Case No. SCSL-2004-15-T THE PROSECUTOR OF THE SPECIAL COURT

٧.

ISSA SESAY MORRIS KALLON AUGUSTINE GBAO

THURSDAY, 28 APRIL 2005

9.40 A.M. TRIAL

TRIAL CHAMBER I

Before the Judges: Benjamin Mutanga Itoe, Presiding

Bankole Thompson Pierre Boutet

For Chambers: Ms Candice Welsch

Mr Matteo Crippa

For the Registry: Mr Geoff Walker

For the Prosecution: Mr Peter Harrison

Mr Christopher Santora

Mr Mark Wallbridge(Case Manager)

For the Principal Defender: NO APPEARANCES

For the accused Issa Sesay: Mr Wayne Jordash

Ms Sareta Ashraph Ms Eleanor Hutchison

For the accused Morris Kallon: Mr Shekou Touray

Mr Melron Nicol-Wilson

Ms Rachel Irura

For the accused Augustine Gbao: Mr Andreas O'Shea

Mr John Cammegh

SESAY ET AL Page 2 28 APRIL 2005 OPEN SESSION

	1	[HS280405A - SV]
	2	Thursday, 28 April 2005
	3	[Open session]
	4	[The accused Gbao not present]
09:32:30	5	[Upon commencing at 9.40 a.m.]
	6	PRESIDING JUDGE: Good morning, learned counsel. Good
	7	morning, Miss Hatt.
	8	THE WITNESS: Good morning, Your Honour.
	9	PRESIDING JUDGE: We're resuming the session.
09:44:19	10	MR HARRISON: This is the 29th Prosecution witness, I
	11	believe. There's no pseudonym so I will simply state the
	12	witness's name for the record. It is Anne-Catherine Hatt. The
	13	Anne-Catherine is a hyphenated name and Hatt is H-A-T-T.
	14	PRESIDING JUDGE: Does Catherine start with a C or a K?
09:44:50	15	MR HARRISON: With a C.
	16	PRESIDING JUDGE: H-A-T-T.
	17	MR HARRISON: Correct. As advised on Tuesday, this witness
	18	will be testifying in public and I would just like to take the
	19	opportunity now to advise the Court that the next witness TF1-114 $$
09:45:16	20	has advised us that he wishes to testify in public. He has been
	21	interviewed by witnesses and victims protection services and they $% \left(1\right) =\left(1\right) \left(1\right) \left$
	22	agree that he may testify in public if it's his choice. I ask
	23	that the witness be sworn.
	24	PRESIDING JUDGE: You will mention that to us when the
09:45:36	25	witness takes his stand.
	26	MR HARRISON: I'll do that. If the witness could be sworn.
	27	WITNESS: ANNE-CATHERINE HATT [Sworn]
	28	EXAMINED BY MR HARRISON:
	29	Q. Witness, could you please tell us which country you reside

SESAY ET AL Page 3 OPEN SESSION

- in?
- 2 Α. I reside in Switzerland.
- 3 0. Tell the Court your occupation?
- I am working as an investigative judge and a juvenile judge 4 Α.
- 09:46:26 5 in Switzerland.
 - What is your role in those positions? 6 Q.
 - 7 As an investigative judge I lead the investigation of
 - 8 criminal cases. After I finish investigation I decide whether
 - this case should be prosecuted. If it is a case that has to be 9
- 09:47:04 10 prosecuted then and brought to court I write the indictment and I
 - lead the Prosecution front of the Court. If I think that the 11
 - 12 case should be sentenced no more than three months of prison I do
 - 13 the judgment myself.
 - JUDGE THOMPSON: Could she go over that slowly, please. 14
- 09:47:24 15 MR HARRISON: I'm sorry.
 - I wonder if we perhaps could go a little bit slower. If 16 Q.
 - you could keep your eye on the judges' pens it might be of some 17
 - 18 assistance to you in estimating how quickly we can go through the
 - pace of the proceedings. 19
- 09:47:40 20 Okay. So my job is divided in three parts. First of all,
 - 21 I lead the investigation. When I finish the investigation I have
 - to decide whether the case is to be brought to court, which means 22
 - 23 if it's a case that should be sentenced more than three months of
 - prison. If this is the case I write the indictment. 24
- 09:48:06 25 PRESIDING JUDGE: Just a minute. What you're saying if the
 - 26 case has to go to court and this involves cases which have a
 - 27 penalty that goes beyond three months.
 - THE WITNESS: Yes, exactly. 28
 - PRESIDING JUDGE: And if that is the case you draw up the 29

SESAY ET AL Page 4 OPEN SESSION

- 1 indictment.
- 2 THE WITNESS: Yes. I draw the indictment and I lead the
- 3 prosecution in court.
- MR HARRISON:
- 09:49:12 5 0. Is there any other function that you fulfil?
 - No, this is it. 6 Α.
 - Can you tell the Court a bit about your training? Q.
 - 8 For the investigation part I did a lot of training as far
 - as a sexual abuse of women is done and also I got specialised in
- 09:49:33 10 the case of sexual abuse of children and with this involved was
 - lot of training in the field of interviewing children. 11
 - 12 Q. Have you ever worked in Sierra Leone?
 - 13 I have worked in Sierra Leone for six months from May till
 - November 2003. 14
- 09:50:34 15 Q. What did you do?
 - I worked as an investigator and I was focussing mainly on 16
 - child soldiers. But while out on mission I would also do other 17
 - 18 interviews of adult cases.
 - When you say you were focussing on child soldiers, tell the 19
- 09:51:27 20 Court what you mean by that?
 - 21 That means that I was leading the investigations of -- as
 - far as the proofs of child soldiers was concerned. I was looking 22
 - 23 for witnesses that could tell something about the use of child
 - soldiers in the war of Sierra Leone. 24
- 09:52:15 25 Was there a general procedure that you followed when doing
 - these interviews? 26
 - I usually got contact to the witnesses through child 27
 - protection agencies. If I would meet the witnesses, once I had 28
 - organised a meeting with them, I would explain to them what 29

SESAY ET AL Page 5 OPEN SESSION

- Special Court is, what we're doing, and we'd ask them if they are 1
- 2 willing to talk with me about what they have experienced. If
- 3 they agreed to talk to me then I would usually start from the
- beginning, like asking when they were abducted, how they were
- 09:53:34 5 abducted, the whole circumstance.
 - JUDGE THOMPSON: Slowly, Miss Hatt. 6
 - 7 THE WITNESS: Sorry. I would ask them if and when they
 - 8 were abducted. Then the circumstances of the abduction, which
 - 9 means who abducted them, how many people were attacking the
- 09:54:16 10 village. An important question was always the age of the witness
 - 11 when she was abducted. Then I usually asked how she followed --
 - 12 often they followed the troops and were brought back to the
 - 13 camps. So I asked what happened in the camps and I asked if they
 - 14 were trained. And I asked if they were trained, in what way they
- 09:55:39 15 were trained, for how long. Then after the training, when I
 - asked everything about the training, an important question was if 16
 - they were used on attacks, if they would go themselves, 17
 - 18 participate on attacks, where they have been, who was their
 - commander they were belonging to, how they were organised, if 19
- 09:56:21 20 they were in small boys units or small girls units. Then I asked
 - 21 them in the attacks what they did, if they would kill themselves
 - people, if they have witnessed killings, rapings, slicing up 22
 - 23 women. Then I asked them about the organisation, what they knew,
 - 24 who would report to whom.
- 09:57:34 25 MR HARRISON:
 - 26 Q. Can you tell the Court what languages were used in these
 - interviews? 27
 - 28 Depending on the knowledge of the witness I would, if
 - 29 possible, make the interview in English but this was not very

SESAY ET AL Page 6 OPEN SESSION

often the case. Most of the interviews were done with

- 2 translators.
- 3 0. Were there any general problems in the interview process?
- 4 There were a lot of general problems. One fact was to get
- 09:58:41 5 hold of the witnesses.
 - JUDGE THOMPSON: Slowly, slowly. 6
 - 7 THE WITNESS: One problem was to get hold of the witnesses.
 - 8 To bring them at the place -- when we would go on mission, to
 - 9 bring them at the place where we were.
- 09:59:17 10 JUDGE THOMPSON: That's the second problem?
 - THE WITNESS: Well, it was together. 11
 - 12 JUDGE THOMPSON: Right. Okay.
 - 13 THE WITNESS: I mean the problem was to make it a bit
 - 14 efficient, that if we would go out on mission that we could
- 09:59:30 15 interview as much witnesses as possible during the time we were
 - there. Then it was a problem that these interviews -- if we 16
 - would go out on mission we had only probably one chance to talk 17
 - 18 to them and they had a huge amount of story to tell. So we had
 - to reduce and just try to find out what this witness could tell 19
- 09:59:54 20 us.
 - 21 PRESIDING JUDGE: What you mean to say is that your
 - missions were of a rather short duration. 22
 - THE WITNESS: Yes. 23
 - PRESIDING JUDGE: Of they were of a short duration. 24
- 10:00:20 25 THE WITNESS: Maybe a week or two.
 - PRESIDING JUDGE: And that these witnesses had a lot to say 26
 - 27 or so.
 - THE WITNESS: Yes. Every witness, if you make an 28
 - 29 interview -- you see it now in the cross-examinations, if you ask

SESAY ET AL Page 7 OPEN SESSION

- 1 questions if you want detailed questions, there is a lot to tell,
- 2 especially if a war has gone a couple of years and the witness
- 3 has experienced a lot of things. So I had to reduce the
- information on the important points I was focussing on. I could 4
- 10:00:46 5 not go into all the details. So I would summarise it to the
 - point that I had to see if the witness has information that is 6
 - 7 useful for our purpose, if she is able to tell it in a way that
 - 8 is more or less logical and would make any sense, if she's
 - 9 credible to me and if she agrees, of course, to witness. And all
- 10:02:18 10 this --
 - PRESIDING JUDGE: And if she agrees? 11
 - 12 THE WITNESS: If to witness in court. If she agrees to be
 - 13 a witness, of course. And all this had to be done in a short
 - 14 time because the younger a witness is, the less concentration it
- 10:02:39 15 has.
 - MR HARRISON: 16
 - I heard you mention the use of interpreters in the 17
 - 18 interviews. Did that at any point in general cause any problems?
 - Of course the use of interpreter always causes problem I 19
- 10:03:29 20 know that from my work at home - because you can't communicate
 - 21 directly with the witness. I could a bit understand if the
 - interpreter would interpret the right way but not always. And 22
 - there were situations where a witness maybe was answering for 10 23
 - 24 minutes and the interpreter would give me only a short answer.
- 10:04:04 25 So I wasn't sure what the witness exactly said.
 - 26 Were there any other general problems in the interview
 - 27 process?
 - I don't recall now. Α. 28
 - 29 MR HARRISON: I think the procedure that we have agreed to

SESAY ET AL Page 8 OPEN SESSION

1 amongst Defence counsel and the Prosecution is that I would go so

- 2 far as to present the statement taken by this witness, ask her to
- 3 identify it as being one that she is familiar with and then that
- would be the conclusion of the Prosecution's examination. So if
- 10:05:40 5 I'm correct, and there is no objection, I will simply ask the
 - Court clerk to pass to the witness a copy of this statement. 6
 - 7 JUDGE BOUTET: I don't recall if that statement was ever
 - 8 introduced as an exhibit.
 - 9 MR HARRISON: No, it was not.
- PRESIDING JUDGE: It wasn't. 10:06:01 10
 - 11 MR HARRISON: I leave it to my friends to take it from
 - 12 here. I was just going to have the witness confirm that she is
 - 13 the one who took this particular statement.
 - JUDGE THOMPSON: Yes, quite. 14
- 10:06:15 15 MR HARRISON:
 - If I could just remind the witness, we're using pseudonyms 16
 - 17 here and I think I'm permitted to tell you that the pseudonym for
 - 18 this particular witness is TF1-199. So the name of the person is
 - not to be mentioned. Could you please look at that statement and 19
- 10:06:30 20 tell the Court if you are familiar with it?
 - 21 Α. Yes, I am familiar with it.
 - PRESIDING JUDGE: TF1-199. 22
 - MR HARRISON: 23
 - And if you could just confirm that there is a cover page 24 Q.
- 10:06:48 25 and then two and a half pages of typed statement?
 - This is right. 26 Α.
 - And did you take that statement? 27 Q.
 - I took that statement and I signed it. 28 Α.
 - JUDGE BOUTET: What's the date, location? 29

SESAY ET AL Page 9 OPEN SESSION

- THE WITNESS: The date is --
- 2 JUDGE BOUTET: The location may be slightly in dispute
- 3 depending as to where it is, but I don't recall. But I do recall
- that this witness was living in a special location that we agreed
- 10:07:16 5 not to disclose.
 - 6 MR HARRISON:
 - 7 I think the location where the statement is taken is the
 - 8 Freetown area?
 - 9 Yes.
- 10:07:25 10 MR HARRISON: Unless there is something else I can assist
 - 11 the Court with that is as far as the Prosecution thought it was
 - 12 entitled to proceed.
 - 13 JUDGE THOMPSON: You are correct, yes.
 - PRESIDING JUDGE: What's the date there? What's the date 14
- 10:07:35 15 of the statement?
 - THE WITNESS: 16th of August 2003. 16
 - JUDGE BOUTET: And that was done in Freetown. It was taken 17
 - 18 down in Freetown?
 - THE WITNESS: Here.
- 10:08:13 20 JUDGE THOMPSON: Mr Cammegh, it was at your instance that
 - 21 this witness was in fact summoned to come and testify.
 - MR CAMMEGH: That's right. 22
 - JUDGE THOMPSON: You have the floor. 23
 - 24 MR CAMMEGH: I thank the Court for facilitating that.
- 10:08:28 25 CROSS-EXAMINED BY MR CAMMEGH:
 - 26 Q. Miss Hatt, I asked on Tuesday evening that you be given the
 - 27 opportunity to read the transcript of my cross-examination, or
 - part of my cross-examination, of this witness 199. I think in 28
 - the event you were actually equipped with the entire 29

SESAY ET AL Page 10 OPEN SESSION

- 1 cross-examination. Is that right?
- 2 Α. I don't know if it was the entire cross-examination.
- 3 0. My cross-examination?
- I think so, yes. Α.
- 10:08:57 5 0. Yes, pages 1 to 51?
 - 40. I think it was something like 40, yeah. 6 Α.
 - 7 That would be right. Have you also had an opportunity to Q.
 - 8 read the statement that has just been shown to you?
 - 9 Α. Yes, I have.
- 10:09:11 10 So you are no doubt aware that the issue that I am
 - 11 concerned with is covered on the last page of that statement.
 - 12 Your Honours, page 6983. Miss Hatt, if you have it there it's
 - 13 the second paragraph on that final page. I'm going to read out
 - 14 the relevant passage which is very brief: "When the RUF attacked
- 10:09:50 15 UN Peacekeepers they left Lunsar and went to Freetown. There was
 - a heavy attack on Gberi Junction. The witness saw UN vehicles 16
 - drive by with RUF soldiers as drivers. They were wearing the UN 17
 - 18 caps."
 - Now, if we turn to the front cover of this statement it 19
- 10:10:11 20 appears that the languages spoken by the witness are listed in
 - 21 this order: English, Krio, Madingo. You have just given an
 - account of your experience of taking written testimony from 22
 - witnesses in a generalised aspect. Can I ask you for the 23
 - 24 purposes of my questions to focus on TF1-199, your experiences
- 10:10:48 25 with him. Can I start by asking you in which language, please,
 - was this particular interview conducted? 26
 - This particular interview was conducted in English. We 27 Α.
 - 28 would mention on the page just the languages the person talks,
 - 29 not --

SESAY ET AL Page 11 OPEN SESSION

1 Q. Indeed, yes. Do you have the cover sheet in front of you?

- 2 Α. I think I have another one. I have only that.
- 3 0. All right. Well, perhaps you'll take it from me that on
- the page 6980 alongside the words "Languages Spoken" on the
- 10:11:27 5 witness ID form the witness's languages spoken were English, Krio
 - 6 and Madingo?
 - 7 Α. Yes.
 - 8 And, as you say, the interview was conducted in English? Q.
 - 9 Α. Yes.
- 10:11:41 10 Q. I'm grateful. We must not of course allow anything to --
 - 11 since we're in open session we must not allow anything to lead to
 - the identification of this witness. Is it, however, your 12
 - 13 knowledge that in the years following the war up until the
 - 14 commencement of this trial this witness fulfilled a rather
- 10:12:10 15 important role?
 - 16 Α. Yes, he did.
 - PRESIDING JUDGE: This witness? 17
 - 18 MR CAMMEGH: Fulfilled a rather important role. I don't
 - know if Your Honours can remember precisely what that is but it 19
- 10:12:24 20 did come out in evidence. And I hope to say no more than that.
 - 21 JUDGE BOUTET: And you say this is after the war.
 - 22 MR CAMMEGH: Yes.
 - JUDGE BOUTET: The important role you're talking about. 23
 - MR CAMMEGH: Yes. 24
- 10:12:41 25 JUDGE BOUTET: Okay. I know.
 - MR CAMMEGH: The question is leveled at his ability to 26
 - 27 speak English and I think Your Honours have the point. I'll take
 - that no further. 28
 - You very kindly provided not exactly a witness statement 29

SESAY ET AL Page 12 OPEN SESSION

- 1 but I have a document that was served on the Defence on the 25th
- 2 of April headed "Information Provided by Witness Anne-Catherine
- 3 Hatt". You are no doubt familiar with that?
- On what date is that? 4 Α.
- 10:13:14 5 0. Well, we received it on Monday.
 - Yes, I'm familiar with that. Α.
 - 7 Basically, Miss Hatt, it goes into some detail as to your Q.
 - 8 function as a Special Court investigator. You deal with your
 - 9 conduct with potential child witnesses. You deal with your
- 10:13:43 10 requirement to make a preliminary assessment of their credibility
 - 11 et cetera, et cetera.
 - 12 Can I just read out what you stated in paragraph 4 of that
 - 13 document: "I recall my interview with witness TF1-199. It was
 - 14 done in Freetown and as I spoke to the witness I typed his
- 10:14:12 15 comments into a computer. I do not have any notes or recordings
 - of the interview. No interpreter was present for the interview". 16
 - 17 Then you went on to say that the foster parent there was to
 - 18 ensure that things happened in a --
 - The foster parents were not there at the time of the 19 Α.
- 10:14:35 20 interview.
 - 21 Q. But did the foster parent come on a later stage, at a later
 - stage? 22
 - No, they gave the consent later on. 23 Α.
 - 24 Yes. A signed consent? Q.
- 10:14:46 25 Α. Exactly.
 - 26 Q. Indeed. Now I know that you've had a chance to read the
 - 27 transcript and, as I said to Your Honours, the relevant or the
 - 28 pertinent tract of my cross-examination of this witness on the
 - 27th of July of last year can be found between pages 15 and 27 of 29

SESAY ET AL Page 13 OPEN SESSION

- 1 that portion of the transcript.
- 2 Miss Hatt, I've just read the three lines that you put in
- 3 the statement concerning UN Peacekeepers. Just to remind you,
- and just so the Court is aware of the issue here, can you
- 10:15:31 5 confirm, and of course I am not in any way placing any criticism
 - 6 with you, I'm sure you understand that anyway, but can you
 - 7 confirm that the statement makes no reference to, one, the
 - 8 witness seeing a convoy of 30 trucks on the road? Can you
 - 9 confirm that?
- 10:15:55 10 I can confirm that.
 - PRESIDING JUDGE: Just a minute, please. That is the 11
 - 12 statement which she recorded in August?
 - MR CAMMEGH: Your Honour, I don't think the date of 13
 - 14 TF1-199's statement was ever recorded.
- 10:16:18 15 PRESIDING JUDGE: What statement are you referring to? Are
 - you referring to the statement she recorded from this witness on 16
 - 17 the 16th of August 2003?
 - 18 MR CAMMEGH: Well, if that's the date then that is the
 - date. I wasn't aware of the date of the 16th of August. 19
- 10:16:31 20 PRESIDING JUDGE: That is the date which she has just given
 - 21 us.
 - MR CAMMEGH: Well, I didn't catch that. I think that page 22
 - was missing from our documentation. But what I'm now doing is 23
 - making reference to the revelations made by the witness. 24
- 10:16:50 25 PRESIDING JUDGE: Are you saying that in that statement the
 - witness did not mention that he saw a convoy? Is that what 26
 - 27 you're saying?
 - MR CAMMEGH: Absolutely. 28
 - PRESIDING JUDGE: Well, put the question to her. 29

SESAY ET AL Page 14 OPEN SESSION

1 THE WITNESS: In the statement it's not written.

- 2 PRESIDING JUDGE: Yes. Please, just a minute.
- 3 MR CAMMEGH: I'm simply asking the witness to confirm one
- or two details.
- 10:17:04 5 JUDGE BOUTET: You're not referring only to page 6983 of
 - 6 the record but, in other words, you are asking in the written
 - 7 statement that you're dealing with, and the witness has a copy
 - 8 of, it is not written. That's your question, that's the answer.
 - 9 MR CAMMEGH: I'm just asking the witness to confirm, and
- 10:17:24 10 it's not controversial, that nowhere in this statement --
 - JUDGE BOUTET: In the written statement. 11
 - 12 MR CAMMEGH: Yes, is there a reference to the matters I'm
 - 13 about to put.
 - JUDGE BOUTET: Okay.
- 10:17:36 15 JUDGE THOMPSON: And you said one.
 - MR CAMMEGH: Yes, one was the convoy of 30 vehicles on the 16
 - road coming out of Lunsar. 17
 - 18 PRESIDING JUDGE: The convoy of?
 - MR CAMMEGH: 30 vehicles. This is referred to on page 15
- 10:17:51 20 of the transcript.
 - 21 PRESIDING JUDGE: Just a convoy of 30 --
 - MR CAMMEGH: 30 vehicles. Two --22
 - PRESIDING JUDGE: Empty vehicles? 23
 - MR CAMMEGH: Well, we're coming to that, Your Honour. 24
- 10:18:08 25 PRESIDING JUDGE: Okay.
 - MR CAMMEGH: 26
 - 27 Two, that that convoy comprised 20 white UN vehicles.
 - That's not in the statement either, is it? 28
 - 29 Α. The number not, yes.

SESAY ET AL Page 15 OPEN SESSION

- 1 JUDGE THOMPSON: Counsel, let's keep it to the way you've
- 2 been doing it. You've prefaced it by saying the statement makes
- 3 no mention of, one. So let's have the issues as clearly. I'm
- sure she understands it.
- 10:18:41 5 MR CAMMEGH:
 - 6 Two, the statement makes no mention that comprised within Q.
 - 7 that convoy of 30 vehicles there were 20 white UN vehicles?
 - 8 Α. That's right.
 - JUDGE BOUTET: Well, if the statement doesn't mention 30,
- 10:19:02 10 it doesn't mention anything included in it.
 - MR CAMMEGH: Your Honour, I thought this was the best way 11
 - of --12
 - JUDGE THOMPSON: Shall we have number three then if you 13
 - 14 have a third one.
- 10:19:13 15 MR CAMMEGH: Yes.
 - Number three, that the 20 white UN vehicles contained, in 16
 - the witness's words, a huge number of naked white men? 17
 - 18 Α. That's not written in the statement.
 - PRESIDING JUDGE: A huge number of naked white men. 19
- 10:19:43 20 MR CAMMEGH: Yes. Your Honour, that's referred to --
 - 21 JUDGE THOMPSON: And "a huge number of naked white men" is
 - in quotation marks? 22
 - MR CAMMEGH: I'm sorry. Well, on page 18 of the 23
 - interview --24
- 10:19:55 25 JUDGE THOMPSON: Were you quoting the witness's evidence on
 - the transcript? 26
 - 27 MR CAMMEGH: Yes. On page 18 of the transcript he makes
 - clear that none of the white men were clothed. 28
 - JUDGE THOMPSON: Okay, thanks. 29

SESAY ET AL Page 16 OPEN SESSION

- 1 MR CAMMEGH:
- 2 Q. There is no number four, you'll be glad to hear. Now, you
- 3 would have read this, having read the transcript, Miss Hatt, but
- on pages 18 to 19 when I cross-examined the witness he made the
- 10:20:43 5 comments that this was a frightening, unforgettable sight and on
 - 6 page 19, "I will never forget it in an instant". I have two
 - 7 questions here. The first one is: Do you recall reading the
 - 8 statement back to the witness in order that he could verify its
 - 9 contents?
- 10:21:06 10 No, I did not. It was not the practice how we took
 - 11 statements.
 - 12 Q. All right.
 - 13 It's why they were not signed by the witness.
 - JUDGE BOUTET: I'm sorry, Mr Cammegh. I just missed part 14
- 10:21:18 15 of your question. Would you mind repeating it, please.
 - MR CAMMEGH: Certainly. My question, and the answer was in 16
 - the negative, was do you recall reading back the statement once 17
 - 18 it had been completed in order the witness could verify its
 - 19 contents.
- 10:21:33 20 JUDGE BOUTET: And the answer was?
 - MR CAMMEGH: No. 21
 - THE WITNESS: I did not. 22
 - JUDGE THOMPSON: Because it was not the practice, did we 23
 - get that? 24
- 10:21:39 25 THE WITNESS: That's right.
 - 26 JUDGE BOUTET: Because they were young witnesses or --
 - JUDGE THOMPSON: It was not the practice. 27
 - THE WITNESS: No. That's why the statements were not 28
 - signed. At the point I started working we didn't have the 29

SESAY ET AL Page 17 OPEN SESSION

- 1 witness sign the statement any more. We would write like a
- 2 report from the interview we had and that's why I signed the
- 3 statements to guarantee that this is what the witness told me.
- 4 MR CAMMEGH:
- 10:22:16 5 0. Which leads neatly to my second question. Did the witness
 - ever mention anything to you about a convoy of 30 vehicles 6
 - 7 containing 20 captured UN vehicles containing naked white
 - 8 captured UN men?
 - 9 I cannot recall if he mentioned it and I would not put it
- 10:22:36 10 down, but the way I see the statement now, and how I recall it, I
 - 11 think I have only asked him if he knows something about it and I
 - 12 wouldn't go into details. That's why there is no number and no
 - 13 details like if they were white or black.
 - 14 During my cross-examination of this witness, Miss Hatt, he Q.
- 10:23:17 15 insisted that he had actually told you about that and given the
 - precise details that I've just put forward. Does that help you 16
 - 17 in any way?
 - 18 Reading the cross-examination that you did, I read that he
 - said he told me about white men. But he also said very clearly 19
- 10:23:35 20 that I didn't ask him for numbers and the details.
 - 21 Q. All right. You, in your --
 - PRESIDING JUDGE: Just a minute, please. Just a minute. 22
 - MR CAMMEGH: 23
 - In the document that was served on the Defence the other 24 Q.
- 10:24:23 25 day, a document that you presumably wrote yourself, you state
 - 26 that: "As I spoke to the witness I typed his comments into a
 - 27 computer". The comments that you typed into a computer, I
 - 28 repeat, are: "When the RUF attacked UN Peacekeepers they left
 - Lunsar and went to Freetown. There was a heavy attack on Gberi 29

SESAY ET AL Page 18 OPEN SESSION

- Junction. The witness saw UN vehicles drive by with the RUF 1
- 2 soldiers as drivers. They were wearing the UN caps". Is that as
- 3 far as the witness went? Is that what you put into your
- computer?
- I must assume it is like this. I cannot recall the details 10:24:58 5
 - but, as I said, that as I was typing it I put more or less what 6
 - 7 he was telling me about.
 - 8 Now, again no criticism is aimed at you here at all. You Q.
 - 9 understand the point that I'm trying to establish here is recent
- 10:25:21 10 fabrication on the part of the witness last July. Do you recall,
 - 11 however, him telling you that he witnessed an event that he will
 - 12 never forget in an instant or that he found extremely frightening
 - 13 concerning the abduction of UN peacekeepers?
 - 14 You mean if I recall that he told me that or if I read it
- 10:25:38 15 in your cross-examination?
 - No, do you recall him telling you that the event he 16
 - witnessed was a frightening, unforgettable sight, something that 17
 - 18 he will never forget in an instant?
 - No, I do not recall. 19 Α.
- 10:25:50 20 Do you recall him giving or making any expression of fear Q.
 - 21 surrounding this particular experience at all?
 - 22 Α. No, I do not recall it.
 - PRESIDING JUDGE: You say, the second one, that the witness 23
 - had found the experience frightful and unforgettable and the next 24
- 10:26:11 25 one was? The experience was frightful and unforgettable. What
 - was the next one? 26
 - 27 MR CAMMEGH: That he would never forget it in an instant.
 - PRESIDING JUDGE: That he would never forget it in an 28
 - 29 instant.

SESAY ET AL Page 19 OPEN SESSION

1 MR CAMMEGH: Yes, because that is how he described it in

- 2 oral testimony.
- 3 Miss Hatt, given your expertise in this area, if this
- witness, and of course -- I'll start that again. You must have
- 10:27:09 5 known of the importance of the abduction of UN peacekeepers in
 - relation to this trial; that it was a serious allegation on the 6
 - 7 indictment?
 - 8 It was but, as I mentioned at the beginning, for me it
 - wasn't the main focus. This was --9
- 10:27:22 10 I accept that, but you must have known that this was a very Q.
 - important area of the Prosecution case nevertheless? 11
 - 12 [No audible response] Α.
 - 13 Q. If this witness had said something to you --
 - 14 PRESIDING JUDGE: Madam, if you want to answer, answer on
- 10:27:36 15 the microphone. We want the answer not by nodding but we want an
 - audio recording of your answer. 16
 - THE WITNESS: I know the problem. Yes, I will do that. 17
 - 18 PRESIDING JUDGE: Mr Cammegh, can you put the question to
 - her again. 19
- 10:27:50 20 MR CAMMEGH:
 - 21 Madam, if the witness had said anything to you about 20
 - truckloads of naked white men under capture from the RUF would 22
 - you have written that down? 23
 - 24 I'm not a hundred percent sure because, as I said, this
- 10:28:12 25 witness was, for me, a witness to testify about the use of child
 - 26 soldiers and, as you see in the statement, the question of
 - 27 abducting UN peacekeepers was at the end of the statement. So I
 - 28 was just mentioning it to him and see if he knows something about
 - it. But it wasn't the focus for me in this interview and that's 29

SESAY ET AL Page 20 OPEN SESSION

1 why I did not go into details as far as this is concerned. So I

- 2 cannot say for sure if I would have written it down.
- 3 PRESIDING JUDGE: Mr Cammegh, please wait.
- 4 JUDGE BOUTET: Mr Cammegh, if I may just observe that your
- 10:29:23 5 description of facts as reported by the witness are not quite
 - 6 accurate in accordance with the record. The witness has never
 - 7 said truckloads full of white men. He said they were white men
 - 8 but they were not truckloads of white men. They were truckloads
 - of UN amongst whom there were some white men. So it's not quite 9
- 10:29:45 10 the same.
 - MR CAMMEGH: Well, if Your Honour would give me one moment. 11
 - 12 JUDGE BOUTET: At page 17 your question about that is there
 - 13 is no more than two.
 - MR CAMMEGH: At line 10 forgive me for a moment, Miss 14
- 10:30:20 15 Hatt - the question is: "More than 20 were" --
 - JUDGE BOUTET: "Were white UN vehicles", not white men. 16
 - MR CAMMEGH: Well, if we carry on down the page: 17
 - 18 "Q. They were driven by rebels, were they?
 - A. Yes. 19
- 10:30:34 20 Q. More than 20 UN vehicles were being driven by rebels?
 - 21 A. Yes.
 - Q. Right. And you could see the rebels driving these 22
 - vehicles with your own eyes? 23
 - A. Yes. 24
- 10:30:39 25 Q. How many of these lorries had white men with no clothes
 - in the back of them? 26
 - 27 A. Well, only those vehicles with the white coloured. I
 - saw them with, you know, white men were on board on those 28
 - vehicles. 29

SESAY ET AL Page 21 OPEN SESSION

Q. How many of those 20 had white men in them wearing no

- clothes.
- A. All of the 20.
- O. All of them?
- 10:31:03 5 A. Yeah."
 - Your Honour, to me that's fairly unequivocal.
 - JUDGE BOUTET: Yes, but carry on:
 - "A. Well, I'm sorry, I can't tell you the total amount of
 - white men I saw in the vehicle.
- 10:31:14 10 Q. Was it more than two?
 - A. Pardon? 11
 - Q. Was it more than two?
 - A. No, no." 13
 - So there he's talking of 20. I don't disagree with your
- 10:31:23 15 interpretation that there were 20 vehicles as such, but it's not
 - 20 vehicles full of white men. It's 20 vehicles amongst which 16
 - there were some white men. Where there were white men, I don't 17
 - 18 know if it's in each and every one of them.
 - MR CAMMEGH: Would Your Honour then look at line 36:
- 10:31:37 20 "Q. All right. But just to confirm there, were white men
 - 21 in every one of those 20 odd white vehicles.
 - A. Yes. 22
 - Q. And none of them were wearing clothes? 23
 - A. None of them." 24
- 10:31:50 25 JUDGE BOUTET: Again, he doesn't say that all of these
 - lorries, 20, had loads of white men among them. If each and 26
 - 27 every one of them had one or two white men it makes 20 or 40
 - white men, but it doesn't make those trucks all full of white 28
 - 29 men. That's what I'm saying.

SESAY ET AL Page 22 28 APRIL 2005 OPEN SESSION

> MR CAMMEGH: Yes. The word "full" is perhaps erroneous. I 1

- 2 accept that.
- 3 JUDGE THOMPSON: Miss Hatt, can I just confirm that your
- 4 last answers were that the abduction, the alleged abduction of
- 10:32:28 5 the UN Peacekeepers, was not a focus of your investigation.
 - 6 THE WITNESS: I wouldn't say --
 - 7 JUDGE THOMPSON: Because, unless I recorded you wrongly, of
 - 8 the interview you said I am not sure if he had mentioned that,
 - whether I would have recorded it or written it down. 9
- 10:32:53 10 THE WITNESS: I would say it wasn't the central focus of
 - 11 my --
 - 12 JUDGE THOMPSON: So you change it now to central focus.
 - 13 PRESIDING JUDGE: Your central focus, just so we follow
 - that, was --14
- 10:33:03 15 JUDGE THOMPSON: Child soldiers.
 - THE WITNESS: Child soldiers. 16
 - PRESIDING JUDGE: Witnesses who testify about the abduction 17
 - 18 of child soldiers and that these trucks were not your central
 - focus, that is why they came at the tail end of the statement. 19
- 10:33:19 20 THE WITNESS: This is right.
 - 21 PRESIDING JUDGE: Is that not what you said?
 - THE WITNESS: This is what I said. 22
 - 23 JUDGE THOMPSON: But did you also say - I must have heard
 - 24 that you were not sure - that if he had mentioned anything about
- 10:33:25 25 the alleged abduction of the UNAMSIL peacekeepers you would have
 - written it down. 26
 - PRESIDING JUDGE: Yes. 27
 - JUDGE THOMPSON: Did you say that? I'm not sure if he had 28
 - 29 mentioned that whether I could have written it down.

SESAY ET AL Page 23 OPEN SESSION

- 1 PRESIDING JUDGE: If I can add to what you're saying, she
- 2 did say that since it was not her focus, even if he did mention
- 3 it she is not sure that she could have recorded it.
- JUDGE THOMPSON: I just wanted to confirm that. 4
- 10:33:58 5 THE WITNESS: I'm not sure that I could have recorded the
 - 6 detail of if it was white men or the number of how many trucks.
 - 7 JUDGE BOUTET: Because in the statement you recorded --
 - 8 PRESIDING JUDGE: Yes, you have written the details, yes,
 - about the trucks and the numbers. 9
- 10:34:11 10 THE WITNESS: Exactly.
 - JUDGE BOUTET: In the statement you recorded, a copy of 11
 - 12 which we have and where the third paragraph was read to you which
 - 13 deals in a way with that issue it says: "Witness saw UN vehicles
 - 14 drive by with RUF soldiers as drivers. They were wearing the UN
- 10:34:33 15 caps". So in the whole of the statement, from what I can see,
 - that's the portion that deals with UN vehicles as such. But that 16
 - obviously, as pointed out to you by Mr Cammegh, does not make any 17
 - 18 reference to any number of vehicles, does not make reference to
 - any white men as part of. That's the only reference. That's the 19
- 10:34:55 20 only description you have about or reference about UN vehicles in
 - 21 the whole of the statement. Am I right?
 - THE WITNESS: This is right. 22
 - MR CAMMEGH: 23
 - And just to nail this point once and for all, Miss Hatt, in 24
- 10:35:07 25 actual fact there is no reference whatsoever in your statement to
 - hostages, is there, at all? 26
 - 27 Maybe if you just read what I wrote down I agree that it
 - can be interpreted in a different way. If I look at it now I 28
 - 29 must have asked the witness do you know something about taking

SESAY ET AL Page 24 OPEN SESSION

- hostages of whatever -- have you seen something of --1
- 2 0. Well, with respect, Miss Hatt, interpretation of issues
- 3 that aren't there is not really what we're here for, is it? Can
- you just confirm yes or no that this statement makes no reference
- 10:35:59 5 to any UNAMSIL hostages, any hostages at all? It doesn't, does
 - it?
 - 7 It says that there are UN vehicles that are driven by RUF
 - 8 soldiers, but it doesn't mention that there were hostages on the
 - 9 truck, in the back of the truck.
- 10:36:22 10 Q. You see, what I'm --
 - PRESIDING JUDGE: Just a minute, please, Mr Cammegh. 11
 - 12 Please. You see, I'm very hesitant as to what we should call
 - that document, that statement. From the explanation she has 13
 - given is it her report? Do we qualify it as her report or a 14
- 10:36:44 15 witness statement?
 - MR CAMMEGH: It's a witness statement, Your Honour. 16
 - 17 PRESIDING JUDGE: Yes, it's a witness statement but, from
 - 18 what she said, she recorded it and she treated it as her own
 - report at that stage. But I'm just trying to clarify matters. 19
- 10:37:00 20 But the answer to this is clear and that is that nowhere in this
 - 21 report is there any mention of hostages.
 - MR CAMMEGH: Absolutely. 22
 - PRESIDING JUDGE: UNAMSIL hostages having been taken. 23
 - MR CAMMEGH: Absolutely. 24
- 10:37:18 25 PRESIDING JUDGE: Is that the point you're making?
 - MR CAMMEGH: It is. 26
 - JUDGE BOUTET: More precisely, there's no specific 27
 - reference to the word "hostages". That's what you're saying? 28
 - MR CAMMEGH: Absolutely right. Your Honours, this isn't 29

SESAY ET AL Page 25 OPEN SESSION

- new because I cross-examined on this last year, I believe. But 1
- 2 on the 31st of February when TF1-119 was interviewed and a
- 3 statement was taken by Ms Parmar the same applies. I'm going to
- go into that point now, if I may.
- 10:37:54 5 0. You see, what I'm suggesting, Miss Hatt, is that this
 - witness could not possibly have told you anything about UNAMSIL 6
 - 7 hostages, naked white men or a convoy of lorries. It was so
 - 8 significant that you would surely in your guise as an experience
 - 9 investigative judge, dealing with child soldiers and their
- 10:38:14 10 experiences as child soldiers -- you would surely have written
 - 11 that down or made at least some reference to it. I'm suggesting
 - 12 it was never said.
 - 13 I would just say that he didn't -- I would come back to the
 - 14 point that this was just at the end of the interview and it was
- 10:38:46 15 just to see if this witness might -- can tell more details about
 - the abduction of UN peacekeepers, which he gave here the 16
 - 17 information that he has maybe seen something. But I didn't
 - 18 interview him on this. I wouldn't go into details. Not at all.
 - I knew this was a witness that could be called again and that if 19
- 10:39:09 20 the Prosecution needs more information about this specific thing
 - 21 one could do a second interview with him. So this is the reason
 - 22 why I focussed on the other thing.
 - As I mentioned at the beginning of the today, I didn't -- I 23
 - had to reduce my interviews with children. You can't talk for 24
- 10:39:35 25 hours with them. They can't concentrate for such a long time.
 - That's why I had to focus on the important points. I couldn't go 26
 - to every important thing that they would tell into details. 27
 - Miss Hatt, I can assure you this is a very important point 28
 - 29 and, with respect, I don't think you've answered my question.

SESAY ET AL Page 26 OPEN SESSION

1 I'm suggesting to you that this witness who you've told us you

- 2 recall interviewing, from whom you took a very detailed
- 3 statement, said nothing to you about witnessing a convoy of
- UNAMSIL hostages. I'm suggesting to you that that was never 4
- 10:40:14 5 said.
 - 6 PRESIDING JUDGE: She has said yes. She didn't take
 - 7 anything on that and she has provided some explanation.
 - 8 JUDGE BOUTET: She has told you she is not 100 percent
 - 9 sure.
- 10:40:31 10 PRESIDING JUDGE: She couldn't be very sure. It's a
 - 11 difficult situation, I appreciate it, but this is, from what she
 - 12 has said, concentrating on child soldiers and not necessarily on
 - 13 that, which of course was equally important. It was equally
 - 14 important. But she says she left that because her time was
- 10:40:56 15 limited. She left that for the Prosecution to get further
 - details in subsequent interviews if they so desired. Apparently 16
 - she had an agenda at the time. This is what I'm discerning from 17
 - 18 the evidence which she is giving.
 - MR CAMMEGH: Well, Your Honour, I understand entirely the 19
- 10:41:16 20 difficulties of interviewing these young people.
 - 21 PRESIDING JUDGE: It's a difficult situation, we
 - understand. I know your case is focussed on that. I know. 22
 - MR CAMMEGH: But of course the point I'm seeking to raise 23
 - is that Miss Hatt is questioning a boy about his experiences as a 24
- 10:41:32 25 child soldier and I am simply attempting to establish that one of
 - 26 those experiences he claimed to have had in oral testimony (a)
 - 27 was not covered in his original statement and (b) I'm seeking to
 - establish why it wasn't covered. Your Honours have the point 28
 - that we are driving at recent fabrication. 29

SESAY ET AL Page 27 OPEN SESSION

- Can I just, before I finish, I'm very nearly finished --1 Q.
- 2 can I just ask you to consider this: As I hinted out just now,
- 3 this witness did give a supplementary statement to Prosecution
- counsel Sharan Parmar on 31st of February last year. So that
- 10:42:19 5 would be, what, five months or so after your interview. It's a
 - short statement and at the end of it the witness says this: "I 6
 - 7 heard about the attacks on the UN peacekeepers when I was at an
 - 8 interim care centre. I saw rebels wearing UN caps and driving UN
 - 9 vehicles. We knew that the rebels had attacked the UN."
- 10:42:48 10 Now, given that very brief reference to the RUF capturing
 - 11 peacekeepers, given that once again that disclosure makes no
 - 12 reference to having witnessed, visibly, hostage taking himself,
 - 13 does that help you answer the question whether or not he told you
 - 14 anything about witnessing hostage taking?
- 10:41:15 15 [HS280405B-RK]
 - No, it does not help me to remember if he told me more than 16
 - what I wrote down here. 17
 - 18 All right. But you see the point, don't you, that when the
 - witness gives oral testimony in July of last year, it is the very 19
- 10:43:33 20 first time such an account is given?
 - 21 But it is also probably the very first time that he has
 - been asked details. 22
 - MR CAMMEGH: Well, I've got no further questions. I think 23
 - Mr O'Shea has something to say. Will Your Honours give me a 24
- 10:43:56 25 moment.
 - 26 [Defence counsel confer]
 - 27 MR CAMMEGH: Can I just ask you this -- I promise you this
 - is the last question. 28
 - PRESIDING JUDGE: Never mind. Mr Cammegh, if it is an 29

SESAY ET AL Page 28 OPEN SESSION

- important issue. Do not rush over it. I'm sure Ms Hatt has all 1
- 2 the time, you know, at least up until 11.00. Please, it is an
- 3 important issue.
- 4 MR CAMMEGH: Yes. I did say I would try not to be more
- 10:44:45 5 than half an hour.
 - Presumably it is you who decides when the interview should 6 Q.
 - 7 come to a close and it is you who decides whether or not a topic
 - 8 should be investigated further or further questions should be
 - 9 asked about a certain topic; is that right?
- 10:45:04 10 Α. Yes.
 - 11 The topic concerning UNAMSIL hostages was clearly the last
 - 12 thing that was discussed between you. Why did you choose to end
 - 13 the interview there rather than ask one or two questions of
 - 14 clarification which could have added to the statement?
- 10:45:29 15 I don't know what my motivation at that time was, but for
 - me, I would say it was because it was at the end of the interview 16
 - and this wasn't the main focus of the interview. I must have 17
 - 18 decided that I would come -- if this would be of importance for a
 - witness statement, then one could do it in an additional 19
- 10:45:57 20 statement.
 - 21 All right. So does it come to this: That whatever the
 - witness told you about the UN didn't at that time appear to you 22
 - to be significant enough to be followed up with further 23
 - 24 questions?
- 10:46:11 25 I doesn't mean. No, I wouldn't say that it wasn't
 - significant enough. It was not my focus of the witness. I chose 26
 - 27 this witness to tell me about use of child soldiers during the
 - war. And if this witness has additional information on other 28
 - 29 counts, it is up to the Prosecution to decide if they want to use

SESAY ET AL Page 29 OPEN SESSION

- 1 this witness also or for other counts.
- 2 MR CAMMEGH: All right. Yes, Your Honours, I don't think I
- 3 have anything further. I hope that created the picture. Thank
- 4 you.
- 10:47:49 5 [Trial Chamber confer]
 - 6 PRESIDING JUDGE: Learned counsel, the Chamber will rise
 - 7 for just a couple of minutes. We shall be back very, very
 - 8 shortly. Thank you.
 - 9 [Recess taken at 10.50 a.m.]
- 11:03:14 10 [On resuming at 11.00 a.m.]
 - JUDGE THOMPSON: Learned counsel for the first accused and 11
 - 12 also for the second accused, the Chamber would grant you leave to
 - 13 ask any questions of this witness relating to the first part of
 - 14 her testimony, not having anything to do with the statement on
- 11:03:55 15 which Mr Cammegh has cross-examined.
 - MR JORDASH: I have no questions. 16
 - JUDGE THOMPSON: Thank you. What about you, Mr Touray. 17
 - 18 MR TOURAY: None, Your Honour.
 - JUDGE THOMPSON: Thank you. 19
- 11:04:43 20 PRESIDING JUDGE: We shall not be asking the -- the
 - 21 Prosecution to re-examine either, because this witness was called
 - by the Court at the instance of the third accused, so we are not 22
 - 23 granting any right to re-examination to the Prosecution as far as
 - this matter is concerned. 24
- 11:05:10 25 Well, Ms Hatt, we thank you very much for accepting our
 - invitation for you to come and clarify these issues which you 26
 - 27 lived through and we are very thankful for the testimony which
 - 28 you've given to the Court and which you can be sure would go a
 - 29 long way to assisting us to arriving at what we would consider

SESAY ET AL Page 30 OPEN SESSION

- 1 the proper verdict in this matter. We thank you for the
- 2 cooperation and we wish you a very safe journey back to your
- 3 country.
- Criminal prosecutions, as you very well know have very 4
- 11:05:59 5 funny twists here and there, so although we're releasing you,
 - we're not excluding a further possibility of your being called 6
 - 7 back here. We're not saying that it would happen, but it could
 - 8 well happen for you to come and clarify certain issues. If we
 - 9 come to that, the right channels will present the usual appeal
- 11:06:25 10 from the Court to you and I am sure that you would grant us your
 - cooperation, as usual, by making yourself available. But let me 11
 - 12 say this: We are not there yet. It is just to prepare your
 - 13 mind, because at the time you were taking these statements, I do
 - 14 not think that you ever thought you would be called here to give
- 11:06:48 15 evidence. It happened once. It could very well happen some
 - other time. So thank you and we wish you a very safe journey 16
 - 17 back to your station.
 - 18 THE WITNESS: Thank you, Your Honour.
 - [The witness withdrew] 19
- 11:07:35 20 PRESIDING JUDGE: Mr Santora.
 - 21 MR SANTORA: Good morning, Your Honours. Your Honours,
 - before the Prosecution calls the next witness, which is the 30th 22
 - witness, which is pseudonym TF1-114, I wanted to apply to the 23
 - 24 Chamber that the protective measures regarding this witness's
- 11:07:58 25 identity be lifted.
 - PRESIDING JUDGE: We would like your application to be done 26
 - in the presence of the witness. So can you call the witness in, 27
 - 28 please.
 - MR SANTORA: Yes, Your Honours. 29

SESAY ET AL Page 31 28 APRIL 2005

	1	JUDGE BOUTET: Do we need to put the
	2	MR SANTORA: Maybe perhaps we would put the curtains up at
	3	this point before the application is decided upon, because of
	4	course his coming in would nullify the measure anyway.
11:08:22	5	JUDGE THOMPSON: Quite right.
	6	PRESIDING JUDGE: Let the curtains be drawn. But you
	7	appreciate that why we want the application to be made in the
	8	presence of the witness.
	9	MR SANTORA: I completely understand.
11:08:37	10	PRESIDING JUDGE: He is a person who is protected and we
	11	want him to follow, so we will to the application that is being
	12	made by the Prosecution.
	13	MR SANTORA: I understand, Your Honour.
	14	[The witness entered court]
11:08:48	15	[At this point in the proceedings, a portion of the
	16	transcript, pages 32 to 38, was extracted and sealed under
	17	separate cover, as the session was heard in camera]
	18	
	19	
	20	
	21	
	22	
	23	
	24	
	25	
	26	
	27	
	28	
	29	

SESAY ET AL Page 39 OPEN SESSION

1 [Open session] 2 JUDGE THOMPSON: Mr Walker, let the witness be sworn, 3 please. 4 MR JORDASH: There is something wrong with this. I'm 11:26:58 5 getting intermittent words. 6 JUDGE THOMPSON: Yes, would the technical experts help us 7 with the -- is it only Mr Jordash who is in this predicament? 8 Then it may well be that something has gone wrong with it. MR WALKER: Your Honour, I don't think there is anything we 9 11:27:28 10 can do immediately. I think we'll probably have to rise. JUDGE BOUTET: Maybe you can use the one behind you and see 11 12 from there. Can you use that one for the time being and at the break we'll make sure the proper one is repaired. 13 MR JORDASH: Thank you. 14 11:27:51 15 JUDGE BOUTET: So this ad hoc arrangement is working? MR JORDASH: Yes, it is, thank you. 16 JUDGE THOMPSON: Let the witness be sworn, please. 17 18 WITNESS: TF1-114 [sworn] [Witness answered through interpreter] 19 12:00:38 20 JUDGE THOMPSON: Mr Santora, proceed with your 21 examination-in-chief. MR SANTORA: Thank you Your Honours. Your Honour, this is 22 the 30th Prosecution witness, formerly TF1-114, and at this point 23 24 I'll be referring to him by his name, Mr Denis Koker. 12:00:38 25 THE WITNESS: Yes, sir. JUDGE BOUTET: How do you spell Koker? 26 MR SANTORA: K-O-K-E-R. 27 EXAMINED BY MR SANTORA: 28

Mr Koker, I'm going to ask you some questions.

29

Q.

SESAY ET AL Page 40 OPEN SESSION

- 1 Α. Yes, sir.
- 2 Q. And I want you to answer my questions slowly and do not
- 3 rush your answers.
- Yes, sir, yes, sir. Α.
- 12:00:38 5 0. Where were you born, Mr Koker?
 - 6 I was born in Jimmi Bagbo, Bo District. Α.
 - 7 Q. Did you ever go to school?
 - 8 PRESIDING JUDGE: Can we have the spelling of that town.
 - MR SANTORA:
- 12:00:39 10 Q. Yes, please --
 - Jimmi Bagbo, Bo district, Southern Province. 11 Α.
 - 12 PRESIDING JUDGE: Mr Santora, you warned the witness about
 - 13 speaking too fast --
 - MR SANTORA: I will try to comply with my own instructions, 14
- 12:00:39 15 Your Honour.
 - PRESIDING JUDGE: Yes. 16
 - MR SANTORA: 17
 - 18 Q. Mr Witness, have you ever gone to school?
 - Yes, sir. 19 Α.
- 12:00:39 20 Q. How far did you get in school?
 - 21 Α. I reached form five.
 - Can you read and write? 22 Q.
 - 23 I can try a little bit. Α.
 - 24 And which languages are you familiar with? What languages Q.
- 12:00:40 25 can you speak?
 - Well, I do speak Krio. I speak Mende. Well, little by 26
 - little, I speak English. 27
 - 28 Mr Witness, do you remember the time of the 1997 AFRC coup
 - in Sierra Leone? 29

SESAY ET AL Page 41 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. At this time where were you?
- 3 PRESIDING JUDGE: Please, Mr Santora, would you --
- MR SANTORA: Sorry.
- 12:00:40 5 PRESIDING JUDGE: Um-hum.
 - MR SANTORA:
 - Q. At this time, where were you living?
 - 8 I was in Freetown here, Juba, workshop. Α.
 - 9 Q. What were you doing for work at this time?
- 12:00:40 10 Α. During that time I was an artist in the army.
 - When you say an artist for the army can you explain for the 11
 - 12 Court what you mean?
 - Yes, sir. I was assigned [as interpreted] writer for the 13
 - 14 Sierra Leone Army.
- 12:00:40 15 PRESIDING JUDGE: Sign writing? Is it signs?
 - THE WITNESS: Sound. 16
 - PRESIDING JUDGE: Sound. 17
 - 18 THE WITNESS: Sound writer, decorative aspect.
 - MR SANTORA: 19
- 12:00:40 20 You mean a sign, as a sign you see posted? Q.
 - 21 Α. Yes, a sound writer.
 - PRESIDING JUDGE: Spell it. 22
 - THE WITNESS: S-O-U-N-D, sound writer. 23
 - MR SANTORA: 24
- 12:00:40 25 Mr Witness, for those of us not familiar with what a sound Q.
 - writer is, can you tell the Court what that means? 26
 - Yes, sir. Well, like myself, if the country want to make a 27
 - military crest on a vehicle, on a clothes, I draw the crest. I 28
 - 29 write bearing Sierra Leone military force. Any decorative

SESAY ET AL Page 42 OPEN SESSION

- aspect, I was responsible for that, responsible for decoration. 1
- 2 0. Mr Witness?
- 3 Α. Yes, sir.
- Do you remember the time of the ECOMOG intervention in 0.
- 12:00:41 5 February 1998?
 - 6 Yes, sir. Α.
 - 7 Q. At the time of the intervention, were you still living in
 - 8 Freetown?
 - 9 I was here when the intervention was started, but later I
- 12:00:41 10 went upcountry.
 - From Freetown, where did you go first? 11 Q.
 - 12 Α. Masiaka.
 - 13 Q. Were you alone or were you with other people when you left
 - 14 Freetown?
- 12:00:42 15 Α. We were many. We were in a convoy.
 - After Masiaka, where did you proceed to? 16 Q.
 - To Makeni, sir. 17 Α.
 - 18 Q. And after Makeni, where did you proceed to?
 - We went to Magburaka, from Magburaka we went to Kono. 19 Α.
- 12:00:42 20 Q. When you arrived in Kono, were you still in the convoy?
 - 21 Α. Yes, sir.
 - You stated you arrived in Kono. Can you tell the Court 22 Q.
 - 23 precisely where you mean in Kono?
 - 24 Α. Yes, sir.
- 12:00:42 25 Where was that? Q.
 - Well, when we arrived in Kono, for some time we stopped at 26 Α.
 - 27 Mortema. Later we went to the Guinea Highway, that was where we
 - were. About four days we went to Kailahun, Guinea Highway. 28
 - 29 MR O'SHEA: Could we just have the translation repeated,

SESAY ET AL Page 43 OPEN SESSION

- 1 because the way the translator said it, wasn't very clear exactly
- 2 what he was saying. Particularly about four days, when he said
- 3 "about four days," I wasn't sure what that was relating to.
- JUDGE THOMPSON: Would the Translation Unit please tell us.
- 12:00:43 5 PRESIDING JUDGE: Before they went to Kailahun?
 - 6 MR CAMMEGH: Could we also have the location immediately
 - 7 before Guinea Highway. I don't have that.
 - 8 JUDGE THOMPSON: Translation unit, please repeat the answer
 - 9 of the witness.
- 12:00:43 10 THE INTERPRETER: Mortema, Mortema.
 - MR SANTORA: I was going to proceed to clarify the response 11
 - 12 anyway.
 - JUDGE THOMPSON: Go ahead. 13
 - 14 MR SANTORA:
- 12:00:43 15 Q. You stated that you arrived in Mortema?
 - Yes, sir. 16 Α.
 - Can you tell the Court where Mortema is exactly in the Kono 17
 - 18 district?
 - Yes, sir. As you're trying to enter Kono, when you are in 19
- 12:00:43 20 Koidu Town, it is the first area that you pass through to enter
 - 21 the centre of Koidu Town.
 - Mr Koker --22 Q.
 - 23 Yes, sir. Α.
 - -- when you arrived in Mortema, who did you arrive there 24
- 12:00:44 25 with?
 - We arrived there with JP Koroma, Johnny Paul Koroma. Of 26
 - course I was with Collins. I was with Eldred Collins' vehicle, 27
 - Eldred Collins. And Issa was in Kono. Ex-General Issa was in 28
 - Kono. Morris Kallon was in Kono. Denis Mingo, alias Superman, 29

SESAY ET AL Page 44 OPEN SESSION

- 1 was in Kono. Ex-Honourable Gullit was in Kono. One of my
- 2 friends Honourable Hector was in Kono. Pa Morlai, he was one of
- 3 the ex-Honourables of the AFRC. He was also in Kono.
- Mr Witness -- Mr Koker, sorry. 0.
- 12:00:45 5 Α. Yes, sir.
 - How long did you stay in Mortema, exactly? 6 Q.
 - 7 We were in Mortema -- we were there for about two to three
 - 8 to four hours because when we arrived there, there was an attack.
 - So we stopped there with JP Koroma. All of us were gathered in 9
- 12:00:45 10 one place. Still fighting was going on in Koidu Town. There was
 - fighting between the junta and the Kamajors. 11
 - 12 Q. After Mortema where exactly did you proceed to?
 - 13 After Mortema we went to the Guinea Highway. That is where
 - 14 we were, that is in Koidu Town, Guinea Highway.
- 12:00:45 15 Q. And how long did you stay in Koidu Town in Guinea Highway?
 - Well, first we were there for two days and we went to 16
 - Gandorhun. When we went there, we were attacked by Kamajors then 17
 - 18 we returned. We were there for two days. So I can say we took
 - four days before we went to Kailahun. 19
- 12:00:46 20 PRESIDING JUDGE: How do you spell the other town?
 - 21 THE WITNESS: Gandorhun.
 - JUDGE BOUTET: Mr Santora, do you have the spelling of that 22
 - 23 town?
 - 24 MR SANTORA: I have a spelling that I believe may be
- 12:00:46 25 correct. I believe it is G-A-R-D-O-N, but I will get a location
 - for reference. 26
 - Mr Koker, how far away is Gandorhun from Koidu Town? 27 Q.
 - Well, roughly it could be 7 miles. Α. 28
 - MR SANTORA: Your Honours, I was corrected on the spelling 29

SESAY ET AL Page 45 OPEN SESSION

- 1 by my colleague. It is G-A-N-D-O-R-H-U-N.
- 2 PRESIDING JUDGE: That is Gandorhun.
- 3 MR SANTORA:
- Mr Koker? Q.
- 12:00:47 5 Α. Yes, sir.
 - 6 I'm going to ask you some questions about the approximate Q.
 - 7 four days you spent between Koidu and Gandorhun.
 - 8 Yes, sir. Α.
 - 9 What were some of the things you observed while you were
- 12:00:47 10 there?
 - I saw a lot of things, but I can explain some of them, 11
 - 12 those that are important for the benefit of this country. I saw
 - a lot of things that happened there. Shall I begin? One, I saw 13
 - 14 houses being burnt. When I asked, they said, General Issa has
- 12:00:47 15 passed an order that there should be an operation called No
 - Living Thing. 16
 - JUDGE THOMPSON: You're going at a very fast pace. 17
 - 18 MR SANTORA:
 - Slow down and I will ask you questions specifically instead 19 Q.
- 12:00:47 20 of you having to explain everything.
 - 21 Α. Yes, sir.
 - You said the first thing you saw was houses being burnt? 22 Q.
 - 23 Yes, sir. Α.
 - 24 Where precisely did you see houses being burnt? Q.
- 12:00:47 25 I, with my time, went round, because I went round to know Α.
 - what brought this war, while people are just deserting. I went 26
 - through Kono and saw houses burnt. 27
 - When you say you went through Kono, are you referring to 28
 - 29 Koidu or --

SESAY ET AL Page 46 OPEN SESSION

- Α. Koidu, yes, sir. 1
- 2 0. Who was burning the houses?
- 3 Well, both the RUF and the AFRC, our brothers, they were
- responsible for burning the houses.
- 12:00:48 5 0. Aside from the burning of houses, what is another thing
 - that you saw while you were in this area for four days? 6
 - 7 They damaged the bank and took money from there. I saw the
 - 8 money. The one I saw and counted, it was over 18 bags, those big
 - 9 rice bags. A lot of money. A lot of money.
- 12:00:48 10 PRESIDING JUDGE: About how many rice bags, 18 or what did
 - 11 you say?
 - 12 THE WITNESS: The one that I counted, it was 18 bags. A
 - 13 lot of money.
 - PRESIDING JUDGE: Rice bags, you say?
- 12:00:49 15 THE WITNESS: Filled bags, yes, sir. Yes, sir. And I saw
 - corpse, corpses of civilians. I saw those on the street. They 16
 - 17 were not combatants.
 - 18 MR SANTORA:
 - Did you see anything else happening to the civilians? 19
- 12:00:49 20 Yes. They captured civilians and abducted them. Women Α.
 - 21 were made -- turned to their wives. The men they were used to
 - carry load for them. The children --22
 - 23 What about the children? 0.
 - The children some were with them, the women. They turned 24 Α.
- 12:00:49 25 them to domestic servants.
 - Mr Koker, you said "them." Who were you referring to? Who 26 Q.
 - did this? 27
 - It was the commanders, the commanders, the stronger ones, 28
 - those who are stronger than us. While we were going. Of course, 29

SESAY ET AL Page 47 OPEN SESSION

- 1 Morris Kallon had a lot of children. They were not his. Issa,
- 2 sitting over there, had a lot of children. They were not his.
- 3 So and so that is the way it happened.
- Mr Koker --0.
- 12:00:50 5 Α. Yes, sir.
 - 6 -- when you saw these things happening, who was the top Q.
 - 7 commander present?
 - 8 The top commander on the ground, it was Issa,
 - 9 ex-General Issa.
- 12:00:50 10 Q. Who is ex-General Issa?
 - Look at him over there, sitting with the yellow shirt. 11
 - 12 You stated that there were other commanders present as
 - 13 well; is that correct?
 - Yes, sir. I saw Morris Kallon also. He is also sitting 14
- 12:00:50 15 over there.
 - 16 [HS280405C 12.00 - AD]
 - Mr Koker --17 Q.
 - 18 Α. Yes, sir.
 - -- when these things were happening to the civilians did 19
- 11:57:07 20 any of the commanders try to stop them from happening?
 - 21 They did not stop. If you even tried to stop it they kill
 - you. Because during that time they thought that what they were 22
 - 23 doing was the best thing. They forgot that Geneva protocol
 - 24 talked about this thing. There are treaties against those
- things. They were just doing it the way they had wanted to do 11:57:35 25
 - 26 it.
 - JUDGE THOMPSON: [Microphone not activated] 27
 - MR SANTORA: Yes, Your Honour. I will intervene when it 28
 - 29 gets too fast.

SESAY ET AL Page 48 OPEN SESSION

1 JUDGE THOMPSON: Thank you. Let's take it back when they

- 2 couldn't stop these happenings or these incidents.
- 3 MR SANTORA: Perhaps I can have him repeat his answer
- 4 slower.
- 11:58:11 5 JUDGE THOMPSON: Yes, quite -- slowly.
 - 6 MR SANTORA: Mr Koker, can you repeat your answer slowly so
 - the judges can understand?
 - 8 I will try, sir. Α.
 - 9 Q. Go ahead and repeat your answer please.
- 11:58:31 10 During that time they could not stop. What they had wanted
 - was what they wanted to be. They forgot that there were 11
 - conventions. Geneva Convention, it has its own protocols which 12
 - stated the laws as to how people could go to war. So, anybody 13
 - who adventured --14
- 11:58:56 15 THE INTERPRETER: Wait. Wait.
 - MR SANTORA: Let them catch up. 16
 - Yes, sir. 17 Α.
 - 18 Q. Mr Koker --
 - Yes, sir. 19 Α.
- 11:59:55 20 -- before we move on from this area I just want to ask you Q.
 - 21 one more question.
 - Yes, sir. 22 Α.
 - 23 You stated that there was a commander named Denis Mingo,
 - alias Superman, present among the other commanders; is that
- 12:00:17 25 correct?
 - 26 Yes, sir. It was Superman that attacked Kono; he was the
 - 27 operator.
 - Mr Koker --28 Q.
 - A. Yes, sir. 29

SESAY ET AL Page 49 OPEN SESSION

- 1 Q. -- were did you go to after Kono?
- 2 Α. As I have explained, after Kono we came to Gandorhun.
- 3 After Koidu Town, we came to Gandorhun.
- Mr Koker, after your time in the Kono District, where did Q.
- 12:01:55 5 you go?
 - 6 Yes, sir. We went to Kailahun on foot -- Baoma crossing
 - 7 point.
 - 8 Q. Who were you with when you travelled to Baoma?
 - 9 We travel -- I travelled with Eldred Collins. He was once
- 12:02:47 10 a spokesman -- a former spokesman to the RUF.
 - Mr Koker, when you arrived at Baoma did anything happen to 11
 - 12 you?
 - 13 Α. Yes, sir. [No interpretation] -- the same convoy.
 - PRESIDING JUDGE: He went to Baoma. 14
- 12:03:39 15 MR SANTORA: Your Honour, should I repeat the question?
 - PRESIDING JUDGE: I just wanted to know whether he went to 16
 - Baoma with Collins, a former spokesman of the RUF, I mean --17
 - 18 MR SANTORA: I was going to clarify that as to who
 - exactly --19
- 12:03:59 20 PRESIDING JUDGE: Could you, please?
 - 21 MR SANTORA: Yes, Your Honour.
 - PRESIDING JUDGE: Thank you. 22
 - 23 MR SANTORA:
 - 24 You stated that you went to Baoma with Eldred Collins. Who
- 12:04:14 25 else did you go to Baoma with from Kono?
 - 26 Α. I saw General Issa, ex-General Issa, at Baoma. I saw him
 - there with my eyes. I saw Mr Gbao. Of course, he was the one 27
 - that checked us -- Mr Augustine Gbao. He took my medicine from 28
 - 29 me.

SESAY ET AL Page 50 OPEN SESSION

1 PRESIDING JUDGE: When he says "medicine", what is he

- 2 referring to as "medicine"?
- 3 MR SANTORA:
- Can you tell the Court what you mean by "medicine"? Q.
- 12:05:11 5 Α. Yes, sir.
 - Q. What was it?
 - 7 The medicines that were given to me from 34 medicine [as
 - 8 interpreted], because blood was oozing from my ear. So my ear
 - had a problem. I had eardrops. He took it all from me; he said 9
- 12:05:35 10 it was government property.
 - Mr Koker, you stated that one Augustine Gbao took your 11
 - 12 medicine. Who was Augustine Gbao?
 - 13 Okay, thank you, sir. Augustine Gbao -- he was an
 - intelligence officer. He was the intelligent IO for the 14
- 12:06:23 15 whole movement. He was the MIB; he was the sort of MIB leader.
 - MR CAMMEGH: Does the witness mean he was an "intelligence" 16
 - officer rather than an "intelligent" officer? 17
 - 18 JUDGE THOMPSON: I am sure it is "intelligence".
 - PRESIDING JUDGE: That is what we have it as. We have it 19
- 12:06:57 20 as an intelligence officer. And he followed it by saying it is
 - 21 an MIB.
 - MR SANTORA: Yes, Your Honours. I was going to ask him to 22
 - 23 explain.
 - What is MIB? 24 Q.
- 12:07:09 25 MIB -- military investigation and broadcasting, Α.
 - intelligence military officer. Mr Gbao, we met him as 26
 - intelligent military officer, chief intelligent military officer. 27
 - To clarify, Mr Koker, the incident where Augustine Gbao 28
 - took your ear medicine, this occurred at Baoma; is that correct? 29

SESAY ET AL Page 51 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. After Baoma, where did you proceed to?
- 3 Α. After Baoma we went to Kailahun. Right inside my
- compound -- Ngobeh's compound.
- 12:08:47 5 PRESIDING JUDGE: Right inside whose compound?
 - THE WITNESS: Ngobeh's compound.
 - 7 MR SANTORA:
 - 8 Mr Koker, when you say you arrived at Kailahun, are you Q.
 - 9 referring to Kailahun Town?
- 12:09:13 10 Α. Yes, sir.
 - 11 Q. About how long did you stay in Kailahun Town?
 - 12 Well, I just slept there. Early in the morning I was given
 - arms to escort it. That was General Issa. 13
 - MR SANTORA: I would like to get the translation again 14
- 12:09:53 15 because I clearly heard that it wasn't -- there was something.
 - Perhaps you can respond to the question again. About how 16 Q.
 - 17 long did you stay in Kailahun Town?
 - 18 I slept there one day; for one day.
 - And then what happened next? 19 Q.
- 12:10:17 20 The following morning -- the following morning I was given Α.
 - 21 an AK58 to carry to escort ammunition to Jokibu. I told them I
 - am a soldier. They said no and I was taken. I also joined the 22
 - convoy. I was put in a white motor car, which was a Land 23
 - 24 Cruiser.
- 12:10:50 25 PRESIDING JUDGE: He said that he was there for one night
 - and the following morning he was given AK what? 26
 - MR SANTORA: AK58. 27
 - PRESIDING JUDGE: To do what; to escort what? 28
 - THE WITNESS: To escort ammunition at frontline. 29

SESAY ET AL Page 52 OPEN SESSION

- MR SANTORA:
- 2 Q. So where exactly did you go then?
- 3 Α. From Kailahun we went to Jokibu, three miles from Bunumbu.
- About how long did you stay in Jokibu? 0.
- 12:12:13 5 Α. Well, Jokibu, I did not stay there long. I was taken back;
 - 6 I was given sick leave. I went to -- I didn't stay long at
 - 7 Jokibu. They just gave me sick pass. I went to Buedu for
 - 8 medical check up.
 - 9 After your arrival in Buedu for your medical check up, what
- 12:13:13 10 happened next?
 - When I reached Buedu I alone heard the voice. When I went 11
 - 12 to Buedu, I went directly to Eldred Collins to go and meet him
 - 13 for my bag. When I went there, I found out that he has taken my
 - 14 bag and my money. There was a sum of 8 million. This money was
- 12:13:43 15 to send to my mother who was a refugee in Guinea. So he held me.
 - I was taken to MP and beaten and that I had overlooked him. I 16
 - was put in gaol. 17
 - 18 Where exactly did this beating take place?
 - PRESIDING JUDGE: Is the witness saying that he had --19
- 12:14:10 20 THE WITNESS: At the MP office.
 - 21 PRESIDING JUDGE: Is the witness saying that he had a bag
 - 22 which he left with Collins, and that in that bag he had 8 million
 - 23 Leones?
 - MR SANTORA: Yes, Your Honour. 24
- 12:14:30 25 THE WITNESS: Yes, sir.
 - PRESIDING JUDGE: And he was to do what with 8 million 26
 - Leones, to give to who? 27
 - THE WITNESS: I was to send it to my mother who was a 28
 - 29 refugee in Guinea. All the soldier money I had worked I brought

SESAY ET AL Page 53 OPEN SESSION

- 1 to that camp.
- 2 JUDGE BOUTET: And the camp was in Buedu.
- 3 MR SANTORA: I think he was stating that this incident --
- he was brought to Buedu. He was referring that this occurred in
- 12:15:25 5 Buedu. That was going to be my next question, just to clarify.
 - Mr Koker, did this incident, your arrest, occur in Buedu? 6 Q.
 - 7 No, Buedu, Kissi Tongi Chiefdom, Kailahun District.
 - 8 Buedu -- 15 miles from Kailahun.
 - 9 Q. About how long were you detained at the MP office in Buedu
- 12:16:29 10 for?
 - Okay. I was taken there at night. I was given 150 lashes. 11
 - 12 In the morning, I was removed to make a place for court marshal.
 - 13 I slept in the cell for just one night, yes.
 - 14 Q. Were you then released?
- 12:17:24 15 I was not released. When we came we met General Mosquito
 - and ex-General Issa. They were all sitting. So Mosquito asked, 16
 - "What happened?" 17
 - PRESIDING JUDGE: Slow. 18
 - THE WITNESS: He asked, "What happened to this gentlemen? 19
- 12:17:38 20 He does not have clothes on him." I said, "Collins has detained
 - 21 me. He has made them to beat me." He said what did I do; he
 - said they went against me. 22
 - 23 THE INTERPRETER: Slow down. Talk slow.
 - 24 Yes, sir. So I explain the situation to Mosquito. I even
- 12:18:04 25 said when I tell Collins I was a politician he made them to judge
 - 26 on me. So Mosquito said I should be released; it was not right
 - 27 that I was detained. So, for that reason he was going to make me
 - an MP. That was how I became MP at Buedu. That was the day that 28
 - Mosquito declared and made me MP and said I should take a room at 29

SESAY ET AL Page 54 OPEN SESSION

1 the MP office. I had a room there, because I had nobody --

- 2 THE INTERPRETER: Slow, slow.
- 3 MR O'SHEA: Can my learned friend please control the
- witness?
- 12:18:46 5 JUDGE THOMPSON: Yes, quite.
 - PRESIDING JUDGE: He is really rattling.
 - 7 JUDGE THOMPSON: Mr Santora, please take control of your
 - 8 witness.
 - MR SANTORA: I will.
- 12:19:14 10 Q. Mr Koker, when you explain something --
 - Yes, sir. 11 Α.
 - 12 JUDGE BOUTET: Can I suggest, Mr Santora, that you go back
 - 13 to the time he was taken to -- Mosquito and ex-General Issa were
 - 14 sitting. From there he went on and I have lost it.
- 12:19:19 15 MR SANTORA: I will.
 - You said that you were taken to Mosquito and ex-General 16
 - Issa; is that correct? 17
 - 18 Α. Yes, sir.
 - And then that Mosquito ordered your release; is that 19
- 12:19:31 20 correct?
 - 21 PRESIDING JUDGE: He asked him first of all what happened.
 - THE WITNESS: He asked me what happened and I explained. 22
 - And they said it was a wrong detention I was given. So for that 23
 - 24 reason he was going to make me an MP.
- 12:20:28 25 PRESIDING JUDGE: MP, that is a military police?
 - THE WITNESS: Yes, sir. 26
 - MR SANTORA: 27
 - So after Mosquito said he was going to make you an MP, did 28
 - 29 you become an MP?

SESAY ET AL Page 55 OPEN SESSION

- 1 Yes, sir. I was made an MP and they handed over an office Α.
- 2 to me and I was given two Nigerian POWs.
- 3 Mr Koker, please try to answer the question as precisely as
- I ask it; just the question I ask. You became an MP officer.
- 12:21:33 5 Α. Yes, sir.
 - As an MP officer in Buedu who were you reporting to? Q.
 - I was reporting to Captain Alex Alie.
 - 8 In Buedu at this time when you were assigned as an MP Q.
 - officer who was the overall commander in Buedu?
- 12:22:22 10 The overall commander inside the movement, you mean him?
 - It was General Mosquito. 11
 - 12 In Buedu during this time were there other commanders
 - 13 present as well?
 - Yes, sir. The deputy was Issa. Morris Kallon was another 14
- 12:23:21 15 commander. Even myself, I had my own friend who was a commander,
 - Edward Kanneh. 16
 - Who is Edward Kanneh? 17
 - 18 Edward Kanneh was AFRC resident minister. He was in the
 - Sierra Leone armed forces. He was a Colonel. 19
- 12:24:54 20 PRESIDING JUDGE: Resident minister where?
 - 21 THE WITNESS: Eastern province, Kenema. Pa Kosia was
 - there; he was ex-lieutenant Kosia. 22
 - 23 What group was Pa Kosia with?
 - It was in the advisory committee. He was not a combatant; 24
- 12:25:49 25 he was in the advisory committee.
 - Mr Koker, you stated that General Mosquito was the overall 26
 - commander of the movement. What do you mean by the "movement"? 27
 - Very good. Why did I say "movement"? Because this was a 28
 - group of people who have made their own self government. They 29

SESAY ET AL Page 56 OPEN SESSION

1 were subjected to Mosquito. They were answerable to Mosquito;

- 2 everybody was answerable to Mosquito.
- 3 0. Mr Koker --
- Yes, sir. Α.
- 12:27:10 5 0. -- was Edward Kanneh part of this movement?
 - Yes, sir. Α.
 - 7 Q. Mr Koker --
 - 8 Α. Yes, sir.
 - 9 Q. Your job as an MP officer in Buedu, can you tell the Court
- 12:27:51 10 what were your duties exactly, and slowly?
 - Yes, sir. I was an MP adjutant. I was taking care of the 11
 - 12 entire MP office to make sure that people were detained the right
 - 13 way. I was interpreting fundamental rights and torture,
 - 14 molestation against humanity in the war field. And I was also
- 12:28:37 15 responsible for giving pass to people to get free passages to go
 - from one point to another. I give out passes. When I make a 16
 - pass, I send it to Mosquito, Mosquito approves the pass then you 17
 - 18 have got clearance to move about without any molestation or
 - intimidation. That was my work. I was taking care of prisoners 19
- 12:29:12 20 of war also.
 - 21 Q. Who were the prisoners of war?
 - The prisoners of war are the ECOMOGs that were fighting 22 Α.
 - against us when they were captured at the battle front. Those 23
 - were the prisoners of war. 24
- Aside from ECOMOG prisoners, were there any other prisoners 12:29:50 25 Q.
 - in Buedu? 26
 - 27 Yes, sir. We met some of their own friends also who were
 - in detention -- Fayia Musa, Dr Barrie, Deen-Jalloh and Gbassay. 28
 - 29 Q. At this time in Buedu, were there civilians present?

SESAY ET AL Page 57 OPEN SESSION

- THE INTERPRETER: My Lord, let counsel repeat the question. 1
- 2 Α. Buedu inside --
- 3 JUDGE BOUTET: Repeat your question.
- MR SANTORA:
- 12:31:08 5 0. At this time when you were at Buedu, were there civilians
 - present? 6
 - 7 Yes, sir. Most of them, I removed them. It was I who said
 - 8 civilians should not be put here in unlawful detention. Most of
 - 9 them I took away I explained to them.
- 12:31:31 10 You stated that you explained about unlawful detention of
 - civilians. Were there civilians detained in Buedu? 11
 - 12 Yes, sir. Yes, sir. There was a eight year girl whom they
 - 13 said was a witch; there was a seven year boy whom they said was a
 - 14 witch. They were with us for six months.
- 12:32:36 15 Q. Mr Koker, what was happening to the civilians in Buedu at
 - this time? 16
 - 17 During this time the civilians were not at peace because
 - 18 they had suppressions during that time. The civilian life was
 - like a slave. Even myself, I was confused. 19
- 12:33:39 20 Q. Mr Koker, what do you mean life was like a slave for the
 - 21 civilians?
 - Yes, sir. Thank you, sir. The life that was there, they 22
 - 23 worked and were never paid. They do work in the farms for
 - 24 commanders. They would announce that this commander -- this
- 12:34:34 25 commander has found four civilians and they should come here
 - tomorrow and to come and work for them. Not on salary; they were 26
 - working for nothing. When a civilian hides, they might go and 27
 - 28 gather all his property and come with it to the MPs, to me.
 - Okay. You said that they were forced to work for no pay; 29

SESAY ET AL Page 58 OPEN SESSION

- is that correct?
- 2 Α. Yes, sir.
- 3 0. Can you approximate how many civilians were captured in
- Buedu were working for no pay around this time?
- 12:35:25 5 MR O'SHEA: Just a moment please. I am not sure we are
 - quite there -- of civilians having been captured and being forced 6
 - 7 to work.
 - 8 JUDGE BOUTET: He said that they were slaves as such. So I
 - 9 don't know -- the witness has not used the word "capture". He
- 12:35:51 10 describes their lives to be like slaves.
 - 11 MR O'SHEA: Can the witness take his headphones off for a
 - 12 moment?
 - JUDGE THOMPSON: Please ask the witness -- Mr Witness, 13
 - 14 remove your headphones. Yes, counsel
- 12:36:03 15 MR O'SHEA: Well, Your Honour, the witness was asked what
 - he meant by "slave". He said that they worked but they were not 16
 - paid. My learned friend then added the use of the word "forced", 17
 - 18 and then later added the use of the word "captured". So, yes,
 - the word "slave" has been used, but I would not imply from that 19
- 12:36:37 20 that we can move to "capture", respectfully. I mean the witness
 - 21 has his own understanding of the word "slave" and we as lawyers
 - have our own understanding of the word "slave". What I am saying 22
 - is that we can't assume that it is the legal meaning of the word. 23
 - JUDGE THOMPSON: This witness more or less said that the 24
- life of a civilian was that of a slave and that is the thesis 12:37:04 25
 - from which it would seem as if counsel is trying to build up the 26
 - next line of evidence. Perhaps counsel might want to reformulate 27
 - 28 that. I think he is entitled to develop the concept. According
 - 29 to the answer, a civilian was like a slave, and I think it is

SESAY ET AL Page 59 OPEN SESSION

- 1 from that counsel is trying to build up --
- 2 MR O'SHEA: But not develop it through leading questions.
- 3 JUDGE THOMPSON: No, certainly not. But it is important
- that he should expand that idea in terms of concrete --
- 12:37:47 5 MR O'SHEA: That is not my objection.
 - JUDGE THOMPSON: Yes, quite.
 - JUDGE BOUTET: What is your objection exactly?
 - 8 MR O'SHEA: My objection is the leading nature of the
 - 9 question. What I am saying is that we are not at the stage where
- 12:38:01 10 this witness has said that these civilians were captured.
 - JUDGE THOMPSON: No, but I think counsel was trying to 11
 - 12 expand the notion -- this comparison between the life of a
 - 13 civilian --
 - [Overlapping speakers] 14
- 12:38:14 15 JUDGE BOUTET: I have in my note that the witness has said,
 - when they escaped they hide, and they would take their property. 16
 - So if you escape maybe you can argue that you escape even though 17
 - 18 you are not captured, whatever it means. I mean, I don't see it
 - to be leading, to be honest with you. I think he is just trying 19
- 12:38:35 20 to clarify the issue. If you have a problem with the word
 - 21 "capture", I think it can be reformulated to avoid any
 - significant problems. 22
 - 23 PRESIDING JUDGE: Are you suggesting that to be used as a
 - slave you need to be captured first? 24
- 12:38:49 25 JUDGE THOMPSON: That --
 - MR O'SHEA: No, I am suggesting that we take the parameters 26
 - 27 of the evidence according to what the witness is has said thus
 - far and not move it a step further. That is all. 28
 - JUDGE THOMPSON: My difficulty with that is that if the 29

SESAY ET AL Page 60 OPEN SESSION

1 witness has volunteered this comparison, is counsel for the

- 2 Prosecution not entitled to expand on it if he thinks that
- 3 clarification is necessary?
- MR O'SHEA: Yes.
- 12:39:17 5 JUDGE THOMPSON: Isn't that what he is trying to do? And
 - 6 unless he leads then it would seem that this is a very legitimate
 - 7 question.
 - 8 MR O'SHEA: There is leading and there is leading, Your
 - 9 Honour.
- 12:39:29 10 JUDGE THOMPSON: I see.
 - MR O'SHEA: He is describing them as "captured"; the 11
 - 12 counsel is describing them as "captured".
 - 13 Anyway, I think --
 - JUDGE THOMPSON: I think he can reformulate it. Quite
- 12:39:37 15 frankly, I think it is a permissible question unless he goes
 - beyond what the witness has volunteered. 16
 - MR O'SHEA: Well I will not pursue it further, but I would 17
 - 18 prefer if he did reformulate the question.
 - JUDGE THOMPSON: Right. Counsel. 19
- 12:39:53 20 MR SANTORA: I would be happy to reformulate the question
 - 21 to alleviate my learned colleague's concerns -- if I remember the
 - question actually. 22
 - 23 Mr Koker, about how many civilians were being used as
 - slaves? 24
- 12:40:17 25 THE INTERPRETER: My Lord, the witness's headphones are not
 - 26 on.
 - JUDGE THOMPSON: He now has it on. 27
 - MR SANTORA: 28
 - Mr Koker --29 Q.

SESAY ET AL Page 61 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. -- about how many civilians were being used as slaves?
- 3 Α. There were many. I was the one writing their names when
- they reported at MP. There were many. If I say I will list them
- 12:40:49 5 we will finished a whole exercise book. There were many.
 - I want you to try to give an estimate. 6 Q.
 - 7 Α. There were more than 100.
 - 8 Were there more or less than 500? Q.
 - 9 There would be between 100 and 500.
- 12:41:26 10 Q. Where were these civilians from?
 - 11 These civilians were from the whole of the chiefdom, the
 - 12 whole of the Kailahun District. They send message; they say,
 - "Let them come." When they come, they walk for the whole day and 13
 - they go back. They only prepare food for them, no salary. After 14
- 12:42:17 15 working they give you food, and then you walk on foot back. Even
 - if you come 20 miles, you have to walk about 20 miles home. 16
 - Mr Koker, this that you are describing right now occurred 17
 - 18 over how long of a period of time?
 - Well, I will tell the Court that as for me I saw it happen 19
- 12:43:15 20 twice. One was when we were making the playing field where the
 - 21 planes should be falling. Even Issa went there. He told me that
 - we should make people to work there. Issa was on the playing 22
 - field. He had a Suzuki jeep, a green jeep, a small one. 23
 - 24 Mr Koker, how long were you in Buedu for as an MP
- 12:43:50 25 commander?
 - I was not an MP commander; I was just an MP adjutant. 26 Α.
 - 27 Q. How long were you an MP adjutant in Buedu?
 - From '98 to '99. I left Buedu on the 28th of December 1999 28 Α.
 - when General Mosquito went on the 15th. He left us there. There 29

SESAY ET AL Page 62 OPEN SESSION

1 was no command, so I also went to Kailahun. It was nearly two

- 2 years.
- 3 During the course of this two years, were civilians being
- used as slaves throughout this time?
- 12:44:42 5 Yes, sir. Even these commanders had children who would
 - 6 fetch water for their wives, even though they do not take care of
 - 7 their welfare.
 - 8 What do you mean when you said commanders would take women
 - 9 as wives?
- 12:45:12 10 Like General Issa, he had children but they were not his
 - own children, they were people's children. They took them as 11
 - 12 domestic servants. In like manner, Morris Kallon. It was a sort
 - 13 of practice which was prevalent amongst the commanders.
 - 14 PRESIDING JUDGE: [Microphone not activated]
- 12:45:45 15 JUDGE BOUTET: Your question was commanders would take them
 - as wives. Now we are on children. 16
 - MR SANTORA: I know; I was going to --17
 - 18 JUDGE BOUTET: Yes.
 - MR SANTORA:
- 12:46:00 20 I want you listen to the question exactly. Q.
 - 21 Α. Yes, sir.
 - What did you mean when you said commanders would take women 22
 - 23 as wives?
 - 24 Okay. We are fighting a war and because of fighting a war
- you should not rape. You should not take somebody as a wife 12:46:19 25
 - without going through the right procedure. Well, the matters 26
 - came to me as a military police. I reported it to my superiors 27
 - in the military area. In like manner, the children that were 28
 - 29 with them, their matters were brought to me. Matters were

SESAY ET AL Page 63 OPEN SESSION

- 1 brought to me. At times a commander's wife could come and, say,
- 2 detain a child, because the child says he wouldn't like to stay
- 3 with her.
- 4 MR O'SHEA: I am sorry, I cannot keep up. Maybe I am the
- 12:47:04 5 only one, but I can't keep up.
 - 6 JUDGE BOUTET: I don't think you are the only one.
 - 7 PRESIDING JUDGE: You are not the only one, Mr O'Shea.
 - 8 MR SANTORA:
 - Mr Koker, I am ask you again, please talk slowly and just 9 Q.
- 12:47:19 10 answer the question that I ask you.
 - Yes, sir. 11 Α.
 - 12 Q. You said that --
 - 13 I want to drink. Okay.
 - 14 Q. You said that commanders took women as wives; is that
- 12:47:45 15 correct?
 - Yes, sir. 16 Α.
 - What do you mean by that exactly, that commanders took 17
 - 18 women as wives?
 - Okay. What I mean by that, the time that they were in the 19
- 12:48:12 20 power, if they capture a village, after they have captured that
 - 21 village -- they met women there who were under their husbands.
 - 22 They took them from their husbands. They spoil the marriages.
 - 23 The commander with this power could destroy the marriage and take
 - 24 the woman as his wife -- unlawful marriage.
- 12:48:51 25 Q. Where would they take these women to?
 - Most of them were taken to their houses. They used them as 26 Α.
 - their wives. Some will have five, some will have six wives. 27
 - 28 Some they send them to the training ground to train.
 - 29 How did you know that this was happening in terms of seeing Q.

SESAY ET AL Page 64 OPEN SESSION

- commanders with wives?
- 2 Α. It was God who placed me in that position. As MP adjutant
- 3 of everything in the movement, it must be known by the MP office.
- Very slowly. Q.
- 12:50:32 5 Α. Yes, sir.
 - So, from your position as an MP officer in Buedu, how often 6 Q.
 - 7 would it come to your attention that women were being taken as
 - 8 wives by commanders?
 - I was responsible for charging people. I will say this is 9
- 12:51:32 10 a crime, this is not a crime in that time. When a matter is
 - 11 brought to me, I will tell them that this is no legal issue.
 - 12 Well, I send it to my boss man in order for him to take his own
 - 13 decision. It was a matter that was brought to me in my office
 - 14 many times. They told me that they don't want to live with the
- 12:52:00 15 commanders. The commanders will say I should detain them. Well,
 - 16 I tell them I will wait until my commander comes.
 - 17 0. Mr Koker --
 - 18 Α. Yes, sir.
 - Who would come and tell you that they did not want to live 19
- 12:52:18 20 with the commanders? Just answer the question exactly.
 - 21 Α. The individuals -- the individuals will come to the place
 - quarrelling -- serious quarrelling -- The man and the women. The 22
 - 23 man will say, "I don't want," the woman would say, "I don't want
 - the man." While the man would want to use married women because 24
- 12:52:48 25 he was in position. So it was through that I managed to
 - know the way the situation was going and it wasn't correct. Yes. 26
 - So, Mr Koker, when you learned about these women, did you 27
 - report this to your superior? 28
 - Yes, sir, my boss. That was why I was not comfortable with 29

SESAY ET AL Page 65 OPEN SESSION

- 1 the movement. Any woman that came to the MP, he must want to
- 2 share a bed with her. He was a well-known man for that in the
- 3 Kailahun District, to have sex with little children. He was very
- popular for those acts.
- 12:53:45 5 0. Mr Koker --
 - 6 Α. Yes, sir.
 - 7 PRESIDING JUDGE: Wait.
 - MR SANTORA: 8
 - You said that some people were sent for training. 9 Q.
- 12:54:10 10 PRESIDING JUDGE: He said it was very popular for that.
 - What is that? 11
 - THE WITNESS: Well --12
 - PRESIDING JUDGE: You wait. Yes. 13
 - MR SANTORA: 14
- 12:54:30 15 Q. Who was popular, as you said, for sex with children?
 - That was Tom Sandy; I was answerable to Tom Sandy. 16 Α.
 - JUDGE BOUTET: Tom Sandy was your boss? 17
 - 18 THE WITNESS: Yes, sir.
 - MR SANTORA: 19
- 12:55:34 20 Q. Mr Koker --
 - 21 PRESIDING JUDGE: Mr Santora, we have only five minutes to
 - go. Can you come to the end of this episode? 22
 - 23 MR SANTORA: I think I can wrap up the direct examination
 - within seven minutes. 24
- 12:55:53 25 PRESIDING JUDGE: Right.
 - MR SANTORA: 26
 - Mr Koker --27 Q.
 - Yes, sir. 28 Α.
 - -- you said some people were sent for training. 29 Q.

SESAY ET AL Page 66 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. Please listen to the question. Who were sent for training?
- 3 Α. Well, I witnessed -- Morris Kallon came with a group of
- people at the MP office to us, and myself, took the people to
- 12:56:35 5 Tom Sandy. I witnessed that twice when Morris Kallon came with a
 - group of people. 6
 - 7 You said Morris Kallon came with a group of people. Q.
 - 8 Yes, sir, a group of people. He was the battle field
 - 9 commander during that time.
- 12:57:35 10 Q. Who was this group of people?
 - 11 Okay. There were men, there were women, men above 30
 - 12 years, men below 20, below 15, women below 15, men below 20.
 - 13 That is what I meant; that is why I said a group of people.
 - 14 Q. What happened to these people, exactly?
- 12:58:29 15 Α. Sometimes -- we took down the names and we sent them to the
 - base to be trained as combatants to fight. 16
 - 17 You said that some of these people were under 15; is that
 - 18 correct?
 - Yes, sir. 19 Α.
- 12:58:50 20 How do you know that? Q.
 - 21 Α. Okay. Well, I was somebody that was trained before I went
 - there, so I know how to allocate ages. See. I myself 22
 - interviewed the children as they were approached to the place 23
 - 24 because I knew that one day an international court would be
- brought. I had that idea. 12:59:22 25
 - JUDGE BOUTET: Carry on. 26
 - MR SANTORA: 27
 - 28 You said that some of these people were then sent to
 - 29 training.

SESAY ET AL Page 67 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. Where exactly were they sent to training?
- 3 Α. It was in Bunumbu. I think four miles from Kailahun --
- Bunumbu training base.
- 13:00:18 5 0. During the time you were in Buedu as an MP officer can you
 - approximate about how many people were sent to train? 6
 - 7 Well, that's why I have sworn to the Bible. I don't want
 - 8 to lie here. I used to allocate them. During that three years
 - 9 they have trained people over from 100 to 500. There were more
- 13:01:07 10 than that. So when they were ready to come with them they came
 - with a very big convoy. They came with them in that way. They 11
 - 12 have trained over 500 within the three years.
 - 13 Of those that were sent to train, about how many were under
 - the age of 15, approximate? 14
- 13:01:46 15 15 years, because during the three years that I spent
 - there -- 15-year-old boys, I will say it was equal because they 16
 - were very glad to use guns, to be bodyguards to the commanders. 17
 - 18 Q. Mr Koker --
 - Yes, sir. 19 Α.
- 13:02:11 20 -- you said to approximately 100 to 500 people were sent Q.
 - for training; is that correct? 21
 - Yes, sir. It is correct, sir. 22 Α.
 - 23 About how many of those, approximately, were under the age
 - of 15? 24
- 13:02:37 25 Okay. I would say 45 per cent, 45 per cent. They were
 - happy that they were trained to hold guns. They had their SB 26
 - 27 unit, the small boys unit.
 - 28 Q. Mr Koker --
 - 29 Α. Yes, sir.

SESAY ET AL Page 68 OPEN SESSION

- Q. -- I have one more question for you. 1
- 2 Α. Yes, sir.
- 3 PRESIDING JUDGE: Or two if it is not well answered.
- 4 MR SANTORA:
- 13:03:36 5 0. Hopefully one question for you. You said that some of the
 - commanders had civilians working on their farms. Can you name 6
 - 7 some commanders that you remember that had farms with civilians
 - 8 working on them?
 - 9 Yes, sir. Because, as I am speaking here, I used to
- 13:04:11 10 investigate. Morris Kallon had a farm. I went to his farm. It
 - was down the road. I went there, I went through. That time I 11
 - went to fetch wood. Okay, Dr Fabai, he had farms. Then one of 12
 - my cousins who was a civilian, in fact, he used to sleep in his 13
 - 14 farm.
- 13:04:39 15 Q. One final question. I apologise, Your Honours.
 - PRESIDING JUDGE: Okay, I said so in advance. 16
 - MR SANTORA: 17
 - 18 You stated also that on certain occasions you saw Morris
 - Kallon bring a group of people. Do you know were these people 19
- 13:05:18 20 were from originally?
 - 21 Morris Kallon -- the people that used to bring, they were
 - from all parts of the country. Anywhere they attacked, they 22
 - 23 brought them from different areas they attacked so that they
 - could be trained as soldiers. They were brought from Kono. 24
- 13:06:03 25 Your Honours, I don't have any more questions for the
 - direct examination. Thank you, Mr Koker. 26
 - Yes, sir. I thank you, sir. 27 Α.
 - PRESIDING JUDGE: Mr Witness, it is not over yet. Well, 28
 - 29 learned counsel, we will rise and resume the session at 2.30 p.m.

SESAY ET AL Page 69 OPEN SESSION

1 The Court will rise please. 2 [Luncheon recess taken at 1.06 p.m.] 3 [HS280405D - SV] [Upon resuming at 2.48 p.m.] 4 14:51:06 5 PRESIDING JUDGE: We are resuming the session. Good afternoon, learned counsel. We are at the beginning of the 6 7 cross-examination. Is it Mr O'Shea who is -- is he reversing the 8 order to cross-examine or what? MR O'SHEA: Your Honours, no. I have a very brief and very 9 14:51:38 10 succinct application to make with Your Honours' leave. JUDGE BOUTET: [Microphone not activated] 11 12 MR O'SHEA: Your Honour, during the course of the evidence 13 of this witness the witness referred to the fact that he had met 14 a gentleman called Augustine Gbao and that Mr Augustine Gbao had 14:52:08 15 removed his medicine from him which consisted of eardrops and basically said to him, "This is government property" and stole 16 17 it. 18 My simple application is this: That that evidence paints a picture of my client having a spiteful nature. In that sense it 19 14:52:36 20 is of prejudicial value, but it has absolutely no probative value 21 whatsoever and is not relevant to any count on the indictment. Therefore I ask for it to be excluded under the general 22 discretion of the Court under Rule 89(C). That is my argument. 23 JUDGE BOUTET: Under 89(C)? 24 14:52:58 25 MR O'SHEA: Yes. I say 89(C) because 89(C) says, "A Chamber may admit any relevant evidence." And it is my 26 27 submission that this is not relevant evidence but that in fact, if I may apply a general principle of law, its prejudicial value 28 outweighs its probative value or its prejudicial effect outweighs 29

SESAY ET AL Page 70 OPEN SESSION

- 1 its probative value.
- 2 PRESIDING JUDGE: Its prejudicial effect outweighs its
- 3 probative value?
- 4 MR O'SHEA: Your Honour, yes. If I could just make it
- 14:53:57 5 clear, I'm not asking that the reference to Augustine Gbao be
 - 6 excluded. Just to make that clear. I'm only asking for the
 - 7 specific incident of the stealing of the medicine to be excluded
 - 8 [Trial chamber confers]
 - 9 JUDGE THOMPSON: May we hear a short response by the
- 14:56:26 10 Prosecution?
 - MR HARRISON: That may be evidence of looting. I'm not 11
 - 12 saying it is. Ultimately that may be the Prosecution's
 - 13 submission to the Court. I'm not saying conclusively it is.
 - 14 JUDGE THOMPSON: In other words, you're saying that it is
- 14:56:40 15 relevant.
 - MR HARRISON: Yes. 16
 - JUDGE THOMPSON: And may have probative value. 17
 - 18 MR HARRISON: Yes.
 - JUDGE THOMPSON: Okay. Short response? 19
- 14:56:49 20 MR O'SHEA: There is no possible way in my imagination that
 - 21 I could attach an individual stealing of some eardrops by one
 - 22 individual from another as coming within the definition of
 - 23 looting.
 - JUDGE THOMPSON: We have decided we will take this 24
- 14:57:20 25 particular application on advisement and come out with an
 - appropriate ruling expeditiously. 26
 - MR O'SHEA: Your Honour, thank you, and I apologise for 27
 - delaying the proceedings. 28
 - PRESIDING JUDGE: No, these are matters of legal interest 29

SESAY ET AL Page 71 OPEN SESSION

1 and I think we are there to do just that and to satisfy the

- 2 parties of their various contentions. It's just normal.
- 3 JUDGE THOMPSON: Thank you. We need to get the witness.
- Let's continue with the proceedings.
- 14:58:45 5 [The witness entered court]
 - 6 JUDGE THOMPSON: Mr Jordash, your witness.
 - 7 MR JORDASH: Thank you, Your Honour
 - CROSS-EXAMINED BY MR JORDASH: 8
 - 9 Q. Mr Koker, just so you understand who I am, I represent
- 14:59:56 10 Issa Sesay and I'd like to ask you a few questions about some of
 - the things you've said. Now, you told us before lunch -- are you 11
 - understanding, Mr Witness? 12
 - 13 [No audible response]
 - 14 PRESIDING JUDGE: Switch on the microphone, Mr Witness.
- 15:00:35 15 MR JORDASH:
 - Now, you told us before lunch, Mr Koker, that you knew 16
 - there was going to be an international court. Do you remember 17
 - 18 saying that?
 - Yes, sir. 19 Α.
- 15:00:49 20 Q. And did you --
 - 21 PRESIDING JUDGE: Mr Jordash, please.
 - MR JORDASH: 22
 - And was it during your time as an MP adjutant that you 23
 - worked out that there was going to be an international court? 24
- 15:01:38 25 PRESIDING JUDGE: Mr Jordash, ask him when he knew that
 - 26 there was going to be an international court. Don't you think
 - it's better put that way? When did he know that there was going 27
 - to be an international court? 28
 - MR JORDASH: I'd prefer to not be --29

SESAY ET AL Page 72 OPEN SESSION

- 1 PRESIDING JUDGE: Go directly. Okay. Go ahead.
- 2 MR JORDASH: I do want to finish this afternoon, if I can.
- 3 JUDGE BOUTET: We would appreciate it.
- MR JORDASH: So would my legs.
- 15:02:07 5 0. Did you realise that when you were an MP adjutant; that
 - 6 there was going to be an international court?
 - 7 Well, I have known about international court. The time I
 - 8 was in school I was in Amnesty International. I am an activist,
 - 9 Group B, Sierra Leone.
- 15:03:14 10 Q. What does Group B stand for?
 - 11 Well, Amnesty International is a broad international
 - 12 organisation. You have West African members. You have East
 - 13 African members. You have South African. Sierra Leone, we
 - ourselves, we had a lot of members. So the members were divided 14
- 15:03:37 15 into groups. We have Group A and Group B. So I belonged to
 - Group B. 16
 - 17 Okay. So how long were you involved with Amnesty?
 - 18 Well, since I started in Form 2 they started sending me
 - newsletters. I also was sending newsletters nearly three years; 19
- 15:04:27 20 Form 2, Form 3 and Form 4.
 - 21 So it's right to say then you had, at the time of your
 - living in Kailahun, already a history of working for human 22
 - rights; is that right? 23
 - I attended a province school, a notable school, sons of 24
- 15:05:07 25 chiefs and nominees.
 - 26 So following the time after the junta had been ejected from
 - 27 Freetown, soon after that when you began your job as an MP
 - adjutant did you approach your job with human rights in mind? 28
 - Yes, sir. 29 Α.

SESAY ET AL Page 73 OPEN SESSION

Q. So you worked hard to protect civilians in Kailahun; is 1

- 2 that right?
- 3 A. Yes, sir. I even have evidence towards it from United
- Nations. I would be able to produce a recommendation from United
- 15:06:24 5 Nations to the effect in this Court.
 - Do you have that with you in Freetown, Mr Koker, this 6
 - 7 proof?
 - 8 Yes, sir. Α.
 - 9 MR JORDASH: May I have a look at that, Your Honours,
- 15:06:44 10 please?
 - JUDGE BOUTET: Well, you've asked the question, so.
 - 12 PRESIDING JUDGE: You've asked the question and he's
 - 13 produced a document, so.
 - 14 [Document shown to Mr Jordash]
- 15:07:51 15 MR JORDASH: I don't know if Your Honours want to see
 - these --16
 - PRESIDING JUDGE: The Prosecution, you know. I don't think 17
 - 18 the Prosecution has seen those documents.
 - MR JORDASH: If I could just take a brief note.
- 15:08:26 20 THE WITNESS: I even have a picture.
 - 21 PRESIDING JUDGE: Mr Jordash, he has an album for you.
 - You're not interested in the album? 22
 - MR JORDASH: I'm happy to look if the witness wants me to 23
 - look at it. 24
- 15:09:22 25 JUDGE BOUTET: He does but I'm not sure if this is
 - relevant. But, whatever it is --26
 - MR JORDASH: Perhaps I can assist in casting some light on 27
 - 28 the contents. They are references which this witness, Mr Koker,
 - has received during his employment as chief of security post the 29

SESAY ET AL Page 74 OPEN SESSION

1 period which we are dealing with. So they're not strictly

- 2 relevant to his job as MP adjutant.
- 3 JUDGE BOUTET: Your question was quite vague too. You
- asked the question that you worked hard, isn't it, to protect
- 15:10:02 5 civilians in Kailahun. Well, his answer is, yes, and I have
 - 6 evidence to support that.
 - 7 MR JORDASH: Well, it doesn't support it.
 - JUDGE BOUTET: Well, I don't know. 8
 - JUDGE THOMPSON: And my view would be along the same lines,
- 15:10:11 10 that having seen the document now you might advise yourself to
 - 11 abandon that line.
 - MR JORDASH: I don't advise myself so. 12
 - 13 JUDGE BOUTET: But presumably you want to confine that to
 - the time the witness was the MP adjutant and take him there. 14
- 15:10:27 15 MR JORDASH: Yes, that's what I was hoping to do.
 - PRESIDING JUDGE: As adjutant he approached his job -- as 16
 - an MP adjutant he approached his job with human rights 17
 - 18 preoccupations in his mind.
 - MR JORDASH: Yes. 19
- 15:10:52 20 JUDGE BOUTET: Well then take the witness back at that
 - 21 time. Otherwise --
 - MR JORDASH: I will continue then, with Your Honours' 22
 - 23 leave.
 - 24 Those documents you've just handed to me, Mr Koker, relate
- 15:11:05 25 to --
 - Yes, sir. 26 Α.
 - 27 Q. Relate to your occupation in 2001; is that not right?
 - Yes, sir. 28 Α.
 - 29 Q. The period I'm interested in is when you arrive in Kailahun

SESAY ET AL Page 75 OPEN SESSION

in 1998 and your time with the rebels then and in 1999; okay?

- 2 Α. Yes, sir.
- 3 0. Now, would it be fair to say that you did everything you
- could as an MP adjutant to make the lives of civilians more

15:12:04 5 comfortable?

- Yes, I am a protector. Both civilians and military. I 6
- 7 interpret the law, the war law, and implement the law and punish
- 8 the law breakers.
- 9 Q. Well, I'm interested in 98/99?
- 15:12:35 10 Α. Yes, sir.
 - Is that what you're referring to when you say --11 Q.
 - 12 Yes, sir. I give out pass so that there will be free
 - 13 movement without any molestation. We don't molest any human
 - 14 being.
- 15:13:04 15 So you would make sure one way of protecting civilians
 - would be that you would give out passes so that they could pass 16
 - freely from village to village; is that right? 17
 - 18 Yes, sir, because they have -- they are entitled to freedom
 - of movement. The fundamental human rights. They are entitled to 19
- 15:13:30 20 freedom of movement.
 - 21 So if an offence was reported to you you would investigate
 - it with thoroughness; yes? 22
 - 23 Yes, sir. Α.
 - 24 And once you'd investigated a complaint you would pass the Q.
- report to your MP commander; is that right? 15:14:28 25
 - Yes, sir. 26 Α.
 - You mentioned earlier today that if a wife of a commander 27 Q.
 - 28 came to complain you would investigate that complaint; is that
 - right? 29

SESAY ET AL Page 76 OPEN SESSION

- 1 Α. Yes, sir. If from a civilian or a civilian commander,
- 2 through my own commander.
- 3 0. If there was a report about a civilian's property being
- stolen would you investigate that?
- 15:15:53 5 Yes, sir. When that report meets me I will reserve my
 - opinion and wait for my commander. That part, it is being 6
 - 7 handled by my commander because it is above me to use my own
 - 8 discretion.
 - 9 So, to summarise, any alleged offence against a civilian
- 15:16:36 10 during your time as MP adjutant would be investigated by you with
 - the same degree of thoroughness? 11
 - 12 I make sure that the matter is properly investigated. I
 - 13 have command to make, they are to investigate the matter. But I
 - make sure -- as a human being activist I make sure that the 14
- 15:17:13 15 matter is investigated properly in the best way possible.
 - Now, when you first began your job was it around the time 16
 - of March of 1998? 17
 - 18 Α. I started in '98.
 - The first dry season of 1998? 19 Q.
- 15:18:07 20 Yes, sir. Α.
 - 21 Q. And at that time Captain Alex Alie was your immediate
 - superior as the MP commander; is that right? 22
 - Yes, sir. 23 Α.
 - 24 Was Alex Alie replaced by PM Kaisamba, alias Kaisuku? Q.
- 15:19:16 25 Yes, sir. Α.
 - MR JORDASH: I can try to spell that, Your Honours. PM 26
 - 27 Kaisamba is, PM are the initials and then Kaisamba,
 - K-A-I-S-A-M-B-A. 28
 - PRESIDING JUDGE: Alias? 29

SESAY ET AL Page 77 OPEN SESSION

- 1 MR JORDASH: Alias Kaisuku, K-A-I-S-U-K-U.
- 2 Q. Did Kaisuku remain MP commander during your time as MP
- 3 adjutant?
- Yes, sir. Then another person came there who was Tom
- 15:20:21 5 Sandy. He committed and he was detained. Later on he was
 - 6 promoted to deputy to Kaisamba.
 - 7 Q. Sorry, who was detained?
 - 8 Tom Sandy from the training base. By then he was a
 - 9 director at the training base. He committed and he was brought.
- 15:20:54 10 We confirmed it. Later, we don't know what they arrange, he was
 - promoted to 2IC to Kaisamba. So I was answerable to Tom Sandy 11
 - 12 and Tom Sandy to Kaisamba.
 - 13 So when your immediate superior the MP commander had
 - 14 received your report did the MP commander report directly to
- 15:21:46 15 Sam Bockarie?
 - 16 Α. Yes, sir.
 - Did you sometimes report directly to Sam Bockarie? 17 Q.
 - 18 Α. No, sir. I was never given the chance.
 - So it was always the MP commander? 19 Q.
- 15:22:55 20 Yes, sir. Α.
 - 21 Q. Do you know what role, if any, were played by G1 in looking
 - at reports of alleged offences against civilians? 22
 - 23 Well, I was only responsible -- I was a sort of station
 - 24 officer. That question, I feel it is not for me. It is above
- 15:23:43 25 me. That is the answer for the MP commander. I was only dealing
 - within the MPs, and what happened there I'll forward my report. 26
 - 27 Q. Thank you. Now, is it right that you also received reports
 - 28 from the Bunumbu training base?
 - 29 Α. Yes, sir.

SESAY ET AL Page 78 OPEN SESSION

1 Q. Is it right that the reports would come from the training

- 2 base and include such things as illness of the recruits?
- 3 Α. Well, I usually see the recruits, the way they would come
- with them, their conditions as I saw them. It was very, very
- 15:25:07 5 sorrowful because I also passed through a recruit station in the
 - military, you see. So there was a report at one time when I was 6
 - 7 not even given a chance to listen to it which was about murder
 - 8 which concerned a woman we detained, one of the women who was a
 - 9 strong trainer, one Liberian mercenary - according to the source.
- 15:25:36 10 When they came, they came to fight there - who was called Oma
 - Monica. I detained her at Buedu. And Tom Sandy himself, the 11
 - same case brought him to MP. I detained them. But that time 12
 - 13 they were brought, the MP commander took the matter, they discuss
 - 14 it with Mosquito. So I was just given instruction that these
- 15:26:11 15 people had been confirmed. These are the reports that came from
 - them, but we were investigating. I tried to know the result but 16
 - I was not able to get the result, not till I see Tom Sandy as MP 17
 - 18 2IC.
 - So just so we can understand this, are you saying that 19
- 15:26:36 20 Monica was investigated by the MP office?
 - 21 Yes, sir. She was in the cell. The only thing I used to
 - open her, she goes attend court and come back. Later on I was 22
 - told that this woman should be released, so I released her. 23
 - PRESIDING JUDGE: He certainly has not answered that 24
- 15:27:05 25 question. I'm not sure he has understood your question. So the
 - question was if she was investigated by, and the answer we get is 26
 - that she has been detained. So to me it's not the same. 27
 - THE WITNESS: It was not me. Those above us, the MP 28
 - 29 superior who were in charge, they investigated the matter. They

SESAY ET AL Page 79 OPEN SESSION

1 discussed the matter with Mosquito. That was why I said it was

- 2 above me.
- 3 MR JORDASH:
- 4 Okay. And was the matter that was investigated Monica 0.
- 15:27:43 5 assaulting a woman?
 - 6 That is why I have pointed out to the Court when they knew Α.
 - 7 that I was trying to investigate to bring justice --
 - 8 Just pause there, Mr Witness. I'm trying to ask what it Q.
 - 9 was that Monica was investigated for. Was it an assault or an
- 15:28:15 10 alleged assault upon a woman?
 - No, sir. 11 Α.
 - 12 Q. What was this that she was investigated for?
 - 13 It was a small problem in the place. We heard that firing
 - 14 was opened on somebody because they themselves were trying to
- 15:28:42 15 hide what actually happened. But, according to how I
 - investigated it from the recruits that they came with and 16
 - detained, they said firing was -- somebody opened firing in the 17
 - 18 training base.
 - And on this particular occasion with Monica you were 19
- 15:29:09 20 bypassed and it went straight to the MP commander. Is that what
 - 21 you're saying?
 - I'm trying to tell the Court that even if you are Superman, 22
 - if you go to Buedu you have to bring your arms to me for 23
 - 24 protection within the community. Why I was doing it was for you
- 15:29:35 25 not to take this arm to shoot at somebody. When they are ready
 - to go I give them back the arms. When you come to Buedu I ask 26
 - 27 you first for your pass and if I approve I allow you where you
 - are. Then I allow you to go where you want to go to. I have 28
 - that power. I can dispatch you to go to your own locality. 29

SESAY ET AL Page 80 OPEN SESSION

- Q. Just listen to the question, Mr Koker, if you would. 1
- 2 Α. Yes, sir.
- 3 0. Was it sometimes the case that you would be bypassed and
- the investigation would be conducted by the MP commander?
- 15:30:15 5 Α. Yes, sir.
 - Would this be the case for more serious alleged offences? 6 Q.
 - 7 Well, so far as my own little military idea, I saw -- I'd Α.
 - 8 seen they didn't want me to know what was happening. That is why
 - 9 it was happening. Because I myself was a station officer. In
- 15:31:15 10 fact, they should give station -- I should have station report
 - 11 before giving message to Mosquito. But the way they are carrying
 - these instructions, I was surprised too. Really, I didn't know 12
 - 13 most of them.
 - 14 Okay. And the Monica you referred too, was she a commander Q.
- 15:31:33 15 at the training base at Bunumbu?
 - 16 Α. Yes, sir.
 - The training commandant? Was she the training commandant 17
 - 18 at Bunumbu?
 - She was one of the commanders. 19
- 15:32:21 20 Was it also the case that captives brought to Buedu -- let Q.
 - 21 me start that again.
 - 22 Α. Yes, sir.
 - Was it also the policy to report to Mosquito through the MP 23
 - 24 commanders all issues about captives brought to Buedu?
- 15:33:09 25 Yes, sir. They were first brought to the office, to us in Α.
 - the office for safekeeping. So the report now then goes to 26
 - 27 Mosquito through the commander.
 - Is it also the case that the fate of prisoners of war were 28
 - determined by Sam Bockarie? 29

SESAY ET AL Page 81 OPEN SESSION

- No, sir. According to my own experience -- according to my 1 Α.
- 2 own experience, three people determine the fates of prisoners of
- 3 war. Ex-General Issa is one, Mosquito is two and Mike Lamin
- three. 4
- 15:35:09 5 0. How many times do you estimate that the fate of prisoners
 - 6 of war were decided by ex-General Issa during your time as MP
 - 7 adjutant?
 - 8 I've been there when he was visiting there. He has been
 - 9 visiting there and he has been giving order to remove them. When
- 15:35:48 10 I come, he tells me that the fight is serious and that he has
 - come with this. He talks a lot. And at times Issa comes, 11
 - 12 Mike Lamin comes. I remove them and after addressing them,
 - 13 telling me what he has in mind for them, and later I put them in
 - 14 again. I have been there several times.
- 15:36:09 15 So you have a clear recollection, do you, of Issa Sesay
 - speaking to you about his role determining the fate of prisoners 16
 - of war? 17
 - 18 Yes, sir. Issa, I met him -- they were gods. They were
 - gods. We met them there as if they were gods. 19
- 15:36:44 20 Well, Mr Witness, I'm asking you if you have a clear
 - 21 recollection of specific instances when this happened with
 - Issa Sesay. Do you have a recollection of specific instances? 22
 - Yes, sir. 23 Α.
 - 24 And are those instances something which you wouldn't Q.
- forget? 15:37:20 25
 - They are there, sir. I can talk about one, sir. 26 Α.
 - 27 Q. Before you do talk, because I know you're keen to, I'd like
 - to refer you to your statement which you made to the Prosecution. 28
 - 29 Α. Yes, sir.

SESAY ET AL Page 82 OPEN SESSION

1 Q. Now, do you recall meeting the Prosecution in March of 2003

- 2 to give your version of events?
- 3 Α. Yes, sir.
- Do you recall that meeting, 26th of March 2003? 0.
- 15:38:08 5 Α. March 26th 2003, yes, sir. One Mr Morie Lengor. I went to
 - 6 UNAMSIL office. So UNAMSIL team leader called me and said what
 - 7 I've been crying for, the time has now come. Now he's
 - 8 recommending me to come and give statement and guarantee me. So
 - 9 I had to give witness statement and I told them, after taking the
- statement from me, let me be face to face with the people because 15:38:36 10
 - the part I was playing, I was not hiding. 11
 - 12 PRESIDING JUDGE: [Microphone not activated] take too long.
 - 13 Narrow him down.
 - MR JORDASH: I will. 14
- 15:38:52 15 PRESIDING JUDGE: Narrow him down to main issues. He's
 - making lengthy speeches. 16
 - MR JORDASH: I appreciate that. I'm not encouraging it, I 17
 - 18 hope.
 - Mr Koker, did you give your statement -- which language did 19
- 15:39:12 20 you give your statement in?
 - It was in Krio. 21 Α.
 - And did you sign the statement --22 Q.
 - 23 Yes, sir. Α.
 - 24 -- when you had finished? Q.
- 15:39:29 25 Α. Yes, sir.
 - 26 Q. Was it a true and accurate reflection of what you say
 - happened? 27
 - 28 Α. Yes, sir.
 - 29 Q. Doing your best to be honest and truthful?

SESAY ET AL Page 83 OPEN SESSION

- 1 I am a faithful Christian so anything I say here I'm saying
- 2 it for God's sake. I am not doing it for money. I'm doing it
- 3 for God. For my nation.
- Well, I'm sure your nation is grateful, Mr Koker. But
- 15:40:29 5 let's just look at the statement. Did you have the opportunity
 - 6 to read the statement or have it read to you after it had been
 - 7 finished?
 - 8 It was read to me.
 - 9 Did you listen with care to make sure it accurately
- 15:40:49 10 reflected what you had to say?
 - 11 Α. Yes, sir.
 - 12 Do you remember meeting the Prosecution in 2004 here at the Q.
 - 13 Special Court to go through that statement?
 - 14 Α. Yes, sir.
- 15:41:27 15 Q. In fact it's right, isn't it, Mr Koker, that in fact you
 - gave two statements in March of 2003; is that right? 16
 - 17 Α. Yes, sir.
 - 18 And then you came to the Special Court in 2004, the date of
 - that is the 4th of February 2004, and you went through both 19
- 15:41:57 20 statements with the Prosecution; is that right?
 - 21 Special Court, where am I now. It was not February. It
 - was April. 22
 - 23 Well, I'm talking about 2004, Mr Witness. I know you went
 - through --24
- 15:42:19 25 Α. 2004, yes.
 - 26 Q. Do you remember that?
 - Yes, sir. That's Boi-Tia. 27 Α.
 - And do you remember going through the statements again in 28 Q.
 - April of this year? 29

SESAY ET AL Page 84 OPEN SESSION

- 1 Α. April this year I went through the statement, yes, sir.
- 2 0. And what was the purpose of going through the statement,
- Mr Koker, as you understand it?
- 4 Okay. The reason is what I saw was plenty and the people Α.
- 15:43:03 5 that went and made a statement, obtained a statement from me,
 - they repeated to ensure that what I said was true.
 - 7 And you had the opportunity to correct or add to those Q.
 - 8 original statements; is that right?
 - Yes, sir. Because you have a lot. Even here, if I have an 9
- 15:43:32 10 opportunity I'll add.
 - If you think of anything you will add, is that so? 11
 - 12 Yes, sir, because I saw a lot.
 - MR JORDASH: Well, Your Honours, page 00003601. Have I got 13
 - the wrong page numbering? 14
- 15:44:04 15 JUDGE BOUTET: Yes, you do. It should be 10771.
 - MR JORDASH: Is the first page 10771. Yes, okay. I'll be 16
 - with you in a minute, Mr Koker. Your Honours, page 10778. 17
 - 18 Now I want to read part of your statement to you,
 - Mr Witness, just to see if it's something --19
- 15:45:12 20 JUDGE BOUTET: Which is what statement?
 - 21 MR JORDASH: It's the follow-up interview with Denis Koker
 - on the 30th of March 2003. 22
 - 23 MR HARRISON: Is it the case you want a copy of the
 - statement given to the witness or not? 24
- 15:45:39 25 MR JORDASH:
 - Well, Mr Koker, do you read English? 26 Q.
 - 27 Α. I do try.
 - MR JORDASH: If he can try it that would be perhaps fairer. 28
 - 29 [Copy of statement shown to witness]

SESAY ET AL Page 85 OPEN SESSION

- 1 Q. Now if you turn, if you would, Mr Koker, to 10778 which is
- 2 a page number probably on the right-hand corner of the page, the
- 3 top right-hand corner. It's page 10778.
- Yes, sir. 4 Α.
- 15:46:42 5 0. Now, second paragraph, and I'm looking at four lines into
 - 6 the paragraph and I'll read it so that you can have a translation
 - 7 as well as trying to read it in English: "Witness said the fate
 - 8 or what happened to the prisoners of war was determined by Sam
 - 9 Bockarie, alias Mosquito. Witness said he had ECOMOG soldiers as
- 15:47:25 10 prisoners, about 11 in number. Said they were not badly treated.
 - With respect to the civilians, he had them when and as they were 11
 - 12 brought. If they killed, Mosquito decided what happened to them.
 - 13 They were killed or released."
 - 14 THE INTERPRETER: The interpreter cannot get the last
- 15:48:03 15 segment of the attorney.
 - MR JORDASH: 16
 - "If they killed, Mosquito decided what happened to them. 17
 - 18 They were either killed or released. Other civilians were given
 - various forms of punishment such as scrapping grass, sent on food 19
- 15:48:20 20 missions et cetera". Did you tell the Prosecution that the fate
 - 21 of what happened to prisoners of war was determined by
 - Sam Bockarie, alias Mosquito? 22
 - 23 Yes, sir. But he was not alone. There were three. Α.
 - 24 Well, I know you say that now, Mr Koker. What I'm Q.
- 15:48:59 25 interested in is why you didn't tell the Prosecution that in
 - 2003? 26
 - 27 Α. Mosquito, he will not take any decision without that man.
 - 28 Q. That's very interesting, Mr Koker.
 - 29 Α. Yes, sir.

SESAY ET AL Page 86 OPEN SESSION

- Q. Why didn't you mention that in 2003? 1
- 2 Α. Because this man is the one that is known. If he and Issa
- 3 arrange while they were in the picture, by my experience, and I
- prove it to be true, Mosquito never decided things without Issa.
- 15:49:44 5 0. So why didn't you say that in 2003?
 - 6 That was why I told them that there were more statement and Α.
 - 7 even today I've told the Court that I can even add my statement.
 - 8 [HS280405E-RK].
 - 9 Q. Okay. I don't think there is any doubt that you can add to
- 15:50:06 10 it, Mr Koker, and I'm sure we're going to see it. But what I'm
 - 11 asking is why didn't you say that in 2003? Is it because you
 - 12 forgot about Mr Sesay's integral role with Mosquito in deciding
 - the fate of prisoners? 13
 - 14 Α. No, I did not forget.
- 15:50:28 15 Q. So why didn't you tell them? [Overlapping microphones]
 - Overall, I told them that directly. It was everything --16 Α.
 - everything it was Mosquito that was known, but there were three 17
 - 18 that determined things that were carried on in the movement.
 - 2004 the lawyer began telling me things that I never experienced, 19
- 15:50:53 20 so I never signed. Hence they said things that I never said.
 - 21 What do you mean in 2004 the lawyer told you things that
 - you hadn't said? What do you mean? 22
 - He read my statement. I asked him if my signature was 23
 - 24 there then I told him that it was not I who said that. He read
- one statement to me which I was not one that made it. I never 15:51:20 25
 - witnessed that incident, in fact. And I told him, I said no. 26
 - Who was that? Do you remember the name? 27 Q.
 - 28 Α. A woman.
 - 29 Q. Do you remember the name?

SESAY ET AL Page 87 OPEN SESSION

1 It was -- it was Boi-Tia that went through my statement. I

- 2 told her that it was not I that made the statement.
- 3 Q. So you're suggesting that Boi-Tia read you a statement
- which wasn't yours and asked you to sign it? Is that what you're
- 15:52:04 5 suggesting?
 - 6 She read the statement to me and I told her that it was not
 - 7 I that made that statement. I said whatever statement I made I
 - 8 will ensure that it is read to me and I will sign. And I want to
 - 9 know if that statement that you're reading to me if my signature
- 15:52:26 10 is there. That was not confirmed to me. That is what I told
 - 11 her.
 - 12 Have a look at 10780 just to see if that is your signature.
 - 13 Is there a signature there? I think --
 - 107 -- 10780. This is not my signature. 14
- 15:53:04 15 JUDGE BOUTET: Mr Jordash, we are still on the first
 - statement of 2003, are we? 16
 - MR JORDASH: Well, I've -- 10780 on my numbering is the 17
 - 18 last page of the --
 - JUDGE BOUTET: But we're still on the statement of 2003? 19
- 15:53:27 20 That's my question.
 - 21 MR JORDASH: Yes, yes.
 - JUDGE BOUTET: Same statement we're talking about? 22
 - 23 MR JORDASH: Yes.
 - 24 JUDGE BOUTET: Thank you.
- 15:53:33 25 MR JORDASH:
 - 26 Q. Can you see a signature there, Mr Koker?
 - This is not my signature. Maybe -- it may be the person 27 Α.
 - that obtained the statement from me. This is not my statement. 28
 - 29 Yes, sir.

SESAY ET AL Page 88 OPEN SESSION

Q. I think you might be right, sir. I think you might be 1

- 2 right.
- 3 JUDGE BOUTET: Are you saying it is not your statement or
- it is not your signature? 4
- 15:54:03 5 THE WITNESS: This is not my signature, yes, sir.
 - 6 MR JORDASH:
 - 7 Okay. Let's just return to the contents of the statement. Q.
 - 8 I'll ask once more and then I will move on. Do you know why it
 - 9 is you didn't say to the Prosecution in 2003 or 2004 or before
- 15:54:34 10 arriving in this Court that Issa Sesay had also determined the
 - 11 fate of prisoners of war?
 - 12 Well, the man that obtained my statement, first of all, I
 - 13 declared myself to him that I was trying to know and myself had a
 - diary. When I explained to him, he told me that -- the thing 14
- 15:55:10 15 does not involve a lot of writing. If I had further evidence, I
 - can recite my opinion when I come to court, I can say things. 16
 - The only thing he need the key points so that I give them to him. 17
 - 18 JUDGE THOMPSON: Mr Jordash, what is the position? Is he
 - acknowledging that this is his statement but that it contains 19
- 15:55:33 20 portions that are not his, that he did not make, because I reckon
 - 21 from the answer he has given he does not acknowledge the
 - signature on that document to be his. That is one aspect. The 22
 - second aspect is he now repudiating the entire statement or parts 23
 - 24 of the statement, because from the exchange between both of you,
- 15:55:58 25 I'm not sure whether I'm satisfied that he is in fact saying this
 - statement is his in its entirety, or that certain portions are --26
 - do not reflect what he said to the Prosecution. Because I'm in a 27
 - 28 quandary here and I think these issues need to be cleared up,
 - 29 because if a witness is being shown a document which he seems to

SESAY ET AL Page 89 OPEN SESSION

- 1 be repudiating either wholly or in part, then it seems to put a
- 2 different complexion on the proceedings.
- 3 MR JORDASH: With all due respect to the Prosecution, this
- 4 could be avoided if they served statements signed by witnesses or
- 15:56:52 5 thumbprinted by witnesses. It is rather unsatisfactory.
 - 6 JUDGE THOMPSON: Well, I'm not going to be dragged into any
 - 7 preliminary judgment. All I wanted to say for my purposes is
 - 8 that I find myself in a quandary if a witness is virtually saying
 - 9 here, first of all, "This is not my signature. I don't
- 15:57:13 10 acknowledge it," and then you refer him to portions of the
 - statement, he virtually gives a story that he in fact did not 11
 - 12 make those portions.
 - 13 MR JORDASH: I will try to clarify.
 - 14 JUDGE THOMPSON: So I want to know what he is doing. Is he
- 15:57:28 15 repudiating the entirety?
 - MR JORDASH: 16
 - Did you sign, Mr Witness, your 2003 statements? Do you 17
 - 18 remember?
 - Yes, sir. I signed. When I signed, I was given 5,000 19
- 15:58:05 20 Leones. It was a small receipt, yellow in colour. I was given
 - 21 5,000.
 - JUDGE BOUTET: You signed a receipt or you signed a 22
 - statement? 23
 - THE WITNESS: Yes, I signed a statement. I signed both the 24
- statement and the receipt. Statement sign; receipt sign; 15:58:19 25
 - received 5,000. 26
 - Now, you didn't sign anything, did you, which didn't 27
 - reflect your story, your version of events? 28
 - 29 Α. Say it again?

SESAY ET AL Page 90 OPEN SESSION

- 1 Q. The statements you signed were your version of events?
- 2 Α. Yes, sir. And that was read to me. When I -- when I said
- 3 there was more, they said, "Well, wait when you go to court."
- Well, just have a look at the paragraph I've read to you, 4 0.
- 15:59:07 5 Mr Koker. Do you recall telling the Prosecution that the fate of
 - prisoners of war was determined by Sam Bockarie, alias Mosquito? 6
 - 7 Α. Yes, sir. He was the head.
 - 8 Do you recall telling the Prosecution that with respect to Q.
 - civilians Sam Bockarie had them when and as they were brought.
- 15:59:47 10 Α. Say it again. Repeat your statement.
 - 11 JUDGE BOUTET: You're reading from the statement so maybe
 - 12 you can just take the witness there. I know you have already
 - 13 asked him, but if you are just repeating the exercise, so as not
 - to confuse the witness, take him there, if I may suggest, 14
- 16:00:02 15 Mr Jordash.
 - MR JORDASH: Certainly, Your Honour. 16
 - I'm looking at the second paragraph, again, Mr Witness, of 17 Q.
 - 18 page 10778. And it is the fourth line into the second paragraph.
 - Yes, sir. 19 Α.
- 16:00:23 20 Let's read it again, so that you are in no doubt? Q.
 - 21 Α. "Witness," can I read?
 - I will read it to you. "Witness said the fate or what 22
 - happened to the prisoners of war was determined by Sam Bockarie, 23
 - alias Mosquito." "Witness said he had ECOMOG soldiers as 24
- 16:00:47 25 prisoners, about 11 in number." Did you say those things,
 - Mr Koker. 26
 - 27 Α. Yes, sir.
 - 28 Reading on. "He said they were not badly treated." Did Q.
 - you say that? 29

SESAY ET AL Page 91 OPEN SESSION

- 1 Α. Yes, sir.
- 2 Q. With respect --
- 3 Α. That's the truth.
- "With respect to the civilians, he had them when and as 0.
- 16:01:13 5 they were brought." Did you say that?
 - Α. Yes, sir.
 - 7 Q. "If they killed, Mosquito decided what happened to them."
 - 8 Did you say that?
 - 9 If they were killed?
- 16:01:34 10 Q. Listen to what it says: "If they killed, Mosquito decided
 - what happened to them." 11
 - 12 JUDGE BOUTET: You may read that, Mr Witness. It is in the
 - 13 statement.
 - THE WITNESS: If they kill -- if they kill in the movement?
- 16:01:52 15 MR JORDASH:
 - I'm reading from your statement, Mr Koker. 16 Q.
 - 17 Α. Yes, sir.
 - 18 JUDGE BOUTET: Look at page 10778 in the middle,
 - Mr Witness -- Mr Koker. 19
- 16:02:01 20 THE WITNESS: Yes, sir.
 - 21 MR JORDASH:
 - It says, "If they," referring to the civilians, "killed, 22
 - Mosquito determined what happened to them." Did you say that? 23
 - 24 Yes, sir. That was what I told the Prosecution. He never Α.
- 16:02:23 25 made a decision without those three people I have called.
 - I think we understand that's what you want to say now. 26 Q.
 - Yes, sir. 27 Α.
 - What I'm asking you is why you didn't say it at the time. 28 Q.
 - 29 Do you understand the point?

SESAY ET AL Page 92 OPEN SESSION

- Yes, sir, it was the people that told me that -- the person 1 Α.
- 2 that was the leader, then I said it was Mosquito that was the
- 3 leader, but I told them that three of them hang it together. It
- was Mosquito that normally came and said things, but all the
- 16:02:59 5 three heads together.
 - So are you saying then, when you told that to the 6 Q.
 - 7 Prosecution, they said to: "You don't worry. We won't put it in
 - 8 your statement. You can tell the Court that instead"?
 - 9 They told me -- they told me that if I had any further
- 16:03:25 10 statement, I can give that to the Court. That's why I told the
 - 11 Court I have a lot.
 - 12 You see, Mr Koker, I suggest that you invented that today
 - 13 because you're determined to implicate Issa Sesay as much as you
 - 14 can? What do you say?
- 16:03:48 15 Α. I involve Issa?
 - 16 Q. Just answer the question?
 - 17 In which way, sir? In which way have I involved Issa?
 - 18 Let me go further, Mr Koker, you're willing to [overlapping
 - microphones] a professional Prosecutor in order to justify your 19
- 16:04:10 20 own lies?
 - 21 I'm not trying to make a challenge. I am trying to say
 - things that I saw. I went there as a soldier. There was 22
 - tension. There are times when Issa was not around, but I was 23
 - there. At times, being a commander he stayed in town, but I saw 24
- it myself. You see. 16:04:28 25
 - 26 Mr Koker, please address yourself to the questions. If you
 - read on through this page, 10778, right, at the bottom of the 27
 - page, your statement says this: "The order to beat people" and 28
 - you're referring, again to prisoners, "The order to beat people 29

SESAY ET AL Page 93 OPEN SESSION

- was often given by Tom Sandy, the MP commander." Did you tell 1
- 2 the Prosecution that?
- 3 Α. [No audible response]
- The last line -- second to last line on that page, 0.
- 16:10:49 5 Mr Witness.
 - Yes, sir. 6 Α.
 - 7 Q. Did you say the order to beat people was often given by
 - 8 Tom Sandy, the MP commander?
 - 9 Α. Yes, sir.
- 16:10:49 10 Q. Why did you not save that for court? Why did you put that
 - in your statement and not just save it so you could tell us here 11
 - 12 today, like missing out Issa Sesay?
 - 13 Issa Sesay, what he did, I saw it with my eyes. What
 - 14 Tom Sandy did I saw it myself.
- 16:10:50 15 Q. Yes, and the difference is you put into your statement what
 - Tom Sandy did, but missed out what Issa Sesay did. Is there a 16
 - reason for that? 17
 - 18 Yes, sir.
 - What is the reason? 19 Q.
- 16:10:50 20 There are things which Issa did which I saw I've not seen Α.
 - 21 them yet. Which I saw myself, I made that in my statement, but I
 - 22 didn't see them.
 - 23 Could you go over that again, please, Mr Witness?
 - 24 Yes, sir. There are things which I saw Issa did; I saw Α.
- 16:10:50 25 them myself, which were well known by everybody in Kailahun.
 - They never -- they did not ask me then -- topic like that, we are 26
 - 27 not trying to discuss about it.
 - The question remains, sir, once more and then I will move 28 Q.
 - on. Why did you include some detail about Tom Sandy, but not 29

SESAY ET AL Page 94 OPEN SESSION

1 very important details about one of the main bosses, according to

- 2 you? Why not?
- 3 This Tom Sandy was the one I reported to. He too reported
- to somebody. I think if Tom Sandy would have been here, he would
- 16:10:51 5 have been able to explain to you the person to whom he was
 - 6 reporting.
 - 7 PRESIDING JUDGE: Wouldn't you think that this is an
 - 8 appropriate issue to address --
 - MR JORDASH: I am moving on. I'm moving on, Your Honour. 9
- 16:10:51 10 PRESIDING JUDGE: -- In addresses.
 - MR JORDASH: That's the witness's answer and I'm happy to 11
 - 12 move on.
 - 13 PRESIDING JUDGE: That way I think we could move, you know,
 - 14 to --
- 16:10:51 15 MR JORDASH: I'm happy to move on, Your Honour.
 - PRESIDING JUDGE: It will be too long now. 16
 - MR JORDASH: 17
 - 18 Is it right, Mr Witness, that child combatants were trained
 - and then sent directly to the commanders who sent them to be 19
- 16:10:51 20 trained.
 - 21 Yes, sir. A common Sierra Leonean can give evidence about
 - it. It is common everywhere. 22
 - 23 PRESIDING JUDGE: Wait. Wait. It is you giving evidence.
 - 24 It is not the common Sierra Leonean; it is you.
- 16:10:51 25 THE WITNESS: Yes, sir.
 - PRESIDING JUDGE: Limit yourself, Mr Koker, you know, to 26
 - the questions which are being addressed to you. Don't deviate or 27
 - 28 get into unnecessary explanations which delay the Court. Do you
 - 29 understand?

SESAY ET AL Page 95 OPEN SESSION

- 1 THE WITNESS: Yes, sir.
- 2 PRESIDING JUDGE: If the Court wants you to explain, we
- 3 would ask for an explanation, but please answer the questions as
- they are put to you, okay?
- 16:10:52 5 THE WITNESS: Yes, sir.
 - PRESIDING JUDGE: You say child combatants were sent back
 - to the commander who sent them for training after the training.
 - 8 MR JORDASH: Yes.
 - THE WITNESS: Yes, sir.
- 16:10:52 10 PRESIDING JUDGE: Yes.
 - MR JORDASH: 11
 - 12 So they would be sent to training by the commander,
 - 13 specific commander. After they finished their training they
 - 14 would go back to the same commander?
- 16:10:53 15 Α. Yes, sir. As SBU, small boys.
 - PRESIDING JUDGE: Would they go back to the same commander 16
 - who sent them for training? 17
 - 18 THE WITNESS: Yes, sir. Yes, sir.
 - MR JORDASH: 19
- 16:11:05 20 Now, I just want to ask you a little about the situation in
 - Kailahun. Now, when you became MP adjutant, you've told us that 21
 - you gave passes to civilians; is that right? 22
 - 23 Yes, sir. Α.
 - 24 Did you give passes to civilians in order for some of them
- 16:11:45 25 to trade?
 - 26 Yes, sir. I gave pass with permission to carry on with
 - 27 business at Dawa, Dawa crossing point.
 - Were some of these? Q. 28
 - 29 PRESIDING JUDGE: He gave these passes to who? Ordinary

SESAY ET AL Page 96 OPEN SESSION

- 1 civilians?
- 2 MR JORDASH: Yes. [Overlapping microphones]
- 3 THE WITNESS: Both civilians and soldiers to do trade at
- 4 Dawa.
- 16:12:27 5 MR JORDASH:
 - And at Dawa were some of these civilians --Q.
 - Α. Yes, sir.
 - 8 Q. -- were they selling farming products?
 - PRESIDING JUDGE: They were selling? 9
- 16:13:07 10 MR JORDASH: Farming products.
 - THE WITNESS: Dawa Road that was where the farm was, Dawa 11
 - 12 Road. The farm as situated by the road. It is not inside Dawa
 - 13 market centre. It passed through Dawa. That was where the farm
 - was located. Dawa itself was a business centre. 14
- 16:13:34 15 Q. So farmers were selling their crops, is this right, during
 - your time as MP adjutant? 16
 - Yes, sir. 17 Α.
 - 18 And did those crops include such things as coffee and
 - cocoa? 19
- 16:14:13 20 Anything that involved business was getting on there. Α.
 - 21 PRESIDING JUDGE: Did it include coffee and cocoa?
 - THE WITNESS: Coffee, everything, yes, that was why I 22
 - 23 said --
 - [Overlapping microphones] 24
- 16:14:41 25 THE WITNESS: No, I never saw any transaction of coffee.
 - PRESIDING JUDGE: Coffee or cocoa? 26
 - 27 THE WITNESS: I did not see anything that dealt with
 - coffee -- coffee and cocoa. I never -- I saw a barter system. 28
 - MR JORDASH: 29

SESAY ET AL Page 97 OPEN SESSION

- Q. What did you see being bartered? 1
- 2 Α. Marijuana, commonly known as jamba.
- 3 0. So you gave passes to people to trade in marijuana?
- Α. Yes.
- 16:15:32 5 PRESIDING JUDGE: What does he call it? Jamba what? Jamba
 - 6 what? Jamba.
 - 7 THE WITNESS: Opium, opium. [Overlapping microphones]
 - 8 PRESIDING JUDGE: You called it what?
 - THE WITNESS: Jamba, yes, sir.
- 16:15:55 10 MR JORDASH:
 - Well, you've also told us, Mr Witness, that they were 11
 - 12 selling farming products. Can you tell us what those farming
 - 13 products were?
 - 14 The crops that were in the farms that the people planted
- 16:16:19 15 and harvested. I can tell you: 1, rice; potatoes, number 2;
 - paper, 3; garden eggs; cassava; and, likewise, cannabis sativa. 16
 - Now, can you turn to page 10774 of your statement, 17
 - 18 Mr Witness. Second -- sorry, third paragraph. I just want to
 - read it to you and ask you about it. "In 1999 in May witness saw 19
- 16:17:46 20 three ex-soldiers executed at the MP office by Mike Lamin." Did
 - 21 you tell the Prosecution that?
 - Yes, sir. I was there. 22 Α.
 - "They were accused of receiving a goat from Kamajors at 23
 - Penguia." Did you tell the Prosecution that?
- 16:18:16 25 Α. Yes, sir.
 - 26 Q. "Also witnessed the execution of a civilian medic, one PA
 - 27 Kamara, in front of the MP office."
 - 28 Α. Yes, sir, Pa Kamara.
 - "By Mike Lamin." 29 Q.

SESAY ET AL Page 98 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. So to be clear then, there was a doctor in Kailahun in May
- 3 1999 executed by Mike Lamin?
- It was in Buedu MP office. Α.
- 16:19:03 5 0. Thank you very much.
 - Α. Yes, sir.
 - 7 Q. And also the statement reads "And ordered Tom Sandy to
 - 8 shoot a petty trader called Zainaib who was alleged to have
 - received stolen medicines from Pa Kamara. She was shot on the
- 16:19:34 10 foot."
 - Yes, sir. 11 Α.
 - 12 Q. So the allegation against PA Kamara was that he embezzled
 - 13 drugs and sold them on to Zainaib; is that right?
 - 14 Α. Yes, sir.
- 16:19:59 15 Q. Thank you.
 - Yes, sir. Thank you, sir. 16 Α.
 - Now, would you agree with this: That these were times when 17
 - 18 there was little food available for civilians in Kailahun; is
 - 19 that right?
- 16:20:33 20 Food was not available the time that we went there. We
 - 21 were many. The non-farmers, ourselves, there were more than
 - 22 those who were farmers.
 - 23 So it was particularly difficult for people who didn't have
 - farm businesses? 24
- 16:21:00 25 Yes, sir. I used to -- I used to sell potato leaves for my
 - survival. 26
 - 27 So it was even difficult for the likes of you who were
 - working for the rebels? 28
 - Yes, sir. 29 Α.

SESAY ET AL Page 99 OPEN SESSION

- Q. And so ordinary civilians would struggle even more? 1
- 2 Α. Yes, sir.
- 3 0. Was anybody besides farmers -- well, let me say this again.
- The farmers themselves were bartering, weren't they, swapping
- 16:21:53 5 products for other products?
 - Yes, sir. Yes, sir. Farmer who hasn't Maggi, he would 6
 - 7 come with rice. That was the process we were in, that exchange.
 - 8 The Sierra Leone currency was not of value there.
 - 9 Q. It was a case of surviving by trading goods in difficult
- 16:22:24 10 war circumstances?
 - 11 Α. Yes, sir.
 - 12 And I don't know if you're still familiar with Kailahun, Q.
 - 13 but even now people survive largely by the same kind of trade?
 - 14 No, sir. One, now we're not using Liberian currency.
- 16:23:03 15 People don't speak Liberian English there. We have shops there.
 - There are offices, so there are a lot of changes there. 100 per 16
 - cent, even 500 per cent. 17
 - 18 Q. Okay. Thank you?
 - Yes, sir. 19 Α.
- 16:23:17 20 And at the time that you were MP adjutant it was also very Q.
 - 21 difficult to receive medical care, because of the war?
 - Yes, sir. I -- my ear was having a problem. I was not 22
 - treated 'til I came. I was treated by the Pakistanis. 23
 - 24 So even you who worked for the rebels couldn't receive
- 16:23:46 25 proper medical treatment at these time -- during these times?
 - Yes, sir. 26 Α.
 - 27 Q. Now I want to refer you to another part of your statement
 - 10776. It is the very first statement dated the 26th of March 28
 - 2003. You with me? 29

SESAY ET AL Page 100 OPEN SESSION

- Α. Repeat. 1
- 2 Q. 10776.
- 3 Α. Yes, sir.
- Third paragraph. I want to ask you about this: Paragraph 0.
- 16:24:43 5 3, Mr Koker, is what I'm interested in.
 - Yes, sir. 6 Α.
 - 7 "Captives or people who were forced to work on Mosquito's Q.
 - 8 farm or other works, according to witness, were not paid,
 - although they were fed." Did you tell the Prosecution that? 9
- 16:25:12 10 Α. Yes, sir.
 - So it wasn't, as you've told us, any different to anyone 11
 - 12 else in relation to people receiving food rather than money for
 - 13 work. That was normal, wasn't it?
 - This work it was a collective work for civilians. It was 14
- 16:25:42 15 not the soldiers. It was the civilians.
 - And what I'm asking you is: Witnesses [sic] were not paid, 16
 - although they were fed, and that was normal for civilians and for 17
 - 18 people in Kailahun in 1998, 1999.
 - THE INTERPRETER: Could the attorney please repeat. Say it 19
- 16:26:03 20 again.
 - 21 MR JORDASH:
 - Well, the statement says: Witnesses [sic] were not paid, 22
 - although they were fed. That is in relation to the people who 23
 - 24 you say were forced to work on Mosquito's farm.
- 16:26:21 25 They provided condiment for work. Α.
 - Yes, by -- [overlapping microphones] 26 Q.
 - PRESIDING JUDGE: Listen to the question. You're in so 27
 - much of a hurry to answer. Make sure you understand the question 28
 - before you volunteer an answer, okay? Listen carefully. 29

SESAY ET AL Page 101 OPEN SESSION

- THE WITNESS: Yes, sir. 1
- 2 MR JORDASH:
- 3 You said witnesses were not paid -- Sorry, sorry, "The
- people who worked on Mosquito's farm were not paid, although they
- 16:26:50 5 were fed." Now, you've told us that the Sierra Leonean currency
 - wasn't working in Kailahun, so it was normal, wasn't it, for 6
 - 7 people working not to be paid? So they would receive --
 - 8 [overlapping microphones]
 - PRESIDING JUDGE: Mr Jordash, what parallel are you 9
- 16:27:11 10 drawing? Somebody is working. He is not paid for the job he has
 - done. He is given food. How does the currency come in? 11
 - 12 MR JORDASH: This witness said the Sierra Leone currency
 - 13 wasn't operating in Kailahun at this time. He's also made the
 - 14 comment in his statement that witnesses were not paid. I'm
- 16:27:31 15 simply asking him to confirm --
 - JUDGE BOUTET: Not witnesses. 16
 - MR JORDASH: Sorry, I've done it again. He said that 17
 - 18 civilians were not paid, although they were fed and I'm simply
 - asking him to confirm that that situation was as he's previously 19
- 16:27:44 20 confirmed the same or all.
 - 21 Q. Can you confirm that?
 - JUDGE BOUTET: You're essentially suggesting to the witness 22
 - that that was the normal way of life at that time. 23
 - 24 MR JORDASH: Indeed, Your Honour, exactly.
- 16:27:58 25 Did you hear what the Honourable Judge has said? It is
 - 26 right, isn't it, that it was normal for all at that time in the
 - absence of a Sierra Leonean currency, people were fed instead of 27
 - being paid? 28
 - Yes, sir. You were fed to work, so that you have energy to 29

SESAY ET AL Page 102 OPEN SESSION

- 1 do the work. There was no other reward.
- 2 Q. Thank you. Reading on "He knows" -- I'm looking at the
- 3 same paragraph, Mr Witness. "He knows they did not have enough
- to eat because the workers told him at times when they returned
- 16:28:53 5 from work." Same question, Mr Witness. It was normal during
 - these times for people not to have enough food to eat; isn't that 6
 - 7 right?
 - 8 A. Yes, sir, because majority were people that had arms, few
 - were farmers, so fighting was on. Farming -- it was just few 9
- 16:29:21 10 people that did farming.
 - 11 It was just a few people who did the farming who were able
 - 12 to have enough to eat?
 - 13 Α. Yes, sir.
 - Did you have enough to eat during these times? Q.
- 16:29:40 15 Α. I used to sell leaves. I exchanged potato leaves for rice.
 - Sometimes you didn't have enough to eat? 16 Q.
 - 17 Most times it took me up to four days without getting food.
 - 18 I only drank water. I smoked cigarettes.
 - Thank you? 19 Q.
- 16:30:07 20 Yes, sir. Thank you, sir. Α.
 - And you told us -- well, your statement says that you used 21
 - to speak to the workers when they returned from work; is that 22
 - right? They returned from work and spoke to you? 23
 - I used to ask them if they were paid. I really had wanted 24
- 16:30:33 25 to know how things were going.
 - Yes, but I'm asking you: Then you met them after they 26
 - returned from work? 27
 - Well, I did not meet them. Those ones that were -- if 28
 - they -- that came to our sides, I used to ask them, so after work 29

SESAY ET AL Page 103 OPEN SESSION

1 they went to their different villages. Some people came from 12

- 2 miles, 15 miles, 10 miles. They went back.
- 3 0. So they would travel home at the end of the day?
- Yes, sir. Α.
- 16:31:13 5 0. Thank you. Reading on: "When they were sick, they were
 - 6 treated at the hospital in Buedu." So civilians who worked on
 - 7 Mosquito's farm obtained medical treatment at the hospital in
 - 8 Buedu, is that what you told the Prosecution?
 - 9 I told the Prosecution that both civilians and military
- 16:31:41 10 people were given medical treatment. It was not only farm
 - workers. 11
 - 12 But it did include workers from Mosquito's farm who were
 - able to obtain medical treatment? 13
 - 14 No, I talked about the general people.
- 16:32:03 15 PRESIDING JUDGE: But did it include Mosquito's workers as
 - well? Mr Koker, would it not? When you say "general," would it 16
 - 17 also include --
 - 18 THE WITNESS: Yes, sir.
 - PRESIDING JUDGE: It includes Mosquito's worker?
- 16:32:24 20 THE WITNESS: All men. Everybody for medical treatment.
 - 21 [Overlapping microphones]
 - PRESIDING JUDGE: Workers on Mosquitos farm? 22
 - THE WITNESS: Yes, sir. 23
 - PRESIDING JUDGE: Mr Jordash, do you want to take a short 24
- 16:33:06 25 break?
 - MR JORDASH: Perfect timing, Your Honour. 26
 - PRESIDING JUDGE: Is that all right? 27
 - MR JORDASH: Yes. 28
 - PRESIDING JUDGE: The Chamber will rise for some minutes, 29

SESAY ET AL Page 104 OPEN SESSION

1 please.

- 2 [Recess taken at 4.32 p.m.]
- 3 [HS280405D - CR]
- 4 [Upon resuming at 5.05 p.m.]
- 17:07:24 5 MR JORDASH:
 - 6 Do you recall Foday Sankoh coming to Kailahun to announce Q.
 - 7 there was to be no more war?
 - THE INTERPRETER: The witness's mic is not on. 8
 - THE WITNESS: Yes, sir.
- 17:07:42 10 PRESIDING JUDGE: Please, please, please. Yes, he came to
 - make that announcement in Kailahun? 11
 - 12 MR JORDASH: Your Honour, yes.
 - From that time, did conditions in Kailahun improve? 13 Q.
 - No, sir. 14 Α.
- 17:08:48 15 Q. Did conditions in Kailahun improve when Sam Bockarie left?
 - No, sir. 16 Α.
 - When did conditions improve in Kailahun, if they did? 17
 - 18 When United Nations observers came there with the United
 - Nations' team and NGOs. 19
- 17:09:43 20 PRESIDING JUDGE: Should we say that it was then conditions
 - 21 changed for the better?
 - THE WITNESS: Yes, sir. 22
 - 23 PRESIDING JUDGE: I suppose that is what learned counsel is
 - 24 driving at?
- 17:09:54 25 MR JORDASH: Yes.
 - There was no difference for the civilians in Kailahun after 26 Q.
 - 27 Sam Bockarie left; is that what you are saying?
 - 28 There was a big difference when UNAMSIL came there now,
 - 29 they supplied food free.

SESAY ET AL Page 105 OPEN SESSION

- Q. It was no different for the civilians after Bockarie left
- 2 Kailahun?
- 3 Still, we are suffering there. What to eat, you have to
- suffer to get what to eat.
- 17:10:46 5 0. The main problem in Kailahun during Bockarie's time was
 - 6 lack of food and that remained the same until the international
 - community came in; is that what you are saying?
 - 8 Yes, it was not only food. Even the roads were bad. The
 - 9 house that is not yours is never yours.
- 17:11:21 10 Q. Now, you have told us about operation No Living Thing; yes?
 - I heard it in Kono. 11 Α.
 - 12 Q. Who did you hear it from?
 - 13 Α. I heard it from my colleagues.
 - 14 Q. Who?
- 17:11:56 15 Α. I heard it from Eldred Collins with whom I was with.
 - What did you understand it to mean? 16 Q.
 - That they were ready to completely destroy Kono. 17 Α.
 - 18 Q. You had been, before this time, an artist; is that right?
 - Yes, sir. I was a born artist. 19 Α.
- 17:12:53 20 Living peacefully in Freetown? Q.
 - 21 Α. Yes, sir.
 - So operation No Living Thing must have been extremely 22 Q.
 - 23 shocking for you to hear?
 - 24 Yes, sir. Α.
- 17:13:22 25 Q. And for you to see the results of such an order?
 - Yes, sir. 26 Α.
 - PRESIDING JUDGE: And to see the results? 27
 - MR JORDASH: To see the results. 28
 - Something which you would recall and remember, perhaps, for 29 Q.

SESAY ET AL Page 106 OPEN SESSION

- 1 the rest of your life?
- 2 Α. Yes, sir.
- 3 0. I want to refer you to your statement of 26 March 2003.
- Your Honours, page 10771, last paragraph. Now, before we turn to
- 17:14:38 5 that, what did Eldred Collins tell you about where the order had
 - come from?
 - 7 Collins told me that the order came from the RUF head, and
 - 8 they all agreed for let it be so. He told me that in Kono.
 - 9 Q. So this was, according to Eldred Collins, a joint agreement
- 17:15:27 10 amongst the heads of the RUF and AFRC, or just the RUF?
 - It was a joint agreement between the AFRC and the RUF. 11
 - 12 Eldred Collins was once a spokesman for all of them when they
 - 13 came here.
 - Did Eldred Collins, as far as you recall, simply refer to 14
- 17:16:15 15 the order coming from all the joint heads or how was it expressed
 - to you? 16
 - He only told me that what they have decided for Kono was 17
 - 18 Operation No Living Thing. When I asked him where this order
 - came from. I said, "Is it from JP?" He said, "No, it's come 19
- 17:16:56 20 from all the heads of AFRC."
 - 21 Q. All the heads of the AFRC?
 - Yes, sir, with RUF. That time they had all joined 22
 - 23 together.
 - 24 Now looking at your statement of 10771, second paragraph,
- 17:17:32 25 "Witness and others passed through Makeni, Magburaka, Kono and
 - Kailahun." Did you tell the Prosecution that? 26
 - Yes, sir. 27 Α.
 - 28 "At Mortema he saw Johnny Paul Koroma". Q.
 - Yes, sir. 29 Α.

SESAY ET AL Page 107 OPEN SESSION

- "Gullit". Q.
- 2 Α. Yes, sir.
- 3 Q. "Eldred Collins".
- Yes, sir. Α.
- "Spokesman of RUF". 17:18:00 5 0.
 - Α. Yes, sir.
 - 7 Q. "Pa Kosia, who was RUF".
 - 8 Α. Yes, sir.
 - "Superman, AKA Denis Mingo". 9 Q.
- 17:18:14 10 Α. Yes, sir.
 - Over the page we are now, "He saw Honourable Sammy of the 11 Q.
 - AFRC". 12
 - Yes, sir. 13 Α.
 - "And Sierra Leone Army". 14 Q.
- 17:18:31 15 Α. Yes, sir.
 - Now, is it right that at the time of your first statement 16 Q.
 - those were the people who you named as having seen in Mortema? 17
 - 18 Yes, sir. Those were the people I was with in close
 - 19 contact.
- 17:18:59 20 They were the people who you told the Prosecution you'd
 - 21 seen at Mortema?
 - 22 Yes, sir. We travelled together. The same convoys when we
 - 23 were going.
 - Well, it's right, isn't it, Mr Koker, that you didn't, as 24
- 17:19:50 25 this statement suggests, see Issa Sesay at Mortema?
 - It was later I saw him. The same day, later. 26 Α.
 - 27 Q. But you didn't mention that to the Prosecution on 26 March,
 - did you? 28
 - This statement I gave here, when they asked me how I 29

SESAY ET AL Page 108 OPEN SESSION

- 1 managed to reach Kono, so all the people I travelled with, whom I
- 2 saw, those are the people I put here. When I arrived at Kono,
- 3 after the attack, when the rebels attacked Kono, that was the
- 4 time I saw Issa.
- 17:20:41 5 0. The question is, Mr Witness, why it is you didn't say that
 - 6 to the Prosecution on 26 March.
 - 7 He asked me how I reached Kono, and I explained to him the
 - 8 people with whom I joined to travel --
 - 9 Q. Weren't you asked, Mr Witness, to tell the Prosecution
- 17:21:12 10 about crimes you'd seen the rebels commit?
 - 11 Α. Say again.
 - 12 When you were called to give your statement to the
 - 13 Prosecution, were you not asked to give the Prosecution the
 - 14 details of the crimes you'd seen the rebels commit?
- 17:21:53 15 They told me that people who commit serious crimes, like, I
 - see somebody killing. Somebody I saw raping. When I wanted to 16
 - explain, they said, "How did you manage to reach Kono up to 17
 - 18 Kailahun." That was the time I included these names whom I moved
 - with to Kono. 19
- 17:22:20 20 Why, if you were asked --Q.
 - 21 Α. Yes, sir.
 - -- did you not say to the Prosecution, "I remember 22
 - Operation No Living Thing; a shocking thing which I will never 23
 - forget"? 24
- 17:22:52 25 The man who took my statement, he told me that all I've Α.
 - 26 encountered was so many, but the most important thing, the people
 - who committed atrocities, the people who did bad things, these 27
 - are the people. Bad things that I saw is what I should talk 28
 - 29 about.

SESAY ET AL Page 109 OPEN SESSION

- Q. So why didn't you talk about seeing Operation No Living 1
- 2 Thing?
- 3 I told him. I told him in Kono all the houses were burnt.
- Well, there is no mention here in your statement of 4 0.
- 17:23:28 5 Operation No Living Thing, Mr Witness. That's the point I am
 - making. Do you know why? 6
 - 7 I don't know why.
 - 8 In fact, Mr Witness, even when you're brought back to see Q.
 - 9 the Prosecution on 4 February 2004, there's no mention of
- 17:24:17 10 Operation No Living Thing; this incident you will never forgot.
 - Yes, sir. That was why I told the Court that a lot of 11
 - 12 things I could reveal to the Court, which I did not put in this
 - 13 statement. Because the man told me that I should concentrate on
 - 14 the most key points which I should explain, which I saw that are
- 17:24:45 15 bad, and those are very big responsibilities that are crimes.
 - Can you tell this Court what was a bigger crime than an 16
 - order to burn the whole of Kono; what bigger crimes are you 17
 - 18 referring to?
 - Like one, the breaking of the bank. 19
- 17:25:11 20 Stealing money from a bank is bigger than burning the whole Q.
 - 21 of Kono; is that what you are saying?
 - It is very important, because the country's economy is in 22 Α.
 - 23 debt. Diamonds were there.
 - 24 More important than burning everybody's house in Kono? Q.
- 17:25:33 25 The bank was more important than the houses that were Α.
 - burnt. If they had not burnt the bank, you could have gone to 26
 - 27 the bank. Maybe you may have had diamonds there, then you could
 - have rebuilt your house. 28
 - Well, why didn't you have a look at your statement to see 29

SESAY ET AL Page 110 OPEN SESSION

- if you mentioned this important burning of the bank, because it's 1
- 2 not in your statement either, Mr Witness?
- 3 That was why I said the man told me that. What I saw was
- so many. If I say I'm going to give a statement, he has to write
- 17:26:18 5 a lot, so the main important things he would collect it from me,
 - and then when I come to Court, and if there is more additional, I 6
 - 7 will give it in Court.
 - 8 Mr Witness, you're humanitarian, schooled and trained in
 - 9 humanitarian deeds. Wasn't it a concern to you that you had been
- 17:26:49 10 ordered to burn Kono and devastate the houses and lives of
 - 11 civilians?
 - Me? As far as I'm concerned, and so far as my military 12
 - 13 talent was concerned, if I was asked to burn Kono, then I was not
 - 14 trained. I didn't take an oath for that, because soldiers are
- 17:27:19 15 not trained to burn houses. They are to safeguard property and
 - lives. 16
 - 17 Why then did you not mention the burning of the bank in
 - 18 Kono?
 - That is why I've pointed out to the Court they told me that 19
- 17:27:39 20 people who committed the greatest responsibility, those are the
 - 21 people that are to be tried to find out and to get witnesses
 - against them. If I have any further witness statement, I will 22
 - reveal it in Court. 23
 - 24 So you accept then you don't mention Operation No Living
- 17:27:59 25 Thing. You were saving that up to tell us in Court; is that what
 - 26 you are saying?
 - 27 Α. Yes, sir.
 - That's the same in relation to the burning of the bank; 28 Q.
 - saving it up to tell us in Court? 29

SESAY ET AL Page 111 OPEN SESSION

- Yes, sir, and there are so many other things, like, even in 1
- 2 Makeni. Now, when they say we should not burn houses, there are
- 3 a lot.
- Since you mentioned Makeni, Issa Sesay, you say -- is this
- 17:28:32 5 right -- gave an order that Makeni should not be burnt; is that
 - right? 6
 - Yes, sir, I was at the junction.
 - 8 Thank you. That was when you were coming out of Freetown; Q.
 - 9 is that right?
- 17:28:44 10 Α. Yes, sir.
 - Now, from what you've told us, you were never told, were 11
 - 12 you, specifically, that an order Operation No Living Thing came
 - 13 from Issa Sesay. You were never given his name, were you?
 - 14 To be sincere, I was not told that it came from him, but
- 17:29:20 15 that time, yes, sir, to say the truth.
 - Thank you. That's what we're after. 16 Q.
 - Yes, sir. 17 Α.
 - 18 Now I would suggest to you that, in fact, you didn't see
 - Issa Sesay in Kono at all. The first time you met Issa Sesay was 19
- 17:30:02 20 in Kailahun; is that true?
 - 21 Α. I saw him in Kono.
 - Let's go to your statement again, shall we. 22
 - And let me follow my statement again to see I saw him even 23
 - 24 in Freetown.
- 17:24:10 25 [HS280405G-JM]
 - 26 Q. Well, you'll find no dispute from me about him being in
 - Freetown, Mr Witness. I want to deal with Kono. 27
 - 28 That's why the witness told me that it was not all that
 - you'll have to take from me [as interpreted]. If I have more, I 29

SESAY ET AL Page 112 OPEN SESSION

- 1 should wait when I come to Court, because I saw a lot of things.
- 2 If I say I tell everything to the Court, it will take us a week.
- 3 Q. Well, you weren't told, were you, Mr Witness, to tell lies
- in your witness statement? You weren't told that?
- 17:31:08 5 Yes, I know that. I know lie in general anywhere is an
 - offence. It was not like that.
 - 7 Q. [Previous interpretation continues] --
 - 8 It was not like that.
 - 9 Q. Bottom paragraph. Sentence: "He first knew Issa Sesay in
- 17:31:49 10 Kailahun when he came from Freetown." "He first knew Issa Sesay
 - in Kailahun when he came from Freetown." Can you tell us what 11
 - that means? First of all, tell us, did you say that to the 12
 - 13 Prosecution?
 - I told the man that he asked me when we came where I met 14
- 17:32:19 15 Issa Sesay when I reached Kailahun. I told him at Buedu, at -
 - by Baoma. He had a white Land Cruiser. 16
 - Why not say at that stage, Mr Witness, well, that's when I 17
 - 18 saw him in his white Cruiser, but I would also see him in Kono.
 - He was one of the commanders committing crimes. 19
- 17:32:49 20 Yes, I saw him in Kono. Α.
 - 21 Q. Why not tell the Prosecution?
 - Okay. That was why I told the Court, the way I was 22 Α.
 - talking, the man knew that I had a lot of information. So he 23
 - 24 told me to -- I should explain the most important things, and he
- 17:33:08 25 wrote them.
 - 26 Okay. Let me just understand what you're saying,
 - Mr Witness. 27
 - 28 Α. Yes, sir.
 - You think -- you thought it was more important to tell the 29 Q.

SESAY ET AL Page 113 OPEN SESSION

- Prosecution about meeting Sesay in Kailahun than it was to tell 1
- 2 the Prosecution that, for example, that Sesay had been committing
- 3 crimes in Kono? Is that -- I'm trying to understand what you're
- saying. You thought it more important to say you'd met him in
- 17:33:54 5 Kailahun than to say he'd been committing crimes in Kono?
 - It is important to testify to the Court wherever I met him, 6 Α.
 - 7 if they ask me which commanders did I come across.
 - 8 Well, let's have a look -- before we do have a look at some Q.
 - 9 other notes, do you know why the statement says that you
- 17:34:39 10 first -- first knew Issa Sesay in Kailahun?
 - 11 I don't know why the statement says that. And the first
 - 12 time I knew him, it was not in Kailahun. I was here when they
 - entered here in Freetown. We saw them on television. 13
 - 14 You've just agreed that you did make this remark; you did Q.
- 17:35:10 15 make the statement to the Prosecution that you first knew
 - Issa Sesay in Kailahun. Why did you not say then at that stage, 16
 - "Actually the first time I knew him was in Freetown, second time 17
 - 18 I knew him was in Koidu?" Why say "I first knew Issa Sesay in
 - Kailahun"? 19
- 17:35:34 20 The statement I knew, I did not tell them about knowing.
 - 21 When I reached Baoma, when I was about to climb Baoma, the first
 - commander I met was Issa. To know and to see are two different 22
 - things. To know is different from seeing. To see somebody and 23
 - to know somebody are two different things. 24
- 17:36:02 25 Okay. Well, let's have a look at some notes, the proofing
 - notes of 13th of April 2005. 26
 - MR JORDASH: Could the witness please be given a copy of 27
 - these proofing notes. I think he has them. They're the -- right 28
 - at the back. I don't have a page number. 29

SESAY ET AL Page 114 OPEN SESSION

- 1 MR HARRISON: It starts at 11217.
- 2 MR JORDASH:
- 3 Q. Now, paragraph 2 says: "I left Freetown in February 1998
- and travelled east. At Makeni, I saw Issa Sesay telling fighters
- 17:37:19 5 not to burn houses as he was from that area. I stayed about one
 - 6 week at Koidu. We were told to remain in Koidu until the road to
 - 7 Kailahun had been opened for travel. I saw houses burning at
 - 8 Koidu. Issa Sesay was the most senior commander at Koidu, and
 - 9 Superman was the operations commander there."
- 17:37:54 10 Now, first question, Mr Witness, is --
 - Yes, sir. 11 Α.
 - 12 -- is it correct what you told us before lunch, that
 - 13 Superman was the leader of the attack on Kono?
 - Superman was not the leader. It was on the operation, he 14
- 17:38:21 15 was -- the leader was Issa. Well, Issa also had somebody to
 - instruct him who was at Koidu and who was Mosquito. 16
 - 17 So Mosquito was at Koidu instructing Sesay. Is that what
 - 18 you're saying?
 - No, sir. He was in Kailahun. 19 Α.
- 17:38:50 20 [Defence counsel and accused confer]
 - 21 MR JORDASH:
 - But haven't you just told us, Mr Witness, that the first 22
 - 23 commander -- that the first -- weren't you suggesting a few
 - 24 moments ago that the first time you saw Sesay was in Baoma?
- Yes, sir. You are confusing me. I have not said that I 17:39:44 25 Α.
 - first saw him in Baoma. I said in Kono. Baoma, when I entered 26
 - there, it was there I saw him. I saw him here. I saw him in 27
 - Kono. In terms of knowing him, I first knew him here. 28
 - So where did you see him in Koidu Town? 29 Q.

SESAY ET AL Page 115 OPEN SESSION

- I saw him at the main road, to be frank. I did not see him 1
- 2 set fire on houses. I did not see him do that. Yes.
- 3 That's -- the truth is the best thing.
- Certainly is. So, let me just summarise, if I can, what
- 17:40:39 5 you are saying. You saw him in Makeni telling fighters not to
 - burn houses. Correct?
 - 7 Yes, sir. Yes, sir. He was in white polo and black
 - 8 trousers. He was inside white Toyota Land Cruiser.
 - Q. You saw him on the main road in Koidu?
- 17:41:10 10 Α. Yes, sir.
 - 11 Q. In a white Cruiser?
 - 12 In white polo, yes, sir. Α.
 - 13 Q. Was he in a vehicle or was he standing?
 - 14 Yes, sir. He alighted from a vehicle and addressed people.
- 17:41:32 15 A Toyota Land Cruiser, the type that the NGOs have. He alighted
 - the vehicle. That time, I stood by. All his voice were telling 16
 - 17 people not to burn houses.
 - 18 And then the next time -- the next time you see him is in
 - Baoma. Is that right? 19
- 17:41:59 20 No, sir. It was in Kono, Koidu. It was opposite that
 - 21 cinema. At that time, he had a Suzuki, a small jeep, which was
 - 22 cream.
 - And he was sitting in the jeep, was he? 23 Q.
 - He alighted again. 24 Α.
- 17:42:26 25 Q. What were you doing at this time?
 - We were just roaming about. We were just roaming about to 26 Α.
 - 27 find a way to go to Kailahun, because Kono was in a confused
 - 28 state. You could not tell an enemy or a friend. So there was
 - confusion all over. Different people were there. During that 29

SESAY ET AL Page 116 OPEN SESSION

- 1 time, houses were not yet burned. Yes, sir.
- 2 Q. And you were simply an ordinary soldier. Is that right?
- 3 Yes, sir. I don't understand what you mean by "ordinary
- soldier"?
- 17:43:07 5 0. Well, you weren't a commander.
 - 6 I wasn't a commander. I hadn't arms during that time. I
 - 7 was just trying to save my life in order to go to Kailahun.
 - 8 And you didn't speak to Sesay as he alighted from his Q.
 - vehicle in Koidu?
- 17:43:35 10 I was not even opportune to talk to him. I would not have
 - been even allowed. Security. 11
 - 12 So you didn't hear anything he said in Koidu. Is that
 - 13 right?
 - Yeah. I only saw him stood. Then I pass. During that 14
- 17:43:55 15 time, it was so fearful. I wouldn't say anything rubbish to him.
 - Okay. And that was then your experience of Sesay in Koidu 16
 - 17 Town?
 - 18 Α. Yes, sir.
 - Next time you see him, you see him, you say, in Baoma. 19 Q.
- 17:44:17 20 In Baoma, yes, sir. Α.
 - 21 Q. [Previous interpretation continues] --
 - Yes, sir. 22 Α.
 - 23 Now, moving then to Kailahun, you've told us that
 - 24 Eldred Collins had stolen your bag with your money in it. Is
- 17:45:01 25 that right?
 - 26 Α. Yes, sir.
 - 27 Q. And did this happen before you arrived in Kailahun?
 - When I arrived in Kailahun. 28 Α.
 - In Kailahun Town? 29 Q.

SESAY ET AL Page 117 OPEN SESSION

- 1 Α. In Kailahun Town. After I have arrived and slept.
- 2 0. And from Kailahun Town -- where did you stay in Kailahun
- 3 Town when you arrived?
- 4 I was in Ngobeh's compound. I was there, and I was evicted
- 17:46:01 5 there. One Liberian mercenary came there and rounded me up. I
 - 6 did not even mention that in the statement. He took me to Issa.
 - 7 From my own house.
 - 8 Well, before we get to you being taken to Issa, how come Q.
 - 9 you were able to stay in Ngobeh's compound? Was that your house?
- 17:46:41 10 Α. Me, my mother is the eldest of all the Ngobehs.
 - THE INTERPRETER: Can the witness come back again. 11
 - 12 MR JORDASH:
 - 13 Q. Could you repeat your answer, Mr Witness.
 - Yes, sir. My mother, she is Matoma Ngobeh. It is my 14
- 17:47:09 15 father's surname that makes her to be called Koker. Presently,
 - she is the eldest of all the women in the Ngobeh family. The 16
 - house in which I stayed was my grandfather's house, late 17
 - 18 Honourable Tapima Ngobeh.
 - Let me ask you something, Mr Witness. 19
- 17:47:34 20 THE INTERPRETER: Excuse me, attorney. The right
 - 21 pronunciation of the town -- the grandfather.
 - MR JORDASH: You are asking the wrong person. 22
 - THE INTERPRETER: I did not get that clearly. 23
 - MR JORDASH: 24
- 17:47:49 25 Could you repeat the answer again, Mr Witness. I'm sorry. Q.
 - Yes, sir. I answered the question, the question that you 26 Α.
 - 27 asked me, what made me to stay in the Ngobeh's family. My mother
 - came from the Ngobeh's family. It is my compound. 28
 - Okay. Now, I've almost finished, Mr Witness. 29 Q.

SESAY ET AL Page 118 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. Is it right that you knew Johnny Paul Koroma before the
- 3 junta?
- Yes, sir. Α.
- 17:48:34 5 0. Is it right that you knew Gullit before junta?
 - 6 Well, I did not understand him. Α.
 - 7 MR JORDASH: Mr Translator, the microphone takes a long
 - 8 time to come back on.
 - JUDGE BOUTET: Ask him again, Mr Jordash, the last one. It 9
- 17:49:09 10 was whether he knew Gullit before the junta.
 - MR JORDASH: 11
 - 12 Q. Did you know Gullit before the junta, Mr Witness?
 - 13 Well, Gullit, I was told that he was in the army, but I did
 - 14 not know him clearly as you know somebody in person. But Collins
- 17:49:27 15 had been my -- Johnny Paul had been my commander during the time
 - we were fighting at Newton. 16
 - So you knew Johnny Paul Koroma quite well? 17 Q.
 - 18 Α. Yes, sir.
 - And you were on friendly terms with him? 19 Q.
- 17:49:58 20 We were not friends. I was only under a command, his Α.
 - 21 command. I was under his command as a private soldier. During
 - that time, he was a captain. 22
 - 23 But you had had no arguments with him of any significance? Q.
 - 24 No argument. Even if I want to talk to him, I'll talk Α.
- 17:50:26 25 through his sergeant that would talk to him.
 - And that situation continued during the junta period, did 26 Q.
 - 27 it?
 - 28 Α. Yes, sir.
 - 29 Q. Did you have an aunt who was in the RUF?

SESAY ET AL Page 119 OPEN SESSION

PRESIDING JUDGE: He say he talked to him through what?

- 2 JUDGE BOUTET: Sergeant.
- THE WITNESS: My NCOs.
- MR JORDASH:
- 17:51:07 5 JUDGE BOUTET: But, Mr Witness, that was in 1993/1994, in
 - 6 Newton?
 - 7 THE WITNESS: Yes, sir. 1994, yes.
 - 8 MR JORDASH:
 - Q. Did you have an aunt who was in the RUF, Mr Witness?
- 17:51:39 10 Α. Yes, sir.
 - Did she advise you after the junta were ejected by ECOMOG 11 Q.
 - 12 to travel to Kailahun?
 - 13 Α. Yes, sir. My aunt, Yemba Ngobeh. Yes, sir.
 - Is that the reason why you travelled to Kailahun? 14 Q.
- 17:52:20 15 Α. Yes, sir. Yes, sir.
 - Is that the reason why you worked for the RUF? 16 Q.
 - That was not the reason that made me to work for them. I 17
 - 18 went to Kailahun because it was my home. Whether there was RUF
 - 19 or not, I should be there. It is my home. So I decided that
- 17:52:54 20 whatever the situation that prevailed in Kailahun, whether hell
 - or heaven, it is my home. At that time, I was homeless for a 21
 - very long time. 22
 - 23 Is that the reason why Sam Bockarie chose you to be MP
 - adjutant? 24
- 17:53:24 25 That is not the reason, because I'm born in Kailahun.
 - 26 Because he knew the way I was treated, he knew that was not the
 - way I should have been treated. 27
 - So he objected this is Sam Bockarie objected to 28
 - Eldred Collins mistreating you? 29

SESAY ET AL Page 120 OPEN SESSION

- Α. Yes, sir. 1
- 2 Q. And as a compensation gave you a position of responsibility
- 3 as an MP adjutant?
- 4 That's not competition [as interpreted]. They had not Α.
- 17:54:02 5 wanted me to hide.
 - So that you would not hide, Sam Bockarie gave you a job? 6 Q.
 - Yes, sir, yes, sir. Α.
 - 8 And you did the job voluntarily? Q.
 - 9 Yes, sir. Yes, sir. Yes, sir.
- 17:54:32 10 MR JORDASH: Thank you.
 - THE WITNESS: Yes, sir. 11
 - 12 MR JORDASH: I just want to have one check that I've
 - 13 finished, but I think I've finished.
 - 14 [Defence counsel and accused confer]
- 17:55:15 15 MR JORDASH: Your Honours, I was wondering if Your Honours
 - would mind if I just consider overnight. At most, I've got one 16
 - or two questions left, but I really do want to make sure I've 17
 - 18 covered everything. And with having the evidence all today and
 - some new evidence coming out, I'm not absolutely a hundred 19
- 17:55:40 20 per cent confident I've covered everything. But I'm definitely
 - 21 for certain only at most five minutes away from completion. I
 - understand I've made such assertions before; but this time, I'm 22
 - standing on my honour. 23
 - PRESIDING JUDGE: That's all right. We will continue 24
- 17:55:59 25 tomorrow. You are not closing your cross-examination. That's
 - okay. We'll accord you that facility to wrap up tomorrow. Okay. 26
 - 27 Yes, Mr Harrison.
 - MR HARRISON: I wanted to inform the Court and Defence 28
 - counsel that as I understand matters, Trial Chamber II recessed 29

SESAY ET AL Page 121 OPEN SESSION

- 1 quite early today. Witness TF1-272 has not been heard by
- 2 Trial Chamber II. They intend to call that witness tomorrow at
- 3 roughly noon. So my suggestion is that on the completion of this
- witness's testimony, we be permitted to call TF1-060 as the next
- 17:56:41 5 witness tomorrow.
 - 6 PRESIDING JUDGE: You put across the alternative of -- is
 - 7 it 113?
 - 8 MR HARRISON: Yes. 113, we're suggesting that that be a
 - 9 stand by. As we understand matters, there's going to be some
- 17:56:59 10 disclosure issued today with respect to TF1-113, which I assume
 - would not be all that welcomed by Defence counsel, and that they 11
 - 12 may wish to have some further time to at least review it and
 - determine what position they'll take. 060 is one that we have 13
 - 14 notified Defence counsel I think a week ago as likely to be one
- 17:57:21 15 of the next witnesses, and we're suggesting that 060 be next on
 - the list. 16
 - PRESIDING JUDGE: Let's find out from the Defence. 17
 - 18 Learned counsel.
 - MR JORDASH: Well, we can be ready for 060. But I would 19
- 17:57:37 20 like to have on record that it is becoming intolerable having
 - 21 been served with evidence this late in the day. We need to
 - 22 prepare for a witness --
 - 23 PRESIDING JUDGE: You were served with evidence just today
 - 24 also?
- 17:57:54 25 MR JORDASH: It looks as though we're about to be in
 - relation to 113. And it's, in my respectful submission, not fair 26
 - 27 to be constantly wondering whether more evidence is about to
 - arrive. But I'll leave my further comments until I've seen it. 28
 - PRESIDING JUDGE: Okay. 29

SESAY ET AL Page 122 OPEN SESSION

1 JUDGE BOUTET: But the question is you have no objection to

- 2 060 being the next witness --
- 3 MR JORDASH: No.
- JUDGE BOUTET: -- for the Prosecution.
- MR JORDASH: That's fine. 17:58:25 5
 - MR O'SHEA: Sorry.
 - 7 PRESIDING JUDGE: That's all right. Please, go ahead,
 - 8 Mr O'Shea, yes.
 - MR O'SHEA: I apologise, Your Honour. I'd just like to say 9
- 17:59:41 10 that I don't want to specifically make an objection to 060, but
 - 11 the fact that a witness is giving evidence in the next Trial
 - 12 Chamber in my submission is not normally a good enough reason to
 - 13 change the order of the witnesses. I would encourage the
 - 14 Prosecution not to change the order of the witnesses --
- 18:00:04 15 PRESIDING JUDGE: This is not being fair, Mr O'Shea, to the
 - Prosecution. If we were the only running Trial Chamber, I can 16
 - understand the validity of the complaint you're making. But this 17
 - 18 is the Prosecution which is running two trials in two different
 - Chambers. There are bound to be these clashes. I think it's 19
- 18:00:27 20 important, you know, that we accommodate ourselves in these
 - 21 circumstances that are not due, you know, to the making of the
 - Prosecution. I think we have to be understanding. 22
 - MR O'SHEA: Well, yes, within limitations, Your Honour. 23
 - But it's also not fair --24
- 18:00:45 25 PRESIDING JUDGE: We know there have to be limitations. I
 - think we should understand this. When we're here on the ground, 26
 - you know, as the only Trial Chamber, one could understand. We 27
 - 28 even did not want them to continue shuffling witnesses. But now
 - if that is the excuse, it's very, very difficult for us to really 29

SESAY ET AL Page 123 OPEN SESSION

- fault them on this. It's difficult. 1
- 2 JUDGE BOUTET: And we are concerned with proceeding with as
- 3 much expedition as we can. We follow what your suggestion, even
- though it makes sense, the only conclusion that we can arrive at
- 18:01:30 5 is we have to adjourn until that witness is available or the
 - 6 Prosecution is to cancel that witness. If this is what you're
 - 7 suggesting, we would like to hear why.
 - 8 MR O'SHEA: Well, I just think it's unfair on us that the
 - 9 order of the witnesses keeps changing.
- 18:01:43 10 JUDGE BOUTET: Why? What's the unfairness?
 - MR O'SHEA: Because it interrupts our preparation, 11
 - 12 Your Honour. It's not right. You know, we're given --
 - 13 PRESIDING JUDGE: It's very independent of their volition.
 - 14 I think you should at least concede that. Wouldn't you,
- 18:02:00 15 Mr O'Shea?
 - MR O'SHEA: I understand that, Your Honours. But, you 16
 - 17 know, I also don't like the fact that we have a witness order,
 - 18 and it's not being respected at all.
 - PRESIDING JUDGE: I do not think that Mr O'Shea is still 19
- 18:02:24 20 pressing the point. Mr Harrison, I don't think you need to
 - 21 reply. I think we understand ourselves in this regard. Let's
 - work this way, Mr O'Shea. 22
 - 23 MR O'SHEA: As I say, I'm not objecting to this witness.
 - I'm just making a comment here, that --24
- 18:02:42 25 PRESIDING JUDGE: We've taken good note, you know, of your
 - 26 comment, and we would ensure that the Prosecution does not
 - exercise this latitude unreasonably. We would ensure that it 27
 - 28 does not happen unreasonably.
 - MR O'SHEA: Thank you, Your Honour. 29

PRESIDING JUDGE: Thank you. Right. The Chamber will rise, and we shall resume sitting tomorrow at 9.30. [Whereupon the hearing adjourned at 6.03 p.m. 18:03:04 5 to be reconvened on Friday, the 29th day of April, 2005, at 9.30 a.m.]

WITNESSES FOR THE PROSECUTION:

WITNESS: ANNE-CATHERINE HATT	2
EXAMINED BY MR HARRISON	2
CROSS-EXAMINED BY MR CAMMEGH	9
WITNESS: TF1-114	39
EXAMINED BY MR SANTORA	39
CROSS-EXAMINED BY MR JORDASH	71