

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

FRIDAY, 25 APRIL 2008
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Peace Malleni
Ms Sandra Brown
Mr Felix Nkongho
Mr Alex Paredes-Penades

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Peter Harrison
Mr Charles Hardaway
Mr Vincent Wagona
Mr Reginald Fynn

For the accused Issa Sesay:

Mr Wayne Jordash

For the accused Morris Kallon:

Mr Charles Taku
Mr Kennedy Ogeto
Ms Lois Mbafor

For the accused Augustine Gbao:

Mr John Cammegh
Mr Scott Martin

1 [RUF25APR08A-BP]

2 Friday, 25 April 2008

3 [Closed session]

4 [The accused present]

09:41:00 5 [Upon commencing at 9.40 a.m.]

6 [The witness entered Court]

7 WITNESS: DMK-039 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, learned counsel. We're
09:50:58 10 resuming our proceedings. Yes, madam witness, good morning.

11 THE WITNESS: Good morning, sir.

12 PRESIDING JUDGE: Mr Taku, we're in a closed session I
13 suppose. Court Management, are we in a closed session,
please.

14 Can you verify that?

09:51:19 15 MS KAMUZORA: We are in closed session, My Lords.

16 PRESIDING JUDGE: Yes, Mr Taku.

17 MR TAKU: Your Honours, we wish very respectfully,
18 Your Honours, to withdraw our application for a closed
session.

19 I approached the witness and after further explanations she
said

09:51:51 20 to the extent that she now understands that she can testify
21 without the public looking -- seeing her face on the screen
and

22 she is prepared to go on, and I did explain to her that the

23 information that could reveal her identity she could write the
24 information on a sheet of paper and it will be admitted in
09:52:19 25 evidence and she understood and she said that I should make
this
26 application, Your Honour.

27 PRESIDING JUDGE: Let's move to the open session then.

28 MR TAKU: Thank you, Your Honour.

29 PRESIDING JUDGE: Then you can tell us, you know, what

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1 you've told us, you know, in -- briefly, you know, in the open
2 session and -- because before we went into the closed session
you
3 did say that you were making an application, you know, for a
4 closed session which was to last -- well, you didn't indicate
the
09:52:55 5 duration, you know, but I think it should go on the record in
6 open session that you are withdrawing that application.

7 MR TAKU: Thank you, Your Honour.

8 PRESIDING JUDGE: Yes.

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OPEN SESSION

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[Open Session]

MS KAMUZORA: My Lords, we are set for open session.

PRESIDING JUDGE: Yes, Mr Taku, yes, may we hear your

4 submission to withdraw the application briefly, please.

09:54:40 5 MR TAKU: May it please Your Lordships, we respectfully
6 apply to withdraw our application for a closed session.

7 PRESIDING JUDGE: Thank you very much. I think that's
8 okay.

9 MR TAKU: The witness now wishes to testify in open
09:55:03 10 session. We did explain to her the protective measures that
11 already exist, to the extent that any evidence that may reveal
12 her identity can be obtained otherwise than by moving to
closed
13 session; she is satisfied. That said, Your Honour, we're
14 applying that the Court Management could give her some sheet
of
09:55:29 15 paper so where it becomes necessary she could write the
16 information on the sheet of paper and we will apply for it to
be
17 admitted in evidence.

18 PRESIDING JUDGE: When the time comes the paper will be
19 provided to her. Yes, can you swear in the witness, please.
Or
09:55:51 20 had you sworn her in already now?

21 MS KAMUZORA: Yes, My Lord, she did that yesterday.

22 PRESIDING JUDGE: She was already sworn in?

23 MS KAMUZORA: Yes, My Lords.

24 PRESIDING JUDGE: I see, okay.

09:56:03 25 MR TAKU: May it please Your Lordships, we'll be
applying
26 for a sheet of paper to be given to the witness.

27 PRESIDING JUDGE: The witness has sworn on the Koran or
on
28 the Bible?

29 MS KAMUZORA: My Lords, she was sworn on the Bible.

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1 EXAMINED BY MR TAKU: [Continued]

2 MR TAKU:

3 Q. Good morning, witness?

4 A. Good morning, My Lord.

09:57:02 5 Q. Yes. We're sorry, Your Honours, for that interruption.

6 Good morning, witness?

7 A. Good morning, My Lords.

8 Q. Yes. You are a protected witness, so you will not say

9 anything that will reveal your identity. You understand that?

09:58:14 10 Now, that said, can you write your full names on that sheet of

current 11 paper, please. Can you also write your address -- your

sheet 12 address on that piece of paper -- on that sheet, please --

and 13 of paper, please. Can you also write your current profession

Komba 14 where you work on the sheet of paper. Now, do you know one

10:00:02 15 Gbundema?

16 PRESIDING JUDGE: What are you doing with the paper.

17 THE WITNESS: Yes, My Lord.

the 18 MR TAKU: Your Honour, when we get that information on

19 paper --

10:00:10 20 PRESIDING JUDGE: We have it already. Can we have it
has 21 admitted. We have the information already on the paper, she
22 written it.

23 MR TAKU: Okay, Your Honours. Okay. We will tender it
at 24 this point in time.

10:00:28 25 JUDGE BOUTET: [Indiscernible] information that comes up
26 that needs to be written we will do it another exhibit so.

27 MR TAKU: Thank you, Your Honour.

28 PRESIDING JUDGE: So on this paper you have her name,
her 29 address and her place of work.

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1 MR TAKU: Yes, Your Honour.

2 PRESIDING JUDGE: Any objection?

3 MR FYNN: No objection, My Lord.

4 PRESIDING JUDGE: No objection.

10:02:04 5 MR JORDASH: No.

6 MR CAMMEGH: No, thank you.

348. 7 PRESIDING JUDGE: It is admitted and marked as Exhibit

8 MS KAMUZORA: Yes, My Lords.

9 [Exhibit No. 348 was admitted]

10:03:47 10 PRESIDING JUDGE: Can you have this please. Yes, Mr
Taku.

11 MR TAKU:

12 Q. Witness, do you know someone by the name Komba Gbundema?

13 A. Yes, My Lord.

14 Q. When did you know him?

10:04:19 15 A. I came to know him when I joined the RUF.

16 Q. Do you know whether he was married or not?

17 A. I knew that he was married.

18 Q. Without saying anything that will reveal your identity,
do

19 you know the wife?

10:05:04 20 A. Yes.

21 Q. Your Honours, we're applying for a piece of paper. A
sheet

22 of paper, please, so that she can write the name of the wife
and

23 her relations if any -- if any exist between her and the wife
of

24 Komba Gbundema. Court Management, can you get the paper,
please.

10:07:00 25 Your Honours, we're seeking the Court to tender?

26 PRESIDING JUDGE: Any objection?

27 MR FYNN: No objection, My Lord.

28 MR JORDASH: None, Your Honour.

29 PRESIDING JUDGE: The paper is admitted and marked as

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1 Exhibit 349. Please, two exhibits 348 and 349 should have a
2 mention of the witness through whom they are tendered, please.

3 [Exhibit No. 349 was admitted]

4 MS KAMUZORA: All right, My Lord.

10:07:35

5 MR TAKU:

person

6 Q. Do you know when Komba Gbundema got married to that

7 whose name you've written in Exhibit 349?

8 A. Yes, sir, My Lord.

9 Q. [Indiscernible].

10:07:48
1995,

10 A. Well, it was the time when the rebels went to Yele in

SLA,

11 but before the first attack when they went, the rebels, the

12 had to kill my uncle because they accused him of collaborating

were

13 with the rebels. So from then, I and members of my family

way

14 afraid. We were just there in the country because we had no

10:08:27

15 out. So after July, the rebel went to Yele the second time.

your

16 PRESIDING JUDGE: Just a minute. You said -- you said

17 uncle was killed by.

18 THE WITNESS: It was the SLAs, the government soldiers.

19 PRESIDING JUDGE: Yes, and then.

10:08:56 20
there.

THE WITNESS: Then we were panic stricken. We were

so

21 We had no way to do because we are afraid of the government,

22 after the rebels had attacked, the second time when they went

23 there, that was only in August. We went --

24 PRESIDING JUDGE: Where was your uncle killed.

10:09:19 25

THE WITNESS: He was killed in Yele.

the

26 THE INTERPRETER: Would the interpreter kindly ask the
27 witness be asked to talk or speak a little bit slower so that

28 interpreter can take it thoroughly.

29 MR TAKU:

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you

1 Q. Yes, take your time, speak slowly. Say everything that

2 know. It's being recorded by Their Lordships, by the court

witness?

3 reporters and by the interpreters. Do you understand,

4 A. Yes, My Lord.

10:09:59 5

Q. Yes, proceed.

6 A. We went into hiding. We were in a room when they went

rebel

7 there the second time. In this room, I heard rebels. The

not
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happy.
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cautioned
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Yeah,
said:
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come

8 was speaking that: Don't shoot. Foday Sankoh said we should
9 kill civilians here. We are not here for civilians. We came
10 here for soldiers so take your time. So where I was I was
11 I said these people that came are no bad people. Then I told
12 aunt that these were the rebels. Then my aunt told me,
13 me not to talk. So we are in that room until the rebels came
14 opened the door. I was the first person that came out. As I
15 came and stood and I saw them and I laughed. They said:
16 do you know the people you've met with? I said: No. They
17 Yeah, well, we are the rebels. We are no bad people. We --
18 came here to free you. We came here to save you. We come
19 not to bring any harm on you. You are poor civilians. Then I
20 told them that other members of my family were in the room.
21 said okay, they shall come out. All of us came out and stood.
22 So after they have spoken to us, they said they were going. I
23 said: No, don't go and leave me behind. I said I want to go
24 with you. I turned to my aunt. I said: Aunt, I'm going. I
25 said before this time when the SLA came they killed my uncle
26 said he was collaborating for the rebels. I said when I have
27 come to realise that these people are no bad people, I'm going
28 with them. Then my aunt said -- said that was true. She said
29 too will not remain behind. She said because let them don't

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can
to
10:13:55

1 and kill us as they killed our uncle. So I met with one of
2 rebels. I called him, I said uncle. I said we want to follow
3 you people. They said well, inasmuch as they were there to
4 protect civilians, if we said we wanted to follow them, it
5 a problem. I had to enter into my room. I removed my things.
6 One of the rebels, he had wanted to pick up five gallon jerry
7 which contained water. Then his colleague told him: Drop it
8 down. It is owned by civilians. He said: We have not come
9 this place to take civilians' property. He said: We came for
10 soldiers. So all of us left together with them.

11 Q. Now, when you left with them, where did you go to?

12 A. We went to the Kangari Hills.

you
10:14:36

13 Q. When you got to the Kangari Hills, did you meet this
14 individual whose name you have written, Komba Gbundema? Did
15 see him there?

16 A. Yes.

17 Q. Now, you've written down the name of somebody in -- the

that 18 individual in Exhibit 349. Did you know in which location
19 individual got married -- Komba Gbundema got married to that
10:15:04 20 individual?
21 A. Yes, My Lord.
22 Q. Where?
23 A. It was at the Kangari Hills.
24 Q. Were you present?
10:15:17 25 A. Yes, My Lords.
26 Q. Did he force that individual into marriage?
27 A. No, My Lord.
28 THE INTERPRETER: The interpreters are again pleading
that
29 the witness should be questioned to wait for the
interpretation

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1 of the Krio before she could respond.
2 MR TAKU:
3 Q. Can you give the answer again, please?
4 A. No, My Lord. He didn't force her to marry her [sic].
10:16:00 5 Q. Can you tell Their Lordships when you got to Kangari
Hills
6 [overlapping speakers] tell their Lordships.

That
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7 A. Yes, My Lord. That was the time when the rebel went.
8 was the time we joined them already. That was in 1995, the
9 month. That was in August. So when we went to the Kangari
10 Hills, 1995, 1995. When we went to Kangari Hills they took us
11 one man called Mohamed Tarawallie, alias Zeno.
12 Q. Who was this man?
13 PRESIDING JUDGE: Alias what?
14 THE WITNESS: Alias Zeno.
15 MR TAKU:
16 Q. Who was this individual?
17 A. Well, this man when we went there, we were told that it
18 the deputy to Foday Sankoh,
19 Q. Did you see him?
20 A. Yes, My Lord.
21 Q. So when you saw him, what did he say?
22 A. Then he told us that where you people have come, except
23 are killed by God. But now you are in the safe zone. He said
24 don't bother yourselves. Remain calm, that anything we wanted
25 that time we should ask and that we are free to ask for
26 we would be given. And nobody would have to force us to marry
27 except if you are to see somebody that you are interested in
28 the person speak with you; for more safety you can come with
29 person to me for an advice. He said so all of you should feel

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give 1 free. He said there would be no problem, stay calm, and he

2 us food to eat.

3 Q. Did you ever hear -- did you ever know somebody called
4 Genewa?

10:19:07 5 A. Yes, My Lord.

6 Q. Where did you know this person -- when did you know this
7 person?

8 JUDGE BOUTET: What's the name of the person again?

9 MR TAKU: Genewa. G-E-N-E-W-A, Your Honours. Thank
you,

10:19:33 10 Your Honours.

11 Q. When did you know this individual called Genewa?

12 A. Well, this Genewa.

13 PRESIDING JUDGE: Is it Ganawa or Genewa?

14 THE WITNESS: Genewa. Genewa.

10:19:57 15 PRESIDING JUDGE: Yes.

16 MR TAKU:

17 Q. When did you know him and where if you can, please?

18 A. At the Kangari Hills.

19 Q. When did you know him.

10:20:18 20 A. I came to know him when we were in Mohamed Tarawallie's

spoke 21 house. At one time I saw Genewa went there. He went and
wanted 22 to one of my aunts that he was interested in her, that he
Well, 23 my aunt in marriage. I was present. Then my aunt said:
If 24 no problem. I am a mature person. You two who are mature.
10:21:13 25 you want me in marriage, no problem?

be 26 MR TAKU: Your Honours, we apply for a sheet of paper to
27 given to this witness to write the name of the aunt that she
28 testified about.

29 JUDGE THOMPSON: Did the witness say that the aunt

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1 indicated that she had no problem being propositioned by this
2 witness -- the Genewa.

3 MR TAKU: Yes, Your Honours. I'm seeking the Court to
4 tender, Your Honours.

10:23:39 5 PRESIDING JUDGE: Any objection to --

6 MR FYNN: None, My Lord.

7 MR JORDASH: No, My Lord.

8 MR CAMMEGH: No, thank you.

9 PRESIDING JUDGE: The paper is admitted and marked as
10:24:05 10 Exhibit 350.
11 [Exhibit No. 350 was admitted]
12 MR TAKU:
13 Q. Now, witness, did you -- did that person in Exhibit 350
14 effectively get married to Genewa?
10:24:29 15 A. Yes, and that was arranged by Mohamed Tarawallie and one
of
16 our brother was also -- they went to him and they consulted
him
17 and he accepted.
18 PRESIDING JUDGE: She says she was married in the
presence
19 of Tarawallie? I mean where? In Tarawallie's house or in his
10:25:02 20 presence, or what?
21 THE WITNESS: Well, when Genewa said he wanted her and
that
22 Tarawallie had advised us that if somebody was interested in
us
23 we should inform him.
24 PRESIDING JUDGE: Yes, yes, we've heard all that.
10:25:20 25 THE WITNESS: Then my aunt told Mohamed Tarawallie and
he
26 accepted and they went to the house and I too followed them.
27 PRESIDING JUDGE: So they got married in Tarawallie's
28 house?
29 THE WITNESS: No, it was not there it was conducted. It

1 was at my elder brother's house.

2 MR TAKU:

3 Q. Now, can you --

4 PRESIDING JUDGE: So your elder brother was -- where was
10:26:09 5 your elder brother living at the time?

6 THE WITNESS: We met him at Kangari Hills.

7 PRESIDING JUDGE: So it was in Kangari Hills.

8 THE WITNESS: Yes, My Lords. Yes, My Lords.

9 MR TAKU: Your Honours, we apply for a sheet of paper so
10:26:28 10 she can write the name of her elder brother.

11 We're seeking the Court to admit that in evidence,
12 Your Honour.

13 JUDGE BOUTET: This is the brother.

14 MR TAKU: That's the brother, Your Honour.

10:28:27 15 PRESIDING JUDGE: [Microphone not activated]. I'm
sorry,

16 my microphone was off. Any objection, please?

17 MR FYNN: None, My Lord.

18 MR JORDASH: No, My Lord.

19 MR CAMMEGH: No, My Lord.

10:29:16 20 JUDGE BOUTET: Madam Witness, just as some additional
21 information, you said your brother. Your elder brother whose
22 name is on this piece of paper was in Kangari Hills.

23 THE WITNESS: Yes, My Lord.

met 24 JUDGE BOUTET: And you said, if I'm not mistaken, you
10:29:39 25 him there. So he was already there?
26 THE WITNESS: Yes, My Lords.
27 JUDGE BOUTET: So was he with the RUF.
28 THE WITNESS: Yes, My Lord.
29 JUDGE BOUTET: Thank you.

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bearing 1 THE WITNESS: Welcome.
2 MR TAKU:
3 Q. This --
4 PRESIDING JUDGE: Just hold on, please. The paper
10:30:21 5 the name of elder brother of the witness is admitted and
marked 6 as Exhibit 351.
7 [Exhibit No. 351 was admitted]
8 MR TAKU:
9 Q. Now, witness --
10:30:47 10 PRESIDING JUDGE: Just a minute, please. I noticed,
Madam 11 Witness, you had said that when you got to Kangari Hills,
12 Tarawallie said that you were safe and that if you wanted to
get

what 13 married, there was no problem. Now, what was -- what was --
14 role did he play in this -- in this marriage, the marriage of
10:31:15 15 your -- of your elder sister.
16 THE WITNESS: My aunt.
17 PRESIDING JUDGE: Your aunt, I'm sorry. Your aunt.
18 THE WITNESS: The role played by Mohamed Tarawallie, we
brother 19 came to know that because they were just a distance, my
10:31:38 20 was there. My aunt told him that now this man Genewa met me,
21 that he wanted me but being that we are saying to you I have
22 accepted, that I'm going to marry him but now we -- we've seen
23 our brother who had disappeared from us and we thought that he
brother 24 had died, and Mohamed Tarawallie said: Since your elder
10:32:03 25 is -- your elder brother is here, go and meet him so that he
can 26 arrange the marriage. So we went and met our brother who made
27 the arrangement between the two. So that was the role played
by 28 Mohamed Tarawallie because he was only there to protect us.
But 29 he was not the one -- he was not our aunt's father but being
that

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1 our elder brother was already there.

2 PRESIDING JUDGE: No, we know Tarawallie was not your
3 aunt's, no, we know. Yes. Can you take this exhibit, please.
4 Yes, you may proceed, please.

10:32:53 5 MR TAKU:

6 Q. Now, this Genewa, what was he doing in Kangari Hills?

7 A. Well, I knew that Genewa was one of the RUF combatants.

8 Q. What about Komba Gbundema?

9 A. Also Komba Gbundema was one of the RUF combatants.

10:33:31 10 Q. Witness, is there a time that you left Kangari Hills to
11 another location?

12 A. Yes, My Lord.

13 Q. When was that?

14 A. Between November and December.

10:33:56 15 Q. You went to which location?

16 A. I went to Zogoda.

17 PRESIDING JUDGE: Between November and?

18 THE WITNESS: December.

19 PRESIDING JUDGE: What year?

10:34:13 20 THE WITNESS: '95. 1995.

21 MR TAKU:

22 Q. Can you tell Their Lordships when you got to Zogoda,
what

23 happened, if there's anything that happened?

24 A. Yes, My Lord.

10:34:36 25 PRESIDING JUDGE: Again, I'm saying here, you know, that
we

26 are spending quite a lot of time in the pre-indictment period.

27 The Chamber does not say no to this, but we don't want to stay
28 there for too long because we would like evidence which is
29 relevant to the indictment, you know, to -- power to be given,

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us

1 you know, to that -- the evidence that is relevant to the
2 indictment because all what we have been doing is pre-1996. I
3 mean, we've been there for too long. I mean, that evidence to
4 is -- for what it is worth for purposes of history maybe.

10:35:32

5 MR TAKU:

6 Q. Witness, do you know Morris Kallon?

7 A. Yes, My Lord.

8 Q. When did you first meet him?

9 A. I met him at Zogoda.

10:36:05

10 Q. Can you tell the Court the circumstances under which you
11 met Morris Kallon?

12 A. Yes, My Lord.

13 PRESIDING JUDGE: What year did you meet him in Zogoda?
14 What year.

10:36:25

15 THE WITNESS: In 1996 when we arrived there. We left
16 Kangari in 1995 between November and December and it was a

long

in 17 journey. We had to spend some time. Early in 1996 we arrived

18 Zogoda.

19 PRESIDING JUDGE: So you arrived Zogoda in early 1996.

10:36:54 20 THE WITNESS: Yes, My Lord.

21 MR TAKU:

22 Q. Now, can you tell the Court the circumstances you met
23 Morris Kallon?

fighters 24 A. Yes, My Lord. When we went to Zogoda, one of the

10:37:25 25 who was called Momoh Rogers, he went and met one woman called
26 Jestina.

27 PRESIDING JUDGE: Is it Jestina or Justina.

Jestina 28 THE WITNESS: Jestina. He had to tell her that let

29 tell me that she wanted me to marry.

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1 MR TAKU:

2 Q. Yes. Proceed.

Jestina, I 3 A. Jestina had to -- Jestina told me that. I asked

we 4 said: Is it my fault that all of us that have come here, are

10:39:03 5 going to marry.

6 Q. Yes. Proceed, please.

7 A. Jestina said no. They are not going to force anybody to
8 get married. That is the --

9 Q. Yes, proceed.

10:39:36 10 A. That was the reason he sent me to you. I told Jestina
that

11 I am not going to get married here. I said I had my fiancé
12 already. Although he is not in Sierra Leone, I will wait for
13 him. I like this woman Jestina. I asked her.

14 Q. Yes. Proceed.

10:40:31 15 A. I said: Are you married? You, are you married? She
said:

16 No, I am not married. I asked her: Where do you live here?
She

17 said she was staying at Morris Kallon's house. I said: How
are

18 you living in that house? Is he your boyfriend? She said:
No.

19 She said she was just staying with him because he saw that
Morris

10:41:25 20 Kallon was a man who was protecting woman and in fact, he has
his

21 own wife who was Esther Kallon. I told her again, I said: I
22 would also like to stay with this man. She said: Well, if
you

23 want to stay with him, you would meet him and tell him. I had
to

24 go and meet Morris Kallon at his house. I said: Pa, I have
come

10:42:09 25 here. I came here together with my aunt, together with her
26 husband, but I have got a friend here who had told me that she
is

27 staying at your house. I told him that I also wanted to come
and

28 stay here together at your house. He said: Well, no problem.
29 He said: My wife is here, Esther. He said apart from that,

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1 there are other woman whom Esther is looking after. I said:
2 Okay, I will go and take my things. I told my aunt -- I told
her
3 that: Well, I am going to Morris Kallon's house. Genewa had
to
4 tell me again that -- he said yes, that man is a good man. I
am
10:43:29 5 a fighter. I can easily detect that. That is a good idea.
Go
6 and stay with him. He has no problem. He would protect you.
He
7 had other women who he protected. So I had to go and stay at
8 Morris Kallon's house. The women had to take me to the place
9 where the other women were staying. Then we stayed there.
But I
10:44:17 10 used to see a good number of people at the house. They had
11 children. I had to ask. I said: Oh, this man, is he taking
12 care of all these people? Whose parents -- none of them is
here.
13 Then one of -- there is a lady there because we are really
14 conversing in detail --

10:45:02 15 PRESIDING JUDGE: What period is this? What period of
time
16 is this.
17 THE WITNESS: It was in 1996.
18 PRESIDING JUDGE: Early 1999.
19 THE WITNESS: '96.
10:45:12 20 PRESIDING JUDGE: '96. I'm sorry, early 1996.
21 THE WITNESS: Yes, between January --
22 PRESIDING JUDGE: [Overlapping speaker]. It's getting
too
23 long. Don't waste so much time on the pre-indictment period.
24 MR TAKU:
10:45:27 25 Q. Is there a time you moved from Zogoda to another
location?
26 A. Yes.
27 Q. Can you tell the Court?
28 A. My Lord, it was in August 1996.
29 THE INTERPRETER: Your Honours, can the witness take
that

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1 last part of her testimony.

2 MR TAKU:

3 Q. Now, when you left Zogoda, where do you go to?

4 A. We went to the Bo Jungle.

10:46:05 5 Q. With whom did you go to the Bo Jungle?

6 A. Morris Kallon. With members of his family.

7 Q. Now, when you got to Bo Jungle, did you see women in Bo

8 Jungle?

9 A. Yes, My Lord.

10:46:28 10 Q. Did anyone -- did you see anyone forcing any of those

women

11 in marriage?

12 A. No, My Lord.

13 Q. Did you see Morris Kallon --

14 A. Yes, My Lord.

10:46:45 15 Q. Did you see him forcefully getting married to any woman

in

16 Bo Jungle?

17 A. No, My Lord. I never saw him.

18 Q. Now, is there a particular time within when you were in

Bo

19 Jungle that you -- you got a job or you did some -- I mean you

10:47:22 20 got a job within the RUF?

21 A. Yes, My Lord.

22 Q. Tell the Court what job?

23 A. Well, I was a xxxxxx in the RUF.

24 Q. In the course of practising your profession as a nurse

10:47:51 25 within the RUF, did you come into contact with several women?

26 A. Yes, My Lord.

27 Q. Did any of them tell you that Morris Kallon forcefully

got

28 married to her?

29 A. No, My Lord.

got 1 Q. Did any of them tell you that any combatant forcefully
2 married to her?
3 A. No, My Lord.
4 Q. Is there a time that you left the Bo Jungle to another
10:48:34 5 location?
6 A. Yes, My Lord.
7 Q. Where did you move to?
8 A. We retreated to the Kangari Hills because at the Bo
Jungle 9 they had been attacking us frequently.
10:48:55 10 Q. Which year did you get to the Kangari Hills -- which
year?
11 A. That was 1997 we came to the Kangari Hills.
12 Q. What -- what year?
13 A. 1997.
14 Q. Now, when you came to the Kangari Hills, did you see
Morris
10:49:31 15 Kallon?
16 A. Yes, My Lord. All of us came to that place.
17 Q. Now, while in the Kangari Hills did you see Morris
Kallon
18 forcefully getting married to any woman?

19 A. No, My Lord.

10:49:53 20 Q. Now, on 25 May 1997, where were you?

21 A. I was at the Kangari Hills.

22 Q. Where was Morris Kallon?

23 A. Morris Kallon was at the Kangari Hills.

24 Q. Is there a time thereafter that you left the Kangari
Hills?

10:50:33 25 A. Yes, My Lord.

26 Q. Tell the Court when?

27 A. Well, it was one -- at one time the commander who was at
28 the Kangari Hills, he had to summon all of us, the civilians,
the
29 soldiers. He said Foday Sankoh told him that they had
overthrown

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1 Kabbah's government, that we should come to town so as to join
2 the AFRCs. It was within that time I left the Kangari Hills.

3 Q. Now, witness, just one thing. When you were in Bo
Jungle,
4 who was the commander there? Do you know who was the
commander

10:51:38 5 there, Bo Jungle?

6 A. The commander at the Bo Jungle was Augustine Kargbo.

7 Q. This commander that you are talking about the Kangari

8 Hills, do you know his name?

9 A. Yes, My Lord.

10:51:58 10 Q. What was his name?

11 A. xxxxxxxxxx.

12 Q. Now, in Bo Jungle did Morris Kallon have any position
that

13 you know of? Any assignment?

14 A. Well, he hadn't any position there that I was aware of.

10:52:29 15 Q. What about Kangari Hills; did he have any position?

16 A. Kangari Hills? I did not observe him to hold any
position

17 there.

18 Q. Now, you told the Court that you left Kangari Hills at
one

19 moment. When you were leaving the Kangari Hills, where was

10:52:56 20 Morris Kallon? Did he leave with you?

21 A. Well, when I left Kangari Hills, I told him that now the

22 commander have told us that the Pa said we should join the
AFRC.

23 I said I -- I said I wanted to go. He said: Well, if you say

24 you are going, you are free to go. He said: But I'm not
going

10:53:29 25 yet. I said I was afraid. He said because it was in May.
The

26 people had just attacked us. That if I'm to receive a message

27 that Pa said we should go and join them, he said I'm not ready
to

28 go yet. Then I had to leave him there. Then I told him that
I

29 was going. So I came down to town with the first batch that

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1 came.

2 Q. Now --

3 PRESIDING JUDGE: You said you came to what town? You
say

4 you left and came where.

10:54:23 5 THE WITNESS: I came to Makeni initially. Then I passed
--

6 I journeyed down to Hastings.

7 MR TAKU:

8 Q. Now, when you came to Hastings, is there a time again
that

9 you saw Morris Kallon?

10:54:55 10 A. No. At Hastings, My Lords?

11 Q. No. Okay, but did you leave Hastings to another
location?

12 PRESIDING JUDGE: What's the answer there. Is it that -

13 MR TAKU: She said not at Hastings. She didn't see him
at

14 Hastings.

10:55:13 15 Q. Where did you see him?

16 A. When I came at Hastings, my father was there who was a
17 policeman. That was -- and treated me to come to Hastings.

But

18 I came to know that the Kamajors had killed him at Matotoka so
I

19 had to return to Makeni. That was at the end of July. When I
10:55:47 20 came to Makeni, I went to the Teko Barracks. That was the
time I
21 went to greet Morris Kallon. He had to ask me: Have you seen
22 your father? I said no, I was told that my father had been
kill.
23 He sympathised with me. Then he told me that -- that he had
been
24 deployed in Bo. I said: Who deployed you in Bo again? He
said
10:56:29 25 it was xxxxxxxxxx. So I had to leave him there. I spent a
26 night in Makeni. I came back to Waterloo and based there.
27 Q. Now, witness, did you -- you remained at Waterloo.
28 Mid-February 1998, you were -- where were you?
29 A. I was in Waterloo.

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1 Q. Did you hear or know anything -- did you ever hear about
2 the intervention -- the ECOMOG intervention in Freetown?
3 A. Yes, My Lord.
4 Q. Now, when you heard about that intervention, what did
you
10:57:36 5 do?
6 A. I had to run.
7 Q. You ran to where, madam?

8 A. I went to Masiaka.

9 Q. How long were you in Masiaka, madam?

10:58:00 10 A. Well, at Masiaka I did not stay there long because the
11 commander whom I met there who was Superman, he had to say --
he
12 said: Anybody, a civilian, a soldier who was with the RUF,
13 should go to Kono. He said because he wouldn't want anybody
to
14 lose his life. So I had to leave Masiaka. I went through
10:58:45 15 Makeni, through Kabala, in order for me to go towards the
16 direction of Kono.

17 Q. Well, did you see Morris Kallon in Masiaka or Makeni?

18 A. No, My Lord. At that time I did not see him again.

19 Q. Now, throughout the period you spent in the jungle, did
you
10:59:20 20 see any RUF combatant forcing women into marriage?
21 PRESIDING JUDGE: She has said no.
22 MR TAKU: Thank you, Your Honours.

23 THE WITNESS: No, My Lord.

24 MR TAKU:

10:59:31 25 Q. Did you see them raping women?
26 A. No, My Lord.

27 Q. Did you see any child combatants with Morris Kallon?
28 A. No, My Lord. He did not have soldiers who were
children.
29 Q. Now, you said you retreated through Masiaka, Makeni, to

1 Kabala, from there to Kono. Where did you retreat to in Kono?

2 A. Well, I had to retreat to Kono because I asked for my
3 brother when I came to Makeni because he was in Makeni. I was
4 told that he was in Kono. That was why I decided to go to

Kono

11:00:30 5 in order to stay with him in Kono.

6 Q. Where in Kono did you go to?

7 A. Well, I went to Yomandu.

8 Q. Now, before we deal with that, let me just clear one
thing.

9 During the time you were -- you say you lived with Morris
Kallon,

11:01:03 10 did you know what rank he had?

11 A. Yes, My Lord.

12 Q. Tell his Lordship -- tell Their Lordships, please.

13 A. At the time when I was with Morris Kallon, although I
14 wasn't a soldier but I used to hear people call him Major

Morris

11:01:31 15 Kallon.

16 Q. Now, you said you located -- you went to Yomandu. Do
you

17 know who was the RUF commander in Yomandu?

18 A. Yes, My Lord.

19 Q. Who was he?

11:01:57 20 A. He was Komba Gbundema.

21 Q. Can you call the name again?

22 A. Komba Gbundema.
23 Q. Now, did you -- when you got to Yomandu, did you
continue
24 to practice your profession within the RUF?
11:02:26 25 A. Yes, I continued carrying my profession.
26 Q. Where was your brother?
27 A. Well, my brother, I met him at Yomandu and I had to stay
28 with him.
29 PRESIDING JUDGE: Is it your elder brother whose name
you

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1 mentioned a couple of minutes ago? Is it the same person.
2 THE WITNESS: Yes. Yes, My Lord.
3 MR TAKU:
4 Q. While in Yomandu did you see or hear that any woman been
11:03:37 5 forcefully taken into marriage by the RUF -- by an RUF
combatant?
6 A. No, My Lord.
7 Q. What about rape? Did you find any women had been raped?
8 A. No, My Lord. Never did I hear about that.
9 Q. Now, while in Yomandu did any RUF commanders come to
11:04:09 10 Yomandu that you knew of?

11 A. Yes, My Lord.

12 Q. Can you give their names to Their Lordships?

13 A. Yes, My Lord. I saw some commanders. One of them was
Colonel
14 Denis Mingo, alias Superman; then -- then one Lieutenant-
11:04:49 15 Morris Kallon who was STF; I saw Babie, Momoh Rogers and even
16 Short Bai Bureh. I saw them there. Because there were many,
I
17 wouldn't be able to recall all their names.

18 Q. In what location did you see Superman?

19 A. Well, Superman, I saw him -- I cannot recall the dates
and
11:05:39 20 month, but he came and passed through in order for him to join
21 SAJ Musa at Koinadugu District when he asked the commander in
22 Yomandu, who was Komba Gbundema, for some soldiers. They only
23 spent a night there. They passed. Since then I did not see
him
24 any more.

11:06:28 25 Q. Now, witness, where were you on 2 May 2000?

26 A. During this period I had already come to Makeni again.

27 Q. What were you doing on that day?

28 A. Well, during that morning I left my brother dressing and
he
29 told me that he was going to the MP office because he was an
MP.

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1 So --

2 PRESIDING JUDGE: You were a couple of minutes ago with
3 your brother in Yomandu. Then you were now in Makeni. How is
4 your brother in Makeni at the time that you are there?

11:07:49 5 THE WITNESS: During the time when Superman passed and
6 asked Komba Gbundema for some RUF fighters, my brother had to
7 stay together with Superman.

8 PRESIDING JUDGE: So did you go together with your
brother
9 to Makeni.

11:08:12 10 THE WITNESS: No, My Lord.

11 MR TAKU:

12 Q. When did you go to Makeni?

13 A. When I heard that they have captured Makeni and that
Komba
14 Gbundema had joined Superman and I got the news, then in
December

11:08:38 15 I had to come back to Makeni because at that time the
commander
16 who remained in Yomandu was Bai Bureh. He had to tell us that
--
17 that they had captured Makeni. They had captured Kono. So
any
18 person -- anywhere somebody feel like going during that time
was
19 free to go and that he believed that the war was over. So
that

11:09:18 20 was the time I came back to Makeni and I came and joined my
21 brother.

22 MR JORDASH: Can Mr Sesay use the bathroom, please.

23 PRESIDING JUDGE: Yes, he may please.
24 JUDGE BOUTET: So I understand somehow what is
happening,
11:09:35 25 you are --
26 THE WITNESS: What?
27 JUDGE BOUTET: -- you were saying that when Superman
came
28 to Yomandu he stayed there one night and asked for soldiers.
29 THE WITNESS: Yes, My Lord.

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what 1 JUDGE BOUTET: And he went to join SAJ Musa. Is that
2 you are saying?
3 THE WITNESS: Yes, My Lord. Because we were told --
4 JUDGE BOUTET: When is this taking place.
11:10:05 5 MR TAKU:
6 Q. Can you remember when Superman left to go and join SAJ
7 Musa?
8 A. Well, I can recall the month but the date I cannot tell
9 because when he came, Superman said that -- he said Mosquito
said
11:10:31 10 they should fight very hard in order for them to free Pa
Sankoh.
11 That was the time he passed through and he came to the Kabala

12 axis. That was what I came to know.

13 JUDGE BOUTET: Then you mentioned that Komba Gbundema,
who
14 was the commander at Yomandu, went with Superman. At that
time
11:11:00 15 or later?

16 THE WITNESS: No, he did not go with him, but it was
later
17 when he joined him. He told us that Superman said he met with
a
18 very stiff resistance on his way so later Komba Gbundema had
to
19 join him.

11:11:20 20 JUDGE BOUTET: Join him to go where and to do what?

21 THE WITNESS: They said they were going to fight some of
22 the government soldiers who remain in the Kabbah government or
23 who stayed in Kayima, Mongo Bendugu up to Kabala and they --
on
24 to Makeni. That was what they told us.

11:12:01 25 MR TAKU:

26 Q. Now, you earlier said that Superman came to Yomandu. He
27 was with an STF by the name that you have called, the name
Morris
28 Kallon. Was he also [indiscernible] with another person that
you
29 knew?

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1 JUDGE BOUTET: I'm sorry, I don't think that's what she
2 testified about. She said she saw many commanders who were
3 there, one of whom was this STF Kallon, but she did not
testify
4 that Kallon was with Superman. That's not what she said. She
11:12:36 5 said she saw many commanders and she described many of them.

6 MR TAKU: Okay, Your Honour.

7 JUDGE BOUTET: This one being one of those that she
8 described.

9 MR TAKU: Okay, Your Honours. Let me rephrase the
11:12:52 10 question. Did you -- apart from these commanders, these
people
11 that you saw, these commanders, did you see another person
with
12 Superman that you recognised.

13 A. Yes. All the people he came with, he went with them.
None
14 of them remained. And one of them was an STF, Lieutenant-
Colonel
11:13:16 15 Morris Kallon.

16 Q. Okay. When did you now move to Makeni?

17 A. Well, it was in December that I had to go.

18 Q. What year?

19 A. Well, the year I cannot say, but I can recall the month
11:13:46 20 when I left because at that time I said: Oh, this year I will
of
21 spend my Christmas in Makeni. I wasn't jotting down every bit
22 point so I cannot put everything in memory.

in 23 Q. Okay. Now, when you got to Makeni, what were you doing
24 Makeni?
11:14:16 25 A. Well, when I arrived in Makeni I went to the father who
had
26 been paying fees for me and I told him that I wanted to
venture
27 into business. He gave me some amount of money. That money -
-
28 PRESIDING JUDGE: Who, what father. A reverend father?
29 You went to who?

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Vonjo 1 THE WITNESS: Yes, My Lord. Reverend Father Victor
2 Vandl.
3 PRESIDING JUDGE: He gave you some money to start the
4 business.
11:15:30 5 THE WITNESS: Yes, My Lord.
6 MR TAKU:
7 Q. Yes, he gave you money to do business. So what did you
do?
8 A. I opened a bar.
9 Q. Now, on 2 May 2000, where were you?
11:15:56 10 A. I was in Makeni, Gbane Road.

11 Q. Did you see your brother that day?

12 A. Yes. Where he was, I came to stay with him in the same
13 place.

14 Q. You earlier said your brother was working in the -- MP.

11:16:34 15 Was an MP. Where?

16 A. The MP office was situated at Gbane Road, number 1,
Gbane

17 Road where the old bank was. That was the area where the MP
18 office was situated. So whenever he wanted to go to work he
19 would tell me that at any time I needed anything I should go

and

11:17:06 20 meet him at his office because he used to keep my money for
me.

21 Q. Did you go to the office on 2 May 2000?

22 A. Yes, My Lord.

23 Q. Did anything happen?

24 A. Yes, My Lord.

11:17:32 25 Q. Tell Their Lordships.

26 A. So, 2 May 2000, between 3 o'clock in the morning I went
and

27 bought some things. All of them were bought. But where I
used

28 to keep my money, my brother used to keep the key. So I had

29 wanted to hide the money. I went to the MP office so as to
see

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1 my brother in order for him to give me the key so that I would
go
2 and buy my goods. I went there and met a lot of people
gathered.

3 Q. Yes, proceed.

4 A. When some of them saw me they started shouting: No,
don't
11:18:48 5 come over here. Don't come over here, we don't want any woman
6 here. Then Komba Gbundema had to say: Leave her alone. It
is
7 through your action that people do suspect what we are about
to
8 do. I heard that. I went, I asked for my brother. Then I
was
9 told he was around. I said okay, I would want to wait for
him.

11:19:26 10 Then Komba Gbundema had to say: Sit and wait for him. But
11 through my observation, according to the way they were
behaving,
12 I almost became panic stricken. But it wasn't too long I saw
13 Kailondo. He came. He said: Komba Gbundema, he said:
14 Foday Sankoh has sent a message. He laughed. He said: We

11:20:07 15 should arrest the man. Komba Gbundema said: Oh, are you
saying
16 the truth? I was present. They were jubilating. So I,
myself,
17 I sat there for some time. I did not see my brother. Then I
had
18 to ask. I said: Ah, where has my brother gone? Then xxxxxxxx
19 xxxxxxxx had to say, he said: Continue to sit and wait, you
don't

11:20:50 20 know anything. Haven't you heard what Kailondo said.
21 Foday Sankoh said we should go and arrest the man at Makoth.
He

22 said we're now preparing to go there. So I stood up. I went
to
23 my house. I started packing some of my things. I was about
to
24 run away, but ah, I sat. I waited for my brother. In the
11:21:33 25 evening my brother came. He didn't -- he didn't discuss
anything
26 with me because he came very late. So we had to sit. Then on
27 the 3rd in the evening again, my brother -- my brother had to
28 call me. He said: Problem. He said: I'm just coming from
the
29 office. He said: I met Morris Kallon. He was seriously
vexed.

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1 He was angry that what Komba Gbundema and others had done was
2 nothing good at all. Then I had to ask my brother, I said:
Ah,
3 what have they done? Then he had to say they went and
arrested
4 the man. They have come with him. Ah, this thing, if Morris
12:05:40 5 Kallon were around, this wouldn't have happened. He said
because
6 most of the men were his friends. He said Foday Sankoh, who -
-
7 he didn't like anybody who was doing something good. He said
now

has 8 there is a problem. I said Morris Kallon is here now. What
9 he done? He said he was angry. He said all the property of
12:05:41 10 those people, they should be packed together, including all
the
11 vehicles. They should pack everything. But civilians had
12 started running helter skelter in town and I could not
withstand
13 the situation. Then I told my brother, I said I was going.
Then
14 I went to one local village which was Tambe Ama [phon]. There
I
12:05:42 15 stayed for a very long period. I even laid a farm and I did
not
16 return quick until when I had to realise that they've started
a
17 disarmament before I return.
18 Q. Witness thank you so much. Your Honours, that will be
all
19 for the witness?
12:05:42 20 PRESIDING JUDGE: She retired to which town, where she
laid
21 the farm. Let me know the town.
22 MR TAKU: What was the name of that town?
23 PRESIDING JUDGE: She said she left Makeni, I suppose,
and
24 this time she went to a certain town where she may be found
and
12:05:42 25 remained there, remained there until disarmament. What was
this
26 town.
27 THE WITNESS: The town was Tambe Ama.
28 MR TAKU: Your Honours, thank you so much and witness,
29 thank you for coming to testify. Your Honours, that will be
all

1 for our witness.

2 PRESIDING JUDGE: Yes, Mr Jordash, any cross-
examination.

3 MR JORDASH: Just a little if I may, please.

4 CROSS-EXAMINED BY MR JORDASH:

12:05:44 5 MR JORDASH:

6 Q. Good morning, witness.

7 A. Good morning, My Lord.

8 Q. I just have a few questions. I won't be, I wouldn't
have

9 thought, more than about ten minutes. And so you know who I
am,

12:05:44 10 I represent Mr Issa Sesay. Okay?

11 A. Yes, My Lord.

12 Q. The only subject I wanted to ask you about was that
13 concerning Superman leaving Kono. I may have missed some of
it.

14 I hope not. But did you say that Superman left to go to SAJ
15 Musa?

12:05:45

16 A. Yes, My Lord.

17 Q. Now, I know you spoke about Superman saying that
Mosquito

18 had said that they should fight to free Pa Sankoh; do you
19 remember saying that?

12:05:45 20 A. Yes, My Lord.

Pa 21 Q. And who was "they"? Who was they should fight to free
22 Sankoh? The RUF should fight to free Pa Sankoh or Superman
23 should fight to free Pa Sankoh?

24 A. The RUFs and some of the soldiers who were with the RUF,
12:05:47 25 the AFRC.

26 Q. You mean the remaining few AFRC in Koidu at that time?

27 A. Yes, My Lord.

spoke 28 Q. So this -- this message from Mosquito which Superman
29 of concerning fighting to free Pa Sankoh, it had nothing to do

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1 with SAJ Musa, did it?

2 A. Yes, My Lord. No, it has nothing to do with it.

3 Q. So there wasn't a message from Mosquito to Superman
4 concerning the fighting to free Pa Sankoh which had anything
to

12:05:47 5 do with SAJ Musa or the men in the north who were with SAJ
Musa;

6 is that correct?

7 A. I did not understand the question.

8 Q. Yeah, it was a bad question. My fault. There was
9 obviously a concern in Koidu amongst the RUF that Pa Sankoh
was
12:05:47 10 still in prison and at that point was in Sierra Leonean
custody;
11 is that right?

12 A. If Pa Sankoh was where?

13 Q. Was -- Pa Sankoh was in Sierra Leone at this time?

14 A. Well, I did not know that. I only hear that Mosquito
said
12:05:47 15 they were to go and fight hard to free Pa Sankoh. I don't
know
16 where he was, but I heard he said that.

17 Q. Okay. So what was your understanding about why Superman
18 went towards the Kabala axis?

19 A. I understood that when he spoke that word, that was the
12:05:48 20 reason he wanted to have peace with SAJ Musa. That was the
21 reason he wanted to come.

22 THE INTERPRETER: The interpreter is sorry. Can the
23 witness come again.

24 MR JORDASH:

12:05:48 25 Q. Take your time. You speak quite fast. Can you repeat
the
26 last answer?

27 A. Okay.

28 Q. Repeat your last answer, please?

29 A. What was the question?

1 Q. What was your understanding of why Superman went towards
2 SAJ Musa or towards the Kabala axis?

3 A. Well, I understood that the statement that he made, that
4 Mosquito said they should fight hard in order for them to free

Pa

12:05:49 5
Kabala

6 Sankoh. That made a ventured -- that mission to come to
7 until the time they came to town.

in

8 Q. Wasn't it the case that Superman went towards SAJ Musa
9 order to either make peace with him or if he would not make
10 peace, to arrest him?

12:05:49 11
put

12 A. Well, that was why when my lawyer asked me, he did not
13 me through. But that was his plan because initially Superman
14 with SAJ were not in place. He passed initially because SAJ
15 based in that area, Kabala, so that if he were to see them, he
16 wouldn't attack them. He went to make peace with him in order

12:05:49 17
understanding

18 for them to do what Mosquito told them. That's my
19 of the situation.

20 Q. And wasn't it also your understanding that if SAJ Musa
would not make peace, then Superman's mission was to bring him
under control, detain him, and try to take him to Kailahun?

12:05:49 21

A. Well, I was a civilian. Not all discussions amongst

21 fighters that I was privy to.

22 Q. So you don't know?

23 A. Yes, My Lord.

24 Q. Okay. Last question: Am I correct that there was no
plan

12:05:52 25 concerning Freetown at the time Superman went to SAJ Musa.
The

26 plan was to go and try and make peace with SAJ Musa?

27 A. Well, I was not aware as to whether there was another
plan,

28 but he said he wanted peace with SAJ Musa but I don't know

29 whether that took place or not because I wasn't there.

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Witness. 1 Q. Fair enough. That's all I have. Thank you, Madam

2 PRESIDING JUDGE: Yes, Mr Cammegh, any cross-
examination.

3 MR CAMMEGH: Not from me, thank you.

4 PRESIDING JUDGE: Yes, Mr Fynn. Any cross-examination?
Of

12:05:52 5 course yes.

6 MR FYNN: Yes, My Lord. My Lord, I note that we are

7 almost --

8 PRESIDING JUDGE: Yes, let's start. I've seen that. I

9 have my eyes on the clock as well. We'll start.

12:05:52 10 CROSS-EXAMINED BY MR FYNN:

11 MR FYNN:

12 Q. Madam Witness, I will now ask you a few questions on
behalf

13 of the Prosecution. It is correct that on the retreat from
14 Freetown in 1998, you left Masiaka before the others, correct?

12:05:53 15 A. Yes, My Lord.

16 Q. And you would not know about the meeting of commanders
in
17 Masiaka?

18 A. I don't know anything about that, My Lord.

19 Q. But you do know that Morris Kallon was in the group that
12:05:55 20 retreated to Masiaka?

21 A. No, My Lord, I did not see him.

22 Q. You, however, heard that whilst in Masiaka, the AFRC/RUF
23 ordered an operation known as Operation Pay Yourself?

24 A. Well, it was not at Masiaka I heard that operation. It
was

12:05:55 25 in Makeni when I heard it from the SLAs. In wasn't the RUF
that

26 pronounced it; it was the SLA. Government used to pay them so
27 now the government was not paying them any more so they were
28 going to pay themselves.

29 Q. And you were in Makeni when Operation Pay Yourself was
in

1 progress?

2 A. Well, when I arrived in Makeni I only stayed there for a
3 day and I went away. So what happened on my behalf I cannot
say.

4 I only heard the word when SLA pronounced it.

12:05:55 5 Q. You will confirm that both the AFRC and RUF, they
6 participated in Operation Pay Yourself?

7 A. Well, I wouldn't be able to confirm that because I
didn't

8 hear it from the RUF first. It was the SLAs. But the RUF,
what

9 I believe, they were not used to money so I cannot confirm.

12:05:56 10 Those who used to receive pay from the government, I believe
were

11 the ones that did that.

12 PRESIDING JUDGE: You cannot confirm that the RUF took
part

13 in Operation Pay Yourself, is that your response?

14 THE WITNESS: Yes, I can't confirm that.

12:05:56 15 MR FYNN:

16 Q. Madam Witness, before you were taken from your house by
the

17 RUF that very first time, it is correct that you had already

18 known about the RUF?

19 A. I did not know about them. It was that very day when
they

12:05:57 20 came but when I heard that they were protecting civilians,
that

21 day I was happy to join them.

22 Q. Are you saying, Madam Witness, that it is on that night
23 that for the very, very first time you heard anything about
the

24 RUF?

12:05:57 25 A. Well, it was during that night. Because I used to hear
26 people say they.

witness 27 THE INTERPRETER: The interpreter is sorry, can the
28 go a little bit slower.

29 PRESIDING JUDGE: Madam Witness, please go slowly. Go

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1 slowly. Go slowly. Start again.

2 THE WITNESS: Okay, My Lord.

3 PRESIDING JUDGE: Before you were taken from your house
had
4 you ever heard of the RUF.

12:05:58 5 THE WITNESS: Yes, My Lord. I heard about them, but I
6 heard that they were bad people.

7 MR FYNN:

8 Q. You heard that they were looting civilian property,
9 correct?

12:05:58 10 A. No, My Lord.

11 PRESIDING JUDGE: You heard that they were bad people,
hmm?

12 THE WITNESS: They said people used to say they were
13 animals. They were not human beings. That's the bad thing
about
14 them that I'm trying to explain.

12:05:58 15 MR FYNN:

16 Q. You did not hear that they were looting civilian
property?

17 A. Not at all. I did not hear of that.

18 Q. Nor did you hear that they were raping women?

19 A. I did not hear that.

12:05:58 20 Q. Madam Witness, but you confirm that in fact your
relation

21 had been killed on accusation of being an RUF collaborator;
not

22 true?

23 A. Yes, My Lord.

24 Q. Madam Witness, I would suggest to you that on that night
12:05:58 25 the RUF had actually come to collect you and your family; am I
26 correct?

27 A. No, My Lord. They were not the ones that came and
28 collected me. It was I who joined them.

29 Q. I would suggest to you that you were expecting their

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1 coming. That's why you came out laughing when you knew it was
2 the RUF?

3 A. No, My Lord. I was not expecting that and we were
afraid
4 of them.

12:06:00 5 Q. Madam Witness, I would also suggest that you were
expecting
6 them. That's why they even gave you time to pack your things
to
7 leave; correct?

8 A. No, My Lord. I was not expecting them. It was one man
who
9 was shouting that the RUF were coming. The RUF were coming.
And
12:06:00 10 that the soldiers had said that if civilian got information
that
11 the RUF were coming, then the civilians will be killed. That
was
12 why we stayed in our rooms when we heard that.

13 Q. Madam Witness, you confirm that even before that
incident
14 your brother was already living in the Kangari Hills with the
12:06:00 15 RUF?

16 A. Yes.

17 Q. He even owned a house there. Not so?

18 PRESIDING JUDGE: Mr Fynn, please, let us get the
response
19 first. Before your brother was -- I mean before that incident
12:06:00 20 your brother was living in the Kangari Hills. Is that the
21 question?

22 MR FYNN: That was the first question, My Lord.

23 PRESIDING JUDGE: Madam, what's your response.

that 24 THE WITNESS: I said before that time I did not know
12:06:00 25 my brother was at the Kangari Hills. It was the time when I
26 joined the RUF and went there, that was the time I knew he was
27 there. This is because my brother was in Kono and I never
knew 28 that he had joined the RUF until when I went to the Kangari
29 Hills, there I met him.

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1 MR FYNN:
2 Q. So it is true that your brother was already in the
Kangari 3 Hills living with the RUF before you met the RUF?
4 A. Yes, My Lord.
12:06:02 5 Q. And he already had a house there, not so?
house 6 A. Well, the house I'm talking about was not a standard
7 like we used to have them in big towns, but wherever somebody
dwelling 8 used to live he must have a dwelling place. That is the
9 place I'm trying to explain about.
12:06:02 10 Q. Madam Witness, on arrival at Kangari Hills, you lived
with

11 Zeno who was second in command in the RUF; correct?

12 A. Yes, My Lord.

13 Q. Later on you moved and lived in the house -- household
of

14 Morris Kallon, who was at that time also second in command in
the

12:06:03 15 RUF; correct?

16 A. Morris Kallon? During that time Morris Kallon hadn't
any

17 position when I joined him. The second in command was Mohamed

18 Tarawallie, alias Zeno. I joined Morris Kallon because my
friend

19 told me that he was nice to civilians. He protected them.

12:06:03 20 Q. Madam Witness, your relation, whose name you wrote on

21 Exhibit 350, married an RUF commander and so did your other

22 relation --

23 PRESIDING JUDGE: No, no, finish with one, please.

24 MR FYNN:

12:06:06 25 Q. Is it correct that your relation whose name you wrote on

26 Exhibit 350 married an RUF commander Genewa?

27 A. Yes, My Lord.

28 Q. And your other relation whose name you wrote on Exhibit
349

29 married another RUF commander, Komba Gbundema; correct?

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1 A. Yes, My Lord.

2 Q. Madam Witness, you would agree with me that you were
part
3 of the RUF elite?

4 A. No, My Lord. I was a civilian in the RUF.

12:06:06 5 Q. Madam Witness, you would agree with me that because of
your
6 relationship with the RUF, it was unlikely for you to be
forcibly
7 married by any RUF commander?

8 A. I don't understand this question.

9 Q. I apologise, I would say it again. Madam Witness, I
would
12:06:07 10 suggest to you that because of your interaction with the RUF
11 commanders, it was unlikely for any RUF fighter to forcibly
marry
12 you?

13 A. Well, if they used to marry people forcefully, it
doesn't
14 mean that if my brother was there, I shouldn't be marriage.

12:06:07 15 THE INTERPRETER: The interpreter is sorry, he has lost
his
16 way a little bit. Can the witness come again to the part of
the
17 testimony where she was not clear so that the interpreter can
18 interpret.

19 MR FYNN:

12:06:08 20 Q. Madam Witness, we seem to have lost the interpreter
21 completely so could you go back a little and repeat your
answer.

22 A. Well, repeat the question.
23 Q. The question was --
24 JUDGE THOMPSON: [Overlapping speaker] problematic.
12:06:08 25 MR FYNN: My Lord.
26 JUDGE THOMPSON: I said it's a little problematic with
the
27 probability there, the likely or unlikely kind of part of it.
28 You might be able to simplify it.
29 MR FYNN: I would attempt to simplify it, My Lord.

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1 JUDGE THOMPSON: [Overlapping speakers].
2 MR FYNN:
3 Q. Madam Witness, I'm sorry I may have confused you and
4 everybody else and myself too. The question is that, in fact,
12:06:09 5 you were not forcibly married by any RUF fighter because you
were
6 closely linked with senior RUF commanders?
7 JUDGE THOMPSON: I thought you were going to achieve it.
8 MR FYNN: Thank you, My Lord.
9 THE WITNESS: Is that the question?
12:06:09 10 MR FYNN:
11 Q. That is the question, Madam Witness?

12 A. Well, I and the RUF commanders were not intimate.

13 THE INTERPRETER: Your Honours, can the witness speak
14 slowly.

12:06:09 15 MR FYNN:

again 16 Q. Madam Witness you are a little fast. Please say that
17 slowly?

by 18 A. Okay. I said I thought the RUF were not marrying women
was 19 force. It was not because I was with a commander. If that

12:06:09 20 what they used to do, to marry woman by force, even if I was
being 21 staying with Foday Sankoh, they would have forced me. But
not 22 that that was not what they used to do, that I thought I did
23 marry to any.

24 MR FYNN:

12:06:09 25 Q. Madam Witness, I would suggest to you that it was
because 26 you were afraid that you would be forcibly married. That is
why, 27 in fact, you went to live with Morris Kallon?

28 A. No, My Lord, I was not thinking of that because a good
29 number of people have told me that they were not getting
married

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like
1 by force. But because of my friend that I came with, and I
2 the lady, she told me that she was staying at Morris Kallon's
3 house and he was treating women nicely. That was the reason I
4 went to stay there and even when I was there, I was allowed to
go
12:06:10 5 anywhere. I could leave his house and go and walk wherever I
6 want. Nobody forced me to get married. They used to propose
7 marriage to me anyway but I always reply them that I had taken
an
8 oath that I would never be with any other man, and that was
the
9 fear I had that I could not marry to anyone of them until when
I
12:06:11 10 came to town, I get married to the man that we took the oath.
11 Q. Madam Witness, you would recall that it is your
testimony
12 that you asked Jestina whether it was compulsory for all of
you
13 women, I guess, to get married there. Not so?
14 A. Yes, My Lord.
12:06:11 15 Q. I would suggest to you, Madam Witness, that you asked
this
16 question because you had observed many other women being
married
17 off to RUF fighters?
18 A. No, My Lord, it was not for that that I asked the
question
19 because I asked so that I will have more knowledge of --
because
12:06:12 20 before I came in contact with Morris Kallon, I understood that
21 they were not forcing women to marry, because I only wanted to

last 22 get confirmation, to get the truth, and I thought he was the
23 person to tell me the truth because I met her there.
24 PRESIDING JUDGE: Mr Fynn, we will take the break here,
12:06:12 25 please.
26 MR FYNN: Thank you, My Lord.
27 PRESIDING JUDGE: The Chamber will recess for a few
28 minutes, please. The Chamber will rise.
29 [Break taken at 11.44]

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1 [RUF17APR08A-BP]
2 [Upon resuming at 12.p.m.]
3 PRESIDING JUDGE: We're resuming the session. Yes,
4 Mr Fynn, you may --
13:16:28 5 MR FYNN: Thank you very much, My Lord.
6 PRESIDING JUDGE: -- continue with your cross-
examination.
7 MR FYNN:
8 Q. Madam witness, you would confirm before you moved over
to
9 stay with Mr Kallon, you were living with Genewa, not so?
13:16:28 10 A. Yes, My Lord.

11 Q. Who is himself, that is to say Genewa, who is himself an
12 RUF commander, is that not so?

13 A. Yes, My Lord. Genewa, he was a soldier. I did not know
14 that he was a commander.

13:16:28 15 Q. Yes. He was an RUF fighter?

16 A. Yes, My Lord.

17 Q. And Genewa agreed with you that you will be safer living
18 with Mr Kallon; not so?

19 A. Yes, My Lord.

13:16:28 20 Q. I will suggest to you that the protection which you and
21 being other women hoped to get from Mr Kallon was protection from
22 raped or forcibly married by RUF fighters?

23 A. No, My Lord, it was not for that. I knew that the RUF
24 was not doing there, but because my friend was staying with Morris

13:16:28 25 Kallon, that was the reason I went to stay there too because I
26 Morris have already confirmed that before I came in contact with
27 Kallon, RUF were not raping. They were not marrying women
28 forcefully.

29 Q. But, madam witness, it is your evidence that women were

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1 safer living with Morris Kallon, not so?

Wherever 2 A. Well, it was not to Morris Kallon alone. I said:

Kallon 3 you wanted to stay, you will stay there safely, but Morris

want 4 was protecting them. It was not for me alone. He did not

13:16:29 5 soldiers to bully civilians because some of them, it was not -

- 6 they were not getting married to them by -- by force or by

rape. 7 That -- there are some places you have good people as well as

bad 8 people. Sometimes, somebody may be asking you to assist him;

for 9 example, come along do some laundry for me. If you don't do

it, 10 he would be tempted to do you -- to do any other bad thing to

13:16:30 11 you. So they were against such things. I did not go there

for 12 fear that I was going to be raped, because even the time when

I 13 was there, I used to go out. If there were rapists, they --

14 going that I was going out, I was not going out with Morris

13:16:31 15 Kallon. They would have done that to me. But never did that

16 happen to me.

17 Q. You will confirm, madam witness, that RUF fighters were

18 harassing civilians?

19 A. No, My Lords. I cannot confirm that. They were not

13:16:31 20 harassing civilians. But sometimes, even if when we were in

the 21 town, you will tell me politely to do some laundry for you.

If I

22 say I'm not going to do it that doesn't mean I have been
23 harassed, because that is one of the important laws that I
24 observed in the RUF, that no soldier should harass a civilian.

13:16:32 25 these

Q. Madam witness, what then is the protection for which
26 women and yourself went to Morris Kallon for?

27 get

A. The major, the main protection was that to get food, to
28 food, because a woman was not a soldier. They were not

allowing

29 women to go into the bushes. If there was any attack, you

could

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your

1 only find a place where you will stay so that you can have
2 food. That was the reason I thought; that was the protection
3 that Moses Kallon was providing.

Kallon

4 THE INTERPRETER: Correction, interpreter. Morris
13:16:32 5 was providing.

It

6 THE WITNESS: Because if you go and stay in any society,
7 you are not married, you find it very difficult to get food.

somebody

8 would be very difficult. So you just have to stay with

I 9 who will take care of you for food. That was the reason more
13:16:32 10 was staying with Morris Kallon, because the protection, if RUF
not 11 were raping women when I was staying with him, he would have
part 12 allowed me to go out to greet anybody. But no, that was not
13 of the RUF. They were only protecting us again. We were not
from 14 allowed to go too far away because that was wartime. Apart
13:16:33 15 the RUF, there were other enemies, and if you are staying with
16 any other person, that person would not want you to lose your
17 life. That was the protection.

18 MR FYNN:

live 19 Q. Madam witness, you would agree that women who did not
13:16:33 20 in the household of commanders were more vulnerable than you
who 21 were living with commanders?
22 A. No, My Lord. There were women who were not staying with
23 commanders but nothing was being done to them. All of us that
Kallon, I 24 were staying -- all of us that were staying with Morris
13:16:34 25 was not the only person. I'm talking in terms of all of us.
It 26 was not only Morris Kallon was protecting women. Other
soldiers 27 were protecting women as well. There were some women, they
were 28 staying with their brothers. They were ordinary soldiers in
the 29 RUF. They were not doing any bad to them. But, as a human

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1 being, you have to love somebody and because I liked my friend
2 xxxxxx, I thought wherever she was, I should be with her.
That
3 was the reason I joined her at Morris Kallon's place.

4 Q. Madam witness, you testified that you were a medic
nurse;

13:16:34 5 not so?

6 A. Yes, My Lord.

7 Q. Did you treat raped women?

8 A. No, I never received such case, because there were no
9 raping women. The only people I was treating, for example,
those

13:16:34 10 women who were married, if they were pregnant, as a nurse, I

11 would take care of them because some -- some women used to
join

12 the movement together with their husbands, and I am a nurse
even

13 before the war, and my own job mostly deals with women.

14 Q. Madam witness, how long did you serve as a nurse with
the

13:16:35 15 RUF?

16 A. Well, from the time I joined the RUF until the time of
the

17 intervention, I was a nurse in the RUF. Just after the --

18 PRESIDING JUDGE: What year did you join the RUF?

19 MR FYNN:

13:16:35 20 Q. Would that be from 1990 --
21 A. From 1995.
22 Q. 1995 until 1998?
23 A. Yes, My Lord. Yes, My Lord.
24 Q. And is it your evidence that throughout that period you
13:16:35 25 never treated a raped woman?
26 A. Yes, My Lord. I never treated any woman who was -- who
27 said -- and I did not even hear that a woman has been raped.
No
28 woman reported to me that she has been raped and I never
treated
29 such a case. I am a midwifery.

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1 Q. No, but did you ever hear about a woman being raped?
2 A. I never heard that. Never. Never, I did not hear that.
I
3 used to ask some women as a nurse, I used to ask them do you
have
4 problems? Are you sick? Are you that? They used to tell me
13:16:36 5 that no, they have no problems.
6 Q. May I have a moment, My Lords. Madam witness, I would
7 suggest to you that even if you were told about rapes, you
would

8 not tell because of your connections with the RUF top brass?

9 A. If that was happening, I am a Christian to the bone. I
am

13:16:37 10 not afraid of anybody other than God. If that's happen I
would

11 say it. And because I saw that those things were not
happening,

12 because if they were happening I wouldn't have come here.

13 Because I know that those things were not happening that's why

14 I'm here today.

13:16:37 15 Q. Madam witness, apart from -- from receiving reports
about

16 rapes, have you heard at all anywhere that in fact RUF
fighters

17 were raping women?

18 A. Not at all. I never heard any information regarding
that.

19 Q. Madam witness, you testified that you returned to
Kangari

13:16:37 20 Hills in 1997; correct? And that you were still with Morris

21 Kallon?

22 A. Yes, My Lord.

23 Q. Can you confirm whether Mr Kallon still had women and
24 children with him?

13:16:38 25 A. Yes, My Lord, women and children were with him. They
were

26 his relatives and even his mother was with him. We used to
call

27 her Yea Furey. Yea Fullai.

28 Q. Madam witness, I will suggest to you that Mr Kallon had

29 quite a large household in the Kangari Hills in 1997?

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1 A. Well, the only people he had, he had a wife Esther and
2 members of the family of Esther were there, and his own family
3 members were there and for us who were to him we were staying
4 together. So that was why he had a large number of people in
his
13:16:39 5 household.

6 Q. I will suggest to you that Mr Kallon was the RUF
commander
7 in charge of the Kangari Hills in 1997?

8 A. No, My Lord. xxxxxxxx was the commander and he was
9 deputised by Georgie. He had no position.

13:16:39 10 Q. Madam witness, I would also suggest to you that Mr
Kallon
11 had small boys with him; correct?

12 A. The only small boy that I was seeing around him was his
13 brother and Esther's brothers were also with him. Those were
the
14 small boys that I was aware of, that were around him.

13:16:40 15 Q. He only had two small boys around him; is that your
16 evidence?

17 A. No, I wouldn't say two small boys were the only one that
18 were staying with him because Esther had her brothers. Then
he
19 had his brothers. His sisters were there and his sisters also

13:16:40 20 had children with them.

his 21 Q. Madam witness, I would suggest to you that apart from

22 relations, Mr Kallon had small boys among his bodyguards?

major, 23 A. Yes. The bodyguard that you are talking about, as a

24 he had bodyguards, but the small boys you are talking about, I

13:16:41 25 want you to make a clarification as to the ones that you are

was 26 talking about because there were small boys. Even myself, I

27 with my younger brother.

28 Q. My suggestion to you, madam witness --

29 PRESIDING JUDGE: So you were staying there and you took

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Kallon? 1 your younger brother there too and you were staying with

2 THE WITNESS: When we came to the Kangari Hills -- yes -

3 PRESIDING JUDGE: Madam witness, answer the question.

brother. 4 THE WITNESS: Yes, My Lord. I was with my young

13:16:41 5 Okay?

6 MR FYNN:

had 7 Q. My suggestion to you, madam witness, is that Mr Kallon
8 small boys who were also his bodyguards?
9 A. No, My Lord, he had no boys. There was no -- there was
no
13:16:42 10 child -- there were no child soldiers in the RUF. His
bodyguards
11 were big men.
12 Q. Madam witness, have you ever heard the expression SBU?
13 A. No, never did I hear about that.
14 Q. Madam witness, you testified regarding the incident at
13:16:42 15 Makoth, not so?
16 A. Makump. Makoth. Makoth.
17 Q. Madam witness, could you say it again; I'm not sure now.
18 A. Makoth. Makoth. Lunsar highway.
19 PRESIDING JUDGE: Spell it, please.
13:16:42 20 THE WITNESS: M-A-K-U-T-H [sic].
21 MR FYNN:
22 Q. You would excuse my pronunciation. Makoth, Lunsar
highway.
23 You testified regarding that incident. I would suggest to you
24 that you do not know what happened at that place?
13:16:43 25 A. Well, the only thing I knew that day, that the time --
it
26 was the time when I went to the MP office and I met them in
the
27 meeting; that's what I knew of, when I heard Kailondo saying
that
28 Foday Sankoh said they should arrest the UN.
29 Q. And that is all you know about that incident, I would

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1 suggest to you?

2 A. Yes, My Lord, that what I know. I was a civilian.

3 Q. Madam witness, I would suggest to you that you are very
4 loyal to Mr Kallon; correct?

I 13:16:43 5 A. No, My Lord, not only to Mr Kallon, but all the RUF that

6 have lived with; most of them I knew them.

7 Q. And you are a staunch believe of the RUF ideology?

8 A. No, I am a civilian. The word that you've just said, I
9 don't even know it. My only duty, I was a nurse in the RUF.

13:16:43 10 Q. I would suggest to you you've come here to protect
11 Mr Kallon?

12 A. No. I came here to say the truth; that made me to come
13 here.

14 Q. I would suggest to you that you have not told this Court
13:16:43 15 the truth in your evidence today?

16 A. My Lord, all that I've said was the truth.

That 17 MR FYNN: Madam witness, I would thank you very much.

18 will be all for her, My Lords. Thank you, My Lords.

19 THE WITNESS: Welcome.

13:16:44 20 PRESIDING JUDGE: Madam witness, you appear to have
lived

21 with Mr Kallon for quite some time; at least for a while. And

his 22 you were saying that he had a large family; his wife Esther,
23 wife Esther's children, the mother, other women who you met
24 there, your own brother was with you there. You think that
13:16:44 25 Mr Kallon must have been hosting about how many of you? How
many
26 of you were living with Mr Kallon, taking into consideration
all
27 this, can you estimate?

28 THE WITNESS: Are you referring to those extra women?

29 PRESIDING JUDGE: No, the entire home.

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1 THE WITNESS: Well, the entire household would be 20.
2 He -- something up to 21.
3 PRESIDING JUDGE: And you say you used to call Mr Kallon
4 Yea Fulleh, or Yea Fullah, I don't know. What did you say?

You

13:16:45 5 said you used to call him Yea Fullah --

6 THE WITNESS: No, not Morris Kallon, but his mother's
name
7 is Yea Fulleh.

8 PRESIDING JUDGE: I see. That was the mother's name?

9 THE WITNESS: Yes, My Lord.

13:16:45 10 PRESIDING JUDGE: I see. Used to call her -- yes.
11 Thank you. Mr Taku, any re-examination?
12 MR TAKU: No, Your Honours. That's all for this
witness,
13 Your Honours.
14 PRESIDING JUDGE: Well, madam witness, we are through
with
13:16:46 15 your evidence; we are through with you. We thank you for
coming
16 to testify before us and for all the facts that you have
17 testified to. We wish you a safe journey back to where you
are
18 staying.
19 THE WITNESS: Amen.
13:16:46 20 PRESIDING JUDGE: And your professional activities. I
hope
21 that you will reconcile with those who are turning their backs
22 against you. I hope so.
23 THE WITNESS: Amen. Thank you.
24 PRESIDING JUDGE: Okay. Can she be helped out of the
13:16:46 25 Court, please.
26 [The witness withdrew]
27 PRESIDING JUDGE: Yes, Mr Taku, are you calling your
sixth
28 witness?
29 MR TAKU: Yes, My Lord, it's DMK-047.

1 PRESIDING JUDGE: DMK-047?

2 MR TAKU: Your Honour.

3 THE INTERPRETER: With the leave of the Court, the
4 interpreter would like to know the language in which --

13:16:47 5 PRESIDING JUDGE: That was going to be my next question.
6 Will he be testifying in what language, Mr Taku?

7 MR TAKU: Krio, Your Honour.

8 PRESIDING JUDGE: Thank you. Can you swear the witness
in,
9 please.

13:16:47 10 WITNESS: DMK-047 [Sworn]

11 EXAMINED BY MR TAKU:

12 Q. Witness --

13 A. Yes.

14 Q. Your Honour, we have protective measures. Do not say
13:16:47 15 anything that will reveal your identity; do you understand?

16 A. Yes.

17 Q. Your Honours, I apply for a sheet of paper in order to
get
18 his name and address only.

19 A. Okay.

13:16:48 20 Q. Witness, can you write your name?

21 A. Except somebody write it for me.

22 PRESIDING JUDGE: To write his name and what?

23 MR TAKU: His address -- his current address, Your
Honour.

24 I will seek the leave of the Court to tender, Your Honour.

13:16:48 25 PRESIDING JUDGE: Any objection?

26 MR HARDAWAY: No objection.

27 MR JORDASH: No objection.

28 MR CAMMEGH: No, thank you.

29 PRESIDING JUDGE: Thank you. Admitted in evidence and

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1 marked as Exhibit 351 -- 352, sorry.

2 MS KAMUZORA: 352, My Lord.

3 PRESIDING JUDGE: 352, yes.

4 [Exhibit No. 352 was admitted]

13:16:48 5 MR TAKU:

6 Q. Witness, what is your nationality?

7 A. Liberian.

8 Q. Now, witness --

9 A. Yes.

13:16:48 10 Q. -- were you an RUF combatant?

11 A. Yes.

12 Q. Now, from January 2000 to about May 8 --

13 PRESIDING JUDGE: When did he become an RUF combatant?

14 MR TAKU:

13:16:48 15 Q. When did you become an RUF combatant?

16 A. 1991.

17 Q. Now, from May 1997 to December 1997, where were you
18 deployed?

19 A. Makoth.

13:16:48 20 Q. Now, listen -- maybe I confused you. Let me take that
21 again, Your Honours, because I asked the first question and
the

22 next answer, I am sorry about that. Let me repeat, witness:

23 From January 2000 to May 8, 2000, where were you deployed?

24 A. Makoth.

13:16:49 25 Q. What position did you hold in that area of deployment?

26 THE INTERPRETER: The interpreter cannot get the witness
27 clearly.

28 MR TAKU:

29 Q. What position did you hold?

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1 A. xxxxxxxxxxxx.

2 Q. Who was the battalion commander in that area of
deployment

3 between about 29 April 2000 and about 8 May 2000?

4 PRESIDING JUDGE: We're interested in knowing who was a

13:16:50 5 battalion commander from January 2000, which is a new version
of
6 your question, January 2000 to May 2000, when he was deployed
7 there, he was a battalion adviser. Who was your -- put your
8 question.

9 MR TAKU:

13:16:50 10 Q. Who was the battalion commander from January 2000 to May
11 2000?

12 A. Mustafa Paka [phon].

13 Q. Now, witness, we'll come back to that later. Where were
14 you in 1997?

13:16:50 15 A. Kailahun.

16 Q. Who was your commander?

17 A. Mosquito.

18 Q. Do you know a location in Sierra Leone called Kenema?

19 A. Yes.

13:16:50 20 Q. Is there a time that you know of that you were deployed
to
21 that location, sometime during 1997?

22 A. Yes.

23 Q. From August 1997 to December 1997, where were you?

24 A. I was in Kenema.

13:16:51 25 Q. Who was your commander in Kenema within that period?

26 A. Mosquito.

27 Q. Between May 1997 to February 1998, did you see Morris
28 Kallon in Kenema?

29 A. No.

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1 Q. While in Kenema, did you go to Tongo Field?

2 A. I went to Tongo Field in August.

3 Q. What year?

4 A. 1998.

13:16:51 5 Q. Between May 1997 to February 1997 did you go to Tongo
6 Field?

7 A. Yes.

8 Q. What did you --

9 MR HARDAWAY: Excuse me, Your Honours, could I have
those

13:16:51 10 dates again, please, I'm sorry.

11 MR TAKU: Between May 1997 to February 1998.

12 Q. What did you go to do in Tongo Field?

13 A. I was doing some business there.

14 Q. What sort of business were you doing there?

13:16:52 15 A. I used to buy petrol, kerosene, and order assorted
16 materials to go and sell in different areas.

17 Q. Did you have a house or residence in Tongo Field within
18 that period?

19 A. Yes.

13:16:52 20 Q. While you were in Tongo Field between May 1997 to
February

21 1998, did you see Morris Kallon in Tongo Field?

22 A. No.
23 Q. While you were in Tongo Field, was Morris Kallon ever a
24 deputy to Sam Bockarie?
13:16:53 25 A. No.
26 Q. Now, witness, on 29 April 2000, where were you?
27 A. I was in Makeni.
28 Q. What were you doing in Makeni on that day?
29 A. I went to Makeni to carry some parts for Kailondo. We

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1 travelled through Kailahun to Makeni.
2 Q. How long did you stay in Makeni, from 29 April 2000?
3 A. I was there from 29 April to 5 April.
4 JUDGE BOUTET: 29 April to April? Something does not
work
13:16:53 5 here.
6 MR TAKU:
7 Q. From 29 April to which date?
8 A. To 5 April.
9 Q. Are you sure? 29 April to 5 April? Please think?
13:16:53 10 A. Yes.
11 Q. Now, where were you on 30 April?
12 A. I was in Makeni.

13 Q. Where were you on 1 May 2000?
14 A. I was in Makeni.
13:16:53 15 Q. Where were you on 2 May 2000?
16 A. I was in Makeni.
17 Q. Where were you on 10 May 2000?
18 A. I was still in Makeni.
19 Q. When did you leave? Did you ever leave Makeni to
another
13:16:53 20 destination? If yes, when?
21 A. I left Makeni; I went to my defence headquarters.
22 Q. Yes. But I'm asking you whether you left Makeni to
another
23 location?
24 A. I'm not getting you clearly.
13:16:54 25 Q. Okay. On 4 May where were you?
26 A. On the 4th, I was at the Teko Barracks.
27 Q. On 5 May, where were you?
28 A. I went to Makoth.
29 Q. Okay. Within these days you said you were in Makeni,
from

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1 1 May to when you left, did you see Morris Kallon in Makeni?

2 A. I'm not getting you clearly.

3 Q. Within this period that you say you were in Makeni, did
you

4 see Morris Kallon in Makeni?

13:16:54 5 A. No.

6 Q. Now, you say you left on 5 May to Makoth. When you got
to

7 Makoth on 5 May, did you talk to the combatants who were on
the

8 spot, who had been left behind in Makoth? Did you talk to
them?

9 MR HARDAWAY: Objection. Leading question, Your Honour.

13:16:55 10 PRESIDING JUDGE: Sustained.

11 MR TAKU: Okay.

12 Q. Is there anything you know of that happened at Makoth in
13 your absence? Did anybody tell you about anything that
happened

14 in Makoth in your absence?

13:16:55 15 A. Yes.

16 Q. What was it?

17 A. When I went to Makoth, I was told that the Zambian
troops

18 that left Freetown, they were arrested at Makoth, and they
were

19 disarmed.

13:16:55 20 Q. By whom?

21 A. Komba Gbundema and Kailondo.

22 Q. Who told you?

23 A. The battalion commander, Mustafa Paka.

24 Q. Did he tell you that Morris Kallon was in Makoth during
13:16:56 25 that time?

26 A. No.

27 MR TAKU: Your Honour, that is all for the witness.

28 Thank you.

29 PRESIDING JUDGE: Paka, what is his other name?

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1 THE WITNESS: Mustafa Paka.

will

2 PRESIDING JUDGE: I'm afraid we have to -- the Chamber

3 recess for lunch and we'll resume the session at 2.30 with

4 Mr Hardaway or Mr Jordash cross-examining the witness.

13:16:56 5 MR HARDAWAY: I'll patiently wait my turn.

6 [Luncheon recess taken at 1.05 p.m.]

7 [RUF25APR08C-BP]

8 [Upon resuming at 2.39 p.m.]

9 PRESIDING JUDGE: Good afternoon, learned counsel. Yes,

15:13:53 10 Mr Jordash, it's your turn, I suppose.

11 MR JORDASH: No questions, thank you.

12 PRESIDING JUDGE: No questions. Mr Cammegh?

either,

13 MR CAMMEGH: I can't think of any questions to ask

14 Your Honour.

15:13:53 15 PRESIDING JUDGE: And finally, Mr Hardaway.

16 MR HARDAWAY: There are questions I can think of to ask,

17 Your Honour. May I proceed, please?

18 PRESIDING JUDGE: Yes, please, you may.

19 CROSS-EXAMINED BY MR HARDAWAY

15:13:53 20 MR HARDAWAY: Thank you.

21 Q. Mr Witness, can you hear me?

22 A. Yes.

23 Q. Good afternoon, Mr Witness. I have a few questions to
ask
24 you on behalf of the Prosecution; okay?

15:13:53 25 A. Yes.

26 Q. If at any time you don't understand a question that I'm
27 asking, please ask me to repeat it and I will do so; okay?

28 A. Okay.

29 Q. Now, it's your evidence that you were in Tongo from May
of

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1 1997 to February of 1998; is that correct?

2 A. Yes.

3 Q. And in May of 1997, the government in power was the
AFRC;
4 is that correct?

15:13:53 5 A. Yes.

that
6 Q. And the AFRC was made up of both SLA and the RUF; is
7 correct?
8 A. Yes.
mining
9 Q. Now, it would be correct -- well, there was diamond
10 going on in Tongo during the time you were there; isn't that
11 correct?
12 A. Yes.
in
13 Q. And it would be correct to say that the AFRC was engaged
14 diamond mining; correct?
15:13:54 15 A. Yes.
them;
16 Q. Now, the AFRC forced civilians to mine diamonds for
17 isn't that correct?
18 A. No.
of
19 Q. So when I put it to you that from May of '97 to February
15:13:54 20 '98 that the AFRC was forcing civilians to mine diamonds, you
21 would disagree with me?
22 A. Well, that one --
23 THE INTERPRETER: Your Honours, can the witness be
24 instructed to go over his last bit of his testimony.
15:13:54 25 MR HARDAWAY:
26 Q. Please go over your answer again, Mr Witness, and please
27 speak slowly and clearly so that the interpreters can do their
28 job and so that everyone can hear you and have it recorded;
okay?
29 A. Okay.

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1 Q. Now please go over your last answer, sir.

2 A. I would want you to repeat the question.

that

3 Q. Very well. I said, Mr Witness, so if I put it to you

4 from May of '97 to February of 1998, that the AFRC forced

15:13:56
me;

5 civilians to mine diamonds for them, you would disagree with

6 is that correct?

7 A. Yes.

8 Q. Now, were there guards at the diamond mining sites in

9 Tongo?

15:13:56 10 A. I did not get you clear.

11 Q. Were there guards posted in the diamond mining areas of

12 Tongo during the time you were there?

13 A. No.

guards

14 Q. I put it to you, Mr Witness, that there were armed

15:13:57
how

15 in Tongo at the mining fields during the time you were there;

16 do you respond, sir?

17 A. I did not see them.

children;

18 Q. Now, some of the guards at the mining pits were

19 isn't that correct, Mr Witness?

15:13:57 20 A. I did not see any bodyguard there.
21 Q. I didn't say bodyguards, Mr Witness. The guards -- some
of
22 the guards at the mining pits in Tongo, while you were there,
23 were children; isn't that correct?
24 A. No.
15:13:57 25 Q. So when I put it to you that some of the guards at the
26 mining pits were children, you would disagree with me; is that
27 correct?
28 A. Yes.
29 Q. Now, if civilians refused to mine for the AFRC they
would

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1 be punished; isn't that correct?
2 A. I did not see that.
3 Q. Okay. Now, it would be correct to say, Mr Witness, that
4 during your time in Tongo, senior members of the AFRC would
come
15:13:59 5 to Tongo and mine diamonds; isn't that right?
6 A. Well, I did not see them.
7 Q. So it could have happened, but you just wouldn't have
seen
8 it?

that 9 PRESIDING JUDGE: Well, how do you want him to answer
15:13:59 10 question?
that. 11 MR HARDAWAY: Very well, Your Honour, I'll withdraw
12 PRESIDING JUDGE: Yes.
13 MR HARDAWAY:
in 14 Q. Morris Kallon was one of those who came to mine diamonds
15:13:59 15 Tongo, wasn't it -- isn't he?
16 A. No.
bodyguards 17 Q. The truth is, Mr Witness, Morris Kallon used his
18 to mine for him in Tongo; isn't that correct?
19 A. No.
15:13:59 20 Q. I want to move on to the other part of your evidence,
21 Mr Witness, concerning your time in Makeni in 2000; all right?
22 A. Okay.
at 23 Q. Now, on May 1, 2000, Morris Kallon went to the DDR camp
24 Makump, didn't he?
15:13:59 25 A. No.
26 Q. Mr Witness, I put it to you that in fact on May 1, 2000,
27 Morris Kallon did go to the DDR camp at Makump. How do you
28 respond, sir?
29 A. No.

1 Q. Now, you testified that you heard about the incident at
2 Makump from your battalion commander; is that correct?

3 A. Yes.

4 Q. And did your battalion commander tell you that when the
RUF
15:14:00 5 attacked the UN troops at Makump that they destroyed the DDR
6 camp?

7 A. I did not get you clearly.

8 Q. Were you told by your battalion commander that when the
RUF
9 attacked the UN troops at Makump, that they destroyed the DDR
15:14:02 10 camp?

11 A. No.

12 Q. And were you told -- no, let me -- I'll rephrase that.
13 Mr Witness, at the time of the United Nations abductions,
Morris
14 Kallon was in Makeni, wasn't he?

15:14:02 15 A. No.

16 Q. So when I put it to you that in fact he was in Makeni
you
17 would disagree with me; is that correct?

18 A. Yes.

19 Q. And I would put it to you also Mr Witness that Morris
15:14:02 20 Kallon participated in attacking and abducting the UN
personnel;
21 how do you respond?

22 A. No.

23 MR HARDAWAY: Thank you, Mr Witness. I have no further
24 questions of you. Your Honour, this concludes my
15:14:02 25 cross-examination.

26 PRESIDING JUDGE: Mr Taku, any re-examination?

short

27 MR TAKU: No, Your Honours. We just want to make a
28 application, Your Honour. We forgot to apply that the exhibit
29 that was tendered to the Court -- order that it should be kept

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1 under seal, so I'm making the application now, Your Honour.

those

2 PRESIDING JUDGE: Yes, and it is so ordered, that all

mentioned

3 exhibits which are related to the identities, you know,

4 certain names, I think from Exhibit 348, 349, 350 and 351, I

15:14:02

5 would imagine those are the exhibits.

6 MS KAMUZORA: My Lord, they run up to 352.

them

7 PRESIDING JUDGE: Up to 352, okay. Yes. Please, let

confidentially

8 be -- let them be labelled as having been admitted

9 -- confidentially, please.

15:14:03

10 MR TAKU: Thank you, My Lord.

11 MS KAMUZORA: Yes, My Lord.

12 PRESIDING JUDGE: Yes, Mr Witness, thank you. You've
been

13 very brief and we thank you for your evidence. And we wish
you a

14 safe journey back to your place of abode. Thank you very much

15:14:03 15 for coming. Can he be assisted out of the Court, please.

16 THE WITNESS: Thank you too.

17 [The witness withdrew]

18 PRESIDING JUDGE: Mr Taku, I hope the next one -- Mr
Ogeto,

19 I hope the next witness will be, or next series of witnesses
will

15:14:03 20 be as short as this one.

21 MR OGETO: Yes, they are getting shorter and shorter.

22 PRESIDING JUDGE: They are getting shorter and shorter.

23 MR OGETO: But the next one is likely to be slightly

24 longer.

15:15:11 25 JUDGE BOUTET: The next one shorter you say?

26 MR OGETO: Generally they are getting shorter and
shorter.

27 But the next one is slightly longer than this one.

28 JUDGE BOUTET: Slightly longer; okay. Thank you.

29 MR OGETO: Yes.

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1 PRESIDING JUDGE: The French call these long witnesses,
you
2 know, the big cylinders. Les grosse cylindres. The big
3 cylinders which consume a lot of fuel and energy. Yes, can
you
4 now call the sixth witness -- is it the seventh? Seventh, I'm
15:15:12 5 sorry. The seventh. That's Mr Ogeto's witness.

6 MR OGETO: Yes, My Lords.

7 PRESIDING JUDGE: Incidentally, I just wanted to say as
a
8 reminder, you know, that we intend to follow our schedule
very,
9 very, very scrupulously and that you'll be expected to close
your
15:15:12 10 case, you know, on or before 30 May. The earlier the better.

11 MR OGETO: Yes, My Lord.

12 PRESIDING JUDGE: I'm sure the rate at which we're
going,
13 you know, you are certainly poised to closing your case much
14 earlier than the time we gave to you. So we would like to say
15:15:13 15 that we were very generous in allocating so much time, and we
16 will at the same time be looking at Mr Cammegh to step in as
soon
17 as -- as soon as they are through, even if it is before the
30th
18 because we don't intend to waste any time. So you may be
19 consulting with the Defence, your colleagues of the Kallon
15:15:13 20 Defence team, to know when they are likely to -- to be through
21 with their case so that if we have to start with you on 20
May,
22 that will be fine. 20, 22, 25 May, that will be fine. You
23 should be able to start. And not to say that you were looking

24 forward to starting after the 30th. That's the message, you
15:15:13 25 know, that we would like to send across to you.

26 MR CAMMEGH: I ought to say this then, that I would be
27 delighted to start any time after 12 May. I've got a personal
28 issue that I have to go home for a few days and I'm back on 12
29 May. I don't think there will be a problem. I'm sure the

Kallon

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1 team can --

2 PRESIDING JUDGE: No, they can't be finished by 12 May.

3 MR CAMMEGH: I have my doubts.

4 PRESIDING JUDGE: Unless they wanted to fling everything

in

15:15:14 5 by 92 or 93bis.

6 MR CAMMEGH: Yes. I think it's probably right. I make

the

7 that point though, because I'm not going to be available in

days,

8 week between I think the 7th and the 12th, for about five

any

9 but, Your Honour, we'll be ready to go shortly after that in

15:15:14 10 event.

11 PRESIDING JUDGE: That's right.

12 MR CAMMEGH: I don't think there's any problem with the
13 final -- I think the final date given was 24 June.

14 PRESIDING JUDGE: 24 June.

15:15:14 15 MR CAMMEGH: I don't think there's any problem with that
at
16 all.

17 PRESIDING JUDGE: Yes. If it could be earlier better
18 still, because that would enable you to take a better
posturing,
19 you know, about making the final briefs, you know, which come
15:15:14 20 soon after that. The written briefs. You know, we are coming
to
21 that.

22 MR CAMMEGH: Yes.

23 PRESIDING JUDGE: We would --

24 MR CAMMEGH: I don't want to interrupt the witness, but
if
15:15:14 25 Your Honours, because we're about to have a three-day break,
of
26 course, and if we could receive some information today --

27 PRESIDING JUDGE: Three-day break?

28 MR CAMMEGH: Well, there is a public holiday on Monday.

29 PRESIDING JUDGE: Oh, I'm not aware.

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1 MR CAMMEGH: It's Independence Day.

2 PRESIDING JUDGE: Oh, my God. I wasn't aware. It's a
bit
3 like a friend of mine I had when I was in school, "I ain't
4 aware."

15:15:14 5 MR CAMMEGH: Right. Well, Your Honour, if there is any
way
6 that Your Honours could tell us today, or give us any more
7 information in relation to the schedule of providing final
8 submission -- written submissions to the Court -- we would be
9 grateful because, as I say, there is a three -- we're at the
15:15:15 10 stage of the case where three days is a significant period of
11 time.

12 PRESIDING JUDGE: That is true. That is true. In fact,
as
13 far as the Judges are concerned, I think we are set on this,
you
14 should have it any time from now. You should have it any time
15:15:15 15 from now. We're ready -- we already have consulted on this
and I
16 think again we've been somehow generous, you know.

17 MR CAMMEGH: That's wonderful to know. We're all ears.

18 PRESIDING JUDGE: Without seeking to divulge the Chamber
19 deliberation, but I think we've been generous. Yes, My Lord,
15:15:16 20 you --

21 JUDGE BOUTET: [Microphone not activate]

22 JUDGE THOMPSON: Not only in terms of the time frame in
23 which the bis should be submitted, but also in terms of the
24 length of the briefs. We have shown some liberality this time
15:15:16 25 but I wouldn't say more and you will get the printed material.

26 MR CAMMEGH: If Your Honours were happy to break with
27 protocol and put us out of our misery right now, I'm sure no
one
28 would complain.

29 PRESIDING JUDGE: The secrecy of deliberations, we've

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1 already violated it. We've already violated that secrecy of
2 deliberations.

3 MR CAMMEGH: We'll leave it in Your Honours' hands.

4 PRESIDING JUDGE: I think we can share this information
15:15:16 5 with you; it's not hypersensitive. We were very sympathetic
with
6 the plea you made at the time we were holding the status
7 conference, and we're just having seen the results now, so
just
8 know that we've been generous somehow, in our consideration of
9 this.

15:15:16 10 MR CAMMEGH: I'll leave it with Your Honours then.

11 PRESIDING JUDGE: Thank you. Yes. Mr Ogeto, this is
DMK?

12 MR OGETO: DMK-163, My Lords.

13 PRESIDING JUDGE: And he'll be testifying in what
language?

14 MR OGETO: Krio.

15:15:17 15 PRESIDING JUDGE: Can you swear him in, please.

16 WITNESS: DMK-163 [Sworn]

17 EXAMINED BY MR OGETO:

I 18 MR OGETO: My Lords, I'll be requesting the Chamber that

19 make an application for a brief closed session, about ten

15:15:17 20 minutes, for purposes of not disclosing the identity of this

21 witness.

the 22 PRESIDING JUDGE: Is it not possible for us to proceed

for 23 way we proceeded with the sixth witness? Is it not possible

24 us to adopt the same procedure rather than going into a closed

15:15:17 25 session?

26 MR OGETO: My Lords, I have thought about it and I have

the 27 tried to improvise a system through which I can be able to do

28 examination-in-chief without --

29 PRESIDING JUDGE: Going into a closed session.

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1 MR OGETO: -- going into a closed session, but I find it

witness 2 extremely difficult, My Lords, given the position of this

to 3 at the time of the events, and given the fact that he is going
4 testify on events revolving around what he was doing at that
15:15:17 5 particular time.

you 6 PRESIDING JUDGE: I mean, in that event, I mean, would
7 think that the closed session would be a brief one?

minutes, 8 MR OGETO: It will be brief, My Lords. About ten
9 just to --

15:15:17 10 PRESIDING JUDGE: Because even what he was doing, he
could 11 put it on a piece of paper and we get along. He could -- he
12 could indicate what he was doing on a piece of paper, if it is
13 functions. If his name, we will start by that; if it is his
14 address; if it's what he was doing; where he was deployed and
so 15 on, we could do it the way we handled the last witness.

16 MR OGETO: The testimony also entails the witness
17 discussing some of his colleagues wherever he worked, who were
18 very few really, and it's not one station; there are a couple
of 19 stations, probably four stations, where he will be discussing
a 20 number of his colleagues, two to three in each of the
15:15:18 21 stations, and it may be difficult for us really to put all that
information 22 on a piece of paper all at once.

23 PRESIDING JUDGE: Well, let's move to a closed session
and 24 you make the application.

15:15:19 25 MR OGETO: Yes, My Lords.

26 MS KAMUZORA: My Lords, Court is set for closed session.

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28
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CLOSED SESSION

1 [Closed Session]

make

2 PRESIDING JUDGE: Thank you. Yes, Mr Ogeto, you may

3 your application.

operator

15:15:19

4 MR OGETO: My Lords, this is an application to have the
5 testimony of witness DMK-163 heard in a closed session for the
6 first 15 -- 10 to 15 minutes. This witness was a radio

functions

7 from 1991 to 2000. His testimony revolves around his

number

8 at a number of locations, namely Bo, Kangari Hills, Kono, and
9 Makeni. In all these stations, he worked with a limited

15:15:19

10 of persons in the context of his duties.

disclosed

11 It is my submission that if this were to be discussed in
12 the open, it is very likely that his identity will be

safety

13 to the public. The witness has serious concerns about his

14 and security, if the public gets to know that he has testified
15:15:26 15 before this Court. The Defence has also assessed the fears as
16 expressed by the witness and, objectively, we submit that
those
17 fears are well-founded and, on that basis, we're requesting
the
18 Chamber to grant this application in order to lay a coherent
19 foundation for the testimony of this witness in the open
session.

15:16:11 20 That is my application, My Lords.

21 PRESIDING JUDGE: Yes. Any objection?

22 MR HARDAWAY: No objection, Your Honour.

23 MR JORDASH: No objection, Your Honour.

24 MR CAMMEGH: No objection.

15:16:32 25 PRESIDING JUDGE: All right. Your application is
granted.

26 You may proceed, please.

27 MR OGETO: Thank you, My Lords.

28 Q. Good afternoon, Mr Witness.

29 A. Afternoon, sir.

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

2 A. My full name is xxxxxxxx.

3 Q. How old are you?

4 PRESIDING JUDGE: Spell xxxx for us, please. xxxxxx
15:17:32 5 THE WITNESS: xxxx

6 PRESIDING JUDGE: Thank you.

7 THE WITNESS: Yes.

8 PRESIDING JUDGE: How old are you?

9 THE WITNESS: For today, I'm 34 years, three months, 35
15:17:55 10 days today.

11 MR OGETO:

12 Q. Thank you for that precision.

13 A. Thank you.

14 Q. Yes. When did you join the RUF?

15:18:03 15 PRESIDING JUDGE: A very chronometric detail.

16 MR OGETO:

17 Q. Sorry, Mr Witness, before you answer that question, what
do
18 you do currently?

19 A. Now, I was with xxxxxx but now I am doing a little, I am
15:18:24 20 doing small, small business with my wife in order to manage my
21 life because we have two children; one is going to school. At
22 least I come from a poor family and I have to tighten up my
belt
23 to do something for myself.

24 Q. So what kind of business are you engaged in?

15:18:45 25 A. For now, I don't have enough money, so I do sell palm
oil.
26 I buy from village; I transport it to Kenema. People who come
27 from Freetown, who are my customers, they go and buy it from
me.
28 People who come from the other provinces, they come and I do
29 business with them.

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are
1 Q. Mr Witness, try and speak slowly because whatever you
2 saying is being recorded.
3 PRESIDING JUDGE: And where does he do the business?
4 THE WITNESS: Well, I am stationed in xxxxx for now.
15:19:26 5 MR OGETO:
6 Q. Is that where you were born?
7 A. No.
8 Q. Where were you born?
9 A. I was born in xxxxx, Tonkia Chiefdom, Kenema District.
15:19:47 10 Q. When did you join the RUF?
11 A. Since 1991; the initial stage of the war.
12 Q. Did you receive any form of training upon joining the
RUF?
13 A. Correct.
14 Q. Where were you trained?
15:20:22 15 A. I was trained in Gisiwolu, RUF training base.
16 Q. Did you receive any specialised training?
17 PRESIDING JUDGE: The area of training base, Gisiwolu.
18 THE WITNESS: Pardon?
19 PRESIDING JUDGE: You received training in the RUF
training

15:20:48 20 base in which place? Gisiwolu?

is 21 THE WITNESS: Gisiwolu, in the Pujehun District. That
22 in the southern province.

23 MR OGETO:

24 Q. Did you receive any specialised training?

15:21:15 25 A. Yes.

26 Q. What was it and when did you receive it?

a 27 A. First, I was trained how to parade. This parade that is
28 courtesy, you have to get regards for your senior officers.

29 Q. Apart from that, did you receive any other kind of

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1 specialised training?

2 A. Yes.

3 Q. What was it and when did you receive it?

4 A. That is at PT, that was the same Gisiwolu training base

15:22:08 5 which means physical training, and I was physically fit.

6 Q. Can you recall where you were in 1995?

7 A. Yes.

8 Q. Where were you?

9 A. I was in Bo Jungle.

15:22:48 10 Q. What were you doing at the Bo Jungle?
11 A. I was a xxxxxxxx.
12 Q. What does that mean?
13 A. That I was -- I was there to receive message and
transmit
14 messages in line of operations.
15:23:16 15 Q. So you were a xxxxxxxx; is that correct?
16 A. Yes, sir, I was.
17 Q. Did you ever receive training as a xxxxxxxx?
18 A. Yes.
19 Q. When was it you received this training?
15:23:39 20 A. It was in Pendembu, Kailahun District.
21 Q. When did you receive the training as a xxxxxxxx?
22 A. Late May '92. Sorry, May '92 to early '93.
23 Q. Now, at the Bo Jungle, what was your position? Apart
from
24 just being a xxxxxxxx, did you have any other position?
15:24:20 25 A. No.
26 Q. Who was your immediate superior at the Bo Jungle?
27 A. At first Rambo, CO Rambo; late.
28 Q. Now, in the context of your duties as a xxxxxxxx, did
29 you work with any other person at the Bo Jungle?

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1 A. Yes.

2 Q. Can you please give us the name of that person?

3 A. Like Augustine Kargbo.

4 Q. Was Kargbo a radio operator?

15:25:22 5 A. No, he was an officer, a battalion.

other 6 Q. Was there any other radio operator at the Bo Jungle

7 than you?

8 A. Yes.

9 Q. Who was it?

15:25:41 10 A. Bobor Bundu, Denis Musa, alias VIP.

11 Q. Is that all?

12 A. Yes, for now.

13 Q. Where did you go to after the Bo Jungle?

14 A. I went to the Northern Jungle; Kangari Hills.

15:26:25 15 Q. When did you go to the Kangari Hills?

16 A. It was late '95 to '96.

Kangari 17 Q. Which position did you hold at the Northern Jungle,

18 Hills?

19 A. xxxxxxxx.

15:26:48 20 Q. Were there other radio operators at the Northern Jungle

21 during the time that you were there?

22 A. Yes.

23 Q. Can you please give us their names?

24 A. Yes. CO Nya Bindi.

15:27:19 25 THE INTERPRETER: Your Honour, I think the witness is

going 26 too fast. We do not get the names of the witness.

27 PRESIDING JUDGE: Start the names again.

28 THE WITNESS: I say again, I was there, number 1, CO Nya
29 was there, CO Nya, N-Y-A; xxxxxx, xxxxx, and of course

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1 Top Marine.

2 MR OGETO:

3 Q. For how long were you at the Northern Jungle, Kangari
4 Hills?

15:28:13 5 A. I was there, from the time we reached there, up to the
time 6 the AFRC coup took place in this country.

7 Q. And that would have been 25 May 1997; is that correct?

8 A. You are correct; perfectly correct.

9 Q. Where did you go after the coup?

15:28:52 10 A. I went to Matotoka. From Matotoka to Makeni.

11 Q. So which position did you occupy in Makeni?

12 A. A xxxxxxxx xxxxxxxx xxxxx.

13 Q. Where exactly in Makeni were you a signal operator?

14 A. I was based at Teko Barracks.

15:29:31 15 Q. Were there other radio operators at the Teko Barracks at
16 that time?

17 A. Yes.

18 Q. Give us their names, please?

19 A. xxxxxxx was there as station commander by then; Thomas
15:29:54 20 Sumbay, xxxxxxx, of course myself.

21 Q. For how long were you at the Teko Barracks in Makeni?

22 A. I was in Teko Barracks since -- since the ECOMOG
23 intervention in this country, Freetown.

24 Q. Can you please repeat that; you were in Makeni?

15:30:34 25 A. I was in Makeni until the ECOMOG intervention, which
took

26 place in Freetown.

27 Q. And that would be February of 1998?

28 A. That is correct.

29 Q. Where did you go after the intervention in Freetown?

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1 A. We pulled out; we went to Kono.

2 Q. Where in Kono were you based?

3 A. At first, I was based at Dabundeh Street for two days.

4 Q. Then what happened after the two days?

15:31:28 5 A. I was deployed -- my commander deployed me with Bai
Bureh,

6 short Bai Bureh, at xxxxx, Nimikoro Chiefdom.

7 Q. And how far is xxxxx from Koidu Town?

8 A. xxxxx is around five to ten miles.

9 Q. Were there other xxxxxx at xxxxx during the time

15:32:12 10 that you were there?

11 A. Yes, sir.

12 Q. Please give us their names.

13 A. xxxxxx, he was assisting me. xxxxxxxx.

14 Q. That's all?

15:32:36 15 A. Yes.

16 Q. So what was your position at xxxxxx?

17 A. My position was a xxxxxxxxx xxxxxx; xxxxxxxx

18 Q. For how long were you at xxxxx?

19 A. I was in xxxxxx until ECOMOG started advancing to go to

15:33:08 20 Koidu, from the RUF.

21 Q. Can you recall when that was?

22 A. That will be around March to May.

23 Q. May 1998, you mean?

24 A. Correct.

15:33:46 25 Q. Did you move to any other place from xxxxx?

26 A. Yes.

27 Q. Where did you go to?

28 A. I went to Yellow Mosque.

29 Q. Where is Yellow Mosque?

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1 A. Yellow Mosque? It is on the highway between Buedu and
2 Woama. That is on the highway leading to Gandorhun.
3 Q. Is that still within Kono?
4 A. Yes, in Kono; Kono District.
15:34:34 5 Q. How far is Yellow Mosque from the Guinea Highway?
6 A. It will be around five to seven miles.
7 Q. What was your position at the Yellow Mosque?
8 A. A radio operator, station commander.
9 Q. For how long were you at the Yellow Mosque?
15:35:23 10 A. I was at Yellow Mosque until the successful Fiti Fata
11 mission.
12 Q. When was that? Can you recall the month when that took
13 place?
14 A. Yes, that was December.
15:36:03 15 Q. December '98?
16 A. '98, correct. December '98.
17 MR OGETO: My Lords, I think I can now go into an open
18 session.
19 PRESIDING JUDGE: Any examination at this stage -- any
15:36:51 20 cross-examination at this stage?
21 MR HARDAWAY: At this stage none from the Prosecution,
22 Your Honour.
23 PRESIDING JUDGE: Any from Mr Jordash?
24 MR JORDASH: No, thank you.
15:36:59 25 PRESIDING JUDGE: Mr Cammegh?
26 MR CAMMEGH: No, thank you. Can I just be allowed to

assistant, 27 briefly leave the room to take something to my legal

28 please?

29 PRESIDING JUDGE: Yes, you may, please.

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1 MR CAMMEGH: Thank you.

2 PRESIDING JUDGE: We will move into the open session,
3 please.

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OPEN SESSION

1 [Open Session]

2 PRESIDING JUDGE: Yes, thank you.

3 MR OGETO:

4 Q. Mr Witness, we are now in an open session. Please be
15:39:34 5 careful when answering my questions not to give answers that
may
6 reveal your identity; you understand?

7 A. Yes, sir.

8 Q. When you were at the Bo Jungle, did you ever see the
9 accused person Morris Kallon?

15:40:09 10 A. Yes.

11 Q. In what circumstances did you see him?

12 A. I saw him as one of the officers at Bo Jungle there.

13 Q. And when was that once again, for the record?

14 A. That was in 1995.

15:40:48 15 Q. Who was the commander at the Bo Jungle at that time?

16 A. CO Rambo, Buster Flomo, Rambo.

17 Q. How long was Mr Kallon at the Bo Jungle at that time?

18 A. He was there until we went to the Northern Jungle.

19 Q. And where did he go after you went to the Northern
Jungle?

15:41:33 20 A. We were all at the Northern Jungle.

21 Q. During the time that you were at the Bo Jungle before
you
Kallon
22 moved to the Northern Jungle, do you know if the accused
23 ever assumed command of the Bo Jungle?

24 A. No.

15:42:08 25 Q. What was the position of Mr Kallon at the Northern
Jungle?

26 A. He was one of the officers.

27 Q. Who was the commander at the time?

28 A. xxxxxx.

29 Q. Did xxxxxxxx have a deputy?

1 A. If we talk of deputy, then he should be the battalion
2 commander.

3 Q. Who was the battalion commander at that time?

4 A. CO Georgie.

15:43:04 5 Q. During the time that you were in the Northern Jungle, do
6 you know if Mr Kallon had a radio set?

7 A. No, he didn't have.

8 Q. Do you know if Mr Kallon, while at the Northern Jungle,
9 ever gave instructions to CO Isaac or to CO Georgie?

15:43:54 10 A. No.

11 PRESIDING JUDGE: You say he never did what? Never --

12 MR OGETO: Whether the accused Kallon ever gave
13 instructions to xxxxxx or CO Georgie.

14 THE WITNESS: No, he never.

15:44:21 15 PRESIDING JUDGE: Is xxxxxx, is it the same as xxxxx
16 xxxxxx?

17 THE WITNESS: Yes, yes, he is xxxxxx.

18 MR OGETO:

19 Q. Now let's move to the time when you were in Kono after
the

15:44:51 20 retreat. When you were at xxxxx, who did you communicate with
in

21 the context of the duties that you carried out at that time?

22 A. Superman; High Command.

23 Q. Are you saying you communicated with Superman and High
24 Command? Can you please clarify that?

15:45:45 25
preparing

25 A. Superman was the high commander. The message I
26 through my battalion commander to Superman as a centralised
27 command.

28 Q. Did you communicate with any other person other than
29 Superman in the context of your duties at that time?

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1 A. No, I said my companions, other operators.

Morris

2 Q. Did you receive any messages from the accused person
3 Kallon at that time?

4 A. No.

15:46:44 5
the

5 Q. During the time when you were at xxxxx, do you know if
6 accused Kallon had a radio set in Kono?

7 A. No, he didn't have any radio set.

8 Q. Why are you so sure he did not have a radio set?

sign.

9 A. Because if he had a radio, he would have had a call

15:47:21 10

10 I would have heard the call sign on the net, but I never

11 monitored such a station.

12 Q. What is a call sign?
13 A. A call sign? It is the name given to a particular
station
14 at a particular location.
15:47:51 15 JUDGE BOUTET: So why is it you say you had no
16 communication from Kallon? Because you did not have a call
sign
17 for him? Is it what you are saying?
18 THE WITNESS: Come again?
19 JUDGE BOUTET: You say you never received communication
15:48:10 20 from Kallon while you were in xxxxx?
21 THE WITNESS: He didn't have a radio station.
22 JUDGE BOUTET: But you said something about a call sign.
23 THE WITNESS: The call sign, when you have your own
radio
24 station, they will give you a call sign. That is the name
given
15:48:37 25 to a station. Call sign is a name given to a station.
26 JUDGE BOUTET: But can Kallon communicate with your
27 commander through another -- through any radio station that is
28 not his as such? Can he do that?
29 THE WITNESS: That will only happen if it is a
privileged

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1 conversation, like, he wants to talk to his family, that the
2 command on the ground will give him the permission to do it.

3 JUDGE BOUTET: Okay. Thank you.

4 THE WITNESS: Yes, thank you.

15:49:30 5 MR OGETO:

6 Q. What were your exact duties at xxxxxx? Be careful not
to
7 reveal your identity, please.

8 A. Yeah. In xxxxxx I was radio operator. My
responsibility
9 was to receive and transmit operations and messages; to
receive

15:49:53 10 and transmit operational messages.

11 Q. Any other duty?

12 A. No, except being a radio operator.

13 PRESIDING JUDGE: You did transmit welfare messages as
14 well, besides operational messages?

15:50:28 15 THE WITNESS: Yes, it is discretionary. It is a
16 discretionary job.

17 MR OGETO:

18 Q. Do you know what it means by monitoring messages?

19 A. Yes.

15:50:49 20 Q. What does it mean? Explain to the Court, please?

21 A. Like, somebody was transmitting message not to me
directly,
22 but I would listen to him; that is monitoring a message.
23 Somebody who was transmitting a message from one station to
24 another, but it is not to me; I was not concerned. But I
would

15:51:19 25 monitor it.

26 Q. While you were at xxxxx, did you monitor messages?
27 A. Yes.
28 Q. What kind of messages did you monitor?
29 A. I would monitor operational messages, sending from one

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1 station to another.
2 Q. Any other messages that you monitored?
3 A. Yes; sometimes we monitor other verbal messages.
4 Q. Which other verbal messages?
15:52:23 5 A. Like, I would hear somebody who will be all the way in
6 Tongo and wants to talk to an old friend in Kailahun, those
are
7 one of the verbal messages. That does not concern any
operation,
8 he will get that man on the air.
9 Q. What is an operational message, to be clear?
15:52:52 10 A. Operational message? It only concerns about operations;
11 either to go on attack or something that has to do with
12 operations. Those are the ones we call operational messages.
It
13 does not concern anything about welfare.
14 Q. What about these other ones that you referred to as
verbal?

15:53:37 15 A. Verbal is a welfare. That one, we don't treat it
urgently.

16 That is why we say it is in a discretionary area. It is in a
17 discretionary area; verbal.

18 Q. Now, during the time that you were in xxxxx, did you
19 monitor operational messages between any specific individuals
15:53:58 20 that you may be able to name for the Court?

21 MR HARDAWAY: Objection, Your Honour. Question is
leading.

22 PRESIDING JUDGE: Ask the question again, please. Ask
it

23 again.

24 MR OGETO: My Lords, I asked the witness because he --

15:54:18 25 PRESIDING JUDGE: Yes, yes, yes.

26 MR OGETO: -- he monitored messages, and I'm asking him
if

27 during the monitoring of those messages he is able to name to
the

28 Court any individuals who communicated on the radio.

29 PRESIDING JUDGE: Is that leading, Mr Hardaway?

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1 MR HARDAWAY: The exact wording, Your Honour, as I
recall,

2 was that you would be able to testify --

he 3 PRESIDING JUDGE: Are you saying that he has altered --

4 has reframed the question?

15:54:46 5 MR HARDAWAY: Yes.

6 PRESIDING JUDGE: So you accept the question now? Okay.

7 All right.

8 MR JORDASH: Can Mr Sesay use the bathroom, please?

9 PRESIDING JUDGE: Yes, yes, he may. And flex his
muscles

15:55:02 10 too.

11 MR OGETO:

12 Q. Did you get my question, Mr Witness?

13 A. Say again, please.

14 Q. My question was: In the course of monitoring messages
when

15:55:19 15 you were in xxxxxx, are you able to tell the Court of any
specific

16 individuals who communicated at that time?

17 A. Yes. I used to monitor Superman communicating with

18 Sam Bockarie, telling him about situation report, and Mosquito
--

19 Mosquito with Sam Bockarie, sometimes he will pass on details

15:56:01 20 about the RUF; I used to monitor that. Some progressive

21 messages.

22 Q. Did you ever monitor any radio communication,
operational

23 radio communications, between the accused Kallon and any other

24 person?

15:56:30 25 A. I, personally, no. I never monitor him communicating

26 operational messages.

27 Q. During the time that you were in xxxxx, were there
records

28 of radio communications?

29 A. Yes. That is one of the objectives that we had. We had

a

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1 logbook. There is a logbook.

2 Q. Who kept this logbook?

3 A. The logbook is kept by the operator. Like, what I'm
4 testifying here, it will be left in the logbook. Whoever is
15:57:35 5 coming to take over will know exactly that 163-DMK, this is
what

6 and what he has said. That is recorded for future reference.

7 Q. What kind of messages would you record on this logbook?

8 A. All messages pertaining to operation.

9 Q. Did you have access to this logbook while you were at

15:58:06 10 xxxxxx?

11 A. Yes, I had free access.

12 Q. Did you ever -- did you ever see any record of any
13 communications by the accused Kallon on that record?

14 A. Repeat once more, please.

15:58:43 15 MR OGETO: My Lords, can the accused man Mr Kallon leave
16 the room?

17 PRESIDING JUDGE: Yes, he may, please.

18 MR OGETO:

19 Q. You've said that you had access to this logbook -- free
15:58:56 20 access to the logbook. Did you ever see any record of any
21 communication by the accused Morris Kallon on that logbook?

22 A. No, no. The logbook, when I saw it, I never set my eyes
on
23 any record about Kallon.

24 Q. When you moved to Yellow Mosque, who was your -- who was
15:59:31 25 the commander at the Yellow Mosque?

26 A. The commander was CO Kailondo; CO Kailondo.

27 Q. Do you know if CO Kailondo ever sent operational
messages
28 to the accused person Kallon?

29 A. No, because he was not subject to him. Kailondo was not

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1 subject to Kallon, so there was no need.

2 Q. Who was Kailondo the subject to?

3 A. Kailondo was subject to Superman.

4 Q. So did Kailondo send operational messages to Superman?

16:00:43 5 A. Yes. If there's anything that has to do with
operational

6 message, that will be transmitted to Superman directly.

7 Q. Did you ever receive any operational messages from the
8 accused Kallon while you were at the Yellow Mosque?
9 A. No, and I never see it in the logbook. I've never
received
16:01:14 10 it individually, neither see it on the logbook.
11 Q. Now, I want to read out to you a portion of the
testimony
12 of a witness who has testified before this Court, and please
give
13 me your comment. My Lord, I'm referring to the testimony of
14 witness TF1-141, 11 April 2005, pages 102 and 103, and let me
say
16:02:12 15 that I'm not quoting the exact words; I'm just rephrasing what
--
16 PRESIDING JUDGE: You're paraphrasing?
17 MR OGETO: I'm paraphrasing, My Lords.
18 PRESIDING JUDGE: I hope the paraphrasing -- yes,
19 Mr Hardaway, you don't want him to paraphrase?
16:02:29 20 MR HARDAWAY: No, Your Honour.
21 PRESIDING JUDGE: What if the paraphrasing, you know, is
--
22 do you have -- do you have -- you don't have it?
23 MR HARDAWAY: I don't have a transcript in front of me,
no,
24 Your Honour. That's when I cite it I always gave the specific
16:02:44 25 lines as well. Given the challenges we've had with
paraphrasing
26 before, I would ask for a direct recitation.
27 MR OGETO: My Lords, there are certain allegations that
you
28 can't really put in a line or a paragraph because for you to
get
29 the real meaning you have to look at the [indiscernible] and
the

1 context --

authentic

2 PRESIDING JUDGE: And the paraphrase, it is more

you

3 to the record, you know, if you put across the allegations,

4 know, as they appear on the transcript.

16:03:25
it's a

5 MR OGETO: I quite agree, My Lords, but, once again,

6 bit difficult at times, you know, to -- to put across an

7 allegation simply in one sentence or in one paragraph.

8 PRESIDING JUDGE: Now, let me ask you one question: The

9 allegations you wanted to paraphrase of TF1-141, 11 May 2005,

16:03:57 10 pages 103 to -- 102 to 103 --

11 MR OGETO: Yes, My Lords.

has

12 PRESIDING JUDGE: -- do they relate to what the witness

13 already brushed aside as being untrue?

14 MR OGETO: Yes, generally, My Lords, because at the

16:04:17 15 beginning --

going

16 PRESIDING JUDGE: Yes, because if he has, and he is

17 to do the same thing --

18 MR OGETO: Yes, My Lords.

19 PRESIDING JUDGE: -- I don't appear to see the necessity
to
16:04:28 20 ask him to respond to those allegations, if he has already
done
21 that, you know, in the evidence that has preceded this.
Unless
22 you are saying that he has not exhaustively rebutted those
23 allegations that have been made by TF1-141.
24 MR OGETO: Yes. In a way, My Lords. But I can do it in
a
16:04:57 25 different way. I can abandon the approach.
26 PRESIDING JUDGE: Yes.
27 MR OGETO: And do it in a slightly different way.
28 PRESIDING JUDGE: Let's see -- let's see how you go.
29 MR OGETO: Yes.

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1 PRESIDING JUDGE: Let's see how you go on the slightly
2 different route.
3 MR OGETO:
4 Q. Did -- sorry, take your water first.
16:05:35 5 PRESIDING JUDGE: But what I want to assure is that
we've
6 -- it is already on the record that you have referred to this

7 witness in relation to some allegations.

8 MR OGETO: Yes, My Lords.

9 PRESIDING JUDGE: So we could easily visit the records
and
16:05:50 10 see what was said and what is rebutted. Yes, you may proceed.

11 MR OGETO:

12 Q. Did the accused Morris Kallon have a radio and a
signaller
13 who carried a radio set for him -- who carried the radio set
for
14 him?

16:06:13 15 A. No.

16 Q. Why do you say no?

17 A. If he had a radio, he would have got a call sign. Then
I
18 would have known the particular operator, and even the call
sign
19 I would have got it on the air, but nothing like that.

16:06:42 20 Q. So you're saying he did not have a signaller; he did not
21 have a radio and he did not have a signaller in Kono at that
22 time?

23 PRESIDING JUDGE: He said if he had he would have gotten
24 his call sign, is it?

16:06:56 25 MR OGETO: Call sign, yes.

26 PRESIDING JUDGE: Call sign. And that what could he
have
27 gotten from his signaller?

28 MR OGETO:

29 Q. Can you please repeat your answer again?

1 PRESIDING JUDGE: You said he had no radio and that if
he
2 had one you would have gotten his call sign, you say?

3 THE WITNESS: Yes.

4 PRESIDING JUDGE: What about his signaller?

16:07:26 5 THE WITNESS: The signaller too. I would have known
him.

6 He would have got a call sign because the signaller will use
the

7 call sign on the air. All stations will then know that there
is

8 a particular station that has established, but we never heard

9 that. We never heard a call sign, nor his operator on the air

16:07:50 10 calling from the accused Kallon's station. Never.

11 MR OGETO: My Lords, that serves the purpose. I won't
go

12 to the transcripts.

13 JUDGE BOUTET: Mr Witness, is a call sign different than
a

14 code name?

16:08:12 15 THE WITNESS: Yes, of course.

16 JUDGE BOUTET: What is the difference?

17 THE WITNESS: The difference, call sign belong to a

18 particular station. Code name is a noun, a name that is given
to

19 identify somebody.

16:08:36 20 JUDGE BOUTET: So a call sign, as you say, applies to a
21 particular station, not an individual? It's a station?

22 THE WITNESS: Yes, it refers to a station. If it is
23 Kenema, it is Bravo. Then that Bravo belongs to Kenema; only
as
24 a station. If, for instance --

16:09:03 25 JUDGE BOUTET: But if I call from that station, I would
use
26 my code name and in addition to that say: It's Bravo station
27 calling from Kenema, something like that?

28 THE WITNESS: No. Every station had a call sign. The
call
29 sign serves a particular station. Then if you are calling
from

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I
1 Bo to Kenema, let's say Bravo for Kilo, this is 163. That is,
2 have declared myself as 163, as a noun. Do you get me?

3 JUDGE BOUTET: Not really.

4 MR OGETO:

16:09:56 5 Q. What his Lordship wants to know: If you are calling
from a
6 particular station, will you not mention the call sign? Will
you

then 7 not say you are calling from this particular call sign and
8 give your code name? Is that not the position?
then 9 A. That is how it's obtained. You call from the station,
16:10:19 10 you identify yourself, who you are, using your code name.
That 11 is to identify yourself as the individual that is calling.
12 MR OGETO: Is that clear, Your Honour?
13 JUDGE BOUTET: Thank you, Mr Witness.
14 THE WITNESS: Thank you very much, sir.
16:10:38 15 MR OGETO:
16 Q. Now, what was the call sign for xxxxxx? Let me take you
17 back; did it have a call sign?
18 A. Yes.
19 Q. What was it?
16:10:50 20 A. Call sign five-four. Call sign five-four.
21 Q. What about the commander? Did he have a code name Bai
22 Bureh?
23 A. Yes, Bai Bureh had a code name.
24 Q. What was his code name?
16:11:18 25 A. Doer of the Act. Doer of the Act.
26 Q. And at Yellow Mosque was there a call sign?
27 A. Yes, there was a call sign at Yellow Mosque.
28 PRESIDING JUDGE: Was it Bilai Karim? Or, rather, a
code 29 name like Bilai Karim?

1 THE WITNESS: No, as far as I'm concerned, no.

2 PRESIDING JUDGE: Or Sparrow?

3 THE WITNESS: There was a code name called Sparrow, but
it
4 was not a call sign.

16:12:18 5 MR OGETO:

6 Q. Who was Sparrow?

7 A. Accused person for this Court, currently.

8 Q. Who?

9 A. Kallon.

16:12:33 10 Q. So why did he have a code name since he didn't have a
11 radio?

12 A. Because he is one of the officers.

13 Q. So what was the code name for? What was the purpose of
the
14 Code name?

16:12:51 15 A. The code name was meant for simple identification so
when
16 you heard Sparrow on the radio, you will know exactly that it
is
17 referring to this man who is an indictee. For example, if you
18 have two or three Kallons in the same destination, then we'll
be
19 able to distinguish among themselves. As soon as you use the
16:13:21 20 word "Sparrow" then it goes clearly that you are referring to
the
21 accused.

22 Q. Thank you very much.

23 PRESIDING JUDGE: Thank you. Just for the purposes of
24 identification, in the event of a message, isn't it?

16:13:32 25 THE WITNESS: Correct, sir.

26 MR OGETO:

27 Q. Did you -- while you were in Kono, did you know a person
28 named xxxxx?

29 A. Yes.

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1 Q. What was he in Kono?

2 A. He was a combatant.

3 Q. Did he have a radio?

4 A. No.

16:14:18 5 Q. It has been alleged before this Court that xxxxxx had a
6 call sign, and there were two names that were offered for this
7 call sign. The first one was Pilot. Can you comment on that?

8 PRESIDING JUDGE: Give the two, please. Give the two.

The

9 first was Pilot and the other one was?

16:14:49 10 MR OGETO: Hawk. H-A-W-K.

11 PRESIDING JUDGE: Yes. Can you comment on the first one

12 first?

13 THE WITNESS: Yes. xxxxxx did not have a radio station.

14 The name Hawk and Pilot was a code name given to himself for
16:15:13 15 simple identification. Hawk, Pilot, was a code name given to
16 him, not a call sign. It was a code name given to him for
17 identification.

18 JUDGE BOUTET: So these code names do refer to xxxxxx
19 according to you?

16:15:36 20 THE WITNESS: Yes, Hawk and Pilot refers to xxxxx .

21 MR OGETO:

22 Q. Mr Witness, let's now move out of the technical area of
23 radios on to something else. Did you personally know
24 Foday Sankoh?

16:16:10 25 A. Yes.

26 Q. When did you get to know him at a personal level?

27 A. Yes, I came to know him at Zimmi executive mansion
because
28 I was posted there.

29 Q. Where is Zimmi?

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It

1 A. Zimmi is along the highway from Kenema to Bo Waterside.

2 is in the southern province, Bo District.

3 Q. When were you assigned there?

4 A. That was my second assignment after the training base in
16:17:15 5 1991.

6 Q. So in what circumstances did you meet Foday Sankoh?

7 MR HARDAWAY: Objection, Your Honour. Two bases: One,
8 relevance and two, 1991 is outside the indictment.

9 PRESIDING JUDGE: Pardon me.

16:17:29 10 MR HARDAWAY: The first one is relevance as to the
11 circumstances of him meeting Foday Sankoh and second would be
12 that it's outside of the indictment period.

13 PRESIDING JUDGE: It's okay. Maybe he wants to link it
up

14 with a point, you know. We are not saying, we are not saying
16:17:48 15 that we are ruling out all the evidence, you know, that is

16 solicited that is outside the scope of the indictment. That
is

17 not what we are saying. What we are saying is that it should
not

18 be adduced in detail and we don't want to take too much time,
you

19 know, on that. But if it is just a transitional mention, you
16:18:11 20 know, to link with what may be relevant in these
circumstances,

21 then I think it's permissible. The objection is overruled.

22 Mr Ogeto, you may continue, please.

23 MR OGETO: Thank you, My Lords.

24 Q. In what circumstances did you have contact with Mr
Sankoh?

16:18:31 25 A. Well, it was my responsibility at the gate where I was,
26 whoever comes to him, I'm responsible to take him direct to
him.

27 And when coming out I will escort the individual. So that was
28 how I came to know him.

29 Q. Can you very briefly tell the Court the kind of person

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1 Foday Sankoh was when you knew him?

2 A. Yes, of course. I knew Foday Sankoh as a very religious
3 person. Disciplined. He is very truthful.

4 PRESIDING JUDGE: You know him as a very religious
person?

16:19:23 5 THE WITNESS: Yes, very religious.

6 PRESIDING JUDGE: And very disciplined, you said?

7 THE WITNESS: Disciplined; correct. Very disciplined.

8 PRESIDING JUDGE: Um-hmm.

9 THE WITNESS: Then, of course, when he has given an
order,

16:19:48 10 all he need is the implementation of that order. He will not
11 entertain any objection or whatever view because in fact all
of

12 us were afraid of him. If he passed an order, all he needed
was

13 the implementation of that order, so that was how I came to
know

14 him why.

16:20:17 15 MR OGETO:

16 Q. Do you know a person called Rashid Mansaray?
17 A. Yes.
18 Q. When did you first know this person and where did you
know
19 him?
16:20:36 20 A. I initially knew him at Kailahun District.
21 Q. What was his position when you knew him?
22 A. Well, I knew him as the second person to Foday Sankoh.
He
23 had a responsibility called battlefield commander; battle-
group
24 commander.
16:21:10 25 Q. Did you know the kind of relationship he had with
26 Foday Sankoh?
27 A. Yes.
28 Q. Please explain.
29 A. Yes, their relationship was cordial. He loved Rashid.

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1 Q. Did anything happen to Rashid Mansaray?
2 A. Yes.
3 Q. What happened to him?
4 A. There was an allegation levied against him that he had

16:22:01 5 connived and that he was talking to the enemies and getting
6 support from the enemies. So it was later ordered --
7 Foday Sankoh later ordered that he be killed and he was
killed.

8 Q. Do you recall when that happened?

9 A. It was around 1992, 1993. Around '92, '93.

16:22:48 10 Q. Where were you on January 6, 1999?

11 A. I was on patrol in Makeni.

12 Q. What kind of patrol was it that you were in Makeni?

13 A. Well, Makeni was under my region, so I was going around
14 inspecting to ensure that the men are working correctly, to
see

16:23:27 15 that their welfare is cared for and that the instrument that
they

16 were working were in order.

17 PRESIDING JUDGE: What instruments? Radio instruments?

18 Communicational instruments? Or what instruments?

19 THE WITNESS: Communication instruments, like solar
plates,

16:23:54 20 batteries.

21 MR OGETO:

22 Q. How did you learn about the attack on Freetown on 6
January

23 1999?

24 A. Well, I understood that it was SLA group led by SAJ Musa

16:24:17 25 that came to attack Freetown January 6, 1999. I understood
that,

26 and I used to get it from the radio even the commercial radio
the

27 AFRC, I mean the SLA -- SLA led by SAJ Musa launched an attack
in

28 Freetown January 6, 1999.

29 Q. Who gave you this information?

It

1 A. Well, this information I got from a commercial radio.

2 was in fact announced over the BBC media and other substations

3 also broadcast the information that the SLA led by SAJ Musa.

4 Q. Did you learn of this attack before it took place?

16:25:25

5 A. No.

6 Q. You did not monitor any communications on the radio

7 regarding this attack?

8 A. Not at all.

9 MR OGETO: My Lords, if I could consult my client
briefly.

16:25:47

10 PRESIDING JUDGE: Yes, please, you may.

11 MR OGETO:

12 Q. Now one last area, Mr Witness.

13 A. Yes, sir, go ahead.

14 Q. Where were you in early 2000?

16:26:35

15 A. I was in Gieya, Kono District.

16 PRESIDING JUDGE: If I may ask him one question.

17 MR OGETO: Yes, My Lord.

18 PRESIDING JUDGE: He said he was in Makeni checking his

19 people and controlling his troops and the equipment. Did you
16:26:57 20 have a rank at that time in Makeni? What was your rank at the
21 time you were -- you said you were monitoring your troops at
that
22 time?

23 THE WITNESS: Not the troops.

24 PRESIDING JUDGE: Your men.

16:27:18 25 THE WITNESS: Troop is referring to large force.

26 PRESIDING JUDGE: Yes.

27 THE WITNESS: Okay. My men.

28 PRESIDING JUDGE: Your troop can be a very small group
of
that
29 people. They can have a group of five people and call them

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1 this is my troop, my troop of men who -- forget about the big
2 picture of troops and so on. Yes, what were you -- what was
your
3 rank at that time?

4 THE WITNESS: Well, in RUF, especially signal, we were
not

16:27:56 5 actuals for ranks. The highest rank was sergeant. That was
the

6 promotion given to us by Foday Sankoh. It is only our duty
that

So 7 portrays our effectiveness. We were not interested in ranks.

8 the highest was sergeant, yes, sir.

9 PRESIDING JUDGE: So up to disarmament you remained a
16:28:21 10 sergeant. You were disarmed a sergeant.

11 THE WITNESS: Sergeant. Satisfactorily.
Satisfactorily.

12 I remained as a sergeant just as Corporal Foday Sankoh
remained

13 as corporal until death.

14 PRESIDING JUDGE: Thank you.

16:28:42 15 THE WITNESS: Thank you very much, sir.

16 MR OGETO:

17 Q. So where were you in 2000; early 2000?

18 A. I was in Gieya just after my patrol from Makeni. Gieya,
19 Kono District.

16:29:12 20 Q. What were you doing in xxxxx?

21 A. I was still a radio operator. In fact, at this time, I
was

22 given a responsibility as regional signal commander; regional
23 signal commander. I was in control of over 30 radio stations
24 that were under my control during this time.

16:29:49 25 Q. Did anything happen in May 2005 that is of significance
--

26 PRESIDING JUDGE: You say you had over 30 radios under
your

27 command?

28 THE WITNESS: Yes.

29 PRESIDING JUDGE: Yes, Mr Ogeto.

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1 MR OGETO:

2 Q. Mr Witness, did anything happen in May 2005 that is
3 significant and that you may wish to explain to the Court in
the
4 context of your duties?

16:30:31 5 A. Will you please enlighten me as regards what? Can you
6 please link this up to any important issue, please?

7 PRESIDING JUDGE: Is there an event?

8 MR OGETO: Yes, My Lords.

9 Q. Did you hear anything about UNAMSIL?

16:30:57 10 A. Oh, that is correct. I heard something about that.

11 Q. What was it that you heard about UNAMSIL?

12 A. It was on 1 May 2000 I was by the radio set monitoring
13 at -- initially we heard a voice message. Then later, rumours
14 that there is a fracas between the RUF and UNAMSIL at Makeni,
16:31:36 15 northern region, 1 May 2000. Rumours went around, both on the
16 radio and there were rumours that there is a problem between
the
17 RUF and UNAMSIL in Makeni, northern region.

18 Q. What did you do after getting that information?

19 A. As far as I'm concerned, as a radio operator, I didn't
16:32:14 20 believe in rumours. I called operator who was in charge of
the

the 21 station in Makeni, that is Phillip Sanu. I asked him about

22 situation in Makeni.

23 Q. Did he tell you what the situation was in Makeni?

24 A. Yes; he briefed me just briefly.

16:32:45 25 Q. What did he tell you?

It 26 A. That he saw a message with Kailondo that he prepared.

forcibly 27 was addressed to Foday Sankoh stating that UNAMSIL had

28 disarmed ten combatants which was not the mandate time for

29 disarmament and during this firing ensued at Makump DDR camp,

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ten 1 Makeni, Northern Region, that UNAMSIL forcibly disarmed about

a 2 combatants. During this time the combatants resisted and, as

was 3 result, there was firing. That was all he told me and that

4 all I knew about UNAMSIL.

16:33:48 5 Q. Who was Kailondo at that time?

6 A. Well, Kailondo, he was responsible as commander in the
7 northern region. He was in charge of command.

8 Q. And by northern region, you mean where?

9 A. Makeni.

16:34:18 10 Q. Did Phillip Sanu tell you if he saw this message by
11 Kailondo?

12 A. Yes.

13 Q. Did he see it?

14 A. Yes, he saw it. According to him he saw it. If he
didn't
16:34:45 15 see it he wouldn't have given me the content of the message.
He
16 wouldn't have done that. He wouldn't have given me the
content
17 of the message.

18 MR OGETO: My Lords, I have no further questions.

19 JUDGE BOUTET: Before you sit down, I just want to be
sure.
16:35:11 20 I thought your question had to do with May 2005 so that was
why I
21 was a bit puzzled but it was May 2000.

22 MR OGETO: 2000.

23 JUDGE BOUTET: It was 2000. And the question to the
24 witness was 1 May 2000?

16:35:25 25 MR OGETO: Yes, My Lords, 1 May 2000, yes. No further
26 questions, My Lords.

27 PRESIDING JUDGE: Thank you, Mr Witness.

28 THE WITNESS: Thank you, My Lord.

29 PRESIDING JUDGE: Yes, Mr Jordash, please.

1 MR JORDASH: Just a few questions, if I may.

2 PRESIDING JUDGE: Yes.

3 CROSS-EXAMINED BY MR JORDASH:

4 MR JORDASH:

16:36:56 5 Q. Mr Witness, I represent Issa Sesay. I've just got a few
6 questions.

7 A. Yes, go ahead.

8 Q. The first question is this: Would you agree with this
9 proposition: Anyone who had operated a radio on a regular
basis

16:37:24 10 in the RUF would be bound to know the difference between a
call
11 sign and a code name; would you agree with that?

12 A. Please repeat. Please.

13 Q. I'm suggesting this proposition, and I'm relying upon
your
14 experience as a radio operator. Would you agree with this:

16:38:09 15 Anyone who had their own radio set, or had used the radio on a
16 regular daily or weekly basis, as a member of the RUF, would
be
17 bound to know the difference between a call sign and a code
name;
18 do you agree?

19 A. Yes, but this was very secretive. A call sign and a
code

16:38:55 20 name, the differences is only known by operators, except
21 commanders who are conversant with the radio.

22 Q. If I was a commander in the RUF and I had been living in

I 23 Kono and thereafter the Guinea Highway, with my own radio set,
24 would know the difference between the two?
16:39:27 25 A. It is dependent on your interest, because if I'm
interested
26 to know, then I will know. If I'm careless, then you wouldn't
27 know. If you have interest, sure you will know.
28 Q. But if I'm a commander with my own radio set, would I
not
29 know what my own call sign was and I would know what my code
name

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1 was, would I not?
2 A. You will know your code name and your call sign as well.
3 Q. I would know the radio I'm using has a particular call
4 sign, yes? I would know the call sign of my own radio set,
would
16:40:15 5 I not?
6 A. Yes.
7 Q. And I would know what my code name was, would I not?
8 A. Yes.
9 Q. Now a different subject. xxxxxx was a radio operator
16:40:35 10 in Koidu and Guinea Highway, am I correct; in 1998?

11 A. Yes.

12 Q. As was xxxxxxxx?

13 A. Yes.

14 Q. King Perry was Top Marine's superior; is that right?

16:41:02 15 A. That's correct.

16 Q. xxxxxxxx and xxxxxxx and some other radio operators,
17 such as xxxxxxxx were at the Guinea Highway and were using the
18 same radio set; is that right?

19 A. Yes, it's correct.

16:41:28 20 Q. It was xxxxxxxxx responsibility to supervise xxxxxxxx,
21 xxxxxxxx, Osman Tolo and the others who were using that
22 particular radio set; is that correct?

23 A. Yes, at that time.

24 Q. Was xxxxxxxx also xxxxxxxxxx boss whilst the RUF were
16:42:00 25 based in Koidu Town, before being pushed to the Guinea
Highway?

26 A. xxxxxxx was a superior to xxxxxxxxxx because he was a
27 signaller, so he belong to that group. The command that was
28 heading that group, you are subjected to him before any other
29 command, so he was subject to xxxxxxxx.

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1 Q. He was subject -- so xxxxxxx was his boss?

2 A. Yes.

3 Q. In Koidu Town and thereafter in Guinea Highway?

4 A. Yes, up to the Guinea Highway.

16:42:50 5 Q. Right. So, as his boss, what were xxxxxxxx duties
6 towards xxxxxxxx?

7 A. Please repeat. Do please repeat slowly. Slowly,
please.

8 Q. What were xxxxxxxx duties towards xxxxxxxx whilst in
9 Koidu Town and at the Guinea Highway?

16:43:29 10 A. As far as I'm concerned, the responsibility of King
Perry
11 was to ensure that a junior man like xxxxxxxx should not relax
12 an operation. He should be vigilant. He should be monitored
so
13 that he will be effective in nature as far as operation is
14 concerned.

16:43:49 15 Q. I think someone misspoke. Either you or the
interpreter.
16 xxxxxxxx duties towards xxxxxxxx were to ensure that a
17 junior man like xxxxxxxx conducted his duties properly; is that
18 right?

19 A. That's correct. That was his responsibility.

16:44:16 20 Q. So xxxxxxxx would supervise making sure xxxxxx went
21 to work when he was supposed to go to work; is that right?

22 PRESIDING JUDGE: You mean xxxxxxxx would -- yes, yes.
23 Um-hmm. Would supervise xxxxxxxx. Yes.

24 MR JORDASH:

16:44:38 25 Q. He would make sure xxxxxxxx went to work; is that right?
26 Are you with me?

27 A. Repeat. Please repeat.

you:

28 Q. Tell me if I'm wrong. I might be wrong. I'm asking
29 xxxxxxxx duties were to make sure xxxxxxxx went to work and

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1 did his allotted hours?

2 A. Yes, yes, you are correct. Yes, you are correct.

the

3 According to the duty roster; we worked strictly according to

4 duty roster.

16:45:17 5 Q. xxxxxxxx would make sure that when xxxxxxxx was on the
6 radio, he was sending accurate messages and recording the
7 messages that were sent accurately; is that right?

book

8 A. Well, I was not with the administration. The record

9 will testify that. I can't state anything on that.

16:45:49 10 Q. But xxxxxxxx was the -- did you say signaller?

11 A. xxxxxxxx was a signaller.

the

12 Q. Yes. So any signaller's job would be to ensure that the
13 messages being sent by the radio operators were accurate and

14 messages were being recorded and the messages were getting to

16:46:13 15 their intended recipient; is that fair?

16 A. Yes, that was the duty and the responsibility of the

17 signaller under the RUF by then. That's the duty and
18 responsibility under the RUF by then.

19 Q. Okay. So in short, sorry; was xxxxxxxx the station
16:46:43 20 commander?

21 A. Initially, yes.

22 Q. When you say "initially," what do you mean by that?
When?

23 A. That is, at first, he was station commander but he was
24 later -- he was less busy. He was not caring much about the

16:47:12 25 radio, so he was replaced. He was not very effective. So he
was

26 a station commander initially but later he was weak and we
don't

27 want weak people. We want effective people.

28 Q. So he was the station commander when you all first
arrived

29 in Koidu; is that right?

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1 A. Yes, that's correct.

2 Q. Did he stay as station commander whilst you were
stationed

3 at Koidu before being pushed to the Guinea Highway?

4 A. I didn't go to the Guinea Highway. They were in Koidu

16:47:55 5
administration.

while I was in xxxxxx. I can't say much about the

6
7
being a

Q. But was he -- you said that he was station commander
initially. Did he move from being a station commander to

8
9
signaller or was he a signaller at the same time as being the
station commander?

16:48:20 10
11
address.

A. Signaller, that is you who is responsible for signaling.

12 That is you are working on this radio. That's a general

13
14
station

The station commander, you are commanding two or more people;

15 that is station commander. A signaller is a general term

16 referring to a group of people working as signallers. A

17
18
16:48:46 15

commander is heading a group working for a particular station.

19 Do you get my point?

20
21
it

Q. I'm afraid I don't but I think that's more about me than

22
23
is about you.

24
25
that

PRESIDING JUDGE: I do. But you may ask him again so

26
27
16:49:06 20

he clarifies you.

28 MR JORDASH: I'm having difficulty understanding the

29 difference between a station commander who has radio operators

30 who he is in charge of and a signaller.

31 Q. What's the difference between the two?

32
33
16:49:27 25
You

A. I will tell you briefly, if later you are interested.

34
35
briefly

36 meet me at Zulu, I'll give you a rundown. I'll give you

37 now if you are interested. You follow me to Zulu. Station

38 commander is the commander heading the group. That is two or

39 more people. Operator, somebody who is trained to use radio

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1 receive and transmit message. Signaller is a general name for
2 either a station commander or an operator.

3 PRESIDING JUDGE: A generic name. Generic, you know.

4 MR JORDASH:

16:50:12 5 Q. So a station commander then has a greater responsibility
6 basically because a station commander can have underneath him
7 signallers and radio operators?

8 A. Yes. You have more authorities. You have a lot to do,
9 that will be admirable. That will be admirable to the station
16:50:38 10 itself. You have more to do.

11 Q. Is it this then: That xxxxxx was a station commander
12 when you arrived in the RUF, were based in Koidu with xxxxxxxx
xxxxxxx
13 as one of the radio operators; is that right?

14 A. Exactly. That's correct.

16:51:00 15 Q. xxxxxxxx got a bit lazy and then was, if you like,
16 demoted to being a signaller some time after that; is that
right?

17 PRESIDING JUDGE: He was removed; not demoted.

18 MR JORDASH: Well, he was demoted and became a
signaller.

19 Q. Is that right?

16:51:23 20 A. Yes. He was not demoted, but being that he was weak, he
else 21 was changed, the command structure was changed and somebody
22 was heading. So if you are weak and you are removed, somebody
You 23 else helps you, then if you are sleeping you will wake up.
24 will wake up.

16:51:43 25 Q. So when he became a signaller where was he a signaller?
26 The Guinea Highway?

but 27 A. Yes. He remained as a signaller on the Guinea Highway
28 he was subject to somebody, who was Osman Tolo.

commander 29 Q. Throughout this process, from him being a station

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1 to him being a signaller, xxxxxxxx was under his supervision
2 during both jobs; is that right?

you 3 A. Repeat it, please. Repeat that again. I want to give
4 the correct answer so if I don't get the question I can't give
16:52:36 5 you.

6 Q. Fair enough, and we can avoid spend being the weekend in
7 Zulu too.

8 A. That's fine. If you are interested, you are welcome.

9 Q. When xxxxx was a station commander, xxxxxxxx is
16:52:54 10 being supervised by xxxxxxxx; yeah?

11 A. He was a station commander and xxxxxxx was just an
12 ordinary operator, so he was answerable to him.

13 Q. And when xxxxxxx became a signaller, was xxxxxxx
14 under his supervision at that point, at the Guinea Highway?

16:53:21 15 PRESIDING JUDGE: They acquired a new boss.

16 THE WITNESS: Yes. Since I knew he was attached to that
17 station, any station to which you belong you had such an
assigned
18 there, you worked directly with station commander. You take
all
19 instructions from him.

16:53:36 20 MR JORDASH:

21 Q. But the difference was that when xxxxxxx got to Guinea
22 Highway, Osman Tolo was put in charge of him to make sure he
23 stopped being lazy, and that was the difference?

24 A. Yes, that was an administrative setup. If somebody was
16:54:00 25 weaken, we make him wake up. We wouldn't discourage it
entirely
26 but at least we wake you up. You wear a cap so that you add
to
27 your height.

28 JUDGE BOUTET: Mr Jordash, what's your question? We
seem
29 to be going in circles so I am not sure --

1 MR JORDASH: No, I --

2 PRESIDING JUDGE: Mr Jordash, you need the weekend in
Zulu.

3 I think we agree with the witness, that you need a weekend in
4 Zulu.

16:54:25 5 MR JORDASH: I would be very happy not to go there
again.

6 JUDGE BOUTET: Do you have your answer?

7 MR JORDASH: Yes, I think, yes. Well, almost. I'm
nearly

8 there.

9 PRESIDING JUDGE: Well, okay.

16:54:35 10 MR JORDASH: I have only two questions left.

11 PRESIDING JUDGE: Yes, please.

12 MR JORDASH:

13 Q. Forget about xxxxxxx being lazy. I'm interested in two

14 points: One, that throughout all of this xxxxxx was being

16:54:52 15 supervised by xxxxxx; yes or no?

16 A. Yes.

17 Q. xxxxxx would have known -- was likely to have known,

18 therefore, through this whole period, what xxxxxxx and the

19 other radio operators were doing and the messages they were

16:55:18 20 sending and receiving; yes?

21 A. Yes.

22 Q. Thank you very much.

23 A. Thank you, Mr Jordash.
24 MR JORDASH: I should probably give Your Honours
references
16:55:58 25 as to what I was referring to then.
26 PRESIDING JUDGE: Yes, yes.
27 MR JORDASH: 15 July 2005.
28 PRESIDING JUDGE: TF--
29 MR JORDASH: 361, page 49 to 52.

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1 PRESIDING JUDGE: 14 July?
2 MR JORDASH: 15 July, page 49 to 52.
3 JUDGE BOUTET: Which year?
4 MR JORDASH: 2005. July. And then TF1-360, page 24 to
26.
16:56:34 5 JUDGE BOUTET: The date?
6 MR JORDASH: Oh, sorry. 25 July 2005.
7 PRESIDING JUDGE: Yes, Mr Cammegh, any --
8 MR CAMMEGH: No cross-examination, thank you.
9 PRESIDING JUDGE: We will recess and resume the session
in
16:57:41 10 15 minutes time, please.
11 [Break taken at 4.47 p.m.]
12 [RUF25APR08D-BP]

13 [Upon resuming at 5.10 P.M.]

14 PRESIDING JUDGE: Yes, we're resuming the session.

17:30:42 15 Mr Hardaway.

16 MR HARDAWAY: Yes, Your Honour, thank you.

17 PRESIDING JUDGE: It's your turn to wind us up to the
18 weekend.

19 MR HARDAWAY: Yes, Your Honour.

17:30:42 20 Q. Mr Witness, good afternoon, sir.

21 A. Yes, sir. How are you, sir?

22 Q. Fine. I'm going to ask you some questions on behalf of
the

23 Prosecution, all right?

24 A. Yes, go ahead.

17:30:42 25 Q. Now, if at any time you don't understand what I'm
asking,

26 please ask me to repeat it and I will do so, all right?

27 A. Okay.

28 Q. Now, you stated that at Kangari Hills, Morris Kallon was
29 just an officer and it was cO Isaac who was in overall
command;

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1 is that correct?

2 A. Yes.

witness 3 Q. I want to read you a piece of evidence that another

4 has given and I'll ask your opinion on it, all right?

17:30:43 5 Your Honour, this is in reference to TF1-366, 15 November
2005,

6 page 85. I'll be reading from lines 11 to 22 inclusive.

7 Question, "Thank you. And he was in fact the area commander,

8 Northern Jungle, Kangari hills?" Answer, xxxxxxxx? No, Morris

9 Kallon was the commander." Question, "And xxxxxxxx was senior
to

17:30:43 10 Morris Kallon?" Answer, "Even more than Issa and Morris
Kallon,

11 all of them, because he trained them on the base." Question,

"So

12 I'm putting it to you that in fact you are putting the cart

13 before the horse; xxxxxxxx was the area commander, Northern

14 Jungle, and he was a boss to Morris Kallon at that time; that
is

17:30:43 15 my suggestion to you." Answer, "No, that is not the way it
was.

16 Morris Kallon was the commander." In fact, Morris Kallon was
in

17 command of Kangari Hills, Northern Jungle, and xxxxxxxxx was

18 junior to him; isn't that correct, sir?

19 A. No.

17:30:44 20 Q. Now, I want to move on to radio operations, sir. You
have

21 testified that when you were monitoring the radio, you never

22 monitored any communications between Morris Kallon and other

23 people; is that correct?

24 A. Yes.

17:30:44 25 Q. Now, did you monitor the radio 24 hours a day?

26 A. Not 24 hours.

27 Q. So there would have been times when in fact you were not
28 monitoring the radio; is that correct?

29 A. Yes, even if I'm not monitoring the radio, but there is

a

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1 logbook that we record every information -- information for
2 incoming operators. The logbook is more important than
3 individual operator.

about

4 Q. Mr Witness, you spent a lot of your evidence talking

17:30:45 5 call signs and code names; do you remember that?

6 A. Repeat, please.

signs

7 Q. You spent a lot of your evidence talking about call

8 and code names; do you remember that, sir?

9 A. Yes.

17:30:45 10 Q. I would suggest to you, Mr Witness, that code names and
11 call signs were in fact interchangeable; how do you respond to
12 that, sir?

13 A. Yes, that is correct. We do change sometimes, but not
14 frequently. Sometimes we change based on our tactics. This

is

17:30:46 15 according to our tactics.

16 JUDGE BOUTET: Mr Witness, listen to the question

17 carefully, please.

18 MR HARDAWAY: Thank you, Your Honour.

19 Q. I am suggesting to you, Mr Witness, that call signs and

17:30:46 20 code names were interchangeable; that a code name could be
used

21 as a call sign, and a call sign could be used as a code name;
how

22 do you respond to that, sir?

23 A. Okay. Thank you. Now I got you well. That was not how
it

24 operated. A code name will not be interchanged with a call
sign.

17:30:47 25 Even if there is a need for change, we only change the call
sign.

26 If we change, we only change the code name so we no
interchange

27 code name and call sign, no. RUF never operated that way.

28 That's rotten administration. Our administration was cogent
and

29 lively -- reliable and cogent and mature.

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1 Q. But you yourself said, sir, you had no dealings with

2 administration; is that correct?

3 A. Repeat.

4 Q. You didn't deal with administration; you were just a
radio

17:30:47 5 operator and then the various positions you held, signaller,
6 station commander, things like that. You never dealt with
7 administration; is that correct?

8 A. I dealt with signal administration. Signal
administration

9 I specialised in.

17:30:48 10 Q. Now, I want to take you to the invasion of Freetown in
11 January of 1999, all right?

12 PRESIDING JUDGE: Have you covered that field? You are
13 abandoning that field?

14 MR HARDAWAY: I'm abandoning that field, Your Honour.

17:30:48 15 PRESIDING JUDGE: All right. Okay.

16 MR HARDAWAY:

17 Q. Mr Witness, Freetown invasion, January '99; are you with
18 me?

19 A. Yes, I'm with you.

17:30:48 20 Q. Now, the RUF were in Makeni at that time; is that
correct?

21 A. Correct.

22 Q. When the AFRC was pushed out of Freetown in 1999, the
RUF

23 provided security for them so that they could escape from
24 Freetown; isn't that correct, sir?

17:30:48 25 A. Negative. It never happened. I wouldn't tell lies to
this

26 Court. Whatever I testify in this Court is true.

27 Q. So when I put it to you that in fact the RUF provided

you

28 security for the AFRC to escape from Freetown in January '99,
29 would disagree with me?

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my

1 A. Yes, you are prosecuting and I'm defending. I'll defend
2 own point. It never happened.

3 Q. Thank you, Mr Witness. I have no further questions.
4 Your Honour, this concludes my cross-examination.

17:30:49

5 A. Thank you very much, sir.

6 PRESIDING JUDGE: Mr Ogeto, any re-examination?

7 MR OGETO: No re-examination, My Lords.

8 PRESIDING JUDGE: Yes --

17:31:37

9 MR JORDASH: Sorry to do this out of turn. There was
10 another reference I should have supplied which concerned the
11 issue of call signs and code names and whether it was possible
12 to confuse the two, and it was TF1-36 --

to

and

13 PRESIDING JUDGE: When you were handling the Top Marine
14 King Perry.

17:31:54

15 MR JORDASH: It was just before that issue. It was an
16 issue which was dealt with by TF1-366, 14 November 2005 at

page

possible 17 77. That was the issue of whether it was likely to be
18 to confuse code names and call signs.
19 PRESIDING JUDGE: Is that where you were trying to
suggest
17:32:44 20 to the witness that anybody operating the radio, you know,
would
21 know the difference between a call sign and a code name also?
22 MR JORDASH: Yes, TF1-366 --
23 PRESIDING JUDGE: Yes.
24 MR JORDASH: -- appeared to confuse the two, and my
17:33:02 25 suggestion was --
26 JUDGE BOUTET: And you put forward the proposition.
27 MR JORDASH: Exactly, yes.
28 PRESIDING JUDGE: So this is TF --
29 MR JORDASH: 1-366.

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1 PRESIDING JUDGE: The date?
2 MR JORDASH: I've just screwed up my note.
3 JUDGE BOUTET: You said 14 November, page 77.
4 MR JORDASH: Exactly.
17:33:32 5 JUDGE BOUTET: '05.

6 MR JORDASH: '05, yes.

7 PRESIDING JUDGE: Well, yes, we have been in an open

8 session, and as you'll recall, Mr Ogeto in his introductory

9 examination-in-chief submissions, did ask that the testimony

of

17:35:22 10 this witness for at least 10 to 15 minutes would be -- should
be

11 taken in a closed session, and we since went into the closed

12 session and came back to the public session and this is, in an

13 open session, the ruling of the Chamber in respect of the

closed

14 session application made by learned counsel for the first

accused

17:35:56 15 Mr Kennedy Ogeto -- of second accused, I'm sorry.

16 Consistent with the general requirement that criminal

17 proceedings are to be conducted in public as enjoined by Rule

78

18 of the Rules Of Procedure And Evidence of this Court, and

taking

19 into consideration Rule 17(ii) of the Statute of the Court but

17:36:20 20 exceptionally as authorised by Rule 79(A) to all the said
rules

21 and the need to protect witnesses as provided for in Rule 75,

22 this Chamber, on the application of learned counsel for the

23 second accused, Mr Kennedy Ogeto, for a certain portion of the

24 testimony of witness number DMK-163 to be heard in a closed

17:36:54 25 session for about ten to 15 minutes did, by way of an
exceptional

26 procedure, grant the said application for the reasons that

were

27 advanced in support of that application.

28 After the closed session ceremonies we came back to the

29 public session, and we are now at the end of it, and at this

to
in
17:37:50
emphasises
the
17:38:21
of

1 stage we will be discharging the witness. But first of all,
2 thank Mr Witness for the evidence which you have volunteered
3 before the Tribunal and for coming to testify before us and to
4 give us your knowledge of the facts that we are looking into
5 this matter. We thank you for illuminating the thought of the
6 Tribunal, particularly with communications which we know, you
7 know, can make an army lose or win a war. That's what
8 your importance in the army and which you yourself claimed in
9 course of your evidence. And we thank you for coming, and we
10 discharge you and wish you a safe journey back to your place
11 abode and all the best in the pursuit of your daily
12 preoccupations. Thank you very much, Mr Witness. May he be
13 assisted out of Court, please.

14 THE WITNESS: Yes, My Lord. With your kind permission,
15 sir?

16 PRESIDING JUDGE: Yes, Mr Witness.

17 THE WITNESS: Yes. My former commanders I would like to
18 shake hands with them kindly --

19 PRESIDING JUDGE: No. Can you walk out of the Court,
17:40:00 20 please. You'll be assisted out of the Court.
21 [The witness withdrew]
22 PRESIDING JUDGE: Well, learned counsel, we've come to
the
23 end of the session for -- the proceedings for this week and we
24 would resume them at 9.30 on -- no, on Tuesday. I'm sorry I
hear
17:40:54 25 Monday is a public holiday. We will have to make up for that
day
26 because I know that the Kallon Defence team has maybe a
deficit
27 of two days already. That is Thursday the 10th and Monday the
--
28 which will be the 27th or so. Today is the 25th. The 28th.
So
29 we would be that we shall address -- the deficit we shall
address

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1 some other time. We've already taken cognizance of that but
it
2 may turn out that you don't even need it depending on how you
3 move. I mean -- you agree with me that you may not even need
it
4 in the long run.

17:41:49 5

MR TAKU: We are doing our best, Your Honours.

best

6

PRESIDING JUDGE: I am sure you will do more than your

7

to make sure you don't ask for a two days extension. So this

We

8

said, I wish everybody a very restful and successful weekend.

9

will rise and resume on Tuesday.

17:43:10 10
p.m.

[Whereupon the hearing adjourned at 5.32

11

to be reconvened on Tuesday, the 29th day of

12

April 2008 at 9.30 a.m.]

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EXHIBITS:

	Exhibit No. 348	6
	Exhibit No. 349	7
12	Exhibit No. 350	
14	Exhibit No. 351	
53	Exhibit No. 352	

WITNESSES FOR THE DEFENCE:

	WITNESS: DMK-039	2
	EXAMINED BY MR TAKU	5
32	CROSS-EXAMINED BY MR JORDASH	
35	CROSS-EXAMINED BY MR FYNN	
52	WITNESS: DMK-047	
52	EXAMINED BY MR TAKU	
58	CROSS-EXAMINED BY MR HARDAWAY	

67

WITNESS: DMK-163

67

EXAMINED BY MR OGETO