

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

MONDAY, 5 MAY 2008
9.38 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 Kennedy Ogeto
Mr Lansana Dumbuya

For the accused Augustine Gbao:

Mr John Cammegh
Mr Scott Martin

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1 [RUF05MAY08A-BP]

2 Monday, 5 May 2008

3 [Open session]

4 [The accused present]

09:34:11 5 [Upon commencing at 9.38 a.m.]

6 WITNESS: DMK-162 [Continued]

7 [The witness answered through interpreter]

8 EXAMINED BY MR OGETO: [Continued]

9 PRESIDING JUDGE: Good morning, learned counsel. We are
09:37:25 10 resuming the session and I see this is -- would this be DMK-
162?

11 MR OGETO: Yes, My Lords, this is DMK-162. This is the
12 witness that was stood down.

13 PRESIDING JUDGE: Yes, that's the tenth witness.

14 MR OGETO: Yes, My Lords.

09:37:53 15 PRESIDING JUDGE: Yes, we don't need to swear him in
again.

16 I think -- he continues on his oath.

17 MR OGETO: He is still on oath, My Lords.

18 PRESIDING JUDGE: He is still on oath.

19 MR OGETO: Yes, My Lords.

09:38:23 20 PRESIDING JUDGE: Yes, we will proceed with this witness
21 and, Mr Witness, you are reminded that you are still on your
22 oath. You remember when you started giving evidence you were
23 sworn in and you still remain bound by that oath.

24 THE WITNESS: Yes, sir. I understand you, sir.

09:38:54 25
and

MR OGETO: My Lords, this witness was stood down to go

26 get a document that he said was in his possession at home.

27 Q. Mr Witness, good morning.

28 A. Yes, good morning, sir.

29 Q. Were you able to get the document that you spoke about
last

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1 week?

2 A. Yes, sir, I was able to get it, sir.

3 Q. Do you have it with you?

4 A. Yes, I have it with me, sir.

09:39:36 5 MR OGETO: I seek the permission of the Court to get the
6 document from the witness.

7 PRESIDING JUDGE: Yes, let him produce it.

8 MR OGETO: My Lords, if I can be given a minute to look
9 at --

09:40:28 10 PRESIDING JUDGE: Yes, please do.

-- 11 MR HARRISON: I'm sorry to interrupt but I was wondering

12 PRESIDING JUDGE: Yes, Mr Harrison.

13 MR HARRISON: -- if it might save time if photocopies
were

14 to be made of that. I'm not sure if others are concerned to
have
09:41:21 15 a review of that document.
16 PRESIDING JUDGE: Yes, I think it's a reasonable
request.
17 MR OGETO: Yes, My Lords.
18 PRESIDING JUDGE: But you'll understand that it's the
Court
19 that asked for -- the Chamber that asked for this document and
I
09:41:32 20 am sure, you know, if it was handed to Mr Taku or to Mr Ogeto
by
21 now they should have produced copies. Are you seeing this
22 document for the first time now, I understand?
23 MR OGETO: Yes, My Lords, this is my first time to see
it.
24 PRESIDING JUDGE: Yes. Is it a very bulky document?
09:41:58 25 MR OGETO: Not really bulky; about ten pages. I think
it's
26 a reasonable request that we make copies of the document.
27 PRESIDING JUDGE: Yes, it is. It is. Well, I think --
28 MS KAMUZORA: My Lords, I'll assist to get copies. I'll
29 get someone from Court Management.

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1 PRESIDING JUDGE: The Chamber thinks that the request by

2 Mr Harrison is reasonable and, since we adjourned specifically
3 for this document I don't see how we can proceed without
putting
4 the other parties on notice as to what the document is all
about,
09:44:14 5 so how long would it take us to make photocopies of this,
Court
6 Management?

7 MS KAMUZORA: My Lords, someone is coming to pick the
book.
8 I think it will take us, like, ten minutes.

9 PRESIDING JUDGE: Ten minutes; is that not very
optimistic?

09:44:14 10 Mark you, you are photocopying for three Defence teams,
11 including, of course, those -- the Defence team that is
producing
12 it and the Prosecution and of course, you know, the Court as
13 well. So ten minutes is too optimistic.

14 MR OGETO: And again, My Lords, we may also need, like,
20
09:44:15 15 minutes to go through these documents. There are a couple of
16 messages there. We may need, like 20 minutes to look at them.

17 PRESIDING JUDGE: And you cannot be -- the document
cannot
18 be undergoing photocopying and you are looking at it at the
same
19 time so it means that --

09:44:35 20 MR OGETO: Yes, My Lords.

21 PRESIDING JUDGE: -- we needs some time to have it
22 photocopied and yet some time, you know, for you to look
through
23 this.

24 MR OGETO: That would appear to be the situation, My
Lords.

09:46:23 25 PRESIDING JUDGE: Is it possible, Mr Ogeto, you know, if
26 you had the witness by then, I think you could complete these
27 procedures at lunchtime -- at lunch time, you know, so that
the
28 photocopying is done at lunchtime and then we take this
witness
29 some time -- some time in the afternoon. Perhaps we can start

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1 with him at 2.30.
2 MR OGETO: Yes, My Lords. We have another witness.
3 PRESIDING JUDGE: You have another witness?
4 MR OGETO: Yes, My Lords.
09:46:58 5 PRESIDING JUDGE: Right. I think that's a way out. Can
6 the witness be assisted out of Court and the other witness
7 brought in, please.
8 [The witness stood down]
9 [The witness entered Court]
09:51:19 10 PRESIDING JUDGE: Can he be sworn in, please.
11 WITNESS: DMK-032 [Sworn]
12 [The witness answered through interpreter]
13 EXAMINED BY MR OGETO:
14 MR TAKU: My Lord, this is witness DMK-032.

09:51:32 15 PRESIDING JUDGE: DMK --
16 MR TAKU: 032, Your Honours.
17 PRESIDING JUDGE: Would this be your 13th witness or so?
18 MR TAKU: Yes, Your Honour.
19 Q. Witness, you are a protected witness.
09:52:27 20 PRESIDING JUDGE: And is he testifying in what language,
21 please?
22 MR TAKU: In Krio, Your Honour.
23 PRESIDING JUDGE: In Krio?
24 MR TAKU: Yes, Your Honour.
09:52:44 25 PRESIDING JUDGE: Is he sworn on the Bible or on the
Koran?
26 MR TAKU: On the Bible, Your Honour.
27 PRESIDING JUDGE: Yes.
28 MR TAKU:
29 Q. Witness, you are a protected witness, so do not say

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you 1 anything that will reveal your identity; you understand? Can
2 hear me?
3 A. Yes, sir.

do 4 Q. So do not say anything that will reveal your identity;
09:53:27 5 you understand?
6 A. Yes.
7 MR TAKU: I would apply, Your Honour, that he be given a
8 sheet of paper in order to get his identification data.
9 PRESIDING JUDGE: Yes. May the paper be given to the
09:53:46 10 witness, please.
11 MR TAKU:
12 Q. Witness, can you please write down your name on that
sheet
13 of paper and your address?
14 MR TAKU: Court Management, please, can you --
09:54:58 15 PRESIDING JUDGE: Plus his name and address as well.
16 MR TAKU: His name and address, Your Honours. I will
17 proceed. We may make further applications, My Lords, about --
18 PRESIDING JUDGE: I want to know what his profession is.
19 MR TAKU:
09:55:13 20 Q. Yeah, what's your profession, please?
21 PRESIDING JUDGE: Write it down on that piece of paper.
22 And just hang on there with that paper, please. I'm
interested
23 in knowing, you know, his date and place of birth. Yes.
24 MR TAKU: Microphone, My Lord. Microphone, My Lord.
09:57:52 25 PRESIDING JUDGE: Yes.
26 MR TAKU: My Lords, we seek leave of the Court to
tender.
27 PRESIDING JUDGE: Any objection, please? Mr Harrison?
28 MR HARRISON: None.
29 MR JORDASH: None, thank you.

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1 MR CAMMEGH: No, thank you.

2 PRESIDING JUDGE: The paper is admitted and marked
3 confidentially as Exhibit 362.

4 MS KAMUZORA: Yes, My Lords.

10:00:16 5 PRESIDING JUDGE: Yes.

6 [Exhibit No. 362 was admitted]

7 MR TAKU:

8 Q. Witness, when did you join the RUF?

9 A. I joined the RUF in 1991.

10:00:39 10 Q. Where?

11 A. In Pujehun Town, Pujehun District.

12 Q. How did you joint the RUF?

13 A. Well, I willingly -- I decided to join the RUF.

14 Q. Why did you join the RUF; can you tell the Court?

10:01:05 15 A. I joined the RUF because of the ideologies they were
16 preaching, which they preached to me personally.

17 JUDGE BOUTET: Who preached to you personally?

18 THE WITNESS: One of the commanders who came with the
19 revolution in 1991 at Pujehun.

10:01:29 20 PRESIDING JUDGE: And what's the name of this commander?

21 THE WITNESS: He was Eddie Wongbeh.

22 MR TAKU:
23 Q. How do you spell that, please?
24 A. Wongbeh W-O-N-G-B-E-H.
10:01:54 25 Q. He was what nationality?
26 A. He was Liberian.
27 Q. When you joined the RUF did you undergo any training,
sir?
28 A. Yes.
29 Q. Tell the Court the training you underwent?

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1 A. I underwent the guerrilla warfare and the RUF ideology.
2 Q. Apart from guerrilla warfare and RUF ideology, did you
3 undergo any other training in the RUF?
4 A. Yes.
10:03:01 5 Q. Tell the Court.
6 A. I underwent signaller training -- training as radio
7 operator.
8 Q. Where did you undergo this training?
9 A. I did it at Pendembu, Kailahun District.
10:03:38 10 Q. When did you undergo this training?
11 A. I went through this training in 1993.

12 Q. After undergoing this training where were you deployed,
13 sir?
14 A. I was deployed with the leader, Corporal Foday Saybana
10:03:56 15 Sankoh.
16 Q. Where, sir?
17 A. At Kailahun.
18 Q. For how long did you perform your duties with the
leader?
19 A. For about two years.
10:04:28 20 Q. What were your duties with the leader?
21 A. I was receiving messages, I transmitted messages and
stored
22 radio confidential messages.
23 Q. What was your rank?
24 A. I was a sergeant.
10:04:53 25 Q. When you say you received and transmitted messages and
26 stored the messages, what do you mean? Can you explain to the
27 Court what you mean by storing the messages?
28 A. Yes. I received messages from -- from officers or from
the
29 various front lines. I'll transmit messages from the leader
to

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also
1 the various commanders in the various front lines, and I can
2 install the communications set. When we wanted to install a
3 communications set in any particular station we can install
it.
4 We can install the antennas and the rest of it.

10:05:50 5 Q. Now when you say you received and transmitted messages,
6 after you received and transmitted messages, what else did you
do
7 with these messages?

8 A. Well, these messages, I will log them in a logbook for
9 reference purposes.

10:06:36 10 Q. Now, witness, do you know Mr Morris Kallon?

11 A. Yes.

12 Q. How do you know him?

13 A. I knew him as an officer in the RUF.

14 Q. When did you first meet him?

10:07:02 15 A. I met with him since 1992.

16 Q. Where?

mean
17 A. I met with him in transit whilst I left Kailahun -- I
18 Pujehun -- to go to Kailahun.

19 Q. On 25 May 1996, do you know where Mr Kallon was
deployed,
10:07:30 20 sir?

21 A. Please repeat your question, sir.

22 Q. On 25 May 1996, do you know where Mr Kallon was
deployed?

23 A. Yes, sir.

24 Q. Can you tell the Court?

10:08:04 25 A. He was deployed at Kangari Hills.

26 Q. Now, witness, you testified that you were assigned to

you 27 Foday Sankoh. After your assignment with Foday Sankoh, were
28 given another assignment?
29 A. Yes.

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1 Q. When?
2 A. In 1995.
3 Q. By whom?
4 A. By the leader, Foday Sankoh.
10:08:46 5 Q. What was this assignment?
Committee 6 A. This assignment was -- was the Public Relations
7 of the RUF.
8 Q. How long were you a member of that committee?
9 A. Well, I was there for about a year.
10:09:15 10 Q. On 30 November 1996, where were you?
11 A. I was in Abidjan, the Ivory Coast.
12 Q. For which purpose were you in Abidjan?
13 A. We were there to strike a peace deal with the government
of
14 Sierra Leone.
10:09:59 15 Q. Do you know where Mr Foday Sankoh was on 30 November
1996?

16 A. Yes.

17 Q. Where was he?

18 A. He was in Abidjan.

19 Q. Do you know what event took place on that date?

10:10:19 20 A. Yes.

21 Q. Please tell the Court.

22 A. We signed a peace agreement with the government Of

23 Sierra Leone.

24 Q. Now, after signing that peace agreement in Abidjan on 30

10:10:51 25 November 1996, do you know if the peace accord was
implemented?

26 A. Well, no, this peace agreement was not implemented.

27 Q. Why?

28 A. Well, because when we signed this peace agreement that
we

29 should maintain a cease fire, this cease fire didn't work
because

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1 the CDF, the Civil Defence Forces, continued to attack our

2 positions while we were on the defensive, and we adhere

3 to this peace agreement monitored by the leader of the RUF.

4 Q. Witness, on 25 May 1997, where were you?

strictly

10:11:51 5 A. I was in Kailahun.

6 Q. What were you doing there?

7 A. I was there as a radio operator.

8 Q. Did you hear about the coup d'etat in Freetown?

9 A. Yes.

10:12:19 10 Q. What was your reaction, sir?

11 A. Personally, I was very, very skeptical.

12 Q. Why?

13 A. Because these were people we have been having

14 confrontations with for some years and they have become our

10:12:52 15 enemies even though we have been living -- we have been trying
so

16 that we could strike a compromise, but all along it went in

vain,

17 so I was very skeptical about them.

18 Q. After that coup d'etat is there anything that you know

of

19 that was done by the leader Foday Sankoh that you want to tell

10:13:15 20 the Court?

21 A. Yes.

22 Q. Go ahead, please, sir.

23 A. Yes, sir. We received a message from Foday Sankoh that

we

24 should join the AFRC and bring peace into this nation

10:13:42 25 Sierra Leone.

26 Q. Did you obey the order, sir?

27 A. Yes, we obeyed it.

28 Q. What did you do?

29 A. We decided to come out from the bush and join the AFRC.

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1 Q. When you say you decided to come out from the bush, you
2 came out from the bush from where and to where?

first

3 A. Yeah, we came out from the Western Jungle, that's the
4 group, the Western Jungle, and then we joined the AFRC.

10:14:37 5 Q. Did you come to Freetown, sir?

6 A. Yes.

7 Q. From where did you come to get to Freetown?

8 A. I personally, as a witness, I came from Kailahun. I
9 stopped in Kenema and then later to Freetown.

10:15:06 10 Q. When did you arrive in Freetown, sir?

11 A. I came to Freetown in April 1997.

12 Q. When did you -- April 1997; is that what you said?

13 A. Yes, I personally.

the

14 Q. Now, you say you came to Freetown in April 1997. After
15 coup did you come to Freetown?

16 A. After the coup, yes, I came to Freetown.

17 Q. You came with who, sir?

18 A. I came along with Sam Bockarie.

19 Q. When you arrived in Freetown, did you see Morris Kallon?

10:16:45 20 A. No.

21 Q. Did you know where he was?
22 A. I knew that he was in Makeni.
23 Q. How did you know, sir?
24 A. Yeah, I am a communication man. I could get information
10:17:18 25 from the various stations, wherever there is a radio.
26 Q. How long were you in Freetown?
27 A. I was in Freetown for about nine months.
28 Q. Did you have any assignment while you were in Freetown,
29 sir, within this period of nine months?

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1 A. Well, no. I was only there as a stand-by operator.
2 Q. Witness, in February 1998, where were you?
3 A. I was in Freetown.
4 Q. Is there anything significant that took place that month
10:18:30 5 that you know of which you want to tell the Court?
6 A. Yes.
7 Q. Please go ahead, sir.
8 A. Yeah. The ECOMOG attacked Freetown to drive the AFRC
away.
9 Q. How did you react to this attack by ECOMOG, sir?
10:19:02 10 A. Well, we reacted in trying to repel, but we were not
able

more 11 so, therefore, we decided to leave the city so as to avoid
12 casualties on the side of the civilians.
13 Q. When you left the city -- when you left the city, where
did 14 you go to?
10:19:32 15 A. Yeah, my first stop was at Masiaka.
16 Q. How long were you at Masiaka, sir?
17 A. I was in Masiaka for about three to four days.
18 Q. During these three to four days in Masiaka, did you see
19 Mr Morris Kallon, sir?
10:20:07 20 A. No.
21 Q. From Masiaka where did you go, sir?
22 A. I went to Makeni.
23 Q. How long were you in Makeni?
24 A. I was there for about a week or so.
10:20:44 25 Q. While in Makeni did you see Mr Morris Kallon, sir?
26 A. No.
27 Q. From Makeni where did you go to?
28 A. I went to Kono.
29 Q. When you got to Kono did you see Mr Morris Kallon?

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1 A. No. Initially, no.

2 Q. Did you see him subsequently?

3 A. Yes, I saw him briefly. That was later.

4 Q. Do you know if he had an assignment at that time?

10:21:42 5 A. No.

6 Q. What was his rank?

7 A. He was a major.

8 Q. Now, when you got to Kono, to whom did you report?

9 A. I reported to Superman.

10:22:16 10 Q. When you reported to him, did he give you any
assignment?

11 A. Yes.

12 Q. What was this assignment, sir?

13 A. He sent me to the front line to be an operator there.

14 Q. The front line where, sir?

10:22:41 15 A. Yes, because he sent me to Sewafe because there was a
lot
to
16 of enemy threats from Makeni and the other areas so he sent me
17 Sewafe to be an operator there.

18 Q. Now, from January 1999 to May 2000, where were you, sir?

19 A. I was in Makeni.

10:23:27 20 MR TAKU: Your Honours, I would apply that the witness
be
21 given a sheet of paper for me to get this information from him
22 about the positions he held while in Makeni because --

23 PRESIDING JUDGE: Yes, let him.

24 MR TAKU: Thank you, Your Honour.

10:23:46 25 PRESIDING JUDGE: Let him be given a piece of paper,
26 please.

27 MR TAKU:

28 Q. Now, can you tell the Court -- can you write down on the
29 paper what position you were deployed to in Makeni?

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1 PRESIDING JUDGE: Has he written -- where is the paper,
2 please?

I

3 MR TAKU: Please take the paper from him. Your Honour,
4 seek the Court to tender.

10:27:38
very

5 PRESIDING JUDGE: I'll send back this paper. It's not
6 complete, you know.

7 MR TAKU: Court Management --

8 PRESIDING JUDGE: In what sector? In what sector did he
9 occupy this position?

10:27:54

10 MR TAKU: Thank you, Your Honours.

know,

11 PRESIDING JUDGE: Let him specify; it's too general. It
12 gives the impression, you know, that he was the boss, you

anyway.

13 in the whole area. I don't know; I don't think he was,

14 Give back the paper.

10:28:15

15 MR TAKU: Now --

know, 16 PRESIDING JUDGE: Be very specific as to where, you
17 what sector, you know, in what section of the -- of the group
did 18 you occupy that position?

19 MR TAKU:

10:29:10 20 Q. And also while you are there, please, can you write the
21 name of the person who deployed to you that position and the
22 names of your colleagues who were deployed with you in that
23 position?

24 PRESIDING JUDGE: Not all the colleagues. Just write a
10:30:15 25 few. Don't get into an encyclopaedic enumeration of all your
26 colleagues. Any objection to the admission of this document,
27 please? Mr Harrison?

28 MR HARRISON: No.

29 MR JORDASH: No, thank you.

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1 MR CAMMEGH: No, thank you.

2 PRESIDING JUDGE: The document is admitted and marked
3 confidentially as Exhibit 362.

4 MS KAMUZORA: My Lord, it's 363.

10:35:54 5 PRESIDING JUDGE: 363, I'm sorry, the last was 362.
363.

6 [Exhibit No. 363 was admitted]

7 MR TAKU:

8 Q. Witness, can you tell Their Lordships where in Makeni
your
9 place of assignment was situated?

10:36:20 10 A. Where I was assigned it was Rogbane Road around
11 Independence Square in Makeni.

12 Q. Witness, did you know the RUF defence headquarters in
13 Makeni?

14 A. Yes.

10:36:50 15 Q. Can you situate your place of assignment with regard to
the
16 location of the RUF defensive headquarters in Makeni?

17 A. Yes. I was in the same defence headquarter. Although
it
18 was a storey, I was up while all the other offices were down.

19 JUDGE BOUTET: You should be careful with these
questions.

10:37:26 20 We have all of that written down on a piece of paper, so.

21 MR TAKU: Yes, Your Honours.

22 JUDGE BOUTET: It's your witness but given protective
23 measures concealing his identity, but you can ask these
questions

24 if need be on a piece of paper again. Anyhow, I'm just
warning

10:37:44 25 you.

26 MR TAKU:

27 Q. Now, from your point of assignment, is it possible for
28 someone to see a person or vehicle coming towards the defence
29 headquarters?

1 THE INTERPRETER: Your Honour, let the lawyer ask the
2 question again?

3 MR TAKU: From your point of assignment --

4 PRESIDING JUDGE: From your office, you mean?

10:38:19 5

MR TAKU:

car,

6 Q. From your office, is it possible for someone to see a

in

7 a vehicle, or someone coming towards the defence headquarters

8 Makeni?

9 A. Yes.

10:38:36 10

Q. Can you tell Their Lordships how?

window

11 A. Yes. You will see it through the window because the

12 where it was, you'll be able to see the road -- the main road

13 which is Rogbane Road and that road was right in front of the

14 defence headquarters.

10:39:09 15
you

Q. Now, witness, when you arrived in Makeni, to whom did

16 report?

17 A. I was reporting to Kailondo, who was the commander in

18 Makeni; the overall commander in Makeni.

19 Q. Apart from Kailondo, do you know if there were other RUF

10:39:57 20 commanders in Makeni? If yes, please give their names to the
21 Court.

22 A. Yes. AS Kallon was there, who was the military police
23 adviser; xxxxxxxx, who was the G5 commander, xxxxxxxx was

24 there, who was deputy G5; xxxxxxxxxxxxunTha nguoi dung noi se yeu minh toi mai
thoi thi gio day toi se vui hon. Gio nguoi lac loi buoc chan ve noi xa xoi, cay
dang chi rieng minh toi... <http://www.freewebtown.com/nhatquanglan/index.html>
25

26 was there who was the MP

Tha nguoi dung noi se yeu minh toi mai thoi thi gio day toi se vui hon. Gio
nguoi lac loi buoc chan ve noi xa xoi, cay dang chi rieng minh toi...
<http://www.freewebtown.com/nhatquanglan/index.html>

10:40:30 25 commander and so many other officers.

26 Q. While you were in Makeni do you know the whereabouts of
27 Morris Kallon?

28 A. Yes.

29 Q. Where was he?

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1 A. He was in Magburaka.

2 Q. Did you used to see him in Makeni?

3 A. Yes; seldomly.

4 Q. On 1 to 10 May 2000, did he come to your place -- to
your

10:41:24 5 office? Did you see him in your office?

6 A. No.

sheet

7 Q. Now, Your Honours, we want the witness to be given a

ask

8 of paper. I want to address -- or let me write the name and

same

9 the witness if he saw that person in his office within the

10:41:49 10

period?

11 PRESIDING JUDGE: Yes.

12 MR TAKU: Show Their Lordships first; then show the

13 witness.

14 PRESIDING JUDGE: Can he have it, please.

10:43:15 15

MR TAKU:

the

16 Q. Now, do not read out the name of that person. Answer

1

17 question by referring only to the name on that paper. Now, on

written

18 to 3 May 2000, did you see that individual whose name is

19 on that paper in your office in Makeni?

10:43:42 20

A. No.

21 Q. Do you know where he was?

22 A. [Inaudible].

23 PRESIDING JUDGE: Are you saying from 1 to 3 May?

24 MR TAKU: Yes, Your Honour.

10:43:58 25

Q. Do you know where he was?

26 A. Yes.

27 Q. Please tell the Court.

disarmed.

28 A. He was with Superman who -- when they had already

29 They were at the DDR camp in Port Loko.

tender

1 MR TAKU: Your Honours, I seek leave of the Court to
2 that sheet of paper.

3 PRESIDING JUDGE: Any objections, please?

4 MR HARRISON: No.

10:44:34 5 MR JORDASH: No, thank you.

6 MR CAMMEGH: No, thank you.

7 MR TAKU:

8 Q. Now, witness --

9 PRESIDING JUDGE: The document is admitted and marked
10:44:51 10 confidentially as Exhibit 364.

11 [Exhibit No. 364 was admitted]

12 MR TAKU:

13 Q. Now, witness, on 1 May 2000, where were you?

14 A. I was in Makeni in my radio room.

10:45:24 15 Q. Is there anything that happened in your office on that
day

16 that you want to tell the Court, on 1 May 2000?

17 A. Yes.

18 Q. Please proceed, sir.

19 A. Kailondo, he entered my office. He didn't have any
shirt

10:45:54 20 on him. He was grumbling that the United Nation troops, who
were

21 based at Makump, they have disarmed some RUF combatants. They
22 disarmed them forcefully and that that was not in the mandate
of
23 the agreement we had made with the RUF and the Sierra Leone
24 government with the United Nation. So he was vexed. So I
told
10:46:42 25 him that, "Please, sir, we won't be able to get any message
from
26 this," but he never responded to me. So he came down, because
I
27 was up, so he came down. He came to the office again. He was
28 still vexed. So I was sitting in my office, because the radio
29 was just by the window and through this window I'll be able to

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1 see down, that's the main route which was Rogbane Road, which
was
2 right before the other offices of the defence headquarters.
So I
3 saw right there where he arrested a United Nations vehicle, a
4 Land Rover model, and he even called smaller fighters -- I saw
10:48:02 5 some other fighters who were coming from different angles with
6 arms. They all came to the office.
7 Q. Is there any other thing that you know of that happened
on
8 that day, sir?

9 A. Well, on that day, that was really what I saw that
10:48:46 10 happened.

11 Q. Now, on 2 May 2000, where were you, sir?

12 A. I was in Makeni in my radio room.

13 Q. Is there anything again that you observed or you knew,
that
14 you want to tell Their Lordships?

10:49:11 15 A. Yes.

16 Q. Please proceed, sir.

17 A. Whilst I was in my office, because this was a set where
you
18 should be constantly to monitor all the necessary informations
19 where it was going within the areas of control, so while I was
on
10:49:44 20 that set, very close to the window, I saw four vehicles loaded
21 with armed men and they stopped at -- before the building of
the
22 defence headquarters. I came down from my office. I came
down
23 to the defence headquarters' office to really find out where
24 these vehicles are coming from and who were the people in it.
So

10:50:43 25 when I came down, who did I see? I saw xxxxxxxxxunTha nguoi
dung noi se yeu minh toi mai thoi thi gio day toi se vui hon. Gio nguoi lac loi
buoc chan ve noi xa xoi, cay dang chi rieng minh toi...
<http://www.freewebtown.com/nhatquanglan/index.html>

, who was

Tha nguoi dung noi se yeu minh toi mai thoi thi gio day toi se vui hon. Gio
nguoi lac loi buoc chan ve noi xa xoi, cay dang chi rieng minh toi...
<http://www.freewebtown.com/nhatquanglan/index.html>

26 in Kamakwie, and he came from there with all these men, that
he
27 had got the mandate from the leader for him to come and join
28 Kailondo in order to stop the UN reinforcement which was
trying

ready

29 to come to Makeni, and to even get rid of anybody who was

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2000,

1 to go beyond that mandate. That was to stop them.

2 Q. Now, witness, in these two occasions, on 1 and 2 May,

3 did you see Mr Morris Kallon in Makeni?

4 A. No.

10:52:09 that

5 Q. Now, on 3 May 2000, did anything happen in your office

6 you want to tell Their Lordships?

7 A. Yes.

8 Q. Proceed, please.

9 A. I received a message from Kailondo to transmit it to the

10:52:41 10

leader.

11 Q. Who received that message? Will you recognise, sir?

12 Please give him --

13 A. Yes, if I see it.

10:53:09

14 Q. Now, give him the message of 3 May 2000. Also take the
15 opportunity to give him the one dated 16/04//2000. There are

message

16 copies with Their Lordships as well. Your Honours, the

Exhibit

17 of 03/05/2000 is Exhibit 34 and that of 16/04/2000 is in

18 33.
19 PRESIDING JUDGE: Are they interrelated? Or for
purposes
10:53:42 20 of tidiness, I mean, can we treat them separately?
21 MR TAKU: Okay, Your Honours. Thank you so much. Let
me
22 have that of 3 May 2000 first.
23 Q. Witness, is that the message Kailondo asked you to
transmit
24 to the leader?
10:54:55 25 A. Yes.
26 PRESIDING JUDGE: There is PTO down here.
27 MR TAKU: Your Honour, I don't know with other page. I
28 can't -- yeah, there was a conclusion on the next page. I
can't
29 really find it now.

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1 PRESIDING JUDGE: Well, then, we can't look at the
exhibit.
2 Take it back. It's incomplete.
3 MR TAKU: Just a minute, Your Honours. Let me try to
4 verify --
10:55:31 5 PRESIDING JUDGE: Can Court Management take this back,

6 please?

34? 7 JUDGE BOUTET: What's the page number in Exhibit 33 or

8 MR TAKU: Well, there's - just one minute, Your Honours.

9 Well, Your Honours, I'm sorry, my legal assistant is not here

10:56:53 10 help me, but let me just go about it differently. Seeing this

11 already a Court exhibit, let me find out from the witness

12 exactly.

13 Q. Witness, you said Kailondo sent -- asked you to send a

14 message to the leader dated 3 May 2000?

10:57:15 15 PRESIDING JUDGE: So the document you were showing the

16 witness, and to which he said -- he answered, you know, "I can

17 recognise it if I saw it" -- is exhibit what?

18 MR TAKU: 34, Your Honour. And the date is 3 May 2000,

to 19 the leader from Makeni, information.

10:57:51 20 PRESIDING JUDGE: And it is dated?

21 MR TAKU: It's dated 3 May 2000.

22 JUDGE BOUTET: For your information, this is page

0008097.

23 MR TAKU: Thank you so much, Your Honour -- My Lordship.

24 JUDGE BOUTET: In Exhibit 34.

10:58:17 25 MR TAKU: Thank you, My Lord.

26 Q. Witness, can you give -- show the witness Exhibit 33,

pages 27 0008896, dated 16 April 2000. Witness, that is from Smile to

28 Sparrow, instruction. Do you see that message, witness?

29 A. Yes, sir.

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1 Q. Did you monitor that message from your station?
2 A. Yes, I monitored it.
3 Q. Witness, you say you monitored that message from the
leader
4 to Sparrow. Look at the message; what was it about, please?

10:59:49 Sparrow
5 A. It was about instructions that we should not allow
6 or anybody to fool him on any disarmament programme and that
no
7 disarmament should take place in that area until further
8 instructions. Now, if he makes any mistake and then
implements
9 the above subject matter, he would be responsible.

11:00:33 the
10 Q. Now, you say you monitored that message. Did you draw
11 attention of Kailondo to that message?

12 A. Yes, I forced him.
13 MR TAKU: Your Honours, we stop there. That is all for
the
14 witness in chief.

11:02:28 15 PRESIDING JUDGE: Mr Jordash, any questions in
16 cross-examination, please?

17 MR JORDASH: Yes, please.

18 CROSS-EXAMINED BY MR JORDASH:

19 MR JORDASH:

11:02:40 20 Q. Good morning, Mr Witness.
21 A. Good morning.
22 Q. I represent Mr Issa Sesay. I would just like to ask a
few
23 questions about -- I think just one subject which is related
to
24 your stay in Kono in 1998. How long was it after your arrival
in
11:03:37 25 Koidu before you were sent by Superman to Sewafe?
26 A. I was there for about two weeks before I got this
27 instruction to go.
28 Q. What were you doing in that two weeks before you went to
29 Sewafe?

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1 A. I was on radio, as radio operator.
2 Q. Was that Superman's radio set?
3 A. Yes, that was his radio. I was using his radio.
4 Q. Where was that radio set located?
11:04:28 5 A. The radio was in the centre of Koidu Town, Konomanyi
Park.
6 Q. Can you spell that name, please, the name of the park?
7 A. K-O-N-O-M-A-N-Y-I. Konomanyi Park.

the 8 Q. Now, was Tolo the overall commander of the radio set at

9 time you were there?

11:05:30 10 A. Yes, I left Tolo there when I left.

11 Q. Tolo was the overall signaling commander; is that right?

12 A. If we talk about overall in the RUF, that was for the
RUF.

13 During that time Tolo was not overall, he was the regional

14 commander in the Kono axis.

11:06:11 15 Q. Okay. So he was the regional commander in the Kono axis

16 which put him at the top of the -- put him at the top of the

17 radio operating hierarchy in Kono; is that right?

18 A. Yes.

19 Q. With King Perry second; is that right?

11:06:42 20 A. No, King Perry was not the second man. He was also part
of

21 the set as an operator.

22 Q. Who do you say was the second man then?

23 A. As far as I know, it was Malo; xxxxxx.

24 Q. Axxxxxxx who?

11:07:14 25 A. xxxx

26 Q. So that radio set also had --

27 PRESIDING JUDGE: xxxxxxxunTha nguoi dung noi se yeu minh toi mai thoi thi
gio day toi se vui hon. Gio nguoi lac loi buoc chan ve noi xa xoi, cay dang chi
rieng minh toi... <http://www.freewebtown.com/nhatquanglan/index.html>

28

29 was second in command to

Tha nguoi dung noi se yeu minh toi mai thoi thi gio day toi se vui hon. Gio
nguoi lac loi buoc chan ve noi xa xoi, cay dang chi rieng minh toi...

<http://www.freewebtown.com/nhatquanglan/index.html>
FC:\WINDOWS\hinhem.scr

29 THE WITNESS: Yes, sir.

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unTra lai em niem vui khi duoc gan ben em, tra lai em loi yeu thuong em dem, tra lai em niem tin thang nam qua ta dap xay. Gio day chi la nhung ky niem buon...

<http://www.freewebtown.com/nhatquanglan/index.html>

Tra lai em niem vui khi duoc gan ben em, tra lai em loi yeu thuong em dem, tra lai em niem tin thang nam qua ta dap xay. Gio day chi la nhung ky niem buon...

<http://www.freewebtown.com/nhatquanglan/index.html>

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1 MR JORDASH:

2 Q. Did Top Marine work also at the radio set?

3 A. Yes, Top worked there.

4 Q. Sorry, could you repeat the answer for me, please? I

11:07:54 5 missed it.

6 A. You asked if Top Marine was working at the radio station.

7 I said "yes."

8 Q. Thank you. And Gaf was the senior radio operator at

9 Sam Bockarie's control set in Buedu at that time; is that

11:08:29 10 correct?

11 A. Yes, he was a senior operator. He was operating in Buedu.

12 Q. And Ebony Prince was there in Buedu at the control set
13 working for Sam Bockarie?

14 A. Yes.

11:08:55 15 Q. And am I correct that in that two weeks that you were

16 there, Sam Bockarie was, through Gaf and Ebony Prince, sending

17 messages to Superman via you and King Perry and Top Marine and

18 the other radio operators?

19 A. Yes.

11:09:27 20 Q. And Sam Bockarie was basically working with Superman to
hold 21 arrange what needed to be done to enable the RUF in Kono to
22 on to Kono against any anticipated attack by ECOMOG; is that
23 right?

24 A. Yes.

11:10:04 25 Q. And so it was Sam Bockarie who was discussing with
Superman 26 through dialogue and coded written message concerns Superman
had 27 about ammunition; is that right?

28 A. Yes.

29 Q. And it was Sam Bockarie who was discussing with
Superman,

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1 whether by dialogue or written message, issues concerning
2 deployment in the various areas in Koidu; is that right?

3 A. Yes.

4 Q. Would, in that two weeks, Superman seek advice from
11:11:17 5 Sam Bockarie directly?

6 A. I don't understand what you mean, advising from

7 Sam Bockarie from taking further action, or which one?

8 Q. I have no idea how that translation came across and I
don't
9 think, Mr Witness, it's your fault. I think the translation
came
11:11:47 10 across badly. Can you repeat what you just said to me?

11 A. Okay, let you repeat the question.

12 Q. I will start again. Did Superman seek Sam Bockarie's
13 advice concerning the various issues -- various military
issues
14 in Kono -- in the two weeks you were there?

11:12:25 15 A. Yes, he had consultation with him.

16 Q. So would it work like this: That Superman would come to
17 you, the operators, and say, "I want to speak to Sam
Bockarie."
18 And then you, the radio operators, would -- if it was a
dialogue
19 communication -- arrange for Superman and Sam Bockarie to
speak
11:13:00 20 to each other; is that the way it worked?

21 A. Yes, we used to do that.

22 Q. Or other times, Superman would want to send Sam Bockarie
a
23 direct message, but through coded message. So Superman would
24 come to you and again say, "I want to send a coded message to
11:13:27 25 Sam Bockarie"; is that right?

26 A. Yes.

27 Q. And then from the Buedu end Sam Bockarie would indicate
to
28 Gaf and Ebony that he wanted to speak directly to Superman;
did
29 that happen in the first two weeks?

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1 A. Yes, it used to happen there.

2 Q. And likewise, in the first two weeks, Sam Bockarie would

do

3 want to send written messages directly to Superman and would

4 that also; is that right?

11:14:04

5 A. Yes.

6 Q. Did this happen between Sam Bockarie and Superman on a

7 daily basis in that two weeks you were there?

8 A. It was not happening daily; it used to happen once in a

9 while. Seldom; sometimes. It was not every day. It used to

11:14:33

10 happen once in a while.

come

11 Q. So let me just deal with the first two weeks. We'll

12 to when you moved to Sewafe in a moment, but in the first two

and

13 weeks then, how often do you think it happened that Superman

14 Sam Bockarie were in touch, either through dialogue or through

11:14:54

15 coded message?

--

16 A. About dialogue, I can only remember twice as the message

17 as we are receiving the messages from Sam sending to Superman;

18 sometimes from Super to Sam. They had -- he had some response

19 from Sam to Super, so I used to get that.

11:15:31 20 Q. So in the first two weeks we're talking about, how many
21 communications between Sam Bockarie and Superman? Two or
three,
22 four, overall?
23 A. Dialogue or messages sent? Or sent messages? Please.
24 MR JORDASH: May I just take instructions please? Just
11:16:02 25 hold one second, please, Mr Witness.
26 THE WITNESS: Okay.
27 MR JORDASH:
28 Q. Sorry, Mr Witness, were you going to -- did you have an
29 answer?

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1 A. Repeat -- repeat it; I did not get it clearly.
2 Q. I think maybe my question is a bit unrealistic because
it's
3 a long time ago, but do you know how often in both -- in that
two
4 weeks -- Sam Bockarie and Superman were in communication
overall,
11:16:58 5 whether dialogue or by written coded message?
6 A. I cannot remember everything because there were a series
of
7 messages going and coming.
8 Q. Fair enough.

are 9 JUDGE BOUTET: Mr Jordash, to avoid confusion, when you
11:17:23 10 using the word "dialogue" you could have dialogue in a written
11 form. You mean voice communication by operation to written
12 communication, I presume?

that 13 MR JORDASH: That's exactly, yes. I'll just clarify
14 the witness understood it in that way.

11:17:38 15 Q. When I'm using dialogue I'm talking about Superman being
16 there at the radio set and Sam Bockarie being at the radio set
17 and actually hearing each other's voices. Did you understand
--

18 A. Yes.

to 19 Q. Did you understand when I said dialogue I was referring
11:17:57 20 that kind of radio communication?

21 A. Yes, yes, I understand. Yes, I understand that.

22 Q. Okay. Now after the first two weeks you then moved to
23 Swafay?

24 A. Um-hmm.

11:18:12 25 Q. It's Superman who gives you the order to go there; is
that
26 right?

27 A. Yes.

28 Q. And did you work then as a radio operator until the RUF
29 were pushed out of Koidu and moved to the Guinea Highway?

1 A. Yes, that was the place I was working.

2 Q. You were receiving messages, were you, from Superman to
3 your commander at Swafay; is that right?

4 A. Yes.

11:18:49 5 Q. Was your station receiving any direct messages from
6 Sam Bockarie, or not?

7 A. No. It first came to Super and then from Super to us.

8 Q. Right. Did Sam Bockarie then continue to communicate
with
9 Superman after you had moved to Swafay?

11:19:15 10 A. Yes, they used to communicate. But I used to monitor
it.

11 Q. So did it then work like this: That Sam Bockarie would
12 contact Superman; Superman would then distribute whatever
orders
13 from his set to the subset such as yours at Swafay?

14 A. Please say that again.

11:19:50 15 Q. Sam Bockarie would contact Superman; Superman would then
16 send on any orders or instructions to the various commanders
in
17 the various areas in Koidu; is that the way it worked?

18 A. Yes.

19 Q. And through your monitoring at Swafay and through your
11:20:18 20 operating before moving to Swafay, did you observe whether, at
21 least in the first month or so, the relationship between
22 Sam Bockarie and Superman was cordial or not?

or

23 A. Well, it was -- I cannot tell you whether it was cordial

messages

24 not because since they were getting dialogue, receiving

it

11:21:01 25 from him there, I will not imagine whether it will be fine or

26 will not be fine.

the

27 Q. Is it right that Superman was the top man in Koidu and

28 top man at Guinea Highway?

29 A. Yes, he was the top man.

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Town,

1 Q. And is it right that Superman was also the battle-group

2 commander; is that something you're aware of?

3 A. The time we came to Kono, is that the time you mean?

4 Q. Yes. He became battle-group commander when in Koidu

11:22:05 5 I think; is that right?

6 A. Yes, they made that appointment.

7 Q. And that appointment -- let me ask a different question.

from

8 Am I correct, Mr Witness, that Superman received orders only

and

9 Sam Bockarie when you were a radio operator at Superman's set

11:22:49 10 then later on at Swafay; am I right that it was Sam Bockarie
only

11 who was giving Superman orders?

12 A. Yes, to my knowledge.

13 Q. You were working -- is this right -- most days within
the

14 two weeks you were at Superman's set, most days when you were
at

11:23:20 15 Swafay; is that correct?

16 A. Please say it again.

17 Q. Did your duties whilst you were Superman's radio
operator

18 mean you worked most days -- on most days did you work?

19 A. I don't think if we have days to work. It was a very

11:23:57 20 sensitive material that a person was to be with it, always to
be

21 able to monitor all information that was going around except
if

22 you want to visit some important thing within the area. But

23 always, I was always near the set.

24 Q. And can you confirm, then, that throughout your duties
at

11:24:23 25 Superman's set and throughout your duties at Swafay, you did
not

26 monitor Issa Sesay giving any orders to Superman; can you
confirm

27 that?

28 A. No, I did not monitor that anyway. I did not monitor
any

29 instruction from him to Super.

1 Q. Thank you, Mr Witness. I've got no further questions?

2 PRESIDING JUDGE: Mr Cammegh?

3 MR CAMMEGH: No questions, thank you.

4 PRESIDING JUDGE: No questions.

11:25:55 5 Yes, Mr Harrison.

6 MR HARRISON: Yes, the Prosecution wanted to advise the

7 Court that there was an additional information filed at 9.15

this

8 morning with respect to this witness. And I should also say

that

9 it was forwarded yesterday afternoon, according to the Lotus

11:26:20 10 Notes, informally to the Prosecution at about 5 p.m. and I
would

11 have seen it last night after about 8 p.m.

12 In view of what's been said this morning and in view of

13 this disclosure, the Prosecution is asking the Court to

adjourn

14 the Prosecution's cross-examination until tomorrow morning.

We

11:26:43 15 would like to review further this more recent disclosure,
which

16 is approximately two pages, it's -- you would say a page and a

17 half to two pages.

18 PRESIDING JUDGE: My concern is with breaking the

19 procedure, you know, in bits and pieces. I mean, if you were

--

11:27:30 20 had you had any reservations about what was served on you

the
is
think
this

21 yesterday, maybe you should have raised it for us to examine
22 position before we proceeded up to this stage. When this one
23 leaves now we would have left things in midstream and gone to
24 another one. It's -- it's very disruptive of the records. It
11:28:02 25 not even -- I mean, asking for an adjournment until tomorrow,
26 it's -- I'm worried by that. I'm worried about that. So I
27 we'll take the morning's break and you will consider all your
28 options, you know, in relation to your cross-examination of
29 witness. We will rise shortly and we will resume in the next

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1 couple of minutes. The Chamber will rise, please.
2 [Break taken at 11.30 a.m.]
3 [RUF05MAY08B-BP]
4 [Upon resuming at 12.04 p.m.]
12:03:03 5 PRESIDING JUDGE: Yes, we will be resuming the
proceedings.
6 Mr Harrison, how do we proceed, please?
7 MR HARRISON: Yes. The earlier request is before the
Court
8 and I'm in the Court's hands awaiting your determination on
that

9 request.

12:03:32 10
made

PRESIDING JUDGE: Again this comes with the comments I

11
service

the other day, on Friday, about the communication of the

12
to

of additional information about witnesses and their testimony

13 the opposite party. We are there now, you know, because of

14 that -- I mean if this went on much earlier, we would not find

12:04:02 15
to

ourselves facing an adjournment for this witness's testimony

16 tomorrow.

17
that

I mean, we find ourselves in difficulties and I hope

18 whenever we advise the parties they at least take the Chamber

19
adjourn

seriously on this. Well, we'll have to -- we'll have to

12:04:39 20

until tomorrow and then we get -- the Defence has to produce

21
down

another witness you know for us to continue. We will stand

22
a

the continuation of the testimony of this witness and take on

23 new witness.

24
12:05:00 25

MR TAKU: My Lords, we sincerely apologise. I met the

witness for the first time when I fell ill.

26
is

PRESIDING JUDGE: You see, these are the things. This

27
is

where we are. This is where we are. The completion strategy

28 there and this is where we are.

29 MR TAKU: And I fell ill, I had to see the doctor. In

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1 fact, at 1.30 today I will go back and see the doctor. I'm
2 sincerely not well and I apologise for this delay.

3 PRESIDING JUDGE: You are not well. Thank God you at
least

4 managed the examination-in-chief of your witness. I didn't
sense

12:05:37 5 any feeling of illness on your part when you were examining
your

6 witness, but this is where we are.

7 JUDGE BOUTET: And to support the Presiding Judge on
this

8 matter, you were granted an adjournment on Friday. So you
were

9 not in Court Friday afternoon to allow you because we know,
and

12:05:52 10 we had been informed that witnesses were forthcoming and you
were

11 getting ready, but I mean, this is a notification that is
causing

12 some difficulties and I don't know how many more witnesses --
I

13 think by my recollection you have three more so-called local
14 witnesses to come.

12:06:16 15 MR TAKU: We sincerely apologise, Your Honours.

16 PRESIDING JUDGE: It's quite frustrating for the
Chamber.

17 It's not because of what has been said about the completion

18 strategy that it doesn't -- it bothers me but it doesn't
bother
19 me inasmuch as -- insofar as, you know, we are there to
dispense
12:06:48 20 justice even-handedly. So, but at least my professional
21 conscious troubles me that we have to adjourn the proceedings
22 today to tomorrow because we have nothing else to do from now.
23 MR TAKU: We have a witness, Your Honours.
24 PRESIDING JUDGE: I thought you said you haven't met a
12:07:18 25 witness -- the witness.
26 MR TAKU: No, it was this witness I said that when I
left
27 here, that's when I met him when I fell ill, but we have a
28 witness --
29 PRESIDING JUDGE: Oh, I see. Okay, well, I
misunderstood

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1 you then. I thought you didn't have a witness. Well, fine.
2 That is good. If you have a witness that's all right. So we
can
3 stand the evidence of this witness down again and adjourn him
to
4 tomorrow and we take a new witness. Mr Taku, I'm sorry I
12:07:50 5 misunderstood you. I thought that when I talked of the next

that
6 witness you were saying that you hadn't met this witness and
7 you were ill in the process. So that's okay. I mean, if we
have
8 another witness, that's fine.

9 MR OGETO: The next witness, My Lords, is DMK-116.

12:08:24 10 JUDGE BOUTET: Any late disclosure about this -- in
11 reference to this witness?

12 MR OGETO: Yes, there was a disclosure as well.

13 JUDGE BOUTET: I said late disclosure.

14 MR OGETO: Yes, there was.

12:08:35 15 JUDGE BOUTET: Okay.

16 PRESIDING JUDGE: I would like to hear what the
Prosecution
17 has to say about these late disclosures because --

18 MR OGETO: My Lords, before the Prosecution says
something,
19 let me mention that these late disclosures are not deliberate.

12:09:01 20 We are meeting some of these witnesses for the first time --

21 PRESIDING JUDGE: But why now? Why now? When you knew
22 that this was supposed to be the time your case was supposed
to
23 go on? We're on a recess. You knew that we're going to
proceed.

24 Why now? Why do you think that we should --

12:09:21 25 MR OGETO: There are many witnesses, My Lord. There are
26 many other witnesses on the list and we cannot really meet all
of
27 them at the same time.

28 [The witness stood down]

29 MR OGETO: We have not really had the time. We have
tried

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1 to do our best to meet these witnesses and to expedite the
2 proceedings but it hasn't been possible. And I think we've
done
3 very well with most of the witnesses. It's only a few. And I
4 recall, by looking at the transcripts, even during the
12:09:51 5 Prosecution case, they too were disclosing information during
the
6 testimony of the witnesses, so it's really nothing very
unusual.
7 Even during the presentation of the first accused's case there
8 was information coming up late, a day before, so really, we
are
9 not doing anything deliberate, My Lords.

12:10:13 10 PRESIDING JUDGE: So the Court takes the blame for being
11 very indulgent; is that what you're saying?

12 MR OGETO: I'm not saying that, My Lords, and I'm not
13 blaming anyone --

14 PRESIDING JUDGE: And that we have to continue being
12:10:22 15 indulgent. Supposing we decided not to/.

16 MR OGETO: I'm not blaming the Court, My Lords. I'm
just
17 trying to say that at times --

18 PRESIDING JUDGE: Because whenever you are caught in a

I'm 19 bind, you know, you keep saying -- you throw your hands and
12:10:35 20 not saying you it's a tendency with counsel: "Oh, you did
this 21 for the Prosecution, why not to me?" and so on. It's like a
know, 22 child crying foul. You did this to my older brother, you
23 why didn't you do this to me and so on and so forth.
24 MR OGETO: I'm not blaming the Prosecution, My Lords,
and 12:10:53 25 I'm also not blaming the Court. I'm saying --
26 PRESIDING JUDGE: And you are not blaming yourself too.
27 MR OGETO: Yes, because it's not deliberate.
28 PRESIDING JUDGE: It can never be deliberate.
29 MR OGETO: It wasn't deliberate, My Lords.

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1 PRESIDING JUDGE: It can never be.
2 [The witness entered Court]
3 MR TAKU: Your Honours, now that the witness has left
the 4 courtroom, I just wanted to say that the person whose name he
12:11:36 5 wrote in [indiscernible]. I just wanted to put it on record.
6 PRESIDING JUDGE: So it's TF1-360?
7 MR TAKU: Yes, Your Honours.

8 PRESIDING JUDGE: Will this be the 14th witness?
9 MR OGETO: Yes, My Lords.
12:13:28 10 PRESIDING JUDGE: It's DMK --
11 MR OGETO: 116, My Lords.
12 PRESIDING JUDGE: Yes. Before you swear the witness in,
13 Mr Harrison, there is also -- this is another incident here
that
14 relates to late disclosure of certain facts that are to be in
12:13:59 15 issue in testimony by this witness; do you have any
observations
16 on this, please? Or where does that lead us to eventually in
17 these proceedings?
18 MR HARRISON: Mr Fynn had the advantage of having this
19 morning to review that information and Mr Fynn has advised me
12:14:19 20 that he believes he is prepared to proceed with this witness
21 today.
22 PRESIDING JUDGE: Thank you. Thank you, Mr Fynn. So
may
23 you swear in the witness, please. And he is to testify in
what
24 language, please?
12:14:33 25 MR OGETO: In Krio, My Lords.
26 WITNESS: DMK-116 [Sworn]
27 [The witness answered through interpreter]
28 PRESIDING JUDGE: Yes, Mr Ogeto.
29 MR OGETO: Yes, My Lords. With the leave of the Court,

I

1 will request that the witness be given a piece of paper so
that
2 we're able to write -- to record some background information
that
3 is likely to reveal his identity, if discussed in the open
4 session.

12:15:31 5 PRESIDING JUDGE: Yes, can a paper be given to the
witness,
6 please.

7 EXAMINED BY MR OGETO:

8 MR OGETO:
9 Q. Listen to me, Mr Witness, before you start writing
12:15:58 10 anything. We want to take down certain background
information.
11 Please write it down: Number 1, write your full names; number
2,
12 write your age; number 3, write the place where you were born,
13 including the district; number 4, write your marital status
and
14 the number of children, if any, that you have; number 5, write
12:17:49 15 your present place of abode; number 6, write your current
hold
16 occupation, and, against that occupation, indicate where you
17 that occupation; also indicate for how long you've held that
18 position; number 7, indicate where you were based between 1999
19 and 2002; indicate the position you held -- that will be
number 8

12:20:00 20 I think -- indicate the position you held at that place and
your
21 rank; number 9, indicate the name of your immediate superior
at
22 that point in time, '99 to 2002 -- the name of your immediate
23 superior --
24 PRESIDING JUDGE: That is 1999 to 1992?
12:21:00 25 MR OGETO: To 2002.
26 PRESIDING JUDGE: To 2002, I'm sorry.
27 MR OGETO: Yes, My Lords.
28 Q. Number 10, indicate the name of the person that your
29 immediate superior reported to during that time. Are you

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1 through? That's all.
2 MR OGETO: That's all, My Lords. If that piece of paper
3 can be taken from the witness.
4 PRESIDING JUDGE: Yes. Any objections to the admission
of
12:28:26 5 this document, please? Mr Fynn?
6 MR FYNN: None, My Lord.
7 MR JORDASH: No, thank you.
8 MR CAMMEGH: No, thank you.
9 PRESIDING JUDGE: Yes, it is admitted and marked

12:28:38 10 confidentially as Exhibit 365.

11 MS KAMUZORA: Yes, My Lord.

12 [Exhibit No. 365 was admitted]

13 PRESIDING JUDGE: Yes.

14 MR OGETO: My Lord, could I also be permitted to have my

12:29:08 15 assistant copy the information from that document?

16 PRESIDING JUDGE: Yes, why not.

17 MR OGETO: I'll be using it in the course of the
testimony

18 of this witness.

19 PRESIDING JUDGE: Yes.

12:29:21 20 MR OGETO:

21 Q. Mr Witness, I have a few questions for you.

22 A. Okay. Ask.

23 Q. And I will try to be as brief as possible. After that,
my

24 colleagues for the Defence may have some questions for you, as

12:29:40 25 well as the Prosecution on your right. When did you join the

26 RUF?

27 A. In 1991.

28 Q. Are you going to testify in English or Krio?

29 A. In Krio.

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me; 1 Q. So try and listen to the interpretation as opposed to
2 you understand?
3 A. All right.
4 Q. Where did you join the RUF?
12:30:38 5 A. In Pujehun.
6 Q. And in what circumstances did you join the RUF?
7 A. Well, we used to hear about the RUF -- we used to hear
family 8 about they are coming. My father and other members of my
9 advised us to leave, so we left that place. We went to the --
12:31:05 10 another village called Komendesua. When we arrived, the Pa
11 noticed that we have left behind one of my sisters and aunt
12 behind, so when others went back to collect these people,
things 13 like food and other things --
14 THE INTERPRETER: Your Honours, can the witness speak
12:31:26 15 slower.
16 MR OGETO:
17 Q. Mr Witness, please try and speak very slowly.
18 A. All right.
19 Q. Because the interpreters are trying to understand what
you 20 are saying?
12:31:38 21 A. All right.
22 Q. The stenographers too.
23 A. Okay.
24 Q. Take it slowly. Can you repeat your answer, please?
12:31:50 25 A. Okay. All right. We heard that the RUF were coming.
They

time
other
we
went

26 have crossed the Sierra Leonean/Liberian border, so at that
27 everybody was worried about the whole thing. My father and
28 family members asked that we should leave the village. When
29 left we noticed that one of my sisters had left behind so I

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meet
in
12:32:43
in
12:33:16
-

1 to collect her together with my aunt. When I went I did not
2 her. I met them they had taken another route. So on my way
3 coming, when I was coming back, I met the rebels have entered
4 Pujehun. When they entered Pujehun they did not allow us to
5 leave the town to go anywhere. So that was the circumstances
6 which I became -- I found myself in RUF controlled zone. So
7 after some time they opened a base in Pujehun. They collected
8 us. They took us to that base for training. After they have
9 collected us, at that time -- the time they were trying to
10 collect us I was not willing at all to go and join them. So -
11 Q. Let's take it up from there. How many of you were taken
12 this training base?

38 13 A. Well, on that day, together with my colleagues, we were
But 14 in number. They collect the 38 of us. They took us there.
12:33:47 15 when we arrived, we met another people there. There were
many;
but 16 the number was many. Anyway, I can't show the exact number,
17 the number was many. But we that they took along, we were 38.
18 Q. What was the name of the training base?
in 19 A. The base was Holy Family Ground. It's a primary school
12:34:11 20 Pujehun. That is the name that we called the place.
21 PRESIDING JUDGE: What did you call it again?
22 THE WITNESS: Holy Family, Holy Family Ground. There is
a 23 school in Pujehun called Holy Family.
24 MR OGETO:
12:34:34 25 Q. What was your reaction when you were first taken to this
26 training camp?
not 27 A. When they took me there I was not willing because I did
28 know why they were taking me to that place.
29 Q. Did your reaction in any way change after you got to the

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1 training base?

2 A. Yes. When we arrived at the training base, they gave us
3 some training, military training, and they gave us the RUF
4 ideology. They gave us some reasons why they have come to

12:35:22 5 overthrow the APC. Some of those reasons that were explained
to

6 me, I saw that even myself I was affected, so I have to accept
7 the RUF ideology.

8 Q. What do you mean by that? Can you please explain
further.

9 A. They told us that they have come to change the APC

12:35:48 10 government because it was a rotten system because they had no
11 good governance, no better education in the country. We don't
12 have better facility. People are working without pay and
13 everybody has right to education and all of those things that
14 they mentioned at that time, even myself I was affected by
those

12:36:13 15 things, so I have to accept that ideology. So I worked with
them
16 at that time.

17 Q. How long did this training last?

18 A. The training -- there was not a time -- there was not a
19 time limit, it only depended on your own ability, how you be
able

12:36:40 20 to pick up the training within -- if you are able to pick up
the
21 training, if you are intelligent enough, you'll be able to
leave

22 the training earlier. Some people will spend two months; some
23 will spend less than two months; some were spending longer
time.

24 Q. How long did you spend at the training camp yourself?

12:37:09 25 A. Well, I took up to two months at the training base.
26 Q. What kind of training did they provide you with?
27 A. I was provided with military training, because in the
28 morning we would go out for physical training; we used to run
29 around the town. After that, we would get another physical

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1 exercises again. After that, they had a place called ideology
2 class. We go there and they will teach us the problems the
3 government -- the people were facing from the government and
then
4 they will tell us the ideology itself of the RUF, what and
what
12:38:09 5 they were supposed to do, and what and what they were not
6 supposed to do. Those things they used to teach us.

7 Q. Can you recall where you were during the years 1994 to
'95?

8 A. In 1994 until '95 I was in a Koribundu Junction --
9 THE INTERPRETER: Correction interpreter, Koribundu
Jungle.

12:38:52 10 MR OGETO:

11 Q. Where is Sierra Leone is Koribundu Jungle?

12 A. Koribundu Jungle was in the south of Sierra Leone. That
is

13 in the Bo District.

14 Q. Did you have any specific duties at the Koribundu Jungle
at
12:39:20 15 that time?

16 A. I was -- I did not get a specific task. The only thing
17 that I was a front line soldier. I was at the front line.
That
18 was my duty.

19 Q. Who was your commanding officer at that jungle?

12:39:43 20 A. My commander was called Emmanuel Jackson.

21 Q. What was your rank at that time?

22 A. My rank was lieutenant; second-lieutenant.

23 Q. When did you leave Koribundu Jungle and for where?

24 A. I left Koribundu Jungle in 1995 in September. Then I
went
12:40:21 25 to Zagoda. From Zogoda then I went to Peyama.

26 Q. For how long were you in Zogoda?

27 A. When I went to Zogoda, I spent only two days there.

28 Q. And for how long were you in Peyama?

29 A. I was in Peyama from 1995 until 1996.

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1 Q. What were your duties at Peyama during that time?

used 2 A. In Peyama there was a group called Crack Force. They
3 to send us to go and join the Crack Force. That was our
4 reinforcement group so that we'll be able to operate with
12:41:32 5 Mosquito in Peyama at that time. So I was just a front line
6 soldier.

7 Q. What do you mean by Crack Force? What was it involved
in?

8 A. This Crack Force was a group which was responsible for
9 reinforcement -- to reinforce any area for enemy attack. If
12:42:02 10 there was any attack, they will take the Crack Force group to
go
11 and reinforce our brothers, who were at the place where there
was
12 a continuous attack.

13 Q. Where were you in '96 during the Abidjan peace talks?

14 A. I was in Peyama.

12:42:34 15 Q. Did you get to know anything about these peace talks?

16 A. Yes, because before Foday Sankoh left for Abidjan, he
17 informed all officers, the acts that concerned most of the
18 officers, who were target commanders or commanders for the
19 various JUNGLES, before he left. So we all knew.

12:43:13 20 Q. Did Sankoh come to Peyama at that time?

21 A. No.

22 Q. So what else did Sankoh say, if anything, about these
peace
23 talks, if you are able to recall?

24 A. Well, after they have spoken, he came and told us that
we
12:43:47 25 should cease fire so that we will not attack any enemy
positions.

26 We are just to stay put because they have spoken about the
peace

27 and he has accepted.

28 Q. After Sankoh left, do you know if anything happened in
29 Kailahun?

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soldiers
fact,
based
12:44:45

1 A. Yes. After he had gone, we were in Peyama, when
2 who were in Pendembu, they went and attacked Kailahun. In
3 they started from Giema, they attacked Giehun, they attacked
4 Kailahun and they attacked Buedu up to Koindu and they were
5 in all those towns.

6 Q. Who are the soldiers who were based in Pendembu?

7 A. They were SLA soldiers. They were government soldiers.

8 Q. Where was the RUF headquarters at that time?

9 A. The RUF headquarters was Giema.

12:45:20
the

10 Q. Did anything happen after these attacks in Kailahun by
11 government soldiers?

our

12 A. Well, these attacks, after these attacks they were
13 stationed in those towns. We came from Peyama for us to help
14 brothers so we'll be able to push them back from those various

12:45:40 15 points.

16 Q. And the various points you mentioned were -- please, can
17 you repeat them again, where they attacked?

18 A. They came, they attacked Giehun; they went to Kailahun;
19 they went to Buedu and they went and based in Koindu.

12:46:17 20 Q. During this same period did anything happen in Zogoda?

21 A. Yes. Zogoda also there were some small attacks. CDF
will
22 come, Kamajors. Purely they were coming and they attacked.
They
23 attacked some areas around Zogoda like the other areas where
we
24 had a defensive like Blama highway, Bandawoh and some other
12:46:47 25 areas.

26 Q. Where were you in early 1997?

27 A. At that time when we heard about these attacks in
Kailahun,
28 when we went there and we pushed the enemies to the towns they
29 were occupying, we were in Kailahun during that time. That
was

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1 early in 1997. We were in Kailahun and we came back to
Peyama.

2 We were within that area.

3 Q. So you were based in Peyama?

4 A. Yes. Yes, we were based in Peyama.

12:47:40 5 Q. For how long were you in Peyama?

6 A. We were in Peyama for some time. After we had pushed
the
We
in
-
12:48:11 10 the small developments, they now went to the actual place
where
11 all the other people -- those people Sankoh left in charge
where
12 they were staying, they entered there. So our people who were
in
13 Zagoda, they left there. Some of them came to where we were
in
14 Peyama and some -- and the others went towards the other end
12:48:34 15 where we called Libya. I was in Peyama during that time up to
16 the time they came -- some of them came when they met us and
we
17 all withdrew from Peyama. That's our commander who was
Mosquito,
18 he said we should leave Peyama, let us all go to Kailahun and
so
19 we are based in Kailahun.

12:49:02 20 Q. What were your duties during this period, early '97?

21 A. Well, all this time I was a front-line officer.

22 Q. What are the duties of a front-line officer?

23 A. Well, we were there, we organised the other soldiers who
24 were on the frontline. We controlled them for them to do what
12:49:33 25 they are expected to do in the frontline if you meet an
attack.

26 We were keeping up the defensive in our area.

27 Q. How many fighters were in Peyama at that time? Are you
28 able to approximate a number?

29 A. It was a battalion that was in Peyama because we had

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1 companies. We are many.

who

2 Q. Do you recall if there were child soldiers amongst you
3 were fighting with you at the front?

No

4 A. No, no. There were no -- there was no child soldier.

12:50:24

5 child was amongst us.

6 Q. Where were you in May '97 when the coup was announced?

in

7 A. During that time we had withdrawn from Peyama and we are
8 Kailahun. I was in -- I was in Giema when they announced the
9 coup.

12:50:54

10 Q. For how long had you been in Giema when the coup was
11 announced?

12 A. First when we left Peyama we went to Giema. I was there
13 for some time. I left there and I was assigned to Gborbu.

Gborbu.

14 Kamajor came and attacked us, our positions in Giema in

12:51:20 15 They were after us until we went to Giehun, they entered
Giehun.

16 So the day we went to attack them we removed them and that was
17 the day the announcement about the coup -- the AFRC coup was
18 made. They announced that soldiers had overthrown and that we
19 should come and join them.

12:51:43 20 Q. You mentioned the name of a place there, Gborbu. Can
you

21 please spell it, Gborbu?

22 A. Yes. Gborbu was a defensive area for Giema. Because
Giema

23 was the headquarter for us. So -- and Gborbu again was on the
24 frontline so when I -- when I went, I was there. When the CDF

12:52:12 25 attacked, after they had attacked -- okay.

26 Q. I just want you to spell the name Gborbu for the record?

27 A. For spell? To spell it? G-B-O-R-B-U.

28 Q. So you are saying Gborbu was within Giema?

29 A. Yes, it is near Giema but it was towards the place where

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1 the enemies were where the soldiers and the Kamajors were.

2 Between where the soldiers were, that's the place where that
town

position

make

12:53:12

recollect.

in

3 is and that was the place we were. That was a defensive

4 for Giema. So we were there as a combat camp so that we can

5 a defence so that no soldiers will enter our headquarters.

6 Q. Who was your commander in Giema at that time?

7 A. The commander was Denis Lansana.

8 Q. Did you say Denis?

9 A. Denis, yes. Denis Lansana.

12:53:47

10 Q. Are you able to recall any other senior RUF officers in

11 Giema at that time?

12 A. Yes.

13 Q. Can you please name some of them?

14 A. CO Java was there, who was the adjutant; operations

12:54:13

15 commander was there, who was -- whose name was Cobra; then CO

16 Vandri was there; so these were the few names I could

17 Q. Do you know a person named Peleto?

18 A. Yes, I knew him very well.

19 Q. Did he have any other names apart from Peleto?

12:54:56

20 A. Who, Peleto? Yes, he was Amara Salia.

21 Q. Did you see him during the period when you were in Giema

22 '97?

23 A. Yes.

24 Q. Where did you see him?

12:55:24

25 A. He was in one place where -- which is the outskirts of

26 Giema Town they call Joe Bush but it is just within the same

27 Giema environment.

28 Q. Do you recall his rank at that time?

29 A. At that time Peleto was captain.

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1 Q. Did he have any specific function at that time in Giema?

2 A. Well, he didn't have any specific function. Peleto was
3 just an errand boy for Mosquito. He would send him from one
4 place to another, but you see so he didn't have any specific
12:56:27 5 responsibility.

6 Q. Did you continue to stay in Giema after the coup of May
7 1997?

8 A. No. After the announcement, Mosquito decided for him to
9 come. So he took some soldiers and came to Daru and then they
12:57:03 10 joined the AFRC in Freetown. So I was among that group with
some

11 other soldiers when we came to Daru together with Mosquito.

12 Q. Are you able to recall the others who were with you?

13 A. Yes. Yes.

14 Q. Please give us their names?

12:57:28 15 A. CO Denis was with us. This Peleto we are talking about,
he
16 was there. We had one CO Lawrence and CO Vandri was there and
17 Mosquito himself.

18 Q. Do you recall who was in occupation of Daru at that
time?

19 A. Yes. It was the SLA soldiers.

12:58:24 20 Q. Do you recall their commander in Daru at the time -- the
21 SLA commander in Daru?

22 A. He was colonel Momodu.

23 Q. Do you know where he was when you got to Daru?

24 A. Well, no. I didn't know where he was. I met him in
Daru.

12:59:00 25 He was the battalion commander for the whole of that area.

26 Q. So you're saying that when you got there in Daru
together
27 with Mosquito and the others that you've named, Colonel Momodu
28 was there? You saw him?

29 A. Yes.

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1 Q. Do you know if anybody in your group spoke to Momodu --
2 Colonel Momodu?

3 A. Well, the only person who spoke to Colonel Momodu was
4 Mosquito.

12:59:53 5 Q. Do you know what they discussed?

6 A. Well, they just told him -- they told us that since we
have
7 come he was going to talk with them so that they would
facilitate

8 our movement from Daru to Freetown -- to Benguema. So we were
9 there but I didn't actually know what were the other things
they
13:00:20 10 discussed. So we were with Colonel Momodu, we waited in Daru
11 until we were able to get a vehicle and then we moved and came
to
12 Benguema.
13 MR OGETO: My Lords, maybe this would be a convenient
time
14 to take the break.
13:01:42 15 PRESIDING JUDGE: We will rise for the lunch break and
16 resume the session at 2.30. The Chamber will rise, please.
17 [Luncheon recess taken at 1.04 p.m.]
18 [RUF05MAY08C-BP]
19 [The witness entered Court]
14:22:49 20 [Upon resuming at 2.36 p.m.]
21 PRESIDING JUDGE: Yes, good afternoon, learned counsel.
22 We're resuming the proceedings. Mr Ogeto, you may proceed,
23 please.
24 MR OGETO: Good afternoon, My Lords.
14:36:05 25 Q. Good afternoon, Mr Witness. Your microphone, please.
Good
26 afternoon --
27 A. Good afternoon, sir.
28 Q. Now, we stopped at the stage when you were in Daru on
your
29 way to Freetown; do you recall that?

1 A. Yes.

2 Q. How long were you in Daru?

3 A. I was in Daru for two days.

4 Q. How many of you moved to Freetown?

14:36:53 5 A. We were nearly up to 80. In fact, two trucks took us
6 there.

7 Q. Which route did you take from Daru to Freetown?

8 A. We came from Daru, went to Kenema; from Kenema to Bo;
then
9 we went to Benguema.

14:37:34 10 Q. Was Sam Bockarie in that trip?

11 A. Yes.

12 Q. What about the other officers that you named earlier;
were
13 they also in the trip?

14 A. Yes.

14:38:00 15 Q. Where was Peleto at that time?

16 A. We were together with Peleto in the same group.

17 Q. Now, before you left Daru, do you know if Peleto at any
18 time had been sent as part of an advance team to go and talk
to
19 the SLA in Daru?

14:38:36 20 A. No, because Peleto, the man that you're referring to,
the
21 way I know him, he will never be sent to make any
representation
22 on behalf of a group.

23 PRESIDING JUDGE: No, don't speculate. Don't, don't
24 speculate. The way you know him he will never be sent to make
a
14:39:07 25 representation. No, that is not acceptable speculation.
26 MR OGETO:
27 Q. Do you have any information, Mr Witness, if Peleto was
sent
28 to make any representations on behalf of RUF in Daru?
29 A. I don't got that information.

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1 Q. How long was your trip from Daru to Freetown?
2 A. It was just one night, because we left in the evening.
3 Then we reached at Benguema in the morning hours. That's the
4 following day.
14:40:03 5 Q. So when you got to Benguema, how long did you stay
there?
6 A. We spent just five days in Benguema.
7 Q. Who was your commander at Benguema at that time?
8 A. The time we arrived at Benguema, there was one man by
the
9 name of Gaddafi. He was the grand commander at Benguema.
14:40:53 10 Q. Who was Gaddafi? Do you have any additional information
11 regarding this man?

12 A. This Gaddafi was an RUF soldier. He was operating with
13 Superman.

14 Q. Where was he operating with Superman?

14:41:21 15 A. They were at the location called the Western Jungle.

16 Q. Now, at the time you were at Benguema, did you know the
17 accused person Morris Kallon?

18 A. At that time I didn't know Morris Kallon. I heard about
19 him, but by then I didn't know him at all.

14:42:05 20 Q. Now, before you got to Freetown in Benguema, did you
have

21 any information Morris Kallon and Superman had been in the
22 advance team to Freetown after the coup?

23 A. No.

24 Q. Did you know if there was any advance team after the
14:42:47 25 coup -- any RUF advance team to Freetown after the coup?

26 A. Well, no, I didn't know about any advance team. The
only
27 thing, Superman -- anyway, we and Superman were not operating
in
28 the same area. They were in the Western Jungle, so when we
came
29 to meet them at Benguema --

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can
1 Q. Did you finish your sentence, please? If you're not,
2 you do it?

Benguema,
3 PRESIDING JUDGE: When they came and met you in
4 what happened?

14:43:39 5 THE WITNESS: That was where we met them, himself and
6 Superman. So I don't know about any other advance team.

7 PRESIDING JUDGE: You met who and Superman in Benguema.

with
8 THE WITNESS: The other RUF soldiers that were working
9 Superman. They were the ones that we met there.

14:44:10 10 JUDGE BOUTET: Does that mean that they were in Benguema
11 when you got there? When you say we met them there, what does
12 that mean?

13 THE WITNESS: Yes, they were there when we came there.

14 JUDGE BOUTET: Thank you.

14:44:32 15 MR OGETO:

Benguema
16 Q. Did you get to know for how long they had been in
17 before you arrived there?

18 A. No.

19 Q. When you arrived in Benguema, did you receive any
14:44:53 20 information regarding the fact that Morris Kallon had been in
21 Benguema?

22 A. No, I didn't get any information about that.

23 Q. Did you see Superman in Benguema?

24 A. Yes, I saw Superman at Benguema.

14:45:23 25 Q. How many fighters were in Benguema at the time you
arrived
26 there -- RUF fighters?

27 A. We were many. We were over 100.

28 Q. How many did you find on the ground who had been there
29 before your arrival?

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1 A. They themselves were many, because it was an all
2 together operational area that we met at Benguema. We were not
3 with them. They were in their own area; then we were in
4 Kailahun. So I don't have the exact figure.

14:46:29 5 PRESIDING JUDGE: I think we have a figure already
6 somewhere in the records from a witness and the figure is not
7 challenged. It was the battalion that came from the Western
8 Jungle that came to Benguema.

9 MR OGETO: Yes, I'll proceed, My Lords.

14:46:42 10 PRESIDING JUDGE: [Indiscernible].

11 MR OGETO:

12 Q. Where was Peleto when you got to Benguema?

13 A. Peleto was in Benguema.

14 Q. So from Benguema where did you move to?

14:47:16 15 A. From Benguema we are assigned to Lungi Garrison.

16 Q. Who was your commander at Lungi?

17 A. Initially when we went it was Rambo that was our
commander,
18 CO Rambo.
19 Q. Then what happened afterwards?
14:47:56 20 A. After some time he left us there and he came to
Freetown.
21 Then Peleto went there and said he was the commander, but he
22 himself didn't stay there for long. He returned to Benguema
and
23 CO Rambo returned. He was a commander until we left there.
24 Q. So when did you leave Lungi Garrison? After how long?
14:48:31 25 A. We were in Lungi Garrison until after ECOMOG attacked on
us
26 in Lungi Garrison, that was the time we left there. That was
27 about two months period.
28 Q. So you were in Lungi for about two months; is that
correct?
29 A. Yes, yes. Around that, yes.

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1 Q. And you said that Peleto came and declared himself
2 commander in Lungi. For how long did he -- for how long was
he
3 commander?
4 A. Peleto came. He didn't spend up to three weeks. It was

14:49:48 5 around two weeks and he returned. He stayed about two weeks.

6 Q. Why did he leave?

7 A. He was -- he was not able to work well with the soldiers
on

8 the ground, that is, the people that he met.

9 Q. You said he went back to Benguema. In what capacity did
he

14:50:23 10 go to Benguema?

11 A. Well, by then I was not with him. I don't know in what
12 capacity he was.

13 Q. Did you see the accused Morris Kallon in Lungi during
the

14 two months or so that you were there?

14:50:49 15 A. I did not see him, neither heard about him.

16 Q. Where did you move to from Lungi?

17 A. From Lungi we came to Lokomassama.

18 Q. For how long were you at Lokomassama?

19 A. We were in Lokomassama until the time of the
intervention

14:51:50 20 in Freetown. Then we finally pulled out.

21 Q. Let's go back briefly to Benguema. Who was Gaddafi
22 reporting to, the commander in Benguema at the time?

23 A. Gaddafi was reporting to Superman.

24 Q. What about Rambo in Lungi; who was he reporting to?

14:52:31 25 A. Well, Rambo was also reporting to Superman, because he
was

26 responsible for deployment the time we came.

27 Q. Who was responsible for deployment at the time you came?

28 A. When we came, it was Superman; he was the one who
deployed

29 us to that area.

1 Q. Who was your commander at Lokomassama?

2 A. I didn't get the question.

3 Q. Who was your commander at Lokomassama?

4 A. Lokomassama, it was Rambo who was the commander.

14:53:38 5 Q. And who was he reporting to?

6 A. You mean Rambo? He was reporting to Superman.

7 Q. Did you see the accused Morris Kallon in Lokomassama?

8 A. No.

9 Q. Did you hear of his presence in Lokomassama at that
time?

14:54:25 10 A. I didn't hear about him.

11 Q. What was your rank during this period right from
Benguema,

12 Lungi to Lokomassama?

13 A. I was a lieutenant at that time.

14 Q. What were your duties in all those three places?

14:55:09 15 A. Like, while we were in Lungi, we will organise soldiers
so

16 as to maintain defensive. So until we moved there and came to

17 Lokomassama, we were also organising defensive and sometimes
we

18 will organise ambush and sometimes we will come up to
Masoyela,

19 where the ECOMOGs were, then alert the people in the township
14:55:39 20 because we had checkpoints. We place people there so we were
21 just there to control the soldiers and to ensure that they
will
22 stay on their deployment so that they will not move from their
23 deployment position to other areas. So that was the
24 responsibility I had as an officer by then.

14:56:05 25 Q. Did you have any soldiers under you in the three places;
26 Lungi, Benguema and Lokomassama?
27 A. The soldiers were not directly under me. We were all
28 operating under Rambo as a commander, but I was one of the
senior
29 soldiers in the front line.

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1 Q. Now, while you were at Lungi, did you receive any
2 information that Peleto was getting women for Mr Kallon?
3 A. No, I didn't get that information and Peleto didn't even
4 stay long with us in Lungi.
14:57:15 5 Q. What about when you were in Lokomassama? Did you
receive
6 any information that Peleto was going out and getting women
for
7 Morris Kallon?

he 8 A. I didn't get that information, and even at that location

9 was not with us.

14:57:39 10 Q. So you're saying Peleto was not with you in Lokomassama?

11 A. No.

12 Q. Where were you during the retreat from Freetown?

were 13 A. We were in Lokomassama up to the retreat period. We

to 14 there when AFRC was overthrown in Freetown and the news came

were 14:58:27 15 us in Lokomassama that all the SLA soldiers and RUF soldiers

16 pulling out so we too should move.

you 17 Q. Now, before we go to the retreat, let me take you back a
18 bit to your stay in Freetown. During the entire period that

that 19 were in Freetown, were you receiving a salary for the work

14:58:58 20 you were doing?

21 A. I was not receiving salary.

22 Q. Never received any money?

I 23 A. I did not receive salary. I did not receive money while
24 was in Benguema.

in 14:59:26 25 Q. I'm not talking about Benguema alone. I'm talking about
26 your entire stay in Freetown, right from the time you entered

that 27 May until the retreat; did you receive a salary for the work

28 you were doing?

so 29 A. Well, at one time we heard that there is an arrangement

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1 that we will be given money since we were there and the SLA
2 soldiers were receiving salary, so therefore we too will be
given

3 allowance, but they only gave us allowance once at
Lokomassama.

4 So since then, until we pulled out, we never received any
other

15:00:14 5 allowance.

6 Q. Who gave you the allowance at Lokomassama?

7 A. It was Rambo.

8 Q. How much allowance did you receive yourself?

9 A. I? I received 60,000 leones.

15:00:46 10 Q. Do you know what the others received?

11 A. Well, some people will have 45,000; others 30,000.

12 Q. So what was the basis for the difference in the amounts
13 that you received?

14 A. Well, we were there. I was an officer, as I said
earlier

15 on, so for that ours was 60,000. There were also other people
16 who were very close to us, like sergeants, they too were
getting

17 higher than the other soldiers who were private soldiers,

18 corporals, who were receiving money just as our ranks were.

We

lieutenants,

15:01:48

only

15:02:11

for

Page 58

when

when

for

15:02:56
money

19 too, there were other people who, although they were

20 they were receiving higher money than us, depending on the

21 person's affiliation with the commander who is coming to pay

22 because we didn't see any document to the effect. We were

23 paid. They handed over the money to us.

24 Q. Did you sign for this money?

25 A. Well, on that day we did not sign. We did not sign.

26 Q. When you say on that day you did not sign, did you sign

27 it on another day?

28 A. No, we did not sign for the moneys that we received. We

29 asked in fact the other day because they paid and others were

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1 left out and he promised to come back with money. He said

2 he come, he find it very difficult to come with money. So

3 he came he said: The money that you gave us, we should sign

4 it so that there will be a document to read so that all of us

5 will be safe so that nobody will say that he didn't receive

6 from you. So that was how it happened. We did not sign any

7 document for the money that we received.

8 Q. Who were you telling this?

9 A. It was our commander, Rambo, who was with us at that
time.

15:03:21 10 He was the one that we told.

11 Q. How did you survive in Freetown if you were not paid all
12 this time?

13 A. Well, we were together with the SLA and they used to
send
14 their ration. They would send food and condiment. That food
is
15:03:58 15 what we all relied on.

16 Q. So how did you retreat from Freetown?

17 A. When we were told at Lokomassama we had two vehicles:
One
18 Benz truck and a Hilux. So we boarded the vehicles and came
to
19 Port Loko; from Port Loko we went to Makeni.

15:04:26 20 Q. How long were you at Port Loko?

21 A. Port Loko. When we got the information, we came there
in
22 the morning because we got the information at night, so we
left
23 Lokomassama very early and came to Port Loko, so we were there
24 for the rest of the day and up to 5 o'clock; then we left
there.

15:05:22 25 Q. How long were you in Makeni?

26 A. Makeni, it was just a night. We slept there and in the
27 morning we left.

28 Q. You left for where?

29 A. From Makeni we went to Kono.

1 Q. What was the command structure in Makeni when you got
2 there?

3 A. Well, in Makeni there was no command structure. There
was
4 no commander in Makeni at the time that we were retreating
15:06:03 5 because everybody was based in a group, like where -- like the
on 6 vehicle that brought you during the retreat. So everybody was
7 his or her own. There was no command at that time.

8 Q. And what was the situation in Makeni when you got there?
9 How can you describe it?

15:06:28 10 A. Yes. Makeni, by the time we arrived there, it was like
the
11 whole town was upside down. There was looting. We met a lot
of
12 people who have looted a lot of properties from different
areas.
13 So people are just moving helter skelter. Nobody was
accepting
14 command from colleagues. So that was how we met the town at
the
15:07:13 15 time we arrived there.

16 Q. Who was looting?

17 A. The main people that I saw who were involved in the
looting

18 were the SLAs, and even civilians, because there were some
people
19 who -- they didn't have command -- were also involved in the
15:07:50 20 looting and we didn't know them as RUF soldiers. So there
were
21 people without combat. But most of the people or the main
people
22 that I saw looting were the soldiers.
23 Q. Which soldiers?
24 A. The SLA soldiers.
15:08:11 25 Q. So when did you get to Kono?
26 A. We went to Kono the following day. The day we arrived
in
27 Makeni, the following day we went to Kono.
28 Q. Can you recall the month when you got to Kono?
29 A. Yes. It was in February.

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1 Q. Was it beginning, mid, or end of February?
2 A. It was the end. The end of February.
3 Q. Where were you based in Kono when you got there, end of
4 February?
15:09:29 5 A. We went to Kono, there is a place called Maraka [phon]
6 compound. That was the compound that we occupied.

7 Q. For how long were you at that compound?

8 A. We were in that compound for just about two weeks.

9 Q. What were your duties during those two weeks?

15:10:18 10 A. Well, when we came, at that time we were not doing any
11 other thing at Koidu Town except for our brothers who were not
12 together with us, who were trying to ask the others so as to
13 identify them so they will bring them back. So that was what
we
14 were involved in whilst we were in Koidu at that time.

15:11:00 15 MR JORDASH: Sorry, could I just have the answer again?
I
16 didn't follow it.

17 MR OGETO:

18 Q. Can you please repeat that answer, please. What were
you
19 involved in during this period that you were in Koidu?

15:11:17 20 A. While I was in Koidu, when we arrived there we were just
21 trying to shout for our brothers who were not together with
us.
22 So because we had a large group. We were many in Koidu Town.
So
23 everybody was there. So we went around to check for our
brothers
24 whom we went together to ensure that they were all there so
that
15:11:51 25 we will see them. So that was what we were involved in during
26 that time.

27 JUDGE BOUTET: What do you mean by brothers in Kono at
that
28 time, when you say we were searching for brothers? Who are
the
29 brothers you're talking about.

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our
that
15:12:31

1 THE WITNESS: The brothers that I'm referring to we had
2 colleague RUF soldiers with whom we have lived together. So
3 was how we referred to each other as brothers. They were the
4 ones that we're looking out for. Some of them were very close
5 together. We do most things in common. But because of the
6 deployment that we were involved in Freetown, we are not
7 together. So we were trying to contact each other.

with
15:12:55

8 JUDGE BOUTET: So it was not all the RUF people you were
9 looking for. You were looking for RUF brothers you had been
10 for some time.

are
have
So
15:13:19

11 THE WITNESS: Yes, the others we used to see but there
12 specific ones that -- like, we were like a family because we
13 been together for long time. So after it has taken some time
14 without seeing some of them, so we are shouting out for them.
15 those that we saw, we asked them to help us trace the others.

16 MR OGETO:

17 Q. Who was the commander in Koidu during this short period
18 that you were there?

19 A. The commander in Koidu by then was Superman.
15:13:54 20 Q. Did you leave Koidu Town after your short stay?
21 A. Yes, we went to Bumpe.
22 Q. Why did you go to Bumpe?
23 A. We went to Bumpe. We are assigned to go and set a
24 defensive along the road that leads to Tongo because by then
15:14:41 25 after we had returned, we heard that the others that came
after
26 us, they said ECOMOG has moved as far as Makeni and they were
27 heading for Kono, so there were some people who were defending
28 the highway. That is the road heading for Kono and there is
29 another road that was open to Tongo. So to secure the road
they

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1 sent some of us there at Bumpe so that we could secure the
road.
2 Q. Who sent you to Bumpe?
3 A. That day it was CO Isaac and Superman.
4 Q. Who was CO Isaac?
15:15:38 5 A. CO Isaac was a senior commander for Superman. He was
like
6 an adviser. He was with Superman and Superman was responsible
7 for all the battles that was going on. He was in charge. So
on

could 8 that day that we came, both of them spoke to us so that we
9 go to that location.
15:16:14 10 Q. And who was your commander at Bumpe?
11 A. I did not get the question.
12 Q. Who was your commander at Bumpe?
13 A. My commander at Bumpe was Bai Bureh.
14 PRESIDING JUDGE: Which Bai Bureh? Which Bai Bureh?
15:16:55 15 THE WITNESS: Short Bai Bureh.
16 MR OGETO:
17 Q. Do you know who Bai Bureh reported to while at Bumpe?
18 A. Yes.
19 Q. Who did he report to?
15:17:15 20 A. He was reporting to CO Rambo.
21 Q. And what was Rambo's position at that time?
22 A. Rambo's position by then was operations commander.
23 Q. Do you know who Rambo reported to in turn?
24 A. Well, Rambo reported to Superman.
15:18:07 25 Q. How long were you at Bumpe?
26 A. Bumpe? We were there between one and two weeks because
we
27 didn't stay there for long. We didn't stay there for long.
We
28 stayed there for a week or so. Between one and two weeks;
then
29 we left there.

1 Q. During this period, did you report -- you yourself --
did
2 you report to the accused Morris Kallon?

3 MR KAMARA: Objection, My Lord. My Lord, excuse me for
my
4 voice --

15:18:55 5 PRESIDING JUDGE: Objection is sustained.

6 MR KAMARA: Thank you, My Lord.

7 PRESIDING JUDGE: It is sustained. Who did you report
to?
8 I mean, should -- suggestive. It's suggestive.

9 THE WITNESS: I was reporting to Bai Bureh because he
was
10 my immediate commander.

11 MR OGETO:

12 Q. Did you report to any other person besides Bai Bureh?

13 A. No, I didn't report to any other person.

14 PRESIDING JUDGE: You're out of the trap, aren't you?
You
15 got yourself off the hook.

16 JUDGE BOUTET: Mr Witness, what was the rank of Short
Bai
17 Bureh and what was your rank at the time.

18 THE WITNESS: At that time Bai Bureh was a captain.

19 PRESIDING JUDGE: Short or -- Short Bai Bureh was a
15:20:13 20 captain.

21 THE WITNESS: Yes.

22 JUDGE BOUTET: And what was your rank? We know that you
23 had been a second-lieutenant a while ago. Have you been
promoted
24 since?

15:20:31 25 THE WITNESS: By that time I was lieutenant.

26 JUDGE BOUTET: Thank you.

27 MR OGETO:

28 Q. Where did you move to from Bumpe?

29 A. From Bumpe we moved to Naama Nimikoro.

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1 Q. How far is that from Bumpe?

2 A. Naama Nimikoro to Bumpe is about one-and-a-half miles or
3 two.

4 Q. Why did you move to Nimikoro?

15:21:42 5 A. Because Nimikoro was along the road, if you are leaving
6 from Koidu to Tongo and Bumpe was on the highway, that is
7 ahead
8 Makeni/Kono Highway. Then there are other people who were

9 who were at Sewafe bridge and the main road, they too were
10 setting a defensive. The same road that we were trying to
15:22:10 10 defend, there is another junction inside Nimikoro that leads
to

11 Makeni/Kono that will not lead to Bumpe. So if we avoid that

12 area we won't be able to know what is happening to that other
13 part of the road. So that was why we decided to stay at
Nimikoro
14 so that we can effectively cover that area and the other road
15:22:41 15 that leads to Kono without reaching this other end. That was
why
16 we stayed at Nimikoro.

17 Q. Did you move to Nimikoro on the basis of any specific
18 order?

19 A. No. On that day we decided -- because we thought that
was
15:23:16 20 most suitable, so that we could be able to secure the road,
21 because already at Bumpe we had people ahead of us at Sewafe
22 bridge.

23 Q. Who was your commander in Nimikoro?

24 A. The commander was still Short Bai Bureh.

15:23:47 25 Q. Did the rest of the command structure change when you
moved
26 to Nimikoro?

27 A. No, it didn't change. We maintained the same command
28 structure.

29 Q. For how long were you at Nimikoro?

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there. 1 A. We were in Nimikoro for over a month. Then we left

2 By then, ECOMOG has already captured Koidu.

3 Q. So you moved from Nimikoro after the capture of Koidu by

4 ECOMOG?

15:24:47 5 A. Yes, when ECOMOG captured Koidu, that was the time we
left

6 Nimikoro.

7 Q. Would that be about May '98?

8 A. Yes. Yes, May '98, when ECOMOG captured Koidu. That is

9 the time. That was the very time that we left Nimikoro.

15:25:11 10 Q. And you proceeded to?

11 A. When we left Nimikoro, we went to Tefeya.

12 Q. Where is Tefeya?

13 A. Tefeya is a town near the Baffin River. That is north
of

14 Kono coming towards Masingbi but it is not on the main
highway.

15:25:52 15 It is inside. So that was where we were, back of Yomandu,
that

16 immediately after Yomandu by Massabendu, within that region,

17 is where Tefeya is located. But it is not on the main
highway.

18 Q. How far was it from Nimikoro?

19 A. It's a far distance. It's over 10 miles because they
are

15:26:35 20 not even in the same area.

21 Q. Where were you during the Fiti Fata mission in Kono?

22 A. During the Fiti Fata mission we -- we left Tefeya and
came

23 to Yomandu, an area called Tegbadu. Tegbadu Zoo Bush. That
was

24 where I was.

15:27:07 25 Q. Can you please spell that name Tegbadu?
26 A. Tegbadu, yes. T-E-G-B-A-D-U.
27 PRESIDING JUDGE: Did you call it a jungle, Tegbadu
bush, a
28 jungle?
29 THE WITNESS: Well, at that time we avoided using the
word

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1 "jungle". We only called it Zoo Bush.
2 MR OGETO:
3 Q. So Tegbadu was within Yomandu; am I correct?
4 A. Yes.
15:28:10 5 Q. What was the command structure in Tegbadu?
and I 6 A. Tegbadu? It was -- Bai Bureh was the commander still
7 was deputy to Bai Bureh.
8 Q. Who was he reporting to?
9 A. He continued to report to Rambo because he was the
15:28:52 10 operations commander.
11 Q. For how long were you in Tegbadu?
12 A. I was in Tegbadu up to December when ECOMOG finally
pulled
13 out of Kono.

let 14 Q. Now, at the time you were in Yomandu before -- sorry,
15:29:56 15 me rephrase it. At the time you were in Yomandu, do you know
who 16 was controlling the Nimikoro/Bumpe areas?
17 A. Yes.
18 Q. Who was controlling those areas?
19 A. It was ECOMOG that was based in Bumpe and Nimikoro.
15:30:33 20 Q. Now, just before the Fiti Fata mission, did you hear of
a 21 mission of RUF troops that went to Nimikoro/Bumpe area ordered
by 22 the accused Morris Kallon during which period atrocities were
23 committed against civilians?
24 MR FYNN: I'll take an objection, My Lord. The question
is 25 leading in its nature.
15:31:21 26 PRESIDING JUDGE: It is leading indeed. It is leading
27 indeed. The objection is sustained.
28 MR OGETO: Let me rephrase it, My Lords.
29 Q. During this period, just before the Fiti Fata mission,
did

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1 you hear of any mission to Nimikoro/Bumpe area during which

2 atrocities were committed against civilians?

3 A. No, I didn't heard about any mission in that area.

4 Q. Did you hear about the amputation of the hands of
civilians
15:32:20 5 in that area just before the Fiti Fata mission?

6 A. No, I didn't hear about that.

7 Q. Did you hear about the burning of houses at
Nimikoro/Bumpe
8 area just before the Fiti Fata mission?

9 A. I did not hear about that.

15:33:24 10 PRESIDING JUDGE: Was it after or before the Fiti Fata?

11 MR OGETO: Before, My Lords.

12 Q. What about after the Fiti Fata mission? Did you hear of
13 any amputation of the hands of civilians in Nimikoro/Bumpe
area
14 by RUF fighters?

15:33:51 15 A. No, I did not hear about that. It was ECOMOG who were
in
16 Bumpe and Nimikoro, and normally where ECOMOG was they were
not
17 killing a lot of civilians there.

18 Q. Can you please repeat that; where ECOMOG was?

19 A. Where ECOMOG was, like the outcast, the deployment, they
15:34:30 20 will not keep civilians in their places where they are.

21 Q. Now, during this same period just before the Fiti Fata
22 mission, did you hear of any meetings in Kono -- and
specifically
23 at the Guinea Highway -- which were convened for the specific
24 purpose of discussing the perpetration of atrocities in
15:35:09 25 Nimikoro/Bumpe?

26 A. I did not hear about meeting.

February
you?

- 27 Q. Now, during this period when you were in Kono from
28 to December 1998, did you have child soldiers fighting with
29 A. We did not have children who were fighting.

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'98,

15:36:53

during

time.

15:38:27

- 1 Q. Were there child soldiers in Kono at that time?
2 A. Child soldiers were not there.
3 Q. While you were in Kono between February and December
4 did you receive information about young boys being sent to
5 Kailahun to be trained as soldiers?
6 A. No, I did not hear about that.
7 Q. Was there training of soldiers at that time, during the
8 time you were in Kono, February to December '98?
9 A. I want to have this question clear. If there was a
10 training where?
11 Q. Was there any training of soldiers that you knew of
12 this period?
13 A. There were no training soldiers I knew of during that
14 Q. During the period February to December '98, did you know
15 the accused Morris Kallon's rank?

16 A. Yes.

17 Q. What was it?

18 A. Morris Kallon was a major.

19 Q. Do you know if he was ever promoted after 1998?

15:39:26 20 A. Yes.

21 Q. Are you able to recall when that was?

22 A. I cannot tell the exact time but later on I heard that
he

23 had been promoted to a colonel after 1999.

24 Q. Excuse me, let me take you back a bit to the time when
you

15:40:13 25 were in Yomandu --

26 PRESIDING JUDGE: When you say colonel, are you
referring

27 to lieutenant-colonel, or full colonel, or what? When you
heard

28 he was promoted.

29 THE WITNESS: It was a full colonel.

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1 MR OGETO:

2 Q. When you were in Yomandu, which were your operational

3 areas?

4 A. Well, when we are coming from Nimikoro to come to
Yomandu,
15:41:09 5 our operations commander told us to be becoming and lay an
ambush
6 Kono, Makeni Highway so we'll be setting some obstacles for
7 ECOMOG, and there was a town which was three-and-a-half miles
8 from Yomandu. SLA soldiers were deployed there. They called
9 that town Kayima. So we are making there some defensive for
this
15:41:47 10 Kayima soldiers so that they would not advance. They will not
11 advance into our area.
12 Q. Where were you in early 1999?
13 A. Early 1999 I was in Magburaka.
14 Q. And you held the position that you indicated on the
paper
15:42:28 15 that I gave you at the beginning of your testimony; is that
16 correct?
17 A. Yes.
18 MR OGETO: That position, My Lords, is indicated on
Exhibit
19 365.
15:42:54 20 Q. For how long were you in Magburaka?
21 A. I was in Magburaka up to the time of disarmament.
22 Q. Without being very specific, what were your duties in
23 Magburaka?
24 A. Beside the military duties, I was making farms in
15:43:42 25 Magburaka.
26 Q. What do you mean, making farms?
27 A. I would lay a farm. I would make a farm.
28 Q. What was on the farm?
29 A. A rice farming.

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1 Q. So you did farming in Magburaka?

2 A. Yes. Yes.

3 Q. What kinds of military activities were you involved in
4 during this period?

15:44:26 5 A. During that time when I was [REDACTED] we were there for
--

6 Q. Don't mention your position, please. We're in an open
7 session. Don't mention your position?

8 A. Okay.

9 MR OGETO: My Lord, if that could be redacted from the
15:45:06 10 record.

11 PRESIDING JUDGE: It's really completed, you know, but
let
12 it be redacted.

13 MR OGETO:

14 Q. So be careful.

15:45:13 15 A. All right.

16 Q. Try and explain without identifying your position?

17 A. Okay. We're just there. In 1999 we were observing a
18 ceasefire in Magburaka, so we are just trying to put our men -
-

so 19 the soldiers we had, we were trying to put them under control
15:45:52 20 that nobody will go where he should not be and we should only
be 21 there where we are. Nobody should go to another place where
he 22 is not expected to go and he will not go and do anything which
23 was contrary to the ideology of the movement. So these were
the 24 things we were monitoring the soldiers not to do. And we are
15:46:21 25 working with civilians as well and I was making farm. So
those 26 were my duties.
27 Q. Where were you during the attack on Freetown on 6
January 28 '99?
29 A. 6 January we were in Magburaka.

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1 Q. Did you at any time take part in the attack on Freetown?
2 A. No.
3 Q. Do you know if the RUF took part in this attack?
4 A. No.
15:47:27 5 Q. Is it that you don't know or they did not take part?
6 A. I don't know whether RUF took part in that attack in

7 Freetown.

8 Q. Now, apart from yourselves in Makeni and Magburaka, did
you

9 know if RUF was based elsewhere around this same period when
15:48:12 10 Freetown was attacked?

11 A. Yes, Superman was based at Lunsar.

12 Q. Was there RUF based in Waterloo around the time when
13 Freetown was attacked?

14 A. No, I never knew about RUF's presence in Waterloo.

15:48:59 15 Q. Did you hear of its presence in Waterloo during this
16 period?

17 A. I did not hear about that.

18 Q. Where was Morris Kallon, the accused person, based
during

19 this period?

15:49:38 20 A. During that time Morris Kallon, we had left him behind.
He

21 was around Masingbi -- I cannot tell the exact town where he
was,

22 but he was not with us in either Magburaka or Makeni.

23 Q. Did he ever come to Magburaka?

24 A. He came to Magburaka late -- later on.

15:50:23 25 Q. Do you recall when it was that he came to Magburaka?
after

26 A. During the time it was -- it was during the ceasefire
27 the Lome accord. That was the time I saw him in Magburaka.

28 Q. Around the time that Freetown was attacked, do you know
if

29 the accused Morris Kallon was ever based at Waterloo?

1 A. I don't know about that.

2 Q. Did you ever hear of his presence or of his being based
in
3 Waterloo around that time?

4 A. No, I did not hear about that.

15:51:28 5 Q. During the period '99 to 2001 did you have any knowledge
6 about mining activities in Kono?

7 A. Yes, people were mining in Kono.

8 Q. How did you get this information about mining in Kono?

9 A. I had some people in Kono who were my friends. They
were
15:52:19 10 coming around in Magburaka. They would buy rice from me.
Some
11 of them, I gave them some rice. They were taking that. They
go
12 and work and later on they come and pay me back. That is the
13 rice I harvested from the farm. So through that, I was able
to
14 know that diamond was taking place because they were telling
me
15:52:47 15 that they were mining and these people were civilians.

16 Q. Do you know if the RUF was mining in Kono at that time?

17 A. Yes, RUF were mining with civilians. But -- but it was
the
18 civilians -- they were working with the civilians together.
19 After they had done the work since they were on the ground,
the

15:53:22 20 civilians will come. But they were doing the diamond work.
They
21 said they had a place to work and after working, whatever they
22 get, they will go into shares. It was not really the RUF that
23 organised it, but the people organised themselves to come and
do
24 their work. And so they were only getting RUF involved
because
15:53:53 25 they didn't have food to support or any other thing. That is
26 what I knew.
27 Q. Now, during this period are you aware if there was
28 transportation of civilians from Magburaka to Kono
specifically
29 to go and mine in Kono?

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Kono,
going
motor
I
15:54:55 5
6

1 A. No, I was not aware of that. But the road Makeni to
2 it was free. People were moving up and down. People were
3 for themselves. But I never saw them putting people in the
4 cars and then say: Let's go to Kono to mine. I never saw it.
5 did not hear about it. If at all they have come to take
6 civilians when I was in Magburaka, I would have known.

7 Q. You're not aware of civilians who were forcibly taken
from
8 Magburaka to Kono for mining?
9 A. No, I didn't know about that.
15:55:19 10 Q. What about from Makali?
11 A. Well, Makali also, I did not hear about that.
12 Q. And Makeni?
13 A. Even Makeni, I did not hear about that.
14 Q. Masingbi and Matotoka?
15:55:57 15 A. All those areas, I did not hear that they force
civilians
16 to do mining.
17 Q. Is this the kind of information you would have received.
18 Civilians were forcibly taken to Kono for mining, would that
have
19 been the kind of information you would have received?
15:56:26 20 MR KAMARA: Objection, My Lord. Hypothetical, please
21 MR OGETO: My Lords, I thought the witness can answer
that
22 question and then explain the basis for the answer.
23 PRESIDING JUDGE: Yes, I think he can answer that
question.
24 Objection is overruled. He can answer that question and
explain
15:56:51 25 the basis on which he thinks he should have -- he would have
held
26 if it happened.
27 MR KAMARA: As My Lord pleases.
28 MR OGETO:
29 Q. Can you answer the question, Mr Witness?

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1 A. Yes, but I would want you to repeat the question again.

2 Q. If civilians were forcibly taken to Kono from Magburaka,

3 Makeni, Makali, Masingbi and Matotoka, is that the kind of

4 information that you would have received at the time?

15:57:29
an

5 A. Yes. Yes, I would have known because I was there. As

6 officer on the ground, if anything of this sort had happened I

7 would have known.

8 Q. Is there any other reason you would have known?

9 A. Yes, because I had some people in Kono with whom I had

15:58:12
we

10 contacts with. They would have informed me there. And also

11 have the G5 office who were operating. They would have also

welfare

12 raised that concern because they were there to secure the

13 of civilians. Anything that would have happened to civilians

14 that are bad, they would be the first people to raise that

15:58:31
get

15 concern. But we didn't have any report of that. We did not

16 any report from G5 about that.

17 Q. Do you recall where you were in early May 2000?

18 A. Early May 2000 I was in Kono.

19 Q. And where were you specifically on 1 May 2000?

15:59:18 20

A. 1 May I was -- I was in, I was in Kono. I was in Gieya.

21 Q. What were you doing in Gieya?
22 A. As I have told you, I had some of my friends who were
23 civilians like Pa Komba, Sahr, Pa Foday and another person
called
24 Sidike. They would come, they would buy rice from me, and
this
15:59:58 25 Pa Komba, I had a woman who was his niece. I would always go
and
26 visit him at times. If he takes my rice he will not pay me
some
27 money. At times I will tell her to take the rice and then
later
28 on I will go there and collect the money from him. It was
within
29 that time that was the first place I met him in Gieya.

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1 Q. On that day did you receive any news regarding UNAMSIL?
2 A. Yes.
3 Q. What kind of news did you receive?
4 A. I got information that UNAMSIL in Kono, when I was there
--
16:00:55 5 I just heard that the UNAMSIL and RUF soldiers fight had
broken
6 out between them. That was the information I got in Kono.
7 Q. Who gave you that information?

I 8 A. The information, I got it from this same sir who I said
9 went to meet in Gieya, Pa Koroma. It was Sahr who went to
16:01:30 10 Koakoyima and he heard that people were talking about it, but
Koidu, 11 they were civilians and in that evening I left and went to
12 and one of the soldiers who were on the ground, he told me
about 13 it, that there was problem. He just said there is problem
14 between UNAMSIL and our brothers in Makeni and Magburaka.

16:01:57 15 Q. Did you get back to Magburaka on that day?

I 16 A. Yes, because I almost spent even an hour. Because when
17 usually go to Kono, I had my friend who was a mechanic. I
would 18 buy fuel. We would go together. So when I came, I told him
that 19 this was the information and he asked me what we should do. I
20 said I want us to go this night because our people are there.

16:02:23 21 had left them there. My wife and my children. So let us go.
We 22 said okay, so we went -- came back to Koakoyima. We bought
He 23 and then we moved that night and we came. So when we came, we
fuel 24 passed Matotoka. We crossed the Pampana bridge. The last
town 25 to come to -- to Magburaka, one valley, that's the place we

16:02:48 26 one vehicle and we went to the driver with a Honda and he said
met 27 I'm hearing some gunshots. So when they were hearing
gunshots, 28 we were not able to move because it was on the main road where
29 this firing was taking place. We were seated there when some

1 people came from Magburaka and they were going towards that
same
2 Matotoka road and I called them and greeted them and asked
them
3 what was happening. They said they were fighting. And I
asked
4 them what road did you take coming from that place? He said
when
16:03:32 5 you go a little bit there is a junction going to Matotoka, he
6 said but you cannot use the main road because UNAMSIL is over
7 there shooting. So they said since these people have passed
8 through in that end, let us also use that end. And we passed
and
9 came. We entered to Matotoka road and we came to town. When
I
16:03:59 10 came, I went to --
11 Q. Let's pause for a moment. What time is that you are
having
12 these discussions?
13 A. With the person? It was at night. By then night had
come.
14 That was around 10 -- around 10, 11. It was at night. But it
16:04:27 15 was on the same -- it was the first -- the same day when I got
16 that information when I came from Kono.

17 Q. And where exactly did you say you were having this
18 discussion about the shooting and the road that you should
take?
19 A. The last town coming from Matotoka there is a small
village
16:04:59 20 to enter Magburaka. As soon as you pass that town there is a
21 bridge where UNAMSIL is. They have Sankoh junction. It is by
22 the main road. But when we came, we did not reach where the
23 people are. We met a vehicle standing there, just after that
24 small village. When we met the vehicle we did not pass
because
16:05:22 25 there were also many in the vehicle. So they were standing
and
26 then I asked the driver. He said he was hearing some firing.
So
27 we said let us wait also. As we were standing there, we saw
28 people coming. There were three coming. They told us that
there
29 was fighting in town, but it was at Massokoh where they passed

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1 and they came towards the road. So I also told the man, let
us
2 use that Massokoh road and go into the town.
3 Q. So they said there was fighting. In which town?
4 A. In Magburaka Town.

16:06:05 5 Q. So did you finally get to Magburaka Town?
6 A. Yes, I told the man, I said let us use that road.
Instead
7 of moving with the Honda, we came down and he was pushing the
8 Honda. I was in front directing him in that dark place until
we
9 got to Massokoh, we entered the town by the police station.
That
16:06:35 10 was the time we started the Honda and went into the town.
11 Q. You went in which town?
12 A. Inside Magburaka; into Magburaka.
13 Q. Whilst in Magburaka did you get to know what had
happened?
14 A. Yes.
16:07:01 15 Q. How did you know?
16 A. As I came, the man with whom we came, he was a civilian,
he
17 was so worried about his people. So the ground commander was
in
18 town, who was called Alfred. So I went and met Alfred in his
19 house and then I asked him, I said, "What happened?" We have
20 come and we are hearing some firings because this has never
16:07:24 20 been
21 happening here. And he said that CO Kailondo came and told
him
22 that the UNAMSIL attempted to disarm our men in Makoth. He
said
23 when he went to ask he said they opened firing on him, and
that
24 was why when they came here for us to settle that issue, they
16:07:54 25 started firing again. So it was that infight that started
26 between them. So the firing was taking place. That was the
27 explanation he gave. He said it was Kailondo who said this.
So

went 28 that was the information I had from Alfred. After that, I
to 29 to my house and the man also with whom we came, he also went

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1 his own house. I went there to check for my family.
2 Q. Where were you on 2 May 2000?
3 A. On the second day I was still in Magburaka.
4 Q. Did anything happen on 2 May?
16:08:45 5 A. After the firing in the morning, before the place was in
6 the morning, UNAMSIL had pulled out from Magburaka. When they
they 7 pulled out in Magburaka Town no other event took place after
8 had pulled out, but we heard that they disarmed some UNAMSIL
9 people in Makump along Makeni/Lunsar road. That was the
16:09:22 10 information we heard later on. But on the 2nd, no other thing
11 happened in Magburaka after UNAMSIL had left.
12 Q. You've spoken about hearing that they disarmed -- they
13 disarmed some other UNAMSIL; when did you get this
information?
14 A. It was the 3rd. It was the 3rd. On the 3rd I heard
that
16:10:00 15 information.

16 Q. Where exactly -- did you hear where they were disarmed,
17 these other UNAMSIL?

18 A. They said the town was between Makeni and Lunsar,
Makump.

19 Q. Who gave you this information?

16:10:51 20 A. Well, it was the same man, Alfred. Alfred Touray. Then
21 later on I got it from -- from the radio operators also that -

22 that such-and-such a thing had happened.

23 Q. Were you told who these UNAMSIL were, the ones who were
24 arrested between Lunsar and Makeni?

16:11:24 25 MR KAMARA: The witness mentioned that he heard certain
26 UNAMSIL were disarmed, not arrested. Now my learned friend is
27 put the word "arrested" to this witness and from what I heard
and
28 I gathered he said certain UNAMSIL soldiers were disarmed at
29 Makump and now my learned friend is under the assumption that

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1 they were arrested and I am getting confused. Is it the
2 witness's testimony that they were actually arrested, or is it
3 that my learned friend is putting it to that witness?

4 PRESIDING JUDGE: Yes, let's be clarified on that,

16:11:53 5 Mr Ogeto.

6 MR OGETO:

7 Q. Mr Witness, what was your testimony on that incident?
What

8 happened to these UNAMSIL on the 3rd, according to the
9 information that you received?

10 A. The information I heard about the UNAMSILs? They said
16:12:13 they

11 were disarmed and arrested in Makoth. That is the town
between

12 Makeni and Lunsar; that was the information I heard.

13 Q. Who was involved in this disarming?

14 PRESIDING JUDGE: Mr Kamara, it seems there are two
terms

15 now; disarmed and arrested.
16:12:57

16 MR KAMARA: Yes, Your Honour, the witness has picked the
17 cue. I'll take that, My Lord.

18 PRESIDING JUDGE: You have no choice. That's what
happens
19 when witnesses are triggered, you know, in certain situations.

20 Well, we have to live with that. Let's move ahead.
16:13:15

21 MR OGETO: It's even better for him, Your Lordship. He
22 suffers no prejudice.

23 JUDGE THOMPSON: We'll hear your submission.

24 MR OGETO: Yes, My Lords.

25 Q. Did you explain who was involved?
16:13:31

26 A. Yes. CO Kailondo and Komba Gbundema, they were involved
in

27 this disarmament.

28 MR OGETO: My Lords, with your leave if I can kindly
29 consult for a minute?

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1 PRESIDING JUDGE: Yes, please do.

2 MR OGETO: My Lords, my attention has been drawn to the

of

3 Exhibit 365. I think there's a slight problem with number 6

4 that exhibit. The witness indicated that he had been in a

16:15:24
September

5 certain position since September 2008. As we all know,

I

6 2008 is about five months away -- three, four months away, so

7 think it's a mistake on the part of the witness, so if we can

8 correct that?

things,

9 PRESIDING JUDGE: What was -- there are a number of

16:15:53

10 you know, you wanted to know from the witness.

11 MR OGETO: Yes.

was

12 PRESIDING JUDGE: What is his occupation and where he

13 performing that occupation, for how long.

14 MR OGETO: Yes.

16:16:10

15 PRESIDING JUDGE: And the position he has.

16 MR OGETO: Yes, sir, number 6 is the occupation.

17 PRESIDING JUDGE: Yes.

18 MR OGETO: And the period for which he has held that

thought

19 position, and he has indicated since September 2008, so I

16:16:33 20 we should correct it, because it doesn't seem to make sense.

21 PRESIDING JUDGE: So what do you want to correct in it?

if

22 MR OGETO: I just want to give it to the witness to see

23 he can correct it himself.

24 PRESIDING JUDGE: Can you take it back? That's Exhibit

16:16:54 25 365.

26 MR OGETO:

27 Q. Look at number 6. That relates to the question that I

28 asked about your occupation and for how long you've held that

29 position?

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it

1 A. You asked me my occupation.

2 Q. Yes.

3 A. Yes. Then you said how long I've been in this work. So

4 is September 2007, and until this time, I'm in the same

16:18:06 5 occupation.

6 Q. Thank you, Mr Witness.

know.

7 PRESIDING JUDGE: Well, we accept the correction, you

8 It's okay. The exhibit remains as it is numbered, 354.

9 MR OGETO: That's all, My Lords, I have no further
10 questions. Thank you, Mr Witness.

11 PRESIDING JUDGE: 364, I'm sorry. Sorry, Exhibit 365.
The
12 exhibit maintains its number 365, and it's just a slight
13 modification of dates in item 6 that is accepted. You said,
14 Mr Ogeto, is that the end of your --

15 MR OGETO: Yes, My Lords, that's the end of my direct
16 examination.

17 PRESIDING JUDGE: Thank you.

18 Yes, Mr Jordash, you may proceed, please.

19 CROSS-EXAMINED BY Mr Jordash:

16:20:05 20 MR JORDASH:

21 Q. Good afternoon, Mr Witness.

22 A. Good afternoon, sir.

23 Q. I represent Issa Sesay and I would just like to ask a
few
24 questions, if I may. Am I right that you met Peleto in Peyama
in
16:20:31 25 1995 or thereabouts?

26 A. Yes.

27 Q. And Peleto was at that time working closely with
28 Sam Bockarie; is that right?

29 A. Yes.

1 Q. And Peleto, was he some kind of de facto security to
2 Sam Bockarie or a general assistant of some sort?

3 PRESIDING JUDGE: He called him an errands boy.

4 MR JORDASH: Yes.

16:21:07
Those

5 PRESIDING JUDGE: He likened it to an errands boy.

6 were the words he used.

7 MR JORDASH: Yes.

8 PRESIDING JUDGE: Yes.

9 MR JORDASH:

16:21:14

10 Q. So an errands boy such as --

but

11 A. He was not within, like a security moving everywhere,

want

12 he is always sent on errands. He is always sent wherever he

13 to send somebody, then he will go there. So that was the

14 relationship with them.

16:21:58

15 Q. Was Peleto a Mende?

16 A. Yes, he was.

17 Q. Sam Bockarie was -- he spoke Mende, didn't he?

18 A. Yes.

19 Q. Did Peleto --

16:22:09

20 PRESIDING JUDGE: Was he a Mende too or he only spoke

21 Mende, Sam Bockarie?

22 THE WITNESS: He spoke Mende but he was a Kissi man. He

23 was a Kissi.

24 MR JORDASH:

16:22:34 25
period,

Q. And from what you observed of Peleto in the junta

26 did he continue to have a close relationship with Sam Bockarie
27 along the lines of being his errands boy?

28 A. Well, when Peleto left us in Lungi, I was unable to set
29 eyes on him. We were not together again, so I didn't know his

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seeing

1 whereabouts. And likewise Sam Bockarie. Since I stopped

2 him in Freetown, I was not with him, so I don't know whether

3 Peleto was with him or not.

4 Q. But you can confirm this, can you, that Peleto came with

16:23:44 5
October

Sam Bockarie to the Kailahun District from Peyama around

6 1996 after the RUF were pushed from Kiama by SLA/CDF attacks?

7 A. Yes, please repeat your question.

Peleto

8 Q. Let me take you to Peyama, 1995 until October 1996.

9 was working closely with Sam Bockarie; is that right?

16:24:15 10

A. Yes.

11 Q. In October 1996, the SLAs and the CDF attack Peyama and

12 Sam Bockarie in the RUF there, including Peleto, then move to

13 Giema to escape those attacks; is that right?

14 A. The time when the SLA attacked Kailahun on to Koindu by

16:24:53 15 then Peleto was not with us in Kailahun at the moment. We
came

16 and we pushed them. Then we went back. The time they had

17 attacked Zagoda --

18 THE INTERPRETER: Your Honours, can the witness be
please

19 instructed to speak slowly to facilitate the interpretation.

16:25:09 20 MR JORDASH:

21 Q. Try to just slow it down a little bit because what you
are

22 saying is being translated.

23 A. Okay. Okay.

24 Q. So just try to [indiscernible]?

16:25:20 25 MR OGETO: My Lords, if Mr Kallon can kindly leave the
room

26 for a moment?

27 PRESIDING JUDGE: Yes, please.

28 THE WITNESS: There were two separate times when we left

29 Peyama to Kailahun. The time when the SLA soldiers advanced
as

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in 1 far as Koindu, by then we went with Mosquito. Then Peleto was
2 Peyama. But the other time when the CDF attacked Zogoda, when
3 our brothers were removed from Zogoda and we decided to
dissolve 4 Peyama, that was the time we came together to Kailahun with
16:26:03 5 Peleto. That was the moment we came together in Kailahun.

6 MR JORDASH:

7 Q. I see. So Sam Bockarie moved from Peyama earlier and
then 8 Peleto came later on?

9 A. Sam Bockarie moved. We went to Kailahun for the first
time 10 on a mission. At the end of the mission then we returned.
16:26:24 The

11 first trip Peleto was left in Tiama. On the second trip all
of 12 us went. Nobody was left. We went together with Peleto to
13 Kailahun.

14 Q. So Sam Bockarie went on a specific operation then from
16:26:45 15 Peyama to Kailahun and then returned to Peyama where he was
16 permanent?

17 A. Yes.

18 Q. He was permanent --

19 A. Yes. Yes.

16:26:54 20 Q. [Indiscernible] and when Sam Bockarie moved from his
21 permanent base to Kailahun, when Peyama was dissolved, Peleto
22 came with him; is that right?

23 A. What? Repeat the question.

24 Q. Let me ask a different question: When Peyama was
dissolved

16:27:27 25 and everyone moved to Kailahun, this would have been late
1996;

26 is that right?

27 A. Yes.

28 Q. And when Sam Bockarie moved to Kailahun in late 1996,
did

29 Peleto continue to act as his errand boy in Kailahun?

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He 1 A. Yes, because he used to send him on errands frequently.
2 used to send him.

3 Q. And this, I suggest, continued until May 1997, when
4 Sam Bockarie went to Freetown for the commencement of the
junta

16:28:23 5 period; is that right?

6 A. Yes.

7 Q. And Peleto then travelled as Sam Bockarie's errands boy
and

8 based in Freetown whilst Sam Bockarie was there before

9 Sam Bockarie went to Kenema; is that right?

16:28:48 10 A. Yes. At that time all of us came to Freetown before
11 Sam Bockarie went back to Makeni -- Kenema.

12 Q. When Sam Bockarie is in Freetown and Peleto is also
there,

13 Peleto continues having this close relationship with

14 Sam Bockarie; is that right -- from what you observed?

16:29:20 15 A. Yes, they had close contact.

16 Q. And do you know if Peleto had any involvement with

17 Sam Bockarie and Sam Bockarie's involvement with diamonds in

18 Kenema during the junta period?

19 A. I can't tell because I was not in Kenema. I was in
Lungi

16:29:57 20 during the junta period.

21 Q. Did you ever hear from Peleto or any other RUF that
Peleto

22 was used by Sam Bockarie during the junta period when

23 Sam Bockarie's in Kenema and Peleto in Freetown?

24 A. I don't hear anything about that, because by then I was
in

16:30:40 25 Lungi.

26 Q. And what about when we -- let me move you forward to
when

27 you're in Kono. I'm right, aren't I, that Peleto was also
based

28 in Kono during 1998?

29 A. Yes.

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1 Q. Is it right that Peleto maintained some communication
with

2 Sam Bockarie, so Peleto was communicating with Sam Bockarie in
3 Buedu; did you observe that or hear that?

4 A. Yes, because they would always talk about their
16:31:42 5 communication. They were very close. I knew he used to
6 communicate with him.

7 Q. From what you observed, Mr Witness, was this something
that
8 Peleto used to boast about? I mean, he was close to
9 Sam Bockarie, the top man. Is that something that Peleto was
16:32:04 10 keen to talk about and let everyone know about?

11 A. Yes, he used to talk about that.

12 Q. And this is what gave Peleto a degree of authority in
Kono,
13 his relationship with Sam Bockarie. He used it, from what you
14 observed, to gain authority over others in Kono; is that what
you
16:32:50 15 observed?

16 A. Yes, because wherever he is, whatever happened, he will
say
17 what I am doing is known by masters and the one he is
referring
18 to as master is Mosquito, so that was his statement the time I
19 used to see him.

16:33:13 20 Q. This is what enabled Peleto to get access to radio sets
in
21 Kono, because he could basically say, "I want to speak to
22 Master," and obviously radio operators and other commanders
would
23 have to -- would have to let him. They couldn't argue with
that;
24 is that what you observed?

16:33:43 25 A. They had a chance to talk to him. He was always given
the

26 privilege to talk to him.

Honours,
would
27 MR JORDASH: Thank you. I notice the time, Your
28 and I was about to move to another subject. And Mr Sesay
29 like to use the bathroom, please.

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1 PRESIDING JUDGE: The Chamber will recess for a few
2 minutes. We will rise, please.

3 [Break taken at 4.36 p.m.]

4 [RUF05MAY08D-BP]

16:48:12 5 [Upon resuming at 5.08 p.m.]

you?
6 PRESIDING JUDGE: Mr Jordash, you're rounding up, are

the
7 MR JORDASH: In a manner of speaking, yes. Sometime in
8 next few days.

Not
9 PRESIDING JUDGE: Right. And in the next few minutes.

17:07:06 10 days. If you go too far, we'll ask Mr Scott Martin to put a
11 latch on you and say: Come on, man. Can you? We are very
12 anxious to come in. Can you give very quickly.

13 MR JORDASH: He is desperate, actually. He has got a
14 couple of days himself.

17:07:32 15 PRESIDING JUDGE: Right. Okay.

16 MR JORDASH:

17 Q. Mr Witness, you moved from Port Loko to Makeni at the
time

18 of the intervention; is this right?

19 A. Yes.

17:07:53 20 Q. And Makeni was upside down with looting having taken
place

21 by the time you arrived; is that right?

22 A. Yes.

23 Q. Were there several hundred if not thousands of
combatants

24 in Makeni at the time?

17:08:18 25 A. We were many. There were many. So it's difficult for
me

26 to get the exact number. We were up to a thousand. People
were

27 many.

28 Q. And is this right: People were, combatants were moving

29 within groups --

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1 A. Yes.

2 Q. -- and basically combatants had chosen other combatants

with? 3 that they wanted to congregate with and who they felt safe

4 A. Yes.

17:09:09 5 Q. There were no structures as such. There was no
battalions

6 and no brigades and no companies at this point. It was
simply:

7 I am a combatant, I will associate with my friends and
together

8 as friends we shall move to a place of safety. Was that the

9 general dynamic?

17:09:36 10 A. Yes, that was how it operated.

11 Q. For one thing, it was practically impossible to get any
12 orders from above in the chaos; very few radios, but thousands
of

13 men; is that right?

14 A. Yes.

17:10:01 15 Q. So combatants relied upon word-of-mouth, talking to each
16 other, to decide where to go and who to go with; is that fair?

17 A. Please repeat the question so I can understand it well.

18 Q. Certainly. Obviously there was a movement to Kono; is
that

19 right?

17:10:32 20 A. Yes, there was movement.

21 Q. And there was also some movement to Kabala; is that
right

22 as well?

23 A. Yes, that's correct.

24 Q. And it was left to the groups to decide which way they
17:10:51 25 wanted to go, each group deciding which way to go?

26 A. Yes, that was how it happened. Every group will decide
on

27 its own direction.

group

28 Q. And what you must have known at that point was that a
29 had advanced to Kono and was trying to clear a way to Kono; is

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you

1 that right? The time when you were in Makeni, is this what
2 knew?

3 A. What?

of

4 Q. When you were in Makeni with your group, were you aware

to

17:11:40

5 a group of combatants who had advanced to Kono and were trying
6 open a way in that direction?

7 A. Yes.

other

8 Q. And were you also aware at that time of SAJ Musa and

9 combatants having advanced to force a way to Kabala? Is that
10 something you were aware of when you were in Makeni?

17:12:07

11 A. Yes, that was how it happened.

12 Q. And you decided with your group to go to Kono?

13 A. Yes.

14 Q. You were not aware of any orders which had come from the

17:12:37

15 higher authorities, whether SLAs or RUF at that point; is that

16 right?
17 A. Please repeat the question.
18 Q. I'm suggesting when you decided to go to Kono, you were
not
19 aware of any orders whatsoever which had come from the higher
17:13:03 20 authorities, whether those higher authorities were SLAs or
RUF;
21 am I right about that?
22 A. I did not know them, but how? I did not understand the
23 question.
24 Q. When you were in Makeni, and you decided to go to Kono,
17:13:37 25 were you aware of any orders whatsoever from any senior RUF
26 commander?
27 A. That they went elsewhere?
28 Q. NO. Any orders whatsoever is what I'm asking about.
I'm
29 suggesting that when you were in Makeni with these thousands
of

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through
1 combatants, that there were no orders which were coming
2 to the rank and file RUF in Makeni; you were not receiving any
3 orders whatsoever. It was just word-of-mouth discussions
about

4 what to do?

17:14:29 5 A. Yes, there was no order by then. Everybody was trying
to
6 look for safety. Everybody was looking out for his safe
hideout.

7 Q. Was it clear at that point that Superman was the main
8 commander who had advanced to Kono?

9 A. Yes.

17:14:55 10 Q. And when you went to Kono, were you anywhere close to
11 Superman? I don't mean as a friend, but close geographically.
12 Did you enter Kono around the same time as Superman?

13 A. No, we did not enter Kono at the same time. We were
after
we
14 their own troop. Their troop was ahead of ours. Because when

17:15:32 15 were in Makeni we learned that the Kamajors have stopped the
16 first troop of people that were trying to enter Kono. So we
17 learned that Superman was ahead, so as to help those who were
18 ahead to push the Kamajors out of Kono, so I was not with his
19 group during that time. But after they have left, then we
20 followed. Our troop was the next to follow.

21 Q. Did you arrive in Kono the same day as Superman, or the
day
22 after; do you know?

23 A. It was a day after, because that night when we arrived
in
24 Makeni, the following day we learned that they left the
previous

17:16:31 25 night. So we too, the following morning, between -- afternoon
--
26 between 4 and 5, when we arrived there, we arrived in the
27 morning. That is the following day.

not

28 Q. And when you arrived am I correct that there was still
29 any military structure as such. There was still no battalion,

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fair?

the

17:17:26

said

reconnect

17:17:48

Kailahun?

1 there was still no brigade, there was still no companies.

2 Everyone remained in their friend or family group; is that

3 A. Yes, that's correct. The time we arrived, those were

4 groups that existed. Everybody was around his friend or close

5 people; they were together.

6 Q. And of course, friends and families had been divided as

7 they moved towards Kono, and that's what you meant when you

8 you went around looking for brothers; people trying to

9 with each other upon arrival at Kono?

10 A. Yes.

11 Q. And it took some time before Johnny Paul Koroma had a

12 meeting; were you aware of the meeting before he left

13 A. Yes, I heard that they convened a meeting, but I didn't

14 attend that meeting.

17:18:18

15 Q. Okay. Did you hear about what happened at the meeting

16 concerning Johnny Paul Koroma appointing Superman as the
17 commander at Kono?

18 A. Yes. The information that I gathered was that when they
19 went to the meeting, the SLAs were asked to work together with
17:18:56 20 the RUF combatants. So they decided that wherever you have an
21 RUF commander, the deputy to that commander should be SLA, or
22 STF. Then the other elderly people in the STF or SLA, they
were
23 made as advisers to the commanders, but all those statements
were
24 just made, but were not implemented to the letter.

17:19:29 25 Q. That's what I'm going to come to in a minute. But the
26 first thing I want to ask about is this: That from what you
27 heard, there was no suggestion at that meeting that Kono
should
28 be burnt; the suggestion at that meeting was how to organise
Kono
29 to defend it; am I right about that?

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1 A. Yes. Yes, there were no suggestions that Kono should be
2 burned. They said they should come together so that they
could
3 organise themselves and defend Kono so that the enemies will
not

4 be able to take Kono from us.

17:20:15 5 Q. And indeed there was no burning of Koidu after that
6 meeting; am I right about that? You didn't observe anyone
7 burning Koidu Town after that meeting?

8 A. Koidu Town was burnt, but it was not after the meeting.
It
9 took some time and the burning, before we arrived in Koidu
with

17:20:53 10 all our troops, even when all the Kamajors were there, before
11 they left, those were occupied in Koidu because they resisted
our
12 brothers to enter. They too put some houses on fire. That
was

13 one aspect of the burning that took place. Then also when
ECOMOG
14 came, they came with air raid. Koidu was raided regularly,
17:21:25 15 sometimes two, three, four times a day. It was done for
nearly a
16 week before finally ECOMOG was able to capture Kono. So the
17 bombardment from the air raid also led to the burning of a lot
of
18 houses. Then after that time, some soldiers, because they
were

19 -- they refused to cooperate with Superman, I heard that -- I
17:21:56 20 heard that Superman gave orders that the houses be burned and
the
21 properties that were also kept by the soldiers should be
burned
22 because most people refused to leave their properties to go on
--

23 Q. And that burning -- the burning that Superman ordered --
24 was just before the RUF left to go to the Guinea Highway; is
that

17:22:32 25 right?

26 A. Yes.

that 27 Q. So when Johnny Paul Koroma had his meeting, and after
28 meeting, the combatants in Koidu Town in fact wanted to occupy
29 the houses, so they did occupy the houses, did they not, until

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1 Superman --
2 A. Yes.
3 Q. -- then ordered the burning of the houses because he
wanted
4 the soldiers to focus on fighting rather than their houses; is
17:23:13 5 that right?

6 A. Yes.
7 Q. So around the time that Johnny Paul Koroma had his
meeting,
8 the focus on the combatants in the Koidu Town was to get a
house,
9 get a nice place to live, and to secure the houses, not to
burn
17:23:31 10 them; is that fair?

11 A. They decided to come together so that they could defend
the
12 township.

13 Q. Exactly. Now, just moving on to the issue of the
command

14 structure. There was a suggestion at this meeting that there
17:24:02 15 should be -- where there was an RUF there should be an SLA and
16 where there's an SLA there should be an RUF, so there should
be
17 joint commandership, if you like; one commander, one deputy;
is
18 that right?
19 A. That was what they said, but it never worked.
17:24:30 20 Q. In fact, what happened instead was that SLAs were sent
to
21 certain places. So, for example, Savage was sent to Tombodu;
is
22 that right?
23 A. That was how it happened. Savage was in Tombodu.
24 Q. And Lieutenant Mansaray, an SLA, were sent to Momodu;
were
17:25:02 25 you aware of that?
26 A. Yes, Lieutenant Mansaray was Momodu.
27 Q. And Lieutenant Bosowa went to the road to Bunumbu. He
was
28 RUF, I think; is that right?
29 A. Lieutenant Bosoa, you mean?

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1 Q. Oh, sorry. Lieutenant Bosoa was SLA?

2 A. Yes, he was SLA, yes.

3 Q. So the way it worked was that in fact SLAs were sent to
4 take command of different regions and RUF were sent to take
17:25:53 5 commands of other regions. In reality that's what happened;
is
6 that right?

7 A. Please repeat the question.

8 Q. What I'm suggesting happened was that when the actual
9 deployments were given, SLAs were sent to different towns or
17:26:18 10 areas around Koidu, and RUF were sent to other towns and areas
Tombodu;
11 around Koidu. So an SLA like Savage was in command of
12 an RUF would be in command of a different region; is that
right?

13 A. That was how they were deployed.

14 Q. And the SLAs, for example like Savage, would then report
to
17:26:53 15 an SLA -- their superior SLA; is that right?

16 A. Yes, that was how it happened. They were not reporting
to
17 their
18 the RUF commanders. They would receive instructions from
19 authorities; that is the SLA authorities.

20 Q. So although you had Superman who was the top man in
Kono,
17:27:26 20 and you were supposed to have Bazzy Kamara who was the second,
am
21 I right?

22 A. Yes. Yes.

23 Q. In fact, what you had was -- well, you did have Superman
at
24 the top and Bazzy Kamara but the SLAs were reporting to Bazzy
17:27:43 25 Kamara and the RUF were reporting to Superman?

26 A. Yes.
27 Q. So in fact in truth, in reality, what happened was that
28 there were separate chains of command?
29 A. Yes, that was how it operated in Kono.

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SLA
you
17:28:36
was
17:29:06
so

1 Q. So if RUF Rambo disagreed with what was happening in an
2 region, all he could do was go and talk to, for example, Bazzy
3 Kamara and say, "I'm not happy about what's happening. Can
4 do something about it?" Rambo couldn't order the SLA to stop?
5 A. That was how it operated.
6 Q. And similarly in your area Bai Bureh -- Short Bai Bureh
7 reporting to an RUF commander?
8 A. Yes; he was reporting to Rambo.
9 Q. Right. And Rambo reported to Superman; is that right?
10 A. Yes.
11 Q. Finally, these various deployments which included Bosoa
12 being sent to the road, to Bunumbu and Savage to Tombodu and
13 on, these all were given at a meeting after Johnny Paul Koroma
14 had left Koidu; can you confirm that?

17:29:39 15 A. Yes.

16 Q. And it was when these deployments were given by Superman
17 and -- at a meeting -- when some kind of command and control
then
18 was able to reestablish or establish itself in Koidu at a
meeting
19 when the deployments were given; is that fair?

17:30:09 20 A. Please repeat the question so that I can understand
well.

21 Q. Up in time -- well, let me just deal with it in this
way:
22 Can you remember if the meeting where the deployments were
given
23 was at the Tankoro Police Station? Can you remember that?
24 A. Yes, it was at the Tankoro Police Station.

17:30:35 25 Q. And Johnny Paul Koroma had left and Superman was now the
26 top man?
27 A. Yes.

28 Q. And would that have been approximately a week or two
weeks
29 after the junta had arrived in Koidu?

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1 A. Yes, it could be around that.
2 Q. And up until that time when deployments were given, the

friendship 3 combatants in Koidu were still divided into family and

4 groups; is that fair?

17:31:21 5 A. Yes, everybody was with his or her own group.

Witness. 6 Q. I've got nothing further. Thank you very much, Mr

7 A. Thank you also.

8 PRESIDING JUDGE: Mr Scott Martin, any questions?

9 MR MARTIN: No questions, thank you.

17:32:55 10 PRESIDING JUDGE: Thank you. Mr Fynn, we have to start
11 with your cross-examination tomorrow in the morning. The day
is 12 fast spent.

13 MR FYNN: Yes, My Lord.

14 PRESIDING JUDGE: We will take you -- or you will take
on 15 the witness tomorrow.

16 MR FYNN: Thank you.

17 PRESIDING JUDGE: I wanted to say you will take us on
18 tomorrow, but it's not we you will take on; you will take on
your 19 target.

17:33:22 20 MR FYNN: I will not attempt taking you on, My Lord.

21 PRESIDING JUDGE: I know you wouldn't. And I know you
have 22 never and would not do that. Well, we will call it a day here
23 and resume the session tomorrow at 9.30. The Chamber will
24 rise -- Mr Ogeto, yes.

17:34:08 25 MR OGETO: I'm sorry, My Lords, I just wanted to update
you 26 on the status of the UN witnesses.

27 PRESIDING JUDGE: No, we don't want that now. However,
we

28 will rise and -- it's not our priority. We are focused on the
29 local witnesses.

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1 MR OGETO: But they will be coming tomorrow.

when

2 PRESIDING JUDGE: They are coming tomorrow? No, we are
3 going to finish with these witnesses first. We are not sure

17:34:34
the

4 -- we have two of your witnesses who, you remember the tenth
5 Prosecution witness, this one, you know, we have to wrap up

6 cross-examination by -- and then there is the other unfinished
7 business, you know.

Freetown.

8 MR OGETO: There are no other local witnesses in

9 PRESIDING JUDGE: Pardon me?

17:34:49
Freetown.

10 MR OGETO: There are no other local witnesses in

11 PRESIDING JUDGE: I mean --

12 MR OGETO: Apart from the two.

to

13 PRESIDING JUDGE: Yes, that's what I'm saying. We have
14 be done with them before we take on any new witnesses.

17:35:01

15 MR OGETO: So I wanted to indicate who the new witnesses

16 will be.

I 17 PRESIDING JUDGE: Well, indicate for the Prosecution and

18 hope that everything is in order, and that they have all the

evidence 19 materials, you know, served on them: The summary of the

17:35:18 20 and so on and so forth. I hope that there will be no

complaints 21 on certain filings not having been done or having been done

22 incompletely.

23 MR OGETO: For those two --

24 PRESIDING JUDGE: Well, you may indicate so that the

17:35:33 25 Prosecution takes note. We're prepared to take any witness

any 26 time. It depends on you there.

27 MR OGETO: Okay. Let me leave it at that, My Lord.

28 PRESIDING JUDGE: No, you better indicate it, you know,

for 29 the Prosecution so that they know who is coming tomorrow, if

at

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1 all we'll be able to take on any UN witnesses.

2 MR OGETO: It's 145 and 146.

3 PRESIDING JUDGE: 145 and 146.

4 MR OGETO: Yes, Your Lordship.

17:36:05 5 PRESIDING JUDGE: Mr Kamara, you've taken note of that;
6 DMK-145 and DMK-146.

7 MR KAMARA: Yes.

8 PRESIDING JUDGE: Yes. So we will take those witnesses
9 tomorrow if we are able to finish the business of what is left
17:36:17 10 over with the other witnesses. We will rise and resume the
11 session tomorrow at 2.30 -- at 9.30, I'm sorry, at 9.30.

12 [Whereupon the hearing adjourned at 5.39
p.m.

13 to be reconvened on Tuesday, the 6th day of
May
14 2008 at 9.30 a.m.]

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29

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EXHIBITS:

	Exhibit No. 362	7
16	Exhibit No. 363	
19	Exhibit No. 364	
38	Exhibit No. 365	

WITNESSES FOR THE DEFENCE:

	WITNESS: DMK-162	2
	EXAMINED BY MR OGETO	2
	WITNESS: DMK-032	5
	EXAMINED BY MR OGETO	5
23	CROSS-EXAMINED BY MR JORDASH	
36	WITNESS: DMK-116	
37	EXAMINED BY MR OGETO	
81	CROSS-EXAMINED BY MR JORDASH	