

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

TUESDAY, 22 APRIL 2008
9.43 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 Charles Hardaway
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 [RUF22APR08A-BP]

2 Tuesday, 22 April 2008

3 [Open session]

4 [The accused present]

09:41:41 5 [Upon commencing at 9.43 a.m.]

6 [The witness entered Court]

7 WITNESS: DMK-161 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, learned counsel. We are
09:54:16 10 resuming the proceedings. Yes, Mr Taku.

11 MR TAKU: Good morning, Your Honours.

12 PRESIDING JUDGE: Yes. We are now in the open session,

I

13 suppose?

14 MR TAKU: Yes, Your Honours.

09:54:34 15 PRESIDING JUDGE: Right. Okay. Let's continue.

16 EXAMINED BY MR TAKU: [Continued]

17 MR TAKU:

18 Q. Good morning witness 161, DMK-161. Good morning, sir.

19 A. Good morning, sir.

09:54:52 20 Q. Now, I would just like you to clarify one thing: You
21 testified yesterday --

22 PRESIDING JUDGE: Mr Taku, if I may come back to you. I

23 made a remark yesterday about the pre-indictment period 1991

and

24 so on and so forth. I am not saying that for the purposes of
09:55:24 25 your Defence you mightn't visit the pre-indictment period 1991
26 and the rest of it. All I'm saying is that we should not skip
27 there for too long. Since it is your defence, and you know
the
28 strategies you have, you may -- you may like -- we accepted
the
29 scenario in the case of the first accused, or lead some
evidence,

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1 you know, during the pre-indictment period. All we are
against
2 is the element of repetitiveness, once you have at least
3 established the basic facts which you intend to rely on,
before
4 you move to the indictment period properly -- proper.

09:56:18 5 MR TAKU: Thank you very much, Your Honour.

6 Q. Witness, listen very carefully to the question. Take a
7 pause and give the answers to the questions. If I need
further
8 clarification I will ask you to do so. You understand, sir?

9 PRESIDING JUDGE: Or if he himself needs to clarify, he
09:56:44 10 should say he wants to clarify, after answering the question.

11 THE WITNESS: Yes, My Lord.

12 PRESIDING JUDGE: If he needs to clarify, why not, you
13 know?
14 MR TAKU: You are right, sir.
09:56:57 15 Q. Witness --
16 A. Yes, My Lord.
17 Q. -- now do not say anything that will reveal your
identity;
18 you understand, sir?
19 A. Yes, My Lord.
09:57:09 20 Q. Now, that said, from the day you were given the position
of
21 you testified about yesterday in closed session, were you one
22 the commanders who be informed or who would take part in any
23 plan, war plan, if the RUF were to attack a particular
location
24 within Sierra Leone?
09:57:49 25 A. Yes, My Lord.
26 Q. On 6 January 1999, were you ever informed that the RUF
was
27 taking part in any attack of Freetown?
28 A. No, My Lord.
29 PRESIDING JUDGE: That's 6/1/1999?

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1 MR TAKU: 6 January 1999, Your Honour.

2 PRESIDING JUDGE: 1999, yes.

3 Q. Did the RUF take part in the attack?

4 A. No, My Lord.

09:59:00 5 Q. Did Morris Kallon take part in the attack?

6 A. No, My Lord.

7 Q. Did Morris Kallon assist the SLA in the attack in any
8 manner whatsoever?

9 A. They were never together, My Lord.

09:59:43 10 Q. You stated yesterday that in the position, the command
11 absence position occupied you reported to the leader and in his

12 Mosquito. Do you remember that, sir? Do you remember saying
13 that yesterday, sir?

14 A. Yes, My Lord.

10:00:03 15 Q. Now, how was your command organised? Did you deploy
16 people in your command in different deployment areas of the RUF?

17 A. Yes, My Lord.

18 JUDGE BOUTET: What do you mean by that? I don't
19 understand your question.

10:00:30 20 JUDGE THOMPSON: Yes. I thought you were probably
21 suggesting something to him. It sounded like an impermissible
22 question.

23 MR TAKU: Okay, Your Honours, let me put the question
24 differently.

10:00:40 25 JUDGE THOMPSON: This is examination-in-chief.

26 MR TAKU: Thank you, Your Honour.

27 Q. How was your command organised, please?

never

28 JUDGE BOUTET: What do you mean by his command? He
29 talk about "he" having -- in charge of any command.

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1 MR TAKU: Okay.

2 Q. Were you in charge of any --

3 A. Yes, My Lord. I'll explain to you, My Lord.

4 Q. Okay. Explain, please.

10:01:00
my

5 A. As the overall unit commander, I had the right to deploy

6 men within all the RUF held areas. The men I assigned to the

7 various targets and brigades, they were to report to me
directly.

8 From then, I make my report to Foday Sankoh or Sam Bockarie.

9 Q. So what sort of report would they make to you?

10:01:42
report

10 A. Yes, My Lord. Any report that came from the various
11 targets, that was sent to me, in case of any intelligence

fighters, I

12 from the battlefield line, that was sent to me by the

13 had the right to send it to the leader, yes, My Lord.

14 Q. Now, within --

10:02:17

15 JUDGE BOUTET: I'm just trying to understand what the

position

16 witness is testifying about. Are you saying that in the

front

17 you had that intelligence reports were coming to you on the

18 line?

19 THE WITNESS: Yes, My Lord.

10:02:34 20

JUDGE BOUTET: So the position you occupied at various

is

21 times as such, and I'm not sure which time frame your lawyer

22 talking about, but intelligence officers in the organisational

23 structure were reporting to you?

officer

24 THE WITNESS: Yes. Yes, My Lord. I was the senior

10:03:09 25
intelligence

within the movement. I had the right to submit any

26 report to my leader who was Foday Sankoh. That's part of the

the

27 work I was doing within the RUF. I had rights because I was

28 personal security to Foday Sankoh or Sam Bockarie.

29 JUDGE BOUTET: Okay. Thank you.

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1 MR TAKU: Thank you, Your Honours.

2 THE WITNESS: Thank you, My Honours, sir.

3 MR TAKU:

orders 4 Q. In the position you occupied, did you also receive
10:03:29 5 and instructions from Foday Sankoh and Sam Bockarie?
6 A. Yes, My Lords.
7 Q. Did you at any time ever disobey those orders or
8 instructions?
9 A. I wanted to clarify --
10:04:02 10 Q. From Foday Sankoh?
11 A. No, sir, My Lord.
12 Q. Can you tell the Court what will happen if you or any
13 commander that you know of disobeyed orders or instruction
from
14 Foday Sankoh?
10:04:18 15 A. Yes, My Lords. No RUF commander will never make that
16 mistake to disobey because Foday Sankoh -- well, he was our
17 leader. He brought the revolution and everybody respected
him.
18 Never would anyone deny his command.
19 PRESIDING JUDGE: That wasn't the question. What would
10:04:42 20 happen?
21 MR TAKU:
22 Q. What would happen?
23 A. If you denied the instructions of Foday Sankoh, he will
24 send for you to be arrested and there were punishment
prescribed
10:05:00 25 for that. If you were ordered to do something and you defy
his
26 authority, he will send people.
27 THE INTERPRETER: The interpreter is sorry. The
28 interpreter is sorry. The attorney could not allow the
29 interpreter to complete the interpretation. The interpreter
is

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the 1 sorry. There is a problem here. The attorney cannot allow
the 2 interpretation to go through, then he poses his question so
3 interpreter cannot do the work properly.

10:05:33 4 PRESIDING JUDGE: Yes. Mr Taku, I hope you are hearing
5 that?

6 MR TAKU: Sir.

are 7 PRESIDING JUDGE: I hope you are listening to what they
8 saying from the interpretation cabin.

9 MR TAKU: I'm not hearing, sir. I'm listening to --

10:05:42 10 PRESIDING JUDGE: They say you do not wait for the
witness 11 to finish responding to your questions, when you put another
one, 12 so when you put another question to him, you know, so --

13 MR TAKU: Thank you, Your Honour. I'm sorry about that,
14 Your Honours. I will try.

10:06:01 15 PRESIDING JUDGE: You should wait for the witness, you
16 know, to answer the question you've put to him before you go
to

17 another one because if you put them in a quick succession, you
18 know, the interpretation booth does not follow and it would
not

19 translate the witness -- not interpret the witness accurately.

10:06:30 20 MR TAKU:

21 Q. Now, witness, did this apply to the time frame between
25
22 May 1996 to 18 January 2002?

23 A. Yes, My Lords.

24 Q. Now, where were you in May 1996?

10:07:20 25 A. Yes, My Lords. I was -- I was in the Western Area, no,
26 Zogoda. I was in Zogoda in 1996. Zogoda, where Foday Sankoh
was
27 based.

28 Q. Who was the RUF commander in Zogoda, in May 1996?

29 A. Yes, My Lords. When Pa Sankoh went for the peace
accord,

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1 he appointed CO Mohamed, who was Zino, he was the second in
2 command to Foday Sankoh. He took over the command.

3 JUDGE BOUTET: What is the name again? CO?

4 THE WITNESS: CO Mohamed Tarawallie.

10:08:40 5 MR TAKU:

6 Q. From 25 May 1997 to February 1998, where were you, sir?

7 A. Yes, My Lords. After Zogoda had fallen into the hands
of

8 the Kamajors, I retreated to Kailahun. I was at Giema. From
9 Giema, after the coup, I came to Freetown, yes, My Lords.

10:09:33 10 Q. From mid-February 1998 to June 30, 1998, where were you?

11 A. Yes, My Lords, I was at Hastings.

12 Q. From May 25, 1997 to 1 August 1997, did you know where
13 Mr Kallon was, sir?

14 A. Yes, My Lord.

10:10:16 15 PRESIDING JUDGE: From when?

16 MR TAKU: From 25 May 1997 to 1 August 1997, Your
Honours.

17 Q. Can you tell the Honourable Court where you were?

18 A. Yes, My Lords. I was at Hastings. I was at Hastings.

19 Q. Yes, witness. Listen to my question carefully.

10:11:00 20 A. Yes, My Lords.

21 Q. From May 25, 1997 --

22 A. Yes, My Lord.

23 Q. -- to 1 August 1997, did you know where Mr Kallon was?

24 A. Yes, My Lords.

10:11:19 25 Q. Tell Their Lordships?

26 A. Yes, My Lords. After the coup --

27 PRESIDING JUDGE: Where was he? Answer the question.

28 THE WITNESS: He was at Makeni, sir.

29 MR TAKU:

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where

1 Q. From August 1997 to early February 1998, did you know
2 Mr Kallon was? If you know, tell Their Lordships?

3 A. Yes. He was in Makeni, sir.

10:12:11

4 PRESIDING JUDGE: When you say early 1998, what do you
5 mean?

6 MR TAKU: Okay, sir.

where

7 Q. From the second -- listen. About 2 or 3 August 1997 to
8 about 16 February 1998, you understand that? Do you know
9 he was?

10:12:35

10 A. My Lord, repeat the question.

you

11 Q. From about 3 August 1997 to about 16 February 1998, do
12 know where Mr Kallon was?

13 A. Yes, My Lord.

14 Q. Tell the Court.

10:13:03
Makeni,

15 A. Yes, My Lord. Mr Kallon was still in Makeni. From
16 he took up an assignment for Bo but --

at

17 PRESIDING JUDGE: Answer the question, please. He was
18 Makeni. Please put the question to him again.

19 MR TAKU:

10:13:23

20 Q. Now when he left Makeni where did he go?

21 PRESIDING JUDGE: Don't give answers to questions, don't
22 give explanations to questions which have not been put to you.

23 THE WITNESS: He went to Bo.

24 PRESIDING JUDGE: From Makeni he went to Bo?

10:13:38 25 THE WITNESS: Yes, My Lord.

26 MR TAKU:

27 Q. What was his rank at that time?

28 PRESIDING JUDGE: At what time did he go to Bo?

29 THE WITNESS: Yes, My Lord. His rank was major.

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You

1 PRESIDING JUDGE: I say at what time did he go to Bo?

Bo?

2 say he left Makeni and went to Bo; at what time did he go to

the

3 THE WITNESS: Yes, My Lords. I wouldn't be able to say

an

4 exact date, but after he left Makeni he went to Bo, and he had

10:14:16 5
first

assignment for Bo. I wouldn't say exactly but that was his

6 assignment in Bo during the AFRC period.

7 MR TAKU:

8 Q. When he left Bo, did you know where he went to?

9 A. Yes, My Lord.

10:14:46 10 Q. Can you tell the Court?

11 A. He used to come and visit to Freetown.

12 Q. From mid-February, about mid-February --

13 PRESIDING JUDGE: That question is not clearly answered.

14 From Bo where was he? Visiting Freetown is not that he was in

10:15:19 15 Freetown. Where was he after Bo?

16 MR TAKU:

17 Q. Where was he deployed to?

18 A. He had an assignment for Bo. That was where he was

19 stationed but he had been moving from -- to different areas

but

10:15:39 20 his main assignment area was Bo.

21 Q. Now, when he left Bo, where did he move to? Did he

remain

22 in Bo? Or after Bo he went to another place?

23 A. Yes, My Lord, he had been coming to Makeni.

24 Q. Now, from mid-February 1998 to 30 June 1998, do you know

10:16:14 25 where Mr Kallon was?

26 A. Yes, My Lords. The area where I knew Mr Kallon was

based

27 during the AFRC period was Bo.

28 Q. Now during -- you heard -- you said you came to Freetown

29 when you left Kailahun. Is there a time in which you left

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1 Freetown to another location yourself?

2 A. Yes, My Lords. I came to Waterloo. From there I had an
3 assignment for Hastings; that was the area I was assigned.

4 Q. Did you ever hear about the intervention?

10:17:33 5 A. Yes, My Lord.

6 Q. Can you tell the Court what you heard about the
7 intervention?

8 A. Yes, My Lords. Well, I had an assignment at Hastings,
but

9 when we were in Freetown with the AFRC, our observation about
the

10:18:00 10 way the government was running the affairs of state --

11 PRESIDING JUDGE: Watch your speed and the way you are
12 talking. You are running your mouth too fast.

13 THE WITNESS: Yes, My Lord. Yes, My Lords. I had an
14 assignment at Hastings. The ECOMOG were deployed at Jui. One

10:18:35 15 morning they came and attacked us at Hastings. They were
unable

16 to drive us away from Hastings. After a week they barricaded
the

17 highway, the road from Hastings to Freetown, they blocked that
18 area. Any member of the AFRC were not allowed to pass through

19 that road anymore. From that, they started attacking our

10:19:22 20 brothers in Freetown. The AFRC soldiers were unable to
withstand

21 the attacks. From then, I decided to retreat from Hastings

22 because I had family in Waterloo. The ECOMOG were able to
invade

23 Freetown. They evicted us from Hastings. I came and based at

24 Waterloo, yes, My Lord.

10:20:13 25 MR TAKU:

26 Q. Now, you said the forces that were in Freetown were
thrown

27 out of Freetown. Did you --

28 A. Yes, My Lord.

29 Q. -- did you at any time -- did they retreat from
Freetown?

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1 A. Yes, My Lord.

2 Q. During this retreat from Freetown, did you know where
3 Morris Kallon was?

4 A. Yes, My Lord.

10:20:54 5 Q. Where was he?

6 A. He was in Bo.

7 Q. Can you tell the Court the month when ECOMOG flushed out
8 these people from Freetown, if you know?

9 JUDGE BOUTET: Did he testify that they flushed him out?

10:21:22 10 MR TAKU: He said they retreated. ECOMOG threw them out
of

11 Freetown. That's what he said. I'm just repeating --

12 JUDGE BOUTET: He just said that they could not resist
but

13 I didn't know that they had been flushed out. It's quite
14 different to not resist and being flushed out.

10:21:38 15 MR TAKU: Yes, sir. Let me put the question again.

16 Q. When the forces in Freetown could not resist, what did
they
17 do?

18 A. They pulled out, My Lord. We retreated.

19 Q. Did you at some point in time meet these forces that
10:22:07 20 retreated from Freetown?

21 A. Yes, My Lord.

22 Q. Where did you meet them?

23 A. Yes, My Lord. All of us met at Masiaka.

24 Q. Can you tell Their Lordships who and who you saw in
10:22:40 25 Masiaka, among the retreating forces from Freetown?

I
26 A. Yes, My Lords. We retreated. First I came to Waterloo.
27 collected members of my family. We came to Masiaka. When I
28 stayed in Masiaka, there I saw Superman with JP, Johnny Paul
29 Koroma. They used the peninsular road where they retreated --

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1 when they retreated they passed through the peninsular road.

2 When -- when they reached Tombo, they did not have a way to
come
3 to Waterloo. They travelled with Johnny Paul Koroma through
the
4 river -- through the sea -- with small boats and they came and
10:23:38 5 met us at Masiaka with some PLOs like Gullit, Bazzy, Brigadier
6 Masiaka. Mani, all of those people. All of us stayed together in

7 Yes, My Lord.

8 Q. Did you see Morris Kallon at Masiaka?

9 JUDGE THOMPSON: I thought you were coming to the
10:24:07 10 elimination process.

11 MR TAKU: No, My Lord.

12 JUDGE THOMPSON: We could have got through that
elimination
13 process by putting a single question there. That's all right.
I
14 thought I was just waiting for the elimination process.

10:24:22 15 MR TAKU: Thank you, Your Honours.

16 Q. You said you saw Superman at Masiaka; what rank did
17 Superman have?

18 PRESIDING JUDGE: Is what you are saying, is that -- is
19 what you are saying that Morris Kallon was not part of the
10:24:45 20 retreating forces?

21 MR TAKU: Yes, My Lord.

22 PRESIDING JUDGE: The question is not put to you. You
are
23 not testifying. Yes, Mr Witness.

24 THE WITNESS: Yes, My Lord.

10:25:08 25 PRESIDING JUDGE: Is that what you are saying? Is what
you
26 are saying that Morris Kallon --

27 THE WITNESS: Yes, My Lords.

not 28 PRESIDING JUDGE: Are you saying that Morris Kallon was

29 amongst the retreating forces.

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1 THE WITNESS: Yes, My Lord.

2 MR TAKU:

3 Q. Did you ever hear --

4 PRESIDING JUDGE: Can you allow him to drink water,
please.

10:25:53 5 Drink your water, please, Mr Witness.

6 THE WITNESS: Yes, My Lord. Your question, sir?

7 MR TAKU:

8 Q. Did you ever hear about Operation Pay Yourself?

9 A. Yes, My Lord.

10:26:18 10 Q. Who declared Operation Pay Yourself?

11 A. Yes, My Lords. First Operation Pay Yourself --

12 THE INTERPRETER: The interpreter is sorry. The
13 interpreter is sorry. The interpreter was waiting to get --
was

14 waiting whether the witness would say something very clear to
him

10:27:06 15 but he continued.

16 THE WITNESS: Yes, My Lord. Operation Pay Yourself, it
17 accord within the retreating forces, sir. This was organised
by
18 the junta 2 with the AFRC soldiers. They were the people that
19 were engaged in that Operation Pay Yourself. The reasons for
10:27:35 20 this --

21 PRESIDING JUDGE: Now, the thing is, they asked you a
22 question about Operation Pay Yourself. Who ordered it? Not
who
23 carried it out. Do you know who ordered it?

24 THE WITNESS: Junta 2. Junta 2.

10:27:56 25 JUDGE BOUTET: Is this the commander who ordered that?
His
26 name was junta 2?

27 THE WITNESS: No, sir.

28 JUDGE BOUTET: Who ordered it then?

29 THE WITNESS: Junta 2 was a group of men that were with
the

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1 AFRC. They were not trained soldiers. Some of them were
2 prisoners. They had no ideology. Those were the ones we
3 referred to as junta 2. Those were the initiators of
Operation
4 Pay Yourself, yes, My Lord.

10:28:43 5 JUDGE BOUTET: So the question was: Who ordered that?
Who

6 called that Operation Pay Yourself?

7 THE WITNESS: Yes, My Lords. It was the junta 2. It
was

8 not an instruction. It was -- junta 2 were not -- were
criminal.

9 They were not under any person's command. They were the
people

10:29:14 10 that started Operation Pay Yourself.

11 MR TAKU:

12 Q. You were trying to explain to Their Lordships why they
13 ordered Operation Pay Yourself? Did they say why they did
that,

14 why they ordered, or why they carried out that operation?

10:29:38 15 A. Yes, My Lord, I would explain to My Lord, sirs. After
the

16 retreat -- the retreat, My Lord, the families of the AFRC were
17 brutalised in Freetown. They were burnt down. They were
killed.

18 The news spread, and most of these guys were in Freetown and
they

19 left their families in Freetown. And since their families
were

10:30:04 20 being killed in Freetown, therefore, they decided to pay
21 themselves. We were trying to stop this issue but were
unable.

22 Because of this situation, the junta 2 initiated the Operation
23 Pay Yourself.

24 Q. Now --

10:30:20 25 JUDGE BOUTET: But you say that junta 2 organised that

26 because AFRC's families had been brutalised and burnt in

27 Freetown. Is that what you're saying?

28 THE WITNESS: Yes, My Lord.

burned 29 JUDGE BOUTET: So junta 2, were their families also

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1 and brutalised and so on in Freetown?

2 THE WITNESS: Yes, My Lords.

people? 3 JUDGE BOUTET: The junta 2, did they have military

4 I mean, there was somebody in charge of them or they just came
10:30:56 5 like this?

6 THE WITNESS: They were scattered all over.

- 7 PRESIDING JUDGE: Did they retreat with the retreating -

they 8 those who you say junta 2, did they retreat with you? Did

9 retreat with you from Freetown?

10:31:20 10 THE WITNESS: Yes, My Lords.

11 JUDGE BOUTET: Mr Taku, we still don't understand what's
12 happening. I mean, Operation Pay Yourself is happening and
13 obviously they are talking junta 2 and you asked who was in
14 charge. I still don't know.

10:31:56 15 MR TAKU:

16 Q. Please answer His Lordship. Who was in charge of this

17 operation? His Lordship wants to know.

18 A. Yes, My Lords. Junta 2, in the course of the retreat,
19 these were people who had joined the AFRC. During the
retreat,
10:32:19 20 they felt that while we were going to the jungle, we were
going
21 to live the same life we used to live in town. They decided
to
22 implement the Operation Pay Yourself so that they would get
23 something to carry along in the bush because we were going to
24 open up a jungle. We, the RUF, who had lived in the bush for
a
10:32:42 25 very long time, we knew what was obtained in the -- in the
jungle
26 but, for them, they started looting property in order for them
to
27 survive themselves in the jungle. We tried to stop them. In
28 certain areas we were able to control them but in certain
areas
29 we were unable. As far as Operation Pay Yourself is
concerned,

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1 this is what I'm able to explain to you, because it was purely
2 initiated by junta 2. Yes, sir, My Lords.

3 Q. Now, witness, you said you people retreated from
Freetown.

you 4 You retreated from Freetown. Where did you people go to when

10:33:27 5 retreated from Freetown?

6 A. Yes, My Lords. Initially we were based at Masiaka. In
when 7 order to wait for all our authorities that were in Freetown,

8 they came and met us at Masiaka, the Guinean troops were also
with 9 based at Masiaka during that period. We hadn't any problem

10:33:59 10 them. What made me to leave Masiaka, it was the ECOMOG jet
which

11 invaded Masiaka in one morning. Then I said: Oh, since the
12 ECOMOG jet has stated invading Masiaka, and I've noticed that
13 they, all the AFRC big men were there, that they had based in
14 Masiaka, they must attack us in that place. Thereupon, I

10:34:46 15 collected members of my family and left Masiaka and I went
16 straight to Makeni. Yes, My Lord.

17 Q. Now, witness --

18 A. Yes, My Lord.

19 Q. -- did you see Morris Kallon at Masiaka?

10:35:09 20 A. No, sir, My Lord.

21 Q. Did you see him at Makeni?

22 A. No, My Lord.

23 Q. Where did you next see Morris Kallon? Where did you see
24 Morris Kallon, please? Sorry?

10:35:32 25 A. Yes, My Lord. I only met with Morris Kallon in Kono
when
26 all of us had retreated to Kono. That was the place I saw
him.

27 Q. Did you see Superman in Masiaka?

28 A. Yes, My Lords.

29 Q. What was his rank at that time?

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to

1 A. Yes, My Lords. He was the overall commander to lead us

2 go back to the jungle. He was a brigadier.

3 Q. Did you see him in Makeni?

4 A. Yes, My Lord.

10:36:42 5 Q. You told the Court that you saw Morris Kallon in Kono.

6 What -- do you know the rank he had at the time you saw him in

7 Kono?

8 A. Yes, My Lord.

9 Q. When you got to Kono, was there another overall
commander

10:37:36 10 in Kono?

11 PRESIDING JUDGE: What was his rank?

12 MR TAKU:

13 Q. What was his rank?

14 PRESIDING JUDGE: That's why we've -- we've not gotten a
10:37:41 15 response to that question, in Kono.

16 THE WITNESS: Yes, My Lords. Superman was the overall

17 commander for Kono.

18 PRESIDING JUDGE: I want to have the rank of Morris
Kallon

19 when he was in Kono -- when you met him in Kono.

10:38:02 20 THE WITNESS: Yes, My Lords. He was a lieutenant-
colonel.

21 MR TAKU:

22 Q. At what time, point in time was he a lieutenant-colonel?

23 A. Well, at the time we were based in Makeni, that was the
24 time he was promoted to lieutenant-colonel. That was the time
we

10:38:24 25 had retreated to Makeni, in December 1998. When we retreated
to

26 Kono he was a major.

27 THE INTERPRETER: The interpreter is sorry. Can the
28 witness go a little bit slow?

29 JUDGE BOUTET: Well, I'm totally confused. I don't

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1 understand what it is because the witness answers in Kono when
2 you ask the question. When the Presiding Judge asked the
witness
3 a question he says quite clearly he was a lieutenant-colonel.

4 Then, now it's -- he says he's a major, so I don't know what
he

10:38:59 5 was.

6 MR TAKU:

7 Q. What was he in Kono?

8 PRESIDING JUDGE: Because we are now at the --

9 THE WITNESS: He was sergeant-major in Kono --

10:39:04 10 PRESIDING JUDGE: -- [overlapping speakers] when they
were

11 in Makeni, he never saw him -- you wait.

12 THE WITNESS: Yes, My Lord.

13 PRESIDING JUDGE: When the witness was in Makeni,
another

14 time there was Operation Pay Yourself with the junta 2 and the

10:39:23 15 rest of it, he said he never saw Morris Kallon there. Then
when

16 you asked him the question: Where did you see him? He said

he

17 saw him when they had all retreated now to Kono. Then you

asked

18 him what was his rank then.

19 MR TAKU: Yes, My Lord.

10:39:42 20 PRESIDING JUDGE: He wanted to go away from that
question

21 without answering. Then I brought him back. Then he came

with

22 the response that he was a lieutenant-colonel. Now he is

coming

23 back to a major and so on. Can he be clear, please, before we

24 get lost.

10:39:56 25 MR TAKU:

26 Q. Witness, listen to the questions well before answering.

27 When you got to Kono and saw Morris Kallon, what was his rank?

28 A. Yes, My Lord. He was a major, My Lords.

29 Q. I again ask: Did you know -- did you have an overall

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1 commander in Kono while you were in Kono between --

2 A. The interpreter, the man interpreting, I'm getting his
3 voice very low.

4 PRESIDING JUDGE: Can you adjust his microphone, please.

10:40:51
with

5 Move the setting of your microphone. It's must be a problem
6 this -- with the audio of his microphone.

7 MR TAKU:

Kallon

8 Q. Now witness, let's move fast now. You said Morris
9 was a major. While in Kono within the time frame --

10:41:28

10 A. Yes, My Lord.

any

11 Q. -- from mid-February to 30 June 1998, did you know of
12 particular position that Morris Kallon held?

13 A. Yes, My Lords.

14 Q. What -- what did he do? What has his position?

10:41:57
Lord,

15 A. From the -- from the time when we based in Kono, My

16 Morris Kallon hadn't a position. He wasn't given a position
17 during that retreat.

18 Q. Did you have an overall commander in Kono between
19 February -- mid-February 1998 to 30 June 1998?

10:42:49 20 A. Yes, My Lords.
21 Q. Who was that?
22 A. Superman was the overall commander. Superman.
23 PRESIDING JUDGE: There's a sharp sound, you know, on
the
24 microphones. It certainly must be harmful to the -- to the
ears
10:43:40 25 certainly. It's very sharp.
26 MS KAMUZORA: My Lords, I'll consult the AV booth and
I'll
27 get back to you.
28 PRESIDING JUDGE: Please do.
29 MR TAKU:

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relations 1 Q. Witness, can you tell the Court the nature of the
2 between you and Superman while in Kono, between the time frame
3 February 15, 1998 to 30 June 1998?
4 A. Yes, My Lords. Superman, I had known him for long. I
knew
10:44:24 5 Superman from the jungle because all of us were in the Western
6 Area. From there, we came to Freetown. I was at Hastings and
I

over 7 used to meet him in Freetown frequently, and this man took
8 Kono as the overall commander because he was the one who was
able 9 to capture Kono from the Kamajors. When we arrived in Kono we
10:44:55 10 had a meeting there. Johnny Paul Koroma summoned a meeting
how 11 to administer Kono. In the meeting we came up with an idea
that 12 anywhere where RUF were to command, the deputy should be an
SLA,
13 where you had that situation. Superman was the overall
commander 14 in Kono. He was deputised by an SLA, who was Bazzy. The
10:45:50 15 operational commander was Papa, the deputy to late Rambo. The
16 task force commander was Amara Peleto. We formed these
17 administration. Later on we made up assignment areas:
Tombodu,
18 Komba Gbundema was the commander for Tombodu. Sorry, sir,
19 Yomandu. Yes, Yomandu, Komba Gbundema was the commander.
10:46:42 20 Tombodu, Savage was the commander. Guinea Highway --
21 THE INTERPRETER: Come again. The interpreter cannot
get 22 the name.
23 MR TAKU:
24 Q. Witness, listen to the question very carefully before
you 25 answer.
10:47:10 26 A. Yes, My Lord.
27 Q. I asked what was your -- what was the nature of the
28 relations between you and Superman? Can you tell the Court?
29 A. We are closer together.

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1 JUDGE BOUTET: I don't think that was a question. Not
2 whether you were close together; was he your commander? I
mean,

3 were you his deputy? Did you occupy --

4 THE WITNESS: Yes, My Lord.

10:47:45 5 PRESIDING JUDGE: What is "yes"?

6 THE WITNESS: He was my commander.

7 MR TAKU:

8 Q. Now, did you ever -- did you ever hear about the Cobra
9 Unit?

10:48:23 10 A. Yes, My Lords.

11 Q. Tell the Court who they were?

12 A. Yes, My Lords. The Cobra Unit was formed by Superman.
In

13 fact, he was again the overall commander for the Cobra Unit.

14 Yes, My Lords.

10:48:52 15 Q. What was the functions of the Cobra Unit in Kono between
16 February 15, 1998 to 30 June, 1998?

17 A. Yes, My Lords. Cobra Unit took up the security of Kono
18 under Superman from guard post, defensive area, they occupied
19 those places for the whole entire security of -- for the
entire

10:49:28 20 security of Koidu Town.

you
21 Q. Now, the Black Guards. Can you tell Their Lordships if
22 knew anything about the Black Guards?
bodyguards
23 A. Yes, My Lords. The Black Guards were personal
24 to Foday Sankoh.
10:50:02 25 Q. Were they present in Kono?
26 A. Yes, My Lords.
27 Q. Apart from being personal guards, bodyguard to
28 Foday Sankoh, did you know of any other functions that they
29 performed?

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area
1 A. Yes, My Lords. They used to send personal intelligence
2 reports to the commanders. For example, Superman who was the
3 overall commander, if there was anything going on around the
4 they will give him the briefings. He was --

10:50:42 5 THE INTERPRETER: Your Honours, can the witness take
that
6 last bit of his testimony?

7 MR TAKU:

8 Q. Yes, please. Can you repeat what you said, please. The
9 interpreters would like to hear what you said.

10:51:08 10 A. Yes, My Lords. They used to give personal -- make
security
11 report to commanders about any movement in the RUF.
12 Q. Now let's move quickly to another area. You said you
knew
13 Morris Kallon while in Koidu. Did he have a radio set --
radio
14 communication set, Morris Kallon?
10:51:39 15 A. No, My Lords.
16 Q. Now, the -- did Superman have a radio communication set?
17 A. Yes, My Lords.
18 Q. Did he have radio operators?
19 A. Yes, My Lord.
10:52:21 20 Q. Between February -- mid-February 1998 to 30 June 1998,
radio
21 could Morris Kallon -- did you see Morris Kallon assign the
22 operator of Superman on patrol to Bumpe?
23 A. No, My Lord, I never saw that.
24 JUDGE BOUTET: What's your question? If Kallon had been
10:52:59 25 assigned to be a radio operator?
26 MR TAKU: No, whether he saw Morris Kallon assign
27 Superman's radio operators on a mission to Bumpe, within the
28 period February 1998 to 30 June 1998.
29 JUDGE BOUTET: I still don't understand the question.
If

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1 he has seen Morris Kallon assigning a radio operator.

2 MR TAKU: Yes, sir. On a mission.

3 JUDGE BOUTET: On a mission.

4 PRESIDING JUDGE: Is it assigning or assigned?

10:53:27 5 MR TAKU: Assigned. If he assigned. If Morris Kallon
6 assigned. If he saw --

7 Q. I'm sorry, sir, let me put it -- if he saw Morris Kallon
8 assigning a radio operator -- Superman radio operator on
patrol
9 to Bumpe?

10:53:49 10 A. No, My Lords.

11 Q. Now, did you hear anybody -- did anybody tell you that
he
12 assigned Superman's radio operator on a mission to Bumpe?

13 A. No, My Lord, I never heard that from anybody.

14 Q. Could he assign Superman's radio operator on a mission
to
10:54:19 15 Bumpe?

16 A. That man have no control over Superman's bodyguard.
Kallon
17 never had control over his soldiers.

18 Q. Did he have control over Superman's radio operators?

19 A. He had no control over any soldier who was under
Superman's
10:54:49 20 control.

21 Q. While in Kono, between February 1998 to 30 June 1998,
did
22 you hear or see Morris Kallon kill anybody?

23 A. No, My Lords. But I want to explain that side a bit.

24 Q. Yes, go ahead, please.

10:55:24 25
time

A. Yes, My Lords. Morris Kallon never killed anybody the

26 we were in Koidu, but there was an incident in Kono about a

27 sheep. Superman had one man who was STF, he was a lieutenant
to

28 Morris Kallon. He was an adjutant to Superman. And also STF.

29 He was assigned permanently to Superman. When this incident

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It

1 happened about the sheep, I came with one sheep from Yomandu.

sheep

2 was my personal sheep for sacrifice. When I brought this

3 to Koidu, I met this Cobra Unit at checkpoint. They said they

RUF.

4 wanted a sheep for sacrifice for the movement, which is the

10:56:47 5

Superman was looking for this sheep. Now that they have seen

to

6 this sheep with me, they went and told Superman. Superman had

one

7 call me at his house. He say, "Please, I had been in need of

to

8 sheep. Now that you've brought this sheep, I would like you

9 give it to me for the sacrifice." I had to give this sheep to

10:57:28 10

Superman. After I had given it to him, he took the sheep and

under 11 gave it to one soldier to keep. This was -- this sheep was
missing. 12 the custody of this soldier. He said the sheep had got
13 He sent this -- his adjutant who was Lieutenant-Colonel Morris
about 14 Kallon, who was an STF, he told him to go and investigate
10:58:08 15 this sheep. After he had gone to investigate this sheep
issue,
doesn't 16 the boy had to challenge the colonel. He said: My man,
at 17 you respect my presence? When he asked this soldier, he shoot
18 Morris Kallon, who was an adjutant to Superman. He had to
bullet 19 respond to this firing. Within this exchange of firing,
10:59:05 20 has had to meet this soldier. Later on, they took him to the
I 21 hospital. There he died. The night I heard of this incident,
22 had to go and ask Superman: I've heard that the sheep that I
ask 23 brought, the soldier had lost the sheep. When they went to
24 him, there was firing between them. Superman had to explain
this
10:59:55 25 story to me, in the presence of King Perry, who was one of the
26 investigators. Then I say: I have brought my sheep for my
27 sacrifice and now you've told me it has got missing, over
which
28 people have fought and have killed. They said: Well, no
29 problem. Then I left and went to my house. Yes, My Lords.

1 JUDGE BOUTET: But the question you were asked, and I'm
2 still trying to understand your answer, was whether or not you
3 know or heard if Kallon has ever killed in Kono. And now you
4 said something about Buedu and you went to tell this story.

So

11:00:43 5 how are we to understand what you are saying to the Court?

6 THE WITNESS: Yes, My Lords. I'm explaining about Kono
7 issue. This is not -- the person who died in Kono, it was

Morris

8 Kallon who did this act, who was an adjutant to Superman. The
9 Morris Kallon who is now in this Court was not the one who was
10 acting. He did not do that act. This happened in Kono, not
11 Buedu 1998. Yes, My Lords.

11:01:09

12 MR TAKU:

13 Q. Now witness, while in Kono between February -- that is

15

14 February 1998 to 30 June 1998, did you hear or see Morris

Kallon

11:01:39 15 kill anybody at Five-Five Spot in Koidu?

16 A. This Morris Kallon, who is now on the Special Court, I
17 never hear that he killed somebody at Five-Five Spot, yes, My
18 Lords.

19 Q. Did you hear or see Morris Kallon put people in a court

11:02:12 20
Tombodu

21 ordered Trouble -- somebody called Trouble -- and Ambush and

22 another called Ambush to set fire on the court barri. Did you
23 see or hear about that?
24 A. My Lord, RUF commander nobody had access to Tombodu.
11:02:42 25 Nobody ever sent people to go and put -- to go and put people
in
26 the barri and set fire to it. Savage was in control of
Tombodu.
27 Q. Witness --
28 A. Yes, My Lords.
29 Q. -- you spoke a while ago about Amara Peleto. Did you
see

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1 him in Koidu between February, mid-February 1998 and 30 June
2 1998?
3 A. Yes, My Lords.
4 Q. What was his rank?
11:03:27 5 A. Amara Peleto was the task force commander in Tombodu.
6 Q. What was his rank?
7 A. Lieutenant-colonel.
8 Q. Did you hear or see Morris Kallon appoint Amara Peleto
9 mining commander in Kono, between mid-February to 30 June
1998?
11:04:08 10 A. Morris Kallon, who is under Special Court, never
appointed

11 Amara Peleto mining commander -- as mining commander.

12 Q. Did you see or hear Morris Kallon order Amara Peleto to
13 take young people and civilians to go and do forced mining in
14 Kono, between mid-February 1998 and 30 June 1998?

11:04:52 15 A. No, My Lords.

16 Q. Did you, witness, see or hear Morris -- that Morris --
17 Morris Kallon ordering Amara Peleto to bring civilian women or
to

18 bring women for him to forcefully marry them, between 1991 to
19 2000 -- January 2002 -- in Pendembu, Makeni, Bo, Lungi and
Kono?

11:06:22 20 A. My Lords, this kind of information never existed. Amara
21 Peleto never took command from Morris Kallon.

22 Q. Now, while in Kono, did you ever see Morris Kallon
organise
23 a muster parade? That is between mid-February --

24 MR JORDASH: Sorry to interrupt. May Mr Sesay use the
11:07:06 25 bathroom, please?

26 PRESIDING JUDGE: Yes, he may, please.

27 MR TAKU:

28 Q. Between mid-February 1998 to 30 June 1998, did you ever
see
29 Morris Kallon organise a muster parade?

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1 A. My Lords, Morris Kallon never organised muster parade.
2 Superman who was organising muster parade.

3 Q. Do you know of any muster parade that was organised by
4 Superman, between mid-February 1998 and 30 June 1998 in Kono?

11:07:53 5 A. Yes. That man was the one who was organising the muster
6 parades. When he called a muster parade, we had to go there.
7 Yes, sir.

8 PRESIDING JUDGE: It flows from the first -- from the
last
9 response. He was the only one. So the position of the dates,
11:08:15 10 you know, does not change anything.

11 MR TAKU: Now, one minute, Your Honours. Let me take
12 instructions from my client.

13 Q. Witness --

14 A. Yes, My Lord.

11:09:17 15 Q. -- in April and May 2000 where were you?
16 A. I was in Makeni.

17 Q. Do you know one Komba Gbundema?

18 A. Yes, My Lord.

19 Q. Take your mind to 2 May 2000. Did you see Komba
Gbundema?

11:09:57 20 A. Yes, My Lords.

21 Q. Were you at any time on that day in the company of Komba
22 Gbundema?

23 A. Yes, My Lords.

24 Q. Did you accompany Komba Gbundema to any location?

11:10:31 25 A. Yes, My Lords.

26 Q. Where did you accompany him to?

27 A. Yes, My Lords. Let me respond. Komba Gbundema came and
28 held a meeting that he had got instruction from Foday Sankoh
that
29 500 UN troops were coming to Makeni and Sankoh told him that
on

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1 no account should he allow those people to enter Makeni. He
2 should arrest them. In this -- this meeting was the first to
be
3 held in Makeni, and he met the officers in Makeni and put the
4 issue before us. From the meeting, and we said since it was
an
11:11:24 5 order from Pa Sankoh, we wouldn't object that -- that he
wouldn't
6 just manipulate issues. He must got an order from Pa Sankoh
and
7 I said since I was --

8 THE INTERPRETER: Can the witness talk a little bit --
the
9 voice is so low that the interpreter cannot get him.

11:11:46 10 MR TAKU:

11 Q. Go near the microphone and repeat what you said, please.
12 A. I said, since I was a personal security to Foday Sankoh
now

officers 13 Komba Gbundema told us that he should arrest the 500 UN
14 that were to enter Makeni. We knew that within the RUF nobody
11:12:13 15 would reject Foday Sankoh's orders. I decided to -- to move
in 16 line with Komba Gbundema in order to ascertain if what he said
17 was true about Pa Sankoh. I had to go along with him. Yes,
My 18 Lords.
19 Q. You went along with him to where?
11:12:33 20 A. There is a place, which is about 12 miles away from
Makeni,
21 called Makoth. That was where we went and settled with the
22 intention of arresting the 500 troops. When we arrived at
that
23 place, Komba summoned a brief meeting. I, sitting before you
24 here, I was one of those people that were present in that
meeting
11:13:14 25 with Lieutenant Bai Bureh, the tall one who was based in
26 Kamakwie, and one Major Bangali, who was a G5, with other
junior
27 officers. Since then, he put the radio on. We receive a call
28 from Freetown. By then, the person operating the set was
Gibril
29 Massaquoi. He said the men had left from Freetown to go to

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1 Makeni. He said Komba, the order -- the man the Pa had given
to
2 you, please don't joke with that. Then Komba Gbundema said:
3 What are we to do? When he came with these ideas, he said we
4 should lay an ambush before the men could arrive. If they
made
11:14:25 5 any resistance, he would attack. Then I said: Yes, that was
6 true, Komba. I said: Do you know what I'm telling you? I
said
7 Pa Sankoh's orders, not all the orders he used to give that he
8 should implement to the letter. I said: Since the time Pa
9 Sankoh left Nigeria when he was arrested, he was not steadfast
11:15:01 10 with his words. He would say something to one person, and
when
11 he talked to the other person, he will tell him some different
12 thing. I believe that the 500 UN that were coming, they were
13 coming with the intention of peace. I said: Let us carve an
14 ideology so that we should not destroy or deviate from the
order
11:15:36 15 given by Pa Sankoh. We are discussing; we saw the convoy.
Then
16 he asked me: What are we to do? I said: When the men want
to
17 arrive, let us avoid the issue of the ambush. I said: Even
we,
18 the officers sitting here, let nobody hold onto a weapon.
When
19 they come, let us stop the convoy. From there, I would invite
11:16:13 20 the commander, we would be able to give him some tuition that
the
21 men -- the force that he came with, if they were to enter with
22 that type of force in Makeni, the civilians would be panic.
23 Therefore, he, as a commander, who had come with his troop, we

24 want you and us to go to Makeni so as for us to see our
11:16:45 25 commanders in Makeni. I said: If we are to carve an idea of
26 this nature, the men will accept that, in order for us to
avert a
27 fight. Then Komba Gbundema consented and said: Yes, it was
28 true. From there he avoided the issue of an ambush. He
removed
29 all the armed men that were with us and they all went into

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We 1 hiding. It wasn't too long. We saw the convoy. They came.
Hassan. 2 stopped them. We invited the commander, who was General
3 We said we wanted to get a short meeting with him. He alone
street, 4 alighted his vehicle with some few officers, went by the
11:17:44 5 and there was the checkpoint nearby. We said we wanted to get
a
speak 6 meeting with him, sir. But since Komba Gbundema could not
7 even a better Krio, except Mende and Kono, we called upon an
8 individual to translate, who was Bangali, Major Bangali, he
did
9 the translation. We said: Yes, general. Now the force that
11:18:23 10 you've come with is too much. The people in the township of

11 Makeni, the civilians, if we were to allow you this daytime to
12 enter Makeni, the people -- the people of Makeni, the
civilian,
13 will become panic shocked. Now, what we want you to do, we
want
14 you to instruct your men so as to wait for you here, for you,
11:19:02 15 would go together to Makeni so as to -- for us to inform CO
commander.
16 Kailondo, who was the commander for Makeni, the ground
17 We left the matter before him. Then he consented. He said:
We
18 are members of the UN peacekeeping force. He said: We have
not
19 come here to fight. We've come here to give you peace. But
the
11:19:40 20 suggestion that you have proffered, I would try to speak with
my
21 men. He went to the vehicle. He called his deputy. He told
him
22 to take care of the men and that he was going to Makeni with
us.
23 Komba Gbundema himself, who was the deputy to him in this
24 mission, was told Bai Bureh, who was based in Kamakwie, he
told
11:20:17 25 him that well, Bai Bureh. These men that I'm leaving here, I
26 don't want anybody to harass them until I arrive in Makeni.
Then
27 we picked up two vehicles. General Hassan entered into one of
28 the vehicles. Komba Gbundema entered. I too joined them.
The
29 other vehicle picked some of his bodyguards. Then we went to

1 Makeni. As we arrived in Makeni, we met with CO Kailondo at
the
2 highway. He stopped the vehicle. He said: Komba, was this
the
3 instruction given to you by Pa Sankoh? Well, when you are
trying
4 to dodge. As I'm trying to explain, so Kailondo said, he said
11:21:31 5 that was the reason that I had not wanted you to go with a lot
of
6 officers in the mission. He said: Because within the men
that
7 you went with there were others that used to incite people,
that
8 he was making this reference to me. He said: I myself would
9 have to go to carry out the operation because you have failed
us.

11:22:06 10 From there --
11 PRESIDING JUDGE: Who was saying this, Kailondo to
Komba.
12 THE WITNESS: Kailondo -- it was Kailondo who was saying
13 these words to Komba Gbundema. From there, the two vehicles
that
14 we came with, Kailondo took one of them from us. He and Komba
11:22:33 15 Gbundema, they entered the vehicle. They returned to Makoth.
16 I -- I joined General Hassan and I left him at the barracks.
17 From that time, I went to my house. This -- I did this in
order
18 for me to get an opportunity so that Morris Kallon and Issa
would

19 meet us in Makeni, so that wouldn't have been violent to those
11:23:13 20 people because some of us wanted peace. But my plan did not
21 work. I went to my house and sat quietly. By --
22 PRESIDING JUDGE: So what you are saying is Hassan did
not
23 go back with Komba to Makump because you took --
24 THE WITNESS: He did not go.
11:23:34 25 PRESIDING JUDGE: You took him to the camp.
26 THE WITNESS: Yes, sir. At the barracks.
27 PRESIDING JUDGE: Teko Barracks?
28 THE WITNESS: Yes, My Lord. Yes, My Lord.
29 PRESIDING JUDGE: And what happened to him when you took

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1 him there? Where did you keep him?
2 THE WITNESS: Well, I went and left him there. I did
not
3 keep him. Kailondo ordered me to leave him at the barracks so
I
4 went and left him at the barracks.
11:24:10 5 PRESIDING JUDGE: Where did you leave him at the
barracks?
6 THE WITNESS: Initially, as we entered the barracks, I
left

7 him there, sir, and I went to my house.

8 MR TAKU:

9 Q. Now, this -- do you know the nationality of these

11:24:34 10 soldiers -- the UN soldiers that you said you saw when you
went

11 with Kailondo?

12 PRESIDING JUDGE: Just a minute. So you went to your
house

13 and you never went back to Makump.

14 THE WITNESS: I did not go there again, sir.

11:25:05 15 PRESIDING JUDGE: Yes, Mr Taku.

16 MR TAKU:

UNAMSIL 17 Q. Do you know the nationality of these UN soldiers --

18 soldiers? Do you know which country they came from?

19 A. My Lord, I only knew that they were members of the UN
11:25:24 20 troop.

21 Q. How did you know the name of General Hassan then?

22 PRESIDING JUDGE: Does he need to know where he comes
from

23 before he --

24 THE WITNESS: It was during the meeting. We made
11:25:40 25 introduction -- self-introduction.

26 MR TAKU:

Morris 27 Q. Okay. Now, during that operation, did you ever see

28 Kallon?

29 A. No, sir, Kallon was in Magburaka.

2nd,
night.
11:26:23
Gbundema,
11:26:52
during
to
of
11:27:33
not
men
I
18

1 Q. Did you see him in Makeni the whole of 2 May 2000 --
2 that day that you abducted, did you see him?
3 A. Yes, sir, My Lord. I saw him, sir, at night -- at
4 Q. When?
5 A. The same day that they were brought.
6 Q. Where did you see him?
7 A. We met at the barracks.
8 Q. What was he doing there?
9 A. Yes, My Lords. When they came, he called Komba
10 Kailondo, in order for them to explain what has caused -- or
11 made them to arrest the 500 men. We were on that meeting,
12 that night, Kailondo came, Komba Gbundema came, all of us
13 converged. During that night he and Issa had the opportunity
14 meet, and Issa was trying to ask why Pa Sankoh gave that type
15 order that he, who was taking care of everything there, did
16 receive that order. From there, Kallon said: Master, this
17 have caused a problem on us. He said: Now, do you know what
18 want us to do? He said: All these vehicles, all the property

19 these people had, let us ask Komba Gbundema to present
everything
11:28:09 20 and to put them in order, in order for them not to be misused,
he
21 said, because we have to release these people. Well, at that
22 night, I saw them trying to put the vehicles together because
a
23 lot of the boys had commandeered the vehicles but when these
two
24 people arrived, they had to retrieve some of the vehicles and
11:28:36 25 pack them at the barracks. Yes, My Lord.
26 MR TAKU: One minute, Your Honours. Your Honours, I
will
27 leave the witness there. That's all in chief. Thanks.
28 PRESIDING JUDGE: Please drink. You want to drink?
29 THE WITNESS: Yes, My Lord.

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1 PRESIDING JUDGE: Drink. Yes, please. Any time you
want
2 to drink, don't ask for permission. Just go straightaway and
3 drink.
4 Yes, Mr Jordash, you may proceed, please, with your
11:30:50 5 cross-examination of this witness.
6 CROSS-EXAMINED BY MR JORDASH:

7 MR JORDASH: Thank you. Is it anybody else's headphones
8 going in and out or is it just mine? I'm not getting it
clear.

9 Q. Good morning, Mr Witness.

11:31:12 10 A. Good morning, My Lords.

11 Q. I represent Issa Sesay, and I just want to ask very few
12 questions.

13 A. Yes, My Lord.

14 Q. Well, I hope that there will be only a few. The first
11:31:32 15 subject I want to ask you about is the meeting you spoke about
in

16 Koidu where Johnny Paul Koroma had been present. It wasn't
clear
17 to me, at least, exactly what had happened at that meeting, so
18 I'm going to suggest what happened at that meeting. I suggest
19 what happened at that meeting was that Johnny Paul Koroma

11:32:31 20 and made two appointments: One was that Superman should be
21 commander and that Bazzy Kamara should be deputy. Am I right
so
22 far?

23 A. Superman was a commander, My Lords.

24 Q. That's not my question. Please listen to my question
and

11:33:04 25 then we can get this done as quickly as possible. I'm asking
you
26 to confirm whether --

27 A. Yes, My Lord.

28 Q. -- I'm asking you to confirm whether this is correct so
29 far: That at the meeting, Johnny Paul Koroma --

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Johnny

1 A. Yes, My Lord.

2 Q. -- wait for the question, please. At the meeting,

3 Paul Koroma made two appointments: One was Superman to be the

4 top commander; and Bazzy Kamara was to be his deputy. Am I

11:33:44 5 correct so far?

6 A. Yes, My Lord.

7 Q. Now, you earlier, when Mr Taku was asking you questions,

were

8 went on to talk about how at some stage other appointments

9 made which involved RUF being deputised by SLAs within the

11:34:32 10 district of Kono; do you remember saying that?

11 A. Yes, My Lord.

12 Q. Now, I suggest that the other appointment, besides the

13 appointment of Superman and Bazzy were made after the meeting

14 with Johnny Paul Koroma and after Johnny Paul Koroma had left

11:35:06 15 Koidu; could that be right?

16 A. I will explain a bit, sir. This was a standing order of

17 that meeting. This was the standing order that Johnny Paul

commander

18 Koroma was using. He said wherever there was an RUF as

19 the SLA should be the deputy.

11:35:37 20 THE INTERPRETER: Your Honours. The witness is going
too

21 fast.

22 MR JORDASH:

23 Q. Okay. Just repeat the last two sentences and do it
slowly,

24 Mr Witness, please.

11:35:48 25 A. Yes, My Lords. Just like, this was an instruction from

26 Johnny Paul Koroma. He laid this instruction on the ground.

27 This was the instruction for which we held the meeting, after
he

28 went to Kailahun; wherever there was an RUF commander, he must
be

29 deputised by SLA. That was what was going on, My Lord.

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Superman 1 Q. Right. So the specific appointments, apart from

2 and Bazzy Kamara, were made at a later meeting where Superman
had

3 been the head of the meeting; is that correct?

4 A. Yes, My Lord.

11:36:48 5 Q. Now, you referred to Savage going to Tombodu. Am I
correct

6 that Savage was an SLA who was the top man in Tombodu?

7 A. Yes, My Lord.

8 Q. And Savage, as far as you know, did not report to any
RUF;

9 is that correct?

11:37:26 10 A. Yes, My Lord; only to Superman. He was only reporting
to

11 Superman. Apart from, he was not reporting to any other
12 commander.

13 Q. Now, I want to be clear about this: Are you suggesting
14 that Savage always reported to Superman? Or initially, at the
11:38:02 15 time that Superman took control in Kono reported?

16 A. Yes, My Lord.

17 Q. And within days or weeks, I suggest, Savage stopped
18 reporting to anyone and became his own commander in Tombodu?

19 A. Yes, My Lord, you are right.

11:38:29 20 Q. And that would have been, I suggest, within -- if not
days,
is

21 then certainly one or two weeks after his arrival in Tombodu;
22 that correct?

23 A. Repeat that again, sir.

24 Q. I'm suggesting that the timing of when Savage became his
11:38:59 25 own boss, reporting to no one, must have been within days, if
not
arrival

26 within days, then a matter of one or two weeks after his
27 in Tombodu; is that correct?

28 A. You are correct, My Lord.

29 Q. And after Savage became his own boss, he committed many

1 atrocities which are infamous within Sierra Leone; is that
2 correct?

3 A. You are correct, My Lord.

4 Q. And the general view at the time was that Superman could
11:39:51 5 not control him; is that correct?

6 A. That's true, My Lord.

7 Q. Did we have an interpretation, please?

8 A. Yes, My Lord.

9 Q. Could I have an interpretation of the witness's last
11:40:18 10 answer?

11 A. That's true, My Lord. That was the response.

12 MR JORDASH: Your Honours, I don't think we got any --

13 JUDGE BOUTET: [Microphone not activated]

14 MR JORDASH: My headphones are going in and out. So
11:40:29 15 something may be wrong with my base.

16 JUDGE BOUTET: I wasn't in the last minute or two
17 [indiscernible].

18 MR JORDASH: Your microphone is off, Judge.

19 JUDGE BOUTET: The last question you asked, I didn't
hear

11:40:43 20 that, but up to the last few questions I could hear you well,
but

21 the last one is as if your microphone was not on for me. I
don't

22 know if the other Judges were the same but -- Presiding Judge,

23 no?

24 MR JORDASH: Just you and I have got the problem.

11:41:02 25 JUDGE BOUTET: This side.

26 MR JORDASH: I think I got a translation late after the
27 question.

28 Q. But did you say it was true that Superman expressed the
29 view and the view was known amongst the RUF that Superman
could

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1 not control savage.

2 A. Yes, My Lords.

3 Q. Now, there's only one other subject I want to ask you
4 about, and that concerns UNAMSIL and the 2 May incident. Now,
11:41:53 5 you gave evidence a few minutes ago and spoke about 2 May and
the

6 abductions led by Komba Gbundema on that date. And am I
correct

7 that Komba Gbundema, yourself and the various UNAMSIL
abductees

8 were then taken to Makeni on the 2nd; is that right?

9 A. Yes, sir.

11:42:30 10 PRESIDING JUDGE: In two stages?

11 MR JORDASH: In two stages.

12 PRESIDING JUDGE: First the general; later on maybe?
13 MR JORDASH: Yes.
14 Q. And from what you said, you see Morris Kallon on that
date,
11:42:47 15 is that correct; at Teko Barracks?
16 A. Yes, sir, at night, after the abduction of the 500 UN.
17 Q. Now, I'm going to make a suggestion to you concerning
Issa
18 Sesay. And just indicate whether this could be possible or
not.
19 You appeared to indicate, when Mr Taku was asking you
questions,
11:43:20 20 that Mr Sesay had arrived in Makeni on that same day. Could
it
21 be that in fact you saw Issa Sesay the next day in Makeni,
which
22 would have been the --
23 A. That was the same day I saw him at night-hour, after the
24 abduction of the 500 UN troops. That was the time I saw him
at
11:43:57 25 night.
26 Q. Where had he come from?
27 A. Kono.
28 Q. How do you know that?
29 A. That was the place he used to be, sir.

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1 Q. But how do you know he came from there that day?

2 A. That was the place. He came from that place, sir. I
heard
3 constant tracking of all the whereabouts of -- the whereabouts
of
4 all commanders, sir.

11:44:39 5 Q. Okay. So when did he leave Kono, then, if you had
constant
6 tracking of him?

7 A. Yes, My Lords. After he had got the view of Komba
Gbundema
8 and Kailondo, he was trying to find ways and means how to
release
9 these people. The next, or the other day, he wanted to get
back
10 to Kono, how to release these people, how to get the vehicles
to
11 release the leader and I --

12 MR JORDASH: I don't know whether this was a translation
13 problem.

14 THE INTERPRETER: Can the witness take the last bit of
his
15 statement?

11:45:24 15 statement?

16 MR JORDASH: For my benefit could the witness take the
17 whole answer again because I didn't follow it?

18 PRESIDING JUDGE: Yes. Let him repeat the whole answer.
19 Mr Witness, take the whole answer again.

11:45:42 20 THE WITNESS: Yes.

21 PRESIDING JUDGE: You said that -- you started by saying
22 that --

23 THE WITNESS: Yes, My Lord.

24 PRESIDING JUDGE: He started by saying that after he had
11:45:49 25 gotten the report on the views of Komba, Sesay was trying to
see
26 how to release the hostages?
27 THE WITNESS: Yes, My Lords.
28 PRESIDING JUDGE: Is that what you wanted?
29 MR JORDASH: Yes.

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want 1 PRESIDING JUDGE: Yes, can you continue? Or would you
2 him to stop there?
3 MR JORDASH: I'll try and pick up on that, Your Honour,
4 thank you.
11:46:14 5 PRESIDING JUDGE: Right.
6 MR JORDASH:
7 Q. Witness --
8 A. Yes, My Lords.
9 Q. -- can you explain what you mean by that? What do you
say
11:46:25 10 Mr Sesay was doing on 2 May, before his arrival in Makeni?
11 A. Mr Sesay was in Kono. He was there. He was there. He
was

the 12 there when all these incidents happened. It was because of
in 13 arrest of the 500 that we had to call him to come but he was
14 Kono.

11:46:56 15 Q. I'm getting no translation whatsoever. Is everybody
else?

16 Your Honour, I notice the --

17 A. Yes, My Lords.

18 MR JORDASH: I don't know -- I cannot cross-examine when
19 this technology keeps --

11:47:07 20 PRESIDING JUDGE: I think I'll call a break at this
point

21 in time so that the technical fault can be visited and
corrected.

22 MR JORDASH: Thank you.

23 PRESIDING JUDGE: The Chamber will recess. At least let
24 the technical fault be corrected before we resume. We should
be

11:48:02 25 assured that it is corrected before we do resume, please. The
26 Chamber will rise, please.

27 [Break taken at 11.37 a.m.]

28 [RUF22APR08B-BP]

29 [Upon resuming at 12.13 p.m.]

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1 PRESIDING JUDGE: Yes, Mr Jordash.

2 MR JORDASH: Thank you.

3 PRESIDING JUDGE: The microphone is very sensitive now.

4 MR JORDASH: Apparently so. The technology man blamed
me,
12:24:22 5 but it's been resolved anyway.

6 PRESIDING JUDGE: Yes. Mr Taku needs to stand back
because
7 he is always fidgeting with his. I hope his problem is
finally
8 solved now.

9 MR JORDASH:

12:24:39 10 Q. Mr Witness, just a few more questions very briefly.
Let's

11 agree to disagree on the date you saw Mr Sesay, and let me ask
12 you instead about your knowledge of Mr Sesay and his attitude
13 towards what had happened. You told us that you had
information
14 that he had come from Kono; that's right, isn't it?

12:25:27 15 A. Yes, My Lord.

16 Q. And he had come from Kono because information had
17 circulated to him that there was a problem between UNAMSIL and
18 the RUF in the Makeni area; is that something you know?

19 A. Yes, My Lord.

12:25:48 20 Q. And he had made his way from Kono to Makeni and arrived
and
21 was extremely agitated, if not angry, about the behaviour of
the
22 RUF or some of the RUF in Makeni; is that also something you
23 observed?

24 A. He was not happy, My Lord.

12:26:21 25 Q. And did you hear him express his unhappiness about the
26 incident?
27 A. He was very unhappy, My Lord.
28 Q. Did you hear him speak and express that unhappiness?
29 A. Yes. Yes, My Lord.

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1 Q. And express how the behaviour of some RUF had basically
2 undermined the peace and the movement towards disarmament; is
3 that correct?
4 A. Yes, My Lord. He blamed Gbao and Komba Gbundema. Yes,
12:27:21 5 My Lord. Let me repeat that. Kailondo, who was the ground
6 commander, Kailondo, he put the blame because these were the
two,
7 when he came he asked the ground commander that this is the --
8 this is what you have done. You have disappointed us, yes,
sir.
9 Q. Makeni at this point in time was topsy-turvy?
12:27:53 10 A. Yes, My Lord.
11 Q. RUF in Makeni were agitated, moving around the street;
is
12 that right?
13 A. Repeat that question.
14 PRESIDING JUDGE: He blamed Kailondo and --

12:28:12 15 THE WITNESS: Yes, Kailondo and Komba Gbundema.
16 MR JORDASH:
17 Q. Now let me ask a different question. Komba Gbundema was
--
18 A. Yes, My Lord.
19 Q. -- was claiming to be acting under Sankoh's
instructions,
12:28:32 20 from what you've told us; yes?
21 A. Yes, My Lord.
22 Q. And Komba Gbundema had a number of men who were loyal to
23 him, who were acting on Komba Gbundema's instructions; is that
24 right?
12:28:48 25 A. Yes, My Lord.
26 Q. And those men and other RUF were causing mayhem in
Makeni
27 around this time; is that right?
28 A. Yes, My Lord.
29 Q. And in due course, Sesay arranges for the UNAMSIL men
who

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1 had been taken to be transported out of Makeni to a safer
place;
2 is that something you observed?

3 A. Yes, My Lord.

4 Q. And was it your view at that time that Makeni was not a
12:29:39 5 safe place for the UNAMSIL, given the way in which Komba
6 Gbundema's men and other RUF were behaving in Makeni?

7 A. Yes, My Lord. The place was not safe for them.

8 Q. Now, on a different subject --

9 A. Yes, My Lord.

12:30:00 10 Q. -- going back to Kono when Superman was in command in
Kono
11 in 1998, can you confirm he was receiving orders from
12 Sam Bockarie?

13 A. Initially he used to take command but, as time went on,
he
14 broke away from us.

12:30:31 15 Q. During the time when he was still with the RUF,
16 Sam Bockarie was sending him orders to Kono; is that something
17 you're aware of?

18 A. I've said, My Lord, initially, in 1998, while we enter
19 Koidu, he was taking command from Sam Bockarie. But, as time
12:31:04 20 went on, he broke away from us. He never took command from us
21 again.

22 Q. I suppose the point I'm making is this, Mr Witness:
That
23 because Superman broke away, the only person he was taking
orders
24 from, from Kailahun, was Sam Bockarie; is that something you
can
12:31:26 25 confirm?

26 A. Yes, My Lord.

27 Q. How did you know that?

28 A. Yes, My Lord. I was a senior officer within the
movement;

29 I just have to know that.

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1 Q. So you would know that there were various muster parades
2 held by Superman, wherein Superman would announce that he had
3 received orders from Sam Bockarie; is that right?

4 A. Yes, My Lord.

12:32:03 5 Q. And, as a senior officer, you would know that Mr Sesay -
-
6 Issa Sesay -- was not sending orders to anyone, including
7 Superman at this point, in Kono?

8 A. Superman was not taking command from any other person
other
9 than Sam Bockarie.

12:32:28 10 MR JORDASH: Thank you. I've got no further questions.
11 Thank you very much, Mr Witness.

12 THE WITNESS: Thank you, My Lord.

13 PRESIDING JUDGE: Yes, Mr Cammegh, any cross-
examination?

14 MR CAMMEGH: Yes, please, Your Honour.

12:33:05 15 CROSS-EXAMINED BY MR CAMMEGH:

16 MR CAMMEGH:

17 Q. Mr Witness, good afternoon. I represent Augustine Gbao.

18 A. Good afternoon, sir.

19 Q. I'm a bit worried by something you just said and I want
to
12:33:17 20 be clear about what you meant.

21 A. Yes, My Lord.

22 Q. It's not true that Augustine -- I'm sorry, it's not true
23 that Issa Sesay blamed Augustine Gbao for what happened on the
24 2nd, is it?

12:33:42 25 A. That was a mistake, My Lord.

26 Q. Is it in fact the case that Issa Sesay blamed Komba
27 Gbundema and Kailondo for what happened on the 2nd?

28 A. Yes, My Lords.

29 Q. Were you aware that something happened in Makump on 1
May?

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1 A. Yes, My Lord.

2 Q. Did Issa Sesay blame Kailondo and Komba Gbundema for
what
3 happened on the 1st?

4 A. My Lord, he blamed the officer in Makeni, sir.

12:34:27 5 Q. Well, I'm not sure what you mean by that, Mr Witness.
Can
6 you just answer the question. Did he blame Komba Gbundema and

7 Kailondo?

8 A. Yes. Yes. Yes, My Lord.

9 Q. He certainly didn't blame Augustine Gbao for what
happened

12:34:44 10 on 1 May, did he?

11 A. He was blamed.

12 Q. Gbao was blamed for what happened on the 1st?

13 A. Yes, Makump. Makump issue, yes, My Lord.

14 Q. Right. Where was Issa Sesay on 1 May? Kono?

12:35:12 15 A. Yes, My Lord; he was in Kono.

16 Q. The fact is this, isn't it, Mr Witness: That, as far as
part

17 both 1 May and 2 May is concerned, Augustine Gbao played no

18 in what happened with UNAMSIL soldiers, did he?

19 A. Repeat that, sir.

12:36:04 20 Q. The fact is this, isn't it: That on neither 1 May or 2
May

21 Augustine Gbao played any role in the abduction of the

22 soldiers,
did he?

23 A. Yes, My Lord. I have taken an oath to say the truth and

24 you want me to get truth from me, I will tell you this: We
are

12:36:36 25 all senior officers in Makeni. Everybody was responsible for

26 that issue. Even myself, I am also responsible. That is your

27 question.

28 Q. Mr Witness, you know very well, don't you, that

29 Augustine Gbao did not go inside the camp on 1 May at Makump,
did

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1 he?

29,

2 A. Yes, My Lord. Let me explain to you, My Lord. April

The

3 two RUF soldiers were disarmed; 29 April they were disarmed.

4 2nd, the 1st of May, five soldiers went disarmed in that camp.

12:37:41
commander

5 We had a commander called Ishmael Kamara. He was the

6 of that ground. He brought this report in Makeni to me, to

7 Augustine Gbao. By then, Augustine Gbao was the national

not

8 security commander in Makeni. This time Issa and Kallon were

9 in Makeni. He handled that situation. Okay, sir.

12:38:21
That

10 Q. Let me stop you there. So your case is this, is it:

11 Mr Kallon was not in Makeni at all on the 1st of --

12 A. At all not.

13 Q. Is your evidence this: That Mr Kallon did not go to the

14 camp at all on 1 May either?

12:38:42
that

15 A. Mr Kallon moved from Magburaka and came to Makeni on

16 day, but he did not participate.

17 Q. So your evidence is that Mr Kallon did not go into the

18 Makump camp when that abduction took place; is that right?

19 A. At all not, My Lord.

12:39:10 20 Q. How do you know that?

21 A. My Lord, I'm a senior officer. The rank I had in the

22 movement, there was nothing that was going on that I was not

able

23 to know, and I'm here to say the truth and nothing but the

truth.

24 I'm not against anybody. What I saw, if you ask me and I

know, I

12:39:36 25 will explain to you.

26 Q. I'll ask the question again, then. How do you know --

27 A. Yes.

28 Q. -- that Mr Kallon did not go into the Makump camp on 1

May?

29 A. Mr Kallon had a dance in Magburaka. He took set. He

took

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1 this set to go and deposit it in Makeni on that day, together

2 with one commander called Hindolo. CO Hindolo. Both of them

3 travelled to go and deposit the set in Makeni. Yes, sir.

4 Q. How do you know that, please, Mr Witness?

12:40:23 5 A. Yes, My Lords. I am telling you always that I'm a

senior

6 member in the RUF. When this thing happened, everybody was

had 7 explaining at the agricultural. That was the place all of us
8 offices. Even the soldier was assigned to that ground who was
9 Ishmael, he explained everything that happened because he was
12:40:54 10 able to understand. Any other question?
11 Q. Yes, I would like you to answer my question, please.
12 A. Yes, sir.
13 Q. How do you know that Mr Kallon did not go to Makump on 1
14 May? It's a simple question. Try to give us a simple answer,
12:41:10 15 please.
16 A. Yes, My Lord. Mr Kallon never went on that mission but
he 17 passed through that route to go and deposit the set in Makeni.
18 After he had played, he went and -- he went to deposit the set
in 19 Makeni, but he did not take part in that at all, My Lord.
12:41:40 20 Q. How do you know? How do you know, Mr Witness?
21 A. Yes, My Lords. I have taken an oath here. The oath I
have 22 taken here --
23 Q. How do you know, Mr Witness? And why are you smiling
all 24 of a sudden?
12:42:06 25 A. Yes, My Lord. I'm at peace.
26 MR CAMMEGH: Thank you. No further questions, thank
you. 27 PRESIDING JUDGE: Yes, Mr Fynn. I suppose it's your
28 witness.
29 MR FYNN: It is, My Lord.

1 CROSS-EXAMINED BY MR FYNN:

2 MR FYNN:

3 Q. Mr Witness, I would now ask you a few questions on
behalf

4 of the Prosecution. Now, you do know --

12:43:11 5 PRESIDING JUDGE: I hope not a few in inverted commas.

6 MR FYNN: Underlined, My Lord.

7 Q. You do know, Mr Witness, that in 1997 the AFRC and RUF,
8 they formed an alliance; not so?

9 A. Yes, My Lords.

12:43:33 10 Q. And you would agree that Mr Kallon was a member of the
11 AFRC, also called The Council?

12 A. Yes, My Lord.

13 Q. You would also agree that the nature of his duties on
the

14 council required him to attend meetings in Freetown; is that
12:44:09 15 correct?

16 A. My Lord, appointment by the AFRC were no genuine
17 appointment. They took us as --

18 THE INTERPRETER: The interpreter is sorry. Can the
19 witness go slow?

12:44:27 20 PRESIDING JUDGE: Answer the question. Mr Witness,
answer

21 the question.

22 THE WITNESS: Yes, My Lord.

23 PRESIDING JUDGE: Whether the appointments were genuine
or

24 they were not genuine. The question is: By the nature of his
12:44:42 25 appointment he was required to go to Freetown for meetings.

26 THE WITNESS: He was not attending meetings, sir.

27 MR FYNN:

28 Q. Is it your evidence, Mr Witness, that Mr Kallon never
29 attended any AFRC meeting?

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he 1 A. Yes, My Lords. Mr Kallon, when he was assigned in Bo,
2 only concentrated in Bo, to my knowledge, My Lord. To my
3 knowledge.

misleading 4 Q. Mr Witness, I would suggest to you that you are
12:45:28 5 this Court and that Mr Kallon did in fact attend AFRC
meetings?

The 6 A. Yes, My Lord. I have taken an oath in your presence.
7 oath I have taken, whatever I say here is the truth. The
story I 8 knew is what I'm explaining. I'm not misleading the Court,
sir.

9 Q. Mr Witness --

12:45:58 10 JUDGE BOUTET: What is the story that you say -- that
you

11 were saying that he did not attend meetings in Freetown?

12 THE WITNESS: That is the story, sir. I did not know
13 whether he attended meetings in Freetown. I did not know,
sir.

14 I only knew --

12:46:21 15 PRESIDING JUDGE: He said, he said to his knowledge.

16 MR FYNN:

17 Q. Mr Witness, you will not know whether Mr Kallon attended
18 meetings in Freetown; correct?

19 A. I don't know, sir.

12:46:38 20 Q. You would agree with me then that your earlier testimony
21 that Mr Kallon was never in Freetown during the AFRC/RUF
regime

22 could not therefore be true?

23 A. I said he used to come on visit, My Lord. He used to
come

24 on visit, in my statement.

12:47:03 25 Q. Is it now your evidence that in fact Mr Kallon used to
come

26 to Freetown during the AFRC regime?

27 A. My Lords, you did not understand me completely. I said
28 Mr Kallon used to come on visits, but he was based in Bo. I
did

29 not say he was not coming to Freetown. He used to come on

1 visits.

he

2 PRESIDING JUDGE: I think this witness said so. He said

used

3 used to come on visits to Freetown. He was based in Bo but

4 to come to Freetown. He said so.

12:47:45

5 MR FYNN: We will accept that, My Lord.

Waterloo;

6 Q. Now, your location during the AFRC regime was in

7 am I correct?

area.

8 A. Hastings and Waterloo, but Hastings was my assignment

were

9 Q. And in February when -- February 1998 -- when the AFRC

12:48:16

10 chased from Freetown, you had already left Waterloo?

11 A. Yes, My Lord.

12 Q. So it would be correct to say you wouldn't know who the

13 commanders were who left at the time of the intervention?

in

14 A. Yes, My Lord, where sir? I want you to ask the question

12:48:56

15 the proper way for me.

16 Q. At the time the AFRC were chased out of Freetown you had

who

17 already left Waterloo, so you wouldn't know who the men were

18 were being chased out of Freetown -- the AFRC/RUF commanders?

19 A. Yes, My Lords. Everybody is aware that Freetown has two

our

12:49:23

20 outlets. The highway was blocked. The only way was left for

21 men was the peninsula road. What made me to reside at Masiaka
22 was to ensure that all the families and the commanders in
23 Freetown should move from Freetown, meet us there, so whatever
24 commander met me in that area, I was privy to his arrival
there;

12:49:44 25 yes, sir.

26 Q. So you can only testify as to the commanders who met you
at
27 Masiaka, not those who left Freetown?

28 A. Yes, My Lord. The ones that remained in Freetown were
not
29 part of us because they were arrested. But the ones that

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1 retreated and met us in that place they were a member of the
2 team. Those are the ones I'm talking about.

3 Q. Now, when the retreating AFRC/RUF assembled in Masiaka,
it
4 was to regroup and reorganise; not so?

12:50:28 5 A. Yes, My Lord.

6 Q. And they had a meeting in Masiaka at which ranks were
7 handed down, not so? There were promotions?

8 A. My Lord, the ranks that we came with from Freetown,
those

9 were the ranks we had that we went with into the jungle. No
12:50:54 10 ranks were given in Masiaka. We only -- we were only there in
11 order for us to organise ourselves, yes. We were not there
for
12 promotions. We were there in order for us to organise our
13 movement, either to come back to Freetown, or to go to the
14 jungle. That was why we gathered at Masiaka. Yes, My Lord.
12:51:18 15 Q. Mr Witness --
16 A. Yes, My Lord.
17 Q. -- would I be mistaken to say you testified earlier that
in
18 fact JPK did announce some promotions; am I correct?
19 A. Where, My Lord?
12:51:38 20 Q. At Masiaka?
21 A. I only told you that JP met us at Masiaka with Superman.
22 They retreated and they passed through the sea. I did not
talk
23 about promotions.
24 Q. I would suggest to you that it was after that meeting at
12:51:58 25 Masiaka that Mr Kallon became a brigadier-general?
26 A. My Lord, that statement is untrue. Kallon did not go to
27 Masiaka during the retreatment. He did not go there. Yes,
28 My Lord. Never did he go there.
29 Q. Mr Witness, I would suggest to you that it was the
meeting

1 of the commanders at Masiaka that ordered Operation Pay
Yourself?

2 A. Yes, My Lord. That statement is untrue, sir.

3 PRESIDING JUDGE: Answer the questions which are put to
4 you. Answer the questions which are put to you.

12:52:49 5 THE WITNESS: Yes, My Lord.

6 PRESIDING JUDGE: Counsel has put a question to you.

7 THE WITNESS: But --

8 PRESIDING JUDGE: You listen to me.

9 THE WITNESS: Yes, My Lord.

12:52:58 10 PRESIDING JUDGE: Counsel has put it to you that it was
in

11 Masiaka that Kallon was promoted to the rank of a brigadier.
You

12 went and you started saying he was not in Masiaka. He could
be

13 promoted even in his absence, why not?

14 THE WITNESS: Yes, My Lord.

12:53:21 15 PRESIDING JUDGE: Yes, answer the question, please.

16 THE WITNESS: That statement, My Lord, yes, My Lord.
That,

17 I have answered to that statement twice. I have denied.

18 PRESIDING JUDGE: Was he promoted to the rank of --

19 THE WITNESS: No, no, no, at that point --

12:53:38 20 PRESIDING JUDGE: -- brigadier in Masiaka?

21 THE WITNESS: No, sir.

22 MR FYNN:

23 Q. Mr Witness, it was after this meeting that Operation Pay
24 Yourself was launched?

12:53:55 25 A. Yes, My Lord. That Operation Pay Yourself, it was not
26 during that meeting it was made. It was from the retreat of
27 Waterloo with the junta 2. So before we arrive at Masiaka the
28 operation was on. That was not at that meeting. It was from
the
29 retreating first, from Waterloo, Hastings onto Freetown,
Masiaka.

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1 It was in existence before the meeting was held.

2 Q. And you would agree with me that it continued right on
to

3 Kono?

4 A. Oh, yes, sir.

12:54:36 5 Q. You would also agree with me that both SLAs and RUFs
6 participated in it?

7 A. Yes, My Lord. The RUF had an ideology. We did not
engage

8 ourself in looting. We had no belief in it. We never took
part

9 in that Operation Pay Yourself. We had an ideology and we
stood

12:55:03 10 by it. Even the property that we had in Freetown, which were
our

we
11 personal property, we left everything in Freetown. How would
12 start taking other property and we are going to the jungle and
13 the jungle life did not need a lot of property because at any
14 time you would be invaded. But the junta 2 were not aware of
12:55:24 15 this. The SLA were not aware of this. They thought we were
16 going to make a base, where everybody was going to live a good
17 life. They were engaged in looting, My Lords. We were not
18 engaged in looting.
19 Q. Mr Witness, you would agree with me that that retreat
was a
12:55:40 20 joint retreat of AFRC/RUF?
21 A. Yes, My Lord. I wouldn't deny that.
22 Q. You would also agree that Operation Pay Yourself
involved
23 not only looting but killing of civilians?
24 A. Yes, My Lord. This Operation Pay Yourself, I've
explained
12:56:12 25 to you the motive of Operation Pay Yourself. I have explained
in
26 the statement.
27 PRESIDING JUDGE: Listen to the question and answer it,
28 please, Mr Witness. Mr Fynn, can you please put the question
to
29 him again.

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1 MR FYNN:

2 Q. Mr Witness, Operation Pay Yourself involved --

3 A. Yes, My Lord.

4 Q. -- apart from looting, Operation Pay Yourself involved
12:56:35 5 killing of civilians?

6 A. Yes, My Lord. The killing of civilians in Operation Pay
7 Yourself, I was not aware. I only understood Operation Pay
8 Yourself as looting but killing was -- I did not know.

9 Q. But you did observe that civilians were killed in
Masiaka
12:57:01 10 and also in Makeni?

11 A. I did not observe that in Masiaka. No civilian was
killed.
12 We were cordial.

13 Q. Mr Witness, you would also agree with me that Operation
Pay
14 Yourself involved the burning of property?

15 A. Yes, My Lord. Operation Pay Yourself was found by junta
12:57:29 2.
16 They can do anything. They had no ideology.

17 PRESIDING JUDGE: Did it involve the burning of
property,
18 Mr Witness? Answer the question.

19 THE WITNESS: I was not aware, sir.

12:57:48 20 MR FYNN:

21 Q. Is it your testimony, Mr Witness, that during the
retreat

22 from Freetown right on to Koidu, you did not observe any
property

23 burned by the retreating forces?

24 A. The area where I was, I did not see that happen, sir.

12:58:09 25 Q. When you say the area you were, what do you mean,

26 Mr Witness? Did you not retreat --

27 A. I was at Masiaka.

28 Q. Did you not go right on to Kono?

29 A. I went up to Kono.

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did 1 Q. My question was whether, throughout that journey, you

2 not see any property burned by the retreating forces?

understand. 3 A. Yes, My Lord. I would explain that for you to

saw 4 The retreat from Masiaka to Makeni was different. In Kono I

12:58:51 5 burning. It was only in Kono I saw burning and destruction of

6 property and from Makeni -- from Masiaka to Makeni, on to that

the 7 place, I did not see burning. But in Kono I saw burning and

looting 8 destruction of property. But in Makeni, no. There was

9 going on, yes. Even in Makeni. The junta 2 were looting in

I 12:59:18 10 Makeni but to say that they burnt down houses, no, but in Kono

11 observed that.

12 Q. You observed burning of property in Kono. Mr Witness,
that
13 would bring me back to the killing of civilians. Did you see
any
14 civilians killed along the route from Masiaka to Kono?

12:59:42 15 A. I did not -- I did not observe anybody killed. I did
not
16 observe that.

17 Q. Mr Witness, I would put it to you that in fact the RUF,
18 AFRC/RUF on their way from Freetown to Kono, did in fact kill
19 civilians on the way; how do you respond?

13:00:10 20 A. Yes, My Lord. Everybody knew that RUF, from 1991 to
1996,
21 were not -- never causing atrocities. But '97, when we joined
22 the AFRC, they themselves had no ideology.

23 PRESIDING JUDGE: What do you mean? When you say
everybody
24 knew that the RUF was not causing atrocities, what do you mean
--
13:00:37 25 what do you mean by everybody.

26 THE WITNESS: Yes, sir. What I meant, sir, we're aware
27 that from 1991 to '96 --

28 PRESIDING JUDGE: Look, the Chamber wants you to answer
29 questions which are put to you. Don't go into a field which -

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1 to which you are not taken. You understand me?

2 THE WITNESS: Yes, My Lord, sir. 1997, when we joined
the
3 AFRC, they overthrow the government and they called up on us
and
4 they had the power. All the atrocities that happened during
that
13:01:22 5 period were done by them and the junta 2. We had prisoners in
to
6 Pademba. Those men caused a lot of problems within us. But
civilians
7 say that the RUF were involved in looting, harassing of
that
8 and killing of civilians, no, because we had standing orders
the
9 guided the movement. That's why the fact that we were with
13:01:40 10 AFRC, we still had our own ideology and we had our general
orders
11 that we should defend the civilians and protect their
properties.
12 But since there were -- we're under -- we were with them, we
were
13 unable to control the situation. That's, My Lord. Is there
any
14 more questions?

13:02:00 15 MR FYNN:

16 Q. Can I show you the orders. Now, Mr Witness, you did say
17 that --

18 A. Yes, My Lord.

19 Q. -- you knew one Amara Peleto. You said you know one
Amara

13:02:16 20 Peleto; correct?

21 A. Yes, My Lord. Yes, My Lord.
22 Q. Do you confirm that you met him in Pendembu?
23 A. Yes, My Lord. Pendembu? Repeat the statement.
24 Q. Yes, Pendembu. Did you meet him in Pendembu?
13:02:40 25 A. Which year?
26 Q. At any time during the war?
27 A. That's when all of us have lived in Kailahun District.
All
28 of us had stayed in Pendembu, yes.
29 Q. So you did meet him in Pendembu during the war?

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1 A. We all lived in Pendembu, yes, sir.
2 Q. And you also confirm that at one time he was mission
3 commander to Mosquito?
4 A. Yes, My Lord.
13:03:19 5 Q. It is your evidence that Morris Kallon did not appoint
6 Peleto mining commander; is that correct?
mining 7 A. Morris Kallon never appointed Peleto as commander,
8 commander, yes, My Lord.
9 Q. But you will agree with me that whilst the RUF were in
13:03:51 10 charge of Kono mining activities were going on?

government 11 A. My Lords, first of all, RUF -- the diamonds were
12 property. Individual used to mine them.

Answer 13 PRESIDING JUDGE: Were mining activities going on?
14 the question, please.

13:04:13 15 THE WITNESS: Peleto was engaged in mining activities.

mining 16 PRESIDING JUDGE: Not whether Peleto was engaged in
was 17 activities. Were mining activities going on in Kono? That
by 18 the question, you know, that was put to you by the witness --
19 learned counsel.

13:04:31 20 THE WITNESS: During the initial stage of the retreating
21 there were no mining activities.

22 MR FYNN:

23 Q. During the time the RUF controlled Kono, not necessarily
24 immediately after the retreat, there was in fact mining going
on?

13:04:55 25 A. Yes, My Lord. Mining was in progress, but, during the
26 initial retreat, no mining was going on, but, after some time,
27 mining was going on.

28 Q. And you would agree that RUF commanders were engaged in
29 mining?

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1 A. Like whom?

2 PRESIDING JUDGE: Were RUF commanders involved in
mining?

3 Answer the question.

4 THE WITNESS: Yes.

13:05:28 5 MR FYNN:

6 Q. You would also agree with me that RUF commanders used
7 civilians to mine for them?

8 A. No, sir.

9 Q. Mr Witness, you would --

13:05:57 10 A. Yes, My Lord.

11 Q. -- confirm that Mr Kallon was the RUF officer in charge
of

12 Kono, in 1998?

13 A. In 1998, Kallon has never been a commander in Kono.

14 Q. But you would confirm that Mr Kallon was at some point
in

13:06:28 15 time commander in charge of Kono?

16 A. Yes, My Lord. After the departure of Superman, Rambo
took

17 over --

18 THE INTERPRETER: The interpreter is sorry, can the
witness

19 come again?

13:06:59 20 MR FYNN:

21 Q. Mr Witness --

22 A. Yes, My Lord.

23 Q. -- if you would please repeat your answer. The question
is

in 24 that at some point in time you would agree that Mr Kallon was
13:07:11 25 charge of Kono -- the RUF commander in charge of Kono?
26 A. No, sir. He had never been an RUF commander in Koidu.
27 Q. Now, Mr Witness --
28 A. Yes, My Lord.
29 Q. -- you would recall that Mr Kallon was in charge of
muster

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1 parades in Kono?
2 A. Yes, My LordS. Mr Kallon was not responsible for the
3 muster parades. But when there were muster parades, as
officer,
4 he had the right to address the muster parades. Only the
13:08:08 5 commander in charge will summon the parades. It was Superman.
6 So if there were muster parades, as officer, he had the right
to
7 speak but that doesn't mean that he was the one that summoned
the
8 muster parade. Yes, My Lords.
9 Q. Mr Kallon was known to be a man who was a strict
13:08:28 10 disciplinarian; is that correct?
11 A. You are quite correct, sir, My Lord.

12 Q. And you would agree that muster parades were compulsory
13 activity for all personnel?
14 A. Muster parade was a soldier meeting the muster parade in
13:08:59 15 the morning we have to pray. That was where we did
everything.
16 But the last command had control over the muster parade; that
was
17 Superman. No other officer else.
18 Q. Mr Witness, you know --
19 A. Yes, My Lord.
13:09:16 20 PRESIDING JUDGE: There's an element of compulsion.
I've
21 not gotten the response.
22 MR FYNN:
23 Q. Mr Witness --
24 A. Yes, My Lord.
13:09:25 25 Q. -- muster parades were compulsory for all armed
personnel;
26 they had no alternative but to attend?
27 A. Oh, muster parade, every officer should be there. If
you
28 did not go there you will be harassed or except if you had an
29 excuse, tell that to your boss, but if you are well then you
were

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1 obliged to be there.

2 Q. And you do know of an incident in which two men did not
3 attend muster parade and Mr Kallon shot them?

4 A. That incident was not to my knowledge, sir, My Lord.

13:10:17
himself

5 Q. But you do agree that if any soldier had absented
6 from muster parade, Mr Kallon would have sought to discipline
7 him?

--

8 A. Yes, My Lord. Where Superman was the commander Superman

was

9 Morris could say nothing there. He had no command. Superman

13:10:47
last

10 the commander for Koidu; no other person else. He had the

11 say. Kallon was an honorary officer for the RUF but under the
12 administration of Superman he had nothing to say.

13 Q. Mr Witness, you recited an incident in Kono concerning a
14 sheep. Do you know where Mr Morris Kallon was at the time of
15 this incident?

13:11:16

problems

16 A. Yes, My Lord. The sheep incident created a lot of
17 in Koidu. If the first place --

18 PRESIDING JUDGE: Do you know where Morris Kallon was at
19 the time of this incident?

13:11:38
that

20 THE WITNESS: I can say, because I got an information

go

21 he was called by Mosquito to go to Kailahun, yes. He was to
22 to Kailahun. He was called by Mosquito in Kailahun.

23 MR FYNN:

24 Q. Mr Witness --

13:11:56 25 A. Yes, My Lord, yes.

26 Q. -- is it your evidence that in fact at the time of this
27 incident Mr Morris Kallon was assigned to Kono?

28 A. He was called by Mosquito to Kailahun. When -- before -
-
29 when this incident occurred he was not there. Mosquito had

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1 called for him in Kailahun.

2 Q. But that was not the question. The question this time
is
3 whether in fact he was ordinarily stationed --

4 A. Um-hmm. Yes, My Lord. Yes.

13:12:40 5 Q. And you wish to suggest that at the time of the incident
he
6 had been called to Kailahun?

7 A. Yes, My Lord.

8 Q. Mr Witness, I would put it to you that it was Mr Morris
9 Kallon, who is here in this Court, who was involved in the
10 shooting incident over the sheep?

13:13:04

11 A. Yes, My Lord. That was not how it happened, sir. We
had

12 two lieutenant --

don't

13 PRESIDING JUDGE: Please say "yes" or "no." I mean,

14 get us into your --

13:13:28 15 THE WITNESS: Yes, My Lords.

was

16 PRESIDING JUDGE: -- answers. Was it Morris Kallon who

17 involved in this shooting or not?

18 THE WITNESS: No. It wasn't him, sir.

19 MR FYNN:

13:13:48 20 Q. Mr Witness, I would --

21 A. Yes, My Lord.

truth.

22 Q. -- I would suggest to you you are not speaking the

23 A. Yes, My Lord. What I'm saying here is the truth,

24 exclusively the truth. The oath I have taken, I will not say

13:14:06 25 anything that is a lie here. I have taken the oath and I will

26 say the truth here.

was

27 Q. Mr Witness, at the time of the UN abductions, Kailondo

28 your superior officer; is that correct?

29 A. Yes, My Lords.

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an

1 Q. It is also your testimony that when Foday Sankoh gives

2 order, it was not usually disobeyed?

3 A. Yes, My Lord.

4 Q. And it is your testimony that it was an order from
13:14:50 5 Foday Sankoh that the UN troops should be abducted; is that
6 correct?

7 A. Yes, My Lord.

8 Q. You will agree with me that considering you had
disobeyed
9 Foday Sankoh's order, Kailondo would have arrested you
13:15:13 10 immediately?

11 A. Why should he arrest me, sir? I was not -- Foday Sankoh
12 did not give me the instruction. He gave the instruction to
13 Kailondo and Komba Gbundema. I was only there to observe
14 whether -- to ascertain. He had no reason to arrest me
because I
13:15:39 15 was not a party to the orders given.

16 Q. Mr Witness --

17 A. Yes, My Lord.

18 Q. -- it was your testimony that Kailondo addressed you and
19 the other officers to the effect that he knew that some of you
13:15:58 20 wanted to disobey Foday Sankoh; not so?

21 A. Yes, My Lord. He said -- he cited Komba Gbundema.

22 Q. And you would agree me that disobeying a superior
officer
23 is a military offence -- it's punishable?

24 A. Yes.

13:16:28 25 Q. Mr Witness, you lied to this Court when you said
Kailondo
26 allowed you to return to the barracks with General Hassan
after
27 you have disobeyed Foday Sankoh's order?

to 28 A. I want you to read that statement exactly. I want you
29 repeat what I said in my testimony. I want you to check the

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in 1 story. It is not the way I said it. Go through my statement
2 the testimony. You will get the exact answer, sir.

3 Q. Mr Witness --

4 A. Yes, My Lord.

13:17:12 5 Q. -- you did testify that Kailondo took a vehicle from you
6 and he returned to Makoth and he left you to return with
General 7 Hassan to the barracks; am I correct?

8 A. I did not go with General Hassan to the barracks through
9 the instruction of Kailondo. He said that we have sabotaged

13:17:46 10 mission. Why should we not arrest the people? He took the
11 vehicle from us and he returned in order to arrest the
remaining 12 people. I took General Hassan to the barracks but not under
the 13 orders of --

14 THE INTERPRETER: The interpreter is sorry. This last
part

13:18:05 15 of the testimony is not clear to him.

16 MR FYNN:

17 Q. Mr Witness, I did not suggest to you that Kailondo
ordered
Kailondo
18 you to take General Hassan back. You agree with me that
19 accused you and the others of sabotaging Foday Sankoh's
orders;
13:18:23 20 correct?
21 A. My Lord, indirectly that was what Kailondo said. He
said
22 it indirectly, but he did not put it directly to me.
Indirectly
23 he said people have incited others that Foday Sankoh had
ordered
24 that the 500 officers should be captured while only the
commander
13:18:53 25 was brought. That was what he said to me. Because I said
that I
26 have -- I have suggested a solution to the problem. That was
the
27 situation, what was obtained during that period, sir.
28 Q. That's why I'm putting it to you that you lied to this
29 Court when you said Kailondo, having accused you of behaving
the

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1 way you had, i.e. inciting the other officers he did not
arrest

2 you immediately for that sabotage?

3 A. Yes, My Lord. I want you to read the statement in my
4 testimony. I said indirectly. He did not point directly to
me

13:19:33 5 but he speak, made a reference to me indirectly. He had no
power

6 to arrest me because I myself was a senior officer. If I were
a

7 junior officer under Kailondo he would have arrested me but he
8 hadn't the right and therefore he made the reference
indirectly

9 to me. Yes, My Lord.

13:19:50 10 PRESIDING JUDGE: Mr Fynn, it's 10 minutes past 1.

11 MR FYNN: My apologies, My Lord.

12 PRESIDING JUDGE: I know you are very concentrated and
13 focused, so I just thought you need to go and refuel yourself
for

14 lunch, and to pursue the exercise later on in the day.

13:20:13 15 MR FYNN: I thank you for your consideration, My Lord.

16 PRESIDING JUDGE: And, on this note, the Chamber will
17 recess for lunch and we will resume the session at 2.30.

18 [Luncheon recess taken at 1.10 p.m.]

19 [RUF22APR08C-BP]

14:37:07 20 [Upon resuming at 2.40 p.m.]

21 PRESIDING JUDGE: Good afternoon, learned counsel.
We're

22 resuming the session. Mr Fynn, you may continue with your
23 cross-examination of the witness.

24 MR FYNN: Thank you very much, My Lord.

14:51:56 25 Q. Mr Witness --
26 A. Yes, My Lord.
27 Q. -- according to you, you did not participate in the
actual
28 abduction of the UN troops; correct?
29 A. I was present.

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1 Q. Now, after you had taken General Hassan back to the
2 barracks, you did not participate in the abduction of the
other
3 troops?
4 A. Yes, My Lord.

14:52:35 5 Q. And you were with General Hassan at the barracks; not
so?

6 A. I went and accompanied him.

7 Q. You will agree with me that you would not know the
8 commanders who actually participated in the abduction of the
9 other troops?

14:53:02 10 A. I know.

11 Q. How do you know?

12 A. Well, I met Kailondo on the road, on the way. They said
13 the mission that we were sent to undertake Komba Gbundema had
14 failed.

14:53:25 15
fast.

THE INTERPRETER: Your Honours, the witness is going

16
17
you

PRESIDING JUDGE: Witness, they say you are going very
fast. You are talking too fast, please. Your counsel told

18
19
accurately

that you are being recorded; you are being translated and
recorded. So for you to be adequately recorded, and

14:53:54 20
21
have

as well, you should speak slowly. I know it's your way of
talking. It's difficult to change you overnight but you'll

22
23
once

to try for the proceedings to go slowly, okay?

24

THE WITNESS: I will try, sir, My Lord. The question
again?

14:54:20 25
26
UN
27
were

MR FYNN:

Q. Mr Witness, you were not at the actual abduction of the
troops. I wanted to know how you knew the commanders that
actually there?

28
29 A. Yes, My Lord. When we came with General Hassan at the

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1
told

barracks, the commander at the ground, who was Kailondo, he

2 us that that was not the order.

3 PRESIDING JUDGE: We have gone through all that. The
4 question is --

14:55:04 5 THE WITNESS: Yes.

6 PRESIDING JUDGE: -- you brought -- yes -- yes, you
brought
7 General Hassan. Then you separated with Kailondo, who you
said
8 went back there with Komba, and then you went to the barracks
9 with Hassan and you left Hassan there.

14:55:23 10 THE WITNESS: Yes, sir.

11 PRESIDING JUDGE: You did not go to where the troops
were
12 being taken. If you did not go there, how did you know who
13 participated in bringing the troops?

14 THE WITNESS: Yes, My Lord. That is the statement I
have

14:55:44 15 given, that Kailondo went and met those people again, because
he
16 held the vehicle back. I was there when he joined the
vehicle.

17 THE INTERPRETER: Your Honours, the witness is still
going
18 too fast.

19 PRESIDING JUDGE: They say you have been going too fast
14:56:10 20 again, so you have to start again.

21 THE WITNESS: Okay, sir. I will repeat.

22 PRESIDING JUDGE: Slowly, please.

23 THE WITNESS: What [indiscernible] said Kailondo was to
do
24 this arrest. The vehicle that brought General Hassan, there
were
14:56:37 25 two vehicles. They took the one from us. In my presence, he

up
26 said these vehicles that I have collected, I'm going to catch
27 with the 400, because there were around 400 because they came
28 with General Hassan. Then he took manpower in my presence,
some
29 soldiers who were his bodyguard. They joined the other
vehicle.

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1 That has showed me that CO Karim was in charge because he took
2 one vehicle from us, which had some UN and some escorts, and
3 returned back to Makoth. Yes, My Lord.

4 MR FYNN:

14:57:45 5 Q. Mr Witness, you would not know whether Mr Kallon
6 participated in the abduction because you were not there?

7 A. He was not there. Mr Kallon was in Magburaka. He
didn't
8 participate.

9 Q. Mr Witness, I would suggest to you that Mr Kallon was
14:58:10 10 called from Magburaka to come and participate in the abduction
11 and he did come?

12 A. Yes, My Lord. That is not true. Mr Kallon never
13 participated. He only participated in their release; not in
14 their abduction.

14:58:34 15 Q. Well, Mr Witness, you would agree with me that you only
saw
16 Mr Kallon at the barracks late after the abduction?
17 A. Repeat the question again, sir.
18 Q. You would agree that you only saw Mr Kallon after the
19 abduction of the troops?
14:58:59 20 A. Yes, My Lord.
21 Q. Mr Witness, I would suggest to you that your evidence
22 regarding the abduction of the UNAMSIL troops is untrue?
23 A. Yes, My Lord. I should tell you that I was present
during
24 the arrest. In fact, it would have been an allegation but I
was
14:59:32 25 present during the arrest of the troops.
26 PRESIDING JUDGE: So what you are saying is true?
27 THE WITNESS: What I'm saying is the fact.
28 MR FYNN:
29 Q. Mr Witness, I would suggest to you that General Hassan
only

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1 came to Sierra Leone in late 2000, sometime in November or
2 December?

have

3 A. Well, for that, I'm unable to answer because I don't
4 the dates with me.

15:00:12 5 Q. Mr Witness, it is untrue that you accompanied General
6 Hassan to the barracks because he simply wasn't there?

7 A. Yes, My Lord. If General Hassan was around, he will
8 confirm that I am telling the truth. I'm saying the fact.

evidence

9 Q. Mr Witness, I will suggest to you that like your
15:00:50 10 regarding General Hassan your whole evidence is a lie?

he

11 A. Yes, My Lord. If General Hassan came and testified that
12 the man who he arrested -- where we captured General Hassan --

to

13 will confirm that he was alone with his bodyguards and we came
14 Makeni and Makoth. That statement General Hassan will testify

15:01:25 15 Gbundema.

16 PRESIDING JUDGE: Mr Witness -- Mr Witness, all the
17 evidence you have given -- all the evidence you have given --

18 THE WITNESS: Yes, My Lord.

19 PRESIDING JUDGE: -- is it the truth or is it a lie?

15:01:40 20 THE WITNESS: Yes, My Lord. It is true, My Lord.

very

21 MR FYNN: Thank you very much, Mr Witness. Thank you
22 much, My Lords. That will be all for him.

23 PRESIDING JUDGE: Yes, Mr Taku, any questions in
24 re-examination?

15:02:49 25 MR TAKU: No, sir.

your

26 PRESIDING JUDGE: Mr Witness, we've come to the end of

with
all
27 testimony and we thank you for coming to assist the Tribunal
28 your testimony, and it was good you found time. We wish you
29 the best in your trip back home and --

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1 THE WITNESS: Yes, My Lord.
2 PRESIDING JUDGE: -- a happy and continuous honeymoon
since
3 the Tribunal was told that you got married just recently.

4 THE WITNESS: Yes, My Lord.
15:03:42 5 PRESIDING JUDGE: Right. So you are discharged and we
wish
6 you all the best.

7 THE WITNESS: Yes, My Lord.
8 PRESIDING JUDGE: Can the witness be taken out of the
9 Court. Please, let the witness wait. Let the witness wait,
15:04:39 10 please.

there
11 Yes, as you know, at the beginning of the proceedings
12 was an application by Mr Taku for a ten-minute closed session
and
13 this application was granted. As we all know, the rule is
that
14 all hearings are public excepting where the Court orders the

15:05:14 15 contrary under section -- Rule 79 of the Rules of Procedure
and
16 Evidence, and this we did extraordinarily order in order to
17 protect the identity of this witness, and to ensure that he
18 testified in all security. This he did and we did grant the
19 application.

15:05:40 20 Having come to the end of his testimony in closed
session,
21 we resumed in an open session and completed his testimony.
So,
22 this said, I think we are finally discharging the witness and
to
23 look forward to the calling of the next witness.

24 Yes, please, you may take the witness out, please.

15:06:56 25 Yes, Mr Ogeto.

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

27 PRESIDING JUDGE: That's your third or your fourth?

28 MR OGETO: The third witness, DMK-087, and the witness
will
29 be testifying in Krio.

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1 PRESIDING JUDGE: This is the fourth witness, Mr Ogeto.
2 This is the fourth. Mr Kallon is your first witness; Mr
Kallon

3 is your first witness, he is your first Defence witness.

4 MR OGETO: Yes, Kallon, and then 160 --

15:08:23 5 JUDGE BOUTET: The one that testified publicly, that's
your

6 witness number 2; number 3 just testified; and this witness is

7 number 4.

8 MR OGETO: Oh, I'm terribly bad in this -- I'm sorry,
yes,

9 it's number 4, yes, My Lords.

15:09:05 10 UNIDENTIFIED SPEAKER: My Lord, the next witness who is
11 supposed to come is in the restroom.

12 PRESIDING JUDGE: Well, we'll have to wait for him to
come.

13 WITNESS: DMI-087 [Sworn]

14 PRESIDING JUDGE: Mr Witness, are you a Christian?

15:13:01 15 THE WITNESS: Yes, I'm a Christian.

16 PRESIDING JUDGE: Okay. And he will testify in what

17 language, Mr Ogeto?

18 MR OGETO: In Krio, My Lords.

19 PRESIDING JUDGE: Krio.

15:13:26 20 MR OGETO: Yes, My Lords.

21 THE WITNESS: It's in Krio.

22 PRESIDING JUDGE: Yes, please.

23 MR OGETO: My Lords, I wish to make an application to
have

24 a ten to 15 minutes testimony of this witness in closed
session.

15:14:11 25 PRESIDING JUDGE: The gallery may wish to leave now and,
as

26 you hear, the learned counsel says he will be in a closed
session

can

27 for only ten to 15 minutes, so maybe in 20 or 30 minutes you
28 come back. May we be taken to the closed session, please, for
29 Mr Ogeto to make his application.

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session]

1 [At this point in the proceedings, a portion of the
2 transcript, pages 72 to 82 was extracted and sealed under
3 separate cover, as the proceeding was heard in a closed
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1 [Open session]

2 MR OGETO:

3 Q. So proceed, Mr Witness, and remember now we're in open
4 session. Do you know the accused person in this case, Morris
15:47:13 5 Kallon?

6 A. Yes.

7 Q. When and where did you first meet Mr Kallon?

8 A. Mr Kallon, I first met him in 1991 after the reattack of
9 Benderu Junction, when they removed us there. That is where I
10 knew him. Secondly, I came to know him proper when they
11 arrested
12 him, when they brought him to Pa Dina at Kuiva. That's where
13 I
14 came to know him proper.
15 Q. Who arrested him?
16 A. The Vanguard, the Liberians who became -- the special
17 forces that came from Liberia arrested him.
18 Q. Did you get to know why they arrested him?
19 PRESIDING JUDGE: And you say they arrested him and
20 brought
21 him where? To Kuiva?
22 THE WITNESS: To Kuiva. Yes, Kuiva.
23 MR OGETO:
24 Q. Did you get to know why they arrested him?
25 A. Well, I did not know any reason why they arrested him.
26 They were the Vanguard, so I don't know.
27 Q. Now, during the closed session, you mentioned that at
28 some
29 point in time you were in the Northern Jungle. During this
30 time
31 did you meet Mr Morris Kallon?
32 A. Yes, I met Mr Morris Kallon in 1996.
33 Q. Where was it that you met him in 1996?
34 A. Mr Kallon, he came and met me. He was coming from Bo

1 Jungle when the enemies were running after him. He met me in
the
2 Northern Jungle.

3 PRESIDING JUDGE: And that was what year?

4 THE WITNESS: That was 1996.

15:49:46 5

MR OGETO:

6 Q. Do you recall when in 1996 it was? Was it the
beginning,
7 the middle, or end of '96?

8 A. When Mr Kallon met us? Is that what you're asking
about?

9 Well, it was in the middle part of 1996, not the beginning.

15:50:13 10
met

Q. What had you come to do at the Northern Jungle when you
11 him in '96?

12 A. The enemies were running after them. They moved them
from
13 where they were. That was why they came to us.

14
15:50:37 15

Q. At the time you met him in mid-1996, at the Northern
Jungle, do you recall who the commander at the Northern Jungle
16 was?

17
CO

A. Yes. At that time the commander, the area commander was
18 Isaac Mongor. He was the area commander. Deputy command --
that
19 was the command at that time.

15:51:18 20

Q. Do you know how long --

the 21 PRESIDING JUDGE: You say his deputy was who? Who was

22 deputy of Isaac Mongor?

23 THE WITNESS: The area commander had no commander. The
24 only deputy commander to him was the area commander, who was
15:51:41 25 Georgie.

26 MR OGETO:

27 Q. Sorry, can you repeat that?

28 A. In the RUF movement we had one RUF -- one area
commander.

29 The area --

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1 MR OGETO: I didn't get the translation.

2 INTERPRETER: Your Honours, can the witness please go
back.

3 THE WITNESS: Do you want me to repeat? I said within
the

4 RUF, the area commander had no separate deputy. The only
deputy

15:52:28 5 was the battalion commander, who was the deputy. To say you
have

6 area commander, deputy area commander, no. Within the RUF we
do

7 not have that deputy.

8 MR OGETO:

9 Q. So what was this CO Georgie? You mentioned CO Georgie.

15:52:48 10 What was he?

11 A. He was the battalion commander.

12 Q. And for how long did Morris Kallon stay at the Northern
13 Jungle?

14 A. Morris Kallon was in the Northern Jungle until the AFRC
15:53:12 15 coup.

over 16 Q. Do you know if at any time during this period he took
17 the command of the Northern Jungle?

18 A. Morris Kallon did not take over command of the Northern
19 Jungle, no. No idea.

15:53:41 20 Q. And when did you leave the Northern Jungle yourself?

21 A. In 1997.

22 Q. When in '97?

23 A. After the coup.

24 Q. During this period, do you know if Morris Kallon at any
15:54:10 25 time deputised Isaac Mongor at the Northern Jungle?

26 A. No.

Mongor? 27 Q. Is it you don't know or he did not deputise Isaac

he 28 A. Not that I don't know. He never deputised Isaac because

29 was not his deputy. We had no deputy area commander.

he
1 Q. So what was Morris Kallon at the Northern Jungle before
2 moved out in '97?
3 A. He was an ordinary officer with the rank of a major.
4 Q. Do you recall the time the Abidjan Peace Accord was
signed?
15:55:19 5 A. Yes.
6 Q. Where were you?
7 A. I was at the same Blackwater but the site, the place
that
8 we were was called Coconut Ground. That was where we were
until
9 the accord came.
15:55:41 10 Q. During this period, around the time when the Abidjan
Peace
11 Accord was signed, did you see Foday Sankoh?
12 A. Before they went for the Abidjan Peace Accord, Foday
Sankoh
13 came to us at the Northern Jungle.
14 Q. What was his mission at the Northern Jungle?
15:56:12 15 A. Well, when Foday Sankoh came, he told us that now he
came
16 with the war but the war that he came with was not meant for
17 destruction, so it has come to the point that we need peace.
So
18 he will not go for peace without consulting his fighters. So
19 that is why he came to consult us, whether we were prepared to
20 accept the peace or not. Then we responded that we are ready
15:56:48
for

21 the peace because we wanted the war to come to an end.

22 Q. Was he alone when he came to the Northern Jungle at that
23 time?

24 A. No, he was not alone. He came with a white man and a
black
15:57:19 25 man, but I can't recall their names.

26 Q. Did anything happen after he came to the Northern Jungle
27 with this message of peace?

28 A. Yes. The very day that he came to meet us, the Kamajors
29 planned to attack our positions but by then we repelled them.

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1 Q. Was there a training base at the Northern Jungle during
2 this period?

3 A. There was no training base. There were plans to
establish
it
15:58:17 4 a training base, but we had several attacks from Kamajors, so
5 was difficult to establish a training base.

6 Q. Do you know a person named King Perry?

7 A. Yes, sir, I know King Perry.

8 Q. How do you know him?

9 A. King Perry was radio operator in the RUF, and he was
15:58:49 10 attached to Colonel Isaac.

11 Q. When you were at the Northern Jungle, did you see him?

12 PRESIDING JUDGE: And you say King Perry was attached to
13 Colonel Isaac Mongor?

14 THE WITNESS: Yes, sir.

15:59:13 15 MR OGETO:

16 Q. When you were at the Northern Jungle, did you see him?

17 A. Yes.

18 Q. In what circumstances did you see him?

19 A. I was a commander. I had access to the radio -- radio -

-

15:59:38 20 radio call.

21 THE INTERPRETER: Your Honours, can the witness please

go

22 over the last segment of his testimony.

23 MR OGETO:

24 Q. Can you please repeat your answer. In what
circumstances

15:59:51 25 did you see King Perry at the Northern Jungle?

26 A. I said I have access to the radio as a commander. Then
the

27 man himself, sometimes they will call the parade every
morning,

28 then all of us will go there, then we will see each other.

29 Q. Do you know a person named Top Marine?

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1 A. Yes, I know Top Marine.

2 Q. How do you know him? Please tell the Court.

3 A. He himself, he was a radio operator. He was attached to
4 Augustine Kargbo.

16:00:39 5 Q. During the time that you were at the Northern Jungle,
was
6 he ever based there?

7 A. Top Marine came together with the CO Morrison Kallon and
8 Augustine Gbao but they came to us in the Northern Jungle.
They
9 did not stay long, about a week and we had to accompany them
to
16:01:07 10 join Superman in the Western Jungle.

11 Q. You had to accompany who to join Superman in the Western
12 Jungle? Can you please clarify that?

13 A. Not Superman. I said when they came, after one week
order
14 came that they should go and join Superman. We went to
accompany
16:01:34 15 them to -- I was a deputy commander to that mission.

16 Q. You accompanied who?

17 A. Augustine Kargbo and Top Marine, because Top Marine was
18 attached to Augustine Kargbo. They went to join Superman at
the
19 Western Jungle.

16:02:02 20 Q. So was Top Marine at any time during your stay at the
21 Northern Jungle based there at the Northern Jungle?

22 A. Yes, I said he based there, but he didn't stay long. He
23 did not stay too long on the ground and he went to join
Superman.

24 Q. Did he ever come back during the time you were there?
16:02:36 25 A. No. No.
26 Q. Did you get to know about the coup that took place in
27 Sierra Leone on 25 May 1997?
28 A. I only came to understand the coup after our leader had
29 passed the order that we should join AFRC and our commanders
were

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1 to take all commands from G -- JP.
2 Q. Your commanders were supposed to take orders from who,
3 please? Can you repeat?
4 A. From JP, JP; Johnny Paul.
16:03:36 5 Q. When did you receive that information?
6 A. I cannot be too much exact, but around 27 May.
7 Q. So what happened after you received this information?
What
8 did you do yourself?
9 A. I did not have to do something on my own. I was under
16:04:07 10 command. The brigade commander who was CO Georgie was --
called
11 us and relayed the message to us.
12 Q. So did you continue staying at the Northern Jungle after
13 this message?

because 14 A. No, we did not stay in the Northern Jungle again,
16:04:34 15 it was order. We had to leave to join the AFRC.
16 Q. Did you yourself proceed to join the AFRC in Freetown?
17 A. I did not go to Freetown, but I was within the country
and
18 I was under the AFRC, yes.
19 Q. Was any order given to you at that time?
16:05:11 20 A. Yes. At that time, when we came out from the jungle to
21 join the AFRC, Kailondo had to approach me to go with the -- I
22 denied that I should not go -- that I am not going down to
23 Freetown, not to risk my life. I did not go.
24 Q. So where did you move to after you disobeyed this order
to
16:05:46 25 go to Freetown?
26 A. It was at Matotoka. I went to base.
27 Q. When did you get to Matotoka?
28 A. I cannot remember the date now, but it was in the same
May
29 that we came out.

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1 Q. Did anything happen to you at Matotoka?

2 A. Yes, a very serious thing that we were not expecting.
3 After the coup, when they told us that there was no more
4 fighting, that we should go to Matotoka, Kamajors came to
attack
16:06:38 5 us at Matotoka. That was where they killed my wife I had
then.

6 Q. Who killed your wife?

7 A. The Kamajors. It was not only my wife; they killed so
8 many.

9 Q. From Matotoka, where did you go to?

16:07:06 10 A. I came to Magburaka.

11 Q. Around that time, did you see Morris Kallon?

12 A. Yes, I saw Morris Kallon.

13 Q. Where did you see him?

14 A. I saw him in Makeni at that time.

16:07:31 15 Q. Which period is this now, that you are seeing Morris
Kallon
16 in Makeni?

17 A. As soon as we came out, within that week. Within that
18 first and second week, Morris Kallon was in Makeni. I saw him
19 there.

16:07:54 20 Q. So will that still be in May '97? Around May '97?

21 A. The same May; same May, 1997.

22 Q. Where were you posted after -- after you got to --
sorry,

23 wait, please. You've said you got to Magburaka. For how long
24 were you at Magburaka?

16:08:35 25 A. I was in Magburaka for three months.

26 Q. After Magburaka, where did you go to?

27 A. They posted me to Kabala.

28 PRESIDING JUDGE BOUTET: He said "they." Who?

29 THE WITNESS: It was Isaac Mongor who sent me to Kabala.

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1 MR OGETO:

2 Q. Where were you during the intervention, in February of
3 1998?

4 A. I was in Makeni.

16:09:40 5 Q. So you had come back from Kabala?

6 A. Yes. Yes.

7 Q. When is it that you got to Makeni before the
intervention?

8 A. Well, when I was in Kabala, they said to me that my
9 commander was overall G -- brigade commander who was Patrick -

16:10:16 10 that come for to take over, when I was sent for, that I should
11 come and take his position as -- as commander.

12 Q. So where were you on the day of the intervention?

13 A. I was at the barracks, Makeni.

14 Q. How did you learn of the intervention in Freetown?

16:10:47 15 A. Except when saw a troop moving from -- soldiers moving
from

16 Freetown towards Makeni with some of their relatives -- they
came

them 17 and they told us that ECOMOG had attacked them and removed
their 18 from Freetown, and they were trying to retreat, and during
19 retreat what made me more to understand, they were firing and
16:11:21 20 looting peoples, that it was Operation Pay Yourself. And as a
G5 21 commander -- yes, My Lord.
22 Q. Let's take it step-by-step, Mr Witness. You say you saw
23 soldiers getting into Makeni and that informed you about the
24 retreat; is that your testimony?
16:11:48 25 A. Yes.
26 Q. Did you identify any of these soldiers that you saw?
27 A. Yes.
28 Q. Can you please give the Tribunal the names of the
soldiers 29 that you saw -- those you can recall?

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1 A. Yes.
2 Q. Please give the names; go ahead.
3 A. I saw Brigadier Mani; I saw Five-Five; I saw Gullit; I
saw 4 Bazzy; I saw Adamu, with others whose names I cannot remember.
16:12:52 5 They were high in command and I saw them.

6 Q. Who were these people?

7 A. They were SLAs.

8 Q. Now, you spoke about Operation Pay Yourself. Did you
get
9 to know what it was all about?

16:13:17 10 A. Well, yes. I can explain little bit, what I knew about
it.

11 Q. What did you know about it, please? Go ahead.

12 A. So after this group I had named that came to Makeni,
that
13 there were so many of them now in Makeni, we heard the firing
all
14 around the town. Then we were in the barracks. So we grew
16:13:59 15 concerned for the team. Then we saw Kailondo, who was in
charge
16 of the brigade, so he asked me to go and check to know what
was
17 happening, as G5 commander. So I left the barracks and came
to
18 town. And when I came to town, I met the group at the
19 Independence Square who were soldiers were arms, but I did not
20 confront them. I went directly to the commander that were
16:14:27 based
21 at East Road. When I went, I met Brigadier Mani, I greeted
him.
22 I asked: What is happening? I said: Men have come and are
just
23 firing about. They are just taking the property of civilians,
24 claiming that it's Operation Pay Yourself. He responded that
--
16:15:01 25 that it was Operation Pay Yourself. Because they could not
26 control the men that the Operation Pay Yourself was on. And I
27 told him that it was not supposed to be, that there are
civilians

28 here. Now that you have come, your men here, and they have
29 started looting and taking properties of civilians. He said
now

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1 there is panic in town and people are moving helter skelter,
and
2 then he told me that: I have told you that this is Operation
Pay
3 Yourself, that this is -- Pay Yourself and the government has
4 disbanded the soldiers. Brigadier Mani, the senior officer,
told
16:16:00 5 me --

6 Q. Did he explain to you what Operation Pay Yourself meant?

7 A. Well, what he told me was that the guy -- the men were
8 paying themselves because government has disbanded them, so they
9 were disgruntled. That was the only answer he gave me.

16:16:29 10 Q. Did you get to understand what it meant by Operation Pay
11 Yourself?

12 A. You mean in my own knowledge, or if he had told me? I
13 don't get the question clearly.

14 Q. Based on the discussions that you had with Brigadier
Mani,

16:16:57 15 and based on any other information that you may have gathered
at

Operation 16 that time, did you get to understand what it meant by
17 Pay Yourself? Why were they using that terminology?
You 18 A. Well, by then, they were looting properties violently.
19 take people's properties violently. So, in other words, they
16:17:27 20 were just paying themselves. So they were just looting all
21 about. So that is what I understood.
22 Q. Did you hear of any order given to these soldiers to
carry 23 out this Operation Pay Yourself?
24 A. Yes. In fact, this order came from Freetown. The order
16:17:54 25 came from Freetown. They met us in Makeni with the slang
26 "Operation Pay Yourself."
27 Q. But did you get to know about any specific order in
28 relation to this Operation Pay Yourself -- any specific order
29 given?

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time 1 A. No.
2 Q. Were there soldiers, RUF soldiers, in Makeni at that
3 when you saw this happening?
we 4 A. Yes, I won't dispute the fact. We who were in Makeni,

16:18:38 5 were based in Makeni, at fist we were at the barracks. Then
6 those that were with the soldiers in Freetown, all of them
7 retreated, so it was a mixture of RUF.
8 Q. Did you get to know if the RUF participated in this
9 Operation Pay Yourself; any of the RUF soldiers that you knew
at
16:19:10 10 that time?
11 A. I won't lie because the men who came with them they went
12 straight to the barracks and met us, so, by then, I didn't see
13 any RUF looting at that time.
14 Q. During the period that you were in Makeni at that time
16:19:30 15 after the retreat, did you see Morris Kallon in Makeni?
16 A. No, he was not there. By then, Morris Kallon has gone
17 to --
18 THE INTERPRETER: Your Honours, can the witness please
go
19 over the location where Morris Kallon went.
16:19:51 20 MR OGETO:
21 Q. Can you please repeat the location that you mentioned
where
22 Morris Kallon went?
23 A. He was based in Bo; he was not in Makeni. Even when I
came
24 from Kabala they told me that he was in Bo on assignment.
16:20:18 25 Q. Did you hear of a meeting in Makeni at that time
bringing
26 together senior RUF and SLA officers where this Operation Pay
27 Yourself was discussed?
28 A. No.
29 Q. Do you know a club in Makeni referred to as Flamingo --

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1 Flamingo Nightclub?

2 A. Yes, I know Flamingo Nightclub.

3 Q. At that time did you know of a meeting at the Flamingo
4 Nightclub bringing together senior RUF and SLA officers?

16:21:08 5 A. No. By then, it was difficult to convey the message
6 because the town was not stable. Everybody was moving
7 helter-skelter. I heard nothing about a meeting.

8 Q. Now, you say you saw looting in Makeni by these soldiers
9 who were retreating from Freetown. Did you do anything to
assist
16:21:41 10 anybody who may have been a victim of the looting in Makeni at
11 that time?

12 A. I was unable to help any victim. The only thing, when
the
13 firing was continuous, we took some civilians to Father --

14 Q. Can you please complete your answer?

16:22:19 15 PRESIDING JUDGE: He said when there was firing or so?

16 THE WITNESS: I said I was unable to help victims or to
17 help the civilian who was looted because the guys were armed.
18 But the only thing we did was we took some people to -- to the
19 Father who was based in Makeni so that he could take care of
16:22:43 20 them.

21 MR OGETO:

22 Q. What do you mean by "we took"? You and who?

23 A. Myself and the soldier who was working directly under
me.

24 I was not alone. I can't withstand that. So I went with him.

16:23:07 25 So those who were weeping along the way, we took them to
Father

26 Victor.

27 PRESIDING JUDGE: Weeping for what?

28 THE WITNESS: Because their properties have been looted,
29 their homes have been vandalised.

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1 MR OGETO:

2 Q. Now, after these events in Makeni, where did you go to?

3 A. I went back to Kabala.

4 PRESIDING JUDGE: Who was Father Victor?

16:23:56 5 THE WITNESS: He was a Reverend father, under the
Catholic

6 Mission, Our Lady Of Fatima.

7 MR OGETO:

8 Q. Where is Father Victor currently? Do you know where he
is?

9 A. He is currently in Makeni, as I'm speaking.

16:24:19 10 PRESIDING JUDGE: Father Victor?
11 THE WITNESS: Father Victor. Victor.
12 PRESIDING JUDGE: He is in Makeni?
13 THE WITNESS: Yes, sir. Yes, sir. He is right in
Makeni.
14 MR OGETO:
16:24:42 15 Q. So after these events in Makeni, where did you go to?
16 A. I went to Kabala.
17 Q. Why did you go to Kabala?
18 A. I was retreating because I didn't want to go with the
19 highway; I was afraid of Kamajor attacks.
16:25:04 20 Q. Did you go to Kabala alone or you were with somebody
else?
21 A. No, I went there with search and supply, who was Momoh
22 Ndow. I went with Lieutenant Kasko and a lot of other
soldiers.
23 That was the area we retreated, including Komba Gbundema.
24 Q. Where was your family at that time?
16:25:35 25 A. My family was based in Makeni. I took them and I went
26 along with them.
27 Q. For how long were you in Kabala?
28 A. While I was retreating or -- we spent two weeks in
Kabala,
29 two weeks.

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1 Q. Yes, after the retreat?

2 A. After the retreat? No, it was just a week after. Then

3 moved to Kono.

4 Q. Do you recall when you got to Kono?

16:26:16 5 A. Yes, sir.

6 Q. When was it, please? The month?

7 A. It was early in March '98.

8 Q. 98?

9 A. '98, yes.

16:26:40 10 Q. Did you move with your family?

11 A. Yes, sir.

12 Q. Where did you reside when you got to Kono?

13 A. I resided at the last house towards Yellow Mosque, on

the

14 way to Gandorhun.

16:27:03 15 Q. Don't be too specific, Mr Witness. I can do with an

16 indication of the street or the road. Now, this place where

you

17 resided, how far was it from -- sorry, let me rephrase. At

that

18 time, did you know a place in Koidu referred to as the Five-

Five

19 Spot?

16:27:40 20 A. Yes, sir.

21 Q. How far was it from the place where you were residing

when

22 you got to Koidu?

23 A. Well, approximately 100 metres off.

24 Q. When you got to Koidu in early March 1998, do you recall
16:28:16 25 the commander of Kono at that time?
26 A. Yes. When I arrived in Kono, because by then other
people
27 had already arrived, so I was told that JP had convened a
28 meeting. He has already established a command structure.
29 THE INTERPRETER: Your Honours, can the witness please
go

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1 slowly to facilitate the interpretation.
2 MR OGETO:
3 Q. Mr Witness, please take your time and go slowly because
we
4 are recording everything that you are saying. So can you go
over
16:28:59 5 your answer again; who was the commander in Kono at that time?
6 A. It was Superman who was the commander. Bazzy, who was
7 Colonel Ibrahim Bazzy was the deputy. Colonel Bazzy -- Basil
--
8 was the deputy.
9 PRESIDING JUDGE: Basil or Bazzy?
16:29:31 10 THE WITNESS: Basil.
11 MR OGETO:

12 Q. Who was Basil?
13 A. He was SLA, senior officer.
14 Q. Proceed, please, with the other names that you were
giving?
16:29:45 15 A. Then Papa Bangura was the operation commander and Rambo
16 deputised Papa Bangura, so that was the command structure.
17 PRESIDING JUDGE: Papa Bangura was operations commander?
18 THE WITNESS: Yes, sir. Yes, sir.
19 PRESIDING JUDGE: And Rambo the assistant?
16:30:08 20 THE WITNESS: Yes. Yes.
21 MR OGETO:
22 Q. Before I interrupted you, you started talking about JPK
--
23 something about JPK. Do you recall that?
24 A. Yes. Yes, I can still recall. When I arrived, because
I
16:30:32 25 was not there, the four days that they arrived, when I
arrived, I
26 was informed that JP convened a meeting before his departure
so
27 the meeting that he held, he said the SLA and the RUF should
work
28 together, so if the SLA is a commander and the RUF should be
the
29 deputy; if the RUF is the commander then SLA should be the

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command 1 deputy. There was the arrangement that he left and the
2 structure; that was what I learned.

where 3 Q. So for how long were you in Koidu Town at the place
4 you say you resided?

16:31:17 5 A. Well, I only spent a week. Then I was deployed.

6 Q. Where were you deployed to?

7 A. I was deployed to Yomandu.

8 Q. In what circumstances were you deployed to Yomandu?

9 A. I was deployed to Yomandu as [REDACTED].

16:31:57 10 Q. Who deployed you to Yomandu? And please don't mention
your 11 position again. My Lords, if we can redact that position?

12 PRESIDING JUDGE: Okay, it shall be redacted; was
deployed

13 to Yomandu [indiscernible] should redact the capacity. The

14 position which you occupied in Yomandu, let it be redacted,

16:32:29 15 please. Who deployed you there?

16 THE WITNESS: Superman.

17 MR OGETO:

18 Q. What was the forum in which Superman deployed you to
19 Yomandu?

16:32:53 20 A. When I arrived, two days' time, the third day, Superman
to 21 convened a meeting of all senior officers. So we went there
22 the meeting.

23 Q. Where was the meeting held?

24 A. The meeting was held at Superman's residence. Where
16:33:27 25 Superman was based, that was where the meeting was held.

26 Q. Where was he based?

27 A. You mean the location of the place? It was just at the
28 back of Konomani Park towards Five-Five area. I don't
actually
29 understand the area. It was at the back of Konomani Park. I

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1 don't know the exact name of that area, but it was within that
2 area that he was based.

3 Q. Do you recall the other officers who attended this
meeting?

4 A. Yes, sir.

16:34:16 5 Q. Can you please name some of them, if you can -- if you
can?

6 A. Yes, sir. I could remember Colonel Isaac Mongor. He
was

7 present. I could remember one Lieutenant-Colonel Morrison
8 Kallon, STF who was secretary to Superman. I could remember
him.

9 I could remember Morris Kallon, who is sitting there; he was
also

16:34:57 10 present. Rocky CO was also there. Colonel Basil was there
and

11 Papa. These are the few names I could recall because the
meeting

12 was held at night.

13 PRESIDING JUDGE: When he says Papa, is it Hassan Papa
14 Bangura?

16:35:29 15 THE WITNESS: Very good. Very good. Hassan Papa
Bangura.

16 Very good. Very good.

17 PRESIDING JUDGE: I've passed your test so well with
18 excellence, maybe I've made it first class.

19 MR OGETO:

16:35:48 20 Q. Now apart from yourself, were there any other
deployments

21 that were announced during that meeting?

22 A. Yes, sir. Lieutenant-Colonel Vandt -- Peter Vandt was
23 assigned to Gandorhun. Captain Savage was assigned to
Tombodu.

24 Captain Alpha was assigned to Gandorhun towards --

16:37:05 25 Q. If you cannot remember that, [indiscernible]?

26 A. Then I can't recall. Then Captain Amara was assigned to
27 Woama. Then Tito was assigned to Mamadu checkpoint. Then
Major
28 Konowa was assigned to Guinea Highway. So I think these are
the
29 few names I could recall. It has taken some time. I don't
have

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1 a very retentive memory on that.

2 Q. Are you familiar with the name Jagbwema Fiama, a place
3 referred to?

4 A. Jagbwema Fiama. Yes, very good. I know there. It was
16:37:46 5 Captain Alpha who was posted there. Yes, Captain Alpha.

6 Q. What about Wendedu -- a place referred to as Wendedu or
7 Banya Ground; do you recall who was posted there?

8 A. The name Banya Ground I know, but the village, I -- I
know
9 of the name Banya Ground. It's familiar to us. I know the
place
16:38:18 10 because Colonel Banya was based there.

11 Q. And do you know a place called Yellow Mosque, referred
to
12 as Yellow Mosque, at that time?

13 A. Yes. Yes. Yes, sir.

14 Q. Do you recall if there was any deployment to Yellow
Mosque?

16:38:37 15 A. Yes, there was a deployment. It was Major Kailondo who
was
16 deployed there. Major Kailondo.

17 Q. Now, during this meeting, do you recall if Isaac Mongor
was
18 given any deployment?

19 A. At that moment, Isaac Mongor was not given a deployment
20 because he was a senior officer. Among all the senior
16:39:10 21 officers
22 of the Vanguard, Isaac Mongor was the top-most senior officer.

22 Q. Do you recall what his rank was at that time?

23 A. He was full colonel. Full colonel.

24 Q. What about the accused person, Morris Kallon; do you
recall

16:39:39 25 if he was given any assignment during that meeting?
the 26 A. Morris Kallon had no assignment, but the rank -- I knew
27 rank.
28 Q. What was the rank at that time?
29 A. His rank was major. It was Pa Sankoh who gave it to
him.

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could 1 MR OGETO: My Lords, I'm looking at the clock. If we
2 take the break. I'm feeling a bit dry, my throat.
3 PRESIDING JUDGE: Oh, okay. All right. That's a better
4 reason.
16:40:33 5 MR OGETO: Thank you, My Lords.
6 PRESIDING JUDGE: We will recess and resume in the next
7 couple of minutes. The Chamber will rise, please.
8 [Break taken at 4.30 p.m.]
9 [RUF22APR08D-BP]
17:07:46 10 [Upon resuming at 5.05 p.m.]
11 PRESIDING JUDGE: Yes, Mr Ogeto, proceed, please.
12 MR OGETO: Thank you, My Lords.
13 Q. Mr Witness, you say that after this meeting with
Superman

14 you were deployed to --

17:15:58 15 PRESIDING JUDGE: Let me get this clear. The
appointment

16 which he mentioned here were all made by Superman.

17 MR OGETO:

18 Q. Can you please --

19 PRESIDING JUDGE: These deployments or appointments,
call

17:16:14 20 them whatever.

21 MR OGETO:

22 Q. Who made those appointments, Mr Witness?

23 A. Superman. It was Superman.

24 PRESIDING JUDGE: Okay.

17:16:21 25 MR OGETO: Thank you, My Lords.

26 PRESIDING JUDGE: Thank you.

27 MR OGETO:

28 Q. And you said you were appointed to go to Yomandu; is
that

29 right?

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1 A. Yes.

2 Q. And you said Komba Gbundema was the commander who was

3 deployed to Yomandu; is that right?

4 A. Yes.

17:16:44 5 Q. For how long did you stay at Yomandu?

6 A. Yomandu, we were there until the last attack in December
7 1998?

8 Q. The last attack where?

9 A. At Koidu.

17:17:16 10 Q. Do you know if Komba Gbundema had a radio at Yomandu?

11 A. Yes, sir.

12 Q. Did you have access to this radio?

13 A. Yes, sir.

14 Q. For what purpose did you have access to this radio?

17:17:41 15 A. Because I was a [REDACTED].

16 Q. Please, Mr Witness, do not -- do not disclose your
17 identity.

18 PRESIDING JUDGE: Let that be redacted, please.

19 MR OGETO:

17:18:08 20 Q. We know your position so you can simply say: In the
21 context of my position I was entitled to this and that and
that;

you
22 do you understand? The Court already knows the position that
23 held at that time.

24 A. Okay. Okay. Okay.

17:18:32 25 Q. So who were you communicating with through this radio?

26 A. I was communicating directly with my boss, Patrick Jusu.

27 Q. Any other person that you communicated with through this
28 radio?

29 A. Yes, very important issues I reported directly to
Superman.

1 Q. Did you at any given time communicate through this radio
2 with the accused person Morris Kallon?

3 A. No, sir.

4 Q. Why is it that you did not communicate with him through
17:19:32 5 this radio?

6 A. Well, during that time, Kallon was not in command, so I
had
7 no dealings with him.

8 Q. You spoke about these other places, Gandorhun. You
spoke
9 about Yellow Mosque.

17:19:57 10 A. Yes.

11 Q. Did the commanders of these units have access to radios?

12 A. Yes, all unit commanders have access to a radio.

13 Q. What was the role of the G5 in Kono during the period
March
14 to the time that you left Yomandu, December 1998? What was
the

17:20:44 15 role of the G5, if you can explain to the Court, please?

16 A. Well, generally G5 is responsible for all issues
relating

17 to civilians in the jungle. Also, if there is any case
between

you
civilian
17:21:14

18 civilians and soldiers, you have to report to the G5 before
19 go to any other unit authority. So we were in charge of
20 issues in the jungle, at Koidu.

21 Q. Were there civilians in Yomandu where you were?

22 A. Yes, sir.

23 Q. Who were these civilians?

17:22:02

24 MR OGETO: My Lords, I'm not getting any translation. I
25 don't know whether that applies to everybody.

26 PRESIDING JUDGE: Yes, I'm not.

go

27 THE INTERPRETER: Your Honours, can the witness please
28 over again.

29 MR OGETO:

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were

1 Q. Can you, Mr Witness, please repeat the question. Who
2 the civilians who were in Yomandu?

3 A. I said those who were in Yomandu that moved after they
4 attacked, they went into the bushes and they went to Yomandu
for

17:22:28

and

5 security. Those were the civilians that I was taking care of

6 the others were also behind the soldiers that were in Kono.

of
7 Q. Were there civilians, to your knowledge, in other parts
8 Kono during that period?

I
9 A. Yes. Most of the target areas there was civilians that
10 knew.

11 Q. Do you know if there were civilians at the Guinea
Highway?

12 A. Yes, they were there.

13 Q. How were civilians treated -- the civilians that were
under
14 you, for instance, in Yomandu? How did you treat them?

15 A. You see, the issue of civilians within the movement was
16 very important. You see, as the Pa told us it is the
civilians
17 who own the war so that was why that unit was created within
the

18 movement, to take care of the civilians. Whatever goes wrong
19 with the civilians, or a soldier offend a civilian, the issue
17:23:55 20 will be investigated to the letter to find out if the civilian
21 was badly treated and the soldier whoever -- who was ever
caught
22 treating a civilian badly will be dealt with. So if --

23 THE INTERPRETER: Your Honours, the witness is going too
24 fast for the translator. Can he please repeat the last
segment
17:24:27 25 of his testimony.

26 MR OGETO:

27 Q. Mr Witness, as I told you earlier on, please try and
speak
28 slowly because your testimony is being recorded. It's
important
29 that we get each and every bit of what you are saying; you

1 understand?

2 A. Okay.

3 Q. Can you please repeat your answer to my last question?

4 A. As a G5 in general, he was responsible for all civilian
17:25:00 5 activities in the jungle. Whatever problems that a civilian
is
6 faced with, the G5 is responsible. And if a civilian was to
stay
7 with a civilian, or an overall commander, the G5 should know
8 because we -- it is our responsibility to know the
whereabouts,

9 so that they will not be badly treated because it is our
17:25:31 10 responsibility to ensure that the civilians are treated
fairly.

11 Q. During the time that you were in Yomandu did the RUF
force
12 the civilians who were with you to work with the soldiers?

13 A. That is not possible. Never. It has never happened.
That
14 is not to my knowledge anyway.

17:26:04 15 Q. Are you familiar with the concept food-finding mission?

16 A. Yes, I knew that idea.

17 Q. Can you please explain to the Court what it means?

you 18 A. Food-finding mission within the guerrilla movement --
19 know, a guerrilla is an independent person. He is responsible
17:26:37 20 for himself. We don't get supply from anywhere, so we had to
21 feed ourselves. So there are times the authorities will say a
22 human being will not live without food, so we had to go in
search
23 of food to eat. So sometimes we mobilise the soldiers,
sometimes
24 we will take the civilians -- able-bodied civilians because
they
17:27:02 25 themselves were eating. So they too were happy to join us to
go
26 in search of food. So the food that we went and found is
27 referred to as food-finding mission.
28 Q. Where did you go to find your food?
29 A. We will go to places where the civilians had abandoned
and

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1 sometimes we will go and lay ambush for the enemies so that we
2 can get food.
3 Q. What do you mean by laying ambush to the enemies?
4 A. We set a trap for the enemy. That is what we refer to
as

17:27:53 5 ambush. That's a military cover. Like, if ECOMOG is passing
particular 6 along this road, they will take -- we will hide in a
7 location, then we will attack. Then after which we will take
8 their food; then we've got food.

these 9 Q. You said that at times you would go with civilians on
17:28:20 10 food-finding missions; would you force them?

for 11 A. No. No, you wouldn't force anybody to go and find food
12 himself. It is quite impossible. They are willing. They are
13 human beings. They have to eat. So we don't have to force
we 14 anybody to go and find food for themselves. So I don't think
17:28:39 15 need to maltreat them within the movement.

Kono 16 Q. Was this the practice only in Yomandu or the whole of
17 at that time?

prevails. 18 A. Not Yomandu alone. The entire system that idea
19 That is the idea, food-finding mission. It is found
everywhere 20 you find the movement.
17:29:11 21 Q. During that period, March to December 1998, are you
aware 22 if there were child soldiers within the RUF in Kono?

23 PRESIDING JUDGE: What period are you --
24 MR OGETO: I said March, but I think I should say
February. 25 Between February to December 1998.
17:29:40 26 Q. Are you aware if there were child soldiers --

27 PRESIDING JUDGE: February 1998 to December 1998?
28 MR OGETO: Yes, My Lords.

Although 29

THE WITNESS: No, there were no child soldiers.

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1 we had children, we can't deny that we don't have children.
2 Sometimes when they see children with soldiers, they refer to
3 them as child soldiers. We don't accept children as soldiers.
4 But, you know, soldiers have children and they also have their
17:30:17 5 own relatives but when they see these children with us, they
6 refer to them as child combatant, because if you compare the
arms
7 and ammunition that we use you can't give them to children.
8 Q. Did you at times at Kono at that time, between February
and
9 December 1998, go with children for food-finding missions?
17:30:51 10 A. No, we don't take children along to food-finding
missions,
11 because the distance we normally take is too far for us to
take
12 children along, so we don't take them along at all.
13 Q. During this same period, February to December '98, did
you
14 have cases of forced marriages within the RUF -- RUF soldiers
17:31:26 15 forcefully marrying women?
16 A. Mr Lawyer, I want you to clear up this thing. Talking

17 about forced marriage, I would like you to clarify it for me.
18 During the year 1996 or from the time the war started?

19 PRESIDING JUDGE: They are asking you February 1998 to
17:31:52 20 December 1998.

21 THE WITNESS: No. No, no, no. I had no report
concerning
22 forced marriage.

23 MR OGETO:

24 Q. Now, when you got to Koidu in March of 1998, did you
17:32:29 25 witness any burning of houses in Koidu Town?

26 A. Yes, I witnessed -- I witnessed three burning of houses
in
27 Kono.

28 Q. Did you see them burning?

29 A. Yes, I did not see them burning, but I met fire in the

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1 houses in the town anyway.

2 Q. Did you know who burned these houses?

3 A. Like, the first burning I enter, when I was retreating
4 first week in March, when I reached certain areas, I had fire

on

17:33:20 5 houses. Somewhere already burnt down. Then I had to ask
because

6 I met some soldiers on the ground. I said: Who had just come
7 here and just started burning houses? I was then told that
the
8 Kamajors we met here, whom we have fought and are retreating,
9 were the soldiers were -- and where they know the junta
10 civilians -- there are civilians who are supporting juntas,
17:33:48 those
11 are the houses they have burned down. That was the answer
they
12 gave me.

13 Q. Who gave you that answer?

14 A. He is not living now; he is dead. He is dead. He was a
17:34:10 soldier who was a bodyguard, Black Guard.

16 Q. What was his name, please?

17 A. He was Major Amara.

18 Q. Did you subsequently hear of any burning of houses in
Koidu
19 Town?

17:34:39 20 A. Yes. I came to understand that about burning of houses;
21 then I was at Yomandu.

22 Q. When was this, Mr Witness?

23 A. At the time when we were told that ECOMOG was advancing
24 towards Koidu Town, Superman wanted to leave -- quit Koidu to
17:35:11 25 make for the jungle and there are soldiers in the town who
were
26 no longer fighting, they were all moving up and down the town,
27 and the order were passed that they were to burn the houses
and
28 the vehicles of the soldiers; I heard that information on the
29 ground.

1 Q. Who gave you that information?

2 A. That was a report from my commander himself, the overall
3 brigade commander, Patrick Jusu. He sent that message.

4 Q. Did he tell you who gave this order to burn the houses
and
17:35:56 5 the vehicles belonging to the soldiers?

6 A. I said -- I said to Superman, he gave that order.

7 Q. Did he tell you why he gave that order?

8 A. Yes, sir.

9 Q. Can you please explain to the Court the explanation that
17:36:21 10 you were given?

11 A. It was said that the soldiers were no longer willing to
12 fight. They were just moving in -- down in their vehicles and
13 the enemies were advancing, and these went against Superman,

and
14 he passed order to burn the vehicles and -- of the commanders
and

17:36:46 15 their houses in which they were living because they did not
want
16 to fight any more. That was the information the brigade
17 commander send.

18 Q. Did you receive any information regarding the
involvement

at 19 of the accused Morris Kallon in the burning of houses in Koidu

17:37:12 20 that time?

that 21 A. No, I even came to understand that he was not there at
22 time.

23 Q. Who told you that he was not there at that time?

He 24 A. Komba told me that he had been called for -- to Bokina.
17:37:36 25 was not on the ground, but he later returned.

information 26 Q. In what circumstances did Komba give you this
27 about the accused Morris Kallon being absent at that time?

When 28 A. That was the time he came to the ground to Superman.

That 29 he came to see him when he was not -- he did not meet him.

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1 was the time -- I don't actually know what was on, but he said
2 Superman had sent for him.

3 Q. Superman had sent for him where?

4 A. From Yomandu.

17:38:40 5 Q. Do you know if the RUF was at any time during this
period

6 based at the Guinea Highway?

7 A. I did not get you clearly.

8 Q. During the period February to December 1998, was there a
9 time when the RUF went to be based at the Guinea Highway?

10 A. Yes. I came to understand that they had moved from
Koidu
11 Town because of the jet raid and that they are out on the
12 outskirts of Kono.

13 Q. When was that?

14 A. After three months, from March -- after three months
from
15 March; within June.

16 Q. Did you get to know who the commander of the RUF at the
17 Guinea Highway was after they moved there?

18 A. Yes. The commander was still Superman.

19 Q. Did you have the G5 at the Guinea Highway at that time,
17:40:14 20 after the movement from Koidu Town to Guinea Highway?

21 A. Yes. That was where my commander was and the operation
22 commander.

23 Q. Who was that again, please, for the record?

24 A. I said my commander himself, Patrick Jusu, who was the
17:40:39 25 overall brigade G5 commander and the operational brigade G5
26 commander were all in Koidu when they retreated; when they
moved
27 to the Guinea Highway.

28 Q. Did you receive reports from them?

29 A. Yes. Yes.

1 PRESIDING JUDGE: Are you saying that Jusu retreated to
2 Guinea Highway?

3 THE WITNESS: Yes, he was the commander of G5.

4 PRESIDING JUDGE: Yes. He retreated to Guinea Highway
and
17:41:23 5 he was reporting to you -- he was sending reports to you?

6 THE WITNESS: Yes, sir.

7 MR OGETO:

8 Q. In what context was he sending reports to you?

9 A. Whatever took place, he was in position to tell us. He
was
17:41:47 10 ready to tell us the affairs of the civilians, that such-and-
such
11 a thing had happened.

12 Q. Did you have any other junior officers within the G5
based
13 at the Guinea Highway. Apart from Jusu, who was your senior,
did
14 you have any juniors at the Guinea Highway?

17:42:23 15 A. Yes, sir, the operation commander Koroma Hindolo was
there.
16 He was a junior. He was in operation under me.

17 Q. Did you receive any reports from him regarding any
events
18 at the Guinea Highway?

19 A. He was reporting directly to the commander, and the
17:42:55 20 commander was informing me about it.

21 Q. Did you receive any reports from the Guinea Highway
22 regarding the use of child soldiers at that time?
23 A. No, sir.
24 Q. Did you receive any reports from the Guinea Highway at
that
17:43:31 25 time regarding the use of child -- of children for food-
finding
26 missions?
27 A. Not to my knowledge, sir.
28 Q. During the time that you were in Kono between February -
-
29 between early March and December 1998, did you hear of a
robbery

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1 that took place at a bank in Koidu Town?
2 A. I was not at Yomandu when that one took place. That was
3 the first time when I retreated and arrived in Kono. But
apart
4 from that, I did not get any other information when I was at
17:44:41 5 Yomandu. Breaking-in of bank or the robbery of bank. I only
got
6 that one when I first arrived in Kono about the robbery of
bank.
7 Q. Was that in early March?

8 A. Yes, sir.

9 Q. Which information did you get in relation to the robbery
of
17:45:06 10 this bank -- robbery of the bank?

11 A. The information I got was that the STF went and broke
into
12 the bank, including some SLA soldiers. That was how I got the
13 information.

14 Q. Who gave you that information?

17:45:31 15 A. It was my friend soldiers, my comrades who knew about
it.
16 Q. Can you please give the Court the names of those
soldiers
17 who gave you that information, if you are able to recall their
18 names?

19 A. I cannot recall their names now who gave, but that is
what
17:46:05 20 they told me. There was rumour around that the STF had gone
to
21 break into the bank. That I used to hear.

22 Q. Did you get to know what happened after the robbery at
that
23 bank?

24 A. Yes, sir.

17:46:33 25 Q. Can you please explain to the Court what it is that
26 happened?

27 A. I came to understand that General Mosquito had
information
28 that -- that the bank had been broken in. Then he give orders
to
29 the MP, who was Major AS Kallon, to do the investigation. And
I

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of 1 was told that he sent somebody as his -- who was in the person

2 Peleto so that he could go ahead with the operation.

involvement 3 Q. Now, did you get any information concerning the

4 of the accused --

17:47:27 5 PRESIDING JUDGE: They elected to go ahead with what
6 operation?

information 7 THE WITNESS: That is what I have said. I had

8 that -- you know, Issa sent the information that I understand

to 9 that they investigated and got the money and took it to Bokina

17:47:49 10 him.

11 MR OGETO:

12 Q. Initially you said Sam Bockarie --

13 PRESIDING JUDGE: He was the [overlapping speakers]

14 investigator --

17:47:57 15 MR OGETO: Sorry, My Lord, I just wanted him to clarify
one

16 point.

17 PRESIDING JUDGE: Yes, please go ahead.

18 MR OGETO:

19 Q. Initially you said that Sam Bockarie knew about this and

17:48:05 20 sent -- you know, ordered an investigation; now you are saying
21 Issa. Can you please clarify that?
22 A. General Mosquito. Sorry, I said General Mosquito sent
the
23 message. After I had heard that the bank had been broken in,
he
24 sent a message AS Kallon to investigate about the robbery.
That

17:48:34 25 is what I said.
26 PRESIDING JUDGE: Then what did Peleto -- you mentioned
27 Peleto; what was Peleto's role there?
28 THE WITNESS: Peleto was based -- General Mosquito's --
29 THE INTERPRETER: Can the witness please take the last
bit

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1 of his statement?
2 MR OGETO:
3 Q. Mr Witness, can you please repeat the last bit of your
4 answer in relation to Peleto? What did Peleto do?
17:49:15 5 A. Peleto -- Peleto was sent as a representative from
Bokina
6 so as to investigate the issue of the money. By then it was a
7 task force and food-finding for the money. That was what I
said.

8 It was General Mosquito that sent him to investigate about the
9 money so that he will join the MPs to investigate about the
10 money. That was what I said.
11 Q. Did you say Bennetto or Peleto?
12 A. Peleto. I didn't say Bennetto. Peleto.
13 Q. Thank you. Sorry, it's my fault. My ears are not very
14 sharp.
15 A. No, you are just repeating.
16 Q. So after this incident did you ever hear that the
accused,
17 Morris Kallon, was involved in the robbery of this bank?
18 A. No, I didn't get that any way.
19 Q. When the RUF moved from Koidu Town to Guinea Highway,
did
20 you hear of any bank robbery at Koidu Town?
21 PRESIDING JUDGE: When the RUF --
22 MR OGETO:
23 A. When the RUF moved from Koidu Town and was based at the
24 Guinea Highway, did you hear of any bank robbery?
17:51:12 25 A. I think I'd clarified that. I said early March when I
26 entered, by then I was retreating. That was when I had the
27 understanding about the bank robbery. When I was at Yomandu I
28 didn't get that information. It means I only heard it once,
not
29 twice. It was once that I got the information that it was
early

1 March.

2 Q. You never had any information that the accused, Morris
3 Kallon, got child soldiers from the Guinea Highway and went
and
4 robbed a bank in Koidu Town?

17:52:04 5 A. Well, some information that we received -- I wonder how
Kallon 6 sometimes people access such information. In fact, Morris
7 didn't have child combatants, apart from his own children and
8 relatives. Since I joined the movement I never saw him with
9 child soldiers.

17:52:37 10 Q. Mr Witness, sorry, that isn't -- that is not the
question
11 that I asked you. I want you to clarify if you ever heard
that
12 Morris Kallon brought child soldiers from the Guinea Highway,
who
13 he took to assist him to rob a bank in Koidu Town. Did you
ever
14 get such information?

17:52:48 15 A. No.

16 Q. Is this the kind of information that you would
ordinarily
17 have received at that time?

18 A. I don't understand the question that you are trying to
pose
19 anyway. Will you please repeat the question?

17:53:15 20 Q. If Morris Kallon had taken children from the Guinea
Highway

21 to assist --

question? 22 A. I responded to that. I said no. The following

23 JUDGE BOUTET: Next question, please.

24 PRESIDING JUDGE: Next question, please. Next question,

17:53:39 25 please, Mr Ogeto.

going 26 MR OGETO: I'll move along, My Lords. My Lords, I'm

27 into --

28 PRESIDING JUDGE: A new --

29 MR OGETO: -- an extensive discussion of an exhibit.

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can 1 PRESIDING JUDGE: An extensive discussion, well, yes.

2 MR OGETO: Yes.

3 PRESIDING JUDGE: I think -- it's coming to 5.45. We

of 4 call it a day here for the mid-weekend. I hope after two days

17:54:11 5 hard work you'll be able to reconstitute yourselves and check

out 6 your witnesses before Thursday.

7 MR OGETO: Thank you very much, My Lords.

8 PRESIDING JUDGE: Right.

9 MR OGETO: We'll do that.

17:54:47 10 MR FYNN: My Lords?

11 PRESIDING JUDGE: Yes, Mr Fynn.

12 MR FYNN: If I may before we adjourn? I am to inquire
what

13 the status is regarding the subpoena to His Excellency, former
14 President Kabbah. I believe a date was fixed for his possible
17:55:02 15 testimony.

16 PRESIDING JUDGE: Yes, a date was fixed, you know. We
will

17 discuss that. It is not on the agenda now. Is the date
today?

18 MR FYNN: Well, the date would be Thursday, My Lord.

19 PRESIDING JUDGE: It will be Thursday. Today is
Tuesday;

17:55:16 20 it's not Thursday.

21 MR FYNN: As My Lord pleases.

22 PRESIDING JUDGE: Right. We shouldn't even be asking
you,

23 Mr Fynn, because you are more associated with the official
side

24 than Mr Jordash is.

17:55:41 25 MR JORDASH: It may be that Mr Fynn would like to
deliver

26 the subpoena; I don't know.

27 PRESIDING JUDGE: Well, probably. Maybe he has some
28 surprises in his sleeves which he will unleash to us on
Thursday.

29 MR FYNN: My Lord, we simply wish to be very prepared
for

1 Thursday.

2 PRESIDING JUDGE: You better be prepared at all times.

3 You've always been -- you were a Boy Scout at a certain stage
of

4 your life, I suppose.

17:56:08 5 MR FYNN: Long gone now, My Lord.

6 PRESIDING JUDGE: Do you remember the tune, "Be
prepared"?

7 MR FYNN: Yes, My Lord.

8 PRESIDING JUDGE: All right. Okay. Well, the Chamber
will

9 rise. I will wish you a very restful mid-weekend. We will

17:56:21 10 resume on Thursday at 9.30.

11 [Whereupon the hearing adjourned at 5.46
p.m.

12 to be reconvened on Thursday, the 24th day
of

13 April 2008 at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DMK-161 2

EXAMINED BY MR TAKU 2

35 CROSS-EXAMINED BY MR JORDASH

45 CROSS-EXAMINED BY MR CAMMEGH

49 CROSS-EXAMINED BY MR FYNN

71 WITNESS: DMI-087

74 EXAMINED BY MR OGETO