one of the

4 children who were with their elder brother or their family but

10:28:18 they

5 because of they were not a full grown man, that's why maybe

language

6 put this and the movement, or the RUF, who were in the

7 SBUs started from 1991. Anyone below 18 years or 15 years, we

reason

8 used to call them Small Boy Unit. Probably that was the

9 they put this name. But I cannot say whether they were gun

10:28:42 I

10 carrier or not. And then also the heading there is junta 1.

11 don't know, actually.

12 Q. But it also has SLPA/RUF; do see that?

13 A. Yes, My Lord.

10:29:15 we

14 JUDGE BOUTET: Mr Kallon, in your -- when you were

15 describing SBU from 1991, you say those below 18 or 15 were --

16 considered them we called them SBU; is it 18 or 15?

17 THE WITNESS: Fifteen, My Lord.

18 JUDGE BOUTET: Fifteen.

19 THE WITNESS: Yes, sir, My Lord. Those that you brought

10:29:32 20 who were below that age they were calling them SBU and when
they

21 Gio returned, that name just left in Sierra Leone within the
RUF.

22 And then, Mr Wagona, you strike my mind if I may, sir?
Through

23 this -- through this document, I believe this don't prove that

24 there were only three of this type of small boy in Kono. So
it's

10:30:16 25 me, your witness TF1-141 was not in Kono. Your witness TF1-
263,

26 who testified before this Court, also were not in Kono because

27 their name are not mentioned in this document.

28 MR WAGONA:

29 Q. That's what you say?

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1 A. Yes, sir, their name are not there, My Lord.

2 Q. Okay. If you could --

3 JUDGE BOUTET: Sorry, what are the names you just -- not

4 the -- the pseudonym you just mentioned?

10:30:49 5 THE WITNESS: My Lord, sir, TF1-141.

6 JUDGE BOUTET: Yes.

7 THE WITNESS: And TF1-263, My Lord.

8 JUDGE BOUTET: Thank you.

9 MR WAGONA:

10:31:02 10 Q. Mr Kallon, if you could move to -- further ahead to the
11 page ending with 25591.

12 A. Yes, My Lord.

13 Q. And it has towards the middle names of new captives
along
14 Guinea/Sierra Leone highway, and you will see three names
there.

10:31:28 15 Do you know anything about these captives who were being
referred

16 to?

17 A. No, My Lord. And I'm quite sure this prove a record
sake
18 that all civilian within the RUF were on the record or their
name
19 were recorded and location and how they came into the RUF.

10:31:57 20 That's why maybe you see the indication there: Name of
captive,

21 and there are three in number with their ages, everything.
18,

22 18, 28, plus. And your witness TF1-041 acting -- he really

23 explained that before this Court, that wheresoever they got a

24 civilian, they used to take them to an alafia zone, where

10:32:29 25 civilian will not be maltreated and they will, he, as a G5, if
he

26 see people maltreated then they will charge him for tantamount
to

27 sabotage, something like that, the word he used here.

28 Q. Okay. If you could move to 25592. Are you there,

29 Mr Kallon?

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1 A. Yes, My Lord.

2 Q. You'll see that at the top it's dated 15 July '98?

3 A. Yes, My Lord.

4 Q. And then you'll see this is a long list which has name
of

10:33:10 5 civilian women and officer in charge. And you will see that
6 against each name of a civilian woman, there is an officer in
7 charge with a rank. And you will see that this list goes on
8 through the next pages and ends at 183; do you see that?

9 A. Yes, My Lord.

10:33:48 10 Q. Do you know anything about these women and what they had
to

11 do with the officers in charge of each of them?

12 PRESIDING JUDGE: What page is this?

13 MR WAGONA: My Lord --

14 PRESIDING JUDGE: You said it was 92?

10:34:01 15 MR WAGONA: It's at 25592.

16 PRESIDING JUDGE: 92, yes. To --

17 MR WAGONA: And that list goes on up to 25595.

18 PRESIDING JUDGE: Yeah, because I heard you say 85 or
so,

19 so, anyway 25595.

10:34:17 20 MR WAGONA: Yes, My Lord.

21 Q. Mr Kallon, the question is: Do you know anything about
22 these women and what they had to do with officer in charge of
23 each woman?

24 A. To answer this question, this particular one, I don't
know.

10:34:37 25 But, if I may explain? Even where we were in Superman Ground,
26 myself, Superman himself --

27 PRESIDING JUDGE: Are you explaining in relation to this
28 page to which you have been referred?

29 THE WITNESS: Yes, My Lord, something like because where

I

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1 was present. I just went to show the sort of relationship.

2 PRESIDING JUDGE: Yes, go ahead.

3 THE WITNESS: Where we were at Meiyor, Superman Ground,
4 myself, Superman himself our wife names all were written

against

10:35:09 5 our names to prove that this is a record to show the living
human

6 being within each of commanding post of the RUF. So if you

7 happen you married this woman that you have to write the woman

8 name to your -- opposite your name.

9 MR WAGONA:

10:35:32 10 Q. So according to you these were wives of these --

11 A. Yeah.

12 Q. But the list --

13 PRESIDING JUDGE: Are you sure they are their wives?

14 THE WITNESS: Like, for what happened in -- where I was,

10:35:46 15 sir.

16 PRESIDING JUDGE: You are speculating. How do you know

17 about that?

18 THE WITNESS: That's why, sir, I cannot say on this but

19 where I was, so they write our names. They write your name,
then

10:35:56 20 they write your wife's name.

21 PRESIDING JUDGE: Speak about what you know.

22 THE WITNESS: Yes, sir.

23 PRESIDING JUDGE: We don't want you to speculate.

24 THE WITNESS: I'm sorry, sir.

10:36:08 25 MR WAGONA:

26 Q. But do you see, Mr Kallon, that this one does not
indicate

27 wife? It just say "officer in charge."

28 A. Can I just explain, sir?

29 Q. Yes, please.

Ground
your
just
same

1 A. I cannot speak on this document more but in Superman
2 what happened, when they write your name, they have to write
3 wife name and those wives, they were not a soldier, so they
4 have to write their name as civilian. I'm sure that was the

10:36:30 Kono
5 situation in other part of the camps that were operating in
6 at that time, and that was instruction given by Superman.

name
you

7 Q. Okay. If you follow that list, and go up to 157, the
8 at 157, do you see that? The name is Madusu Tarawallie. Do
9 see that?

10:37:01 10 A. Um-hmm.

11 Q. And the officer in charge of that woman is Major Kallon?

12 A. Um-hmm.

13 Q. Do you know anything about this Major Kallon, who was in
14 charge of Madusu Tarawallie?

10:37:12 were
15 A. No. I told you even if you look the first name there
16 two Major Kallon.

17 Q. And the name at 162 of Fatmata Kargbo also had Major
18 Kallon?

19 PRESIDING JUDGE: What page, Mr Wagona?

10:37:30 20 MR WAGONA: My Lord, I'm at page 25594. And on the list
21 it's -- the name at 157.

22 THE WITNESS: No. You have at that time, as I told you,
23 you have Major Kallon, Miloskie Kallon; you have Major Morris
24 Kallon; you have Major AS Kallon. All those people were
Kallon.

10:38:06 25 So these two Kallons, with this woman, I don't know their
women's
26 name, but -- and those of the name you call or you saw on this
27 list are none of my woman, my women, my two women, their
names.

28 MR WAGONA:
29 Q. And if you go on the next page, page 25595, the name
that

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1 appears at 174?
2 A. Um-hmm.
3 Q. Has a woman's name Aminata Joe and the officer in charge
of
4 that woman is Major Kallon. Do you know anything about that?

10:38:49 5 A. Which number, sir, please?

6 Q. 174?

7 A. Um-hmm.

8 Q. Has Aminata Joe?

9 A. Um-hmm.

10:38:56 10 Q. And the officer in charge is Major Kallon?

11 A. No, sir. The name Kallon, just like you go to graveyard
12 and call grandfather in Sierra Leone here, it is plenty, My
Lord.
13 Mr Wagona, please, My Lords, if you look the list again, it
will
14 show -- on page 25575 it showed the different, different,
10:40:16 15 different authority who were in charge of -- who made this
16 document. You will see their signatures and --
17 PRESIDING JUDGE: Mr Kallon, what page?
18 THE WITNESS: 25575, My Lord. You will see the brigade
19 commander approved this document. You will see the brigade G5
10:40:40 20 commander. You will see the brigade MP commander. You will
see
21 the third brigade IDU commander. So -- then on page 25576,
you
22 will se adjutant, different, different, different signature
who
23 were in charge of those, who prepared this type of list, My
Lord.
24 Nothing. Then if you go on page 25581, you will see
different,
10:41:21 25 different brigade G5 commander, battalion IDU commander,
brigade
26 MP commander. Then you will see signature of captain, you
know.
27 Different, different, different authority who prepared these
28 documents, and which I believe throughout you will not found
29 anything done by me. You will see this one, Major Balla. You

1 will see Signal, you know. So on and so forth, My Lord.

2 MR WAGONA: My Lord, I would apply to -- to make this an
3 exhibit. I don't know whether I should apply to substitute
the
4 previous exhibit but, My Lord, you have indicated you would
10:42:24 5 prefer that it should be --

6 PRESIDING JUDGE: I would prefer that it should be a
7 separate exhibit, which identified the earlier one. We don't
8 want any confusion. Yes, is there any objection?

9 MR TAKU: Absolutely no objection, Your Honours.

10:42:44 10 MR WAGONA: My Lord, I have a copy for the Court.

11 PRESIDING JUDGE: The document is -- have you shown it
to
12 the other Defence teams? Mr --

13 MR JORDASH: No objection.

14 PRESIDING JUDGE: No objection. Mr Cammegh, any
objection?

10:43:43 15 MR CAMMEGH: No.

16 PRESIDING JUDGE: It is admitted and marked as Exhibit
346.

17 [Exhibit No. 346 was admitted]

18 PRESIDING JUDGE: And for the records, let it be
mentioned
19 that Exhibit 346 has a nexus with exhibit -- what is it again?

10:44:06 20 MS KAMUZORA: It's Exhibit 336.

21 PRESIDING JUDGE: With Exhibit 336. As, indeed, Exhibit
22 336 is part of the entirety of Exhibit 346. That is the

23 understanding of the Tribunal, is it, Mr Wagona?

24 MR WAGONA: Yes, My Lord.

10:44:55 25 Q. Now, Mr Kallon, your deployment in Kono in 1998 after
the

26 intervention was done by Sam Bockarie together with Mr Issa
27 Sesay; is that correct?

28 A. It was done by Sam Bockarie, not Mr Issa. Sam Bockarie
was

29 Superman. Because when we got to Gandorhun, everybody were
about

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who 1 to go to Kailahun. It was Sam Bockarie who suggested -- or

Sesay, 2 selected those who for go with Johnny Paul Koroma, that Mr

3 371 and JPK and his wife, with their wives and their children,

4 were the one allowed to go. Sam Bockarie instructed Superman

10:45:47 5 that all other body are to stay within Kono. So it was not
Sesay

6 who said Kallon, you are to stay in Kono. No, he do not tell
me

7 so.

8 MR TAKU: Your Honours, I just want to, with your

9 permission, to make the record that this question was asked.
In

10:46:08 10 fact, it was among the very first questions my colleague asked
11 and his very answer was given.

12 PRESIDING JUDGE: What is wrong with asking it again?

13 MR TAKU: Well, I just wanted to --

14 PRESIDING JUDGE: Yes, right.

10:46:19 15 MR TAKU: But I just wanted to indicate that that is
what's
16 happening; he is revisiting these questions he asked when he
17 started his cross-examination. That's just all.

18 PRESIDING JUDGE: At times, it could occur to you, I
mean,
19 you may forget that you've put a question and you want to be
very
10:46:36 20 sure of what you've done before you proceed and you put the
21 question again. The response is the same, that's fine. We
only
22 interfere with the -- when the questions become very
repetitive
23 and tend to be oppressive and vexatious to the witness.

24 Yes, you may proceed, please, Mr Wagona.

10:47:09 25 MR WAGONA: Thank you, My Lord.

26 Q. And during your stay in Kono after the intervention,
would
27 you agree that the majority of the battalion commanders, the
RUF
28 battalion commanders, would have been junior commandos?
29 A. No. No, sir. If I can explain that to you better
again?

1 Q. Yes, please.

2 A. After Johnny Paul left, Superman organised this
battalion

3 this way, if you look at Exhibit 95. I think three of these
4 battalion were headed by SLA. Lieutenant Tito was an SLA.

10:48:01 5 Captain Savage was an SLA for Tombodu. Then one Lieutenant
Athur

6 or so, they were SLA. After they left, Superman appointed
7 strategic position with majors rank and majority were not
junior

8 commando. Like for Yellow Mosque, Kailondo was a Vanguard,
Major

9 Kailondo. Like, Wendedu, later to Tombodu, Rocky CO was a
10:48:38 10 Vanguard, you know. Only Woama, I knew it was headed by a
junior

11 commando, one Major Amara Bockarie, alias Amara Ambush. Major
12 Konowa, at Tuyor, was a Vanguard, and so on and so forth,
13 My Lord.

14 Q. Now, you had testified that, as far as you are
concerned,

10:49:08 15 TF1-366 and TF1-371 testified that you were the commander in
16 charge of Kono because they had a motive against you; do you
17 remember that?

18 A. Yes. And, in fact, they testified against me, which is
not

19 even charged in the indictment, of the time frame, the
position

10:49:37 20 they had for me there. TF-371 say I was battle-group
commander,
21 and the most senior, which of course the indictment do not
even
22 charge for me that. TF-366 also said I was battle-group
23 commander in 1998, which of course I was; the indictment do
not
24 charge me in that.

10:50:04 25 Q. Now I want to read for you from the transcript of TF1-
334
26 of 19 May 2005 at page 7?
27 PRESIDING JUDGE: TF1-334.
28 MR WAGONA: Yes, My Lord. 19 May 2005 at page 7, from
line
29 1 to line 13.

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I'm 1 "Q. I think you already dealt with this yesterday, but
individual 2 going to ask you again. Who was the most senior
3 in the RUF in Kono before Morris Kallon came?
4 "A. It was Superman.
10:50:48 5 "Q. After Morris Kallon came, who was the most senior
6 figure in the RUF in Kono?
7 A. Morris Kallon.

8 Q. Who was immediately subordinate to him in the RUF?
9 A. Superman."
10:51:06 10 PRESIDING JUDGE: Who was immediately subordinate to
who?
11 MR WAGONA: To Kallon.
12 PRESIDING JUDGE: Answer "Superman"?
13 MR WAGONA: Yes, My Lord.
14 "Q. Do you know who was superior in the RUF to Morris
10:51:21 15 Kallon?"
16 PRESIDING JUDGE: Was Superman, if I may halt you there,
17 was Superman ever subordinate to Morris Kallon, from the
evidence
18 we have?
19 MR WAGONA: Well, My Lord, this is one of the pieces of
10:51:36 20 evidence I am reading.
21 PRESIDING JUDGE: You are reading evidence but we are
not
22 here to listen to -- anyway, go ahead.
23 MR JORDASH: Your Honour, may I just interject on that
24 issue? I do think it's important to put it on record that the
10:51:53 25 Prosecution, as yet, have not indicated who it is they say was
in
26 charge of Kono during 1998 when Superman was present. They
27 appear to be sitting between two boats: One, that Superman
was
28 the head of Kono; two, that Mr Kallon was the head of Kono.
29 These are significant discrepancies which, of course, impact
on

1 the accused and we're trying to address the various
liabilities 2 which are charged in the indictment.
3 And I've noticed during the cross-examination of Mr
Kallon 4 that the Prosecution have carefully, studiously avoided saying
10:52:33 5 which man was the head of Kono. What is their case on Kono?
We 6 done know. So I put that on record at this stage.
7 PRESIDING JUDGE: We made our comments at that time --
at 8 the appropriate time. It is for them to make their case and
for 9 us to determine, at the end of it, you know, whether the case
has 10 been made or not.
10:52:52 10
11 MR JORDASH: Yes. I'm simply saying we don't know what
the 12 case is.
13 PRESIDING JUDGE: That's why I'm putting, I'm asking him
14 this question: It was, is there anywhere on the records that
it 15 was said, you know, that Morris Kallon, or rather Superman,
10:53:02 16 was
17 under the orders of Morris Kallon, following the evidence of
18 TF1-334, which you are citing here on page 7, lines 1 to 13.
You
19 may continue reading; it's just a comment, you know. You may

19 continue. I don't want to get into --
10:53:27 20 MR WAGONA: Much obliged, My Lord.
21 PRESIDING JUDGE: Yes, you may continue.
22 JUDGE BOUTET: But I'm not sure it is the right
quotation,
23 by the way, because I look at the final transcript and what
you
24 are quoting would appear to be on page 8, and not page 7, in
any
10:53:47 25 event.
26 MR WAGONA: My Lord, what I have is an actual printout.
27 JUDGE BOUTET: Of what?
28 MR WAGONA: Of the transcript itself.
29 JUDGE BOUTET: Of the final transcript?

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1 MR WAGONA: Yes.
2 PRESIDING JUDGE: Or the draft transcript?
3 MR WAGONA: No, no. That particular page. And I also
have
4 page 8. But I was referring to page 7.
10:54:42 5 JUDGE BOUTET: We seem to have different transcript.
6 Anyway, that's fine. Move ahead.
7 MR WAGONA: Maybe. It's possible.

8 Q. So, Mr Kallon, you were the commander in charge of Kono,
9 were you not?

10:55:00 10 A. No, My Lord. If I can recall your attention back to
your
11 witness TF1-071, he testified I think four or five days in
this
12 trial, he showed the command structure of Kono.

13 PRESIDING JUDGE: TF1--

14 THE WITNESS: 071.

10:55:22 15 PRESIDING JUDGE: Yes.

16 THE WITNESS: He do not say I was in charge.

17 JUDGE BOUTET: Was this Junior Lion?

18 THE WITNESS: No, sir, no.

19 JUDGE BOUTET: It's another one. Okay.

10:55:31 20 THE WITNESS: 071. Then, TF1-167 testified before this
21 Tribunal. He showed the command structure which fall Exhibit
9.

22 PRESIDING JUDGE: TF1--

23 THE WITNESS: 167, My Lord.

24 PRESIDING JUDGE: 167.

10:55:47 25 THE WITNESS: Then TF1--

26 PRESIDING JUDGE: You say it was exhibit what?

27 THE WITNESS: Exhibit 9, My Lord. Then TF1-361 said
28 Superman was the commander. Then TF1-360 say Superman was the
29 commander.

1 PRESIDING JUDGE: TF1-360?

2 THE WITNESS: Yes, My Lord, and TF1-361. As I say, only
3 TF1-366 and 371, because of their motive they get against me,
4 that's why they say I was the more senior officer in Kono.

And

10:56:31
don't

5 as I told you, TF1-334, I don't know him in person and he
6 know me. I only knew the officer he alleged that he was with,
7 Kono, and he was the overall operation commander.

in

8 MR WAGONA:

9 Q. So according to you it is only TF1-371 and 366?

10:56:59
which

10 A. Yeah. Then 141, who say I was battlefield commander,
11 of course the indictment itself did not say I was battlefield
12 commander in 1998 at Guinea Highway.

2005,

13 Q. Okay. Let me read for you from TF1-045, 21 November
14 page 59, from line 4 to line 10.

10:57:43

15 "Q. At this time that you were in Buedu was there a
16 commander in Kono?

charge.

17 "A. Yes. I said during that time before we came Kallon
18 was in charge. Issa Sesay assigned Kallon to be in
19 He was in charge of that place.

10:58:07

20 Q. Of what place?

21 A. I said he was in Kono Town, Koidu."

22 A. My Lord, that witness was not in Kono.

23 PRESIDING JUDGE: Are you saying "yes" or "no"?

24 THE WITNESS: No.

10:58:24 25 PRESIDING JUDGE: He has said so. Let's move from that
26 topic. A recital of the testimony of a hundred Prosecution
27 witnesses will not change his reply to this.

28 MR WAGONA: My Lords, that will be all.

29 PRESIDING JUDGE: Yes.

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any 1 Mr Taku, do you have any re-examination? Do you have
2 questions in re-examination of this witness.

3 MR TAKU: Yes, Your Honours.

4 PRESIDING JUDGE: Yes, you may proceed.

10:59:58 5 RE-EXAMINED BY MR TAKU:

6 MR TAKU: Good morning, Your Honours.

7 Q. Good morning, Mr Kallon.

8 A. Good morning, chief.

9 Q. I have a few questions for you, okay?

11:00:06 10 A. Yes, sir.

11 Q. Show Mr Kallon Exhibit 346, please.

12 A. If I'm not mistaken, I think I have a copy here.

look

13 Q. Okay. Okay. Thank you, Mr Kallon. Now, Mr Kallon,
14 at that -- I have a copy here.

11:00:55 15 PRESIDING JUDGE: Please look at the Court exhibit;
16 withdraw the other one. Look at the Court exhibit.

17 THE WITNESS: Yes, My Lord.

18 MR TAKU:

pages

19 Q. Mr Kallon, look at the handwriting in the different

11:01:12 20 of that exhibit. Can you tell the Judges if those entries --

by

21 those -- those pages, the writing on those pages, were written

22 the same person or by different individuals?

23 PRESIDING JUDGE: Is he a handwriting expert?

24 MR TAKU: Okay. Let me make the comment, Your Honours.

11:01:47 25 Let me proceed from this.

will

26 Q. This -- this from the exhibit, now it is a exhibit you

27 see that the writing on the different pages --

28 PRESIDING JUDGE: Then it's a matter for submissions.

29 MR TAKU: Okay, Your Honour.

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1 PRESIDING JUDGE: So the question is overruled.

2 MR TAKU: Thank you, Your Honour.

3 Q. Now look at page -- the page ending with 25579. Yes,
4 please.

11:02:07 5 A. Yes, My Lord.

6 Q. Do you see the first three names there, Komba Gborie,
then

7 Lieutenant Gborie, Sesay Gborie, Lieutenant Gborie, Esther
8 Gborie, Lieutenant Gborie; do you see that, sir?

9 A. Yes, sir.

11:02:34 10 Q. Now, do you see the names five and six; you see Finda
11 Bombadi. Then you see RSM Bombadi. You see Komba Bombadi; do
12 you see KSM Bombadi?

13 MR WAGONA: My Lords, I'm going to object.

14 PRESIDING JUDGE: Yes. Yes?

11:03:01 15 MR WAGONA: There's nothing on this page that will be
16 sought to be clarified, based on the questions in
17 cross-examination.

18 PRESIDING JUDGE: Yes.

19 MR TAKU: The exhibit was tendered during
11:03:27 20 cross-examination. The whole exhibit now is in issue. He
sought

21 to ask questions on the different names and ask
clarifications.

22 Mr Kallon is perfectly in order, Your Honours, looking at the
23 names to give further clarification. The whole exhibit is in
24 issue now. We can deal with it; we can exploit it at this
point

11:03:51 25 in time because it's tendered during cross-examination.

26 JUDGE THOMPSON: But even if the -- the subject matter
that

27 you intend to explore or pursue did not arise in

examination

28 cross-examination? Having regard to the scope of re-
29 as a method of testifying? Remember examination-in-chief is

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is

1 broader. Cross-examination is equally broad. Re-examination

over

2 very narrow in scope. It's not an opportunity to -- to go

chief.

3 or to add to what should have been done in examination-in-

4 How do you justify the question then if it wasn't a subject of

11:04:38

5 cross-examination?

6 MR TAKU: I justify the question, Your Honours.

7 JUDGE THOMPSON: But the document is in evidence.

8 MR TAKU: It's in evidence.

is

9 JUDGE THOMPSON: And we have open season when a document

11:04:50

10 in evidence?

questions

11 MR TAKU: Yes, Your Honour, and also he did ask

12 about those names to suggest that --

13 JUDGE THOMPSON: These ones?

14 MR TAKU: About the names in this document.

11:05:05

15 JUDGE THOMPSON: On this particular page?

16 MR TAKU: Well, yes. Banya Ground, I think.

17 JUDGE BOUTET: He did not. He did not.

18 MR TAKU: Okay.

19 JUDGE THOMPSON: As I say, for me, my own intervention

is

11:05:09 20 based on the scope of re-examination. It shouldn't really be

21 examination-in-chief all over again, nor should it really be

an

22 attempt to -- to add to what would be -- supply some omission

or

23 deficiency in examination-in-chief. Because I don't remember

him

24 referring to this page, unless my recollection is not accurate

in

11:05:42 25 that.

26 MR TAKU: Well, for the same objective, Your Honours, we

27 move to the page to which he referred and specifically to the

28 names he did refer. We will attend to some of these --

29 PRESIDING JUDGE: I would like a clarification on this.

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1 Can you sit down, please.

346

2 Mr Wagona, it is on record here, you know, that Exhibit

3 has a nexus with Exhibit 336. Exhibit 336 was tendered for a

4 specific purpose. Can you stand up, please, Mr Wagona.

11:06:16 5 It was tendered for a specific purpose. Did your
6 examination -- I don't have Exhibit 336 with me -- did your
7 examination, or your cross-examination go beyond the contents,
8 you know, of Exhibit 336? If you may just provide an answer

to

9 this: Did your cross-examination -- because this document is

11:06:42 10 tendered in its entirety at your behest -- did your

of

11 examination -- your cross-examination go beyond the contents
12 346?

13 MR WAGONA: My Lord, if I may be reminded of the page
14 counsel is seeking to refer to? 579. My Lords, it's correct
11:07:25 15 that 579 is not included in the document that was tendered.

16 PRESIDING JUDGE: In Exhibit 336?

only

17 MR WAGONA: In 336. But I would still argue that the
18 Kallon Defence had the entire document and chose to tender
19 part of it. And now I have not asked any questions based on

that

11:07:57 20 page which is sought to be relied upon in re-examination --

response.

21 PRESIDING JUDGE: I think I have an answer to my

the

22 Your response is that the questions you have asked go beyond
23 content of Exhibit 346?

24 MR WAGONA: Yes, My Lord.

11:08:18 25 PRESIDING JUDGE: Or rather, 336, I'm sorry.

26 MR WAGONA: Yes, My Lord.

27 PRESIDING JUDGE: Yes.

on

28 JUDGE THOMPSON: Actually, my own intervention was based

29 the scope -- the scope of your examination. Whether it means

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1 that even if a document has been tendered in evidence, and the
2 document has been a subject of cross-examination, yet if
specific
3 parts of that document were not cross-examined upon, whether
any
4 re-examination could be based on that, unless there is some
11:08:59 5 authority. Because I was thinking that your -- the purpose of
6 re-examination would be to reconcile discrepancies between
7 examination-in-chief and cross-examination, and also to
clarify
8 any ambiguities or new matters that may have arisen on the
9 cross-examination.

11:09:20 10 MR TAKU: Your Honours, this is an exhibit which is
11 tendered during cross-examination. I'm dealing with a
specific
12 issue. It's not about the pages in the exhibit.

13 JUDGE THOMPSON: Yes.

14 MR TAKU: It's about the specific issue that was raised
11:09:33 15 using certain pages of this exhibit.

16 JUDGE THOMPSON: What I asked is: What are you seeking
to

purpose

17 clarify or what -- what particular issue -- or what's the
18 of the question?

11:09:48
The

19 PRESIDING JUDGE: If I may, the page you referred to was
20 not raised in -- that's what gave rise to this contention.
21 page you were referring to, that was not visited in
22 cross-examination.

Lordship

23 JUDGE THOMPSON: Yes. In other words, even as His
24 has said, if you are right, then you can re-examine on the
entire

11:10:05
permissibility, I

25 document. If that is the goal of a new rule of
26 would like to be educated on it. I take a different view.

question

27 MR TAKU: Well, Your Honours, let me rephrase my

same

28 and let me use the very pages he referred to to achieve the
29 objective. I will do that very briefly, if Your Lordships

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1 permit.

2 PRESIDING JUDGE: So you are abandoning your

3 cross-examination on 379?

evidence 4 MR TAKU: We will advise the Court on this. The
11:10:36 5 is there in the exhibit. It is very, very clear on the face
of
6 the exhibit what I want to prove. But let us go to the pages
he
7 referred to, and we will use the very pages to show. At that
8 time Your Honours will be able to, when we address the Court
on
9 that, Your Honours will be able to see that even the other
pages
11:10:54 10 which he did not address they follow -- the system is the
same.

11 JUDGE THOMPSON: That sounds like a submission of law.

12 MR TAKU: Exactly, Your Honours. Let me move, with your
13 permission, let me move to the pages.

14 JUDGE THOMPSON: Rather than a question for re-
examination.

11:11:14 15 MR TAKU:

16 Q. Mr Kallon?

17 A. Yes, sir.

18 Q. Look at page -- just one minute. Mr Kallon, look at
page

19 0025589. Do you have it before you, sir?

11:11:43 20 A. Yes, My Lord.

21 Q. Now, look at the names -- names 2 and 3. Can you read
that
22 out to the Court?

23 A. Two and 3. Yes, Sergeant Morray Jimmy.

24 Q. Yes, the second name?

11:12:03 25 A. Peter Kanneh. Peter Janneh.

26 Q. Now, Sergeant Morray Janneh, and Peter Janneh. Now, I
know

27 you told the Court that you didn't keep these records. That's

you 28 what you told the Court. What -- from those names, what can
29 tell the Court? What do you -- what observation can you make?

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there's 1 MR WAGONA: My Lord, I would object again. Unless
2 something which is not clear, and it is presented for
3 clarification, I don't understand how that question can be
asked 4 in that form, that the witness can now make observations based
on 5 that document.
11:12:54 6

7 MR TAKU: Mr Kallon -- Your Honour, let me rephrase the
question.

8 Q. Looking at these names Sergeant Morray Janneh, Aprey
9 Janneh, Mr Kallon, can it not be said that --

11:13:09 10 PRESIDING JUDGE: No, don't conclude. You cannot
conclude.

11 MR TAKU: Okay.

12 PRESIDING JUDGE: You cannot conclude.

13 MR TAKU:

14 Q. Mr Kallon, what comes to your mind on seeing these
names?

11:13:18 15 Tell the Court?

and
the
16 A. If you see from name 2, name 3, name 4, name 5, name 2
17 3, it appear like they are family members, because they bear
18 same surname.

19 PRESIDING JUDGE: Those are matters for submissions, if
11:13:38 20 that is the response. I mean, the matter is for submissions.

21 MR TAKU: Okay.

22 Q. Now, Mr Kallon, look at --

no
23 JUDGE BOUTET: And I would like to observe there's been
24 question in this respect. All the -- the only questions that
11:13:52 25 were asked is if number 3, number 5 and number 7 were SBUs.

is,
26 That's all it was. Now what you are putting to the witness
27 as the learned Presiding Judge is saying, arguments that you
can
28 raise at any time when the time is -- is there.

question
29 JUDGE THOMPSON: And I'm joining that because the

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mean,
1 of whether they are family members never arose out of
2 cross-examination. It was an issue of [indiscernible]. I

3 otherwise, you would have to -- you would be using this as an
4 opportunity to -- to have a second examination-in-chief.

11:14:25 5 PRESIDING JUDGE: Is Morrison Kallon his brother? You
say

6 it is his family member?

7 MR TAKU: No, Your Honours.

8 PRESIDING JUDGE: Yes. So when you talk of Janneh,
Peter

9 Janneh and Morray Janneh and being family members, I mean,
what

11:14:40 10 are you -- are you not speculating? You're asking him to
11 speculate. He himself is saying that the Kallons who have
been

12 mentioned are not his family members, so the commonality of
names

13 does not necessarily establish, you know, any family links.

14 Yes, any other questions in re-examination?

11:15:09 15 MR TAKU: Yes, Your Honours.

16 Q. Now, Mr Kallon, it was indicated, or the Prosecutor
17 established -- or in one response you said that these referred
to

18 Banya Ground. Were you residing in Banya Ground at any time
19 indicated in this exhibit?

11:15:28 20 A. No, sir.

21 Q. Where were you?

22 A. As I told you, from Koidu Town I retreated to an area
where

23 they call Superman Ground. Banya was a solely commander for
the

24 name Banya Ground. The village itself is called Wendedu, and

11:15:47 25 when Rocky was there, the village was referred to Wendedu.
When

26 Banya went there, it was referred to Banya Ground.

27 PRESIDING JUDGE: So you say when you left --
28 THE WITNESS: Koidu Town, My Lord, we went to Meiyor
29 village, where we refer it to Superman Ground, also known as

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1 Guinea Highway.

2 MR TAKU:

refer

3 Q. Now, in the course of the evidence-in-chief, you did
4 the Court to 25575?

11:16:52

5 PRESIDING JUDGE: You cannot go back to your
6 evidence-in-chief.

Honour,

7 MR TAKU: No, I mean in the cross-examination, Your
8 I'm sorry.

is

11:16:57

9 PRESIDING JUDGE: Yes, in your cross-examination. That
10 what interests us, to determine whether you are within the
11 confines of the rules of re-examination.

12 MR TAKU: Yes.

battalion

13 Q. You did refer to page 25575, and you read out certain
14 brigade commander, brigade G5, brigade MP, then third

11:17:25

15 IDU commander; do you remember that?

16 A. Yes.

17 Q. Can you give the names of those individuals who occupied
18 those positions at the time?

19 A. Yeah. Like, the brigade G5, 1998, when the brigade were
11:17:40 20 organising Kono, was TF1-041 who testified before this Court.
21 Then the IDU commander for third battalion, I don't know his
22 name. The brigade MP commander at that time was called Kawa,
23 something Kawa. I don't know his first name. The brigade
24 commander was Boston Flomo, aka Rambo.

11:18:14 25 Q. Now let's move on and clarify this question. The
26 Prosecutor asked you last week about the -- the authority of
the
27 Vanguards; do you remember that?

28 A. Yes, My Lord.

29 Q. Now, I want you to clarify one situation: As a
Vanguard,

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1 could you give orders and instructions to a battalion
commander
2 or a brigade commander who was, let me say, a junior commando?
3 PRESIDING JUDGE: How does that question arise? At this
4 stage?

11:18:55 5 MR TAKU: The Prosecutor was -- raised the question of

6 Vanguards, the authority of Vanguards in Superman Ground.

7 Your Honour, you remember --

8 PRESIDING JUDGE: Yes, they talked of those who were
mainly
9 in command. He talks of Vanguards and junior commandos. That
is
11:19:11 10 what I remember surfaced in cross-examination. Who were those
it
11 who were mainly in charge. The Prosecutor, Mr Wagona, said is
12 not true that it is the junior commandos who were mainly in
13 command. Your witness said no, it was mainly the Vanguards
who
14 were in charge of those areas which he mentioned. Unless
you're
11:19:36 15 referring to another portion of the testimony.

16 MR TAKU: Well, let me rephrase my question, Your
Honour.

17 Q. Mr Kallon, it was established that you were a Vanguard.
18 Now, what -- what was your -- did you have any authority over
19 these Vanguards who had command positions in Kono?

11:20:08 20 A. No. Even though I without command, I have no authority
all
21 over them. We all were comrade; that was the common name for
22 Vanguard.

23 Q. What about junior commandos?

24 A. Even the junior commandos, those with assignment, I have
no
11:20:24 25 authority over them, and the one without assignment, the
26 authority I have over them were less because they were under
27 different, different, different assignment area. Unless if
you
28 are out of your assignment, you come to where I was residing,
29 then I can easily take authority over you, that you cannot do

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1 this in this place, you cannot do this here. But I cannot go
to
2 your ground, where you deployed there, I go give you
instruction,
3 no.

4 PRESIDING JUDGE: Any further questions?

11:20:59 5 MR TAKU: Yes, sir.

6 Q. And now, please, let's move quickly to -- to Makeni. It
7 was suggested to you by the learned counsel for the third
accused

8 that you came in the black Mercedes, with Kailondo and Komba
9 Gbundema, to the DDR centre at Makump, on 1 May 2000, from the
11:21:38 10 direction of Makeni. Do you remember hearing that?

11 A. Yes, I heard that.

12 Q. Did you have a black Mercedes?

13 JUDGE THOMPSON: Just a minute.

14 MR TAKU: Yes, sir.

11:21:53 15 JUDGE THOMPSON: What was his answer? Isn't that is
what

16 is important?

17 MR TAKU: Yes, sir.

18 JUDGE THOMPSON: Not just the suggestion. I mean, to be

19 able to assess whether your question is permissible under
11:22:04 20 re-examination, we should know what his answer was.
21 MR TAKU: The answer was no.
22 JUDGE BOUTET: Yes.
23 JUDGE THOMPSON: Is that his answer?
24 MR TAKU: Was no.
11:22:12 25 JUDGE BOUTET: Not only his answer was no.
26 PRESIDING JUDGE: Yes. So why are we there?
27 JUDGE BOUTET: He said in his answer, I had a
blue/black,
28 not a black Mercedes.
29 JUDGE THOMPSON: So why are we there? I mean, you can't

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1 have an open cheque in re-examination.
2 MR TAKU: Well, just one minute, My Lords. Let me
consult
3 my colleagues. Your Honours, that is all for re-examination
and
4 that is all for this witness.
11:23:05 5 PRESIDING JUDGE: Thank you.
6 MR TAKU: Unless the Court has questions to put to him.
7 PRESIDING JUDGE: We have no questions for him. That's
not

8 our role, unless it arises extraordinarily.

9 MR TAKU: Mr Kallon, thank you so much, sir, and do you
11:23:26 10 have anything to say, sir?

11 PRESIDING JUDGE: No, no, no, we don't want anything for
12 him to say.

13 MR TAKU: Okay, sir. Because he put on his --

14 PRESIDING JUDGE: We're not asking him to say anything.
He
11:23:34 15 has finished his testimony.

16 MR TAKU: Yes, sir.

17 PRESIDING JUDGE: He is finished.

18 Yes, Mr Kallon, we are through with your testimony. We
19 thank you for making yourself available to clarify certain
issues

11:24:32 20 for this Tribunal, and we thank you. You may take your stand
21 this time not as a witness but in the box, where you are for
now.

22 Thank you very much.

23 THE WITNESS: Thank you, sir.

24 MR OGETO: My Lords.

11:25:18 25 PRESIDING JUDGE: Yes, Mr Ogeto.

26 MR OGETO: My Lords, the next witness --

27 PRESIDING JUDGE: I wanted to call you Mr Kennedy. Yes,
28 Mr Ogeto, yes.

29 MR OGETO: Good morning, My Lords.

1 PRESIDING JUDGE: Good morning.

2 MR OGETO: My Lords, the next witness is DMK-160.

you

3 PRESIDING JUDGE: Well, let me say that you -- I think

4 had about four common witnesses.

11:25:48 5 MR OGETO: There were three, My Lords.

6 PRESIDING JUDGE: With the -- three, with the Sesay

7 Defence.

8 MR OGETO: Yes, My Lords.

that.

9 PRESIDING JUDGE: Good. Okay. You will take note of

11:25:56 10 MR OGETO: I will take not of that.

11 PRESIDING JUDGE: But for purposes of these proceedings

--

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: -- we would take note of that in the

14 proceedings but we'd say that the next witness who is coming

11:26:03 15 would be the second Defence witness.

16 MR OGETO: Yes, My Lords.

17 PRESIDING JUDGE: Will be the second Defence witness.

18 MR OGETO: Yes, My Lords.

19 PRESIDING JUDGE: We would make a note of --

11:26:12 20 MR OGETO: Yes.

21 PRESIDING JUDGE: -- the other three who are common

22 witnesses separately, and we would refer to them as such.

23 MR OGETO: Exactly, My Lords. It doesn't really matter

24 because it is the substance of the testimony that is important
11:26:27 25 really. My Lords, I was going to very kindly request for a
very,
26 very short break, about ten minutes, to be able to organise
27 myself and put my act together before we start the testimony
of
28 this witness.
29 PRESIDING JUDGE: I hope that those who monitor Court's

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1 time take note of all this. We are yet to discover them
anyway
2 because you are getting us involved in all sorts of
controversies
3 which are unfortunate, you know.
4 MR OGETO: Sorry, My Lord.
11:27:03 5 PRESIDING JUDGE: Being monitoring the Bench and Court
6 times and so on and so forth. I'm saying that I hope that
when
7 the parties ask for time, I hope that it is being monitored by
8 those Court statisticians who provide very faulty statistics,
you
9 know, to whoever.
11:27:26 10 MR OGETO: My Lord, if it is not convenient, forget
about
11 that.

referred 12 PRESIDING JUDGE: No, no, no, Mr Ogeto, it is not
13 to you.
14 MR OGETO: Yes, My Lords.
11:27:33 15 PRESIDING JUDGE: It is not a reference to you, Mr
Ogeto.
16 MR OGETO: Yes, My Lords.
17 PRESIDING JUDGE: Yes, it is not a reference to you. It
is
18 my comment which I am making on behalf of the entire Chamber,
as
19 Presiding Judge.
11:27:44 20 MR OGETO: I understand, My Lords, and I'm not
challenging,
21 I am not challenging the comment, My Lords, at all.
22 PRESIDING JUDGE: Those people must, at a certain stage,
23 learn to understand what the judicial process is all about and
24 how it functions and not to place on a mathematical board, as
if
11:28:05 25 a judicial process is an equation that you solve by adding 2
and
26 2 together.
27 JUDGE THOMPSON: Reinforcing what his Lordship has just
28 said, I am unfettered in my willingness to grant a ten-minute
29 stand down.

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1 MR OGETO: I'm much obliged, My Lords.

2 PRESIDING JUDGE: And this said, the Chamber will rise
to

3 enable Mr Ogeto to organise himself, in advance of the second
4 witness.

11:29:10 5 [Break taken at 11.19 a.m.]

6 [Upon resuming at 12.03 p.m.]

7 PRESIDING JUDGE: Yes, we are resuming the session,
8 Mr Ogeto. I suppose you are ready to get along with your
9 witness?

12:14:21 10 MR OGETO: I'm ready, My Lords, and thank you for the
11 break.

12 PRESIDING JUDGE: So this will be the second Defence
13 witness?

14 MR OGETO: Yes, My Lords.

12:14:47 15 PRESIDING JUDGE: And you say he is DMK?

16 MR OGETO: The witness is DMK-160, My Lords.

17 PRESIDING JUDGE: 160.

18 MR OGETO: Yes.

19 PRESIDING JUDGE: Right. You may swear the witness in,
12:15:12 20 please.

21 WITNESS: DMK-160 [Sworn]

22 PRESIDING JUDGE: Yes, Mr Ogeto.

23 MR OGETO: My Lords, this witness has expressed his
desire

24 to testify without any protective measures, so I'm applying to
12:15:55 25 have the protected measures in place for him to be lifted. He
26 feels secure enough to testify with those -- without those

27 protective measures.

28 PRESIDING JUDGE: I suppose Mr Hardaway has no objection
to

29 this?

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1 MR HARDAWAY: No objection, Your Honour.

2 PRESIDING JUDGE: Right.

3 MR OGETO: My Lords --

4 PRESIDING JUDGE: Notwithstanding the decision of this
12:16:52 5 Court to grant protective measures to this witness, the
Tribunal,
6 on the application of Mr Ogeto, and at the behest of the
witness,
7 orders that those measures be lifted and that he testifies in
the
8 open. So may that screen which is there behind him be
removed,
9 please.

12:17:33 10 JUDGE BOUTET: Mr Ogeto, while they are removing the
11 screen, I would like to, as well, let the record clearly
reflect
12 that it's not, so as you know, it's not only the wish of the
13 particular witness that determines if protective measures are
to

in 14 be granted or not; there's also an objective test which was,
12:17:52 15 the submissions that you made on behalf of your client, that
16 there were security threats in this country because, so I take
17 it, aside from the wish of the witness that, given your
18 application, that you feel that these threats that might have
19 existed are not there any more, at least vis-a-vis this
12:18:11 20 particular witness.

have 21 MR OGETO: Yes, My Lords. Given the explanations that
22 been given by the witness, and I've evaluated the situation
23 objectively, we have no reason to disagree.

24 JUDGE BOUTET: Objectively.

12:18:26 25 MR OGETO: Objectively; we have no reason to disagree.

on 26 JUDGE BOUTET: So your application was not based solely
to 27 the wishes of the witness, but on the fact that you are saying
are 28 this Court that, objectively, threats that might have existed
29 not there, at that moment?

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explanation 1 MR OGETO: They have missed on the basis of the

2 that has been given by the witness.

3 JUDGE BOUTET: Thank you.

4 MR OGETO: Thank you, My Lords.

12:19:25 5 THE INTERPRETER: With the leave of the Court, the
witness 6 interpreters would like to ask as to which language the
7 will be testifying into?

8 PRESIDING JUDGE: Your witness will be testifying in
what 9 language, please?

12:19:28 10 MR OGETO: In Krio.

11 PRESIDING JUDGE: In Krio?

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: Yes, Mr Ogeto, you may proceed,
please.

14 EXAMINED BY MR OGETO:

12:19:53 15 [The witness answered through interpreter]

16 Q. Good afternoon, Mr Witness. Are you hearing me,
17 Mr Witness? Good afternoon.

18 A. Hello. Good afternoon.

19 Q. Are you getting the translation?

12:20:05 20 A. No.

21 MR OGETO: I think there's a technical problem, My
Lords.

22 Q. Are you now getting the translation in Krio?

23 A. Not at all.

24 MS KAMUZORA: My Lords, I have requested the language
booth 25 to come and assist.

26 PRESIDING JUDGE: This is time lost to technology.
However

27 it is computed, I do not know, if at all.

technical 28 MR OGETO: My Lords, can I take advantage of this
29 problem and raise another issue, very briefly?

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1 PRESIDING JUDGE: Yes, you may.
2 MR OGETO: My Lords, I know the Chamber is conscious of
the 3 issue that I'm raising, but because we are really racking now
4 against time, we would be most obliged to My Lords if we could
12:22:53 5 get a decision on our motion to vary our witness list because
we 6 really need to plan for the coming witnesses and this issue is
7 important for us, My Lords. Thank you.

8 PRESIDING JUDGE: We will look at that. In fact, we
were 9 talking about it just now in Chambers. We were discussing it,
12:23:18 10 you know.

11 MR OGETO: Thank you, My Lords.
12 Q. I'm sure now you are able to get the translation,
13 Mr Witness. Are you able to get the translation now?
14 A. No.
12:24:59 15 Q. Mr Witness, are you able to get the translation in Krio?
16 A. No.

17 JUDGE BOUTET: Maybe if he takes the other headset, it
18 would appear that --

19 MR OGETO: Maybe the Registry could help.

12:25:42 20 THE WITNESS: Clear.

21 MR OGETO:

22 Q. You are now able to get the translation?

23 A. Yes.

24 Q. Thank you. Can you please tell the Court your full
names?

12:25:56 25 A. My name is DMK-160.

26 Q. Where do you reside currently?

27 A. I reside at xxxx.

28 Q. How old are you, please.

29 A. I am 45 years old.

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1 Q. Where is xxxx, in Sierra Leone?

2 A. xxxx is twelve miles from xx Town, on the xxxx
3 highway.

4 Q. And how far is xxxx from Kenema?

12:27:02 5 A. Well, from xxxx to Kenema is xx miles.

6 Q. Can you please tell the Court if you were in any way

2000?

7 involved in the civil war in Sierra Leone between 1991 and

this

8 A. Yes, I was a Kamajor. I joined the Kamajor to defend

9 country judiciously. I joined the Kamajor, the CDF, in 1996.

12:28:07 10 Q. And where is it you joined the Kamajors in 1996?

11 A. I joined the Kamajor in Bo Town.

in

12 Q. At the time you joined the Kamajors, was there fighting

13 Bo?

14 A. In the part of Bo Town there was no fighting but in the
12:28:50 15 outskirts of Bo there were fighting.

16 Q. Are you able to name any places in the outskirts of Bo
17 where there was fighting at the time you joined the Kamajors?

Benduma,

18 A. Yes. The time Foday Sankoh and his allies were in

19 in the Baoma Chiefdom, they were in small Bo. They were in
12:29:32 20 Wonde, they were in Baoma Chiefdom and they were in Nyawa
21 Chiefdom.

22 Q. Can you please go over that again? My Lords, I have
23 prepared a list of names here to assist the Chamber and the
24 stenographers in the spelling of these names. With your

12:29:55 25 permission, if I can hand over that list, it may assist in
26 expediting the testimony of this witness?

27 PRESIDING JUDGE: Yes, thank you.

28 MR OGETO:

mentioned,

29 Q. Can you kindly go through those names that you

1 please?

2 A. Benduma in the Baoma Chiefdom.

3 Q. That's number 5 on the list of names; which was the
other
4 one that you mentioned?

12:30:30 5 PRESIDING JUDGE: The question you asked: The witness
was
6 you -- or his response is that there was fighting in the
7 outskirts but there was no fighting in Bo Town itself.

8 MR OGETO: Yes, Your Honour.

9 PRESIDING JUDGE: And you asked him the towns where
there
10 was a fighting.

11 MR OGETO: Yes.

12 PRESIDING JUDGE: Is this a narration he is giving us.

13 MR OGETO: Yes, My Lords, yes. And he has mentioned
14 Benduma and I said it's number 5 on my list of places. Can
you

12:31:04 15 mention the other one, please?

16 THE WITNESS: Wonde Chiefdom.

17 MR OGETO: That's number 16 on the list, My Lords.

18 Q. Did you mention any other place?

19 A. Nyawa.

12:31:23 20 Q. That's number 13 on the list, My Lords?

21 A. Kakua.

22 Q. That's number 7 on the list. Is that all?

23 A. Also Baoma. Baoma Chiefdom.

24 Q. Yes, My Lords, number 4 on the list. And all these
places

12:31:57 25 are within the outskirts of Bo Town?

26 A. Yes, sir.

27 Q. Now, you spoke about Foday Sankoh's allies. What do you
28 mean by that?

29 A. The rebels.

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1 Q. What about them?

2 A. During that time they were the ones fighting.

3 Q. Now, at the time you joined --

4 PRESIDING JUDGE: Who were fighting where in these
towns?

12:32:45 5 THE WITNESS: In all the places I have named. Those
were

6 the places they were fighting.

7 MR OGETO:

8 Q. And who were they fighting with?

9 A. Well, the Kamajors.

12:33:07 10 Q. During the time you joined -- after the time you joined
the

11 Kamajors, did you hold any position of responsibility?

12 A. Yes.

13 Q. Which position did you hold?

14 A. I was a patrol commander.

12:33:34 15 Q. What kind of duties did this entail, patrol commander?

16 A. Well, I was leading the fighters in the battlefield and

I

17 give them advice when necessary.

18 Q. Did you have men under you as a patrol commander?

19 A. Yes. I had 50 to 100.

12:34:22 20 Q. When did you become a patrol commander?

21 A. Well, from the time of initiation to 1997. The time of

22 initiation, 1996 to 1997. This was before the overthrow.

23 Q. Very briefly, what do you mean by "initiation"?

24 A. Well, this was a ceremony which was performed when you

were

12:35:12 25 enlisted into the fighting -- into the CDF group.

26 Q. Now, you spoke about the coup. Where were you when the

27 coup took place?

28 A. I was in xxxx.

29 Q. Did your position change within the CDF after the coup?

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1 A. Yes. The CDF War Council that -- the time the overthrow
2 had already taken place I was appointed as the battalion
3 commander.

4 Q. Did your battalion have a specific name?

12:36:17 5 A. Yes, it was 13th Battalion.

6 Q. Where was your battalion based?

7 A. Well, I was at the Bo/Kenema highway.

8 Q. What was your business at the Bo/Kenema highway?

9 A. Well, while there, it was there we used to make some
12:37:02 10 surprising attacks because we refused to obey the junta's
orders.

11 Q. What do you mean by refusing to obey the junta's orders?
12 What kind of orders were they?

13 A. When they overthrow, they told us we should surrender
our
14 arms.

12:37:40 15 Q. And these surprise attacks, you were launching them
against
16 who?

17 A. The AFRC soldiers.

18 Q. As a battalion commander, did you have -- how many men
did
19 you have under you?

12:38:05 20 A. Well, we were allocated by chiefdoms. I was in charge
of
21 five chiefdoms: Bo Kakua, Bagbwe, Bajia, Komboya and Baoma
22 Chiefdom.

23 MR OGETO: Those will be number 1, number 7, 1, 2, and 4
24 respectively on the list, My Lords.

12:39:00 25 Q. But did you have any men under you as the battalion
26 commander?

27 A. Well, specifically we were requesting for fighters by
28 chiefdom. When the need arose for any situation.

29 Q. Now, you recall that the coup took place on 25 May 1997?

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1 A. Yes.

2 Q. And the AFRC/RUF was pushed out of Freetown sometime in
3 February 1998. Now, this period -- during this period, May
'97
4 to February '98, where were you?

12:40:09 5 A. I was in xxxx.

6 Q. And during the junta period, do you know if the junta
7 forces ever came to occupy Bo?

8 A. Well, they announced that Bo should get a new
governmental

9 administration.

12:40:49 10 Q. Do you recall when this was announced?

11 A. Yes, it was announced about a week after the coup.

12 Q. So was there a new administration after this
announcement?

13 A. Yes.

14 Q. Are you able to name some of the people who were in that
12:41:23 15 administration in Bo?

Boysie 16 A. AF Kamara was one, who was secretary of state south;
17 Palmer, he was a brigade commander, who was based in Bo Town.
commonly 18 Then the junta secretariat was controlled by Abu Bakar,
19 known as ADK.

12:42:13 20 Q. Did you have a chance to see any of these people in Bo
21 during that time?

22 A. Yes.

23 Q. Very briefly, in what circumstances did you see them?

24 A. Well, I was in Bo. Once upon a time, they drove past in
12:42:41 25 their vehicles. During that time their fighters were
following 26 them.

27 Q. Are you speaking of a specific incident?

28 A. They say the time that -- the time I had -- the chance -
-
29 are you saying the time I had a chance to see them? In Bo
they

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1 were public figures, so, yes, sir.

2 Q. Thank you. That answers my question. Do you know if
the

3 RUF at any time ever came to Bo during this period?

4 A. Yes. It was around August -- it was around August to
12:44:08 5 September.

6 Q. How did you know that they got to Bo around August,
7 September?

8 PRESIDING JUDGE: Of what year? '97?

9 THE WITNESS: 1997.

12:44:26 10 MR OGETO: During the junta period, My Lords, '97.

11 PRESIDING JUDGE: Yes, yes, [indiscernible].

12 MR OGETO: Thank you, My Lords.

13 Q. So how did you get to know that the RUF came to Bo
around
14 August to September of 1997?

12:44:42 15 A. Well, there were lots in Bo before August 1997. I did
not
16 see any of them based in Bo during that time, nor did I hear
of
17 anyone during that period before August 1997. It was only one
of
18 them, Mosquito, whom I used to hear about, and he used to pass
19 through Bo whenever he went to Kenema.

12:45:26 20 Q. So did anything happen in August that made you to
21 understand that the RUF came to Bo around August/September?

22 A. In August 1997, or in our base --

23 PRESIDING JUDGE: When you say "we," you mean we the
24 Kamajors.

12:46:15 25 THE WITNESS: We, the Kamajors, yes. We the Kamajors.
We
26 were there, one of our brothers --

27 PRESIDING JUDGE: Where?

28 THE WITNESS: Gerihun. Gerihun, during that time. So
he

at 29 went together with five of brothers who defected from the RUF

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1 the time they came. So he went to us and said -- the man said
2 they were no longer part of the RUF, they have surrendered
their
3 guns and gave them up to their boss. So we ask who was their
4 boss, the one they came with, who allowed them to come. They
12:47:18 5 said they were with one commander called Morris Kallon.

6 MR OGETO:

7 Q. So when -- just continue, please.

8 A. So during the time, since they were our brothers, they
9 apologised to us that if ever they'd wronged to us from the
time

12:47:47 10 they left us we should accept them as brothers that come, that
11 the man with whom they were with was a very good man. They
said
12 the papa said we asked them --

13 THE INTERPRETER: The interpreter is sorry; can the
witness
14 go a little bit slower?

12:48:09 15 MR OGETO:

16 Q. Witness, please --

witness,

17 PRESIDING JUDGE: Mr Ogeto, keep control of your

18 please.

19 MR OGETO:

12:48:17 20 Q. Can you kindly go slowly, please, as whatever you are

21 saying is being interpreted and we need to follow?

22 PRESIDING JUDGE: [Overlapping speakers] was very slow
and

23 he is in a high gear now.

24 MR OGETO:

12:48:34 25 Q. Just relax and take it slowly. We want to get
everything

26 that you are saying.

27 A. Okay.

28 Q. Say it over again, please, so that we understand what
you

29 are trying to say about these five brothers.

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1 A. Our brothers, when they were presented to us, they
2 apologise to us. If ever -- when they left us, they wronged
us,

3 so they spoke and told us that they -- their bossman, with
whom

4 they had lived with, was the one who allowed them -- they have

12:49:22 5 given up their guns to him, and that he had allowed them to go
6 and meet their people. They said --
7 PRESIDING JUDGE: To do what?
8 THE WITNESS: They said they defected from the RUF.
They
9 released them; he accepted their guns and released them.
12:49:50 10 MR OGETO:
11 Q. And you are saying that this incident took place in
August?
12 A. Yes.
13 Q. And when you say that these were your brothers, what do
you
14 mean?
12:50:06 15 A. The ones who were on the side of the RUF, they were the
16 ones who defected from the RUF during that time. That was the
17 time we knew that -- that was the time we heard the RUF
presence
18 was in Bo Town.
19 Q. And these five brothers, are these people that you had
12:50:35 20 known before?
21 A. Yes.
22 Q. Did they tell you where they left Morris Kallon?
23 A. Yes. They said they left him in Bo.
24 Q. And who presented them to you, these five brothers?
12:51:06 25 A. It was one of our brothers called Suyabu Kamara, who was
26 one of our -- one of our strong informant whom we believed.
27 Q. Now, before these five brothers mentioned the name of
28 Morris Kallon, had you heard of this name before?
29 A. Before that time, no.

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Chief 1 Q. Do you know -- did you know the name of the Paramount
2 Demby in Bo at that time?
3 A. Yes.
4 PRESIDING JUDGE: Is it only the name or that he knew
him
12:52:16 5 in fact?
6 MR OGETO: I'm sorry, My Lords, I think it's my
formulation
7 I think is wrong.
8 Q. Did you know the Paramount Chief Demby in Bo?
9 A. Yes.
12:52:30 10 Q. Where was he living during the junta period?
11 A. He was at xxxx.
12 Q. How far was his residence from where you lived at that
13 time?
14 A. It was -- it was -- it was not too far away from where
he
12:53:05 15 lived.
16 Q. What do you mean by that? Can you approximate the
17 distance?
18 A. Well, about 50 metres, the distance between ourselves.
The
19 distance between where I was and the palace.

12:53:34 20
Paramount

Q. Did you get to know if anything happened to the

21 Chief Demby during the junta period?

22 A. Yes.

23 Q. What happened to him?

24 A. Well, they killed him.

12:53:52 25

Q. Who killed him?

26 A. It was -- it was the AFRC soldiers who killed him.

27 Q. Do you know exactly when he was killed?

28 A. Yes, they killed him on Thursday, 26 June 1997.

29 Q. Did anything significant happen in Gerihun before the

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recall?

1 killing of Paramount Chief Demby; anything that you can

2 A. Yes. Before the 26th we had an attack; it was the AFRC
3 soldiers who attacked us Kamajors.

4 Q. When is it that they attacked you?

12:55:16 5

A. It was Friday, 20 June 1997.

6 Q. Where were you when they attacked you?

7 A. I was right in Gerihun Town.

you

8 Q. How did you know it was the AFRC soldiers who attacked

9 on 20 June 1997?

12:55:47 10 A. 20 -- 20 June 1997. Well, AF Kamara was the one who led
11 that attack, and Boysie Palmer, ABK, Abu Bakar, they were also
12 present in that attack.
13 PRESIDING JUDGE: ABK and who?
14 THE WITNESS: Boysie, Boysie Palmer and Abu Bakar
commonly
12:56:32 15 known as ABK. They were also part of that attack; all of them
16 were there.
17 MR OGETO:
18 Q. Did you see them during that attack?
19 A. Yes. Yes.
12:56:48 20 Q. And what was the outcome of that attack.
21 A. Well, the attack -- we contained them and they
retreated.
22 Q. How many soldiers in total attacked you, approximately?
23 A. Well, they went with seven vehicles including two
24 anti-aircraft guns.
12:57:44 25 Q. Now, do you know a person called Prince Brima?
26 A. Yes; he was a journalist.
27 Q. Did you see him on the day of that attack, the attack of
20
28 June '97?
29 A. Yes, he was in the attack. Kamajors captured him by the

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that 1 highway. We captured him, he spoke to us. He confronted us
2 AF Kamara, Boysie Palmer and Abu Bakar were the ones that led
3 that attack.

4 Q. When did he speak to you, Prince Brima?

12:59:02 5 A. That was the time after we captured him, when he was
with 6 us, that was the time he confirm to us that it was those
people I 7 have named who were -- that brought the fight in that area.

8 Q. So are you saying that Prince Brima was amongst the
9 attackers before you captured him; is that your testimony?

12:59:30 10 A. Before? No, he was not -- he was not at the front, he
was 11 with them. When -- when they launched the attacks and we
12 contained them, and they retreated, it was along the highway
that 13 we captured him.

14 Q. So was he involved in the attack?

12:59:59 15 A. He said those ones told him in order for him to present
16 where a peace deal could take place between them and the
17 Kamajors, and that he was surprised when they launched that
18 attack.

19 Q. Now, do you know if the RUF was involved in this attack?

13:00:39 20 A. No.

21 Q. Why are you sure? You were not involved?

22 A. Because the soldiers who came and attacked were the
23 soldiers who were based in Bo during that time, and I saw
myself 24 the three administrators confirmed by Prince Brima.

13:01:20 25 Q. After this attack, did anything else significant happen
in
26 Gerihun?
27 A. Yes. We left Gerihun and based at Nyandehun.
28 Q. When you say we left Gerihun and went to be based in
29 Nyandehun, what do you mean by that? Who are the "we"?

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1 A. We, the Kamajors, we went and based at Nyandehun.
2 Q. Where is Nyandehun?
3 A. Nyandehun is situated at the Bo/Kenema highway while
going
4 towards Gerihun.

13:02:21 5 Q. Nyandehun, My Lords, is number 12 on the list. How far
is
6 this place from Gerihun?
7 A. Well, eight miles from Gerihun.
8 Q. So why did you, the Kamajors, now move to Nyandehun
after
9 this attack of 20 June '97?

13:02:52 10 A. Well, we moved to Nyandehun and based there in order for
us
11 to create a defensive position from Gerihun, because we did
not
12 want any further attack on us at Gerihun, where our paramount

13 chief, AS Demby the third, was based.

14 Q. How many of you were based at Nyandehun?

13:03:36 15 A. Well, we were about 100 fighters.

16 Q. Did you have a commander?

17 A. I was the commander; the battalion commander.

18 Q. Now, while you were at this place, Nyandehun, do you
recall

19 if anything happened on 26 June '97?

13:04:11 20 A. Yes. We were there on the 26th. A vehicle came from
the

21 Bo direction around 10 a.m., and this vehicle, when it
arrived,

22 there were four people in it.

23 Q. Let's stop there for a while. What type of vehicle was
it?

24 A. It was a jeep. A red jeep.

13:05:00 25 Q. And you say there were four people in that vehicle. Did
26 you identify any of those people?

27 A. Yes. I saw my uncle, Dr Tommy, he was in the vehicle.
28 Then also the other person that was in the vehicle that I
knew,

29 and he was in Bo, was Mucktaru Swarray.

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1 Q. Did you know the other two persons in the vehicle?

2 A. No.

3 Q. Mucktaru Swarray, My Lords, is number 11 on the list,
the
4 names of persons. So when you talk about four people, does
that
13:06:12 5 include the driver of that vehicle?

6 A. Yes, there were four people including the driver.

7 Q. You said Tommy was your uncle. Did you speak to him?

8 A. Yes. I asked him, "Uncle, what made you at this crucial
9 time to come to us from the time he left us since 1982, why is
it
13:06:49 10 now that you are coming?" He answered that, well, he came to
--
11 in order for him to talk to his people.

12 Q. Where was Tommy based at that time?

13 A. Dr Tommy was in Freetown.

14 Q. And why did you ask him that question?

13:07:37 15 A. I asked him because from 1982, when he left Gerihun, it
was
16 only that morning when I set my eyes on him.

17 Q. And do you know what he was doing in Freetown? Did he
have
18 any occupation in Freetown at that time?

19 A. Yes. He was a lecturer at Fourah Bay College.

13:08:09 20 Q. So what was his response, if any, to your question?

21 A. He said he came to talk to his people.

22 Q. In connection with what?

23 A. Well, in connection with the SLPP. So I, myself, I made
24 myself available and accompanied them to Gerihun at once.

13:08:47 25 Q. Did you understand what he meant by talking to his
people;

26 he wanted to talk to his people? Who were his people?

27 A. It was Gerihun.

28 Q. Did Tommy, while you were still at that spot at
Nyandehun,

29 introduce the two other people who were with him?

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1 A. No.

2 Q. So what happened after this encounter?

3 A. Well, I accompanied them to Gerihun. I was with them
and I

4 presented them to the town chief, and I sat on the bonnet.
When

13:10:00 5 we entered Gerihun, we went directly to the town chief.

6 Q. Sorry, did you say you sat on the bonnet? Can you
please

7 explain that?

8 A. Yes. I deliberately sat on the bonnet in order to avoid
9 any further attack purposely for their safety because that was

13:10:30 10 the only vehicle; since we were stationed on that road, that
was

11 the only vehicle we saw. So if they observed that a vehicle
was

12 coming, they will rush at the vehicle. So that was why I sat
on

13 the vehicle in order for people not to attack the vehicle.

here

14 PRESIDING JUDGE: Mr Ogeto, I think we can break off

13:11:01 15

for lunch.

16 MR OGETO: Yes, My Lords.

the

17 PRESIDING JUDGE: We will recess for lunch and resume

18 session at 2.30. The Chamber will rise, please.

19 [Luncheon recess taken at 1.01 p.m.]

14:35:28 20

[RUF21APR08C - BP]

21 [Upon resuming at 2.35 p.m.]

we

22 PRESIDING JUDGE: Learned counsel, good afternoon. Yes,

23 are resuming the proceedings. Mr Ogeto, you may continue,

24 please.

14:46:43 25

MR OGETO: Thank you, My Lords.

26 Q. Good afternoon, Mr Witness.

27 A. Yes, good afternoon.

28 Q. So before we took the lunch break, we were at the point

29 where you were escorting these people who were in the jeep to

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1 Gerihun; you remember?

2 A. Yes, sir.

3 PRESIDING JUDGE: And you sat on the bonnet?

4 THE WITNESS: Yes.

14:47:22 5 PRESIDING JUDGE: In order to avoid attacks on them, is
it?

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: That was where you stopped.

8 MR OGETO: Yes. Thank you, My Lord.

9 THE WITNESS: Yes, sir.

14:47:34 10 MR OGETO:

11 Q. Did you get to Gerihun?

12 A. Yes. We went straight to the town chief in Gerihun.

13 Q. Who was the town chief that you went to?

14 A. It was Alhaji Josie Lahai.

14:48:03 15 Q. And why did you go to the town chief?

16 A. Well, the town chief was a person who was there to
accept

17 everybody, including strangers that you would see in your area

18 that you were very unsatisfied with, you will take that person
to

19 the town chief. He will question the person as to where he --

14:48:32 20 the person came from, the purpose of his being to that place.

21 Q. My Lords, the name of the town chief is number 3 on the

22 name of persons. So did these people talk to the town chief
and

23 if "yes," what did they tell him?

24 A. Yes. The committee of elders and the youths had to ask

14:49:07 25 questions to the guest as to what was their mission to
Gerihun.

26 Dr Tommy said that they went there purposely to talk to the

27 people; that was what he explained.

from?

28 Q. So where did this committee of elders and youths come

29 A. They were based in Gerihun.

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was

after

for

14:50:32

there

youths?

his

to

1 Q. Did you find them at the town chief's place?

2 A. Well, when they saw us enter in that vehicle, everybody

3 concerned as to what was happening, and before that time,

4 the overthrow, they set up a committee that was responsible

5 catering for the fighters, and it was this same committee that

6 was responsible -- they were responsible for seeing to it that

7 everything that the people required at the time, they were

8 to make it possible.

9 Q. So did Tommy say anything to this committee and the

14:51:06

10 A. Yes. He said that he came to talk to them and one of

11 brothers had to ask him: "Why is it now that you are coming

12 xxxx to come and talk to us?" Then he replied the same way he

13 answered to me; that he had come to talk to his people.

14 Q. Now, at that point in time, did you get to know the

14:51:41 15 identities of the other two people accompanying Tommy? Do you
16 remember you told us the name of the other person who was with
17 Tommy, one person? But you said that at Nyandehun you did not
18 know the identities of the other two. Now, once you get to
the
19 town chief, did you get to know the identities of the other
two?

14:52:08 20 A. Yes.

21 Q. How did you know -- how did you get to know their
22 identities?

23 A. When they asked Dr Tommy to introduce the people that he
24 came with, that's the guest, because they were strange people
to

14:52:39 25 us, he had to introduce them and said: The mission to xxxx
26 was purely an SLPP mission and it was purely an SLPP member
27 issue, so he introduced them, but he started with himself.
He,
28 Dr Joe Tommy, he presented -- he presented his members --
29 membership ID card, as a member of the SLPP party. Then the

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He
1 second person he introduced to us was one Mucktaru Swarray.
2 too had to present his own membership card. Then the third

Gbao 3 person he introduced to us was one Mr AC Gbao. This Mr AC
4 was the person among them that limped when he walked. He was
a
14:53:55 5 disabled individual. He limped. The fourth person was one
6 Mr Lamin. He too presented his membership card of the SLPP
7 party. Mr Lamin, he was short and fat. When they went
further
8 in their introduction, Mr Joe Tommy said that all of us knew
that
9 he was born in Gerihun and he sent from there and Mucktaru
14:54:45 10 Swarray, he came from Bo. He came to represent the paramount
11 chief JK Boima in Bo. Mr AC Gbao said that he was born in
12 Segbwema. Then Mr Lamin said he came from Moyamba; that was
his
13 place of birth.
14 Q. Did they give the occupation, if any, of AC Gbao? Was
that
14:55:30 15 introduction done?
16 A. No.
17 Q. What about Lamin?
18 A. No.
19 Q. Was any other name given, other than Lamin?
14:55:57 20 A. Well, I did not hear any other name, except Lamin.
21 Q. So how long did this introduction take?
22 A. Well, it did not last long. Then, after further
questions
23 put, Mr Joe Tommy, who was Dr Tommy, he took an oath saying
that
24 he had no ill-intention for his people in Gerihun and that he
had
14:56:49 25 no hidden intention. And, from that point, they requested
that
26 they should be allowed to see the paramount chief.

27 Q. Was that request granted?
28 A. Yes. The town chief and the people, the committee, all
of
town
29 them welcomed them and we went. I led them, including the

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1 chief, and some other people went to the paramount chief's
place.

2 Q. How many of you went to the paramount chief's place?

3 A. The number was up to ten. When we went, we entered the
4 parlour, the chief's place.

14:58:00 5 Q. And you said that you led the group to the paramount
chief?

wouldn't
6 A. Yes, sir. If I were not the one that led them, I
7 have been in a position to explain what I'm explaining today.

8 Q. I understand, Mr Witness. I'm just trying to clarify.

9 Now, during that trip from the town chief -- sorry, let me
14:58:44 10 rephrase this. Let me ask a different question. At that time
11 did you know a person named Junior Kobbie?

12 A. Yes. I knew Junior Kobbie.

13 Q. My Lords, Junior Kobbie is number 7 on the list but I
think

14 the proper spelling is K-O-B-B-I-E. Who was Junior Kobbie?

14:59:29 15 A. Well, Junior Kobbie was one of the grandsons of the late
16 Paramount Chief AS Demby the third.
17 Q. Now, during this trip -- first of all, during the
encounter
18 at the town chief's place, did you see Junior Kobbie before
you
19 moved to go to the paramount chief?
15:00:06 20 A. No. He was not present at the scene at all, but if he
were
21 present there, well, it might be that because of the crowd.
But
22 I did not see him at all.
23 PRESIDING JUDGE: Mr Witness, can you be talking and
24 looking up, please. Your face is permanently drooped
downwards,
15:00:34 25 you know. We would like to see your face and --
26 THE WITNESS: Okay.
27 PRESIDING JUDGE: -- to dialogue with you.
28 THE WITNESS: Okay.
29 PRESIDING JUDGE: Okay?

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1 THE WITNESS: Okay. Yes, sir.

2 MR OGETO:

paramount 3 Q. Now, during the trip from the town chief to the
4 chief, did you see Junior Kobbie? You say you were ten people
15:01:02 5 who proceeded from the town chief to the paramount chief; did
you 6 see Kobbie?
7 A. No, Junior was not with us at all. I did not see him
8 myself.
9 Q. How far was it from this place where you met the town
chief 10 from the paramount chief's residence?
15:01:28 11 A. Well, the chief's place was not far away from the
paramount 12 chief's place. I cannot be exact, because I did not measure
the 13 place, but it would be, like, 40 metres to the paramount
chief's 14 place.
15:02:02 15 Q. So did you meet the paramount chief?
16 A. Yes. When we entered, we met some people there at the
17 parlour, but the paramount chief was in his bedroom, so one of
18 his eldest sons, who was Samuel Demby, it was he who led us to
19 the paramount chief in his bedroom.
15:02:47 20 Q. And why was the chief in the bedroom -- the paramount
21 chief?
22 A. Well, the chief, for a long time he was ill; he was not
23 well.
24 Q. You say you met some other people when you got to the
15:03:07 25 paramount chief's residence and you've mentioned Samuel Demby.
26 Are you able to mention the others that you met there?
27 A. Yes, I can recall a few. The other person that was
present

a 28 was Ambrose Demby. The other person who was also present was
the 29 quarter head chief, Mr Julius Bright; a quarter head chief in

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1 town.
Was 2 Q. Now, the first person that you mentioned, who was he?
3 he related to the paramount chief?
4 A. Yes. He was his eldest son, rather, rather --
15:04:28 5 THE INTERPRETER: The interpreter is sorry. The word
pikin
6 in Krio can indicate a daughter or a son.
7 Q. Mr Witness, please take it slowly. We want to be able
to
8 follow you. Now, you say when you went -- when you got to the
9 paramount chief's residence, there was the eldest son?
15:04:49 10 A. Yes.
11 Q. Samuel Demby?
12 A. Yes, Samuel Demby. And now I'm explaining about Samuel
13 Demby. He asked me about him. Now he is the one I'm
describing
14 now.
15:05:07 15 Q. No, but you said there were others?

16 PRESIDING JUDGE: You mentioned Ambrose Demby --

17 MR WAGONA: Yes, My Lord.

18 PRESIDING: -- didn't you.

19 THE WITNESS: Ambrose Demby. Ambrose Demby. They want
to

15:05:18 20 know who Ambrose Demby was? Okay. Ambrose Demby he was one
of

21 the -- the children of the Demby family. He was in the
parlour.

22 Did not hold any title in the town by then.

23 Q. Before we proceed, are you able to approximate how old
he

24 was at that time, Ambrose?

15:05:51 25 A. Ambrose Demby is older than I am. When I was 45 years
old,

26 at that time he was over 45 years.

27 Q. And the other person that you met there, who was he?

28 A. Was Julius Bright, a quarter head, a chief in the town.
So

29 he himself was in the parlour.

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1 Q. Are those the only people --

2 A. Then the other chief was there who was Julius Bana. He
was

with 3 at the old town section. We meet all of them in the parlour

4 other people. These are the people I'm able to recall.

15:06:45 5 Q. Did you see Junior Kobbie in the house when you got in
the 6 house?

7 A. No. Junior Kobbie, even when we entered the place I did
8 not see him. If he was there, as I have already said, I did

9 see him at all. The ones that went together and the ones
whose

15:07:14 10 names I can recall I have mentioned and I cannot recall that I
11 saw Junior at all.

12 Q. So what happened after you got in the paramount chief's
13 residence?

14 A. From the time when Mr Samuel Demby took us to his
father's

15:07:41 15 bedroom, we greeted him then Samuel Demby said, "These are
16 strangers who have just arrived."

17 Q. Proceed, please.

18 A. Okay. So, he said strangers have arrived. So, we
greeted

19 him, then Tommy -- Dr Tommy sympathised with the old man. He
15:08:14 20 said he was sorry that he met the old man in that position.

21 he had to introduce again all -- all members of his team but
he

22 knew Pa Tommy. So he introduced everybody again to the
paramount

23 chief. He told him that all of them came in order to talk
with

24 these people. That was what he said again.

15:08:52 25 Q. So you are saying that he introduced the three other
people

26 that he was with again?
27 A. Yes, exactly.
28 Q. What happened after that?
29 A. Well, since the chief -- the paramount chief was not

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1 feeling well, when Dr Tommy said he had come to talk to his
2 people, he welcomed him. Then he led the matter to the town
3 chief, so from that all of us left the paramount chief's house
4 together with the town chief. Then Mr Tommy, or Dr Tommy,
15:09:46 5 requested that he wanted to see one of his cousins, Mr Hannah.
6 Mr Hannah was one of the elders in town.

7 PRESIDING JUDGE: I see we are already moving from the
8 paramount chief's bedroom where he was bedridden and we are
going
9 out now and besides the introduction, nothing happened inside
15:10:14 10 there, you know. Just -- he just introduced the people and
left.

11 MR OGETO:
12 Q. Did anything happen in the house?
13 A. Well, since their mission was not purposely for the
14 paramount chief, nothing happened there except for the
greetings

15:10:41 15 and the introduction they did. All he wanted was to talk to
his

16 people.

17 JUDGE BOUTET: Mr Ogeto, I am at a loss to understand
how

18 all this was relevant. He spent so much time about going to
the

19 paramount chief but the situation here is to deal with Mr
Kallon,

15:11:03 20 as such.

21 MR OGETO: It has a direct bearing on the testimony of
22 witness 054 who recollects these events in a different way, My
23 Lords

24 JUDGE BOUTET: 054.

15:11:18 25 MR OGETO: Yes, My Lord.

26 JUDGE BOUTET: You mean this part of the event that the
27 witness is describing?

28 MR OGETO: Yes, My Lord.

29 JUDGE BOUTET: Okay. I'm -- as I say, I'm at a loss to

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your 1 understand how this could be relevant but I'm reassured by

2 statement that it is relevant.

3 MR OGETO: It is, My Lord.

4 JUDGE BOUTET: And mostly with reference to 054.

15:11:33 5 MR OGETO: Exactly countering the testimony with 054.

6 JUDGE BOUTET: Thank you, Mr Ogeto.

7 JUDGE THOMPSON: I would like to associate myself with
that
8 observation.

9 MR OGETO: Yes, My Lords.

15:11:42 10 JUDGE THOMPSON: Because if I understand the second
11 accused case is essentially structured on an alibi in various
12 respects or quasi and it would seem to me that evidence of
this
13 nature seems to be -- unless there's some kind of creativity
and
14 method here of bringing about indirectly some refutation but
on
15:12:11 15 its face, and I merely say on its face, it doesn't appear to
be
16 getting us in that direction. But having said that, I will
17 restrain myself and let you continue. There may well be a
method
18 in your design.

19 MR OGETO: My Lords.

15:12:30 20 JUDGE THOMPSON: I just thought I should join in
expressing
21 my own concern.

22 MR OGETO: I am very convinced, My Lords, that I have
not
23 really gone outside what I should do in response to the
testimony
24 of witness 054.

15:12:45 25 JUDGE THOMPSON: Yeah. It may be a long road. Probably
it
26 will take us there. I'm prepared to be patient. All right.

27 MR OGETO: Yes, My Lords.

28 Q. So what happened after -- after this encounter at the
29 paramount chief's residence?

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1 A. He had to move -- he went to the meeting -- meeting
place.

2 The RC boys' school compound. Again I was with them and the
3 place was prepared so that Dr Tommy could address his people
and

4 I was present in the meeting. When they arrived there, they
15:13:34 5 prepared everything. Dr Tommy had to introduce all -- all of
6 them. All the four of them.

7 Q. Now, where was this meeting held?

8 A. In one of the classrooms in RC boys' school.

9 Q. And you say you attended this meeting?

15:14:06 10 A. Yes.

11 Q. From the beginning to the end?

12 PRESIDING JUDGE: The classroom is in what boys' school?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE: In what school?

15:14:18 15 THE WITNESS: RC boys' school. Roman Catholic.

16 MR OGETO:

17 Q. So you attended the meeting from beginning to end?

18 A. Yes, I was present.

19 Q. What was discussed during this meeting?

15:14:41 20 A. Well, Dr Tommy said -- he told the people that -- that
they

21 should bear with him. That he had come purposely to talk to
them

22 because after the overthrow, the Kamajors stood firm to
reinstate

23 the SLPP government. So he came to assure us that the

24 international body and the ECOWAS were trying to put things

15:15:35 25 together in order for the junta rule -- junta ruler to
survive.

26 So he mentioned that all the people that he came with were

27 representing various areas in the country, which indicated
that

28 the south and the east, they contributed greatly to the
existence

29 of the SLPP, therefore Mr Gbao, who was a native born of

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1 Shegbwema, came along meaning that SLPP business was their

2 concern that the Kamajors should come together, they should
not

3 bother themselves because the junta rule will not survive
forever

4 because there was a rule in existence that no army overthrow.

15:16:33 5 Then one of the youths among the group, one Abdul Tejan --

6 Q. That's sufficient. That's sufficient. Now, are in the

7 course of this meeting do you recall if a person named Morris

8 Kallon was introduced as one of the guests?

9 A. Well, among the four men that went, I did not see
somebody

15:17:06 10 who was introduced to us as Morris Kallon. It was only those

11 four men whose names I have mentioned who were the ones whom I

12 even took to the town chief and to the paramount chief and we

13 came back to the meeting place. Those were the only four
people

14 that I dealt with and those were the people I saw, sir.

15:17:30 15 Q. At that time did you know the name Morris Kallon?

16 A. Well, during that period before August I did not hear
about

17 that name at all.

18 Q. What about after August?

19 A. That was the time I started hearing about that name.
That

15:18:08 20 was after our brothers had defected from the RUF.

21 Q. In what context did you start hearing about that name,
22 Morris Kallon?

23 A. I have explained that. Five RUF men defected from them.

24 They came and they introduced that name Morris Kallon, they
said

15:18:59 25 he was their boss. And it was that time -- from that time I

26 stated -- I started hearing the name Morris Kallon.

27 Q. Did you get to know his assignment after you started

28 hearing that name?

29 A. Well, they said that he was their commander. He had
been

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1 their commander and that all of them came to Bo.

2 Q. This person named Morris Kallon, did you get to see him
3 during the junta period?

4 A. Well, I only saw him in the year 2000 and 2001, in Bo.

15:19:45 5 Q. How did you get to know him? Who introduced you to him?

6 A. Well -- well, one time I and one Omar, we were in a
7 restaurant along down Dambala Road. We entered. When we sat,
8 then he spotted somebody sitting between two white people.

One

9 -- both of them were Lebanese, a man and a woman, and then he
10 said, "Hey," he said, "that was my former boss." I said,
15:20:33 "Who?"

11 He said, "The one that I've explained about, Morris Kallon."

should

12 From that moment we did not stay longer again. He said we

Kallon

13 leave that place. That was the time I had to see Morris

going

14 for the first time. Then the other time I saw him, I was

15:21:02 15 to a pharmacy along Fenti Road. I met civilians guarded along

16 the street by a photo studio. I entered in the pharmacy.

17 Then -- then a Fullah man, he said, "This other man is a good

18 man." Then he started discussing. Then I asked him who. He
19 said, "One RUF commander that is he -- he spoke to civilians
very
15:21:38 20 well, very politely. But right now he is addressing civilians
21 over there." That was the second time I saw him. When you
are
22 standing far away, you wouldn't see him because the people
were
23 taller than he. I went there and I -- I saw him. That was
the
24 very second time I saw him in Bo.

15:22:01 25 Q. When did you say was the first time that you saw him in
the
26 restaurant?

27 A. Towards the evening, in the year 2000. That was the
time I
28 saw him, 2000 and 2001, also.

29 Q. In 2000, was it the beginning, middle or the end of
2000.

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1 A. The ending of 2000.
2 Q. What about in 2001?
3 A. Early 2001.
4 Q. Now, if you saw the person that you saw in 2000 and
2001,

15:23:00 5 that you describe as Morris Kallon, will you be able to
identify

6 him?

7 A. Well, since it has taken a long time when I saw him, I
will

8 try. If he is placed before me, I would observe him. Maybe I
9 would be able to identify him.

15:23:28 10 MR OGETO: My Lords, with the permission of the Court, I
and
11 would like the witness to stand and look around the courtroom
12 see if he will be able to identify Mr Kallon.

13 Q. First of all, before -- before you do that, are you able
to
14 describe the person that you say was Morris Kallon, that you
saw

15:23:49 15 in 2000 and 2001?

16 A. Yes. The time I saw him, he was a short man and dark in
He
17 colour. He was not -- he was not plumpy, the time I saw him.
18 was the type of person I have described.

19 MR OGETO: My Lords, with your permission, if the
witness

15:24:24 20 can be allowed to stand and look around the courtroom.

21 PRESIDING JUDGE: Yes, he may.

22 MR OGETO:

23 Q. Mr Witness, are you able to stand, please, and look
around

24 the courtroom, try to see if you will be able to. You can use
15:24:50 25 your crutch, if there's a problem. Are you able to see the

26 entire courtroom from there? You don't have to move if you
are

27 able it see everybody: Do you have a problem with your eyes?

28 A. I think the man -- the man I saw, and the way he is

man 29 sitting, I think that's the man there, that short man is the

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1 there, that short man.

2 Q. How is he dressed? Can you describe how he is dressed?

3 A. Well, he had some white -- he had a shirt that has some
4 white stripes and he had glasses on. He looks like the man
that

15:26:15 5 I saw some time back.

6 MR OGETO: My Lords, if the record can reflect that the
7 witness has been able to identify the accused.

8 PRESIDING JUDGE: Yes, the records will, yes.

9 MR HARDAWAY: The Prosecution would object to that
15:26:34 10 classification, Your Honour. He said he thinks. It hasn't
been

11 100 per cent positive. His words were "I think." It's not a
12 certain ID and I would ask that the record reflect that.

13 MR OGETO: I have no objection to that, My Lords.
That's

14 what the witness said, so --

15:26:48 15 PRESIDING JUDGE: That's what the witness says.

16 MR OGETO: Yes, I can't change it.

Right, 17 PRESIDING JUDGE: He has described him, you know.
18 okay. Did you say he is the one wearing glasses, Mr Witness?
19 THE WITNESS: Yes, he is.
15:27:09 20 MR OGETO:
21 Q. You can take your seat, please. So on the 26th, the day
22 that you've been describing, first of all you were at
Nyandehun,
23 then you moved to the town chief, then you went to the
paramount
24 chief. Do you recall seeing the person that you have
identified,
15:27:38 25 or the person that you think is Morris Kallon?
26 A. The face I saw at that time, and the one I have seen in
27 this Court, I did not see him -- I did not see him at all.
28 Q. And during the meeting did you see the person that
you've
29 described?

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mean,
1 JUDGE BOUTET: You've been through it, Mr Ogeto. I
2 you've asked him if Mr Kallon was there. I mean, how many
times
3 do you need to ask that?
4 MR OGETO: I'll proceed, My Lords.

15:28:20 5 THE WITNESS: He was not there.

6 MR OGETO:

7 Q. On that day, 26 June 1997, did anything happen to the
8 paramount chief?

9 A. Yes, that was the time the AFRC soldiers killed him in
his
15:28:44 10 bedroom, on his bed.

11 Q. What time was he killed?

12 A. Well, it was at the evening hours.

13 Q. How did you learn about his killing or his death?

14 A. Well, that day AFRC soldiers came from the Bo direction.
15:29:22 15 They came in full force well-armed. They came. They attacked
16 our position at Nyandehun. During that time I was with a
guest
17 in the meeting. Before I could return to the base, they had
18 overpowered the Kamajors at Nyandehun and, from there, they
went
19 to Gerihun. It was thereupon they came and killed the
paramount
15:30:02 20 chief.

21 Q. How do you know that they are the ones that killed the
22 paramount chief?

23 A. The time when I came to town, after they have done
24 everything, they have looted, they did a lot of other things,
I
15:30:25 25 came, I met one Baba Morroco. He was the first person that
26 explained to me that they had killed the paramount chief. I
27 said, "Oh, Lord, my God. This is the first time in history
when
28 I have seen that people have killed a paramount chief." So
the

one

29 other person that I met with, who confirmed this to me, was

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time

1 Mr Simeon Tommy. He was the one who confirmed it the second

chief.

2 to me, saying that they had killed the Pa, the paramount

3 Q. When did you get this information?

15:31:29
day

4 A. It was the same day the Pa died, in the evening hours at
5 night, that was the time I got the information. During that

6 a lot of people suffered; they killed a lot of people.

7 Q. Were the killers identified? Or did you get any
8 information regarding the identities of the killers?

15:32:08

9 A. Yes, I encountered them on my way. When I was making an
10 attempt to lead our troops, I saw them while they were coming.

the

11 There were two vehicles before them, and there was one behind
12 them. They -- they were -- they walk in rows. They walk in

Boysie

13 rows along the highway. I was able to see and recognise

also

14 Palmer, Akim, and one lieutenant -- I used to know who was

15:32:47

15 based in Bo and I knew him before the coup -- one Lieutenant

16 Kuyateh, he himself was there, and one SSD, one corporal,

the
was
15:33:20

17 Corporal McCarthy, he too was there, and he was a member of
18 attack. He was a member of the group. Then the last vehicle,
19 which was with the attackers, that was where I saw Mosquito
20 before the -- there, while they were coming.

21 Q. Do you know if Tommy was involved in the killing of the
22 paramount chief; Tommy, the one who came with the guests?

people
day.

23 A. Well, I did not hear that. Tommy himself, the same
24 who killed the paramount chief, he too died that particular

15:33:54 25 He died. It was the junta who killed him. The junta, the
26 soldiers that went and attacked, the junta forces, he too died
27 that same day of the 26th Dr Tommy died.

28 Q. Do you know how he was killed?

towards

29 A. Well, the following morning, when I saw his corpse,

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1 the evening, he was shot dead.

2 Q. Where was he shot dead?

3 A. Well, in a village near --, Fengehun.

4 Q. And who gave you the information about his death?

15:35:00 5 A. It was one Pa Abu, who was a resident of Fengehun.
6 PRESIDING JUDGE: It was one Pa?
7 THE WITNESS: Abu.
8 MR OGETO:
9 Q. When did he give you that information?
15:35:24 10 A. Well, he gave me the information on the 27th. It was
11 during the evening, when I went and saw his body.
12 Q. So you identified his body?
13 A. Yes. My uncle's body, I was able to identify.
14 PRESIDING JUDGE: The 27th of what month again?
15:36:04 15 THE WITNESS: June. June 1997.
16 MR OGETO:
17 Q. Did you get to know what happened to the other guests
who
18 were with Tommy?
19 A. Well, for instance, Mr AC Gbao, on the 27th in the
morning,
15:36:31 20 he was on the highway at the park where people used to board
21 vehicles to go and get -- that was where we saw him. The one
22 that was limping, that was where we saw him at the park. Then
23 Mucktaru, he came to Bo. He returned to Bo. Later I saw him
in
24 Bo. Then Mr Lamin, from that time until this day, I'm unable
to
15:37:10 25 set my eyes on him.
26 MR OGETO: My Lords, if I can have a minute to consult?
27 PRESIDING JUDGE: Yes, please.
28 MR OGETO: My Lord, one last issue. I have some exhibits
29 here that I would like the witness to be shown. I have
notified

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1 the Prosecution and the parties and the Chamber of these
2 exhibits. I do have copies, if the Registry can kindly
3 distribute.

4 Q. Mr Witness, with you are two photographs. There's one
that

15:39:37 5 has got some buildings and what looks like a fence. Then
there's

6 another one, a headstone. Do you have those two pictures with
7 you?

8 A. Yes.

9 Q. Let's start with the one with some buildings on it. Are
15:40:10 10 you --

11 A. Okay.

12 Q. Are you able to identify that picture?

13 A. Yes.

14 Q. What is it all about?

15:40:21 15 A. Well, this one I'm holding here, it was the tomb for the
16 Dembys. It is at the centre of the town. It is very close to
17 the town court barri. The one -- the one --

18 Q. Which town?

19 A. xxxx.

15:41:07 20 Q. And what about the second picture?

late 21 A. The second picture, it was the image which they put on

22 Chief AS Demby, AS Demby the third's grave.

killed 23 Q. And this is the image of the paramount chief who was

24 on 26 June 1997?

15:42:01 25 A. Yes.

leave 26 MR CAMMEGH: I'm sorry to interrupt. Could Mr Gbao

27 the room for a moment, please?

28 PRESIDING JUDGE: Yes, he can.

the 29 MR OGETO: My Lords, if I could have this exhibit, with

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1 permission of the Court, tendered as exhibit -- as Court
2 exhibits?

3 PRESIDING JUDGE: Any objection?

4 MR HARDAWAY: No objection, Your Honour.

15:42:32 5 MR JORDASH: No objection.

6 MR CAMMEGH: No, thank you.

buildings. 7 MR OGETO: I could start with the one with the

8 PRESIDING JUDGE: With the buildings.

9 MR OGETO: Yes, My Lords.

15:43:28 10 PRESIDING JUDGE: The picture with the buildings is
11 admitted and marked as Exhibit 347A.
12 [Exhibit No. 347A was admitted]
13 PRESIDING JUDGE: And the one with the engraving on it
or
14 picture of the late chief is marked as Exhibit 347B.
15:44:20 15 [Exhibit No. 347B was admitted]
16 PRESIDING JUDGE: Yes.
17 MR OGETO: My Lords, that's all for this witness.
18 Thank you, Mr xxxx.
19 PRESIDING JUDGE: Yes, Mr Jordash, any questions in
15:45:15 20 cross-examination?
21 MR JORDASH: No, thank you.
22 PRESIDING JUDGE: Mr Cammegh?
23 MR JORDASH: No, thank you, Your Honour.
24 PRESIDING JUDGE: Yes, Mr Hardaway, any cross-
examination.
15:45:59 25 MR HARDAWAY: Yes, Your Honours, thank you.
26 PRESIDING JUDGE: Yes. You may proceed, please.
27 CROSS-EXAMINED BY MR HARDAWAY:
28 MR HARDAWAY:
29 Q. Mr Witness, good afternoon, sir.

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1 A. Yeah, good afternoon, sir.

2 Q. I have some questions for you. If at any point you do
not

3 understand what I am saying, please ask me to repeat it; all
4 right?

15:46:19 5 A. Yes, sir.

6 Q. Would it be correct to say, Mr Witness, that from 1990 -
-
7 in 1996 were you the patrol commander or the battle-group
8 commander?

9 A. I was a battle-group commander.

15:46:45 10 Q. And you were a patrol commander up until 1997, correct,
11 before the overthrow?

12 A. Yes.

13 Q. Now, after you became a battle-group commander, did you
go

14 out on military operations with the Kamajors?

15:47:05 15 A. When I became a battalion commander, yes.

16 Q. I apologise, it was battalion commander. Now, from the
17 time you were a patrol commander up until disarmament, which
18 includes the time you were a battalion commander -- are you
with

19 me so far?

15:47:29 20 A. Yes.

21 PRESIDING JUDGE: I'm not with you. Can you take that
22 again, please?

23 MR HARDAWAY: I'll rephrase, Your Honour.

24 PRESIDING JUDGE: Yes.

15:47:35 25 MR HARDAWAY:

when
all

26 Q. From 1996 up until disarmament, that covers the time
27 you were both a patrol commander and a battalion commander;
28 right?
29 A. Yes.

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1 Q. How many engagements did you have with the rebels?
2 A. In 1996, as patrol commander, I engaged them at Baoma
3 Chiefdom; all the places I had called up to Zogoda I engaged
4 them.
15:48:25 5 Q. And those were each separate battles; is that correct?
6 A. Yes.
7 Q. Now, during these battles, at the time you were patrol
8 commander in 1996, the rebels you fought would use children as
9 soldiers to fight against you and your Kamajors; isn't that
15:48:46 10 correct?
11 A. Well, when we were fighting them at the front, I -- I
never
12 saw children before me, but it was a man-to-man business. We
13 were fighting each other.
14 Q. Did you hear during these battles as patrol commander of
15:49:17 15 any of your other comrades fighting children who were with the

16 rebels?

want

17 A. Well, I am talking about what I saw, because I don't

18 to lie for the Court because one, I have established truth for

19 the Court. I like the Court so I did not see.

15:49:46 20
hear

Q. I'm not asking you what you saw: I'm asking did you

fighting

21 from any of your other Kamajors, who said that they were

patrol

22 children as they were fighting the rebels, while you were

23 commander?

children,

24 A. Specifically, no. To say they were fighting with

15:50:11 25

no.

the

26 Q. Or that they were fighting against children. Some of

did

27 people that they were fighting against were against children;

28 you hear that?

29 A. They said they were going to fight against rebels. They

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1 did not say they were going to fight against children.

2 Q. I didn't say that they said they were going to fight

your

3 against children. After the fight, did you hear from any of
4 men that some of the people they fought against were children?

15:50:51

5 A. That one? I heard that after the war. It was after the
6 war I heard that.

7 Q. That some of the men --

8 A. Starting from the time of the disarmament.

commander

15:51:09

10 were fighting against children?

11 A. Under my own command, sir, I never heard it from my men.

12 But when the disarmament was taking place, that was the time I
13 started hearing.

15:51:35

14 Q. Now, as battalion commander, how many battles did you
15 engage in up until disarmament?

problem,

16 A. Well, from 20 June 1997 up to the time I got this

17 I was not taking -- I was not keeping record of that, but I
18 engaged as a commander until the time I had this injury.

19 Q. And when did you get that injury, sir?

15:52:30

20 A. During the intervention.

rank

21 Q. Now, after you received your injury, you still had the

22 of battalion commander; is that correct?

23 A. Sure.

you

15:52:57

24 Q. Now, based upon your position of battalion commander,
25 would hear of other battles concerning the Kamajors and the
26 junta -- and the junta; is that correct?

27 A. Yes.

the

28 Q. And you would hear of battles between the Kamajors and

29 rebels after the intervention; is that also correct?

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get
fighting

1 A. Well, from the day when they had overthrown, I did not
2 this specifically, that this was a divided war; they are
3 against rebels; they are fighting against the juntas; but the
4 junta forces, they were fighting with them.

15:53:39
AFRC

5 Q. All right. Let me rephrase the question. After the
6 was thrown out of Freetown by ECOWAS, did you hear, in your
7 position as battalion commander, of battles between the
Kamajors
8 and the RUF?

--

15:54:24
it
was

9 A. I heard that -- I heard only about the AFRC soldiers. I
10 the battle that was between the Kamajors, that was purely --
11 was categorically with the rebels, that was before '96. It
12 before '96 that they never mix matters. It was purely they
13 engaged -- it was them purely they engaged.

14 Q. Did the Kamajors engage in any battles in 1998?

15:54:47 15 A. Yes.

16 Q. Who did they fight?
17 A. The AFRC soldiers, the juntas.
18 Q. And this -- and where was this fighting in 1998?
19 A. Well, they were attacking our positions, and we were
also
15:55:12 20 launching surprising attacks and finally we came to Bo during
the
21 intervention; that was the place we were when I heard this
22 problem.
23 Q. I am now talking after the intervention; okay?
24 A. Okay.
15:55:31 25 Q. Did the Kamajors engage in battle after the
intervention?
26 A. Well, yes.
27 Q. Okay. Who did they fight after the intervention?
28 A. The AFRC. Those were the people who took power from our
29 legitimate government. It was them. They were fighting so
that

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1 we were trying to restore democracy.
2 Q. Now, you had heard, Mr Witness, that the Kabbah
government
3 was overthrown by SLA soldiers; is that correct?
4 A. Yes. Yes, sir.

15:56:28 5 Q. And you also heard that very soon after the SLAs
overthrew
in 6 the government they invited the RUF, the rebels, to join them
7 government; isn't that correct?
8 A. Yes.
9 Q. And that government was called the AFRC; isn't that
15:56:48 10 correct?
11 A. Yes.
12 Q. Thank you. Now, during your battles with the AFRC as
13 battalion commander, did you hear of the AFRC using children
to
14 fight?
15:57:20 15 A. With me directly, sir, no.
16 Q. I put it to you, Mr Witness, that the AFRC used children
17 under the age of 15 to fight; how do you respond to that?
18 A. Not to my knowledge.
19 Q. I put it to you that the rebels, the RUF, from 1996
until
15:57:55 20 disarmament, used children under the age of 15 to fight; how
do
21 you respond?
22 A. As for me, I only heard that after all during
disarmament.
23 I never knew about that.
24 Q. Now, Mr Witness, you had mentioned that on the day that
15:58:28 25 Chief Demby was killed there was a delegation led by Dr Tommy;
is
26 that correct?
27 A. Yes.
28 Q. And Dr Tommy introduced the members of that delegation;
is

29 that also correct?

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1 A. Yes.

2 Q. One of the people in that delegation was xxxx; is
3 that correct?

4 A. No. No.

15:59:01 5 Q. You just know the person as Lamin?

6 A. Lamin, yeah.

7 Q. I put it to you that the person who you know as Lamin
was
8 in fact xxxx; how do you respond?

9 A. Well, I -- if -- it is only for the incident that took
15:59:23 10 place on that very day on 26 June 1997 I -- those were the
four

11 people I received and escorted them to xxxx whom I presented
12 to the town chief and to the paramount chief and in the
meeting

13 they were the only ones. I never saw or heard anything about
14 xxxx.

15:59:47 15 Q. Another person in that delegation was Augustine Gbao; is
16 that correct?

17 A. No. The person I saw with my own eyes who was
introduced

18 as AC Gbao, he had a disabled leg. He was limping as AC Gbao.

19 MR CAMMEGH: Your Honour, somewhat belatedly, although

16:00:18 20 we're grateful for the witness for his answer, I don't think
it's

21 right that that question should have been put in order to

22 implicate my client since I asked no questions in

23 cross-examination.

24 PRESIDING JUDGE: Pardon me.

16:00:29 25 MR CAMMEGH: I asked no questions in cross-examination
and

26 therefore I don't think it's within the right of the
Prosecution

27 to attempt to implicate my client through this witness.
That's

28 my understanding of the Rules.

29 MR HARDAWAY: Your Honour.

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1 PRESIDING JUDGE: I don't share that view.

2 MR HARDAWAY: My understanding is that since the witness
3 brought up the name Gbao and that is --

4 PRESIDING JUDGE: Brought up the name Gbao.

16:00:51 5 MR HARDAWAY: -- it is within my [overlapping speakers]
to

6 explore.

think
7 MR CAMMEGH: Your Honour, this is in my view, and I
8 my view is shared by others, a very cloudy area of Rules of
9 Procedure in this Court the extent to which --
16:01:04 10 PRESIDING JUDGE: Mr Hardaway, can you sit down, please.
11 MR CAMMEGH: The extent to which another party can
impugn a
12 co-defendant through cross-examination, my understanding has
13 always been that the Prosecution can only impugn a co-
defendant
14 through a witness if that co-defendant's counsel has attempted
to
16:01:34 15 exculpate his client. Now if I'm wrong about that I will
stand
16 corrected, and I do repeat this has become an extremely cloudy
17 area but I think with respect I'm right. Of course I add a
18 caveat that I'm grateful to the witness for his answer but in
my
19 submission, neither the question nor the answer really ought
to
16:01:59 20 be admissible.
21 PRESIDING JUDGE: Who is the person -- there are rules
22 which concern the three accused persons and how their defences
23 can be conducted. That is what we went through some time last
24 week. But the indictment is laid against the three accused
16:02:19 25 persons by the Prosecutor who is conducting the
26 cross-examination, and whose duty it is prove his case beyond
27 reasonable doubt and to establish what he has -- I mean to the
28 best of his ability -- what he has alleged in the indictment.
Is
29 there anything wrong with the Prosecution seeking to do just
what

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1 is considered his job.

2 MR CAMMEGH: Your Honour, ordinarily in national
3 jurisdictions nothing wrong with that whatsoever but in this
4 Court I believe the rules are different and my understanding -

16:03:00
there

5 and I really do -- in light of the obvious appearance that
6 is still doubt about this, I do ask Your Honours to give some
7 guidance. Because clearly this is going to be something that
8 will crop up again and we really do need guidance on this.

The

9 dilemma or the question in my submission being this: To what

16:03:22
defendant

10 extent do the Prosecution have the right to impugn a co-

11 through a defendant's witness? In my submission -- in my

12 understanding they have no right to do that unless the

through

13 co-defendant's counsel has sought to exculpate his client

14 cross-examination. It's very convoluted I know, but in my

16:03:45
following.

15 submission that is the rule that this Court has been

16 It is something I think important that we have guidance on.

think I

17 JUDGE THOMPSON: Let me just make a short point. I

18 agree with you that this is an area probably which one can
19 describe for the purposes of our own laws here as a grey area.
16:04:10 20 But I probably would say that it would seem to me that in the
21 national systems you might find some national system where the
22 law is as you espouse it. But what I'm not sure about is
whether
23 we do have such settled principles of law in the context of
24 international criminal justice, and I would like the
opportunity
16:04:35 25 myself to be enlightened on this, and I would have thought
26 perhaps that you would in fact be saying that the practice of
the
27 international tribunals may not be as settled as one would
like
28 them to be. But if there's anything in ICTY and ICTR which
are
29 likely to shed light on this I would like to benefit from it.

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1 But I can point to national systems where in fact, in America,
2 particularly in different states, where the rule may be as you
3 are espousing it now.

4 MR CAMMEGH: Well, to undermine my position, I have to
say

16:05:19 5 Your Honour is well aware that in England, of course, it's
open

6 season for the Prosecution to impugn a co-defendant through a
7 defendant's witness through cross-examination. That is
8 well-established.

9 My understanding or my recollection is that there have
been

16:05:35 10 oral rulings in this Court over the last few years which
support

11 my contention. We were actually looking for written authority
on

12 this last week and we were finding it very difficult to come
13 across; although Mr Jordash is probably better educated than
me

14 so perhaps I will give way to him.

16:06:06 15 MR JORDASH: Sorry to intervene but can I refer

16 Your Honours to Your Honours' decision on the impermissibility
of

17 eliciting evidence involving the second accused through

18 cross-examination of witnesses called by the third accused, in
19 the CDF case, 10 November 2006, in which Your Honours noted,

in a

16:06:14 20 similar situation, that whilst there are issues which relate
to

21 joint criminal enterprise and credibility, there are limits to
22 questions that can be put in these circumstances. And that

limit

23 will be decided on a case-by-case basis, but the essential

24 principle being that the Prosecution cannot elicit evidence of

16:06:43 25 direct participation in crimes through a co-accused witness

26 against the non presenting party.

27 So in these circumstances, where my learned friend has
28 asked a question seeking to implicate Gbao through a Kallon
29 witness, in the CDF case Your Honours have ruled that it was

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1 impermissible.

cut

2 JUDGE BOUTET: Yes, but that decision is not as clear-

3 as you would intend this Court to believe, because we said it

4 depends on circumstances, as such. I have a very vague

16:07:16 5 recollection of that case but it was not to say that under no

6 circumstances it would be possible.

7 PRESIDING JUDGE: That's why we said on a case-by-case

8 basis.

16:07:31 9 JUDGE BOUTET: And we premised that on the fact that no
10 accused person should be prejudiced by the fact that this is a

to

11 joint trial, and he is entitled to protections as if they were

12 be tried separately and, therefore, that's the kind of premise

comment

13 that we, I think, on that decision, but I know we made a

14 of that nature in the CDF, but not to say that under no

16:07:50 15 circumstances it would be permissible to do that.

16 MR JORDASH: Which is why I highlighted and reinforced

17 that.

or

18 JUDGE THOMPSON: And we were ourselves not quite clear,

rule 19 were diffident as to whether there was a specific and clear
16:08:05 20 of impermissibility. That's why we seem to have predicated
our 21 decision on that, on a kind of jurisdiction or inherent
22 jurisdiction of this Court, to ensure that we dispense justice
is 23 according to the principle of fairness. In other words, what
24 fair in the circumstances of a particular question.
16:08:27 25 MR JORDASH: I completely agree --
26 JUDGE THOMPSON: That was.
made 27 MR JORDASH: The circumstances in which Your Honours
the 28 this decision, I would argue, are almost exactly the same as
29 circumstances here.

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1 JUDGE THOMPSON: Yes. Yes.
2 MR JORDASH: And if I may read the final conclusion,
which 3 I think does almost amount to a principle finding:
4 "In light of the foregoing considerations the Chamber,
in 5 the circumstances of the present objection," that's Your
16:08:53 Honours'

6 point "find that the potential prejudice that may result from
7 allowing the Prosecution to elicit during cross-examination
8 direct evidence pertaining to an accused who has not called
the
9 witness in question would outweigh any potential probative
value
10 of evidence thereby elicited and would infringe upon the
11 protection afforded by Rule 82(A) to the second accused when
12 jointly tried."

13 So what Your Honours did was, of course, say it depends
on
14 a case-by-case basis but in the specific instance, whereby
there
15 was an attempt by the Prosecution to elicit direct evidence
16 from
a witness --

17 JUDGE BOUTET: But in that case, it was somewhat
different
18 too because, as I say, I think it was -- I think I remember
the
19 Prosecutor was doing it as such, and he appeared to me, from
my
20 recollection, to be going on a fishing expedition to try to
get
21 something out of that particular witness that had never been
22 questioned before. It was something totally new, if I can put
23 it, and they were trying to all of a sudden elicit some
evidence
24 from that witness against another equal accused.

16:10:05 25 MR JORDASH: Yes.

26 JUDGE BOUTET: Where that witness had not testified as
to
27 co-accused, not said anything, nothing, and we said that
comment.

The 28 MR JORDASH: Yes. Which is exactly the scenario here.
29 witness has mentioned a Gbao.

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it. 1 PRESIDING JUDGE: A Gbao has been mentioned. This is

2 MR JORDASH: But not Augustine Gbao.

said 3 JUDGE BOUTET: No, I know, I know, but the witness has
4 clearly now it's not Augustine Gbao and it's not the one.

16:10:26 5 MR JORDASH: It's particularly relevant to me because I
throughout 6 represent Mr Sesay, and Sesay will occur undoubtedly

7 the co-accused's case, and if the Prosecution are going to be
to 8 allowed to pick up on any Sesay mentioned, then cross-examine

9 implicate the first accused on that basis then, sadly, I'll be
on 10 my feet throughout the rest of the case.

11 JUDGE BOUTET: And we are sure you will.

basis 12 PRESIDING JUDGE: And since it is on a case-by-case

13 maybe we will visit that from time to time, until we come to
the

14 end of this exercise.

16:10:58 15 MR JORDASH: Well, I've made my point and I'll sit down,
16 thank you.

17 PRESIDING JUDGE: Yes.

18 MR CAMMEGH: Your Honour, can I just mention another
19 instance that took place in this trial that perhaps has led to
16:11:10 20 some confusion. It goes back to I think the end of July 2005.
21 Your Honours will probably recall the day on which counsel for
22 Gbao, in cross-examining I think it was TF1-071 elicited
evidence
23 from 071 which was very much to the detriment of the first
24 defendant, and Your Honours ruled the question and the answer
16:11:42 25 out. And the ruling appeared to indicate that cross-
examination
26 by a party to the detriment of -- or by a defendant to the
27 detriment of a co-defendant in those circumstances should not
be
28 admissible.

29 Now, I wasn't here when that happened, and I have been

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1 looking for a judgment on that. But again. We've been at a
loss
2 to find where it is. It may have been an oral one which was
3 redacted afterwards but, Your Honour, it's another indication,
in

4 my respectful submission, that we're not really sure where we
16:12:21 5 stand in relation to the admissibility of inculpatory material
6 adduced by another party through a party's witness. And I
think,
7 as Mr Jordash has foreshadowed, if there is going to be some
8 doubt on this we could probably all do with some guidance from
9 the Bench.

16:12:45 10 JUDGE BOUTET: As to whether or not this ruling from the
11 Court would have been removed from the record, I can assure
you
12 not. If we ruled it was not admissible it is still there on
the
13 record. Now where to find it I cannot tell you that this
14 afternoon but it is there. But again, that particular
scenario I
16:13:03 15 don't recall. Honestly, I have no recollection of what you
are
16 talking about, but we can look into it to see where it was,
and
17 we will ask our legal adviser to give us the background to it.
18 But you have a question. We dealt with that I thought last
week.
19 I mean, you were one of those asking questions that was
strongly
16:13:22 20 objected to by the counsel for the second accused. You were
21 indeed embarking in that direction, and I thought we had
issued
22 rulings at that particular moment to say well, we would allow
23 that but to an extent, and you tried to push it too far, the
24 extent, and we said no more.

16:13:39 25 MR CAMMEGH: Yes. The purpose of that cross-
examination,
26 as I -- and I appreciated the narrow distinction between

won't
that

27 exculpating one's client and the by-product being inculcating
28 another one's client. Your Honour, if -- all I'll say -- I
29 go further down that line. All I will say is this: I think

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as
examination,
16:14:28 which

1 all of us on the Defence side would appreciate some guidance
2 to the extent to which the Prosecution can cross-examine in
3 relation to the participation of a defendant, where that
4 defendant's counsel has asked no questions in cross-
5 because it is a grey area, and it does seem to be a matter
6 is going to crop up repeatedly.

16:14:48

7 JUDGE THOMPSON: But would it be asking too much if you
8 help us along this path, as counsel usually do, when we are
9 confronted with situations of this nature, it becomes a
10 partnership between the Bench and the Bar --

11 MR CAMMEGH: Yes.

that
there's

12 JUDGE THOMPSON: -- to find the appropriate principle
13 should be applicable, and this is why I was suggesting if

14 anything far afield in ICTY and ICTR, or elsewhere, we could
have

16:15:05 15 the benefit of your own researches in that area.

16 MR CAMMEGH: Your Honour, yes. As I said, we did
17 investigate the issue last week and largely drew a blank. I
18 think perhaps my legal assistant was looking at previous --

19 JUDGE THOMPSON: Probably somewhat diligent search,
lurking

16:15:25 20 in some corner somewhere, in the jurisprudence, may be some
kind

21 of esoteric authority that can just pop up.

22 MR CAMMEGH: Yes.

23 JUDGE THOMPSON: Not necessarily at the press of the
24 button, but after some diligent search.

16:15:41 25 MR CAMMEGH: Well, Your Honour, we'll endeavour to do
that.

26 But as I say, any guidance from the Bench on the issue will be
27 greatly appreciated by all, I'm sure. But we will do our best
to
28 furnish you with [overlapping speakers].

29 JUDGE BOUTET: Mr Cammegh, if I can suggest to you that
the

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1 mere fact that you are not cross-examining a witness is not

2 per se a criteria. You may for your own reason decide not to
3 cross-examine this witness because it may cause more damage
than
4 anything else so it's not the fact that you've cross-examined
or
16:16:14 5 not that is necessarily the guiding factor so it may be, but
it
6 depends on -- that's why I say it's a case-by-case, depends on
7 the circumstances.

8 MR CAMMEGH: Yes, and I'll be candid, I'm aware of 054's
9 evidence which is the evidence which this witness meets; I'm
16:16:31 10 aware of what happened during his testimony and what was said,
11 both in chief and cross-examination and a value judgment is
made
12 on what this witness has said in chief and for those reasons I
13 felt it unnecessary to cross-examine. But Your Honour is
right,
14 these matters fall on a case-by-case basis. I think I can
leave
16:16:51 15 it at this -- at this: We will do what we can to make the
16 inquiries that perhaps might be helpful to the Bench --

17 PRESIDING JUDGE: Thank you.

18 MR CAMMEGH: -- and see where it takes us.

19 PRESIDING JUDGE: Yes.

16:17:03 20 MR JORDASH: Sorry to.

21 PRESIDING JUDGE: No, I think it's over now. We won't
22 visit that any more. Your question is allowed, please. Let
it
23 be put.

24 MR HARDAWAY: Thank you, Your Honours.

16:17:19 25 Q. Mr Witness, I put it to you that the person who was
26 introduced as AC Gbao was in fact Augustine Gbao; what is your

27 response, sir?

28 PRESIDING JUDGE: He has said no, hadn't he.

29 THE WITNESS: No. No. The AC Gbao I said he had a

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I'm

1 disabled leg. That is -- that is what will strengthen what

2 talking of.

restroom

3 PRESIDING JUDGE: The one we see moving out to the

4 all the time does not have the features that the witness is

16:17:58 5 describing here, so -- his answer is clearly no, he is not the

6 one.

7 MR HARDAWAY:

Morris

8 Q. Now, another member of that delegation was in fact

9 Kallon, wasn't it?

16:18:14 10 A. I didn't even see or heard that name before 1997 in
August.

11 I never saw that person. I did not see him at all.

not

12 Q. So when I put it to you that in fact Morris Kallon was a

13 member of that delegation, you would not know because you did

14 see him; is that correct?

16:18:39 15 A. Because I did not see him and I am telling the Court the

16 truth that the four men whom I escorted to xxxx, the four men
17 who I presented their names to the Court and I'm telling the
18 Court the truth that Morris Kallon was not there in that
19 entourage.

16:19:06 20 PRESIDING JUDGE: He is categorical that Morris Kallon
was
21 not there.

22 MR HARDAWAY:

23 Q. Mr Witness, I would like to read to you a part of
testimony
24 from TF1-054, Your Honour, and this was in closed session
dated
16:19:19 25 30 November 2005?

26 PRESIDING JUDGE: What witness, please.

27 MR HARDAWAY: TF1-054. I will start from line 24 on
page
28 22.

29 PRESIDING JUDGE: What's the date of his testimony
again,

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1 please.

2 MR HARDAWAY: 30 November 2005.

3 PRESIDING JUDGE: 30 November. Is it 30 or 13.

4 MR HARDAWAY: Three zero.

16:19:44 5 PRESIDING JUDGE: Three zero..

6 MR HARDAWAY: I will start on page 22, line 24, and
going

7 on to page 23 -- that's two three -- and going to line 4.

8 Actually, I'll start at line 23, on page 22, Your Honour, to
9 start.

16:20:04 10 "Q. Please carry on.

11 "A. Dr Tommy, who was a member of the delegation,
12 introduced himself and said he was one of the people
that

13 was born in that chiefdom. He said 'I, Dr Tommy, I was
14 born here. I stem from this place.' The other man

16:20:24 15 introduced himself. He said he was called Augustine
Gbao."

16 Moving to page 23 now, Your Honours.

17 "The other man introduced himself as xxxx. Another
18 young man that mines oddly. He presently is in Bo. I cannot
19 recall his name, but he was a member of the delegation. There
16:20:58 20 was another man called Morris Kallon."

21 What is your response to that, sir?

22 A. Well, all that I've heard now, it is a story to me which
I
23 would not believe because what happened in front of me, that
is
24 what I have presented to the Court because I am under oath.

16:21:19 25 Q. Now, you had mentioned that Dr Tommy said that this
26 delegation was about SLPP business; correct?

27 A. Yes, that was what he said.

28 Q. The truth of the matter, sir, isn't it, is that Dr Tommy
29 was there to form an agreement between the AFRC junta and the

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1 Kamajors?

2 A. That one, he did not put it across at all. When he was
3 addressing his people, he said it was SLPP, and that they were

in

4 SLPP, and they supported the SLPP and he said Tejan Kabbah

will

16:22:07 5 come back. That was what he said to us.

6 Q. I would like to read you another part of the transcript,
7 sir, again witness TF1-054 --

8 A. Yes.

9 Q. -- the same day, 30 November 2005, page 23. I will go

from

16:22:25 10 lines 22 until line 29, at the end.

11 "Q. Please carry on. What did he say?

12 "A. He said, 'We are from Freetown. We came to Bo. We
13 met with the brigade commander, Boysie Palmer, AF Kamara
14 before we came to this place. We are here to talk to

you,

16:22:48 15 the Kamajors, and the people of this town. So that you
and

16 the AFRC junta who have taken over the reins of power
17 should work together in this country'."

18 How do you respond to that part of the transcript, sir?

19 A. Well, Dr Tommy, he never mentioned that to us. And, in
16:23:13 20 fact, I was the only Kamajor who was present in that meeting.
21 They had a special committee that was set up to cater for the
22 needs of the fighters, what they wanted.

23 Q. Now, I want to go briefly to the attack on the day that
24 Chief Demby died; all right?

16:23:35 25 A. Yes, sir.

a 26 Q. Now, it would be correct to say that during that attack
27 lot of civilians were killed; isn't that true?

28 A. It is true.

29 Q. It is true; correct?

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1 A. It is true. I said it.

2 Q. Now, Mr Witness --

3 A. Yes.

4 Q. -- prior -- if I may have just a moment, please,
16:24:17 5 Your Honour?

6 PRESIDING JUDGE: Please, you may.

7 WITNESS: Okay.

8 MR HARDAWAY: Thank you.

you 9 Q. I now want to move to the part of your evidence where
16:24:34 10 met, you said, your five brothers who defected from the RUF?
11 PRESIDING JUDGE: Mr Witness, about how many -- you said
12 many civilians were killed, can you estimate the number of
13 civilians who may have been killed during that attack?
14 THE WITNESS: Let me show the number?
16:25:02 15 PRESIDING JUDGE: Not with any exactitude. Can you
16 estimate the number of civilians who may have been killed, or
who 17 were killed?
18 THE WITNESS: I never counted that day, so I would not
be 19 in a position to give any number, because I am under oath.
16:25:18 20 PRESIDING JUDGE: Okay. All right. That's okay.
21 MR HARDAWAY:
22 Q. I want to take you back to the part of your evidence,
sir, 23 where you said you met your five brothers who defected from
the 24 RUF; all right?
16:25:34 25 A. Yes.
26 Q. Now, what are the names of these five brothers who you
said 27 defected from the RUF?
28 A. One was Umaru, Joseph, Munda.
29 PRESIDING JUDGE: That's number three?

1 THE WITNESS: Yes, Munda, Kinni and Senasi.

2 MR HARDAWAY:

3 Q. Do you know where these five people are now, sir?

to

16:26:37

4 A. They are alive. They were at Baoma Chiefdom up to now,
5 the present time.

their

6 Q. And it is your evidence, sir, that they told you that
7 Morris Kallon allowed them to leave after they surrendered
8 weapons and returned to xxxx; is that correct?

9 A. Yes, that was what they said.

16:27:09
any

10 Q. I put it to you, sir, that Morris Kallon never allowed
11 of his men to surrender and return to xxxx or any other enemy
12 forces; how do you respond to that?

said

He,

16:27:40

13 A. But it happened. We received five of them. Umaru, he
14 he was a sergeant. He was controlling the artillery group.
15 they were all there. There were five. A sergeant, sir, yes,
16 according to him.

17 Q. Now, during this time the Kamajors were still actively
18 fighting; is that correct?

16:28:10
area

19 A. Well, from the time of the intervention, when ECOMOG
20 entered to demand and control was there with ECOMOG, so the
21 of activity, no.

22 MR HARDAWAY: Now, if I have a moment, Your Honour --

23 PRESIDING JUDGE: Please do, Mr Hardaway.

24 MR HARDAWAY: Thank you, Your Honours.

16:29:23 25 Q. Just a few more questions, Mr Witness. Now, when you
were

26 talking about identifying Morris Kallon, you had mentioned
that

27 he was not plumpy at that time; do you remember that?

28 A. Yes.

29 Q. Why would you say something like that, sir, that he was
not

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1 plumpy at that time?

2 A. To be exact in the Court, and to have the Court
establish

3 the facts, so that I can gain from here, I'm saying what I saw

4 exactly and to present to the Court, and if at all he was
short,

16:30:17 5 dark, slim, whatever, I have to see the Court benefit exactly

6 from me.

7 Q. Mr Witness, you said not plumpy at that time before you

8 identified Mr Kallon. What I want to know is why you would
say

9 something like that?

16:30:37 10 A. Well, the lawyer asked me whether the Morris Kallon I
saw I
11 would be able to tell the Court something about him that I can
12 recall that I -- there I see him. In that vein, I remember
some
13 aspects of him I will be able to introduce to the Court so
that
14 when this Court sees him --

16:31:06 15 Q. All right, Mr Witness. One -- I'm almost finished.
Going
16 back to the meeting with the delegation. You had stated that
17 after they met Chief Demby they went to a school room; is that
18 correct?

19 PRESIDING JUDGE: The Roman Catholic school -- boys'
16:31:27 20 school.

21 THE WITNESS: Yes, yes, in the classroom.

22 MR HARDAWAY:

23 Q. And other people were there and another delegation
within
24 the township; correct?

16:31:34 25 A. Yes.

26 Q. Okay. I want to read another piece of testimony for you
27 and get your comment on it, okay. Again, Your Honour, this is
28 from TF1-054, again it's 30, three zero, November 2005, page
21.
29 I'll be reading from lines 23 to 26.

1 "Q. So what happened next, Mr Witness?

2 A. We left the room and I took these people to the
3 chiefdom people and I led them to the school room with
4 other people and a delegation of people within the
16:32:18 5 township."

6 That is accurate as to what you described as well, isn't
7 it?

8 A. Yes, that is what I said.

9 MR HARDAWAY: Thank you, Mr Witness. I have no further
16:32:38 10 questions of this witness, Your Honour. Mr Witness, I thank
you
11 for your time. This concludes my cross-examination.

12 PRESIDING JUDGE: Mr Ogeto, any re-examination?

13 MR OGETO: My Lords, a fairly unusual question. I want
to
14 ask if my colleague can repeat the last question that he
asked.

16:33:19 15 I didn't really get it. It may determine whether I will
16 re-examine on one issue, with your permission.

17 PRESIDING JUDGE: The question to me was an ordinary
18 comment. It wasn't even a question.

19 MR OGETO: I didn't --

16:33:32 20 PRESIDING JUDGE: That was -- that what TF1-054 said
about

21 their leaving the chief's house to the classroom was exactly
what

22 he has said. That's a comment. Is that not what you said?

23 MR HARDAWAY: That is correct, Your Honour. And the
24 witness agreed with me.

16:33:48 25 PRESIDING JUDGE: It was a comment. I mean, I didn't
even
26 take it as a question, you know.

27 MR OGETO: Just one question, My Lords, in re-
examination.

28 RE-EXAMINED BY MR OGETO:

29 MR OGETO:

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was
1 Q. Who led these guests to the classroom where the meeting
2 held?

3 A. I led the group.

4 Q. Thank you, My Lords.

16:34:41 5 PRESIDING JUDGE: Yes, Mr Witness, thank you very much
for
6 coming. We've come to the end of your testimony. We thank
you

7 for coming to assist the Tribunal with some clarifications on
8 issues that are involved in this trial. We wish you a safe
9 journey back and good luck in all your undertakings. So you

16:35:13 10 may -- you are now free to leave. We wish you a safe journey

witness 11 back to your place of abode. Yes, I hope there's another
12 in the waiting.
13 MR TAKU: Yes, Your Honours.
14 PRESIDING JUDGE: I was just saying I hope. I hope. I
16:35:33 15 hope they have a witness because our rule is that, you know,
you
16 should always have one witness and one or two in waiting
because
17 you never know what happens. One witness and one or two in
18 waiting because they can be in the witness house and be
staying
19 there. You know should get ready at least one to step in in
the
16:35:56 20 event of any eventuality. So we are happy that you were able
to
21 read our minds and to bring in a second witness. The Tribunal
22 would not have been very very happy with that. Yes, I think
the
23 witness can be led out of Court, please, and we would take an
24 early break at 4.27 as I see it, so as to allow Court
Management
16:36:40 25 to -- or rather the witness unit to bring in the next witness
in a
26 before we proceed. The Chamber will rise and we will resume
27 couple of minutes.
28 [Break taken at 4.28 p.m.]
29 [RUF21APR08D-BP]

1 [Upon resuming at 5.01 p.m.]

2 PRESIDING JUDGE: Yes, we're resuming the session. This
3 will be the third Defence witness for the second accused.

What's

4 his pseudonym again?

17:13:10 5 MR TAKU: Your Honours, DMK-161.

6 PRESIDING JUDGE: And he will be testifying in what
7 language?

8 MR TAKU: Krio, Your Honour.

9 PRESIDING JUDGE: Yes, can you swear him in, please.

17:13:44 10 WITNESS: DMK-161 [Sworn]

11 PRESIDING JUDGE: Your legal assistant is also a
12 technician; audio business.

me,

13 MR TAKU: Your Honour, she understands this better than

and

14 Your Honours. Your Honours, I will be leading this witness

to

17:14:40 15 we will be applying for a very short closed session, in order

witness.

16 ask a few questions of this witness that may, if asked in open
17 session, could reveal his identity. He is a protected

his

18 The conditions under which we ask for protective measures in

positions

19 regards, Your Honour, haven't changed considering the

17:15:19 20 he held in the RUF. So we're craving Your Honours -- seeking

that

21 leave to go very briefly into closed session so we deal with

22 issue, then we can resume in open session.
23 PRESIDING JUDGE: Yes. May we move into the closed
session
24 for Mr Taku to make his application, please. I hope that it
is
17:15:52 25 really very necessary that we go into a closed session.
26 MR TAKU: Your Honours will -- Your Honours, it will be
27 very, very brief, if my application is granted, just to deal
with
28 issues of his identification only.
29 PRESIDING JUDGE: That's okay. Let's move to the closed

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1 session. You may sit down whilst we are waiting for the
2 technology to be put in place.
3 [At this point in the proceedings, a portion of the
4 transcript, pages 106 to 116 was extracted and sealed under
17:16:44 5 separate cover, as the proceeding was heard in a closed
session]
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1

[Open session]

2 MS KAMUZORA: My Lords, Court is safe for open session.

3 PRESIDING JUDGE: Thank you yes, Mr Taku, you may
proceed,

4 thanks.

17:41:46 5 MR TAKU:

6 Q. Witness, do you know Morris Kallon?

7 A. Yes, sir, My Lord.

8 Q. When did you know Morris Kallon?

9 A. In 1991.

17:42:17 10 Q. Where?

11 A. Foya.

12 Q. Foya is in which country?

13 A. Liberia.

14 Q. How did you know Morris Kallon in Foya? What are the
17:42:39 15 circumstances under which you knew him?

16 A. I was held in saloon and I was taken as prisoner to
Foya.

17 I was there. Kallon came from Banga. He was trying to go to
18 Koidu. On the highway that morning, I saw him speaking Mende
and

19 I came to him and he asked me, "Who are you?" I told him I
was a

17:43:17 20 Sierra Leonean. I told him rebels caught me from my village
and

21 they brought me to this town Foya and we are straining here.
We

22 are being harassed here. When you spoke Mende and I heard, I
am

23 here to see, sir. And he said he would help me. That was the

24 first day I knew about this one. The ideology of the RUF. He

17:43:55 25 said we can win this war. He said all that was happening in
that

why 26 country which was in Liberia, he say that was not the reason

27 this war was.

28 Q. Before you proceed, where was Mr Kallon coming from when
29 you met him?

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going 1 A. He was coming from Banga. He went to Foya. He was

going 2 to Koidu. He met me at Foya. He came from Banga. He was

3 to Koidu and he met me at Foya.

4 Q. And Koidu is in which country, sir?

17:44:37 5 A. In Sierra Leone in the Kailahun District. We're sharing
a

6 common boundary with Liberia.

in 7 Q. Now, you said you told Mr Kallon that you were suffering

8 that location. When you heard him speaking Mende you moved to
9 him as you was suffering. What did you mean by you were

17:44:59 10 suffering? Who was responsible for your suffering?

11 A. Well, the men who took us there who were Liberians. We

12 knew nobody there. They were taking us as manpower to carry

suffering 13 loads for them, their belongings. That was why I was

14 at Foya.

17:45:24 15 Q. When you told Mr Kallon that you were suffering, that
these

16 Liberians had inflicted suffering on you, what was his
reaction?

17 What did he say? What did he do?

18 PRESIDING JUDGE: He said he would help him.

19 THE WITNESS: Well, he said sorry. This is not the move
17:45:47 20 they are come with the war from this country, he say but by in
that 21 God's grace one day this will come to an end. He promised

22 he will assist me.

23 MR TAKU:

24 Q. And did he assist you?

17:46:13 25 A. Yes. Yes, My Lord.

26 Q. What did he do?

27 A. He placed me in their car from Foya to Koindu.

28 Q. On the way from Foya to Koindu did you discuss Mr Kallon
--

29 A. Yes, My Lord.

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1 PRESIDING JUDGE: He put him [overlapping speakers].

2 MR TAKU:

3 Q. Was Mr Kallon in the car himself? The car he put you,
was
4 he in the car?

17:46:48 5 A. Yes, My Lord.

6 Q. Now, on your way from Foya to Koindu, did you see
7 anything -- was there anything spectacular that you saw near
8 Mr Kallon that you talked about?

9 A. Yes, My Lord.

17:47:13 10 Q. Tell the Court?

11 A. Well, we left Foya to go to Koidu. We met a group of
12 Sierra Leoneans carrying loads and they were held by some

armed

13 men who were Liberians and Kallon stopped that convoy. He
asked

14 the soldiers: Where are you taking these people? And they
all

17:47:51 15 gave him a rough answer, said: Move. What is your business
in

16 that. They molested him. Even the motor car in which we
were,

17 they had wanted to take it from him. Later on they left us
and

18 they went. On our way going and CO Morris said this type of

19 thing is no good. This is not the ideology of the RUF, he
said:

17:48:31 20 But by God's power this will one day come to an end. From
there

21 he told me what were the aims and objectives of the RUF. I,

22 myself, through his own explanation, that was the first time I

23 heard about the RUF. He gave me more information about the
RUF.

24 Why the RUF is fighting, what is our -- what are we supposed
to

17:49:01 25 get from this country which Pa Sankoh brought to this country.
26 We reached Koindu and I left him there. I went to Pendembu to
27 see my people.
28 Q. Now, what did he tell you about that ideology of the RUF
29 when you were on the way to Koindu?

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1 A. Yes.
2 PRESIDING JUDGE: You said from Koindu you went to
where,
3 to Pendembu.
4 THE WITNESS: Yes, sir. Yes, sir, My Lord.
17:49:43 5 MR TAKU:
6 Q. What did you tell -- what did he tell you about the
7 ideology of the RUF?
8 A. Yes, My Lord. He told me that -- he said the RUF has
come
9 with the revolution war. This war is to free this country.
Some
17:50:08 10 of us have been in this country and we are suffering and we
love
11 this country. The ideology which Foday Sankoh has showed us
in
12 the training base, that is what made us to enter here. He
said

they 13 but the Liberians who have come into this country, the way
power. 14 are doing things there is not nice but now we don't have
17:50:22 15 You, our brothers --
16 THE INTERPRETER: Your Honour, the witness is going too
17 fast.
18 MR TAKU:
Their 19 Q. Please repeat that and be very, very slow. Look at
17:50:36 20 Lordships. They are taking notes. There are people here
called 21 court reporters, these people here are recording what you are
22 saying so to be important for this exercise they must record
what 23 you are saying. So please be calm and move progressively.
24 A. Yes, My Lords. He said that was the first ideology I
got 25 from Mr Kallon. He said this type of thing which these people
26 are doing in this country who are Liberians who started the
war 27 in 1999, this was not the ideology of the RUF to take people
as 28 manpower to intimidate our family; that was not the ideology
of 29 the RUF. He said a common example, the people I met on the
road

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1 I tried to stop them but no. But one day this situation must
2 come to an end but for now, we have no power to stop them.

3 Q. Now, when you arrived Koindu you told the Court they
went
4 to Pendembu. How did you join the RUF -- when did you join
and
17:51:52 5 how?

6 A. Yes, My Lord. After being held in my village and they
are
7 taking me to Liberia and I came back. I came to Pendembu.
8 Inside Pendembu I fell in the same situation. They were
9 harassing us so much with the younger ones, they will take us
as
17:52:20 10 manpower to go to Foya and all the surrounding areas. At
night

11 we had to hide and I was with my father and mother. We had
left
12 our village. The village in which we left, the brothers that
13 came to Pendembu were rebels. When they escaped and went back
14 they were killed by the government troop, saying they are
rebels.

17:52:59 15 This information made us to stay in Pendembu. In Pendembu
again,
16 the rebels were harassing us. I decided to go to the training
17 base in June 1991. Yes, My Lord.

18 Q. Now, when you went to the training base in June 1991 did
19 you undergo any training there?

17:53:22 20 A. Yes, sir. I underwent a guerrilla training.

21 Q. And what again, is that all you underwent?

22 A. When I finished, I trained for another course in which I

23 am presently I am, and which I could not call here.

24 Q. When you say underwent guerrilla training, what were the
17:53:51 25 circumstances of the course of the guerrilla training; what
did

26 they train you?

27 A. Well at first I was trained in guerrilla tactics, how to
28 set an ambush; how to attack --

29 THE INTERPRETER: Your Honour, the witness is going too

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1 fast.

2 MR TAKU:

3 Q. Witness -- Mr Witness, you are going too fast again.
Tell

4 Their Lordships what was the subject of the training, all the
17:54:23 5 training you had in that training base?

6 A. Yes, My Lord. I was trained guerrilla tactics.

7 Q. Apart from guerrilla tactics did you undergo any other
8 training?

9 A. Yes, My Lord.

17:54:40 10 Q. What was it?

11 A. They taught me ideology at the base.

12 Q. Can you tell us the substance of this ideology? What
was

13 the contents of this ideology?

14 PRESIDING JUDGE: What is the relevance of this for this
17:55:07 15 witness.

16 MR TAKU: Okay, Your Honours, let me move on.

17 PRESIDING JUDGE: Yes. We've heard enough about the
18 contents of the ideology of the RUF. I don't want him to take

us

19 through that.

17:55:19 20 MR TAKU:

21 Q. Now, witness, when you joined RUF --

22 A. Yes, My Lord.

23 Q. -- what -- in which -- were there categories of
combatants

24 within RUF that you know of?

17:55:40 25 A. Yes, My Lord.

26 Q. Can you tell the Court the different categories?

27 A. First we had special forces. These special forces were
the

28 people who Foday Sankoh took to Libya. Those are the people

29 called special forces. After the special forces we had the

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1 Vanguard. The Vanguard, they were our brothers who were in

2 Liberia when the war came in and they caught up with the
3 training. Those are the people we call the Vanguard. After
the
4 Vanguard we come to the junior commandos who is a junior
17:56:24 5 commando like me sitting here, I was a junior commando. The
6 Sierra Leoneans whom the Vanguard caught in Sierra Leone we
were
7 the junior commandos. Those were the three categories that
were
8 in the RUF from 1991 to 1996.

9 Q. Now, we'll come back to that. In 1991 in the RUF, were
17:56:54 10 there officers in the RUF?

11 A. Yes, My Lord.

12 Q. The majority of the officers were of which nationality?

13 A. They were Liberians, sir.

14 PRESIDING JUDGE: You are taking a lot of time in 1991.
17:57:14 15 Too much time has been spent on 1991.

16 MR TAKU: Okay. We'll move on, Your Honours.

17 PRESIDING JUDGE: Yes, I mean I don't see the relevance
of
18 1991, you know, in this -- what have we not heard about 1991.

19 MR JORDASH:

17:57:28 20 MR TAKU: Okay, I'll move on, Your Honours.

21 Q. Now tell us, did you from 1991 to the year 2000, did you
22 have junior commandos who were commanders in the RUF that you
23 know of?

24 THE WITNESS: Yes, My Lord.

17:57:49 25 Q. Did you have Vanguard?

26 A. Yes, My Lord.

27 Q. You have special forces who were commanders?

28 A. Yes, My Lord.

29 Q. Now, who gave them this assignments?

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the
but
about
17:58:38

1 A. Yes, My Lord. That was why I took it from 1991 to 1996
2 RUF had three forces; junior commandos, the Vanguard's and --
3 since 1997 to the year 2001 RUF had complied with many forces,
4 the SLA, the STF, the junta 2's and the others. There were
5 seven groups -- seven different type of groups.

6 Q. Now --

7 A. Yes, My Lord.

8 Q. My question was that who was responsible for appointing
9 people into positions of responsibility in the RUF?

17:58:55 10 A. Well, in 1991 to 1996 Foday Sankoh was responsible for
the
11 appointment of commanders to the RUF. From '97 when he signed
12 the peace accord he let Sam Bockarie be in charge, who was
13 Mosquito. He was given appointment to the commanders.

14 Q. Now, in making appointments or giving command positions,
17:59:31 15 did Foday Sankoh or Mosquito, did they take into consideration
16 whether somebody was a special force, a Vanguard, or a junior
17 commando or they give the position to whomever they wanted?

18 PRESIDING JUDGE: What is the relevance of this in these
19 proceedings at this stage? What is the relevance.

17:59:54 20 MR TAKU: It is because the Prosecutor raised that these
21 are the preliminary stages, we'll get into 1996, the area of
the
22 indictment, later on but I just want him to clarify this.

23 PRESIDING JUDGE: No, I don't think that question --
we'd
24 have to gloss over it. It is not to me relevant.

18:00:13 25 MR TAKU: Okay, Your Honour.

26 PRESIDING JUDGE: Yes. We have to move to the core
issues,
27 you know, and I would like examination-in-chief, you know, to
28 take into consideration -- to consider, you know, the
directives
29 which we have given, you know, before now on these issues and

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I
1 things like 1991, you know, I don't see -- we should not spend
2 too much time in 1991 anymore. We've heard much about 1991.
3 think this witness is called here to defend your client.

4 MR TAKU: Yes, Your Honours.

18:00:47 5 PRESIDING JUDGE: So what does the ideology got to do,
you

6 know, what does the ideology got to do, you know, with his
coming 7 here in defence of your client? We know what the ideology is
8 and --
9 MR TAKU: Okay. Witness let me just situate you.
18:01:02 10 Q. On 25 May 1996 where were you?
11 A. Yes, My Lords, I was at the Western Jungle.
12 Q. Do you know where Morris Kallon was?
13 A. Yes, My Lord.
14 Q. Where was he?
18:01:31 15 A. Bo Jungle.
16 PRESIDING JUDGE: That's on 25 May 1997.
17 MR TAKU: 1996, Your Honour.
18 PRESIDING JUDGE: 1996.
19 MR TAKU: Yes, Your Honours.
18:01:41 20 THE WITNESS: Yes, My Lord.
21 MR TAKU:
22 Q. Do you know who was the commander of the Bo Jungle?
23 A. Yes, My Lord.
24 Q. Who was the commander?
18:01:57 25 A. Captain Augustine.
26 Q. Did Morris Kallon hold any position of responsibility at
27 that point in time within the RUF?
28 A. No, My Lord.
29 PRESIDING JUDGE: We will stop there, please.

1 MR TAKU: Thank you, Your Honour.

2 PRESIDING JUDGE: Well, learned counsel, I think we've
come
3 to the end of proceedings today and we'll adjourn and resume
the
4 session tomorrow at 9.30. The Chamber will rise, please.

18:03:44 5 [Whereupon the hearing adjourned at 5.53
p.m.
6 to be reconvened on Tuesday, the 22nd day
7 of April 2008 at 9.30 a.m.]

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EXHIBITS:

23 Exhibit No. 346
80 Exhibit No. 347A
80 Exhibit No. 347B

WITNESSES FOR THE DEFENCE:

30 WITNESS: ACCUSED MORRIS KALLON 2
CROSS-EXAMINED BY MR WAGONA 2
RE-EXAMINED BY MR TAKU

44

WITNESS: DMK-160

46

EXAMINED BY MR OGETO

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CROSS-EXAMINED BY MR HARDAWAY

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RE-EXAMINED BY MR OGETO

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WITNESS: DMK-161

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EXAMINED BY MR TAKU