

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

THURSDAY, 1 MAY 2008
9.35 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Peace Malleni
Mr Felix Nkongho

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Peter Harrison
Mr Reginald Fynn
Mr Joseph Kamara

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Charles Taku
Mr Kennedy Ogeto
Ms Lois Mbafor

For the accused Augustine Gbao:

Mr John Cammegh

SESAY ET AL

1 [RUF01MAY08A-BP]

2 Thursday, 1 May 2008

3 [Open session]

4 [The accused present]

09:31:22 5 [Upon commencing at 9.35 a.m.]

6 [The witness entered Court]

7 WITNESS: DMK-162 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, learned counsel. We are
09:35:38 10 resuming the session. Yes.

11 MR CAMMEGH: Yes, Your Honour, good morning.

12 PRESIDING JUDGE: Good morning, Mr Cammegh.

13 MR CAMMEGH: Your Honour, the issue of timing is
something

14 that I would like to raise at an opportune moment today. I
want

09:36:00 15 to emphasise there is certainly no danger of the Gbao team
16 running late or anything like that; it's more a question of
when

17 we start. Now, having heard the difficulties that the Kallon
18 team are experiencing in getting certain witnesses to this
Court

19 it looks as if perhaps there might be a hiatus. We've tried
to

09:36:22 20 anticipate an earlier closure than perhaps predicted by the
21 Kallon team. Remember Your Honours ordered the Gbao team to
22 start on 1 June -- no later than 1 June and that is not a
23 problem.

24 PRESIDING JUDGE: We were even envisaging that you might
09:36:39 25 start much earlier depending again on the gain [indiscernible]
of
26 the Kallon team in case it finished, like I was saying the
other
27 day, if it finished on 25 May --
28 MR CAMMEGH: We would do our best.
29 PRESIDING JUDGE: We were sending a message that you
might

SCSL - TRIAL CHAMBER I

Page 3 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 have to be called upon to start much earlier than 1 June.
2 MR CAMMEGH: There are some issues that I don't think
3 Your Honours are aware of that I really ought to ventilate in
4 that case. The distinction between the commencement of the
Gbao
09:37:09 5 case, as against the commencement of both the Sesay and the
6 Kallon cases, is quite a simple one but a very important one
and
7 that is accommodation.
8 Before the Sesay and the Kallon cases started, there was
9 full access to the building known as Zulu, the witness house,
the
09:37:33 10 conditions of which are absolutely fine. To my knowledge,
11 neither team has had to rely on the two subsidiary witness
houses

their 12 which are nearby, because Zulu was ready and available for
13 witnesses. That of course is not the case for the Gbao team.
no 14 Zulu is quite properly still occupied by Kallon witnesses and
09:37:56 15 doubt will be for quite some time.

16 Now, what we've tried to do is bring witnesses in to be
17 prepped, and we've done so very efficiently; my co-counsel has
and, 18 seen to that. I visited both those houses earlier this week
at 19 without wanting to use colourful language, I was disappointed

09:38:19 20 the conditions at those houses. Just to cite an example, one
of 21 the houses had one working light bulb. I really was very
22 disappointed indeed. xxxxxxxx, the witness service
to 23 representative with whom our team is dealing has done his best

early 24 alleviate the problems but, to put it simply, I was faced
09:38:46 25 this week with a potential revolt. Certain witnesses didn't
want 26 to remain in those conditions and, frankly, I would not have
27 blamed them.

over 28 Now, if I can just anticipate I hope what will happen
29 the next few weeks. The Zulu house will obviously still be

SCSL - TRIAL CHAMBER I

SESAY ET AL

able

1 occupied by the Kallon team. The Gbao witnesses will not be
2 to inherit that property until the Kallon case closes and when
3 that happens we're still going to require some time to prepare
4 our witnesses.

09:39:19
the

5 Getting witnesses from Kailahun into Freetown is no easy
6 task. We've really been looking at all the possibilities and
7 potentialities over this to an exhaustive degree over the last
8 few days, and we're very worried about it. I emphasise

there's
all,

9 absolutely no danger in our case starting late, no danger at

09:39:45
before

10 but if we are going to be called on to start at any time
11 the last week of May we're going to in supreme difficulty, and
12 that difficulty will not, I promise you, be of our making.

09:40:10
go
paid

13 I also indicated last week that given the time estimate
14 that was advertised by the Kallon team last session, and your
15 Judges' direction, I saw fit to take a week off next week to
16 home for a personal event, a family event at home which is
17 for, and I will be back on the 13th.

last

18 Your Honour, I'm simply asking this: That under the
19 circumstances we are not asked to begin our case until the

09:40:34

20 Monday in May on the sure and certain promise from me that the
21 Gbao case will not take any more than the number of days that
22 Your Honours allocated to us. So there is no danger of that

than 23 whatsoever. I think our witness list is diminishing rather
it's 24 increasing. And that's not a reflection on the witnesses;
09:40:59 25 more a reflection on the evidence and just commonsense
tactics.

26 So that's my polite request.

27 I felt or saw fit to bring it to your attention at the
28 earlier possible moment which is now because I want to fully
29 apprise Your Honours of the situation and the difficulties
that

SCSL - TRIAL CHAMBER I

Page 5

SESAY ET AL

1 MAY 2008

OPEN SESSION

us 1 we would genuinely be in. This is not a stalling operation by
as 2 at all. I can assure you we really would like to finish this
3 soon as possible, but we are faced with these problems and in
4 order to fully prepare properly and professionally prepare, we
09:41:39 5 really do need at least a week's break with Zulu -- people in
6 Zulu -- before people start giving evidence.

as 7 PRESIDING JUDGE: Our concern is to ensure that we move
8 expeditiously as we can. I mean, we already have given an
9 indication that we would like to, if the Kallon team can, as I

09:42:10 10 see them progressing, you know, finish their case you know
11 before -- between 20 and 25, you know, to start your case
12 immediately thereafter because we don't want to lose time
because
13 of witness accommodation. I know it is a problem, you know.
It
14 is a problem the way you've put it, but I think that you --
you
09:42:36 15 should seize the Registrar, you know, and the witness unit,
you
16 know, the victims and witness unit for them to make
arrangements
17 for your clients, rather, for your witnesses to be comfortably
18 lodged as well.

19 MR CAMMEGH: Your Honour, I have tried that. I actually
--

09:42:54 20 PRESIDING JUDGE: Because, you know, the Court will not
21 descend into the arena of giving instructions to the witness
unit
22 for them to lodge witnesses well and things like that. I
mean,
23 that's not the role of the Court really. We are very
concerned
24 about the comfort of witnesses.

09:43:08 25 MR CAMMEGH: I know.

26 PRESIDING JUDGE: Certainly, I mean, but everybody
should
27 do his job at his own level. This is the Registrar's job, you
28 know, with the witness -- not even the Registrar's job. The
29 victims and witness unit should be able to look into that and

1 sort it even without referring it to the Registrar.

here

2 MR CAMMEGH: Your Honour, I'm in a difficult position

Registrar

3 because I don't want to throw stones at anybody. The

4 is away for at least another two weeks, I think.

09:43:36 5 PRESIDING JUDGE: That we know. He has gone.

6 MR CAMMEGH: The witness unit -- I mean, I don't want to

7 throw criticism in their direction because this is to my

8 knowledge --

place,

9 PRESIDING JUDGE: But there is a Deputy Registrar in

09:43:51 10 anyway. There is a Deputy Registrar. You can refer the
matter

11 to her for her to resolve the issues.

12 MR CAMMEGH: Yes.

13 PRESIDING JUDGE: Because she is there to act, you know,

14 when the Registrar is not there.

09:44:03 15 MR CAMMEGH: Yes. Your Honour, I've got to emphasise
one

16 point.

17 PRESIDING JUDGE: Yes.

18 MR CAMMEGH: The Gbao team is severely disadvantaged by

19 comparison with both the Sesay and the Kallon cases because we

09:44:14 20 cannot get into Zulu in our own time. The Kallon team have
got

to
UN
relation
09:44:34

21 problems not of their making. Your Honour, it was explained
22 the Bench earlier this week that there are problems with the
23 witnesses. No one knows when they are coming. And I'm quite
24 sure that full notice and due diligence was observed in
25 to getting them here.

26 PRESIDING JUDGE: When the UN witnesses come, will they
27 stay in Zulu?

that
the

28 MR CAMMEGH: Your Honour, I don't know but I do know
29 Zulu is apparently a very comfortable property. I don't know

SCSL - TRIAL CHAMBER I

Page 7

SESAY ET AL

1 MAY 2008

OPEN SESSION

come
with
is
need
09:45:02

1 answer to that. Mr Jordash tells me no. But whether they
2 and when they come, Your Honour, the Gbao team hasn't got,
3 respect, a crystal ball. We don't know when the Kallon case
4 going to finish and therefore we don't know when we really
5 to get our witnesses in. Another thing that really has to be
6 observed is if we were out of all caution, excess caution, for

7 example, to bring our witnesses in on say Monday 19 May,
there's
8 a possibility they might have to stay in Freetown for up to
about
9 five weeks. Most of the witnesses we have are family bread
09:45:26 10 winners from very, very poor families and it really would be
too
11 much to expect that every one of those individuals is going to
12 happily stay in situ and be prepared to cooperate with this
Court
13 and with the Gbao team without some form of complaint.

14 JUDGE BOUTET: Yeah but this is no different than the
other
09:45:46 15 witnesses we've had all along Mr Cammegh, that many witnesses
16 that came to this Court, whether for the Prosecution or
Defence,
17 were bread winners as such, and I take it that that aspect has
18 been taken care of by the system. So whatever, I don't know
how
19 they have compensated them but we know they have.

09:46:04 20 MR CAMMEGH: I think a breadwinner is allowed something
in
21 the region, I think it's 16,000 leones a day.

22 JUDGE BOUTET: I don't know, we're not involved in
23 dispensing this allocation but we know there are provisions
for
24 that in the system, and I don't see why the Gbao team in this
09:46:22 25 respect would be different. If for the Sesay team and the
Kallon
26 team a breadwinner is given so much money, I think it should
be
27 the same. We're not involved in these decisions and I don't
28 think we should.

29 MR CAMMEGH: I don't really want to get into the details
of

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 the conditions of those two properties which frankly were
2 deplorable. Although I --

3 JUDGE BOUTET: That's a different issue.

4 MR CAMMEGH: I'm grateful to Mr Dabor from the witness
unit

09:46:54 5 for doing all he can. Your Honour, it comes to this. As you
6 know, I have to be away for a week. I don't think it was
7 unreasonable for me to take that week given the time --

8 PRESIDING JUDGE: We have no objection to your leaving.
I

9 mean, no objection because there's a family commitment, you
know,

09:47:05 10 that you are going to meet up with.

11 MR CAMMEGH: Thank you. I'll pause.

12 PRESIDING JUDGE: Yes, Mr Ogeto.

13 MR OGETO: Yes, My Lords I just wanted to --

14 PRESIDING JUDGE: I was just wanting to turn to you and
to

09:50:57 15 Mr Taku to find out if you can help us out, you know, to give
us

16 maybe an indication, an indication. I know you have a problem

17 about the other witnesses.

18 MR OGETO: Yes, My Lords.

19 PRESIDING JUDGE: Just an indication as to when you are
09:51:11 20 likely, you know -- likely to wrap it up.

21 MR OGETO: Yes. That's what I was trying to do, My
Lords.

22 PRESIDING JUDGE: Yes.

23 MR OGETO: The -- it's like we are coming to the end of
our
of
24 case, My Lords, because save for the UN witnesses in respect

09:51:29 25 whom we have difficulties, we have about five to six local
26 witnesses to call -- short witnesses and that shouldn't take
us
27 really long. Our intention really was to be able to finish
this
28 case by 15 May.

29 PRESIDING JUDGE: Of May.

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 9

1 MAY 2008

OPEN SESSION

1 MR OGETO: Now of course the problem is that we don't
know

2 when we are going to get these waivers. Assuming we got them
as

3 soon as possible, it is quite possible that we could finish
our

4 case by the 20th. Not beyond the 20th. But let me also
mention

09:52:11 5 that we may have one witness who has indicated that he will
not
6 be available at least until 22, 23 May. So in a nutshell
really
7 I do not see us proceeding beyond 24, 25 May.
8 PRESIDING JUDGE: Subject to certain.
9 MR OGETO: Yes. Yes, My Lords.
09:52:38 10 PRESIDING JUDGE: Yes.
almost
11 MR OGETO: But regarding the local witnesses we are
12 through, My Lords. About five to six and we can be done with
13 them quite fast.
14 PRESIDING JUDGE: Right.
09:52:47 15 JUDGE BOUTET: 24, 25 May is Saturday and Sunday. So
16 meaning that it's now likely you're going to be finished by 23
17 May.
18 MR OGETO: Yes, My Lords.
19 PRESIDING JUDGE: Which is a Friday.
09:52:58 20 MR OGETO: Around that time, My Lords, assuming we get
21 these waivers from the UN.
22 PRESIDING JUDGE: Yes.
23 MR OGETO: That's the difficulty we are in.
time
24 JUDGE BOUTET: But if you do not get them during that
09:53:07 25 frame what's your position then?
it's
26 MR OGETO: As the Presiding Judge said the other day,
27 really a hard nut to crack. We may have to think about it and
28 see what to do. At the present moment I really don't know
what
29 the answer is. It will involve discussions with my colleagues

hope
keenly
to

1 and the accused person to see what can be done. But we do
2 that we will get this waiver because the Registrar is very
3 following the waiver and we're very optimistic we'll be able
4 get it in good time.

09:53:43 -- 5 PRESIDING JUDGE: Is he -- well, I don't know. Is he in
6 if he will be in New York.

7 MR OGETO: That's what I thought, My Lords.

8 PRESIDING JUDGE: If he will be in New York during his
9 three weeks' absence --

09:53:57 10 MR OGETO: Yes, My Lords.

11 PRESIDING JUDGE: -- you know, normally he should
12 facilitate the issuance of the waivers to the witnesses.

13 JUDGE BOUTET: Have you talked at all with the
14 representative of the Special Court in New York?

09:54:11 15 MR OGETO: We left the matter with the Registrar. He
16 assured us that he was doing everything possible to ensure
that
17 we get this waivers.

of 18 JUDGE BOUTET: But as you know there is a representative
19 the Special Court in New York to interface with the
09:54:24 20 United Nations.

21 MR OGETO: And the Registrar knows this very well, My
22 Lords, and I hope --

23 JUDGE BOUTET: Maybe their priorities are not the same
as
24 yours. Anyhow, I'm just mentioning that in passing, so
whatever
09:54:35 25 you may do with it.

26 MR OGETO: We'll try to pursue from that angle, try to
27 impress upon him the need to consult with that representative.
28 I'm sure he will be of much assistance.

29 PRESIDING JUDGE: This is Mr Anthony Triolo, he was
here.

SCSL - TRIAL CHAMBER I

Page 11 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 MR OGETO: Oh, thank you, My Lords.

2 PRESIDING JUDGE: He was here in the Registrar's office
as
3 a personal assistant to the Registrar, so he is a chap you
should
4 know very well. He is the one there who is the liaison
officer
09:54:59 5 for the special Court with the UN.

6 JUDGE BOUTET: Exactly, so he is the liaison officer and
he
7 is being paid by the Special Court to liaise with whatever and
8 for whatever needs the Special Court may have and therefore I
say
9 this because if there is pressure to be put, it may be one
place
09:55:14 10 where pressure can be applied.

11 MR OGETO: That's certainly very useful information, My
12 Lords, and we'll make use of it. Thank you.

13 PRESIDING JUDGE: And he works hand-in-hand, you know,
with
14 the legal office of the UN which normally would be involved in
09:55:33 15 the process that interests you because all the waivers we've
had,
16 have come from the legal office, you know. So -- now, yes,
17 thank you very much. It's been -- your contribution is very
18 helpful. Mr Cammegh, yes, having heard Mr Ogeto.

19 MR CAMMEGH: That was very helpful indeed, because I
09:55:54 20 suppose to summarise, it looks as if the Kallon Defence may
reach
21 a hiatus, similar to the one that we reached during the Sesay
22 team and perhaps that's no bad thing because there is a great
23 deal of work that I'm sure all of us could usefully fill in
that
24 time. My request was simply this: That the Gbao case is not
09:56:15 25 called upon to start before the last Monday of May, and that
26 seems to fit hand-in-glove with what Mr Ogeto has just said.
So.

27 JUDGE BOUTET: Last Monday in May is 26 May.

28 MR CAMMEGH: Yes. Yes. Now, we would have no problem
with
29 that and I reiterate my assurance that this Court will not be

SCSL - TRIAL CHAMBER I

Page 12

SESAY ET AL

1 MAY 2008

OPEN SESSION

like
to
us
09:56:58

1 delayed by the Gbao Defence case. So, Your Honour, I don't
2 asking the Bench for anything that might amount to an
3 undertaking, but if Your Honours were to allow me to go back
4 my team and say not before Monday the 26th, that will assist
5 enormously.

under
want
discussing
09:57:17
it
09:57:47
takes

6 PRESIDING JUDGE: You see, we don't want to put you
7 any form of pressure either because we know that you have to
8 interview these witnesses before they come here. We don't
9 to put you under any form of pressure. So you -- in
10 with your team, before coming back to us, please make sure you
11 know that you've taken all this into consideration, and that
12 should not be an issue we have to again raise or discuss here
13 after today, and that is for you to really get a consensus in
14 your team about proofing the witnesses you know, interviewing
15 them before they come here. I know it takes some time. It
16 some time.

who 17 MR CAMMEGH: It does but I'm equipped with a co-counsel
that 18 doesn't seem to know when to stop working so, Your Honour,
19 is not a problem. The only issue as far as we're concerned is
09:58:02 20 timing and if we are allowed to rest assured that we are not
no 21 required to start before Monday the 26th, then you will hear
22 more from me on the subject.

23 PRESIDING JUDGE: Right. Well.

24 MR CAMMEGH: And that's a promise.

09:58:16 25 PRESIDING JUDGE: Good. That's fine. I think that's a
we're 26 very good compliment coming from you to Mr Scott Martin and
know 27 happy to know, you know, that he starts working but he don't
28 when he has to stop working. That's very nice, isn't it.

29 MR CAMMEGH: It could become a problem in later life.

SCSL - TRIAL CHAMBER I

Page 13 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Thank you very much.

an 2 PRESIDING JUDGE: Thank you. Well, I think we now have
I 3 idea of how we will be moving from now onwards and, this said,

4 think we would continue with the witness. Yes, Mr Ogeto.

09:59:06 5 EXAMINED BY MR OGETO: [Continued]

6 MR OGETO:

7 Q. Good morning, Mr Witness.

8 PRESIDING JUDGE: We ended up with the tendering of your
9 exhibits, you know, 357A, 357B, that was on Tuesday.

09:59:16 10 MR OGETO: Yes, My Lords. Allow me, My Lords, to
revisit

11 this exhibit.

12 PRESIDING JUDGE: Yes, you may.

13 MR OGETO: There is an explanation I want. Thank you,
My

14 Lords. If the witness can be given a copy of this exhibit.

10:00:20 15 Q. Mr Witness, you have a copy of the document headed at
the

16 top "From the leader to all commander."

17 A. Yes, I have the document.

18 Q. And this has already been tendered as an exhibit in this
19 Court. Now, I want you to explain quite clearly under what

10:00:44 20 circumstances did you record these two messages? Please
explain

21 to the Court.

22 A. Yes, I took these messages for future reference so that
I

23 can recall.

24 Q. Did you record them as they appear on this paper -- on
10:01:15 25 these papers here, these five pages?

26 A. Yes, yes, yes.

27 Q. Six pages, actually.

28 A. Yes, that was how I recorded it. That was how I
recorded

29 it.

1 Q. Do you have the original of these messages?

2 A. Yes, I have the original of these particular documents
that
3 is before you.

4 Q. Where is the original of that -- of this document?

10:01:58 5 A. It's in my own area. In my village, anyway.

6 Q. In what form is the original of these messages? How are
7 they recorded in the original?

8 A. I recorded it serially as it did go and how the
information
9 is on this one that you've received. That was how I recorded
it.

10:02:40 10 Q. Are these the only two messages that you recorded in the
11 original that you say you have at home?

12 A. Yes, I wrote two and kept it, and the others were with
me
13 and those are the originals.

14 Q. You wrote two where?

10:03:08 15 A. What I mean, this one you received, I wrote it, but the
16 original of this document is with me.

17 MR OGETO: My Lords, I handed over a document to the

would

18 Prosecution. With your permission, if I can get it back I
19 like to ask the witness some questions. It is the original
10:03:34 20 handwritten document that was handed over to me by the witness
21 and I would like to ask him some questions on that document.

22 PRESIDING JUDGE: That's the original of what?

Court,

23 MR OGETO: This is the exhibit that was tendered in

24 My Lords.

10:03:57 25 PRESIDING JUDGE: That's 357A, 357B. >

26 MR OGETO: Yes, My Lords. It's a photocopy. Now, the
27 original of that exhibit is what I'm holding.

is

28 JUDGE BOUTET: But he said it was at home. He says it

29 in my village. I'm really confused about what he is talking

SCSL - TRIAL CHAMBER I

Page 15

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 about.

2 MR OGETO: That's what I want to ask him, My Lords, to
3 clarify this.

4 JUDGE BOUTET: Okay.

10:04:18 5 MR OGETO: Yes. If the witness can be given this, My
6 Lords.

7 Q. Now, please look at that. Look at it; go through it.
Are
8 you able to identify those three pieces of paper?
9 A. Oh, yes. Yes, I can identify these three papers that
are
10:04:58 10 in my hands.
11 Q. What are they? Explain to the Court quite clearly,
please.
12 A. This particular written on this paper, I wrote it. This
is
13 my handwriting as I see it.
14 Q. When did you write that document?
10:05:24 15 A. Yeah, this document was written at the time when one of
the
16 female lawyers met me, so I told her that I have some
documents,
17 so she gave me the go-ahead to write some and then she went
18 through them. After that I presented them to her and I went
back
19 to the original.
10:05:46 20 Q. What do you mean you went back to the original?
21 A. I held fast. I mean, the original is with me. I could
not
22 give it to her. But if the Court needs it, I will give it.
23 Q. So are you saying that you transferred the information
on
24 that document from another document? Is that what you are
10:06:16 25 saying?
26 A. Yes, this one in front of you is out from my documents.
27 Q. Why did you transfer that information from the other
28 document to this particular document?
29 A. Why I did this, as I said, the female lawyer that

Page 16

SESAY ET AL

1 MAY 2008

OPEN SESSION

present

1 interviewed me, she asked me to write this on paper and

and

2 it to her. That was early in 2007. So I presented it to her

3 the original was with me. So she gave me the go-ahead.

4 Q. Who is this female lawyer that you are speaking about?

10:07:11

5 A. For now, I can't recall the names.

6 Q. Which team was he working for? Was he working for any

7 Defence team or --

8 JUDGE BOUTET: She.

9 MR OGETO:

10:07:27
at

10 Q. Was she working for any Defence team, as far as you knew

11 that time?

12 A. Yes, she was working on the Defence team.

13 Q. Which Defence team?

14 A. Well, she told me that she was working with Kallon.

10:07:55

15 Q. Can you recall her name?

not

16 A. No, no, no, I can't recall the name. In fact, we did

17 talk much to that extent.

18 Q. Where was it that you met this lady?

19 A. Well, she met me in Kenema.

10:08:22 20 Q. So you say you still have the original?
21 PRESIDING JUDGE: Mr Ogeto, I can't -- I'm just trying
to
22 recall; has there been a lady on your Defence team?
23 MR OGETO: Yes, there was, My Lords.
24 PRESIDING JUDGE: I see.
10:08:41 25 MR OGETO: There was. There was a lady in our team and
she
26 left, My Lords.
27 PRESIDING JUDGE: I see.
28 MR OGETO: Yes.
29 PRESIDING JUDGE: Well, I was just trying to --

SCSL - TRIAL CHAMBER I

Page 17

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 MR OGETO: Yes, My Lords.
2 PRESIDING JUDGE: Yes, okay.
3 JUDGE BOUTET: But I would appreciate it if you would
clear
4 up what it is because now it would appear that the witness has
10:09:02 5 documents.
6 MR OGETO: Yes, My Lords.
7 JUDGE BOUTET: It's not clear if documents means only
these
8 because it would appear that the witness has copied these
pages

9 from a document.

10:09:12 10 MR OGETO: Yes.

11 JUDGE BOUTET: That may contain much more than those few
12 pages.

13 MR OGETO: That is the impression I get, My Lords.

14 JUDGE BOUTET: Yes. Because the way he testifies it
10:09:22 15 appears that this female lawyer would have told him copy only
16 these two pages.

17 MR OGETO: Yes, My Lords.

18 JUDGE BOUTET: What are these -- obviously two pages or
19 three pages, whatever it is, out of more pages that would be
in
10:09:33 20 his possession, whatever it is.

21 MR OGETO: That would be -- yes, My Lords.

22 Q. And this other document that you are talking about that
you
23 retained, does it have any other information?

24 A. Yes, it has other informations. I think just a page; I
10:09:57 25 can't recall well.

26 Q. Are you able to get this other document?

27 A. Yes, if you facilitate my movement, maybe I'll come with
28 it.

29 PRESIDING JUDGE: Yes. "If you facilitate my movement,"

SCSL - TRIAL CHAMBER I

1 can we do it? Why not?

2 MR OGETO: Yes, My Lords.

3 PRESIDING JUDGE: If you need it, you have to facilitate
my
4 movements.

10:10:32 5 MR OGETO: Yes, My Lords, I think it will be important
for
6 the Court to have a look at this other document because,
7 apparently, the document that I thought was the original is
not
8 the original.

9 JUDGE THOMPSON: I'm a little confused myself. In other
10:10:44 10 words, there is an original document somewhere.

11 MR OGETO: Yes, My Lords.

12 JUDGE THOMPSON: And the witness has been talking about
the
13 process of transcribing.

14 MR OGETO: Yes, My Lords.

10:10:51 15 JUDGE THOMPSON: And of course the question for me at
this
16 stage would be whether what has been transcribed from the
17 original to this document --

18 MR OGETO: Yes, My Lords, yes.

19 JUDGE THOMPSON: Is in fact a faithful and accurate
10:11:03 20 reproduction of the original document, so that is for me an
21 important hiatus, you know, which will need to be cleared up
in
22 case you intend to do anything with this --

23 MR OGETO: My Lords.

24 JUDGE THOMPSON: -- document.

10:11:19 25 MR OGETO: My Lords, I absolutely agree with you and I
26 think it's absolutely important that we get the original of
this
27 document. Let me also point out that after the proceedings on
28 Friday, I had a chat with the Prosecution and the Prosecution
29 looked at the --

SCSL - TRIAL CHAMBER I

Page 19

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 JUDGE BOUTET: You mean on Tuesday?

2 MR OGETO: On, Tuesday, I'm sorry. I thought it's the
3 weekend. Yes, on Tuesday. So the Prosecution -- we had a
chat
4 with the Prosecution. I don't want to disclose what the
nature

10:11:48 5 of that discussion was but I think in view of what we
discussed,
6 and in view of the answers that the witness has given, it is
7 absolutely important that we obtain the original of this
8 document, so that all the parties in the Chamber are able to
9 verify what exactly is in that document.

10:12:07 10 PRESIDING JUDGE: If I understand it very well, 357A,
11 357B --

12 MR OGETO: Yes, My Lords.

13 PRESIDING JUDGE: -- are a photocopy of this other copy.
14 MR OGETO: Yes, My Lords. Exactly.
10:12:22 15 PRESIDING JUDGE: So in fact we are dealing with copies.
16 MR OGETO: Yes, My Lords.
17 PRESIDING JUDGE: Which copies which are supposed to
have
18 been transcribed from the real original.
19 MR OGETO: Yes, My Lords.
10:12:35 20 PRESIDING JUDGE: That he is keeping.
21 MR OGETO: Yes, My Lords.
22 PRESIDING JUDGE: I think it is important --
23 MR OGETO: Yes, My Lords.
24 PRESIDING JUDGE: -- that you are saying that if you can
10:12:44 25 facilitate my movements, as he says, for him to collect the
26 originals and --
27 MR OGETO: My Lords, on that note, I will apply that we
28 stand down this witness and he moves after his movements have
29 been facilitated.

SCSL - TRIAL CHAMBER I

Page 20

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 PRESIDING JUDGE: But you can conclude with his evidence
2 you know -- well, not concluding. I mean get him to a certain
3 point and only leaving that opening.

Lords. 4 MR OGETO: I have no objection to that procedure, My

10:13:11 5 JUDGE BOUTET: But before you get there I'm still --
it's

6 not -- it's still not clear to me what it is we're talking
about

7 because we're talking here of a -- I would say so-called
8 original.

9 MR OGETO: Yes, My Lords.

10:13:24 10 JUDGE BOUTET: And I call it a so-called original
because

11 my understanding of his evidence is while performing his
duties

12 he copied that from another document so --

13 MR OGETO: Yes, My Lords.

14 JUDGE BOUTET: So the original will be another document.

10:13:39 15 So this document that he has in his possession is a document
that

16 he copied from another document. So what you have there is
copy

17 of a copy of a copy. So what is this original document? How
--

18 MR OGETO: Let's put it this way, My Lords.

19 JUDGE BOUTET: -- the circumstances of that are not
clear.

10:13:56 20 That's what I'm telling you, Mr Ogeto.

21 MR OGETO: As I understand it, My Lords --

22 JUDGE THOMPSON: Perhaps I should, in fact, before you
23 answer, that perhaps the terminology "original" here may be
what

24 you might consider to be original is not what he is in fact
10:14:10 25 calling an original.

26 MR OGETO: Exactly, yes.

27
terminological

JUDGE THOMPSON: So we might be having some
28 difficulty here in describing the purported documents.

29 MR OGETO: Yes, sir.

SCSL - TRIAL CHAMBER I

Page 21

SESAY ET AL

1 MAY 2008

OPEN SESSION

my 1 JUDGE THOMPSON: So we need to clear this up as joining

2 Brothers' position on that.

3 MR OGETO: Let's put it this way My Lords --

4 PRESIDING JUDGE: Let me come in.

10:14:35 5 MR OGETO: Yes, My Lords.

this 6 PRESIDING JUDGE: What would really be the original of

7 document? Wouldn't it be the logbook?

8 MR OGETO: Ideally, it's the logbook.

9 PRESIDING JUDGE: Yes, it should be the logbook. I am
10:14:50 10 sure, you know, that taking the cue from my colleagues, you
know,

11 that what the witness is saying is that he copied this

12 particular -- what he has there was copied -- what he has at
home

13 was copied from the logbook; is that what he is saying.

14 MR OGETO: Yes, My Lords.

10:15:10 15
even

PRESIDING JUDGE: Now, it means then, you know, that

16 what he has at home is not the original; it is a copy.

17 MR OGETO: Yes, it is a copy, I understand My Lords but

--

18 JUDGE THOMPSON: And compounding the problem here, we
may

19 now be engaging in speculation that is very unhelpful which in

10:15:33 20 fact requires that we -- this Court be given the opportunity
to

21 see this document, because there are competing hypothesis now,

22 based on the nature of his evidence, and I would respectfully
say

23 that that is the kind of exercise that we may find not
fruitful,

24 unless the document is produced and then we, the Court is able
to

10:15:54 25 determine the nature and character of the document.

26 MR OGETO: Yes, My Lords.

27 JUDGE THOMPSON: Whether it has been properly
characterised

28 as original or the copy or what you might call the copy of an

29 original or whatever characterisation may be appropriate.

SCSL - TRIAL CHAMBER I

Page 22

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 MR OGETO: Yes, My Lords, and that's why I said probably

document 2 the best procedure would be to let the witness get this
3 for inspection by the Court, so that we're able exactly to
4 understand the nature of that document and what we can make
it.
10:16:32 5 Because at this stage I agree with Judge Thompson that we are
6 exactly
7 what kind of document this witness is talking about and, in
view
8 of that, again the discussion that I had with the Prosecution
on
9 Tuesday, during which we made certain allegations, if I may
call
10:16:58 10 them so, I think it's important for the Court to look at the
11 document in the possession of the witness.

12 PRESIDING JUDGE: What option are you adopting now? Do
you
13 want to stand down the entirety of the evidence he has to give
14 and take on another witness? Or to get done with him and just
10:17:27 15 leave that aspect of it for --

16 MR OGETO: My Lords, I consider this issue absolutely
17 important.

18 PRESIDING JUDGE: Yes.

19 MR OGETO: And my request will be to stand down this
10:17:36 20 witness for him to be able to get these documents. We have
21 another witness on standby, and I'm sure the witness will be
able
22 to get this document as soon as possible, so that we can
pursue
23 the matter further.

24 PRESIDING JUDGE: Mr Witness, you think if you -- if you
10:17:55 25 left today without mentioning where you are -- no need to
mention

mean 26 where you are going to -- if you left today, for instance, I
27 how long would it take you to come back here?
28 THE WITNESS: Latest Tuesday.
29 PRESIDING JUDGE: Latest Tuesday. That is you'll be

SCSL - TRIAL CHAMBER I

Page 23

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 arriving in Freetown on Tuesday?
2 THE WITNESS: By God's grace, I'll come back.
3 PRESIDING JUDGE: So you might be available for
testimony 4 on -- well, on Thursday.
10:18:42 5 THE WITNESS: Well, yes, I'm working in the interests of
need 6 this particular Court. Any hour, any minute, any second you
7 me, I will come.
8 PRESIDING JUDGE: Fine. Yes, Mr Harrison.
9 MR HARRISON: I just wanted to remind the Court of
10:19:05 10 something that happened quite a while ago with TF1-036; that
was
11 a witness who the Prosecution asked to be stood down. The
Court
12 granted that but what they also arranged was that a
13 representative of witness and victim service actually
transport

14 the person in a witness and victim service truck to the
location,
10:19:26 15 so that he would be brought back immediately thereafter, and
16 there wasn't a lengthy delay. I think in that particular case
17 the witness was away for the afternoon, the following day, and
18 then returned and was present.

19 That's always dependent upon the availability of victim
and

10:19:45 20 witness service but there was a discussion between the Court
and
21 them on that particular occasion, and they were obviously able
to
22 accommodate the Court's concerns.

23 PRESIDING JUDGE: Do you anticipate any prejudice if
this

24 witness -- if it turned out that he goes alone -- do you
10:20:09 25 anticipate any prejudice, you know, if it turns out that the
26 witness goes alone to pick up the document?

27 MR HARRISON: It wasn't so much a question of prejudice,
it
28 was the timing.

29 PRESIDING JUDGE: I know. I know. I mean, I'm looking
at

SCSL - TRIAL CHAMBER I

1 the other side of it, you know, because --

2 MR HARRISON: The Prosecution would ask the Court that
if

3 they are going to follow this procedure, that the usual
warning

4 be given to a witness that they not discuss their evidence
with

10:20:32 5 any person while they are away from the seat of the Court and
--

6 PRESIDING JUDGE: Well, that's the prejudice I was
7 referring to.

8 MR HARRISON: The Prosecution does think that there is
some

9 logic in having witness and victim services escort a witness
to a

10:20:45 10 distant location, while they are during their direct
testimony.

11 PRESIDING JUDGE: Yes, because he is still in the
12 possession of the Court, you know, and he is supposed to still
be
13 within the custody, you know, of the Court.

14 Well, on Mr Ogeto's application, the Chamber will stand
10:21:45 15 down the evidence of this -- the recording of the evidence of
that
16 this -- or rather the testimony of this witness until a date

17 would have allowed him to go and pick up this document. We
would

18 like to observe and to note that the witness is still under
the

19 custody, you know, of the Court. I mean custody in terms of
his

10:22:25 20 being at the disposal of the Court and that -- and at the
order

21 disposal also of the victims and witness unit, and so we do

22 that the victims and witness unit arranges the transportation
of

place 23 the witness -- arranges and accompanies the witness to his
back 24 of abode so that he collects the document and they bring him
10:22:53 25 to the witness house in Freetown as soon as this is done --
the 26 Court will be advised by the victims and witness unit on when
27 witness would be available -- would have been available in
testimony, 28 Freetown for us to be able to start to resume with his
29 this time armed with the document which he would have brought

SCSL - TRIAL CHAMBER I

Page 25

SESAY ET AL

1 MAY 2008

OPEN SESSION

unit 1 from his place of abode.
2 So we are accordingly ordering the witness and victims
his 3 to make -- take all necessary steps to convey the witness to
to 4 place of abode and to bring him back to the witness house and
10:23:35 5 advise the Court as to when he will be available for continued
6 testimony. So this is -- yes, Mr Ogeto.
7 MR OGETO: Much obliged, My Lords.
8 PRESIDING JUDGE: Right. I think the witness can be
9 assisted out of Court for now and placed at the disposal of

10:23:56 10 victims and witness unit so that immediate arrangements, you
11 know, be made for him to be transferred or, rather, taken to
12 where he will collect the document. So can he be assisted out
of
13 Court, please, and let the attention of the chief of the
section
14 be drawn to this very urgent matter that has been referred to
10:24:22 15 him. Mr Ogeto, you still have --
16 [The witness stood down]
17 MR OGETO: Something different, My Lords. Good news.
Very
18 good news.
19 PRESIDING JUDGE: Oh, the waivers have come?
10:24:38 20 MR OGETO: They have come.
21 PRESIDING JUDGE: Oh, good.
22 MR OGETO: For some. I have not looked at all of them
but
23 some. At least we have something, My Lords.
24 PRESIDING JUDGE: Right. That's very good news then.
Now
10:25:01 25 when do you think the witnesses will be -- they are already
26 available in town?
27 MR OGETO: The three of them are available, My Lords.
28 PRESIDING JUDGE: They are in town?
29 MR OGETO: Three of them, My Lords.

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 PRESIDING JUDGE: Right.

2 MR OGETO: My Lords, if Mr Kallon can be allowed to use
the
3 bathroom?

4 PRESIDING JUDGE: Yes, please. And can you call in the
10:26:18 5 witness we are interposing with this one, please?

6 MR OGETO: Yes. The next witness, My Lords, is DMK-095.

7 [The witness entered Court]

8 PRESIDING JUDGE: Yes, can he be sworn in, please. This
is
9 your 11th witness, Mr Ogeto.

10:29:05 10 MR OGETO: Yes, My Lords.

11 PRESIDING JUDGE: And he will be testifying in what
12 language?

13 MR OGETO: In Krio, My Lords.

14 WITNESS: DMK-095 [Sworn]

10:29:53 15 [The witness answered through interpreter]

16 MR OGETO: My Lords, in order to avoid a closed session
for
17 this witness, if he can be given a piece of paper to write
down
18 certain background information.

19 PRESIDING JUDGE: Yes, please, provide him with a paper.
10:30:56 20 Yes, okay. Can you -- what do you want him to write? His
name.

21 MR OGETO: Yes, My Lords.

22 Q. Just indicate: Number one, your name, please -- your
full

your
have;
10:32:03
briefly
you
23 names; number two, indicate your age; number three, indicate
24 marital status and the number of children, if any, that you
25 number four, your current occupation; number five, very
26 indicate the manner in which you got into that position -- the
27 current occupation that you are holding -- very briefly. Are
28 through? That's all, My Lords.
29 PRESIDING JUDGE: His residence.

SCSL - TRIAL CHAMBER I

Page 27
SESAY ET AL

1 MAY 2008

OPEN SESSION

Six,
1 MR OGETO: Oh, sorry. Critical.
2 Q. Your current place of abode -- number seven, is it?
3 okay. My Lords, if we can now have the piece of paper?
4 PRESIDING JUDGE: Please, verify -- make sure it is
10:33:49 5 properly filled and --
6 MR OGETO: Yes.
7 Q. Mr Witness, we are doing this to protect your identity
8 because the public is listening to what you are saying.
9 PRESIDING JUDGE: You are tendering the document, are
you.
10:36:58 10 MR OGETO: Yes, My Lords.

11 PRESIDING JUDGE: Mr Harrison, I know you are on your
feet.

12 I've taken note of that. Are you -- is there any objection to
13 admitting this paper with the data of the witness.

14 MR HARRISON: No, in principle there's not an objection
but

10:37:15 15 the Prosecution's in the --

16 PRESIDING JUDGE: Just a minute, please. Is there a
17 reservation on the exhibit? You say in principle no
objection.

18 I see you are saying that with some reservations. Is it on
this

19 paper as it is or on something else?

10:37:47 20 MR HARRISON: Well, it's related but it's not on the
paper.

21 PRESIDING JUDGE: Not on the paper. Mr Jordash, any
22 objection.

23 MR JORDASH: No objection.

24 PRESIDING JUDGE: Mr Cammegh.

10:38:04 25 MR CAMMEGH: No, thank you.

26 PRESIDING JUDGE: All right the paper is admitted and
27 marked confidentially as Exhibit 358.

28 MS KAMUZORA: Yes, My Lord.

29 [Exhibit No. 358 was admitted]

SCSL - TRIAL CHAMBER I

1 PRESIDING JUDGE: Yes, Mr Harrison.

2
Prosecution

3 MR HARRISON: Yes, the difficulty is that the
4 had understood that this witness had a different name, a
5 completely different name, and we're caught short right now.

I'm

10:38:57
given

6 trying to find a document which indicates the name we were
7 to understand that attached to this particular TF-number. And
8 we're not wanting to delay the proceedings. We're perfectly
9 content to hear the evidence-in-chief. But I at least want to

--

10
you

11 PRESIDING JUDGE: In cross-examination you can -- can

10:39:20
it

12 visit that or -- maybe when you have the detailed information
13 even before the end of the direct, you know, you could raise
14 or so?

15
name,

16 MR HARRISON: No, what's happened was we were given a
17 a completely unrelated name.

10:39:35

18 PRESIDING JUDGE: That's what I'm saying.

19 JUDGE BOUTET: DMK-085 was not that name.

20
preparing

21 MR HARRISON: Exactly. We did a bit of work in

22
suggesting

23 for questions based upon that name. We now want to go and see
24 what went wrong as to how this happened, and what I'm

10:39:56
well

25 is at least at the morning break, I would like to investigate
26 that problem and I may be asking to use the lunch break as

27 to investigate that problem, but we don't want to prohibit the

23 direct examination or any other cross-examination
[indiscernible]

24 deems to be appropriate.

10:40:11 25 PRESIDING JUDGE: All right. Thank you for the
concession.

26 You've taken note of that, Mr Ogeto.

27 MR OGETO: Yes, I'll verify that as well, My Lords.

28 PRESIDING JUDGE: Please do. Now, this said, you may

29 proceed with your direct examination.

SCSL - TRIAL CHAMBER I

Page 29

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 EXAMINED BY MR OGETO:

2 MR OGETO:

3 Q. Yes. Mr Witness, for how long have you held the
4 position -- your current occupation?

10:40:42 5 A. About three years.

Makeni 6 Q. Do you recall when UNAMSIL started deploying in the
7 area?

8 A. Sometime in 1999.

9 Q. Where were you at that time?

10:41:10 10 A. I was in Makeni.

at 11 Q. Were you in any way involved in the disarmament process

12 that time?

They 13 A. Well, not immediately when the disarmament started.

and 14 employed me as coordinator of the camps of Lunsar and Makeni

10:41:48 15 later I was at Magburaka camp.

16 Q. Who employed you as coordinator?

17 A. The government.

18 PRESIDING JUDGE: [Indiscernible] Lunsar and Makeni.

19 MR OGETO: Lunsar [overlapping speakers]

10:42:08 20 THE WITNESS: The government.

21 MR OGETO:

22 Q. You mentioned Lunsar, Makeni, and where?

23 A. Lunsar, Makeni and later Magburaka.

24 Q. What were your duties as coordinator?

10:42:30 25 A. Well, I tried to organise the combatants and encouraged

26 them to understand and know that this is an agreement between

27 government and their bosses, telling them that it was time for

us 28 to disarm and for peace to reign in the nation.

29 Q. For how long did you work as coordinator?

SCSL - TRIAL CHAMBER I

Page 30

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 A. Eight months.

the 2 Q. Who was the commander -- the RUF commander of Lunsar at
3 time you were coordinator carrying out the duties that you've
4 spelt out?
10:43:28 5 A. xxxxxxxxxx.
6 Q. What about Makeni during that same period?
7 A. It was Kailondo.
8 Q. And Magburaka, still the same period?
9 A. Yes, it was simultaneously.
10:44:12 10 Q. Sorry, can you repeat that answer, please? I didn't get
11 it. Magburaka, who was the commander in Magburaka at the
time?
12 A. Magburaka? I'm still trying to remember the name.
Morris
13 Kallon.
14 Q. Would that be the accused person in this case?
10:44:42 15 A. He was the commander at Magburaka at that time.
16 Q. So are you talking about Morris Kallon, the accused
person
17 in this case?
18 A. I want to believe that was him.
19 Q. Do you know Mr Kallon, Morris Kallon, the accused person
in
10:45:23 20 the case before this Court?
21 A. Yes, I know him.
22 Q. If you see him, are you able to recognise him?
23 A. If I see him before me, I will know him.
24 Q. With the permission of the Court, My Lords, if the
witness
10:45:48 25 can be allowed to stand and look around the courtroom and see
if
26 he can be able to identify the accused Morris Kallon?

27 PRESIDING JUDGE: Yes, he may.

28 MR OGETO:

29 Q. Mr Witness, can you please stand up. Look around the

SCSL - TRIAL CHAMBER I

Page 31

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 courtroom and tell us if you can see Mr Morris Kallon? Sorry?

below

2 JUDGE BOUTET: So you are pointing to the man right

3 me here?

10:46:31

4 THE WITNESS: That's the man in front of me. The man in
5 front of me.

6 MR OGETO:

7 Q. That's all right.

8 A. I'm not seeing at the back of you. Okay, that is him

9 behind you. Behind you. Behind you.

10:46:52

10 Q. How is he dressed?

11 A. He is putting on a coat.

three,

12 JUDGE BOUTET: Can you just say that it's one, two,

13 four, five, six, seven.

14 PRESIDING JUDGE: Can you sit down? Sit down, Mr Ogeto.

10:47:19

15 THE WITNESS: If I start from that end, he is the fourth
16 man, from the extreme end this way.

17 JUDGE BOUTET: I guess, are you counting this man right
18 here?

19 PRESIDING JUDGE: Yes, he is.

10:47:35 20 THE WITNESS: Yes, yes, he is a human being, so I am
21 counting. He's in the room.

22 JUDGE BOUTET: It's okay.

23 MR OGETO: My Lords, may the record reflect that the
24 witness has identified Mr Kallon.

10:47:52 25 Q. You can have your seat, Mr Witness.

26 JUDGE BOUTET: What should the record reflect? First
27 identification or the second one?

28 MR OGETO: The second one, My Lord. The second one.

29 JUDGE BOUTET: Okay.

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 32

1 MAY 2008

OPEN SESSION

record
and
say:
10:48:18

1 MR HARRISON: Well, the Prosecution simply says the
2 has to stand for itself. The witness made an identification
3 then subsequently changed it, and counsel can stand up and
4 Let the record show something but the transcript shows what it
5 shows.

6 MR OGETO:

7 Q. Mr Witness, first of all you pointed out to this man
next
8 to Justice Boutet and now you've pointed out somebody else.
Can
9 you explain that?

10:48:43 10 A. Well, I did not see the back of the Court. I was not
11 seeing your back. When you sat down, then I saw the people
12 sitting at the back.

13 Q. So why did you first of all point out at somebody else?

14 A. Well, there is a semblance.

10:49:10 15 PRESIDING JUDGE: Who is this? Who is this?

16 JUDGE BOUTET: My bodyguard.

17 MR OGETO: Can you please stand.

18 PRESIDING JUDGE: Mr Kallon's bodyguard.

19 MR OGETO:

10:49:30 20 Q. Mr Witness, when did you first meet Mr Kallon?

21 A. The first two weeks in January 1999.

22 Q. In what circumstances did you meet Mr Kallon?

23 A. I was in the house of the commander in charge of
civilians,
24 the G5 commander, Hindolo Koroma. Then Mr Kallon came to his
10:50:08 25 house and introduced him to me saying this is Mr Kallon, the
26 commander in Magburaka.

27 Q. Did you subsequently meet Mr Kallon in any other
28 circumstances?

29 A. Well, on very many occasions, he was very frequently in

1 Makeni. He came to Makeni frequently. I noticed that he had
so
2 many interest in sensitising the other combatants and getting
3 prepared to put the war to an end.

4 Q. Do you know when the RUF entered Makeni around this
period?

10:51:06 5 A. That night, it is difficult to convey it. 23 December
6 1998.

7 PRESIDING JUDGE: When the RUF entered --

8 MR OGETO: Entered Makeni, My Lords.

9 THE WITNESS: 23 December 1998. That was the night they
10:51:24 10 entered.

11 MR OGETO:

12 Q. Why is this night significant?

13 A. Well, the gunshots we heard from Teko Barracks, when we
14 heard the heavy firing, then we knew that the RUF had entered
the
10:51:47 15 barracks, so we were scared.

16 Q. Was there any event that took place after they entered
17 Makeni?

18 A. Well, the following day, on the Thursday, Friday,
Saturday,
19 when they finally succeeded in pushing the ECOMOG troops out,
10:52:23 20 later in the afternoon they called us to a meeting. That was
the

21 very first significant thing that happened that very day on 26

22 December 1998.

23 Q. Please try and speak slowly because we are recording all

24 that you are saying. Pause between your sentences so that we
are

10:52:41 25 able to record accurately what you are saying; you understand?

26 A. Okay.

27 Q. So you say they called a meeting. A meeting for who?

28 A. Yes, they called a meeting.

29 PRESIDING JUDGE: On what day?

SCSL - TRIAL CHAMBER I

Page 34

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 THE WITNESS: Saturday, 26 December 1998.

2 MR OGETO:

3 Q. Who -- this meeting was meant for who?

4 A. Well, it was like a general meeting for the civilians
and

10:53:24 5 the RUF, and we the civilians on our own side, we are keen to

6 know what had happened after ECOMOG was pushed out and what
was

7 happening next, so we were so large in number and the RUF that

8 were there in great number.

9 Q. Do you recall any senior RUF who attended this meeting?

10:54:00 10 A. The person I can remember who was the senior man was the

Hindolo
11 person who chaired the meeting, who called the meeting, the G5
12 commander, who told us that he was in charge of the civilian
13 affairs. That was the man I was able to recognise, Major
14 Koroma.

10:54:23 15 Q. What did he say during this meeting, Mr Koroma?

16 A. Well, he knew that we were anxious to know what has
17 happening next. But he told us that he called us to assure us
18 that they have come to really come and put things together and
to
19 see that the country comes back to peace and they are coming

10:54:52 20 end the war by, God's power.

21 Q. Do you recall anything else that happened during this
22 meeting?

23 A. Well, I remember that he tried to tell us that they as
24 rebels will not be able to do everything; they need some
people

10:55:19 25 from the civilians to try and coordinate between the civilians
26 and the RUF, so that whatever they are to organise, they chose
27 those people to do the rest of the work so they appointed some
28 people.

29 Q. How many people were appointed?

SCSL - TRIAL CHAMBER I

1 A. Four people were appointed. Five of us. Four men and a
2 woman.

3 Q. Were you one of those appointed? Don't mention the
4 position that you were given, just answer "yes" or "no:" Were
10:56:11 5 you one of those who were appointed?

6 A. Yes. Yes. I was appointed.

7 MR OGETO: My Lords, again, if the witness can be given
a
8 piece of paper to write the position that he was appointed to
9 during that meeting. If I could have a look at the piece of
10:57:42 10 paper, please.

11 Q. Are you through with writing? Are you through?

12 A. Yes, I'm through.

13 PRESIDING JUDGE: Are you tendering this paper?

14 MR OGETO: Yes, My Lords, if it can be tendered as the
next
10:59:28 15 exhibit.

16 PRESIDING JUDGE: Any objection, please? Any objection,
17 Mr Harrison?

18 MR HARRISON: No.

19 MR JORDASH: No, thank you.

10:59:53 20 PRESIDING JUDGE: The paper is admitted and marked
21 confidentially as Exhibit 359.

22 MS KAMUZORA: Yes, My Lords.

23 [Exhibit No. 359 was admitted]

24 PRESIDING JUDGE: Can you have that, please. Don't
forget
11:00:12 25 the pseudonym, please. Yes, Mr Harrison.

26 MR HARRISON: The Prosecution just wants to interrupt

are
27 briefly. We are clear on what the remedies available to us
someone
28 but if I could just ask through the Court if Mr Taku or
their
29 else could perhaps, in the very near future, confirm that

SCSL - TRIAL CHAMBER I

Page 36
SESAY ET AL

1 MAY 2008

OPEN SESSION

correct
1 summary which was provided to us for 095 is, in fact, the
all
2 one or if there are some supplemental statements because of
3 the information that we've heard so far, there's probably less
of
4 than three or four minutes that we were aware of as a result
11:00:58 5 the summary. If there are supplemental statements if they
could
6 simply advise us when they were delivered so that we could
7 retrieve them.

across?
8 PRESIDING JUDGE: Yes, you have gotten the message

9 MR OGETO: My Lords, yes, we did supply additional
11:01:17 10 information yesterday afternoon after the interview with this
11 witness and I believe it was sent to the Prosecution yesterday
12 evening and it was also filed with the Court this morning.

13 PRESIDING JUDGE: Well, it's a question of the timing.

it's 14 JUDGE BOUTET: It was filed. I saw it this morning so
11:01:43 15 information not on what the witness has testified about, I
must
and 16 say, because I've read what's in the additional information
17 it's not what the witness has testified about, so I don't know
18 where the confusion is if any, Mr Harrison.

19 MR HARRISON: Yes, we did receive a supplemental about
11:01:58 20 7 p.m. last night informally, and then I understand, I don't
have
is 21 it, but if there was a filed one but the Prosecution's concern
22 that that supplemental does not in any way address any of the
23 deficiencies that exist from the original summary. And my
24 question simply is: Is the summary in error when it says 095?
11:02:21 25 Is there a typographical error and it's in fact supposed to be
26 referring to some other number and the numbers get confused.
27 Because if you look at the summary for 095 there's absolutely
28 nothing about the witness's testimony --

29 PRESIDING JUDGE: What the witness is testifying now.

SCSL - TRIAL CHAMBER I

Page 37

SESAY ET AL

1 MAY 2008

OPEN SESSION

that 1 MR HARRISON: Yes. And I think if you were to look at

a

2 supplemental you would also see that there is nothing in that
3 supplemental statement filed yesterday afternoon. We're not
4 trying to stop the proceedings. We're just asking if there is

11:02:49 5 mistake we just want to rectify it so that we can go forward.

6 PRESIDING JUDGE: Yes, Mr Ogeto.

has

7 MR OGETO: My Lords, the gist of the testimony of this
8 witness is about the events in Makump on 1 May 2000, and that

9 been -- information regarding that has been provided to the

11:03:07 10 Prosecution. This is just background that I'm leading and I'm

11 not going to be long on this, My Lords. I don't think this is

12 extremely material but I'm just laying the basis for the

13 testimony of this witness which is basically about Makump on 1

14 May 2000.

11:03:23 15 PRESIDING JUDGE: Yes. Maybe justifying the background
to

16 justifying his presence in Makump.

17 MR OGETO: Yes, My Lords, and that's all.

Harrison

18 PRESIDING JUDGE: Well, just take note of what Mr

19 is saying.

11:03:33 20 MR OGETO: Yes.

21 PRESIDING JUDGE: You know, because we want to make sure

22 that -- that the filings you've made relate to this witness

23 indeed.

24 MR OGETO: They do, My Lords.

11:03:46 25 PRESIDING JUDGE: Right.

26 MR OGETO: They do. And let me say that there's been a

27 series of correspondence regarding this witness. Some time

back

another
that

28 there was confusion on the pseudonyms of this witness and
29 one, and we've had a series of correspondence and I thought

SCSL - TRIAL CHAMBER I

Page 38

SESAY ET AL

1 MAY 2008

OPEN SESSION

But
provided
witness

1 we laid the matter to rest. But I will discuss it with my
2 colleague and clarify it -- the issue -- further with him.

3 the summary refers to this witness. The information we

4 last night refers to this witness and we have the right

11:04:20

5 on the stand.

6 PRESIDING JUDGE: Right. Let's get along. He doesn't
7 object to our getting along. We'll sort that out. May we
8 proceed, please.

9 MR OGETO: Yes, My Lords.

11:04:33
you

10 Q. Mr Witness, what were your duties in the position that
11 were given during that meeting?

12 A. Well, I acted as spokesman between the civilians and the
13 RUF. Anywhere they went, I delivered the message that our
14 brothers and sisters are here. They have come to help us so

that

11:05:04 15 they can join us together and put this whole conflict to an
end.

five 16 Q. Were there women amongst those who were selected, the

17 you mentioned?

18 PRESIDING JUDGE: There was one woman.

19 THE WITNESS: Yes, there was a woman.

11:05:32 20 MR OGETO:

21 Q. Can you please give us her name?

22 A. Well, xxxxxx.

23 Q. Adama who?

24 A. xxxxxxxxxxxx.

11:05:49 25 Q. Do you know a lady called xxxxxxxxx?

26 A. Yes, I know xxxxxxxxxxxx. She was with us in the camp in
27 Makoth. She was in charge of preparing food for the workers

and

28 to prepare food for whoever was assigned at that time.

29 Q. Was she in that meeting where you were appointed into
the

SCSL - TRIAL CHAMBER I

1 position that you indicated on the piece of paper?

2 A. Yes, I think I missed the surname of Conteh for Bangura.

3 xxxxxxxxxxxx, she was there.

4 PRESIDING JUDGE: What do you mean?

11:06:52 5 THE WITNESS: We were in the meeting at the town hall
when

6 we were given the positions.

7 PRESIDING JUDGE: Let's be sure of the person who was
with

8 you at that meeting -- of the woman. You said you were five -
-

9 you were four of you, rather. There was one woman.

11:07:08 10 THE WITNESS: I missed the surname. Bangura instead of
11 Conteh.

12 PRESIDING JUDGE: So the woman amongst you was xxxx
13 xxxxxxxxxxxx?

14 THE WITNESS: xxxxxxxxx, not xxxxxxxx.

11:07:49 15 MR OGETO:

16 Q. Do you recall where you were on 1 May 2000?

17 A. Yes, I was in the place at Makump where we are trying to
18 finish the intended DDR camp.

19 Q. What do you mean by "finishing the intended DDR camp"?

11:08:13 20 A. Well, we were working in the camp to make sure that we
21 complete putting the beds together and -- and then to know
where

22 the domestic are to be placed, where should be the kitchen,
there

23 should be the office, so we receive the various people coming
for

24 disarmament.

11:08:36 25 Q. And, please, Mr Listen, try and listen to the
translation,

26 to the Krio; don't listen to me. Listen to the Krio to avoid
27 confusion; okay? Understand? I know you understand --

28 A. Okay. Yes.

29 Q. So what time did you get to the DDR camp on that day?

1 A. It was in the morning hours.

2 Q. Who were you with at the camp?

3 A. We were myself, the women who were cooking, the
carpenters,

4 DIFD, an international NGO that I first knew that took up the
11:09:31 5 responsibility of the whole process, the disarmament process.
We
6 were all in the camp.

7 Q. Who from the NGO was present at the camp?

8 A. Well, there were DIFD officials. Of course, we had
UNAMSIL
9 around the camp.

11:10:05 10 Q. You've spoken about cooking; what kind of cooking was
going
11 on?

12 A. They prepared food for those of us who were in the camp
to
13 put things together. They cooked for us. They were also
14 employed to prepare food for the combatants who were to be
11:10:32 15 disarmed.

16 Q. Did you know any of those who were cooking on that day?

17 A. Madam xxxxxxxxxxxxxx was the head, since she was the Mammy

18 Queen. She was the head of that section.

19 Q. So did you see her on that day?

11:11:04 20 A. Yes, we were all there. Every day we went there, she
was

21 there since she had to provide food for us.

22 Q. Now, while you were at the camp, did you see the accused
23 person Morris Kallon?

24 A. Yes. The camp was very close to the road, and that was
the

11:11:28 25 highway between Magburaka and Makeni. It was clear. I saw
him

26 coming from the Magburaka direction. He drove into the camp.

27 When he saw us, as soon as, whenever he sees us he would come
to

28 see us and we would talk. He went into the camp and stopped
his

29 car. And he stopped by. He came down and then he used to
create

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 41

1 MAY 2008

OPEN SESSION

1 fun for us. It was interesting --

2 Q. Listen to my questions carefully. If I want more
details,

3 I'll get them from you. But try to be as brief as possible.

4 What time was it that you saw Mr Kallon arrive from the
direction

11:12:21 5 of Magburaka?

6 A. It was before midday. Before midday. He was coming
from

7 the Magburaka direction.

8 Q. How did he arrive? By what means?

9 A. He came with a car.

11:12:53 10 Q. Can you recall the make of the car?

11 A. Actually it was a Sierra Leone -- saloon car; a small
car.

12 Q. Can you recall the make?

13 A. I can't remember the make because I did not read where
it

14 was -- it was produced from. I knew it was a car.

11:13:30 15 Q. Are you able to recall the colour of that car that you
saw

16 Mr Kallon arrived in?

17 A. Yes, the colour was blue/black.

18 Q. What do you mean by "blue/black"?

19 A. Well, it was not entirely black, totally blue; it was

11:14:00 20 something mixed.

21 Q. Did Mr Kallon arrive alone?

22 A. No, he came -- he came with xxxxxxxxxxxx, the G5

23 commander, and the driver was there too, an old man who I
can't

24 remember, but I knew there were four of them.

11:14:35 25 Q. Did Mr Kallon speak to you?

26 A. As I said earlier on, he is a friendly person and we
were

27 used -- he greeted me. We spoke together. He greeted me.

28 Q. Did he tell you anything -- apart from greeting you?

29 A. No. He went into the place where the carpenters were

1 putting the beds together and I was behind him.

2 Q. Do you recall if he spoke to the carpenters?

3 A. Yes, he made a very interesting remark. He said: My
men,

4 these beds you are making is for your brothers. It's not for
--

11:15:38 5 they are not for pigs so you have to make them fine and make
them
6 decently.

7 Q. Did you get to understand in what context he was saying
8 this?

9 A. Well, it was like he was looking for better beds to be
11:16:01 10 prepared more than the ones he saw.

11 Q. What was your reaction to this statement by Mr Kallon?

12 A. As far as I was concerned, we just took his -- that the
13 bed -- the bed were transit bed that were just to be used for
14 three, four days and then going away, so we just laughed over
the

11:16:37 15 issue.

16 Q. What was his mood as he said this? Are you able to
recall?

17 A. Yes, I did not see any form of annoyance. He was
laughing

18 as he spoke to us and the carpenters. He was laughing to us.

that 19 Q. Do you recall the period Mr Kallon was at the camp at
11:17:08 20 time, after speaking to you and to the carpenters?
can't 21 A. Well, up to the time he spoke to us -- all of us, I
22 remember exactly, but it was less than one hour.
23 Q. Was Mr Kallon carrying a gun when you saw him?
his 24 A. No, Mr Kallon hardly carried guns. He had no guns in
11:17:49 25 hands.
Please 26 Q. I'm talking about this particular day, Mr Witness.
27 listen to my question: Was Mr Kallon carrying a gun on that
28 particular day?
29 A. No, he hadn't any gun. He had no gun.

SCSL - TRIAL CHAMBER I

Page 43

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. What about the others who were accompanying him?
2 A. They too had no guns; none of them had guns.
3 Q. So what happened after this discussion? Did Mr Kallon
4 continue being at the camp?
11:18:34 5 A. No. Mr Kallon told -- said goodbye and drove towards
6 Makeni's direction.

else? 7 Q. Did he drive alone or was he accompanied by anybody

joined 8 A. He went with the people with whom he came and Adama

9 them and they went. They went towards Makeni direction.

11:19:10 10 Q. For how long were you at the camp on that day after this

11 incident with Mr Kallon?

12 A. We are there until late in the afternoon.

13 Q. Did you see Mr Kallon again on that day?

14 A. Mr Kallon, we saw him going back towards Magburaka

11:19:42 15 direction, but he did not stop by; he just went through.

16 Q. When is it that you saw him going towards the Magburaka

17 direction?

18 A. Just a little after midday, then we saw him going back.

19 Q. You said you stayed at the camp until the afternoon.

Did

11:20:15 20 anything happen in the camp that afternoon; anything

significant?

21 A. Well, actually that day we had ten combatants who

decided

22 to come and disarm. We were under arrangements and the

23 discussion whether we should do it or not.

24 Q. Discussion with who?

11:20:51 25 A. I, the DIFD officials and the other colleagues who were

26 employed to start that process in the DDR camp.

27 Q. Why were you discussing if the disarmament should

proceed

28 or not? Was there any problem?

29 A. Well, personally I was a bit worried. I did not think

that

Page 44

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 it was -- that was the right time since we had not got enough
2 discussion, consultation, whether we should start or not.

3 Q. What kind of consultations?

4 A. Well, we are worried because when they came from Lome
there

11:21:55 5 was so much grumbling. The government was saying, they say
the

6 RUF was not committed to the arrangements on the peace accord.

7 Likewise the RUF too, they were grumbling that the government
is

8 not showing any form of cognisance to the Lome Peace Accord as

9 they spoke of appointment of the RUF in the government and
there

11:22:17 10 was nothing -- so they were trying to put things straight
whether

11 the money -- whether the money was to be in dollars or leones,

12 they wanted an explanation. But those who were responsible
for

13 the disbursement said they were going to disperse in leones,
so

14 they were not, I was not satisfied to see this tussle between

11:22:40 15 them, since that was not settled, so that was the discussion
we

16 were having, whether we should start or not.

17 Q. You've spoken about Lome. What did Lome have to do with

18 this disarmament?

19 A. Well, it was from the peace accord, I think. We had a
11:23:02 20 clause that talked about the disarmament, that before peace
there
21 should be disarmament; the RUF should disarm.
22 Q. So did you get to understand what the attitude of the
RUF
23 was towards the Lome accord and its implementation?
24 A. Well, as I said just now, there was some form of
suspicion
11:23:38 25 on both sides. Government suspected that the RUF were not
26 committed; same way the RUF thought the government was not
27 committed.
28 Q. So did you have this discussion about the disarmament
that
29 afternoon?

SCSL - TRIAL CHAMBER I

Page 45

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 A. Yes. Yes, that was the discussion we were on that
2 afternoon, whether we should start or not.
3 Q. Did you conclude the discussion?
4 A. Well, we concluded, and the other side, they were large
11:24:23 5 numbers, so they had to overpower my own thinking and
started
6 contributions, so we started with two ex-combatants, they
7 disarming.

8 Q. What do you mean by the other side overpowered you?

9 A. Well, as I said, the DIFD officials, they were anxious
for
11:24:48 10 disarmament to start, though we knew it was not settled, the
11 thing to start, but we started so I submitted and we started.

12 Q. So did anything happen after you started the disarmament
13 that afternoon?

14 A. Well, when we started, it was like the ones who were
coming
11:25:19 15 to surrender their weapons, they were not sure of what they
were
16 doing because the two others who came, the other eight they
have
17 stayed far from us, if they suspected something, so as we
18 started, I saw commander Kailondo. He came and asked why this
is
19 going on.

11:25:42 20 Q. Who was Kailondo?

21 A. He was the commander on the ground at the Makeni area.

22 Q. Was he alone when he --

23 A. No, he came with some troops -- some of his colleagues.

24 Q. How many in total were there?

11:26:05 25 A. I can't be exact. I believe there were over 15 of them
and
26 they had guns.

27 Q. Was Kailondo armed as well? Did he have a gun?

28 THE INTERPRETER: Can learned counsel please take the
29 question again. Can learned counsel please go over the
question

1 again.

2 Q. Was Kailondo armed? Did he have a gun?

3 A. Yes, Kailondo had a gun. He had a gun.

4 Q. So what happened after he asked this question regarding

11:26:48 5 what was going on?

6 A. He ordered us to stop immediately and at that point I
was

7 not -- I was so frightened.

8 Q. What did he tell you to stop immediately?

9 A. The disarmament that we started and the ones who came to

11:27:19 10 disarm they went away -- they ran away. They ran away into
the

11 bushes.

12 Q. Did you identify those who were with Kailondo?

13 A. Normally it was difficult to know, so the commanders
that

14 were close to; the rest we're not able to know.

11:27:46 15 Q. Did you identify any commander with him?

16 A. No, I know of Kailondo.

17 Q. Did you see the accused Morris Kallon in the company of

18 Kailondo at that time when he arrived at the camp?

19 A. No, he had gone. He had gone towards Magburaka
direction

11:28:15 20 so he was not there. He did not come with them any longer.

immediately

21 Q. Did Kailondo explain why he wanted you to stop
22 the disarmament?

23 A. I think the same way I saw the whole issue was the same
24 thing he explained --

11:28:46

25 Q. Mr Witness, please, the Court is not interested in any
26 speculation. If you can kindly tell the Court if Kailondo
27 explained why he wanted the disarmament stopped immediately.

Did

28 he explain?

29 A. Yes.

SCSL - TRIAL CHAMBER I

Page 47

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. What did he say?

and

2 A. He said there is no final agreement between government
3 the bossman to -- saying that we should start to disarm.

11:29:37

4 Q. So did you comply with his instruction from Kailondo to
5 stop the disarmament?

are

6 A. Yes, I remember well me and my colleagues, in fact, we
7 fighting, we ran away when we saw them carrying guns. We ran
8 away.

9 Q. Did they shoot or did any of those with him shoot?

11:30:08 10 A. No, they did not shoot. By the time we are going, we
are
11 running away, they did not shoot.
12 Q. Where did you run away to?
13 A. Well, came from Makeni. We are going back to Makeni
14 direction to find our way back to Makeni. As we were going,
we
11:30:36 15 saw a Kenyan soldier coming with a Land Rover.
16 Q. So did you talk to this Kenyan soldier?
17 A. We stopped him. We explained to him. We asked him to
lift
18 us, to return. As we were entering the Land Rover then we
heard
19 gunshots behind us.
11:31:06 20 Q. Did you know where these gunshots were coming from?
21 A. Well, I can't tell exactly because we were on the run
and
22 we are frightened.
23 Q. So did this Kenyan soldier give you a lift -- the lift
that
24 you requested of him?
11:31:33 25 A. Yes, he turned the vehicle and he took us to Makeni. He
26 left us there.
27 Q. Who were you with when he gave you this lift to Makeni?
28 A. I was with my colleagues. I was with my colleagues and
the
29 DIFD officials since they had come with their own vehicles.

1 Q. Who had gone with their own vehicles?

2 A. The UNAMSIL officers that were working with us, they had
3 left with their own vehicles.

4 Q. Do you know where this Kenyan soldier went to after he
11:32:22 5 dropped you in Makeni?

6 A. Well, I remember he told us that he was going back to
check
7 where the gunshots were coming from and why they were
shooting.

8 Q. Did you get to know what happened at the camp after you
9 left?

11:32:48 10 A. Well, we were anxious when the Kenyan soldiers -- then
the
11 following morning explained to us that it was from the camp
that
12 the firing came from.

13 Q. Who explained to you? I'm sorry, I didn't get that?

14 A. The Kenyan soldier who lifted us, he explained to us the
11:33:18 15 following day that the shooting came from the camp area, and
that
16 was where -- the direction we are coming from.

17 Q. Did he tell you who was shooting at the camp area?

18 A. He said it was a fire -- it was shooting between the
19 ex-combatants and UNAMSIL. That was Kailondo's group.

11:33:49 20 Q. Did he tell you if there were any casualties resulting
from
21 this shooting?

they

22 A. Well with, he told us that three RUF were killed and
23 shot an UNAMSIL who died later at the Arab hospital in Makeni.

was

11:34:21

24 Q. Did he tell you if the accused person, Morris Kallon,
25 involved in this shooting resulting in the casualties that you
26 spoke about?

towards

27 A. No, as I said he was not there. We saw him driving

did

28 Magburaka direction, so the Kenyan soldier did not tell us
29 anything whether Morris Kallon came back to that place. He

SCSL - TRIAL CHAMBER I

Page 49

SESAY ET AL

1 MAY 2008

OPEN SESSION

my

1 not tell us that.

2 MR OGETO: My Lords, if I can have a minute to consult

3 client.

4 PRESIDING JUDGE: Yes, please, you may.

11:35:27

5 MR OGETO:

you

6 Q. My last question, Mr Witness: Based on the experiences
7 that you had during that period, the disarmament period, do

8 have anything to say regarding the character of the accused

9 person, Morris Kallon?

11:35:47 10 A. Well, I remember Morris Kallon went to Makeni the following
11 day and he met us and apologised to us for what has happened,
12 saying that was not their plan that such things should happen.
13 He apologised to us as he came to understand that civilians
were
14 frightened when they hear gunshots and if somebody was
carrying
11:36:13 15 guns to frighten somebody, he apologised to us that this will
not
16 continue, that they will see that the proper thing happens
until
17 disarmament starts.
18 Q. So based on your experiences the entire period, the
entire
19 disarmament period, and based on the contacts that you had
with
11:36:31 20 Mr Kallon, what can you say about his character?
21 A. Well, what I know about Kallon is that he is a man, he
22 likes development. He likes peace because later on he
23 established some business in Makeni that made him come there
24 every now and then and he had a small business in Magburaka
and
11:37:03 25 then a small one in Masingbi. As I was talking about
26 development, he employed some boys to work in the place. He
was
27 a peaceful man.
28 Q. When did he establish these businesses that you've
spoken
29 about?

1 A. Before we started disarmament, he was -- just a little
bit
2 of the whole thing, he was most concentrated on his business.
3 After they had sensitised and established the idea that there
4 should be a disarmament he continued with his business.

11:37:47 5 Q. On what basis are you saying that he was a peaceful man?

6 A. Well, he was friendly at the time of the war. Anyone
who
7 was determined to see that we want to see the combatant disarm
he
8 should count that person as number one. As it is, we were
afraid
9 of the guns so anybody who was determined to see that guns
were
11:38:13 10 removed was a person who was determined to see peace.

11 Q. So was Morris Kallon one such person?

12 A. He was one such person, yes. He was one such person.
That
13 was the man.

14 Q. No further questions, My Lords. Thank you, Mr Witness.

11:38:53 15 PRESIDING JUDGE: Mr Jordash, will you have any
questions.

16 MR JORDASH: Yes, I will.

17 PRESIDING JUDGE: We'll go for the lunch -- rather for
the
18 recess now and resume in the next couple of minutes. The
Chamber
19 will recess for a couple of minutes, please.

11:39:52 20

[Break taken at 11.40 a.m.]

21

[RUF01MAY08B-BP]

22

[Upon resuming at 12.10 p.m.]

23

PRESIDING JUDGE: Yes, Mr Jordash, you may proceed with
your cross-examination.

24

12:09:53 25

MR JORDASH: Thank you.

26

CROSS-EXAMINED BY MR JORDASH:

27

Q. Good afternoon, Mr Witness. I represent Issa Sesay, who

28

I -- is this right, you know from his activities in Makeni

from

29

late 1998 and through parts of 1999 and onwards; is that

right?

SCSL - TRIAL CHAMBER I

Page 51

SESAY ET AL

1 MAY 2008

OPEN SESSION

1

A. Yes.

2

Q. I want to take you for a moment to the meeting which was

3

led by Hindolo Koroma on 26 December 1998. You've told us

that

4

you were appointed to a particular post. Please don't mention

12:10:50 5

it. But did that post involve a responsibility towards

6

civilians?

7

A. Yes.

8

Q. Are you able to give a brief description of what that

you 9 responsibility was without revealing the specific title that
12:11:19 10 were given at that meeting?

11 JUDGE BOUTET: But don't you think Mr Jordash, that will
12 essentially convey to -- essentially what he has been doing,
the 13 position he had.

14 MR JORDASH: Let me try to do it a different way.

12:11:34 15 Q. Were you working with other civilians alongside Hindolo
16 Koroma and alongside other RUF?

17 A. Yes.

18 Q. And when you were working alongside these people, your
job 19 and their job specifically was to ensure the welfare of
civilians 20 in the Makeni township and the Makeni environs; is that right?

12:12:05 21 A. It is correct.

22 Q. For example, is this right: Hindolo Koroma was the G5
who 23 was the liaison between the civilians and the RUF in Makeni at
24 that time; is that right?

12:12:38 25 A. Yes, it is correct.

26 Q. Was your job then partly at least in assisting Hindolo
27 Koroma in that role?

28 A. No, we're not enlisting people.

29 PRESIDING JUDGE: Assisting. Assisting.

1 THE WITNESS: We used to help men but we are not trying
to
2 enlist people into the --

3 MR JORDASH:

4 Q. I think you got the wrong translation. Either because I
12:13:21 5 wasn't clear or the translator confused what I said. I am
coming
6 to the issue of enlisting.

7 PRESIDING JUDGE: Mr Jordash, you were very clear. I
think
8 assisting was the word you used, wasn't it.

9 MR JORDASH: Yes.

12:13:35 10 PRESIDING JUDGE: Yes.

11 MR JORDASH:

12 Q. Let me just ask the question again: Were you assisting
13 Hindolo Koroma in ensuring the welfare of civilians in the
areas
14 I've mentioned?

12:13:49 15 A. Yes.

16 Q. So did you, from the time of that meeting on 26 December
17 1998, through the remainder of December into January,
February,
18 March of 1999, see Hindolo Koroma on a regular basis?

19 A. Yes, I used to see him almost every day.

12:14:15 20 Q. So would you then go to his office or did you, in fact,
21 share an office with him, I don't know?

22 A. No -- yes, we are all using the same office.

23 Q. So you and him would go to work in the morning into the
24 office, is this right, have discussions about the day's work,
and
12:14:43 25 then go about your work and perhaps meet up in the evening or
26 some point in the day to continue coordinating your
activities;
27 is that a fair description, or not?
28 A. It was only during the day that I used to go to the
office,
29 so what we have to discuss, we discuss what we have to do we
do

SCSL - TRIAL CHAMBER I

Page 53 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 it. At night I was not able to leave at night to go anywhere.
2 Q. I don't know what the problem is, but certainly the
3 question I asked was a little bit different to that. I'm
trying
4 to get a picture of your day-to-day routine alongside Hindolo
12:15:35 5 Koroma. You saw him every day. You would see him at the
office;
6 is that right?
7 A. Yes, I used to see him almost every day.
8 Q. At the office? Or --
9 A. Yes.
12:15:51 10 Q. At the office where you would have discussions almost
every

11 day about the work that you were doing; is that right?

12 A. Yes, it is not only at the office. We used to discuss
any

13 other place where we meet.

14 Q. Okay. So you would talk -- you are making this hard
work

12:16:15 15 for me, I think. You would talk every day either at the
office

16 or not at the office, about the work that you were doing; is
that

17 right?

18 A. We used to talk every day.

19 Q. About work that you were doing?

12:16:30 20 A. Yes, about the work that we used to do to see the
interest

21 of the civilians.

22 Q. So you would explain what you were doing; he would
explain

23 what he was doing and you could coordinate the two things; is
24 that right?

12:16:47 25 A. Yes, that was the way it happened. When there are
problems

26 we come together and settle it.

27 Q. So evidence has been given in this Court, Mr Witness,
that

28 Hindolo Koroma was forcing people, civilians, from Makeni and
29 enlisting them and sending them to training camps or training

1 base in Kono?

2 A. I was not part of that process.

that

3 Q. Can you confirm that you've never heard of him doing

4 when you were working alongside him?

12:17:55
it

5 A. If that happened, except the only man come tell me that

6 had happened but I was not part of that process.

it

7 Q. But what I'm suggesting is that it didn't happen and if

8 had happened, you would have known about it, wouldn't you?

9 A. Yes.

12:18:13

10 Q. And you didn't know about it, did you?

11 A. No, I did not know about it.

would

12 Q. And if -- if Hindolo Koroma had been doing that, you

13 have had something to say to him about that since you were a

14 representative of the civilians; is that correct?

12:18:35

15 A. Well, we were many. I was in the highest order. There

16 were people who were close to me who would have talked to him

17 about that.

it;

18 Q. Right. And you would have ensured in your job that it

19 stopped or you would have done everything you could to stop

12:18:56

20 am I correct?

21 A. Yes, I would have stopped that.

February,

22 Q. Did you at this period of late December, January,

23 March of 1999, have contact with Mr Sesay -- Issa Sesay?

24 A. Yes, I had contact with him.

12:19:26 25 Q. You would have spoken to him on a number of occasions
26 during that period; am I right?

27 A. Yes, we used to talk.

28 Q. He appeared to be, am I right, concerned about ensuring
29 security for civilians in Makeni and its environs; am I right

SCSL - TRIAL CHAMBER I

Page 55

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 about that?

2 A. Yes, he was trying to defend all of us, we the civilians
in
3 the area.

4 Q. And would you agree with this characterisation: He was
12:20:04 5 doing, from what you could see, everything he could to ensure
the
6 welfare of civilians during this period; would that be fair?

7 A. Yes, exactly. That was what it used to happen.

8 Q. And you would have felt no reluctance if you had heard
9 about civilians from Makeni and its environs being forced to
go

12:20:30 10 and train or forced to go and mine diamonds in Kono?

11 PRESIDING JUDGE: You would have done what? What's the

12 question? This witness would have had --

13 MR JORDASH: This witness would have had --

14 THE WITNESS: No, I mean, I would have not --

12:20:44 15 PRESIDING JUDGE: Can you put the question again,
please.

16 MR JORDASH: Certainly.

17 Q. Let me -- if I can just approach it in a slightly
different

18 way.

19 A. Okay.

12:20:54 20 Q. Would you have approached Sesay about concerns you had
21 about his men and misbehaving towards civilians?

22 A. If I had any idea I would have advised him.

23 Q. So again putting Hindolo Koroma to the side for a
moment;

24 if you had heard that his men were forcing civilians to go to

12:21:25 25 Kono, in early 1999, would you have felt comfortable to go and
26 advise him to get it to stop?

27 A. If I knew that he was part of that, if I knew that he
was

28 forcing people to go there, I would have told him that he has
no

29 right to force people to go to Kono.

SCSL - TRIAL CHAMBER I

1 Q. And even though he was a top -- one of the top
commanders
2 in Makeni at that time -- he was such a man that you could
have,
3 as a civilian, approached him; do you agree with that?
4 A. Yes, I would have talked to him because he had respect
for
12:22:14 5 me. He had regard for me.
6 JUDGE BOUTET: Did the witness testify that Sesay was
the
7 top man at the time.
8 MR JORDASH: No, I put that as -- well we accept he was
one
9 of the top men in Makeni during this period.
12:22:34 10 Q. You'll agree he was one of the top men in Makeni at this
11 period?
12 JUDGE BOUTET: Now you say one of the top men. Before
you
13 said he was the top man.
14 MR JORDASH: I said the top man and then qualified it
and
12:22:50 15 said one of the top men.
16 JUDGE BOUTET: In other words, you are changing the
17 qualification now. You say one of the top men. The question
you
18 put to the witness before, I have it, is he was the top man at
19 the time in Makeni.
12:22:59 20 MR JORDASH: No, before I finished it, I qualified it
and
21 said one of the -- I said the top man -- well, at least one of
22 the top men, I said.
23 JUDGE BOUTET: Well, I must have missed the "at least
one."

24 Anyhow, fine.

12:23:12 25 MR JORDASH: You were busy writing, Your Honour.

with

26 Q. Let's clarify this: At this time, I think I can deal

it

27 this quite briefly. At the time of the meeting on 26 December

is

28 appeared in Makeni as if it was RUF, only RUF at that point;

29 that right?

SCSL - TRIAL CHAMBER I

Page 57

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 A. Yes, that was the way it happened.

entered

2 Q. But into January, mid to late January, the situation

3 changed because SLA commanders came out of Freetown and

4 Makeni; am I right?

12:23:54 5 A. Yes, sir, they entered Makeni.

in

6 Q. And that's when things really went a little topsy-turvy

7 Makeni upon their arrival; am I right about that?

8 A. That was the way it happened exactly. When the SLA came

9 things started to go worse.

12:24:15 10 Q. Because there's some CDF members and top commanders came

11 into Makeni and there was then a situation of several top

12 commanders operating in Makeni with their own men; is that

13 something you observed?

14 A. Yes, sir, there was power struggle. Serious power
struggle

12:24:39 15 was there.

16 Q. Did Sesay continue trying to secure the welfare of
17 civilians despite this power struggle?

18 A. Yes. At a point he started to protect us but there was
a

19 point when he had some threat; he had to take off.

12:25:02 20 Q. Yes. When he was attacked by Superman and Gullit and
other

21 SLA men; is that right?

22 A. Yes, that was the time he moved.

23 Q. Now, the only other subject -- and it's related to the
24 subject of enlistment -- similarly that you didn't hear about
any

12:25:30 25 enlistment of adults being forced to train or forced to go
mining

26 in Kono. Can I suggest that you also didn't hear about any
27 children being forced to go and train in any place outside of
28 Makeni in this same period -- late December, early January to
29 March of 1999 -- and I suggest that's something that you
didn't

SCSL - TRIAL CHAMBER I

1 hear about either?

2 A. Since I had no child I did not know whether they were
3 taking children along.

4 Q. Am I right that no -- no parent complained to you that
12:26:24 5 their child had been taken --

6 PRESIDING JUDGE: Let me have his response. Since I
have
7 no child -- since I have no child you did not know.

8 THE WITNESS: I did not know. Since I had no child I
never
9 knew whether they were forcing children to go to the
battlefield.

12:26:46 10 I didn't know that.

11 MR JORDASH:

12 Q. Well, somebody gave evidence in this courtroom and
13 suggested that about 1,000 children -- sorry, about 1,000
14 people -- 1,000 men were forced to go to a place called
Burkina

12:27:44 15 Faso and in that 1,000 people were children aged between 12 to
16 below 18 and it was Mr Sesay who was responsible for that.

17 you confirm that's not something you heard about?

18 A. At that time it was very difficult to get 1,000 men in
19 Makeni when they enter. It was not easy to collect 1,000 men.
I

12:28:18 20 was not aware of that.

21 Q. So you haven't heard of 1,000 men and you haven't heard
of
22 tens or hundreds of children either being taken for training
in

23 January, February or March of 1999; is that right?

24 A. I did not hear of that at all.

12:28:44 25 MR JORDASH: Thank you. I've got no further questions.
26 Thank you very much, Mr Witness. Can I just give Your Honours
27 some citations. The issue of Hindolo Koroma being said to
have
28 been forcing people was dealt with by 041 on 11 July 2006 at
page
29 62 and 63. And the last issue I dealt with was TF1-74 on 21

SCSL - TRIAL CHAMBER I

Page 59
SESAY ET AL

1 MAY 2008

OPEN SESSION

1 March 2006, pages 21 to 25.

2 PRESIDING JUDGE: Yes, Mr Cammegh.

3 CROSS-EXAMINED BY MR CAMMEGH:

4 MR CAMMEGH:

12:30:05 5 Q. Good afternoon, Mr Witness. I represent Augustine Gbao;
do

6 you remember Augustine Gbao?

7 A. Yes, I remember him.

8 Q. I just want to ask about the events at the Makump DDR
camp

9 on 1 May. You've told us that you were there on 1 May. My

12:30:22 10 question is this: That on the afternoon of 1 May, did you see
11 Augustine Gbao at all?

12 A. No, I did not see him. The person I saw is the person I

13 have shown to you.

14 Q. All right. Thank you very much. That's all I have.
12:31:21 15 PRESIDING JUDGE: Mr Harrison, please.
16 MR HARRISON: Yes, I'm asking if we could adjourn the
17 cross-examination until the afternoon break. We're reviewing
the
18 information that was transmitted last night and I still would
19 like to review some of the assertions that are made in what
was
12:31:40 20 transmitted last night.
21 PRESIDING JUDGE: You mean you can't start at all and
then,
22 you know, we break off at a certain point, you know, to resume
in
23 the afternoon.
24 MR HARRISON: Yes, that's what I was suggesting. It
would
12:32:10 25 be better off not to start now.
26 PRESIDING JUDGE: You do not want to start now.
27 MR HARRISON: What we got before last night --
28 PRESIDING JUDGE: Yes.
29 MR HARRISON: -- seems to be totally irrelevant. The
only

SCSL - TRIAL CHAMBER I

Page 60

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 thing that's at all relevant to his testimony is what we got
last

2 night.

3 PRESIDING JUDGE: My question still remains: On the
4 evidence which -- on the testimony which is before the Court,
you
12:32:46 5 cannot start the cross-examination before you seek an
adjournment
6 for a review of what you have?

7 MR HARRISON: Yes, that's what I'm suggesting: We could
8 not.

9 MR OGETO: My Lords.

12:35:50 10 PRESIDING JUDGE: Yes, Mr Ogeto.

11 MR OGETO: I just want to respond to my colleague's
12 assertion that the testimony of this witness as given in Court
is
13 totally irrelevant from the summary that was provided in the
14 filings before yesterday, and if your Lordships will refer to
the
12:36:20 15 filing that we did on 30 January 2008, there is the pseudonym
was
16 095, and in that summary it is quite clear that this witness

17 coming to testify about the noninvolvement of the accused
Morris
18 Kallon in the abductions of UNAMSIL peacekeepers. So for my
19 learned friend to say that what this witness has testified to
is
12:36:56 20 irrelevant to the summaries provided, I think that is wrong.
21 It's not accurate.

22 PRESIDING JUDGE: Well, we've taken note of what you've
23 said. The Chamber is minded to granting Mr Harrison's
24 application for the matter to be stood down and for him to
start
12:37:40 25 his cross-examination after the lunch break. And we would be

26 standing down this matter and we'll resume the session at 2.30
27 with Mr Harrison -- yes, Mr Harrison. Mr Harrison
28 cross-examining this witness.

29 MR HARRISON: Yes. Just to give the Court some
guidance,

SCSL - TRIAL CHAMBER I

Page 61 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 we would estimate roughly 30 to 60 minutes for the
2 cross-examination, but I wanted to advise the Court that with
3 respect to this witness, the name was conveyed to us on 18
April.

4 Now, we are not standing upon the right that we think we have
to
12:38:29 5 ask for 42 days' notice of the names of witnesses who are
going
6 to testify. We're prepared to proceed. But I want the Court
to
7 know that not the next witness, but the one after that, we
have
8 not had notice until Tuesday afternoon that that person would
be
9 put on the call list.

10 Now, again there's a 14-day requirement that we're
11 supposed
Prosecution 11 to be notified in advance. Now, as we speak now, the
12 is not going to stand upon what it thinks is its right to ask

13 that that be put off because we understand that if we did that
14 there would be no witness. But we are in a difficulty here
where
12:39:14 15 the Prosecution is finding itself to act on quite short notice
to
16 deal with witnesses who are being added to the call list and
it's
17 becoming very difficult to do. But with this next witness,
which
18 is -- two witnesses down, which is 027, the Prosecution at
this
19 point in time is content to deal with it and hopefully finish
it
12:39:40 20 today. However, we have no idea who the witnesses are for
21 tomorrow and so the Prosecution is in the same problem that we
22 were yesterday.
23 PRESIDING JUDGE: That is why the Chamber will keep
24 emphasising -- I mean we don't want to start sounding ruthless
in
12:40:03 25 our judicial approach to these proceedings and we would ask
the
26 parties to please respect the directives and the
jurisprudence,
27 you know, of this Chamber on issues like this. Why should we
be
28 coming back to these issues all the time. We've had all the
29 time. We've tried to put a calendar, you know, well in
advance

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 to enable the Defence teams to do what they are supposed to do
to
2 enable everybody -- every party to do -- to respect the time
3 limits, you know, within which to -- to act or to do certain
4 things. I don't think it is fair for anybody -- for any party
to
12:40:48 5 be taken unawares in these matters. I don't want to use the
6 word, you know, to be ambushed in issues like this because the
7 doctrine of fundamental fairness excludes such causes of
action
8 or such procedures, you know, in handling issues when parties
are
9 supposed to be put sufficiently on notice on issues that
relate
12:41:21 10 to the proceedings. So this said -- right. So this is what I
11 thought, you know, I should say and I hope that we shan't run
12 into any problems, you know, with this, and that we would
13 continue to progress harmoniously and particularly now that
you
14 have the waivers of the three witnesses. I think you have all
12:41:58 15 the time -- you have all the time to readjust yourselves and
to
16 know how to -- how to proceed. So that nobody is taken by
17 surprise in this. Yes, Mr Ogeto.
18 MR OGETO: My Lords, now that we have the waivers and
given
19 that the three witnesses who are in Freetown have been on the
12:42:18 20 list for some time, we are quite prepared to put up those
21 witnesses tomorrow, the three of them.
22 PRESIDING JUDGE: Yes.

23 MR OGETO: So we are providing this notice to the
24 Prosecution that we will be putting up those three witnesses
on
12:42:32 25 the stand tomorrow, starting with DMK-160, then DMK-145.

26 PRESIDING JUDGE: But they were not on your list, you
know,
27 to be called in that order, you know, immediately.

28 MR OGETO: It's because My Lords, we were not in control
of
29 this.

SCSL - TRIAL CHAMBER I

Page 63

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 PRESIDING JUDGE: I know you had no control about this,
but
2 again it's -- I think we wouldn't -- we wouldn't want to go
into
3 this. Let us rise, you know, for lunch, and you may have to
4 discuss this with the -- with your colleagues, you know, of
the
12:43:17 5 Prosecution and arrive at some understanding.

6 MR OGETO: Yes, My Lords. And let me say that we
7 [indiscernible] very smooth with the Prosecution. Where there
is
8 a slight problem, they should be able to understand really.
We
9 haven't inconvenienced them unduly.

12:43:32 10 PRESIDING JUDGE: But have you inconvenienced them duly?

11 JUDGE THOMPSON: If we let Mr Ogeto go on we might, in
12 fact, consume the 15 minutes which the Prosecution need.

13 PRESIDING JUDGE: Indeed.

14 MR OGETO: My apologies, My Lord.

12:43:46 15 PRESIDING JUDGE: Indeed, so this said, the Chamber will
16 rise, please.

17 [Luncheon recess taken at 12.45 p.m.]

18 [RUF01MAY08C-BP].

19 [Upon resuming at 2.00 p.m.]

14:34:13 20 MR HARRISON: Your Honours, I can see you are getting
21 settled but I just wanted to make sure you're aware that
counsel
concerned
the
22 for Mr Gbao is not present. The Prosecution would be
23 about carrying out any kind of a questioning of a witness in
24 absence of counsel without some clear direction from Mr Gbao.

14:34:30 25 PRESIDING JUDGE: I'm afraid we have to go on. Sorry,
I'm
26 afraid we must go on.

27 MR HARRISON: Well the Prosecution would just like to
make
28 clear that we do have a real concern about proceeding in the
29 absence of what is Court appointed counsel.

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 PRESIDING JUDGE: Mr Harrison, we thank you very much.
2 Your concerns are real concerns but we shall go on.
3 Notwithstanding the fact that counsel is not here because
4 expeditiousness is the order of the day,

14:35:00 5 MR HARRISON: I think what the Prosecution wants to
6 emphasise is this is Court appointed counsel not the counsel
of
7 choice.

8 PRESIDING JUDGE: I couldn't even care less, honestly, I
9 think I have to be as blunt as that.

14:35:16 10 JUDGE THOMPSON: I don't think the Management Committee
is
11 interested in these procedural and legal subtleties. That's
the
12 only comment I would like to make publicly.

13 MR HARRISON: Well the Prosecution would say this is not
a
14 subtlety. The absence of Court appointed counsel is a
14:35:31 15 significant --

16 JUDGE THOMPSON: Well, I would say --

17 PRESIDING JUDGE: Let the trial be run by [overlapping
18 speakers].

19 JUDGE THOMPSON: -- I would say it's a subtlety from a
14:35:39 20 procedural and legal perspective but to the layman it may not
21 appear to be. I'm not saying it's not a justifiable subtlety.
22 We are being --

23 PRESIDING JUDGE: We appreciate your [overlapping
speakers]

24 JUDGE THOMPSON: [Overlapping speakers] procedurally
14:35:53 25 regularity requires that we go the way you suggest. I am on
all
26 fours with you. But what I'm saying from a Management
Committee
27 perspective, they would consider it a waste of time.
28 MR HARRISON: All I was going to --
29 JUDGE THOMPSON: And I would like to go on record as
saying

SCSL - TRIAL CHAMBER I

Page 65 SESAY ET AL
1 MAY 2008 OPEN SESSION

1 that.
2 PRESIDING JUDGE: And on the use of courtroom time and
the
3 courtroom itself.
4 MR HARRISON: I was just going to suggest that the
14:36:18 5 Prosecution would undertake to make a phone call right now to
try
6 and ascertain if there's a health problem or some other
problem
7 with Court appointed counsel for the third accused.
8 MR JORDASH: Perhaps I can assist.
9 JUDGE BOUTET: I don't think this is the role of the
14:36:31 10 Prosecution. I think you've made your point, we've made our
11 decision and direction; we should move ahead.

think 12 MR JORDASH: I was simply going to assist in that I
he 13 Mr Cammegh is just outside, I think. Yes, he is. So I think
notice 14 was just engaged in other -- in business which he didn't
14:36:53 15 the time I think. That was the problem.
we 16 JUDGE THOMPSON: I would like to assure Mr Harrison that
17 are not at cross-purposes on this.
words 18 PRESIDING JUDGE: Not at all. Not in the least. My
19 are not directed at Mr Harrison.
14:37:12 20 MR HARRISON: I've heard you loud and clear and -- well,
I 21 need say no more because Mr Cammegh is just coming in.
22 PRESIDING JUDGE: We don't want to waste Court time.
23 CROSS-EXAMINED BY MR HARRISON:
24 MR HARRISON:
14:37:49 25 Q. Mr Witness I'm going to ask you a question and I want to
26 find out if you are hearing the interpretation without any
27 difficulty?
28 A. I'm not getting the interpretation but I can hear what
you 29 are saying.

SCSL - TRIAL CHAMBER I

1 Q. No, I wonder if we may need assistance from the learned
2 Chamber's office.

3 PRESIDING JUDGE: Why am I also getting the Krio
4 interpretation here. I'm not suppose to be having the Krio
14:38:49 5 interpretation here.

6 MR HARRISON:

7 Q. I'm going to ask you if you are now able to hear the
Krio
8 interpretation?

9 PRESIDING JUDGE: Why am I not getting the translation?
14:38:59 10 Why am I getting the translation in Krio? It should not be
the
11 case.

12 MR OGETO: It's the same thing here, My Lords. We are
just
13 getting Krio.

14 MR HARRISON:

14:39:26 15 Q. Witness, I'm asking you if your able to hear the Krio
16 interpretation?

17 PRESIDING JUDGE: No, no, no, there is something wrong.
18 Mr Harrison, something is wrong.

19 MR HARRISON: I leave it to the Court to make the
direction

14:39:41 20 but it may be the case that the interpreters are in the wrong
21 booth or in the -- using the wrong channel.

22 PRESIDING JUDGE: The wrong channel maybe.

23 THE INTERPRETER: The interpreters are in the same booth
24 they use to sit while interpreting.

14:39:57 25 PRESIDING JUDGE: Let's try again. Mr Harrison, try
again,

26 please.

27 MR HARRISON:

28 Q. Mr Witness, we're still concerned about whether you are
29 hearing the Krio interpretation?

SCSL - TRIAL CHAMBER I

Page 67

SESAY ET AL

1 MAY 2008

OPEN SESSION

it

1 PRESIDING JUDGE: Mr Harrison, this is a more compelling
2 reason for us to rise for the technology to be fixed. Perhaps
3 will not be considered as wasted Court time.

14:40:32
dog

4 JUDGE THOMPSON: Yes. And I hope this should be noted
5 properly for what it is once more. Once more the managerial
6 wagging the judicial tail.

interpreters

7 MR HARRISON: I was just going do advise the
8 that everyone in the Courtroom seems to be getting the Krio
9 interpretation perfectly but the witness is not.

14:40:48
have

10 THE INTERPRETER: I'm getting the interpretation. I
11 got it now.

12 JUDGE BOUTET: Miracles do happen, so I guess --

try

13 PRESIDING JUDGE: Mr Harrison, go ahead, please. Let's

14 and see.

14:41:10 15
Witness,

16 that there is no communication problem. Are you hearing the
Krio
17 interpretation?

18 THE WITNESS: Yes.

19 MR HARRISON: And I think we're now operating correctly.

14:41:33 20

PRESIDING JUDGE: I think so.

21 MR HARRISON:

of

22 Q. Witness, I've had the benefit of being given a summary

23 your evidence and as well a later additional information. Are
24 you aware of that?

14:42:04 25

A. Well, let me just get the information, so that I can

or

26 clarify as to whether I knew about what is being written there
27 not.

first

28 Q. Let me ask you a few questions first. When was the

29 time you spoke to someone from Mr Kallon's defence?

SCSL - TRIAL CHAMBER I

Page 68

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 A. I cannot exactly remember because they met me on several
2 occasions but the very first time they met me I cannot say.

3 Q. Can you say what year it was?

4 A. I believe it was around 206 [sic].

14:43:04 Short 5 Q. And were you introduced to the Kallon Defence team by

6 Bai Bureh?

7 A. Yes, I can recall.

8 Q. So it was Short Bai Bureh who contacted you; is that

right?

9 A. He contacted me, yes.

14:43:40 in 10 Q. And of course Short Bai Bureh, he was a senior commander

11 the RUF; right?

12 PRESIDING JUDGE: Mr Harrison, there are two questions:

13 was Short Bai Bureh who contacted him. It was Short Bai Bureh

14 who introduced him to the Kallon Defence team. Has he said

"yes"

14:43:53 15 to those two?

16 MR HARRISON:

17 Q. I'm not sure if you followed the learned Presiding

Judge,

18 but there is a distinction. It was Short Bai Bureh who

contacted

19 you; is that correct?

14:44:13 20 A. That was exactly how things happened. It was he.

21 Q. And it was Short Bai Bureh who introduced you to the

Kallon

22 Defence team; is that right?

23 A. It was he.

24 PRESIDING JUDGE: Thank you.

14:44:28 25 MR HARRISON:

26 Q. And Short Bai Bureh is also known by the name of Andrew

27 Kamara?
28 A. I don't know any other name for him, except Bai Bureh.
29 Q. Maybe we better be a little more careful then because

are

SCSL - TRIAL CHAMBER I

Page 69

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 you aware of a Short Bai Bureh and a Tall Bai Bureh?

2 A. No, I only know of Short Bai Bureh; that's all.

3 Q. And I'm going to suggest to you, witness, that when you
4 first met with the Kallon Defence team, you made no reference
14:45:18 5 whatsoever to the role of Kailondo in this attack on the DDR
6 camp; do you accept that?

7 A. I cannot remember exactly because it has taken a long
time
8 now. I cannot recall exactly what I said.

9 PRESIDING JUDGE: When he first met with?

14:45:47 10 MR HARRISON:

11 Q. Yes, sorry, witness, again the Presiding Judge was
pointing

12 out that when you say you first met with -- is it the Kallon
13 Defence team?

14 A. What do you want to know about that?

14:46:06 15 Q. I understood your answer to be that that's who you were
16 saying that you met with, the Kallon Defence team?

Short 17 A. I have answered that I met with the Kallon team after
18 Bai Bureh had introduced me to it.
19 PRESIDING JUDGE: Continue.
14:46:34 20 MR HARRISON:
21 Q. Now, you explained that you can't be sure of what it was
22 that you said at that first meeting, but I'm going to suggest
to
23 you that the very first time that you told the Kallon Defence
24 team about Kailondo attacking the DDR camp was yesterday; do
you
14:47:03 25 accept that?
26 A. No, that was not the first time. I explained it but
that
27 was not the first time.
28 Q. Well again, I'm suggesting to you, witness, that in fact
29 yesterday was also the first time that you made any reference
to

SCSL - TRIAL CHAMBER I

Page 70

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 events on 1 May 2000; do you accept that?
2 A. Yes.
3 Q. And I'm going to suggest to you that it was in fact
4 indicated to you that events happened on 1 May 2000 at the
Makump

14:48:06 5 DDR camp; do you accept that?

6 A. They did not show me. I was there. I was there.

7 Q. And I'm suggesting to you that you have no recollection
of

8 which day these particular events took place at the Makump DDR
9 camp; do you accept that?

14:48:40 10 A. I have said I was part of that system so I knew what was
11 happening there.

12 Q. But you, of course, would not have taken any notes or
13 recorded any dates of what happened in April and May of 2000;
do

14 you accept that?

14:48:58 15 A. Maybe, I cannot recall all, but what exactly happened
and

16 that which I was able to recall. I think I said that.

17 Q. Well, let me suggest to you this: That it was on 28
April

18 2000 that Morris Kallon went to the DDR camp at Makump; do you
19 accept that?

14:49:38 20 PRESIDING JUDGE: 28 of December?

21 MR HARRISON: Sorry, 28 April.

22 PRESIDING JUDGE: Of April?

23 MR HARRISON: Of 2000.

24 PRESIDING JUDGE: Okay, sorry.

14:49:48 25 THE WITNESS: What I was able to recall was what I was
able

26 to explain. I cannot say exactly what happened on the 28th.

27 MR HARRISON:

28 Q. No, but I'm suggesting to you that you can cannot be
sure

29 what date these events happened at Makump; do you accept at
that?

SCSL - TRIAL CHAMBER I

Page 71

SESAY ET AL

1 MAY 2008

OPEN SESSION

I
suggest

1 A. Except -- except if you were suggesting that. But what
2 knew was what I -- was what I have explained. You cannot
3 it me what I don't know.

certainty

4 Q. Witness, I'm putting it to you that you have no
14:50:39 5 in your mind whether these events happened on 28 April or 1
May;
6 do you accept that?

7 A. I wouldn't accept somebody to put words in my mouth to
8 force me to talk what I don't know.

9 Q. Well, witness, there may be a problem created by the
14:51:08 10 wording of the question. There may be a slight difficulty
with
11 the interpretation. But it's not a question of wanting to put
12 words into your mouth. I'm putting to you a proposition. If
you
13 accept it, then you can say you agree with it; if you reject
it,
14 you can say "I disagree with it." That's why you're here.

The
14:51:36 15 proposition is that you have no certainty in your mind as to

do

16 whether these events at Makump happened on 28 April or 1 May;

17 you accept that?

18 A. I disagree. I will say that 1 May, that was the time I
19 recall the things that I have explained happened.

14:52:07 20 Q. Because what I'm suggesting to you is that in fact on 28
21 April 2000 Morris Kallon did go to the DDR camp; do you accept
22 that?

23 A. Except I would say I was not there. If he went there on
24 the 28th then I was not there on the 28th.

14:52:36 25 Q. And I'm going to suggest to you that it was on 28 April
26 that Morris Kallon made a remark that the camp was not fit for
27 pigs; do you accept that?

28 A. I cannot recall that on the 28th at all.

29 Q. But I don't want to confuse you again. You are saying,

I

SCSL - TRIAL CHAMBER I

Page 72

SESAY ET AL

1 MAY 2008

OPEN SESSION

said

1 take it, that you do recall an occasion when Morris Kallon

2 words to the effect that the camp was not fit for pigs?

3 A. I date I recall he said those words that the date I have
4 shown, that was 1 May.

14:53:36 5
Morris

Q. And I'm further suggesting to you that on 28 April

6
were

Kallon told Kenyan peacekeepers to pull down the tents that

7 being set up at the Makump DDR camp; do you accept that?

8 A. I was not aware of that.

9
28

Q. And I'm further suggesting to you that it was on 27 and

14:54:07 10
camp;

April 2000 that ten RUF combatants came to the Makump DDR

11 do you accept that?

12 A. No.

13
you

Q. Now, with respect to 1 May, witness, I'm suggesting to

14 that Augustine Gbao was present at the Makump DDR camp; do you

14:54:43 15

accept that?

16
until

A. I did not -- I never saw Augustine Gbao in that camp

17 the time I left the camp.

18
Gbao

Q. And I'm going to suggest to you that later on, after

19
accept

had arrived, Morris Kallon arrived at the DDR camp; do you

14:55:12 20

that?

21
the

A. I disagree because I was not present with reference to

22 time you said he came to the place.

23 Q. Witness, listen to the question again. I'll try and use

24 different words. I'm suggesting to you that on 1 May 2000,

14:55:38 25
that?

Morris Kallon arrived at the Makump DDR camp; do you accept

26 A. I have said that he came there. He met me there. He

27 pass -- he went to the direction of Makeni and he did not stop

28 there; he went towards the Magburaka direction.

29 Q. Witness, I'm concerned that either you're not

SCSL - TRIAL CHAMBER I

Page 73

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 understanding, or there may be vagaries in the question that's
2 causing problems in the interpretation. I had thought that
this
3 morning you had said that on 1 May, Morris Kallon came to the
4 Makump DDR camp; did I misunderstand you?

14:56:37 5 A. No, I said it. I did said it, that he came there and he
and,
6 uttered those words jokingly and he went to Makeni direction
7 when returning, he did not make a stop any more. He went
towards
8 the Magburaka direction.

9 Q. And, in fact, we're putting to you that it was on 28
April
14:57:07 10 2000 that Kallon came and then left towards Makeni with
Hindolo
11 Koroma; do you accept that?

12 A. No. What I knew was what I have explained. I don't
know
13 about the 28th. I only knew of the 1st.

14 Q. And I'm putting to you that on 1 May when Kallon arrived
at
14:57:39 15 Makump DDR camp, he was firing a gun from the window of his
car;

16 do you accept that?

17 A. No. The day he met there he did not fire any shot. I
did

18 not see him holding a gun and I did not see him firing a gun.

19 Q. And I'm suggesting to you that on 1 May 2000, at the
Makump

14:58:13 20 DDR camp, Morris Kallon slapped a UN military observer and
took

21 him away at gunpoint; do you accept that?

22 A. No. That did not happen in my presence. The only --
the

23 time I saw him, he did not slap anybody. He was not having a
gun

24 and did not fire any shot at all.

14:58:39 25 Q. And I'm suggesting to you that it was on 2 May 2000 that
26 the RUF attacked the Makump DDR camp and two Kenyan
peacekeepers

27 were shot at that time; do you accept that?

28 A. I can say about the first but the second I cannot say
and

29 even that, I told you just now that when they held the gun --
the

SCSL - TRIAL CHAMBER I

Page 74

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 guns --

witness 2 THE INTERPRETER: The interpreter is sorry, can the
3 come a little bit slower.
4 MR HARRISON:
14:59:22 5 Q. Witness, you were asked by the interpreters to try to go
a
6 bit slower. You have to try and remember that there are
7 interpreters doing their very best to faithfully interpret
every
8 word you say so try not to speak too quickly. Are you able to
9 repeat your answer?
14:59:43 10 A. Okay. I said I am aware of the first. When Kailondo
and
11 his men came with guns and we took off, we ran away. We came
12 across the Kenyan soldier. We stopped him and we explained to
13 him -- we asked him for a lift and he put us in his Land
Rover.
14 He dropped us at Makeni. Then he told us that he has come in
to
15:00:20 15 know where the shooting was from. The next day when we asked
and
16 him, he has told us that there was a shootout between the RUF
17 the UNAMSIL peacekeepers. That's what I can say.
18 Q. And witness, I'm suggesting to you that you were the RUF
19 representative in Makeni; do you accept that?
15:00:56 20 A. I was not representing the RUF in Makeni. I was a
civilian
21 and I remained to be a civilian until the time the RUF
disarmed.
22 Q. Well, I'm suggesting to you that you disappeared from
23 Makeni and, shortly before the RUF attacked in December 1998,
you
24 resurfaced in Makeni; do you accept that?
15:01:37 25 A. I was in Makeni throughout my life as a teacher. I was

left 26 there. The RUF met me there. I was there again when they

27 and went away.

28 Q. And you have no difficulty in agreeing with me that you
29 were very happy to work with the RUF?

SCSL - TRIAL CHAMBER I

Page 75 SESAY ET AL

1 MAY 2008

OPEN SESSION

was 1 A. I'm not in to support evil. Nobody will tell me that I
knew 2 happy to work with the RUF. I was happy to work because I
3 the objective they had.

4 Q. Well, if the objectives they had were not evil then you
15:02:24 5 were happy to work with the RUF; isn't that right?

It 6 A. Well, I will not say it was a happy situation per se.

7 was the situation in which they met me in the township and the
8 sympathy they had for the civilians that made me to stay.

9 Q. And witness, you would agree with me that later on you
15:02:47 10 became part of the political and peace council of the RUF?

that 11 A. Well, yes. That was exactly what happened. I believe

12 I had contributions to make. When they thought it fit that I

13 should represent the interests of the civilians in order -- in

14 order for me to partake in signing the peace accord in Abuja.

15:03:25 15 PRESIDING JUDGE: The representative of the civilians in
16 what council is that? Mr Harrison?

17 MR HARRISON: I put the question of political and peace
18 council.

19 Q. Is that what you understood, witness, to be the fact?

15:03:40 20 PRESIDING JUDGE: He said he became a representative of
21 who? Of the civilians?

22 MR HARRISON: Yes and I referred to it as the political
and
23 peace council.

24 THE WITNESS: I joined the peace council. The peace
15:03:54 25 council gradually, it was the council which led the whole
sources
26 which signed the final peace accord in Abuja.

27 MR HARRISON:

28 Q. And the other members of that council were Omrie Golley;
is
29 that right?

SCSL - TRIAL CHAMBER I

Page 76

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 A. Yes, that's correct.

2 Q. And xxxxxxxxxxxx?

3 A. Yes.

4 Q. xxxxxxxxxxxxxxxx?

15:04:27 5 A. Yes. Yes.

6 Q. xxxxxxxxxxxxxxxxxxxx?

7 A. Yes. Yes.

8 Q. All of whom were --

9 PRESIDING JUDGE: xxxxxxxxxx, who again?

15:04:41 10 MR HARRISON: The last name was -- sorry, then it was

11 xxxxxxxxxxxxxxxx. For the benefit of the Court reporter xxxxxxxx

12 the Prosecution suggests is spelled xxxxxxxxxx. Can you

13 confirm or.

14 PRESIDING JUDGE: And the last name? I'm sure that's

how

15:05:01 15 we have always spelt it. We've come by this name in other

16 circumstances. The last name of xxxxxxxxxx, who was that?

17 MR HARRISON: xxxxxxxxxxxxxxxx and the Prosecution

18 suggests that the spelling of the last name is xxxxxxxxxx.

19 Q. And witness, you'd agree with me that those people are

all

15:05:29 20 senior members or were senior members of the RUF?

21 A. Well, I wouldn't say on the basis they were selected but

I

22 don't believe that they were selected in terms of seniority.

23 They had their criteria which they used to select them.

24 PRESIDING JUDGE: Mr Witness, did you go to -- did you -

-

15:05:58 25 did you go for the signing of the Abuja Peace Accord as well?

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: Did you sign?

28 THE WITNESS: I signed, yes.

29 MR HARRISON:

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. And you signed as a member of the delegation of the RUF;
2 correct?

3 A. Because I took up the idea to join the council to -- to
4 join the council as to represent the civilians in the council
15:06:40 5 and, when I went, I signed as a delegate.

6 JUDGE BOUTET: Mr Witness, can you answer the question,
7 please? The question was you were there as a member of the
RUF 8 delegation; were you or were you not? Or were you on a
separate 9 delegation?

15:07:04 10 THE WITNESS: Well, I was in the RUF delegation
11 representing the civilian populace in Makeni.

12 MR HARRISON:

13 Q. Witness, let me make it clear to you: The Prosecution
is 14 suggesting that since 1998 or sooner, or earlier, up until
15:07:43 15 disarmament, you were a devoted sympathiser with the RUF; do
you 16 accept that?

17 A. I have said that I was in Makeni since 1998 until the
time

auspices

18 they disarmed. Then if I was in Makeni, I was under the

as

19 of the RUF. I don't think that I was there as a sympathiser

15:08:16 20

such.

see

21 Q. Well, let me put it to you a little bit more bluntly to

22 how you answer. Witness, you're a diehard RUF sympathiser;

23 right?

perceived

24 A. Well, I wouldn't say it is correct except it is

15:08:44 25

that anybody that was in Makeni during that time was a diehard

the

26 supporter of the RUF but they met me in Makeni and that was

27 place I was.

simple.

28 PRESIDING JUDGE: Answer the question. It's very

29 Learned counsel is suggesting to you that you were -- you were

SCSL - TRIAL CHAMBER I

Page 78

SESAY ET AL

1 MAY 2008

OPEN SESSION

the

1 not just staying in Makeni. You were a die-hard supporter of

2 RUF; is that true or not.

3 THE WITNESS: That was not the way it happened.

4 MR HARRISON:

15:09:18 5 Q. And I'm suggesting to you that the Court had pretty
clear
6 evidence of your sympathies when you were prepared to identify
a
7 close security officer of the Court as Morris Kallon; do you
8 accept that?

9 A. The question is not quite clear.

15:09:49 10 Q. Witness, I'm suggesting to you that when you identified
a
11 close protection officer of the Court as Morris Kallon, that
was
12 clear evidence of just how loyal a supporter you are of the
RUF;
13 do you accept that?

14 A. No, I disagree.

15:10:23 15 Q. Because what that demonstrated was that you were
prepared
16 to point out anyone in the Court as being Morris Kallon; do
you
17 accept that?

18 A. Well, if I -- I made a mistake to identify him, we've --
19 it's taken some time. I think physically he has shown some
15:10:48 20 difference.

21 MR HARRISON:

22 Q. Witness, there had to be a 20-year difference between
those
23 two people?

24 A. I did not say about 20 years. Sometimes when you and
15:11:10 25 somebody cease to see for some time and you meet him the first
clear
26 time, you may mistake that person but I think I made myself
said
27 that when the lawyer was sitting and pointed at him, then I
28 that was the man.

him, 29 Q. Yes, it was helpful to you when the lawyer pointed to

SCSL - TRIAL CHAMBER I

Page 79 SESAY ET AL
1 MAY 2008

OPEN SESSION

1 wasn't it?

2 MR OGETO: My Lords, I don't think that is what
happened.

3 I think my colleague is being unfair to the witness.

4 MR HARRISON: No, that's exactly the words the witness
15:11:40 5 used, that's not being unfair.

6 MR OGETO: I did not point out.

7 MR HARRISON: That's the words the witness used.

8 MR OGETO: My Lords, the Court knows what happened. It
is
9 on record. And it's unfair for my learned colleague, my
senior

15:11:53 10 learned colleague, to suggest that I actually pointed at the
11 accused Morris Kallon. I did not do that.

12 PRESIDING JUDGE: Mr Harrison, you've made the point. I
13 think we can abandon that issue of identification and move to
14 some other subject.

15:12:17 15 MR HARRISON:

16 Q. Witness, I'm putting it to you that your evidence about
17 being picked up by a Kenyan in a Land Rover on 1 May is simply

18 not true; do you accept that.

19 A. I disagree because it was true that they picked me up, I
15:12:44 20 and my colleagues.

21 Q. And of course, according to your evidence, he drives you
to
22 Makeni, right?

23 A. He went and dropped us at Makeni before he came. He
told
24 us that he was coming.

15:13:03 25 Q. And this was in the context of that Kenyan soldier and
26 yourselves hearing gunshots at the Makump DDR camp; is that
27 right?

28 A. When we were going we heard gunshots. The man went and
29 dropped us and he told us that he was coming in order for him
to

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 80

1 MAY 2008

OPEN SESSION

1 know why there was a shootout.

2 Q. Just so that I'm not confusing the matter, I thought
your
3 evidence was that you heard the gunshots and he then drove you
4 into Makeni. Is that the timing?

15:13:51 5 A. No, I did not say so. I said when the man was coming
from

6 Makeni, when we were running, we met him on the way and we
7 stopped him. We asked him to give us a lift. He gave us the
8 lift and while he was going, we heard some gunshots behind us.
9 He went and dropped us and told us that he was coming to the
15:14:11 10 place where the gunshots were coming from, in order to
11 investigate why the gunshot were coming from that direction.
12 Q. So you're saying he dropped you in Makeni; is that
right?
13 A. Yes.
14 Q. Witness, I'm putting it to you that you're simply lying
to
15:14:28 15 this Court again. That it's absurd for a soldier, having
heard
16 gunshots involving his compatriots to drive in the opposite
17 direction just to drop you off; do you accept that?
18 A. That was exactly what happened. If I were to -- if I
were
19 to say lies, I wouldn't lie in this way because I have sworn
to
15:15:01 20 God.
21 Q. Now, you know about the existence of the interim care
22 centre in Makeni?
23 A. Yes, I knew that there existed a care centre during that
24 time.
15:15:23 25 Q. Again I don't want to confuse you. I used the words
26 "interim care centre." Are you familiar with that?
27 A. I knew -- I knew about that.
28 Q. And you knew that the purpose of the interim care centre
29 was to offer shelter and assistance to child soldiers?

1 A. No, I was not aware that it was for child soldiers. The
2 thing I knew was that they were taking care of suckling
mothers
3 in Makeni.

4 Q. Well again I'm suggesting to you, witness, that you're
15:16:17 5 lying once again; that, in fact, you met with senior persons
from
6 the interim care centre; would you accept that proposition?

7 A. No.

8 Q. And I'm suggesting to you that you met senior officials
of
9 the interim care centre in your position as a representative
of
15:16:45 10 the RUF; do you accept that?

11 A. No.

12 Q. And by virtue of those meetings, you were well aware
that
13 there were RUF children, 15 years of age and under, who had
been
14 combatants with the RUF who were being given shelter and

15:17:09 15 assistance at that interim care centre; do you accept that?

16 A. No, the children I knew were the ones who were being
taken
17 care of by the Catholic mission but I don't know them to be
child
18 soldiers.

there 19 Q. And I'm suggesting to you that you're well aware of

15:17:39 20 being child soldiers, children under the age of 15, in the
RUF;

21 do you accept that?

22 A. I was not there to determine their ages. I did not
clearly

23 know.

24 Q. Well, you are suggesting to us then that you certainly
know

15:18:07 25 that there was child combatants; is that fair?

26 A. Well, as I said, I was not the one that was to determine
27 who was a child and who was not a child. I did not exactly
know.

28 Q. Well, could you look at some of those children and as
you

29 looked at them, ask yourself if they were under 15 years of
age?

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 82

1 MAY 2008

OPEN SESSION

1 A. As I'm saying, it wasn't easy for me to determine
2 somebody's age just by looking at the person. I wouldn't be
able
3 to determine somebody's age at that particular time.

4 Q. You see, I'm suggesting to you, witness, that this is an
15:19:08 5 example of the extent of your loyalty to the RUF. You had
clear

were 6 evidence in front of your eyes that there were children who

7 part of the RUF; do you accept that?

that 8 A. I wouldn't accept that. I have answered the question

particular 9 I have said that I was unable -- I was unable at that

15:19:50 10 time to look at somebody and determine the person's age.

of 11 Q. Witness, I'm going to suggest to you that some of those
12 children at the interim care centre would have been ten years

13 age or under; do you accept that?

the 14 A. I'm saying that the care centre I knew it was owned by

15:20:21 15 Catholic centre. They had children there and they were taking
16 care of them. That was the centre I can say about.

one. 17 Q. Yes, and I think we're probably talking about the same

children 18 And again I'm putting it to you that you knew that those

19 in that centre were RUF child combatants; do you accept that?

15:20:48 20 A. No. The ones that were in the Catholic mission day care
21 centre they were -- the children, they were trying to retrieve
22 because they were school-going children, so those were the
23 children that they did not allow to go on their own side at
all.

24 JUDGE BOUTET: I don't understand what you are saying

15:21:12 25 Mr Witness. You say the children they were trying to
retrieve,

talking 26 whose retrieving what? I don't understand what you are

that 27 about. Maybe it's the interpretation but the interpretation

28 was given to the Court was you were saying the children, they

29 were trying to retrieve. Retrieve from where and who was

SCSL - TRIAL CHAMBER I

Page 83

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 retrieving what?

2 THE WITNESS: Well, RUF had and SLA had. Those were the

the

3 children they were trying to escape from them, take them to

4 Catholic centre and they said that they were school-going

15:21:52

5 children.

6 MR HARRISON:

those

7 Q. So are you now agreeing that they were, the centre or

from

8 care givers, were trying to take school-going children away

9 the RUF?

15:22:14

10 A. That's what I'm saying. I did not know about any RUF

11 children. All children were taken to the RUF -- to the centre

12 that children --

minutes

13 PRESIDING JUDGE: Mr Witness, you said a couple of

14 ago that the RUF had children, the SLA had children.

15:22:42

15 THE WITNESS: That's what I'm saying.

16 PRESIDING JUDGE: Then what are you saying now?

17 THE WITNESS: I said those were the children that were

18 retrieved from them and they were taken to the day care
centre.

19 When the Catholic mission saw it fit that those were the
children

15:23:02 20 that were to be returned to school in or to continue their
21 schooling.

22 MR HARRISON:

23 Q. So you're referring to children who were with the RUF,
24 correct?

15:23:28 25 A. Children that were with the RUF and the SLA that -- the
26 children, old people thought were not to fight. They were the
27 children that were taken from the RUF and the SLAs and taken
to
28 the day care centre.

29 Q. And when you say they were with the RUF, do you agree
with

SCSL - TRIAL CHAMBER I

Page 84

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 me that they were with the fighting forces of the RUF?

2 A. As I have said, it was difficult for one to determine at
3 that time. Some children were there. Whether they were there
4 for security purposes, they had no parents, so when the
Catholic

15:24:26 5 mission saw those children in the hands of those people and
they

6 took them from them and they decided that they should continue
7 schooling.

8 Q. So now you are saying that some of these children were
9 there for security purposes for the RUF; is that correct?

15:24:45 10 A. That's my feeling.

11 Q. Well, witness, you don't need to be that coy. You may
have
12 a feeling but you are the man telling us all this. I assume
you
13 saw this?

14 A. If I saw them, I was unable to determine to know whether
15:25:14 15 they were fighters; I was unable to say.

16 Q. But a minute ago you had no difficulty in saying that
they
17 were security for the RUF; do you still accept that?

18 A. I did not say they were security for the RUF. I said
maybe
19 they were there for security purposes. Not to secure the RUF.
15:25:43 20 But maybe they were running away and they decided to stay with
21 the RUF for security purposes.

22 Q. Witness, do you agree with me that the interim care
centre
23 in Makeni lasted for several months?

24 A. Well, I was not part of that day care centre. I
wouldn't
15:26:24 25 say the number of months it existed.

26 Q. But I'm interested why you can't even give us an idea of
27 the number of months, and yet you seem to recall 1 May as
being
28 something deeply embedded in your mind. Can you explain that?

29 A. No, I'm unable to explain that.

the
do

1 Q. Witness, we're suggesting to you that you are lying to
2 Court throughout; that you have made up these events on 1 May;
3 you accept that?

4 A. I'm not saying lies; I'm saying exactly what I know.

15:27:21 5 Q. Just to make it clear to you, the Prosecution agrees
that
6 on 28 April Morris Kallon went to the Makump DDR camp?

7 MR OGETO: My Lord, I wish to object to this because we
8 have gone through this. I don't know why my colleague --

9 PRESIDING JUDGE: Sustained. The objection is
sustained.

15:27:46 10 It's a submission. You'll visit that during submissions.

11 MR HARRISON:

12 Q. And the Prosecution is suggesting to you that the first
13 time you mentioned Kailondo was yesterday; do you accept that?

14 MR OGETO: My Lords, I also object to that. We've
already
15 gone through that. The witness has already answered the
16 question.

17 THE WITNESS: No.

18 PRESIDING JUDGE: He has.

19 MR HARRISON: I apologise, I didn't realise --

15:28:23 20 PRESIDING JUDGE: He has. That was the first series of
21 questions that you started with.

22 MR HARRISON: The name Kailondo was used?

23 PRESIDING JUDGE: Kailondo, yes. Kailondo is right
there.

24 MR HARRISON: I apologise.

15:28:34 25 Q. The reality is that Kailondo is dead, isn't he?

26 THE INTERPRETER: The interpreters cannot get the
27 [indiscernible].

28 THE WITNESS: I'm unable to follow the question.

29 Q. The reality is that Kailondo is dead, isn't he?

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 86

1 MAY 2008

OPEN SESSION

he 1 A. I don't know. What I knew of him I have said. Whether
2 has died or not, I have no information regarding that.

3 Q. And I'm suggesting to you that you're here to do your
best 4 to protect Morris Kallon; do you accept that?

15:29:28 5 A. Well, what I know, I'm here to say what I knew of Morris
6 Kallon. That's what I know.

7 Q. And we can take it that what you know about Morris
Kallon

8 was pretty well demonstrated by you identifying a close
9 protection officer of the Court; do you accept that?

15:29:54 10 PRESIDING JUDGE: No, let's abandon that. Let's leave
11 that.

12 MR HARRISON: That concludes the questions.

13 PRESIDING JUDGE: Yes.

14 Mr Ogeto, any re-examination?

15:30:53 15 MR OGETO: One small question, My Lords.

16 RE-EXAMINED BY MR OGETO:

17 MR OGETO:

18 Q. Mr Witness, it has been suggested by the Prosecution
that

19 you said that you identified the accused Morris Kallon after -
-

15:31:06 20 PRESIDING JUDGE: No, that subject is closed. It is
21 closed. We don't want to visit it. We've lived through that
and
22 we will make our observations on that, if they are ever raised
in

23 the submissions when it comes to that. I cannot be rejecting
24 them there and accepting the same question here. So -- so

15:31:47 25 besides that there is no other question.

26 MR OGETO: No other question, My Lords.

27 PRESIDING JUDGE: Right. Good. Mr Witness, we've come
to
28 the end of your testimony. We thank you for coming to assist
the
29 Tribunal with the facts which you have testified to. We wish
you

1 a safe journey back to your place of abode and happy
continuation
2 with your activities. I am sure you are getting to the
political
3 heat of municipal elections and you will be very happy to
leave
4 now. So go and occupy the terrain. So we thank you for
coming.
15:32:47 5 Can the witness be assisted out of the Court, please.
6 [The witness withdrew]
7 MR JORDASH: Can Mr Sesay use the bathroom, please?
8 PRESIDING JUDGE: Yes, please, he may.
9 MR OGETO: My Lords --
15:34:27 10 PRESIDING JUDGE: Yes.
11 MR OGETO: -- just a point on witnesses for tomorrow.
In
12 the morning when I was mentioning the possible list for
tomorrow,
13 I mentioned 160 -- DMK-160. It was an error. It's supposed
to
14 be DMK-159. I've already notified the Prosecution about that
15:34:50 15 error. In fact, they are the ones who pointed that out to me.
16 PRESIDING JUDGE: Okay. Does the Prosecution confirm
that?
17 MR HARRISON: Yes, Mr Ogeto and I did have a
conversation.
18 It was just a slip of the tongue, I think. 160 was actually
the

19 first Defence witness, so an obvious slip of the tongue. But
15:35:14 20 could I just ask the Prosecution is still not clear what the
21 order of witnesses are as of this moment.

22 PRESIDING JUDGE: The Defence made a suggestion this
23 morning; I mean, how do you respond to that? Because they say
24 that they can line up the UNAMSIL -- the UN witnesses for
15:35:37 25 tomorrow or so. I mean, if you can accommodate them.

26 MR HARRISON: I think we can live with that but our
27 question was a little more pressing. We wanted to know who
the
28 witness is right now?

29 PRESIDING JUDGE: Can you inform him who the witness is

SCSL - TRIAL CHAMBER I

Page 88

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 now, xxxxxx? I hope you are not ambushing Mr Harrison or
2 xxxxxx, as the case may be.

3 MR TAKU: No, no, Your Honours. I think they have
notice
4 about this witness, DMK-072. Their complaint this morning was
15:36:10 5 about --

6 PRESIDING JUDGE: Mr Fynn, do you have notice about
witness
7 DMK-072?

8 MR FYNN: I have, My Lord.

9 PRESIDING JUDGE: You have notice. Well, you are
15:36:19 10 acquitted, Mr Taku.
11 MR TAKU: Thank you, My Lord.
12 PRESIDING JUDGE: And this is to you, Mr Taku.
13 Mr Harrison has just indicated that he can live with
your
14 calling the UNAMSIL, the UN witnesses from tomorrow if you
wish.
15:36:36 15 He says he can live with that. So that's an indication as to
how
16 you can move tomorrow because if you take on some other
witnesses
17 you may run into some objections, you know, from the -- from
the
18 Prosecution as to the timing and the calling of the witnesses.
19 So I just wanted to say that, you know, so that you arrange
15:37:02 20 your -- your order of call for tomorrow accordingly.
21 MR TAKU: Thank you, Your Honours. Your Honours, we'll
be
22 applying for Mr Kallon to leave the room temporarily.
23 PRESIDING JUDGE: To go to the rest room?
24 MR TAKU: Yes, My Lord.
15:37:27 25 PRESIDING JUDGE: Yes, I know. Temporarily to go to
what?
26 Is it to go and sleep or to have some siesta?
27 MR TAKU: To the rest room, My Lord.
28 MR CAMMEGH: Is that offer open to everybody?
29 PRESIDING JUDGE: Excluding Mr Cammegh, who came late.

1 MR CAMMEGH: Yes. Actually I must apologise to that and
2 I've been told that Mr Harrison --

3 PRESIDING JUDGE: Mr Harrison held brief, you know, for
4 you.

15:37:38 5 MR CAMMEGH: Well, I think he went further than that.
I'm
6 very grateful to him and I apologise to him as I do to the
Bench.

7 Your Honour, I was actually handed a document from the Deputy
8 Registrar concerning a fees issue which I've got to look at
and
9 that's what held me back. Unfortunately it doesn't relate to
my
10 fees.
15:37:57

11 PRESIDING JUDGE: That's why I'm laughing. Doesn't
relate
12 to your fees. Mr Taku, will this be the twelfth witness.

13 MR TAKU: One moment, yes, Your Honour. Yes, it will be
14 the twelfth .

15:38:52 15 PRESIDING JUDGE: You say it's DMK--- DMK-

16 MR TAKU: 072, Your Honours.

17 PRESIDING JUDGE: To testify in what language.

18 MR TAKU: In Krio.

19 PRESIDING JUDGE: The witness is from Makeni city, not
15:39:17 20 Makeni Town. They insist on calling it Makeni city.

21 MR OGETO: My Lords, actually the witness insisted that

22 it's city.
23 PRESIDING JUDGE: City. Yes. It started not just
today.
24 It started a couple of days ago from the lady witness said
city.
15:39:45 25 MR TAKU: Yes, Your Honours.
26 PRESIDING JUDGE: I hope that the Defence teams will --
27 would give a ride and the Prosecution would give a ride to the
28 judges, you know, to visit some of these cities.
29 MR TAKU: Exactly, Your Honour, we have been thinking
about

SCSL - TRIAL CHAMBER I

Page 90

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 that.
2 PRESIDING JUDGE: Mr Harrison, no comment?
3 MR HARRISON: I would be happy to accompany you.
4 PRESIDING JUDGE: Has Mr Harrison been to Kailahun?
15:40:23 5 MR HARRISON: I haven't had that pleasure.
6 PRESIDING JUDGE: I think that greater stories guide,
you
7 know, would be Mr Cammegh because he is very used to the nooks
8 and corners of Kailahun.
9 MR CAMMEGH: I'm not sure I like that comment actually.
15:40:40 10 PRESIDING JUDGE: I'm sure he even visited the execution

11 grounds which have been alleged here. Yes, can you swear the
12 witness in, please.

13 [The witness entered Court]

14 WITNESS DMK-072 [Sworn]

15:41:38 15 [The witness answered through interpreter]

16 PRESIDING JUDGE: Yes.

17 MR TAKU: Your Honours, we will be praying to the Court
to

18 order that a sheet of paper be given to the witness so that we
19 can get his identification data.

15:41:58 20 PRESIDING JUDGE: Let it be done, please. Let your will
be

21 done, please.

22 MR TAKU: Thank you, Your Honours.

23 PRESIDING JUDGE: Can you indicate to him what you want
24 from him, please.

15:42:29 25 EXAMINED BY MR TAKU:

26 MR TAKU:

27 Q. Witness, you are a protected witness, so I will ask you
a
28 series of questions about -- which could reveal your identity,
29 but we do not want that to be in the public domain so when I
ask

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 those questions, you will write the answers there. Do you
2 understand, sir?

3 A. Yes.

4 Q. Okay. Your name, sir. And your address, where you
reside
15:43:18 5 now and the profession?

6 PRESIDING JUDGE: You are going too fast for him. You
are
7 going too fast for hem. Watch his hand.

8 MR TAKU:

9 Q. Your name, your address, and your current profession.
Are
15:43:53 10 you finished, sir? Court Management, please, can you help?

11 MR CAMMEGH: Your Honour, could Mr Gbao leave the room
for
12 a moment, please?

13 PRESIDING JUDGE: Yes, please, he may.

14 MR TAKU: Your Honours, we're seeking the Court
attendant.

15:44:32 15 PRESIDING JUDGE: Yes.

16 MR TAKU: Your Honours, maybe I might apply that an
clearer
17 official of the Court will have a slightly more, in the
18 form, his name.

19 PRESIDING JUDGE: The witness unit -- is the witness
unit
15:45:08 20 there who can assist him if it isn't very clear. Get another
21 sheet of paper, please.

22 MR TAKU: Yes, Your Honour, we're seeking leave of the
23 Court to tender.

24 PRESIDING JUDGE: Any objection, please?

15:49:06 25 MR FYNN: None, My Lord.
26 MR JORDASH: No, thank you.
27 MR CAMMEGH: No, thank you.
28 PRESIDING JUDGE: Thank you. The paper is admitted in
29 evidence and marked confidentially as Exhibit 360.

SCSL - TRIAL CHAMBER I

Page 92

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 xxxxxxxx: Yes, My Lords.
2 PRESIDING JUDGE: Can you have it please.
3 [Exhibit No. 360 was admitted]
4 MR TAKU:
15:49:53 5 Q. Yes, witness, do not say anything that will reveal your
6 identity. You understand, sir?
7 A. Yes.
8 Q. Now, when did you join the RUF?
9 A. 1991.
15:50:17 10 Q. Where did you join the RUF?
11 A. At Baiwala.
12 Q. Now, very briefly --
13 PRESIDING JUDGE: Mr Witness, how old are you?
14 THE WITNESS: This is my 59th year. 59.
15:51:11 15 PRESIDING JUDGE: Yes, Mr Taku, you may proceed, please.

16 MR TAKU:

17 Q. Now can you very briefly tell the Court what training
you
18 underwent when you joined the RUF?

19 PRESIDING JUDGE: How did he join the RUF?

15:51:30 20 THE WITNESS: When I joined the RUF, I did not undergo
any
21 military training but I was with them.

22 MR TAKU:

23 Q. Now --

24 JUDGE BOUTET: What does that mean?

15:51:46 25 THE WITNESS: I did not undergo training. For instance,
26 say I would go to the front line and fight. That's what I
meant.

27 JUDGE BOUTET: Yeah but what do you mean by you say I
28 joined the RUF. What does that mean?

29 MR TAKU:

SCSL - TRIAL CHAMBER I

Page 93

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. The judge wants to know how you joined the RUF?

2 A. The time when.

3 THE INTERPRETER: The interpreter is sorry. The
starting

4 point of the witness has not been clear to him so he cannot
take

15:52:29 5 off from there.

6 PRESIDING JUDGE: Now, start afresh [overlapping
speakers],

7 you know. Start afresh with what you have just been saying.

8 THE WITNESS: In 1991 RUF captured me. They took me to
9 Baiwala in order for me to be trained, but I told them that I
was

15:53:00 10 not well and because of that, I did not go through a physical
and
11 training. So they gave me an assignment but in the same base
12 I did the assignment in the same base. That was what I meant.

13 MR TAKU:

14 Q. Can you tell the Court what this assignment was?

15:53:37 15 A. The assignment which they gave me, there was a unit
called

16 the G3 unit. I was there. I was registering the recruit that
17 would come in in order for them to be trained and at the same
18 time at the end of the week, if they wanted to go on weekends,
I

19 used to issue a travelling pass to them in order for them to
go

15:54:06 20 home and come back.

21 MR JORDASH: Sorry to leap up, I think there's a
22 translation error. I heard the witness -- I heard his voice
say

23 G2 and I thought I heard the translation say G3.

24 PRESIDING JUDGE: I heard -- I wrote G3.

15:54:20 25 MR JORDASH: Yes, and I heard a G2 coming from the
witness.

26 MR TAKU:

27 Q. So what is the unit that you were attached to, witness?

28 A. G2.

29 PRESIDING JUDGE: Thank you, Mr Jordash.

SCSL - TRIAL CHAMBER I

Page 94

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 THE INTERPRETER: The interpreter is sorry for that
error.

2 He never realised that it was -- indeed that was the way. I'm
3 thankful that it has been corrected.

4 MR TAKU:

15:55:02 5 Q. Now, you said your assignment in the G2 unit was to --

6 A. Yes.

7 Q. Tell the Court again what your assignment entailed,
please?

8 PRESIDING JUDGE: He has said it. He said it. The
9 recruits that were registered were brought for training and
10 registered those who were going on weekends and gave them
15:55:16 10 passes
11 or so to go for weekends. Repeat -- take that over again, you
12 know. The registered recruits, what did you do on weekends
with
13 those recruits?

14 THE WITNESS: When they went on weekends and they
returned,

15:55:48 15 then the pass had expired for that week.

16 PRESIDING JUDGE: Is it you who gave the passes?

17 THE WITNESS: Yes, sir.

18 MR TAKU:
19 Q. Now, among the recruits that you registered, did you
find
15:56:29 20 any recruit below the age of 15 years old?
21 A. No, I did not register any recruit who was below 15
years
22 old.
23 PRESIDING JUDGE: Yes?
24 MR HARRISON: The Prosecution is not objecting but the
15:56:40 25 Prosecution is not sure what year we're talking about. We're
26 assuming it's still 1991.
27 PRESIDING JUDGE: Pardon me?
28 MR HARRISON: Are we still talking about 1991? It's
really
29 a question asking if Mr Taku can guide us.

SCSL - TRIAL CHAMBER I

Page 95 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 PRESIDING JUDGE: Yes, Mr Taku should guide us, please.
2 MR TAKU: Yes, Your Honours.
3 Q. Now I'm talking about these recruits that you
4 registered in 1991. Did you see -- did you register any
recruit
15:57:13 5 below the age of 15 years?

above

6 A. I did not register any child, no recruit who was not
7 15 years.

8 Q. Now, on 25 May 1996, where were you?

9 A. I was at the Benguema Barracks.

15:57:39 10 PRESIDING JUDGE: 1990 when?

11 MR TAKU: 1996, Your Honour.

12 Q. What were you doing at the Benguema Barracks on that
date?

13 A. I was with my elder brother and I was doing farming.

14 Q. When did you go to Benguema Barracks?

15:58:18 15 A. I went to the Benguema Barracks in 1995.

16 Q. Why did you go there in 1995?

17 A. Well, in 1995 I went there because I was from detention
18 from Pademba Road Prison so I decided to stay with my brother.

19 Q. Why were you detained at Pademba Road Prison? Briefly
tell
15:59:14 20 the Court, please?

21 A. When the MP actually took over, government forces
advanced,
22 so we went and everybody was in disarray and everybody was
moving

23 on their own and before the war I had my children who were
24 attending school -- vocational secondary school in Pendembu.

15:59:51 25 That was the place they were attending. So I decided to go
and
26 bring them to take them to Lungi in order for them to continue
27 schooling because they had lost two years without schooling.
28 When I arrived in Kailahun with the children, some SLA
soldiers
29 one evening took the children from the house. They went to
the

1 nearby house and sat there and it was at night. When I came I
2 asked for them. Their mother showed me the direction where
they
3 went. When I went there I met them. So it wasn't nice with
me
4 so I told them that I would not allow that because those were
16:00:36 5 children and that they were attending school. So the soldiers
6 were angry with me and the other one promised that they were
7 going to change my address. The following morning I saw them.
8 They went with an MP and they captured me. When we went to
the
9 MP office in Kailahun, they said I was a rebel. So they
detained
16:01:02 10 me. And they did not allow my -- my wife and children to
visit
11 me so they placed me in the cell. I was there for six days.
12 They took me from there, they brought me to Daru. They
detained
13 me there for ten days. They took me from there. They brought
me
14 to the Bo brigade headquarters. I was there for only four
days.
16:01:31 15 The fifth day they brought me to Freetown here and they took
me
16 to Cockerill. I was at Cockerill for about one-and-a-half
hours.

17 They took me to Pademba Road Prison. That was a Sunday, 19
18 December, 1993. So I was in detention until Saturday, 23
19 December 1994. They released me. So because of that, they
16:02:03 20 released me from there. They have taken me --

21 PRESIDING JUDGE: You were released when?

22 THE WITNESS: Saturday, December 24, 1994. That was the
23 time they released me from Pademba Road Prison. That was --

24 PRESIDING JUDGE: [Indiscernible] family.

16:02:33 25 THE WITNESS: Well, maybe.

26 PRESIDING JUDGE: Anyway, let's get along.

27 MR TAKU:

28 Q. So after you were released you went to where?

29 A. I went to Benguema Barracks.

SCSL - TRIAL CHAMBER I

Page 97

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. Why did you go to Benguema Barracks?

2 PRESIDING JUDGE: Because he had his brother there.

3 MR TAKU: Okay.

4 Q. Now, on 25 May 1997, where were you?

16:03:09 5 A. I was still in the Benguema Barracks.

6 Q. How did you learn about the AFRC coup?

7 A. May 25, Sunday. We were at the Benguema Barracks. We

8 heard shooting along Waterloo area on to Lumpa. It was not
too

9 long when the soldiers came and said there was a revolution so
16:03:37 10 that was the way I came to know that a coup had happened.

11 Q. So when you got this information, what happened? Is
there

12 anything again that happened that you want to tell the Judges,
13 please?

14 A. Yes.

16:04:05 15 Q. Proceed, sir.

16 A. We heard an announcement over the FLBS, which was we
came

17 to understand that Johnny Paul Koroma said he was the chairman
18 for the AFRC, and that Foday Sankoh should be his
19 vice-chairperson and the RUF and the AFRC should come together
in

16:04:42 20 order to form a government.

21 Q. After that announcement, did you hear any other
22 announcement about the same issue?

23 A. Yes, I heard another announcement.

24 Q. You heard another announcement made by who, sir?

16:05:10 25 A. It was Foday Sankoh himself who made it.

26 Q. What did he say?

27 A. Foday Sankoh said over the BBC, he said that he accepted
28 the appointment and that the RUF should leave the bush and
join

29 hands with the AFRC. RUF should not be in any defensive any

1 more. They should not be on any offensive but should be on
the
2 defensive. That was the other announcement which I heard
about
3 the coup.

4 Q. Now, when Foday Sankoh made this announcement, what
16:06:03 5 happened? Do you know what happened thereafter, sir?

6 A. Yes.

7 Q. Tell Their Lordships.

8 A. Indeed, the RUF accepted to come out from the bushes.
They

9 came to town. And when I was at Benguema, the first batch of
RUF

16:06:32 10 group that I saw were Superman's group. They were the first
to

11 arrive at the Benguema Barracks, and other officers followed
12 later. All of them were accommodated at the officers'
quarters

13 at the Benguema Barracks. Then three days later, I went there
14 after Sam Bockarie had arrived. He too had his own quarters.
I

16:07:04 15 went there and I met him. And even he told me that he heard
that

16 I had already been killed. So I explained all that happened
to

17 me, and that I was staying at Benguema at that moment. So he
18 continued to give me the assignment which made me to stay in
19 Benguema. So I was there until the end of the war.

16:07:40 20 Q. Now, you said Mosquito gave you an assignment. Which
21 assignment did he give you?
22 A. Well, the unit G2 was chained to IDU but they had the
same
23 responsibility so it was the same assignment as IDU.
24 Q. What was your rank? Did you have any rank at that time?
16:08:22 25 A. At that time I did not have a rank but later I was given
26 the rank of sergeant.
27 Q. Did you have a commander at Benguema camp, sir?
28 A. Yes, I had a commander whom I worked with directly at
29 Benguema Barracks.

SCSL - TRIAL CHAMBER I

Page 99

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. What was his name?
2 A. He was Captain xxxxxx.
3 Q. Did Captain xxxxxxxx have another name, sir?
4 JUDGE BOUTET: Did he say he was captain? I thought he
16:09:15 5 said -- I heard commander Salia.
6 MR TAKU:
7 Q. Repeat -- I mean, answer the question. Who was your
8 commander, please?
9 A. My commander at the Benguema Barracks was Captain xxxxx
16:09:34 10 xxxxxx.

11 Q. Did he have any other name apart from xxxxxxxxx that you
12 know of?
13 A. Yes.
14 Q. Tell Their Lordships, please?
16:09:51 15 A. We used to call him Peleto. Amara Peleto.
16 Q. You said Captain Amara Salia, Peleto, was your
commander?
17 A. Yes.
18 Q. From what period to what period was he your commander in
19 Benguema Barracks?
16:10:40 20 A. He was my commander at the Benguema Barracks '97 to '98
21 when he had to retreat at the Benguema Barracks.
22 Q. Now, can you tell --
23 JUDGE BOUTET: Can we have some dates in '97 and '98,
24 please.
16:11:09 25 MR TAKU:
26 Q. Can you tell the Court the dates in '97 and '98?
27 A. I wouldn't be able to say the exact dates when Amara
Salia
28 took over command and the Benguema Barracks, but I left
Benguema
29 Barracks with xxxxxxxxx, February 6, 1998.

SCSL - TRIAL CHAMBER I

1 Q. Within the period Captain xxxxxxxx, xxxxx, was the
2 commander, can you tell the Court what --
3 PRESIDING JUDGE: He says 13 February -- 14 or 13
February.

4 On what day.

16:12:06 5 MR TAKU:

6 Q. What date, please, did you leave the camp?

7 A. I said the 6 February 1998.

8 Q. Now, can you tell the Court what type of commander was
9 Captain xxxxxxxxxxxx in Benguema camp between the period in
16:12:52 10 1997 to 6 February 1998?

11 A. Yes.

12 Q. Proceed, please.

13 A. Captain xxxxxxxxxxxx, he was feared by a lot of RUF members
14 even to work with him because he was a man -- he was a wicked
16:13:27 15 man. So when we went there, he began to harass people. There
16 was a time he said he was going to Tombu, he returned because
he

17 had one CG motorbike. He met us at the barracks. He said he
had

18 arrived at Macdonald, civilians had taken a shotgun and they
19 wanted to kill him. So he tried to put some of the boys

16:13:57 20 together, so I was part of him on that trip. When he
explained

21 what had happened, I told him that the best thing, let us
return.

22 Let us go and meet Sam Bockarie, who was Mosquito. He
assigned

23 you here. Even myself, he assigned me here. Go and tell him.

24 Then he will know what kind of step to take. He -- he was --
he

16:14:30 25
himself.

was

27
28
29
a

was -- he was angry and he said he is the commander for
He had right to take any action. Then I told him that there
no need to bring me here. If you had come here and you are
trying to harass these people you have taken their shotguns,
things, and you've taken it along. Then when I arrived I made

SCSL - TRIAL CHAMBER I

Page 101

SESAY ET AL

1 MAY 2008

OPEN SESSION

next

Even

take

16:15:11 5
it

there

with

were

16:15:38 10
I

1 report straightaway because that was part of my work. The
2 day I joined a vehicle to go to town. I went to Cockerill.
3 myself, I gave the letter to Mosquito. He told me that he was
4 going to take action. I did not even -- I did not see him
5 that action. I did not even see that he took action because I
6 did not see him go there. That was the way -- that was there
7 ended. Some of the man like xxxxxx who used to go there,
8 was reports so he is a man -- some of us were able to stay
9 him because some of us are peaceful but a lot of other men
not staying with him for quite a long time. That was the way

11 knew him.

12 JUDGE BOUTET: This particular episode, Mr Taku, when is
13 this taking place.

14 MR TAKU: I did ask him from the moment that he became
his
16:15:56 15 commander in 1997 to 6 February 1998. That's the episode he
is
16 describing now.

17 JUDGE BOUTET: Because I thought he said left on 6
February
18 with xxxxx and that particular time or later but you're saying
19 it's before that.

16:16:12 20 MR TAKU: Before that. We will come to -- we will
proceed
21 on the retreat and we will see how the evidence evolves but
it's
22 the period before the retreat, Your Honours. I did say the
23 period from 1997 to 6 February 1998.

24 JUDGE BOUTET: Yeah but my question earlier was when is
it
16:16:30 25 in -- is this in '97 or in '98.

26 MR TAKU:

27 Q. When did this event that you are describing take place?

28 A. 1997 when the AFRC was in power.

29 Q. Now, let's move quickly to 1998. On or about 14
February

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 1998 where were you, sir?

2 A. I was retreating from Benguema Barracks.

3 Q. Why were you retreating?

4 A. ECOMOG had launched an -- they were trying to flush out
the
16:17:37 5 AFRC so that made me retreat. I was not alone. That made us
6 retreat.

7 Q. When you say they made us retreat, you and who?

8 A. Even my commander who was xxxxxxxx, we all retreated
9 from Benguema.

16:18:01 10 Q. When you retreated from Benguema, where do you move to?

11 A. We came to Mile 38. We left there and went to Masiaka.
I
12 met him there. We did not take the same route at that time.

I
13 came to Gberi Junction. When he attempted to go by Bo he
14 couldn't get access to that route, he came back and passed
16:18:41 15 through Gberi Road. It was at night that he passed. I didn't
16 know except when we came and met at Makeni. That was the time

I
17 saw him.

18 Q. Now, while at Masiaka did you see Morris Kallon?

19 A. No, I did not see Morris Kallon.

16:19:06 20 Q. You say you got to Makeni. Did you see Morris Kallon at
21 Makeni?

22 A. No, I did not see Morris Kallon in Makeni.

23 Q. How many days did you spend at Makeni, sir?

24 A. I spent six days in Makeni.

16:19:41 25 Q. From Makeni where do you go to?
26 A. Well, I went to Kamabai.
27 PRESIDING JUDGE: Went to where? From Makeni he went to
28 where.
29 MR TAKU: Kamabai.

SCSL - TRIAL CHAMBER I

Page 103

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 PRESIDING JUDGE: Kamabai.
2 THE WITNESS: Kamabai.
3 MR TAKU:
4 Q. From Kamabai you went to where, sir?
16:20:13 5 A. Fadugu.
6 Q. From Fadugu where do you go to?
7 A. From Fadugu I wanted to go to Kabala but when I arrived
at
8 Makakura which is the main junction to Kono, some men I came
9 across said there was a problem at Kabala so I took the Kono
16:20:45 10 route straightaway from Makakura Junction. That was the Kono
11 route that I used.
12 Q. Did you eventually arrive at Kono?
13 A. Yes, I arrived in Kono.
14 Q. When did you arrive Kono?

16:21:10 15 A. Seven days later.

16 Q. When you say seven days later, explain to Their
Lordships.

17 From which date to which date?

18 A. The day I left Makakura Junction I took seven days to
19 arrive Kono. That is what I meant.

16:21:39 20 Q. When you arrived Kono, where in Kono do you arrive?
Where

21 indeed?

22 MR HARRISON: I'm sorry to interrupt we're trying to
find

23 the route and we're hearing some names of locations and we're
24 just having a hard time following the spelling and
pronunciation.

16:21:59 25 I think there may have been the last one of, it may have been
26 Makura Junction but I'm asking if Mr Taku could probably just
27 pause for a moment.

28 PRESIDING JUDGE: Yes, can you clarify the spellings for
29 the records, please.

SCSL - TRIAL CHAMBER I

Page 104 SESAY ET AL

1 MAY 2008

OPEN SESSION

1 MR TAKU:

2 Q. Witness can you spell the Makakura Junction you talk
about,

3 please?

Junction. 4 A. I did not say Macurrie Junction. I said Makakura

16:22:25 5 PRESIDING JUDGE: Is it Bacakura or Makakura?

6 THE WITNESS: Makakura, yes.

7 MR TAKU:

8 Q. Can you spell that, please, for Their Lordships?

9 PRESIDING JUDGE: Makakura.

16:22:39 10 THE WITNESS: Yes. M-A-K-A-K-U-R-A.

11 MR TAKU:

12 Q. Now, you say you eventually arrived Kono. Which town in

13 Kono did you get to go to?

14 A. Well, Tombodu. I arrived there. That was not the place

I

16:23:22 15 wanted to stop but that was the place I stopped because there

was

16 no chance to move further.

17 Q. Now, when you got to Kono did you report to any person?

18 PRESIDING JUDGE: He was not yet in Kono, well he was

19 around Tombodu. He stopped there.

16:23:46 20 MR TAKU:

21 Q. Yeah, you got to Tombodu, stopped there. Before you got

to

22 Tombodu did you stop in any other location in Kono before

going

23 to Tombodu?

24 A. Yes, I used to stop until Tombodu. Tombodu again is

also

16:24:12 25 in Kono District.

26 Q. Yes, while in Tombodu is there any commander you

reported

27 to?

coming
You

28 A. Well, as I was about to enter Tombodu, Superman was
29 from Koidu going there. As he saw me, he stopped and said:

SCSL - TRIAL CHAMBER I

Page 105

SESAY ET AL

1 MAY 2008

OPEN SESSION

made

1 are stopping here. Here is your assignment area. So that
2 me stop there,

assignment

3 Q. So he said this is your assignment area. What
4 did he give you there?

16:24:56

5 A. He knew that I was an IDU man. It was the same IDU work
6 that he gave to me.

assignment

7 Q. Did you -- did he tell you why he gave you the
8 in Tombodu?

9 A. Yes, he told me.

16:25:25

10 Q. Tell the Court.

by

11 A. He called me. He told me that Tombodu has been occupied

crimes;

12 SLAs and there were many, but they were committing some

13 they were doing something that were not right. So whenever he

were

14 came to find out, he could not get any fact because people

16:25:53 15 not telling him the truth. So let me be assigned there to be
will 16 monitoring the activities and reporting to him, so that he
17 be able to take action against them. But we should not be
Bendu 18 together. So he made me transfer to another place called
19 II. I stayed there.

16:26:28 20 MR HARRISON: I would really appreciate if Mr Taku could
21 try to help us with spellings.

22 MR TAKU: Bendu, Your Honours. B-E-N-D-U, Bendu II.

23 Q. How far is Bendu II to Tombodu?

24 A. Between Bendu II and Tombodu it is not up to a quarter
16:27:04 25 mile. You can see from Tombodu and see Bendu II.

26 Q. When Superman gave you this assignment what was your
rank?

27 A. He asked me. I told him I was a sergeant. He said:
Okay,
28 now I'm going to promote you so that you be able to work with
29 these men who are looking low upon you so that now I'm going
to

SCSL - TRIAL CHAMBER I

Page 106

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 make you a major, so that was the rank I occupied in Tombodu.

2 Q. Did you have any combatant -- combatants under your
3 command?

4 A. Yes, I had them.

16:27:54 5 Q. How many of them?

6 A. Four men.

7 Q. Now, from Bendu II, did you used to go to -- how often
did

8 you used to go to Tombodu?

9 A. Well, I used to go there every day. At times, three
times

16:28:29 10 a day.

11 Q. You said Superman told you that you should be there to
12 report the activities of the SLAs there to him, Superman.
Now,

13 do you know who were the commanders of the SLAs in that
location?

14 If you know their names, give them to the Court?

16:29:01 15 A. Those I knew as commanders there, one, Captain Savage;
one

16 Staff Alhaji; and one Tomba Joe. I knew these people as

17 commanders in Tombodu.

18 Q. Now, this Tomba Joe you talk about, do you know from
which

19 area of Sierra Leone he comes from?

16:29:49 20 A. I don't know, but in Bendu II civilians told me that he
was

21 born there and in fact he was a Kissy by tribe. Both his
parents

22 were from there.

23 Q. Now, can you tell the Court from when you arrived in

24 Tombodu when did you -- did you stay consistently in Tombodu
for

16:30:22 25 a long period -- for a period of time, please?

26 A. I was there from February to June 1998.

see

27 Q. Now, for that period that you were in Tombodu, did you

28 Morris Kallon in Tombodu?

29 A. No, I did not see Morris Kallon in Tombodu.

SCSL - TRIAL CHAMBER I

Page 107

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. Now, you said that Superman assigned you to Tombodu to
2 observe the activity of the SLAs; did you carry out that
3 assignment?

4 A. Yes.

16:31:31
regard

5 Q. Can you tell the Court what you observed, first with
6 to Savage?

7 A. Yes, I can tell the Court.

8 Q. Please proceed.

soldiers

9 A. I was in Bendu II when Savage sent one of his SLA

16:32:08
men.

10 to go and call me. When I was going I went together with my

during

11 We only had one gun. When I arrived, Savage told me that

Town.

12 AFRC times, civilians were burning soldiers alive in Koidu

to

13 He continue to say some of these civilians who were doing this

14 soldiers, some of them have come to Tombodu to come and
attack.

16:32:46 15 But he had arrested them all. Then he showed me goats,
16 groundnut, palm oil, rice, husk rice, they brought those
things.

17 I asked him to see the people. He told his soldiers to bring
18 them. They brought the men, checked them. They were 57. I
told
19 him that -- I said we, the RUF, such a case we will
investigate.

16:33:40 20 So I would like these people to wait in the morning so that we
21 able to investigate exactly what their mission is here. Then
we
22 will send a report to Superman so that Superman would advise
us
23 what kind of action we'll take. When I told him that, Savage
24 became angry. He said Superman is not a commander for him.
He
16:34:06 25 is a commander for himself. He is the commander in Tombodu.
26 Bush commander cannot be a commander for him. So he became
27 annoyed. While I observed that he is angry I did not say
28 anything again. My boys used to tell me say: Bra, let us go.
I
29 said: No, let us just sit down. So we continued sitting
down,

SCSL - TRIAL CHAMBER I

all
from
16:34:59
I
took
"Do
knife,
16:35:42
All
I'm
fine
short
16:36:06
is
anything.
this
16:36:33
time

1 when he came and told me that these men, let them be sacked,
2 of them. They sacked them all. They used to take ID cards
3 their pockets throwing them on the ground. But it was about
4 night now. They removed their clothes and tied their hands at
5 their back, but I had a torch. I began to pick the ID cards.
6 saw one driving licence on the ground. I took it. I -- I
7 them. He went in and brought with a long knife. He asked the
8 men, all of them were now prostrated on the ground. He said,
9 you know this knife's name?" They said "no." "This of my
10 I call it Muchunga Mulanga." He said, "all of you call it."
11 of them began to shout, Muchung Mulanga. He said, "now that
12 saying this, if anybody look at me in my face it will not be
13 for all of you must be prostrated. Lie down on the ground."
14 While he was saying this he said, "Hey you. Get up." That
15 time he had killed nine people. I told him: Mr Savage, this
16 not right. This is not right. These people did not do
17 You've not investigated anything else. In fact, somebody have
18 told me that these people were sent by Staff Alhaji. He used
19 them as manpower. Now you've killed nine from them. Now,
20 is not fair. He was angry. Even some of my boys were -- were
21 afraid. He nearly slapped me. Finally, he stood for some

22 and said: As you have said that, he called his SLAs and said,
23 "Go and lock them up in the cell 'til tomorrow morning. They
24 will turn back to Bendu II." When we returned, I went and
made
16:37:01 25 report. I wrote it. I gave to one of my boys who was called
Koidu 26 Mohamed Kamara. I said: Early in the morning take you to
27 to go and give to Superman. Let him know that this is what
28 Savage has done. Their ID cards that I took when I was
looking
29 at them, I saw my late wife. She came near me and asked me:
Who

SCSL - TRIAL CHAMBER I

Page 109

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 are these people? I said they are my friends but when I begin
to
2 read the ID cards, I saw my -- I saw my brother. He say: You
3 are lying. What is your brother's name? She said xxxxxxxx,
so
4 I believe that whether she knew him or he was her brother in
16:37:49 5 reality. She asked me: Where is he? I said: No, these
things
6 had taken a long time with me. I took these things from
Makeni
7 when I last saw xxxxx, so I don't want to tell her that they
were
8 up there because I don't know the people that they have been

9 killed.

16:38:07 10 PRESIDING JUDGE: The story is getting long now. Let
him

11 be coordinated.

12 MR TAKU:

13 Q. Now let me just cut you short there.

14 PRESIDING JUDGE: May we have our break here, please.

16:38:17 15 MR TAKU: Okay, Your Honours.

16 PRESIDING JUDGE: Yes.

17 MR FYNN: My Lords, even as we go on break I wish to put
on

18 record the fact that a lot of the details which are now coming
19 forth --

20 PRESIDING JUDGE: Are not in your summary.

21 MR FYNN: -- are not in our summary, My Lord. Our
summary

22 is about a sixth of an A4 page, and we are a little taken by
23 surprise. I put it on note because we may be making an
24 application when we come back, depending on how the evidence
25 evolves further.

26 PRESIDING JUDGE: Well, let's see how we move.

27 MR FYNN: Thank you, My Lord.

28 PRESIDING JUDGE: We will rise, please.

29 [Break taken at 4.40 p.m.]

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 [RUF01MAY08D-BP]

2 [Upon resuming at 5.10 P.m.]

3 PRESIDING JUDGE: Yes, Mr Taku.

4 MR TAKU:

17:08:05 5 Q. Now, witness, you said you filed a complaint to
Superman.

6 Do you know what Superman did with your complaint?

7 A. Yes.

8 Q. What did he do?

9 A. For the complaints that I filed to him on three
different

17:08:33 10 occasions he --

11 THE INTERPRETER: Can the witness come again, please.

12 MR TAKU:

13 Q. Repeat what you said, please. What did he do?

14 A. I sent a report to Superman in relation with the --
those

17:09:05 15 men's behaviour and it was thrice when I sent the report

16 concerning the three of them. Superman held a forum at
Tankoro

17 Police Station where he said he don't want the SLA there
because

18 of the way they were treating the civilians. He had wanted to

19 attack Savage and others at Tombodu. I told him that if you
were

17:09:37 20 to attack those men it will be suicidal because they had very

21 heavy weapons and by my observation they were outlaw people.
So

22 that went on. Unfortunately, Savage went malade. So after
some

23 time he left. He said he was going to Kurubonla. He left
24 Tombodu area. As a whole he left Kono District. So Superman
17:10:06 25 sent Rocky's CO in order to take over the place. And he
placed
26 the situation under control so that was what obtained.
27 Q. You said it would have been suicidal for Superman to put
28 into action his threat to attack Savage; why did you say it
was
29 suicidal?

SCSL - TRIAL CHAMBER I

Page 111

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 A. Savage was a man who never feared anything. He was
lawless
2 and he had weapons. So he and his men, they wouldn't have
taken
3 it kindly if anybody would have gone to Tombodu to attack
them.
4 That was what entreated me to say so.
17:11:05 5 Q. Now, witness, I will ask you a question whether you saw
Now,
6 Morris Kallon for the period you were there, you said no.
saying
7 listen carefully. A witness came here and testified on --
8 that he saw -- that Morris Kallon came there and that he
9 committed certain crimes. I will refer Your Lordships to TF-
366,

17:11:40 10 TF1-366, Your Honour, on 8 November 2005, at pages 38,
11 Your Honours, to 43. Now, at page -- at lines -- page 38,
12 Your Honour, lines 6 to 29, let me read that out, Your
Honours,
13 with your permission.
14 "A. We were there. We received complaints from
Tombodu.
17:12:21 15 "Q. What do you mean by complaints?
16 "A. Savage and Rocky CO were at Tombodu. We got
complaint
17 that they were harassing civilians. They came with that
18 complaint to Morris Kallon and Superman. I saw well
Savage
19 came twice."
17:12:38 20 Now, witness, let's stop there first. Did you know at
any
21 time, Your Honour, I mean witness, that complaints were made
to
22 Superman about -- I mean to Morris Kallon -- about events that
23 took place in Tombodu?
24 A. The only person that made complaint to Superman, it was
me
17:13:03 25 and I wrote it and sent a report to him.
26 PRESIDING JUDGE: You are talking about Morris Kallon
not
27 Superman.
28 MR TAKU:
29 Q. Did you make any complaints to Morris Kallon?

Kallon 1 A. In fact, throughout the retreat I did not see Morris
2 so I was unable to make a report to him.
3 Q. Did you know anybody else who made complaints to Morris
4 Kallon?
17:13:40 5 A. I have no idea regarding that because during that time
when
6 I was at Tombodu I did not know where Morris Kallon was at
that
7 time.
8 Q. Apart from you, is there any other RUF combatant or
9 commander who was assigned to Tombodu within that period in
order
17:13:59 10 to oversee the activities of the SLAs?
11 A. I was the only person Superman sent there. I was the
12 commander there for the RUF. No other RUF commander was
there.
13 Q. Now, Your Honours, at page 38, lines 18 to 20. The
witness
14 says: "The soldiers, the civilians, even myself used to go
there
17:14:42 15 because by then I was operations commander."
16 Witness, do you know what operations commander for the
RUF
17 in Kono at this point in time.
18 A. Yes, I know him.
19 Q. Who was he?
17:15:00 20 A. He was called Rambo; he was the operations commander.

21 Q. Now, page 39, Your Honours, that particular witness also
22 states, Your Honours, from paragraph 4:

23 "So we went to Tombodu if the evening. We went there.
We

24 didn't reach. Then we onboarded the vehicle. We the
bodyguards

17:15:38 25 onboarded the vehicle and surrounded the town. Myself and
Morris

26 Kallon drove together to the town. What town are you talking
27 about? Tombodu. What happened next? We parked the vehicle
at

28 the court barri because the court barri is where we parked the
29 car. What to you mean by court barri? The court barri always

SCSL - TRIAL CHAMBER I

Page 113 SESAY ET AL

1 MAY 2008

OPEN SESSION

held 1 used to be in the town. That is where we had meetings and

2 our dances. He has two rooms. What happened? We were seated
3 there while they came with people. Who came with people? His
4 bodyguards. Whose bodyguards? Morris Kallon's bodyguards."

17:16:17 5 Your Honours then I move forward the next sentence.

6 "When we were going we took with us five gallons of
7 [indiscernible] petrol. Which people were brought by these
8 bodyguards? Civilians. What happened next? They brought
them

9 to the barri where they were seated -- where I seated with
Morris

17:16:40 10 Kallon. What happened next?"

11 The next page, Your Honours, page 40:

12 "Then Morris Kallon started asking them at random."
13 Paragraph 5, Your Honours, paragraph 4:

14 "Asking them what? Asking them where they came from.
Some

17:16:53 15 of them were [indiscernible] they were wearing native clothes.
16 Some of them were taken from mining pit. He said: 'If you
were

17 Kamajors you are in Kono where we have captured.' He said:
Some

18 of you are from Guinea, you are Kamajors. Question: What is
the

19 next thing that you saw happening? When you finished asking
them

17:17:13 20 that they didn't say the correct thing. I was there when they
21 placed them in the room. Question: Sorry, Mr Witness just
22 pausing you. Who was placing them in the room? The civilians
23 that were captured. Question: Who put them in the room?
Morris

24 Kallon gave orders that the bodyguards should put them in the
17:17:31 25 room, one of the rooms in the barri. What happened next? He
26 gave orders to one of the bodyguards called Sankoh Trouble.
Who

27 gave orders? Morris Kallon. Presiding Judge: What is the
name

28 of the bodyguards?"

29 Then page 41, Your Honours, lines 2, what was Mr
Harrison

1 what --

2 PRESIDING JUDGE: Yes. Just a minute. Yes.

3 MR HARRISON: We're objecting to the nature of this
4 question. This is a litany of information that's being

provided

17:17:57 5 to the witness, and this is examination-in-chief. This is a
6 whole plethora of facts, assertions that are made before this
7 Court, and they are simply being told to the witness whereas

the

8 Prosecution's submission is that there could be 10 or 15
9 questions that could have been asked without having to provide
10 all this information to the witness in advance.

17:18:18

11 PRESIDING JUDGE: But we've always accepted the reading

of

12 testimony -- past testimony to witnesses to ask the witnesses,
13 you know, what their reaction is to that. We've done it with

the

14 Prosecution. We've done it -- we've accepted that approach

from

17:18:39 15 the Prosecution; reading from transcripts, you know, the
16 testimony of witnesses.

occasion

17 MR HARRISON: The Prosecution cannot recall on any
18 where it would have done that or admitted to do that.

19 JUDGE THOMPSON: My response would be that perhaps the

17:19:00 20 observation is premature. I think there's nothing irregular
in
21 reading the background, or pieces of evidence of that nature
just
22 to decide which question to formulate and how to formulate it.
23 Except you're thinking that time is being lost. But I think
24 since we're in the Defence case and they are answering serious
17:19:28 25 allegations -- incriminating pieces of evidence -- I think the
26 doctrine of fundamental fairness requires that the Defence be
27 given every opportunity to put their case to the Prosecution
28 witness -- to the witnesses.
29 MR TAKU: Thank you, Your Honours.

SCSL - TRIAL CHAMBER I

Page 115

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 Q. I continue from paragraph 7, that's page 41:
2 "We've placed the matter at the door and sprinkled
petrol
3 on it." Line 12, Your Honour, the witness: "Fire was put on
the
4 mattress and it went ablaze and all those put in that room all
17:20:11 5 died. They screamed until they died."
6 I will stop there, witness. Witness, did you ever
witness
7 an event of that nature in Tombodu involving Morris Kallon?
8 A. No.

9 Q. Did you ever hear any such allegation against Morris
Kallon
17:20:38 10 within the period you were there even the day after and the
day
11 after?
12 A. Not a day when I received such information regarding the
13 situation that that was what Morris Kallon did there. And
since
14 the time I deployed there, until the time I left, I did not
see
17:20:59 15 Morris Kallon in Tombodu at all.
16 Q. Now, witness --
17 A. Yes.
18 Q. -- this particular witness went further to state that
19 Morris Kallon came to Tombodu and harassed soldiers and that
it
17:21:46 20 was because of this harassment that these soldiers left and
went
21 to Kurubonla. Your Honours, at page 43, lines 1 to --
22 PRESIDING JUDGE: Is he charged with harassing soldiers?
23 MR TAKU: Well, I just wanted for the credibility of the
24 witness the reason for which the soldiers left, which I say
they
17:22:14 25 left --
26 PRESIDING JUDGE: It's not something relevant.
27 MR TAKU: Okay, Your Honour, I understand.
28 PRESIDING JUDGE: He is not charged with harassing
29 soldiers.

1 MR TAKU: Okay, Your Honours.

2 Q. Now, one minutes, Your Honours, let me consult the
facts.

3 Witness, you said you met Superman three times and filed
4 complaints to him. Did Superman ever tell you that Morris

17:23:01 5 Kallon -- that he had received report from any soldier Morris
6 Kallon was involved with --

7 MR FYNN: I would wish to take an objection. My learned
8 friend appears to be leading the witness with his question.

The
9 question has a suggestion --

17:23:18 10 PRESIDING JUDGE: It is sustained. Your objection is
11 sustained.

12 MR TAKU: Okay, Your Honours. I think that will be all
for
13 the witness, Your Honours. Thank you.

14 PRESIDING JUDGE: Mr Jordash?

17:24:04 15 MR JORDASH: Your Honour, I was wondering if Your
Honours

16 would consider adjourning at this moment. This evidence is
new

17 to me and I would like to give it, if I may, some thought as
to

18 what I need to do and I would like to check some of the

19 transcripts relating to some of the Prosecution witnesses to
see

17:24:29 20 how this evidence fits in with it. I should say I hadn't seen

21 any statement from my learned friend for Mr Kallon relating to
22 this witness, and so it was completely new that he was going
to
23 give such indepth evidence concerning significant --
significant
24 events; significant criminal events. So I would crave
17:25:03 25 Your Honours' indulgence for a slightly earlier, four-minute
26 earlier adjournment. I wouldn't have thought I'll be more
than
27 30 minutes when we do begin but I certainly would be more
concise
28 if given a bit of time now.
29 JUDGE THOMPSON: Speaking for myself, I would like to

SCSL - TRIAL CHAMBER I

Page 117

SESAY ET AL

1 MAY 2008

OPEN SESSION

1 reserve my judgment on that time estimation.
2 MR JORDASH: I think I might reserve my own too.
3 PRESIDING JUDGE: Is your Lordship adjourning, Mr Ogeto?
4 In expressing the reservation, Mr Ogeto is not here.
17:25:47 5 JUDGE THOMPSON: I'll restrain myself.
6 PRESIDING JUDGE: Remember Mr Jordash, Mr Ogeto was your
7 Prosecutor the other day. He indicted you.
8 MR JORDASH: I'm guilty as charged, I think.
9 PRESIDING JUDGE: Well, well, we are minded to granting

17:26:37 10
will

Mr Jordash's application and it is so granted. The Chamber

11 now rise and we will resume the session tomorrow at 9.30. The
12 Chamber will rise, please.

p.m.,

13 [Whereupon the hearing adjourned at 5.39

May

14 to be reconvened on Friday, the 2nd day of

17:27:46 15

2008 at 9.30 a.m.]

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