

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

TUESDAY, 08 MAY 2007
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Peter Harrison Ms Penelope-Ann Mamattah Ms Shyamala Alagendra
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Mr Jared Kneitel
For the accused Morris Kallon:	Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF08MAY07A - SM]

2 Tuesday, 8 May 2007

3 [The accused present]

4 [The witness entered court]

09:32:38 5 [Open session]

6 [Upon commencing at 9.40 a.m.]

7 PRESIDING JUDGE: Good morning, counsel. The trial
8 continues. Mr Jordash, please continue with the presentation
of
9 your case.

09:41:07 10 MR JORDASH: Thank you, Your Honour.

11 WITNESS: ACCUSED ISSA HASSAN SESAY
[Continued]

12 [The witness answered through an
interpreter]

13 EXAMINED BY MR JORDASH: [Continued]

14 Q. Good morning, Mr Sesay.

09:41:14 15 A. Yeah, morning, Mr Lawyer.

16 Q. You were telling us on Friday about the kind of jobs you
17 discussed
18 you
19 rice and you discussed fuel. Was there any other involvement

had with the distribution of supplies or logistics?

09:41:55 20 A. No. I did not distribute logistics. The army, the
AFRC,

21 were even afraid to give us ammunition.

22 Q. Well, was ammunition given, at any stage, to the RUF?

23 A. Well, yes. Like, when Bockarie was in Kenema, but he
used

24 to get ammunition through the brigade commander that was in

09:42:40 25 Kenema if there were attacks from the CDF.

26 Q. Who is that commander?

27 A. Well, the brigade commander who was in Kenema at that
time

28 was Colonel Gbanga.

29 Q. Can you spell that, please?

1 A. Well, I think it's G-B-A-N-G-A. Gbanga.

2 Q. And what about ammunition for RUF deployed in the
Freetown

3 region?

4 A. Well, Freetown area did not have -- there was no
fighting

09:43:34 5 here. At the time that I came, I found out that they had
6 attacked the ECOMOG at Hastings. They had attacked those that
7 were at Mammy Yoko. So, during the time that I came, there
was

8 no fighting going on. There was only one fighting that took
9 place at Jui, but it only lasted for two days. It didn't
10 continue after that. So, if the fighting did not go on, then
11 there was no need for them to have distributed any ammunition.

12 Q. Was Cockerill significant in terms of the administration
of

13 the AFRC or the RUF?

14 A. Well, Cockerill was the head of the military
administration

09:44:43 15 in the AFRC, and the government did not call it AFRC/RUF; they
16 called it AFRC. So we were being called upon after they had
17 seized power.

18 Q. And did you go to Cockerill during the junta period?

19 A. Yes, I used to go to Cockerill.

09:45:15 20 Q. And what did you go there for?

room,

21 A. Well, it was at Cockerill that I was given one single

22 a room and a parlour as RUF office. So all the RUF

23 administration in Freetown was at Cockerill.

24 Q. And did you have anybody there working with you or for
you?

09:45:45 25 A. Well, the ones that were in the office had been working
for

26 the RUF. It was not purely for Issa.

27 Q. Well, did anyone report to you at Cockerill?

28 A. Yes. Like, the man who was in charge of the supplies.

29 When he had distributed the money to all the RUF and the food,
he

1 would come and tell me, yes. That was the pure administration
2 that was in Cockerill, just to carry out the distribution of
the
3 food, the rice, the money, and the fuel. Because they used to
4 give us -- they used to give the RUF every month 50 million
09:46:39 5 leones. So that was the money they used to pay privates up to
6 the colonels.

7 Q. Well, how often did they give that amount?

8 A. Well, they started giving that money from -- I think
from
9 September, or from August, up to January '98. It was per
month
09:47:09 10 they would give the rice and money.

11 Q. Did you have --

12 JUDGE ITOE: From August of 1997, I'm sorry?

13 MR JORDASH: Yes. August, September 1997 up to January
14 1998.

09:47:37 15 Q. Now, did you have a radio operator whilst in the junta?

16 A. Yes. I had a radio set and I had an operator. Yes,
sir, a
17 radio operator.

18 Q. Who was your radio operator?

19 A. Well, the man who came with me from Kailahun, we used to
09:48:07 20 call him Tiger. So, later in '97, the signal commander sent
21 Elevation so that he could join Tiger as radio operator.

22 Q. Who was the signal commander?

23 A. Well, before the AFRC --

24 THE INTERPRETER: Your Honours, would the witness go a
09:48:48 25 little bit slow?

26 MR JORDASH:

27 Q. Mr Witness, sorry. Can you just go back over that
answer,

28 please?

29 A. Well, you said who was the signal commander during the

1 AFRC, and --

Elevation? 2 Q. Well, no, who was the signal commander who sent

3 A. Osman Tolo.

4 Q. And where did Elevation come from?

09:49:24 5 A. Well, Elevation -- all of them came from Liberia with
Mike

6 Lamin.

7 Q. And when was that?

8 A. Well, Mike Lamin, he came first, as I mentioned earlier.

9 These men came later. This was around November when Elevation

09:49:49 10 came with other people.

11 Q. Now, who did you communicate with on the radio?

12 JUDGE ITOE: Mr Jordash, please, Mr Osman Tolo, what was

13 he? He was a signal what?

14 THE WITNESS: Yes, My Lord, Osman Tolo was a signal

09:50:06 15 commander.

16 JUDGE ITOE: A commander of?

17 THE WITNESS: Signal commander for the signal unit.

18 JUDGE ITOE: For the AFRC or the RUF?

19 THE WITNESS: For the RUF, My Lord. Thank you, sir.

09:50:31 20 MR JORDASH:

21 Q. And who did you communicate with during the junta
period,

22 by radio?

23 A. Well, Mosquito used to call me so that we could discuss
24 over the radio, and both of us would discuss -- when he was in
09:51:01 25 Kenema.
26 Q. When did he go to Kenema?
27 A. Well, Bockarie, he was based in Kenema permanently in
28 September.
29 Q. Okay. We'll come back to that in a minute. So you'd

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the 1 communicate with Bockarie by radio; any other commanders of

2 RUF?

used 3 A. Well, no. I did not talk with other commanders. They
4 to send messages to me and I would send responses.

09:51:43 5 Q. Well, who did send messages and who did you respond to?

When 6 A. For example, like, the commander who was in Kailahun.

they 7 the ration was finished, he would send a message saying that
Lansana. 8 would come to collect their own ration, and he was Denis

9 He would say that I would send the people to come and collect
09:52:12 10 their own ration, and the same thing again with the commander
in

11 Makeni. Who was called Kailondo.

12 Q. Kailondo is K-A-I-L-O-N-D-O?

13 A. Yes.

14 Q. Now, apart from these conversations about supplies and
09:52:39 15 these conversations with Bockarie, were there conversations
about

16 anything else concerning the RUF troops?

17 A. Well, during this time, we did not have any effective
18 communication because there was no fighting going on. The
19 situation had already shown itself as though it was peace, so

09:53:07 20 there was no communication and no communication was effective

21 during that time.

22 Q. Were there any deployment of troops, during the junta
23 period, or changes of deployment?

24 A. Yes. There was deployment going on, although, it was
not

09:53:35 25 all the areas -- the areas of the country that we were able to
26 deploy.

27 Q. Well, how was deployment organised?

28 A. Well, just like I said earlier on. I said, before I
came

29 to Freetown, I found out they were already deployed. But out
of

1 Freetown, for example, Bo, RUF -- RUF presence was not in Bo
from
2 May '97 to August. August, that was the time that Bockarie
sent
3 instructions to Morris Kallon in Makeni so that he could go to
Bo
4 and take command in Bo. It was from August that RUF was
present
09:54:11 5 in Bo, '97.

6 Q. How did Sam Bockarie send that instruction to Morris
7 Kallon?

8 A. Well, Sam Bockarie sent the message direct to the
station
9 in Makeni where the RUF was stationed, at Teko Barracks.

09:54:41 10 Q. Well, how do you know that?

11 A. Well, Kallon, when he went to Bo, he came to Freetown.
And

12 he came and told the men -- he came and told us in the office,
13 the men that he had in Bo, for their rations, so I and he
14 discussed. He said, well, Bockarie had sent him to Bo so as
to
09:54:59 15 go and take over the place as RUF commander.

16 Q. Was there any communication between Sam Bockarie and
17 Superman during the junta period?

18 A. The only discussion that was between them was not a good
19 one, because I said that from the early stage, when I met them
in

09:55:26 20 Benguema, there was a problem between Bockarie and Superman
21 because of the nine million leones. This brought a breakdown
22 between Bockarie and Superman.
23 Q. Well, when did that incident take place?
24 A. I think it was in June when Johnny Paul gave that money.
09:55:55 25 Q. June 1997?
26 A. Yes.
27 Q. Was there any other issue between Bockarie and Superman
at
28 that time, besides the money issue?
29 A. Yes. Before Bockarie went and based in Kenema,
September

1 '97, there was a problem between him and Superman again. But,
2 during that time, we had transferred to Hill Station, about a
3 vehicle.

4 Q. Sorry, I missed that last sentence. Can you say it
again,

09:56:38 5 please?

6 A. I said, before Bockarie went and based in Kenema, from
7 Hill September '97, at that time, we had transferred from BTC to
8 Station, where they gave us villas. So Bockarie and Superman
9 had had problems about a vehicle, which Superman, they said, was
looted

09:56:56 10 and Bockarie said he was to return these vehicles, but
Superman

11 did not agree. So bitterly, he challenged Bockarie. That was
12 the relationship that was existing between them.

13 JUDGE BOUTET: I don't understand the connection between
14 that and the transfer to Hill Station. Was it just to locate
09:57:16 15 that in time? I'm not sure.

16 MR JORDASH: I think it was.

17 Q. Why do you mention the movement to Hill Station from
BTC?

18 Is that when it happened?

19 A. Yes. The problems happened at Hill Station and, from
that

09:57:40 20 time, Bockarie went to Kenema and based in Kenema, finally.
He

21 would only come to Freetown once in a while.

22 Q. Well, I'll cover --

23 JUDGE BOUTET: So you mean to say that Bockarie was at
Hill

24 Station at the transfer and then, because of the problem, went

09:57:56 25 away?

26 THE WITNESS: No, My Lord. That was -- it was not
because

27 of the problem. Bockarie went and based in Kenema, one,
because

28 he grumbled that Johnny Paul Koroma had released the 320

29 prisoners of war who were captured at Mammy Yoko, the ECOMOG.

1 And he said --

2 Q. Who captured the prisoners of war?

3 A. Well, it was the AFRC. They were the ones that captured
4 them, these prisoners of war, at Mammy Yoko. It was, I think,

09:58:57 5 June 2nd. So --

6 JUDGE ITOE: Was it 320?

7 MR JORDASH: Yes.

8 THE WITNESS: I think so, My Lord.

9 MR JORDASH:

09:59:05 10 Q. And which troops were these?

11 A. They were Nigerians; the Nigerian contingent.

12 Q. In what circumstances did JPK release these prisoners?

13 A. Well, I was not at State House during that day. But

14 Bockarie told me that -- he said he went to State House to
Johnny

09:59:42 15 Paul, then this SFY Koroma, SO Williams, PLO-1, and some
Nigerian

16 commanders came to State House, and Mosquito was in the office
of

17 Johnny Paul. Then Johnny Paul asked Mosquito to excuse them
so

18 that they could discuss something, and Bockarie came and found

19 out that it was because of the release of the Nigerian ECOMOG

10:00:09 20 soldiers. So he said, well, since Johnny Paul did not
recognise

the
21 him, and if they wanted to discuss something connected with
22 release of the Nigerians, Johnny Paul was not supposed to have
23 driven him out. So he said that he did something that was
out 24 unfair. He said, he did not feel Johnny Paul would ask him
10:00:26 25 while they were discussing the release of the Nigerians. So
it 26 seemed as though there was no trust, no confidence in him.
27 And, the second one, there was one officer who had an
28 accident with Sam Bockarie's jeep at Wilberforce. So these
were 29 the things that he looked at, and he said that they wanted to

1 kill him. That was why he went and based in Kenema.

who?

2 Q. Slow down a bit. So there was an accident involving

in

3 A. Well, it was one military officer and Sam Bockarie, were

the

4 the vehicle, and they had the accident while Bockarie was in

10:01:13

5 vehicle. And Bockarie took it for granted that they wanted to

6 kill him and that it was a ploy to kill him.

7 Q. And when was that?

8 A. It was in September, the same September.

10:01:37
junta?

9 Q. Did Sam Bockarie, as far as you were aware, have any

10 ambitions about assignments during the early stages of the

11 Did he want anything?

absence

12 A. Yes. Bockarie went on with the idea that, in the

13 of Foday Sankoh, he was supposed to have acted in the place of

14 Foday Sankoh, because JPK said that Foday Sankoh was the

10:02:10

15 vice-chairman. So Bockarie felt that they would make him

it

16 vice-chairman, but he was not given the appointment. Instead,

17 was given to SAJ Musa.

RUF

18 Q. Which, if any, military appointments were given to the

19 during the junta?

10:02:51

20 A. Well, the only people among the RUF commanders who were

director 21 given military appointments were Mike Lamin, he was made
22 of national security; then, Isaac Mongor, who was anti-looting
who 23 squad commander in Freetown. Those were the only two people
24 were given appointments.

10:03:17 25 Q. Who appointed those two people?

26 A. It was Johnny Paul who appointed them.

27 Q. And who did they report to?

the 28 A. Well, anti-looting, Isaac Mongor, he was reporting to

29 deputy defence minister, and, at the same time, he reported to

1 the president, who was JPK. Mike Lamin had been reporting
2 directly to JPK.

3 Q. Now, I think you mentioned on Friday -- I just want to -

4 JUDGE ITOE: Sorry, you said Mike Lamin occupied what
10:04:04 5 position, please? Director of? Mike Lamin.

6 THE WITNESS: Yes, My Lord, director of national
security,

7 but that was in late 1997, around November/December.

8 MR JORDASH:

9 Q. I just want to ask about a couple of issues concerning
the

10:04:38 10 topics of discussion in the Supreme Council. Number one, was
11 mining discussed?

12 A. My lawyer, from the time that I had been attending
Council

13 meetings, they had never discussed mining issues. Even the --
14 the ministry had a minister.

10:05:11 15 Q. Which ministry had a minister?

16 A. The Ministry of Mines. It was SAJ Musa who was the
17 minister.

18 Q. And who else was in the ministry?

19 A. Well, I understood that it was Major Paul Thomas, he was
10:05:37 20 the deputy minister of mines. AFRC, an AFRC man.

21 Q. Were there any RUF in the ministry?

bodyguard,

22 A. Well, Bockarie appointed one of Foday Sankoh's

23 so that he could be -- so that he could work under -- in that

24 ministry, who was Molba. But it turned out that Molba had
been

10:06:15 25 reporting to SAJ Musa; it was not to Bockarie that he had been

26 reporting. It was just, like, he was there, just as somebody
to

27 view what was happening.

28 Q. Can you spell his name, please?

29 A. Molba, I think, M-O-L-B-A.

1 Q. Did anybody in the ministry report to you?

2 A. No, no, no. Nobody reported to me. It was the Minister
of
3 Mines who was in charge of the ministry.

4 Q. Now, I'm going to come back to mining later on, but I
just
10:07:04 5 want to deal with another subject that may or may not have
been
6 discussed in the Supreme Council. Harassment of civilians,
was
7 that discussed in the Council?

8 A. Yes, they talked about that and they warned people.
And,
9 in fact, the AFRC government had had to execute soldiers on
two
10:07:33 10 different occasions.

11 Q. Can you remember when that was?

12 A. Well, this, I did not see the killing, but I heard. So
I
13 cannot tell the exact month. But it happened twice before the
14 AFRC were ousted from power, and I think the first soldiers
that
10:07:57 15 were killed were ten or 11 of them.

16 Q. Were there any laws discussed at the Supreme Council or
17 elsewhere during the junta period?

18 A. Yes. These were the laws that were instituted in the
19 Council. And they read that over the radio so that the
soldiers

10:08:38 20 would stop harassing, including RUF. And they spoke in the
21 Council that whosoever was caught, they would set an example,
and
22 because they said that in the Council, that is why these
23 executions were carried out.

24 Q. What were the executions for; what crimes?

10:08:58 25 A. Well, they said because of harassment, harassing the
26 civilians, breaking people's houses at night. Those that were
27 caught were the ones that were killed.

28 Q. So, were there any laws, other than concerning breaking
29 into people's houses?

civilians,

1 A. Well, anything that had to do with harassing of
2 if you were caught, well, the law would take its course. And
3 those that were killed -- I think there were 20, there were
4 than 20 on two different occasions -- it was not all of them -

more

-

10:09:39

5 it was not only because of breaking houses, some were killed
6 because of looting and harassing civilians.

do

7 Q. What do you mean by harassing? That's a big word. What
8 you mean by harassing?

compound

9 A. Well, if you are armed people and you went to the

10:10:03
property

10 of people and put people under gunpoint, and take their
11 and loot the property of the people, well, that is harassing.

spoke

12 Q. Now, I want to ask you about some meetings which 045

at

13 about. 045 said that he attended a meeting in September 1997

Kallon,

14 the Wilberforce Barracks in which you, Mike Lamin, Morris

10:11:02

15 Gibril Massaquoi, Eldred Collins, General Bopleh, and Coas
16 attended. Do you recall that meeting?

they

17 A. Well, I did not attend such a meeting, and I knew that

which

18 had not been holding meetings at Wilberforce. The meetings

19 AFRC -- which we held with the AFRC were in State House,
10:11:36 20 Cockerill, and the lodge in Johnny Paul -- where Johnny Paul
was
21 staying. We did not hold any meeting at Wilberforce. And,
22 TF1-045, it was around November that he came to Freetown; it
was
23 not in September, because I and Mike Lamin, would meet every
day.
24 Q. Sorry, what do you mean you would meet every day? Why
do
10:12:08 25 you mention that?
before I 26 A. Well, Mike Lamin was my friend, so, in the morning
senior 27 went to Cockerill, I would go to his house, and he was my
28 man, and he was the one who trained me. So whosoever was with
29 him, obviously I would be able to see him or her.

some

you

wall

10:12:49

officers,

discuss

not

10:13:18

meeting

10:13:49
ministries;

1997

alleged

1 Q. This witness claimed that, at this meeting, there was
2 kind of wall chart with a command structure on the wall chart.
3 Now, just putting aside when the meeting would have been, did
4 attend a meeting during the junta period where there was a
5 chart with a command structure on it?

6 A. No, no. I said, no meeting took place at Wilberforce.
7 Wilberforce was a mess where we, the officers, senior
8 in the army, RUF, would go there to just sit together and
9 and take drinks. It was not a place for meetings. So that's
10 true.

11 Q. Was there -- 045 also spoke of a meeting in the Youyi
12 building in September; do you recall such a meeting?

13 A. No, no. I did not attend any meeting at Youyi building,
14 that did not happen, and I never heard that AFRC held a
15 at Youyi building. Youyi building is meant for the
16 it's not for military purposes.

17 Q. This same witness said there was a meeting sometime in
18 at Johnny Paul Koroma's residence at Spur Road. You are

defence 19 to have been present with JPK; his brother, the chief of
10:14:22 20 staff; Colonel Isaac; General Bropleh; Morris Kallon; Mike
Lamin.
21 A. Well, if it was a time when that witness came around in
22 November to December before Mike sent him back out of
Freetown,
23 yes. Yes, we had been holding meetings at Johnny Paul's
lodge,
24 but Isaac did not attend such meetings, because he was not
AFRC
10:14:53 25 council meeting member. So Isaac did not attend those types
of
26 meetings, and no security entered these meetings. The
security
27 who came would be out of the compound. Out of the fence,
there
28 they would be.
29 Q. Why did security stay outside? Who decided that?

1 A. Well, that was the procedure. That was the procedure
that
2 the AFRC took. It was only members of the Council, including
3 civilians, who were supposed to attend the meetings and not
the
4 security. And the place would not even allow bodyguards to
get
10:15:36 5 into this place because it was not a big place that could
6 accommodate so many people, so the security were not supposed
to
7 attend these meetings.

8 Q. Were arms taken into the meeting?

9 A. No, no. We were not allowed to take arms, the
bodyguards
10:16:00 10 would be in the gate and the security. They would not enter.
It
11 was only Johnny Paul --

12 THE INTERPRETER: Your Honours, would the witness go
slow?

13 MR JORDASH:

14 Q. Would you please repeat that answer, please?

10:16:24 15 A. Okay, okay. I said, the CSO to Johnny Paul, he did not
16 allow even we, the Council members, to enter the compound with
17 vehicles. Our vehicles were left in the street. There, our
18 security stayed and we, ourselves, were not allowed to enter
the
19 place with guns; we would leave the guns or the pistols with
the

10:16:51 20 bodyguards in the vehicles. Then you got into the lodge.
And,
21 after the meeting, we would come out again and you and your
22 bodyguards would go.
23 Q. Did Johnny Paul Koroma speak to you at meetings,
directly?
24 A. Well, he would talk to everybody but not directly to me.
10:17:20 25 Q. Was there a time when he spoke to you directly at a
26 meeting?
27 A. Well, it was after the meeting had finished when we were
28 coming out, that was the time that he called me. He called me
29 and he said that I and SO Williams should go to Magburaka.
That

1 was the only time that he spoke to me.

2 Q. And what did he say you should do at Magburaka?

3 A. He said I and army chief of staff should go to
Magburaka.

4 There was a flight that was coming, so that we could go and
10:17:53 5 receive the ammunition that was going to -- that would be
brought

6 by the flight.

7 Q. Did he say where the flight was coming from?

8 A. Yes, I knew that he said it was coming from Burkina
Faso.

9 Q. Did you go with the army chief of staff?

10:18:30 10 A. Well, it was not only I and the army chief of staff. He
Johnny
11 went with the officers from the State House, who were with

12 Paul. So all of us travelled and went to Magburaka.

13 Q. So how many people went?

14 A. Well, I cannot tell the exact number, but the group was
not

10:18:58 15 that large. But they were officers from the AFRC. And, in
fact,

16 I and the army chief of staff did not -- we did not go with
the

17 vehicle with Major Dumbuya. It was a helicopter that took us
to

18 Magburaka.

19 Q. And what happened when you got to Magburaka?

10:19:33 20 A. Well, when we arrived at Magburaka, we went to the
field,
21 which was prepared by the AFRC and we met the brigade
commander
22 there from the north, Colonel Momodu, and we met the SOS from
the
23 north, Bushfall.
24 Q. Can you spell Bushfall?
10:19:56 25 A. B-U-S-H -- Bushfall.
26 Q. And what happened then?
27 JUDGE ITOE: Is it Bushfall or Bushfowl?
28 THE WITNESS: Bushfall, My Lord.
29 MR JORDASH: Bushfall, F-A-L-L.

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1 THE WITNESS: Yes, you're right.

2 JUDGE ITOE: I thought there was a creature referred to
as
3 a bush fowl.

4 THE WITNESS: No, it's Bushfall, sir. He had his real
name

10:20:41 5 but this was his nickname that I knew. He also was a major.
So,

6 we met them at the airfield; the helicopter dropped us. So,
when

7 the helicopter dropped us, we were there waiting for the
flight.

8 The flight came. Then they had to offload the material which
was

9 brought by the flight. Then when the flight left, in about
five

10:21:10 10 minutes, the Alpha Jet came and it made some serious
bombardment.

11 MR JORDASH:

12 Q. Was there anybody on the plane; who came with the plane?

13 A. Yes. Johnny Paul had sent Lieutenant-Colonel Fonti Kanu
to

14 Burkina Faso as his military attache. So he was the one who
came

10:21:42 15 with the plane. He directed the pilot up to the time that
they

16 came and landed at Magburaka.

17 Q. And so what happened after that?

had

18 A. Well, when the jet had bombarded and had gone, then we

19 to put the ammunition into two trucks. So the army chief of

10:22:13 20
could

staff said that we were to wait until nightfall, so that we

to

21 travel. Then, around 7.30, we left the airfield. We came up

5.30,

22 Waterloo, then we passed through the peninsula. So, around

23 we came straight and parked. We went to Johnny Paul's lodge.

24 There, we left the two trucks of ammunition and I went to my

10:22:45 25

house.

the

26 Q. So what happened to the -- well, first of all what was

27 ammunition?

28 A. Well, I saw two anti-aircraft guns, and I saw sam seven

29 that was for jets. Then I saw anti-aircraft rounds. That was

1 the ammunition that came.

2 Q. And what happened to the ammunition?

Johnny

3 A. Well, the ammunition that they brought was taken to

I,

4 Paul's lodge. There we parked it and we left our vehicle, and

10:23:34 also

5 and the army chief of staff went; he went to his house and I

that

6 went my own villa. So, the following morning when I came to

7 Cockerill, I met the army chief of staff. He had to tell me

Paul's

8 the ammunition, which we brought yesterday, was in Johnny

any

9 lodge. He said -- well, it seemed as though he did not have

10:23:59

10 trust in us. So he said that he, himself, was going to

11 distribute it. So the ammunition was at the lodge.

12 Q. So was it distributed?

in

13 A. Yes, because I came to understand that JPK called Mike

14 Lamin. He gave him one anti-aircraft gun, which was mounted

10:24:27

15 one Land Cruiser pick-up, and some of the rounds, and he told

16 Mike Lamin to take them to Sam Bockarie, in Kenema. And the

17 other one was given to the army headquarter and the colonel in

18 charge of logistics, who was Colonel IY Koroma, he was one who

deployed.

19 was carrying out the distribution. It's where AFRC was

10:25:02 20 Because I, myself, asked SO Williams -- I said, "But, the
21 ammunition has been brought. Why have we not been given
ours?"
22 He said, "Issa, we have called you people if we are to give
you a
23 lot of ammunition. Suppose you people are to turn these arms
24 against us, which God would we call?"

10:25:32 25 Q. Okay.

336 26 A. Mr Lawyer, I just want to draw your attention to what
27 talked about, this ammunition and flight which came. The
people,
28 whose names they called, did not go there; like, Mike Lamin
and
29 Kallon, did not go there. They did not go to Magburaka. They

1 were not there at all. He, himself, 336 [sic] did not go
there.

2 Q. 334, you mean?

3 A. I think 366.

4 Q. I'm sorry, 366.

10:26:23 5 A. 366. Because he said Kallon was there, Mike Lamin was
6 there; that was a lie.

7 Q. What was 366 doing -- no, sorry, don't answer that
8 question. I'll come back to that, maybe in closed session.

9 MR JORDASH: Can I stop for one moment, please?

10:27:03 10 PRESIDING JUDGE: Leave granted.

11 MR JORDASH: Okay. I think last subject and then we'll
12 move to Kenema, briefly.

13 Q. Can you just explain, very, very briefly, Mr Sesay, how
14 Gibril Massaquoi ended up in Pademba Road Prison? Brief as
you

10:28:01 15 can.

16 A. Well, as I was explaining in Court here, I said, Gibril
17 Massaquoi was with Foday Sankoh in Nigeria when the AFRC
seized

18 power from the SLPP. Then it was Foday Sankoh who sent him,
with
19 some letters, to Johnny Paul and Sam Bockarie. And, when he

10:28:31 20 came, he met Johnny Paul. He told Johnny Paul about the

21 ammunition that were at Burkina Faso and he explained to
Johnny

Johnny 22 Paul the message Foday Sankoh gave him, regarding the role
23 Paul should play in order for the ammunition to arrive in
going 24 Freetown; that he had to take a charter flight and he was
10:29:02 25 to pay the money. So Gibril and others went to Burkina Faso.
26 They made the arrangement and later came to Freetown, he and
27 Steve Bio.
28 So I understood that Johnny Paul sent them to go and
29 inspect the airfield in Bo, but they said the airfield wasn't

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1 good. So Bockarie called me to Kenema and I went to Kenema.

2 Q. When was that?

3 A. I think it was in September towards October. I felt so.

4 Q. Go on.

10:31:46 5 A. So I used a vehicle, which I took to a garage at Koroma
6 Street. So I was at the garage in order for my vehicle to be
7 serviced. There I saw Gibril Massaquoi and Steve Bio came in
8 three vehicles. But the garage was full of civilians fitters.
9 As Gibril alighted the vehicle, he started speaking publicly,

10:31:46 10 saying --

11 Q. Mr Sesay, sorry. Can you just try to deal with it
briefly.

12 What was it -- could you get to the part --

13 A. Okay. Gibril spoke publicly. He said, "Guys, what type
of
14 work are you doing here?" He said, "This power, the power is
not

10:31:47 15 distributed equally." He said, "Now we're being controlled by
16 the AFRC, the power has not been divided equally. So, now, we
17 are under the AFRC. So what are doing?" Then Steve Bio said
--

18 he said it was true. He said, that was not the way the
situation

19 should be. He said, the power should be shared equally
between

10:31:47 20 the RUF and the AFRC. Then I said, if that is the situation,

21 this is not where it should be discussed, publicly, where
22 everybody will hear. So they called me. Three of us went and
23 stood some distance away from the garage.

24 Then Steve Bio said, in fact, the ammunition should be
10:32:03 25 brought this week or next week. He said, if the ammunition
were
26 to be brought, he said he wanted us, the RUF, to seize the
27 ammunition so that we could overthrow the AFRC government. I
28 said, "I'm not the appropriate person to inform about it,
about
29 the issue. Go and inform Mosquito about this." Then Gibril

1 said, "We are afraid of Mosquito, that's why we have come to
2 inform you, so that you will inform Mosquito." Then I said, I
3 wouldn't be able to say it in your absense. If you so desire,
4 let us wait for Mosquito to come, so that we'll discuss the
issue
10:32:56 5 with him.

6 But before this, as I arrived in Kenema, the very night,
7 Mosquito said he has received a call that Johnny Paul had
called
8 him to report in Freetown immediately. So, the following
9 morning, when the men met me at the garage, Mosquito had come
to

10:33:29 10 Freetown. I told them I would advise that they should stay in
11 Kenema and wait for Mosquito so that, when Mosquito returned,
12 three of us will discuss the issue with him. They said, no,
they
13 were going to return to Bo, and waited for Mosquito there. So
14 that when Mosquito would have returned from Freetown, they
would

10:33:56 15 join him together to go to Kenema. So they returned to Bo.
16 Mosquito came overnight. The following morning, I went
and
17 greeted Mosquito. Mosquito told me that if I knew the reasons
18 why Johnny Paul called him to come down to Freetown. I said,
no.
19 Then Mosquito said -- Mosquito called, saying that certain

10:34:32 20 commanders within the RUF had planned a coup to overthrow
Johnny
21 Paul and the AFRC. He said that was why he called upon
Mosquito.
22 He said because he never meant anything bad, he only wanted
the
23 war to come to an end. He said, so Mosquito should kindly
24 investigate the issue and report it back to him.

10:35:08 25 So I explained what Steve Bio and Gibril Massaquoi told
me.
26 I explained to Bockarie -- then Bockarie said Johnny Paul was
27 right. Then I said, "Wait a little bit, the men will come."
And
28 around 12 noon, that was the time Steve Bio and Massaquoi
went.
29 Then Bockarie ordered that they should be arrested and
Bockarie

1 said I should bring them down to Freetown to Johnny Paul.

2 So when we arrived in Freetown, I called Michael Lamin,

3 called Isaac and explained to them -- Isaac and Mike Lamin --

4 said, "You people are trying to bring some trouble again." So

10:36:11 Paul 5 I and Mike Lamin drove them to Johnny Paul's lodge. Johnny

6 called for the MP commander and handed them over to the MP.
So

7 this was what happened.

8 Q. And what happened to the two men after they had been
handed

9 over to the MP?

10:36:40 them. 10 A. Well, I understood that they obtained statement from

11 After that, Johnny Paul sent them to Pademba Road Prisons and

12 they were there until January 6, when they were freed. '99.

13 Q. Did the army chief of staff ever discuss with you
anything

14 to do with Kenema?

10:37:42 15 A. Yes. That was in late October.

16 Q. And what happened?

17 A. Well, the army chief of staff called me and told me that
I

18 should join Mosquito in Kenema, and the brigade commander, so

19 that we could attack the ECOMOG contingent based in Kenema in
a

10:38:13 20 school building called Lebanese school, and at the outskirts
of

21 Kenema Town.

22 Q. When you say the ECOMOG contingent at the Lebanese
school,

23 what do you mean precisely?

24 A. Well, what I'm trying to say, the ECOMOG were in Kenema,
10:38:43 25 but they were based outside the town in a school building and

26 they were in their own group. No other person was in that
group,

27 except themselves.

28 Q. Besides them being at that place, was there a problem
with

29 them being at that place?

they
chief

1 A. Well, it was -- they planned a general attack because
2 even attacked the ECOMOG that were in Bo also. So the army
3 of staff said I should join the men in Kenema.

4 Q. Did you go?

10:39:31 5 A. Yes, I went.

6 Q. Who did you go with?

7 A. Well, I went with my bodyguards.

8 Q. What happened when you got there?

him

9 A. Well, when I arrived, I met Bockarie and explained to

10:39:56 10 that the army chief of staff sent me to join them. Then he
11 answered, yes, that they had a mission to attack and dislodge
12 ECOMOG in Kenema. So all of us went to the brigade commander.

13 Then the brigade commander, he, too, had his own battalion

14 commander. Then we planned the attack. The brigade commander

10:40:25 15 issued the ammunition for the attack. Then we attacked the
men;

crossed

16 we dislodged them. They went to the Liberian border and

17 over to Liberia.

18 Q. Okay. Do you know --

19 MR JORDASH: Can I just have a quick discussion with my

10:41:12 20 learned friend from the Prosecution? I am about to deal with
an

cannot 21 incident which involves a doctor. I'm just wondering, I
22 remember if that evidence was given in closed session or not.
23 PRESIDING JUDGE: Leave granted.
24 MR JORDASH: I will just cross the room, if I can.
Thanks.
10:41:55 25 [Prosecution and Defence counsel conferred]
26 MR JORDASH: Thank you.
27 Q. I am going to deal with an incident, Mr Sesay, and just
be 28 careful in terms of giving -- let's just see where we go,
29 actually. Were you involved in an incident involving a doctor
in

1 Kenema?

2 A. Yes.

3 Q. Now, was that at the same time or around the same time
as
4 this attack on the ECOMOG at the Lebanese school?

10:43:24 5 A. Yes, after the attack.

6 Q. Just before we go to that, was the visit to Kenema for
this
7 attack your first visit to Kenema or had there been other
visits
8 during the junta period?

9 A. Well, I went -- I had been there before this visit.

10:43:54 10 Q. When had you been there before this visit?

11 A. Yes, I think I had informed the Court that I first went
to
12 Kenema in September and this was late in October when we went
13 there to attack the ECOMOG.

14 Q. Okay. And tell us about this incident, please?

10:44:22 15 A. Well, after the attack on the ECOMOG and we had
dislodged
16 them, the SOS in Kenema, Eddie Kanneh and Bockarie, made a
party
17 at the secretariat. So there were a lot of people there,
18 civilians, NGOs who went to that party at the secretariat.

While
19 there at the party, when Bockarie called me, at the verandah
of

10:45:05 20 the building, he said he had received an information that one
21 doctor -- that a doctor who used to send medicine for the
22 Kamajors in the bush and he bought, also, a single barrel and
23 sent them to the Kamajors. And he ordered me to go and arrest
24 the doctor and bring him to the secretariat. He showed me the
10:45:32 25 address where the man was and I went there.

26 Q. Who did you go there with?

27 A. I think I had -- Colonel Lion was with me and four of my
28 bodyguards were in the van. It was a pick-up.

29 Q. Who is Colonel Lion?

under

1 A. Well, Lion was the RUF battalion commander in Kenema,
2 Sam Bockarie, and he was a Vanguard.

3 Q. And your four bodyguards, who were they?

the

4 A. Well, Isiaka was among them, Tommy, and I cannot recall
5 other two. I cannot recall their names.

10:46:41

6 JUDGE ITOE: Was Boys not there?

7 THE WITNESS: No, My Lord. Boys was not amongst them.

8 MR JORDASH:

9 Q. And what happened?

10:47:00

10 A. Well, when we went to the house, we met the doctor in
11 his -- in the house. I met two men outside and they said the

Pa

12 was in, and I told them that they should call him for me

because

13 I wanted to talk -- to speak with him because I had a message

for

14 him.

10:47:20
page

15 [By order of the Court this portion of the transcript,
16 25, lines 15 to 29 and page 26, lines 1 to 13 was redacted]

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PRESIDING JUDGE: Go ahead, Mr Harrison.

10:50:07 15
with

MR HARRISON: The Prosecution did have a conversation

16

Mr Jordash just before these questions were put. We are in a

17

position now where I think the Prosecution needs to suggest to

18

would the Court that, for a brief period of time, the Prosecution

19

like to address the Court in closed session.

10:50:38 20
an

PRESIDING JUDGE: At this point, do you intend to make

21

application?

22

MR HARRISON: I just wish to discuss the matter with the

23 Court in closed session.

24 PRESIDING JUDGE: Very well. In other words, an

10:50:50 25 application for a closed session; that's what I am saying, to
be

26 precise.

27 MR HARRISON: That's correct, yes.

28 PRESIDING JUDGE: Mr Jordash.

29 MR JORDASH: I don't know if the Prosecution would be

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1 content if I applied for a closed session to deal with ten
2 minutes of evidence in closed session.

want
3 PRESIDING JUDGE: But he intends to address -- do you
4 to resolve that?

10:51:11 5 MR HARRISON: That would be appropriate and the
Prosecution 6 would be content with that.

7 PRESIDING JUDGE: Very well then. You will make an
8 application at this point in time?

9 MR JORDASH: Yes, please, to go into closed session to
make
10:51:22 10 the application. Can I say --

11 PRESIDING JUDGE: Can you hold on?

12 MR JORDASH: Sorry.

13 PRESIDING JUDGE: Usually the practice is to hear an
14 application for closed session in closed session. How long
would

10:51:38 15 we be in closed session, some kind of rough estimate from you,
16 Mr Jordash?

17 MR JORDASH: I would have thought no more than 15
minutes.

18 I just want to put allegations which were made by somebody.

19 PRESIDING JUDGE: Did you say 1-5 minutes?

10:51:55 20 MR JORDASH: One-five.

members
21 PRESIDING JUDGE: Yes. In that case, I would ask
22 of the public to retire for about 30 minutes and ask the
23 technicians to adjust the technology so that we can be in
closed
24 session.

10:52:18 25 MR NICOL-WILSON: Your Honours, Mr Kallon would like to
26 step out of the courtroom for --

27 PRESIDING JUDGE: Leave granted. May we then have --
28 release the witness, temporarily, for the purposes of the
29 application, in case there may arise issues which may not be

1 necessary or would you -- just a minute.

2 MR JORDASH: I would be happy for him to stay.

3 PRESIDING JUDGE: Yes. Would it be your desire to have
the
4 accused stay on because he is a witness?

10:53:09 5 MR JORDASH: Yes, please.

6 PRESIDING JUDGE: And I am treating him as a witness
now.

7 MR JORDASH: Yes, please.

8 PRESIDING JUDGE: You have no problem with that?

9 MR JORDASH: No problem.

10:53:20 10 PRESIDING JUDGE: Very well. Right. Then, Prosecution,
11 what is your response? Do you have any problem with the
accused
12 witness staying in Court?

13 MR HARRISON: Yes, I think Your Lordship is right. I
think
14 the accused has to be present.

10:53:33 15 PRESIDING JUDGE: Very well. All right. We'll continue
16 then. Mr Jordash, your application, then? Are we in closed
17 session?

18 JUDGE ITOE: Are we in closed session?

19 PRESIDING JUDGE: Why is it taking so long? Advise us
when

10:53:52 20 we are. Mr Jordash, just for my own enlightenment, do you
21 envisage further closed sessions during the course of the

of 22 presentation of your case beyond this brief one? Is that part
23 your strategy? I mean, if you are not in a position to say
24 that --

10:54:59 25 MR JORDASH: I would be surprised if there weren't some.

26 PRESIDING JUDGE: Very well. I am just thinking of the
27 possibility of holding back a consolidated ruling for the
public,
28 rather than shuffle between a closed session ruling and then
an
29 open session ruling. We'll just wait for a consolidated
ruling,

1 we can do that.

2 MR JORDASH: Yes.

3 PRESIDING JUDGE: Right. Thanks.

4 [At this point in the proceedings, a portion of the
10:55:25 5 transcript, pages 30 to 41, was extracted and sealed under
6 separate cover, as the proceeding was heard in a closed
session]

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1 [open session]

2 [RUF 08MAY07C- SM]

3 [Upon resuming at 12.02 p.m.]

4 PRESIDING JUDGE: Continue, Mr Jordash.

12:02:36 5 MR JORDASH: Thank you, Your Honour.

6 Q. Could I ask you, Mr Sesay, to, if you can, say how many
7 times you went to Kenema during the junta period?

8 A. I would say that I went to Kenema three times.

9 Q. So the incident we've been talking about concerning the
12:03:24 10 arrest was the second time, you have told us, and there was
then

11 a third time. When was the third time?

12 A. Well, I think that this incident was the last time that
I
13 left Kenema, late October. I did not go to Kenema again up to
14 the time of the intervention.

12:03:48 15 Q. Okay. So the first time was when, approximately?

16 A. Well, the first time I went for two days in Kenema, that
17 was in September. The second time, I think it was late
September
18 when they effected the arrest of Gibril Massaquoi and the
attack
19 on the ECOMOG, and that was the last time that I went to
Kenema.

12:04:24 20 That was in October '97.

21 Q. Where did you stay when you went to Kenema? Where did

in 22 you -- well, let me ask this question: Did you stay overnight
23 Kenema during any of those trips?
and 24 A. Yes. I used to lodge to one of my bodyguard's nephew,
12:05:01 25 he was a civilian, and he was the one that hosted me at Hangha
26 Road. He gave me a room where I spent the night.
can 27 Q. And can you remember the number of the place -- sorry,
28 you remember the number along Hangha Road?
it 29 A. I know the house, but I cannot recall the number. But

1 was Hangha Road.

2 MR JORDASH: In a moment, I was about to put some
3 photographs to Mr Sesay of a particular house, but I've just
4 looked at the photocopies and they are not very good. I'm

just

12:05:52 5 having the original brought to Court, so I'll come back to
that.

6 Q. So this house belonged to who?

7 A. This house belonged to the man who was lodging me, it
was
8 his father's house. And, when his father died, he was in
charge

9 of the house.

12:06:14 10 Q. Who was that?

11 A. They called him -- they called the fellow Yusufu Sesay;
12 alias Pastor.

13 Q. Can you spell the name, please?

14 A. U-S-U-F-U S-E-S-A-Y. Usufu [sic] Sesay.

12:06:38 15 JUDGE ITOE: And you say he was your bodyguard's brother
16 also.

17 THE WITNESS: Yes, My Lord, it was my bodyguard, Victor,
18 the nephew of my bodyguard. Because Pastor used to call
Victor

19 uncle. Victor's elder sister was the one who gave birth to
12:06:55 20 Pastor. The mother was also in the house.

21 MR JORDASH:

22 Q. So who lived in that house when you stayed there and how
23 old were they?

24 A. Well, Pastor, with his sisters and his brothers, they
were

12:07:16 25 the ones who were staying in this house.

26 Q. So the pastor --

27 A. It was not pastor. He was not a pastor, Lawyer, it was
28 just a nickname.

29 Q. So who else lived there?

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1 A. Pastor, his younger brother, Amara.

2 Q. And how old was his younger brother, Amara?

3 A. Well, Amara is my age group.

4 Q. Remind the Court, how old are you now?

12:07:56 5 A. Well, I'm 36 plus.

6 Q. And who else lived in the house?

7 A. Well, the compound -- the house was a family house.

There

8 were so many: The sisters, the brothers, the mother. They

were

9 all there. There, they stayed. But, when I used to go,

Pastor

12:08:12 10 and his wife would leave the room and I would lodge in
Pastor's

11 room. And it was Pastor's wife who had been preparing food
for

12 me.

13 Q. Well, were there any children there, who lived there?

14 A. Yes. It's a family house. They had their elderly
people

12:08:37 15 and they had children. Pastor, himself, had children. It was
a

16 big house. They had a big house. There was another house
which

17 was used for hospital purposes. You see, a lot of people went

18 there to have treatment, during the time that I used to go
there.

19 Q. It was alleged, I think, by TF1-122 that you were living

12:09:06 20 with child soldiers; is that true?

21 A. Well, that's not true because I was not living in that
very

22 house. Because I just went there on visits, so when I came
from

23 Freetown. There were no child combatants with me at all
because

24 I did not stay there.

12:09:28 25 Q. Where did your bodyguards stay?

26 A. Well, when I went to the house, you see, it was I that

27 Pastor gave the bedroom and the bodyguards were given the
porch.

28 There, they slept, and some would sleep in the vehicle.

29 Q. You heard from TF1-122 and TF1-125 that crimes were
being

1 committed and were being reported to the police station. Did
you
2 have anything to do with the report to the police station or
what
3 happened when the reports were made?

4 A. Well, I knew that the police had been functioning in
12:10:50 5 Kenema, as I saw the traffic police on the highway, and the
6 station had been functioning.

7 Q. Did you have anything personally to do with the OC
8 secretariat?

9 A. Yes. Both of us had problems on the second visit when I
12:11:23 10 went to Kenema.

11 Q. What do you mean?

12 A. Well, I was in Pastor's house when I had my breakfast in
13 the morning. I and Pastor sat, we were discussing, and his
wife,

14 with his wife's sisters. So, one lady came and she called
12:11:48 15 Pastor. And the lady, I came to know her as a businesswoman
who

16 had been selling petrol. He said the OC secretariat -- she
said
17 the OC secretariat had sent people to take two drums of her
18 petrol, and when she went to get the money, they drove her
from

19 the secretariat. That was why she came to Pastor so that
Pastor

12:12:12 20 could talk to me so that I can plead on her behalf.

bit 21 THE INTERPRETER: Your Honours, I did not get the last

22 of the witness's testimony.

23 MR JORDASH:

24 Q. Would you repeat the last sentence, please?

12:12:25 25 A. I said, the woman came to Pastor so that Pastor could
tell

26 me that they had seized her petrol so that I could help, so
that

27 I could go to the OC secretariat, Demoh Musa, so that this man

28 could give her -- could pay for the two drums of petrol.

29 Q. And what happened?

1 A. So I myself and the woman -- I told the woman, I said,
we
2 were to walk. It was a short distance across the street. So
I
3 said we were to go to the secretariat, so as to meet Demoh
Musa.
4 So went there with some of my bodyguards. And I met Demoh
Musa
12:13:19 5 in the office. So I told the woman to wait outside so that I
6 could talk to Demoh Musa. I said, "One woman went and lodged
a
7 complaint to me that your boys, your security, had taken her
8 petrol, two drums, and when she came to get her money, she was
9 driven." I asked him whether it was true. Demoh Musa
responded,
12:13:40 10 saying, "Fellow, who are you for somebody to lodge a complaint
to
11 you? A bush officer like you." He said, "It is not for you
to
12 ask me about people with whom I have been living in Kenema."
He
13 said he was not under my control and that I had no right to
ask
14 him about anything. I told him, in turn -- I said that, yes,
I
12:14:08 15 knew that you are not under my control, but he should know
that
16 this government was under sanction. So business people who'd
go

17 to Guinea to get petrol to come and sell here, I feel that
you,
18 as OC secretariat, should encourage these people so that
things
19 would be good in town and people would have fuel. I said that
12:14:28 20 you should not say so. I said, I have not come to create any
21 problem, just give the money to the woman. And he said he was
22 not going to pay. And I said it was a lie and I told him that
he
23 was going to pay. So there was an argument that ensued. So
we
24 went into blows. Then the SOS came there. Then he intervened
12:14:55 25 and Mosquito himself came. Then they decided later that the
SOS
26 should pay for the two drums of petrol so that the problem
could
27 finish.
28 Q. Thank you. Let me ask you about some allegations that
were
29 made by Prosecution witnesses. TF1-125 spoke of a shoot-out

1 between Eddie Kanneh and --

2 A. Well --

3 Q. Let me finish. And a Kamajor spiritual leader Kamoh
Brima.

4 Are you aware or were you aware of that, at the time?

12:15:48 5 A. Well, the shoot-out that I heard about, about Kamoh
Brima,

6 it was just after the coup. The RUF had not yet come to
Kenema.

7 It was just after the coup when the men attacked Kamoh Brima.

8 Q. Where was Sam Bockarie?

9 A. Well, I think Sam Bockarie himself was -- had not yet
come.

12:16:19 10 He was either in Buedu or Giema.

11 Q. 122 spoke of this rather curious trick of apparently
12 raising a flag at Hangha Road for civilians to stop in the
13 streets. They would then be robbed, so said 122, by AFRC/RUF.
14 Did you ever hear about this?

12:16:47 15 THE INTERPRETER: Your Honours, the interpreter did not
get

16 that clearly. Would the learned attorney be asked to repeat.

17 PRESIDING JUDGE: Mr Jordash, you've been advised.
Listen

18 again.

19 MR JORDASH:

12:17:00 20 Q. Let me just take the question again because the
translator

21 didn't get it.

22 PRESIDING JUDGE: Mr Interpreter.

23 THE INTERPRETER: Yes, Your Honour.

24 PRESIDING JUDGE: What did you say?

12:17:14 25 THE INTERPRETER: I said, that the learned attorney was
to

26 be instructed to repeat his question because the interpreter
did

27 not get it.

28 PRESIDING JUDGE: Kindly repeat your question, Mr
Jordash.

29 MR JORDASH:

1 Q. TF1-122 claimed that a trick was played on civilians at
2 Hangha Road. The trick was that the secretariat would raise a
3 flag for civilians to stop. Civilians would then stop and,
when
4 they stopped, they were robbed.

12:17:45 5 A. Well, I did not take notice of that because I was not
based
6 in Kenema. But even before the war, for instance, if you
passed
7 through State House, they would raise the flag and everybody
8 would stand. That was what I knew, even before the war. And
it
9 was the soldiers that were responsible for hoisting the flag
and
12:18:10 10 the secretariat, not the RUF.

11 Q. Okay. Did you know anything about what 122 said about
Pa
12 Mansaray's house on Mambu Street being looted? Did you know
13 anything about that?

14 THE INTERPRETER: Again, Your Honours, the interpreter
did
12:18:37 15 not get the last bit of the learned attorney's question.

16 MR JORDASH:

17 Q. Did you know anything about Pa Mansaray's house on Mambu
18 Street being looted during the junta period?

19 A. No. I did not know about that, but I want to make

12:18:56 20 something clear, Mr Lawyer: That, before the AFRC overthrew
and
21 called the RUF, serious disputes had ensued before the coup
22 between the SLA and the CDF. When -- because attacks had been
23 taking place amongst them in Kenema and it went to the extent
24 that the soldiers were not allowed to come out of the streets
of
12:19:24 25 Kenema after 6.00. So this was the situation before the coup.
26 Q. Let me ask you about an incident which is said to have
27 involved you. TF1-125 and TF1-122 spoke of the arrest of the
28 police commissioner and the -- sorry, my notes aren't as clear
as
29 they should be -- the police commissioner and the CPO. Does
that

1 ring a bell?

2 A. Well, I had never arrested a CPO or a commissioner in
3 Kenema.

4 Q. To be clear, the commissioner was called DF Conneh, and
it

12:20:52 5 was claimed that you arrived outside the residence of a
Lebanese

6 merchant called Kamoh Menso? Is that right or not? Do you
7 remember the allegation made by 122 and 125?

8 A. Yes, I listened to that in Court, but I did not arrest
any
9 commissioner, nor did I arrest any CPO. And I did not even
give

12:21:29 10 authority so that those people could be arrested. Such a
thing

11 did not even come to the notice of the AFRC government, that,
12 when I went to Kenema, I asked that these people be arrested.

13 Q. And it was said that the reason that they had been
arrested

14 was concerning a dispute which had been reported to you by
12:22:03 15 someone called Abdul Koroma, Abdul Karim Koroma, a traffic
16 officer; do you know that man?

17 A. Well, I knew AKK and the complaints that AKK lodged.
Both

18 of us went. I told him that this was his boss, and he said
that

19 his boss did not have any right to treat him for his and

12:22:30 20 brother-in-law. I said, I was not a policeman but he should
go
21 to a police officer.
22 Q. Okay. I think we need to break this down. Who was AKK
to
23 you, if anyone?
24 JUDGE ITOE: AKK, is this Abdul Karim?
12:22:49 25 MR JORDASH: Koroma. Abdul Karim Koroma.
26 JUDGE ITOE: Koroma.
27 MR JORDASH: This was the evidence of TF1-122.
28 Q. Who was AKK?
29 A. AKK, I did not know him before. That was the first time

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1 that I knew him, during this incident.

2 Q. And how did you come to know him? What happened?

3 A. Well, he used to go to, I think he was a neighbour to
4 Pastor's house. He lived by Pastor's house.

12:23:32 5 Q. And what happened?

6 A. Well, he told me that he had a problem with the CPO and
the
CPO,
there
So
7 CPO's brother-in-law, and he was a policeman, also. But the
8 he backed his brother-in-law against him. So they had --
9 were two policemen; they fought and they wounded each other.

12:24:00 10 he came to the house, blood oozing from his nose. So I said,
11 okay, we are to go to the station. So, when we went to the
12 station, the CPO was in his house. So we went there and we
met
13 the CPO. So I explained to him. I said, that this officer
came

14 to me and said that they had seized advantage of him. The CPO
12:24:38 15 said, yes. He said, they were policemen and they were not
16 supposed to fight and, if they fought. So I said that they
were
17 to be charged. I said, that was the problem. And the CPO
asked

18 me, he said, "So you are Issa Sesay?" I said, "Yes, sir."
And

The 19 he said, "I" -- my namesake. He said, "I am also CPO Issa."
12:25:00 20 CPO told me that I should not worry because he was going to
of 21 settle the matter, he said, because he was the boss for both
22 them and that he was going to solve the problem. So that was
23 what happened.
24 Q. Did you have anything else to do with that dispute?
12:25:22 25 A. No. No.
Tongo 26 Q. All right. Thank you. When did the AFRC/RUF occupy
27 during the junta period?
28 A. That was in August 1997.
the 29 Q. And did they keep occupation of Tongo until the end of

1 junta period or did it end before then?

2 A. Well, they occupied Tongo from August, I think, to
January
3 1998 when the civil defence attacked and dislodged them from
4 Tongo. But, before that, I heard that attacks had been
happening
12:26:15 5 around Tongo from the CDF against the AFRC and the RUF.

6 Q. And do you know what the command hierarchy was in Tongo
7 when it was first occupied in August? Who was in command
there?

8 A. Well, it was the brigade commander and Sam Bockarie who
9 made the arrangement, together with the SOS, Eddie Kenneh.
From
12:26:54 10 Kenema, they said they were to attack Tongo. So, from that,
the
11 brigade commander, Colonel Momodu, in Kenema appointed a
12 commander for the SLA in Tongo, while Sam Bockarie himself
13 appointed Captain Eagle for RUF.

14 Q. So who did Momodu appoint?

12:27:23 15 A. I think they called the fellow Yamao Kati.

16 Q. And who was, if anyone, superior in command between Kati
17 and Eagle?

18 A. Well, as far as I knew, the administration, the AFRC
were
19 the senior men, and the next men were the RUF. But, in Tongo
12:28:01 20 now, this would command his own group and this would command
his

21 own group. That was what I understood.

22 Q. What do you mean by "this would command his own group"?

23 What does that mean? Just break it down a little.

24 A. Well, the brigade commander, Yamao Kati, as the SLA
12:28:19 25 commander, and they asked us why Bockarie himself also said
26 Eagle.

27 THE INTERPRETER: Your Honour, let the witness be
28 instructed to go a little bit slow.

29 THE WITNESS: I said, when they had captured Tongo, the

commander 1 brigade commander, he appointed Yamao Kati as the AFRC
2 in Tongo. Then Bockarie, because Bockarie also went on the
3 attack on Tongo, he left Captain Eagle there as the commander
for 4 the RUF in Tongo.

12:28:56 5 MR JORDASH:

6 Q. Who did these commanders report to? I'm speaking about
7 Eagle and Kati?

8 A. Well, Yamao Kati, he reported to the brigade commander
in 9 Kenema, while Eagle reported to Sam Bockarie. That was what I
12:29:25 10 understood.

11 Q. Did either of them report to you?

12 A. No, no. The commanders in Tongo did not report to me;
they 13 reported to Bockarie in Kenema.

14 Q. Before I take you further into the mining in Tongo, I
12:29:41 15 should have asked you about one other allegation in Kenema.
16 Bonnie Wela, Sidni Cole and Bangura, according to 125, were
shot 17 by RUF combatants. They were accused of wearing military
18 uniforms and tarnishing the revolution by thieving --

19 A. Well --

12:30:14 20 Q. -- I think, from houses. Do you know anything about
that?

21 A. Well, this is my first time of hearing that in Court. I
22 did not know about that.

23 Q. Okay. That's enough. Let's go back to mining in Tongo.
24 Did you go to Tongo during the junta period?

12:30:41 25 A. Yes. I went to Tongo once when I and the army chief of
26 staff went there to collect manpower, because 50 per cent of
the

27 RUF in Freetown had left and went to Kenema and Tongo Field.

28 Q. So when was this?

29 A. Well, this was before the attack on the ECOMOG. It was

1 before October.

2 Q. Before the attack on the ECOMOG at the Lebanese school?

3 A. Yes, yes.

4 Q. Just go back in time then. Where were you immediately

12:31:36 5 before arriving in Tongo?

6 A. Well, that day the army chief of staff went with the

7 helicopter. I left the day before. When I went, I did not

sleep

8 in Kenema, I went straight to Pendembu. So, I was in

Pendembu.

9 When the army chief of staff arrived in Kenema, they sent a

radio

12:32:05 10 message at Pendembu for me to come. I and the army chief of

11 staff met at Mano Junction. So he told me that he had

instructed

12 the brigade commander to withdraw some of the men from Tongo.

So

13 I, too, went there to get the RUF.

14 Q. Who was the army chief of staff?

12:32:35 15 A. Colonel SO Williams. But, when I arrived in Kenema,

before

16 I went to Pendembu, I explained to Bockarie my mission, that I

17 wanted to reach Kailahun because, since I came to Freetown, I

18 never went to Kailahun. So the army chief of staff accepted

that

19 there was no problem, so I went to Pendembu.

12:33:07 20 Q. So what did you go to Tongo for?

21 A. Well, as I said earlier, it came to the notice of the
22 authorities in Freetown that the RUF had reduced considerably
in
23 Freetown, went to the provinces. They had left Freetown and
went
24 into the provinces. That was why I and the army chief of
staff
12:33:25 25 went in order to withdraw -- he went there to withdraw the
SLAs
26 from Tongo and I went there to withdraw the RUF from there.
So
27 we discussed that.
28 Q. Well, how much of the manpower in Freetown reduced and
do
29 you know why?

1 A. Well, it was because Bockarie had left and based in
Kenema,
2 and the treatment that we received from the AFRC made most of
the
3 men left Freetown for the provinces.

4 Q. So when did they start leaving?

12:34:14 5 A. Well, they started leaving from July, September. They
went
6 upcountry.

7 Q. So why did you go to Tongo, particularly?

8 A. Well, the army chief of staff, according to him, he
heard
9 information that there were a lot of RUF and SLA in Tongo. So
12:34:40 10 they were only engaged in mining so that we should be there to
11 get some of them to bring them down to Freetown.

12 Q. Just a quick question. Why didn't you stop them from
13 leaving Freetown?

14 A. Well, Bockarie, who was the senior man, he had stayed in
12:35:01 15 Kenema since early September. That gave the scope to the men
to
16 leave Freetown to go upcountry.

17 Q. So what happened when you -- where did you go to in
Tongo?

18 A. Well, I went to the RUF commander.

19 Q. Which one?

12:35:24 20 A. Captain Eagle.

21 Q. Where was he?

22 A. Well, he was living -- I don't know the street in Tongo,
23 but the main street, while leaving Tongo, to come to Kenema.
24 That was the street in which he lived.

12:35:45 25 Q. And what happened when you reached there?

26 A. When I arrived there, I explained my mission to him. I
27 said, I came for manpower and the two trucks that I came with
was
onboard
28 for them to assemble the RUF fighters so that they could
29 the vehicles and we moved down.

1 Q. Can you just explain that a bit better? For them to
2 assemble the fighters that came for them. Where did you go to
to
3 fetch the manpower?

4 A. It was in Tongo that I we went. I wouldn't just reach
in
12:36:28 5 Tongo and call for manpower. I had to meet the commander and
6 explain my mission, because the commander had the right to
summon
7 a parade wherein the fighters could assemble.

8 Q. Did this happen?

9 A. Yes. Eagle gathered the men and they boarded the two
12:36:49 10 trucks that we went with.

11 Q. Where did they gather?

12 A. Well, they gathered at the compound where Eagle was.
That
13 is the road while leaving Tongo, coming towards Kenema.

14 Q. And what happened once they'd assembled and boarded the
12:37:13 15 trucks?

16 A. Well, after they had assembled, I spoke with them that I
17 had instruction from Bockarie to come to Tongo to receive the
18 manpower. So the manpower, especially those who had left
19 Freetown and came to this place, all of us should go back. So
I
12:37:39 20 told them to board the vehicle, so they boarded the vehicles.

21 Q. And did you set off?

by 22 A. Yes, we left. My pick-up was before the two trucks. So
to 23 the time we would have reached Lago, I stopped in order for me
24 wait for the trucks. To my surprise, when the trucks arrived,
12:38:12 25 all the men had jumped out of the trucks. So I came to
Kenema.
later, 26 I explained to the army chief of staff and Mosquito. But,
that 27 I came to find out that it was Bockarie who sent a message
28 the men should not join me to come down to Freetown. So I met
29 the army chief in Kenema and we returned in Freetown with the

1 empty trucks.

2 Q. Whilst you were in Tongo, did you see anything of
mining?

3 A. Well, I did not go to the mining site, but I saw the
life

4 in Tongo. I saw people holding shakers, going up and down.

12:39:18 5 There were transport vehicles parked in the lorry park. There
6 were shops open. All of them were doing business.

7 Q. Right. Let's just break that down. What kind of shops
8 were doing business?

9 A. Well, women had tables wherein they sell clothes,
different

12:39:47 10 clothes; they had -- you had petty shops selling clothes;
stalls

11 for medicines; you had the cookery shops; bars, wherein people
go

12 to drink. All these things were in operation.

13 Q. And who was carrying the shakers?

14 A. Well, I saw civilians holding shakers. Some were --
they

12:40:19 15 were moving up and down. That was the way I saw them; moving
up

16 and down in the town.

17 Q. How far away from the mining pits was this, if you know?

18 A. Well, the main mining pit -- because the mining was
going

19 everywhere in Tongo but I did not go to the pits themselves,

12:40:51 20 because I went there to collect manpower.

21 Q. Did you see any signs of forced mining?

22 A. Well, I did not see that sign, because when I was going
to
people

23 Tongo, I passed some vehicles, full with civilians. So if
24 were forced to work, I don't think that people would have left
12:41:20 25 Tongo to go to Kenema, or from Kenema to Tongo, in civilian
26 transport vehicles.

27 Q. Did you speak to any civilians?

28 A. Yes, I met civilians. The ones I knew before, in Tongo,
29 like Mr Abu Yankra, I went to his house, because he cooked and

1 invited me at his house. He said we should have some food to
2 eat. And I knew him before. And he introduced me to his
family
3 members and his workmen in the compound.

4 Q. Can you spell his name, please?

12:42:10 5 A. A-B-U, Abu. Y-A-N-K-A-R-A, Yankara [sic].

6 Q. So how do you know him before?

7 A. Well, this man was in Makali buying gold, so that was
the
8 time I knew him. That was '87/'88. That was the time I knew
9 him. And the other young men from Makali, Magburaka, all of
them

12:42:41 10 were in Tongo. I saw them that very time I went for the
11 manpower. They were civilians.

12 Q. Did you say you went to Abu Yankra's house? Is that
what
13 you said?

14 A. Yes. Abu Yankra's house was not far away from where
12:43:11 15 Eagle's house was. So they prepared food and invited me to
eat.

16 Q. Do you know what Abu Yankra was doing in the area?

17 A. Well, Abu Yankra told me that he was doing some mining,
and
18 he had some workers; people working under him. And I saw some
of
19 them in the compound when I went there.

12:43:33 20 Q. Did you see any other civilians that you can name?

him 21 A. Well, I saw Mr Mohamed. He too was in Kenema. I knew
22 before he was in Tongo.
23 Q. What was he doing there?
24 A. He too was engaged in mining and he had his own workers.
12:44:01 25 Q. How do you know he had his own workers?
So 26 A. Well, he and Mr Abu Yankra stayed in the same compound.
27 when I went there, he came very close to me and we had a
28 discussion and we discussed. That was the time he told me
that
29 he was in Tongo there with his workers while his family was

1 living in Kenema.

2 Q. Did you know anything about child soldiers at Cyborg,
which
3 were alleged by 060, and other witnesses?

4 A. Well, I did not hear about that. I did not hear that
there
12:45:04 5 were children at Cyborg who were soldiers.

6 Q. Did you go to Cyborg, at any stage?

7 A. No, I did not go to the mining site.

8 Q. Did you have authority to go to the mining site?

9 A. Well, when I arrived there, anywhere I had wanted to
make a

12:45:35 10 patrol, I would go. But that was not my mission of going to
11 Tongo. My mission was to gather fighters. And since I had
asked

12 the commander and the commander had gathered the men, what I
went

13 there for was over. That was why I returned. But if the

14 commander explained to me that there were fighters there

12:46:05 15 disturbing civilians, I would have gone there, but I hadn't
any

16 complaint regarding that.

17 Q. Had you heard any -- sorry, Your Honour.

18 JUDGE BOUTET: Can you explain what you mean by that?
You

19 say it was not your mission and there was no complaint. Why,
if

12:46:24 20 there were complaints, would you go there? I'm just trying
21 follow what you're trying to say here.

22 THE WITNESS: My Lord, I said, I was sent at Tongo in
order
23 to --

24 MR JORDASH: Translation?

12:46:49 25 THE WITNESS: I said, My Lord, I was sent to Tongo in
order

26 to gather and bring to Freetown some RUF fighters. And,
during

27 the few hours I spent in Tongo, while these men were gathered

28 together, I did not receive any complaint that there were
child

29 combatants in the place and that fighters were harassing

1 civilians. That complaint I did not receive, because my
lawyer
2 asked me if I did not get authority to go to Cyborg. And,
again,
3 I'm saying that I had authority, that time I arrived in Tongo,
to
4 go anywhere, but since I did not receive any complaint, that
was
12:47:37 5 why I did not go anywhere.

6 MR JORDASH:

7 Q. Did you make any inquiries of any civilians?

8 A. Well, the civilians that I knew before I became RUF,
they
9 saw me, and when they -- the way they saw me, they knew that I
12:47:59 10 was a commander in the RUF. And I think those people would
have
11 been in a position to have explained to me that the men were
12 harassing them. So, the civilians did not make such a
complaint
13 to me.

14 Q. At any stage during the junta, did you hear about forced
12:48:25 15 mining in Tongo?

16 A. Well, My Lord, I only heard about this forced mining
here,
17 only here. I only heard that there were some areas at Cyborg
18 pits wherein the sand would cave on people and kill them
19 instantly.

12:48:54 20 Q. Sorry. What did you hear about that?

21 A. I said, what I heard, when people were mining at Cyborg
22 pit, dunes of sand used to collapse and fall on the miners and
23 kill them. That was what I heard.

24 Q. Now, the Prosecution say, through their witnesses,
12:49:30 25 Mr Sesay, that there was an agreed policy to force civilians
to
policy?
26 mine in Tongo during the junta period; did you agree on a
mining
27 A. Well, I was not part of any policy in Kenema for the
28 in Tongo and I did not hear that people were forced, because
29 Tongo was packed full of civilians, until the time the CDF

were
have
police

1 attacked Tongo while the RUF were there. So, if civilians
2 forced, I don't think vehicles transporting civilians would
3 been plying the route there. And I believe that even the
4 officer that came and testified here, he confirmed that, that
12:50:44 5 there were civilians moving from Tongo; they went to Kenema
6 Police Station and made their complaint, things that happened
7 between civilians and civilians.

mining?

8 Q. Did you hear of a committee in Tongo concerned with

activities

9 A. Well, I was not based in Kenema to know all the
12:51:24 10 that were going on, but I heard about a committee that was a
11 caretaker committee. It was in Kenema the selection was done.

12 Q. Who did you hear this from?

13 A. I heard it from Bockarie.

14 Q. And what did Bockarie tell you?

12:51:44 15 A. Bockarie said, after they had captured Tongo, the
civilians
16 were living in the surrounding villages under CDF control, so
17 that made him and Eddie Kanneh, the SOS, met the paramount
chief
18 in Kenema, who was from Tongo --

19 Q. What was his name?

12:52:07 20 A. I don't know the paramount chief's name. I was not used
to

21 those people that I am talking about. So, according to
Bockarie,

22 the paramount chief gave his people to this committee, the

23 caretaker committee that was to be a go-between between the

24 AFRC/RUF and the civilians in Tongo. That was what I came to

12:52:41 25 understand.

26 Q. Did you understand what the point of the committee was?

27 THE INTERPRETER: Would the attorney please come again.

28 The interpreter did not get the question completely.

29 MR JORDASH:

1 Q. Did you understand what the point, the purpose of the
2 committee was? I am not asking you to speculate, just if you
3 were told or learnt.

4 A. Well, what I understood, this committee was supposed to
go

12:53:25 5 around in the surrounding towns, villages, around Tongo, to
talk

6 to the natives of Tongo to return to their hometown, Tongo
Field.

7 If there were disturbances from the fighters to the civilians,
it
8 was the committee that was responsible to make reports.

9 Q. Okay. So the committee was to go around in the
surrounding

12:53:57 10 villages and talk to the natives and then return to the town,
and

11 if the fighters were disturbing civilians, the committee would
12 report to who? Did you say report, sorry? Would receive
13 reports, I beg your pardon. Do you know what would happen to
the
14 reports?

12:54:16 15 A. Well, I did not know what was happening to the reports,
but

16 Bockarie and Eddie Kanneh set up the committee, together with
the

17 paramount chief. I was in Freetown but I heard this from
18 Bockarie.

19 Q. Thank you. Let me ask you, very briefly, about 045. Do

12:55:03 20 you know where he was from 1991 until 1994?
21 A. He was in Pujehun District.
22 Q. Do you know where he was from 1994 to 1997?
23 A. Well, I came to know 045 for the first time in 1996,
around
24 September '96, because when I arrived in Zogoda, I met 045 and
12:55:53 25 Mike Lamin had gone to the Western Jungle and Kangari Hills.
26 JUDGE ITOE: But if you only got to know him in
September
27 1996. How do you account for his being in Pujehun between
1991
28 and 1994?
29 THE WITNESS: Well, My Lord, this is common. From 1991
to

So 1 1994, RUF was only in Kailahun District and Pujehun District.
2 if you are not in Kailahun, obviously you are in Pujehun.
3 MR JORDASH:
Boys 4 Q. Okay. He said that RUF like Amoyepéh, Tactical, and
12:56:43 5 were in Tongo. So Amoyepéh, who was he, do you know?
6 A. Amoyepéh was a captured SLA who was with the RUF.
7 Q. And when you say he was with the RUF, do you mean with
who? 8 Who was his commander at the time of the junta?
9 A. Well, during the junta, he was working with Captain
Eagle 10 in Tongo Field.
11 Q. Who did he report to?
12 A. Well, he reported to Eagle, the commander.
13 Q. Tactical, who was he?
14 A. Tactical was Mosquito's bodyguard.
12:57:42 15 Q. Reporting to who?
16 A. Well, he reported to his boss, Mosquito.
17 Q. Now, Boys, who was he?
18 A. Boys was my bodyguard.
19 Q. And when you went to Freetown, during the junta, did he
12:58:04 20 come with you or not?
21 A. Boys was with me in Freetown for some time. Then he
told

22 me that he wanted to go to his mother in Kailahun.

23 Q. When did he tell you he wanted to go to his mother's in
24 Kailahun?

12:58:27 25 A. Well, this was around October when he said he wanted to
26 visit his mother, and his uncle had become old.

27 Q. And did he go?

28 A. Yes, he went to Kailahun.

29 Q. How do you know he went to Kailahun?

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1 A. Well, I ask, because when he went, there was a radio set
at
2 Pendembu. And, when he arrived in Kailahun, he reported that
he
3 was with his mother in Kailahun. He sent a message, so I
knew.

4 Q. And when was the message sent, approximately?

12:59:12 5 A. That was within the same week he left, in October, when
he
6 went.

7 Q. Do you know how long he stayed in Pendembu?

8 A. Well, he went -- he passed through Pendembu and went to
9 Kailahun Town. And, from Kailahun Town, he returned to
Kenema,

12:59:47 10 and he was in Kenema.

11 Q. What was he doing in Kenema?

12 A. Well, his elder brother was the bodyguard commander to
13 Bockarie, Sabado.

14 Q. Say that again, please?

13:00:08 15 A. I said, Boys' elder brother was the bodyguard commander
to
16 Mosquito, Sabado. Mohamed Sabado. But they were not of --

17 Q. Can you spell that, please?

18 A. S-A-B-A-D-O, Sabado.

19 PRESIDING JUDGE: The Chamber will now recess for lunch.

13:00:34 20 We'll resume at 2.30 p.m.

21 [Luncheon recess taken at 1.00 p.m.]

22 [RUF08MAY07D - MC]

23 [Upon resuming at 2.45 p.m.]

24 PRESIDING JUDGE: Mr Jordash, let's continue.

14:47:31 25 MR JORDASH: Thank you.

26 Q. Sabado. Just go over that last bit again; who was
Sabado?

27 A. Yes. I said that Sabado was Mosquito's bodyguard,
28 commander.

29 Q. How long had he, by 1997, been Sam Bockarie's bodyguard?

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until

1 A. Well, he was Sam Bockarie's bodyguard from late 1992

2 the time of his death at Segbwema, late December '98 or early

3 January 1999.

4 Q. Where was he living, at the time Sam Bockarie was in

14:48:35 5 Kenema?

6 A. He was in Kenema with Bockarie.

7 Q. Did he live with Bockarie in his house or elsewhere?

8 A. Well, he was in his house. He was his bodyguard

commander.

9 He stayed with him.

14:49:00 10 Q. How did you know Boys had gone to Kenema?

11 A. Well, I did not know the exact time that he went to

Kenema.

12 But, after the intervention, when I went and met him at Buedu,

13 that was the time that he told me that he was in Kenema. And

14 when the retreat came, you see, all of them went to Kailahun

with

14:49:30 15 Mosquito.

16 Q. Do you know what he was doing in Kenema?

17 A. Well, I knew that he was with Sabado, but I did not send

18 him to do anything in Kenema, or any other place apart from

19 Kenema.

14:49:45 20 Q. Do you know if he was working in Kenema?

21 A. Well, he was the bodyguard commander of Bockarie, so

all,

22 anywhere where Sabado went, he would go with him. That was

23 I think.

24 Q. Was he reporting to you, at any time, when he was in

14:50:13 25 Kenema; this is Boys?

26 A. Well, I did not send him to do anything through which he

27 would have had the opportunity to report to me.

28 Q. Thank you. Colonel Med, do you know that man?

29 A. Well, I came to know him in December '98.

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in 1 Q. So you didn't know him in 1997, or did you know of him
2 1997?

3 A. I did not know anything about him in 1997. He was AFRC.
4 It was in December '98 that I came to know him.

14:51:46 5 MR JORDASH: Sorry, if you just give me a moment.

6 Q. Did you know where 045 was during the junta period?

late 7 A. Well, I said, that 045 came to Freetown to Mike Lamin
had 8 1997 and, when he came, around December '97, Mike Lamin had
at 9 to send him with mining equipment so that he could go and mine
14:52:42 10 Tongo, for Mike.

and 11 Q. Now, before lunch you spoke of authority to go to Tongo
12 you said you had authority to go to Tongo. What authority did
13 you have within Tongo, during this junta period? For example,
if 14 you'd seen forced mining, what authority did you have?

14:53:14 15 A. Well, I was one of the commanders. I was one of the
16 commanders for the RUF but, at that time, when I went to
Tongo,
17 if I saw anything whereby people had been forced, I will come
18 back and tell Bockarie that this was the situation that I saw,
19 which was not good. But I wouldn't be able to take any
decision

14:53:39 20 whilst it was Bockarie who set up the command in Tongo.
21 Q. It's been alleged by 371 that the diamonds found at
Tongo
22 Field went to Bockarie, yourself and Morris Kallon; is that
23 correct?
24 A. That's a lie. That's a lie. He lied. Because he, the
14:54:28 25 same 371 who said this, he was the one that sent 045 with
mining
26 equipment. He gave him a Land Cruiser, but I did not send
27 anybody with mining equipment and a vehicle.
28 Q. You've got to be careful about connecting TFI numbers
with
29 particular roles, okay? It's an easy mistake to make so let's
be

1 careful.

2 A. Okay.

3 JUDGE BOUTET: But I still didn't get the answer
4 completely.

14:55:05 5 MR JORDASH: No. I didn't either, actually.

6 Q. Are you able --

7 A. Yes. I said, it was a lie; that 371 lied because I did
not
8 send anybody with mining equipment to Tongo. Kallon did not
send
9 anybody with mining equipment to Tongo, or a vehicle, to go
and

14:55:29 10 mine. And nobody did not come with a diamond to me, in 1997,
11 from Tongo Field. Nobody.

12 Q. Do you know where the diamonds went, from Tongo?

13 A. Well, this was a government and they had the residence
14 minister, who was based in Tongo, and he was the one that was
15 reporting. And he had the mines ministry. So, I knew that
the

16 mining that was going on in Tongo, it was the SOS who was
17 reporting it to the appropriate authorities.

18 Q. Was there a joint command, when it came to the diamonds,
19 between RUF and the SLA, or were there separate commands? Did
14:56:22 20 the diamonds found by the RUF go down the same route, is my
21 question?

diamonds

22 A. Well, what I understood what Bockarie told me, the
23 that they mined were being sent by SOS to JPK or the
24 vice-chairman, who was SAJ Musa.

14:56:51 25

JUDGE BOUTET: Mr Sesay, did you say it was Bockarie who
26 has told you that? Did I hear you well? Is it what you said?

representative

27 THE WITNESS: Yes, My Lord. I said, it was Bockarie who
28 told me that and, the SOS, he was the government

to

29 in the east, and he was the high body. And anything that had

1 do with the east, he was the one that reported to the acting
2 vice-chairman and the chairman himself, My Lord.

3 JUDGE BOUTET: Thank you.

4 MR JORDASH:

14:57:35 5 Q. During the junta period, did you know anything about the
6 mining in Kono; who was in charge there?

7 A. Mr Jordash, I -- from the time that AFRC was in power, I
8 never went to Kono, until the time of the retreat, February
'98,

9 when I went to Kono. I never went to Kono. And even the
14:58:03 10 Prosecution witnesses who knew me very well, when they came
here

11 to talk, nobody ever said that I went to Kono during the AFRC
12 rule. It was only TF1-12 who came and said that he saw me in
13 Kono at the community centre with Tamba Gborie, and that was
not

14 true, because that man was a civilian. At that time, he would
14:58:30 15 not be able to know Issa and Issa did not go to Kono for the
16 whole of '97.

17 Q. Did you hear about what was happening there, in terms of
18 diamond mining?

19 A. Well, My Lord, I did not know. I knew that the mines
14:58:51 20 minister was the Secretary of State. At the same time, acting
21 vice-chairman, he had been visiting Kono, but I am not able to
22 give you the details about mining in Kono in '97.

23 Q. Where was Gullit during the junta period?

24 A. He was in Kono.

14:59:16 25 Q. And what was he doing there, if you know?

26 A. Well, I understood that he was posted there. There, he
was

27 posted, by the chairman in Kono.

28 Q. Who was the top commander, in Kono, during the junta?

29 A. Well, I did not visit -- I had not been visiting Kono,
but

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also 1 I knew the army had a battalion commander there and Gullit
2 went there.

the 3 Q. What about RUF? What RUF were present in Kono during
4 junta?

15:00:05 5 A. RUF did not have any commander who was deployed in Kono.

6 Q. Just before we leave the subject, did you have anyone
7 mining for you in Tongo or Kono during the junta?

8 A. Mr Lawyer, 1997, during the junta time, I did not have
9 anybody who had been mining for me in Kono or Tongo. My own
10 activity was restricted in Freetown.

15:00:41 11 Q. Now, I want to return to the dying days of the junta.

Just 12 very briefly, could you explain the issue of Gborie and the
13 looted Iranian Embassy?

14 A. Yes, I do know.

15:01:29 15 PRESIDING JUDGE: Interpreters.

16 THE INTERPRETER: Yes, I do know.

17 PRESIDING JUDGE: Would you try and get rid of that
18 confusion there, please? I think there was a changeover, was
19 there?

15:01:45 20 THE INTERPRETER: No, Your Honour.

21 PRESIDING JUDGE: It is the same interpreter?

22 THE INTERPRETER: Yes, it is the same interpreter. Your

the
23 Honours, would the learned attorney put the question again to
24 witness?
15:01:58 25 PRESIDING JUDGE: Right. Mr Jordash, they want you to
put
26 the question again to the witness.
27 MR JORDASH: Certainly.
28 Q. Gborie and the embassy which, apparently, was looted,
can
29 you tell us about that, please?

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1 A. Yes. Yes, I can explain what happened.

2 Q. Okay. Do so quite shortly, if you can.

3 A. Well, late '97, I think it was around November or
December,
Gborie
15:02:45 5 came with his pick-up at the house where I was. He came with
a
he
brought
have
chairs.
15:03:20 10 So that very day, SAJ Musa called and said he wanted to
see
11 me. So when I was coming out of my house, SAJ Musa was coming
12 toward the station and we met on the way. And he said, he
13 was under arrest, and I said, "Why?" He said, it is because
14 the looting of the Iranian Embassy, and I said, "Oh." I said,
15:03:48 15 "But I did not go to the embassy. Why should I be arrested?"
16 Then I said, "Would you please permit me so that I would
inform
17 Bockarie?" He said, all that he knew was that I was under
18 arrest.

19 So I turned my pick-up. I went back to my house and I
15:04:06 20 called Bockarie. I explained to Bockarie. It was then that
21 Bockarie said -- he said, we are not under SAJ Musa's command.
22 He said, we were under Johnny Paul's command. He said, if it
was
23 Johnny Paul who said we were to be arrested, that would have
been
24 okay, but he said that Musa should not arrest you because we
are
15:04:24 25 not under him.

26 So that very evening, Johnny Paul himself called me. I
27 went to the lodge and met Johnny Paul. So he asked me to
28 explain, and I explained myself, and they called Gborie before
29 Johnny Paul in his lounge. PLO-1 was there. So Gborie
himself

1 explained. Then Johnny Paul said if that was the case, he
2 wouldn't be able to hold Issa responsible, because he did not
go
3 to the embassy, because it was this man that gave him, and
they
4 said that Gborie should go to Pademba Road. Then I was
suspended
15:05:07 5 from the Council. That was what happened.

6 Q. Did you attend the Council again after that time?

7 A. No, I did not attend Council meetings anymore.

8 Q. BS Massaquoi, did you hear about him?

9 A. I only heard about BS Massaquoi -- BS Massaquoi's death
in

15:05:53 10 Gandorhun, when we were retreating to Kailahun. The men who
came
11 to receive us, who were sent by Mosquito to come and receive
us,
12 these were the ones that explained that to me.

13 Q. What was explained to you, at that time?

14 A. Well, when the workmen arrived in Gandorhun to receive
us

15:06:15 15 so that we could go to Kailahun, one of the fellows who came
with

16 him -- asked one of the fellows who came with him were our men
17 still at Segbwema, and he said that they were at Daru. Then
he

18 said, "But did you hear about BS Massaquoi and the people that
19 Mosquito killed before going to Kailahun?" And I said, "No,

15:06:42 20 except now that you are telling me. This is the time that I'm
21 hearing about it."

22 Q. Had you heard of BS Massaquoi before, not his death but
23 him, as a person?

24 A. Yes, yes. BS Massaquoi, he was a popular man and he was
a
15:07:03 25 prominent man from Kenema.

26 Q. Just jumping forward in time, very briefly, did you ever
27 discuss that with Sam Bockarie?

28 A. Well, when I arrived in Kailahun, when I arrived and met
29 Sam Bockarie at Buedu, I asked -- I said, "CO," I said, "What

was
in
15:07:51

1 happened? Why did you kill BS Massaquoi?" And the response
2 that -- he said, "Fellow, Kamajors had been running after me
3 Kenema and it was BS Massaquoi that had been supporting the
4 Kamajors, and people even told me that he was supporting the
5 Kamajors."

6 Q. Go on.

them
15:08:06
been
took
15:08:27

7 A. He said, "That was why." He said, "I passed order that
8 they be killed, because the Kamajors had been running after
9 in Kenema, and it was BS Massaquoi who had been supporting the
10 Kamajors." Then I, myself, told him that -- I said, "But, you
11 should have brought this man to Kailahun. That would have
12 better. But this will create a problem, even for the RUF in
13 Kenema, because people will feel that it was everybody who
14 part." He said, "Well, if you could keep enemies, then I will
15 not be able to keep enemies."

16 Q. Did you ever discuss this with anyone in your family?

with
that
15:08:50

17 A. Yes. When I came to detention, I even had a problem
18 the woman with whom I was staying, because her mother said
19 she was a relative to Massaquoi and that the woman became
20 disgruntled.

to 21 Q. All right. Let's just have some names. When you refer

22 detention, you're referring to the detention at the Special
23 Court; is that right?

24 A. Yes, yes.

15:09:03 25 Q. So the problem was with who?

26 A. The problem -- I said, when my woman came to visit me in
27 detention, she said her mother had been grumbling to her.

28 Q. Who is the woman you are referring to?

29 A. Elsie said that her mother had been grumbling to her,

1 saying that they were the ones that had killed their good
2 brother, BS Massaquoi of Kenema. I told the woman, I said
"Young
3 girl, both of us were in Freetown here. You know that I was
not
4 in Kenema. Please explain to your mother that I was not in
15:09:43 5 Kenema. It was Mosquito who carried out the act."

6 Q. What was the problem that Elsie's mother had? I don't
7 follow.

8 A. She said, well, BS Massaquoi was her brother and that
they
9 had been transacting business. Now, RUF -- Bockarie had
killed

15:10:03 10 the man and that she has gone -- she has been at a lost
because
11 she would not be able to get anything from BS Massaquoi, and
that
12 she bought a land through BS Massaquoi and all that had gone
in
13 vain.

14 Q. Okay. Thank you. While we are on the subject of
Bockarie

15:10:39 15 and killing, was there any other news about killing, when you
16 arrived in Kailahun?

17 A. Yes. On the way from Gandorhun to Kailahun, I was told
18 that Sam Bockarie had killed people whom he had arrested,
saying
19 that they were suspected Kamajors. And he killed these people

15:11:13 20 before he sent 65 men to go and receive me, Mike Lamin and JPK
21 from Gandorhun, to Kailahun.

22 Q. Who told you this?

23 A. Well, it was the commander who came with the group from
24 Kailahun to Gandorhun, Major Gweh, who was sent by Mosquito.

15:11:53 25 Q. And did he say who the people who were suspected
Kamajors

26 were, where they were from?

27 A. Well, yes. I knew that, these people, they were in
Kenema.

28 Some were in the displaced camps in Daru, but since they were
29 natives of Kailahun, and the rebels and the soldiers had come

1 together and, based on Bockarie's announcement in Daru in the
2 meeting, that is why the people returned, to live in their
native
3 homes, which we had been occupying; Kailahun.

4 Q. Were you present for this killing?

15:12:44 5 A. I was not there. I was not there. And they killed the
6 people before Bockarie dispatched the receiving group, which
went
7 to receive us from Gandorhun. And as you, yourselves, heard
from
8 045, when he testified to the Court, that it was after the
9 killing of the people that they went to receive us from
15:13:15 10 Gandorhun.

11 Q. You mentioned a few days ago knowing someone called
Edwin
12 Bockarie; do you remember that?

13 A. Very well.

14 Q. And your relationship to him now is what?

15:13:46 15 A. Well, he is my in-law and he is my good friend. That is
16 the relationship.

17 Q. Did you ever discuss with him the killing of the alleged
18 Kamajors?

19 A. Yes. When he arrived in Kailahun, both of us spoke to
each
15:14:09 20 other and I, myself, was completely unhappy about the killing
of

21 those people, because most of them were members of the RUF
22 fighters and they were natives of the place which we had been
23 occupying.

24 Q. Did Edwin Bockarie know anybody who had been killed?

15:14:34 25 A. Yes. Edwin Bockarie, some of his cousins were among the
26 group. And his wife, the wife's uncle was among the group
that
27 was killed.

wife
28 Q. His wife's uncle; do you know the name of either the
29 or the uncle?

1 A. Well, I only know -- I only knew the wife, Batu, but I
did
2 not know the uncle because they had not been living with us.
3 They were the ones that went to Kailahun from displaced camp
in
4 Daru.

15:15:21 5 Q. Before I ask that question, I know Mr Cammegh wants to -
-

6 MR CAMMEGH: Would Your Honour permit me, please, to
leave
7 the room for a few minutes? I've left something in my office
8 that I need to pick up.

9 PRESIDING JUDGE: Leave granted.

15:15:37 10 MR CAMMEGH: Thank you.

11 MR JORDASH:

12 Q. Did you discuss this killing with Sam Bockarie at any
13 stage?

14 A. Yes. When I arrived at Buedu, I talked to Bockarie. I
15:15:52 15 talked to Bockarie. I told him that, "Fellow, these people
that
16 you've killed, they are so many. And, you're a native of
17 Kailahun, and you should know that you've created enmity for
18 yourself, even after the war." And the man responded, saying,
19 "So you wanted these people to come and infiltrate this place
and

15:16:14 20 sit? And I cannot stay with -- together with enemies. I
don't

told 21 have any jail to put these enemies into." That is what he

22 me.

acts? 23 JUDGE ITOE: Bockarie tolerated you questioning his

24 THE WITNESS: Well, My Lord --

15:16:35 25 JUDGE ITOE: He was happy, you know, for you to
criticise

26 him?

which 27 THE WITNESS: No. Well, My Lord, the first question

28 I asked, the response that he gave me, because I tried to tell

29 him that, "Fellow, you are a native of Kailahun and these were

1 your people. And if you've captured these people and killed
2 them, you should know that, even after the war" --

3 JUDGE ITOE: I want to get clear. You questioned him
about

4 the death of Massaquoi; questioned him about the death of
these

15:17:03 5 people, and he took it normally? I just want to hear from
you.

6 He did nothing? He just took it normally?

7 THE WITNESS: Well, My Lord, the way he responded to me,
8 the response was an unhappy one. So I, myself, stopped asking
9 questions.

15:17:42 10 MR JORDASH: Okay. Last subject and then I think we are
11 going to go to May -- sorry, we are going to go to February
1998.

12 The last subject is Teko Barracks.

13 Q. During the junta, who was at Teko Barracks?

14 A. Well, it was the AFRC soldiers and the RUF, because they
15:18:14 15 gave part of the barracks to the RUF.

16 Q. And who, from the RUF, was at the Teko Barracks?

17 A. Well, it was Kailondo that was there, as commander.

18 Q. When did Kailondo go there?

19 A. Kailondo came to Makeni, at Teko Barracks, I can say,
from

15:18:44 20 the 30th of May, or from early June '97.

21 Q. And what was Kailondo's assignment, if any?

Makeni, 22 A. Well, when Bockarie had posted Morris Kallon from
23 because, initially, it was Isaac Mongor who was the commander.
24 Then Isaac Mongor came to Freetown and they appointed him.
15:19:15 25 Q. Can I stop you there, because I want to try and do this
26 chronologically. So, who was the first RUF commander at Teko
27 Barracks, during the junta period?
28 A. Isaac Mongor.
29 Q. And at what stage did Isaac Mongor arrive there?

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I

1 A. Well, he came there, I believe, on the 29th or the 30th.

2 think on the 29th or 30th of May 1997.

3 Q. And where did he come from?

4 A. He came from the Kangari Hills.

15:19:59 5 Q. And who did he come with?

6 A. Well, he came with the RUF fighters, with some of their
7 families that were with them.

8 Q. Where did they stay?

9 A. Well, when they came, they stayed at Teko Barracks.

15:20:29 10 Q. Did there come a time when any of the men, the RUF
fighters

11 at Teko Barracks, deployed elsewhere during the junta period?

12 A. Well, yes. Because Isaac, he had an assignment from
13 Freetown in July. Then Kallon was there as commander,

14 Morris Kallon. And, in August, Isaac -- I mean, I'm sorry,

15:21:03 15 Sam Bockarie instructed Morris Kallon to go and base in Bo,

16 August '97. After that, Bockarie said Kailondo should be the
17 commander in Makeni, at Teko Barracks, for the RUF.

18 Q. So who did Isaac Mongor go to Freetown with, if anyone?

19 A. Well, he came with Colonel Nyaa, Christopher, CO Mo, and

15:22:09 20 others, with his bodyguards. These were officers with his

21 bodyguards.

22 Q. Did you have anything to do with deploying men to Teko

23 Barracks, during the junta period?

24 A. Well, during the junta period, the man that was at Teko

15:22:54 25 Barracks, yes, I had influence over him. He was my friend.
But

26 there was no deployment taking place at Teko Barracks or
Makeni

27 from the first day. We remained there the same until the end
of

28 the AFRC, because there was no fighting in the Bombali
District.

29 Q. Who was your friend you had influence over?

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1 A. I said, Kailondo, who was there, was a friend. And I
had a
2 rank, an assignment, more than he was. So, if I gave him
3 instructions, he could obey the instructions. But there was
4 nothing to give instructions, regarding the men at Teko
Barracks,
15:23:38 5 because there was no fighting taking place in Bombali
District;
6 nothing happened there.
7 Q. TF1-174 said that there were child soldiers in Teko
8 Barracks; is that correct?
9 A. That is not correct, to say that there were child
soldiers.
15:24:02 10 They were children, but they were not fighters.
11 Q. How do you know they weren't fighters?
12 A. Well, if you listen to the witness's testimony in this
13 Court, he talks about hundreds of children, that he said they
14 were child soldiers, but the time the ICC camp was opened at
15:24:27 15 Makeni -- RUF was not on disarmament, so where were the
16 children's guns? No disarmament was going on in Makeni.
17 THE INTERPRETER: The interpreter is sorry. Can the
18 witness come again?
19 MR JORDASH:
15:24:37 20 Q. Just repeat the last two sentences, please?
21 A. I said, this witness's testimony, because you asked the

22 question about '97, but I'm just trying to make you understand
23 about '99, what the witness came and explained to the Court.
The
24 witness explained to the Court that, when they opened the ICC
15:24:57 25 camp in Makeni on two different occasions, according to him,
he
26 said he got a lot of children and took them to this camp;
those
27 were child soldiers.
28 Q. Mr Sesay, I will come to '99 in due course, but let's
just
29 stick, if we can, to 1998. Were you there when Isaac Mongor

1 arrived from the Northern Jungle?

2 A. Well, that was in '97, not in '98.

3 Q. Sorry, '97. Were you there?

4 A. I was not there. I was at Giema in Kailahun.

15:25:38 5 Q. Do you know whether he arrived with these children or
not?

6 A. Well, I wouldn't dispute the fact that he didn't come
with

7 children. They came -- they may come with children.

8 Q. Well, do you know what those children had or had not
been

9 doing in the Kangari Hills?

15:26:04 10 A. Well, I never went to the Northern Jungle. I don't know
when I

11 how they lived there. But when they were at the barracks,

12 went there, in Makeni, at the Teko Barracks, the children I
saw

13 were not up to 30 and they hadn't guns.

14 Q. Do you know what the children were doing there during
the

15:29:50 15 junta period?

16 A. Well, I understood that the Father -- the Bishop in
Makeni

17 gave provision to those children. He bought footballs for

them

18 and he encouraged them at the barracks.

19 Q. And who were the children living with?

15:29:50 20
that

A. Well, the children were with the RUF -- with the RUF

21 came from the Kangari Hills and all of them came together in
22 town.

23 Q. And did you know any of those RUF besides Kailondo?

15:29:50 25
including

24 A. At Teko Barracks, yes. I knew Alpha Momoh, who was the
adjutant, and I knew all the fighters that were there,

26 some officers. But, majority of them, I didn't know. And, in
27 fact, they, too, that was the very first time they knew me.

28 Q. What was the command hierarchy; who were the commanders
29 reporting to?

Kangari

1 A. Well, it was Isaac. He was the commander from the
2 Hills.

3 Q. And did the RUF at Teko Barracks, during the junta --

of

4 A. No, no. You had a brigade commander who was in charge

15:29:51
Barracks

5 the north, and you had the battalion commander at Teko

6 for the SLAs. They gave quarters to the RUF and the officers.

on

7 Q. And were any of the troops at the Teko Barracks deployed

8 any fighting operations, during the junta period, that you're

9 aware of?

15:29:51

10 A. No, no. They were only at Teko. They did not carry out

11 any deployment. Although, yes, they had few men in Magburaka.

12 Yes, one Rambo, that was Foday Sankoh's bodyguard. He was in

13 Magburaka as commander. He was a commander from Makeni. That

14 was the area they only deployed.

15:29:51

15 Q. Who was that Rambo reporting to?

16 A. Well, he reported to Kailondo, who was in Makeni as

17 commander.

18 Q. Did Kailondo have a radio in Makeni, in Teko Barracks?

19 A. Yes, yes. There was a radio.

15:30:28

20 Q. And who did Kailondo communicate with?

and

21 A. Kailondo communicated with me and Bockarie in Kenema,

22 he also communicated with Isaac.

23 Q. Now, I want to move forward to February 1998. Where
were

24 you when you heard about ECOMOG activity in Freetown?

15:31:11 25 A. Well, that wasn't April '98, it was in February '98.

26 Q. I think I said February, but somehow you received April.

27 Okay. So, February, ECOMOG activity; where were you when you

28 heard about it?

29 A. Well, Bockarie gave me instructions to take his
commander

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1 from Kono -- to Kono, called Base Marine. So, when I left

2 Freetown, I went to Makeni. I slept at Teko Barracks --

3 Q. Just slow down a minute. Sam Bockarie asked to you take

4 Base Marine to Kono; what for?

15:32:04
discussion

5 A. Well, Sam Bockarie, what I understood, he had a

6 with the army chief of staff, that RUF had no deployment in

Kono.

7 So he and the army chief of staff agreed that, yes, we, RUF,

8 should get a commander in Kono with the RUF. So it was the

9 commander Bockarie ordered me to take to Kono. That was the

very

15:32:31 10 first time that I went to Kono, in '97.

11 Q. Did you get to Kono?

Road

12 A. No. When I slept at Teko Barracks, I came at Mabanta

13 at Soloku restaurant to eat before leaving. So, I and my

360;

14 bodyguards were in the restaurant eating. There, I saw TF1-

15:33:02 15 he was the radio operator at Teko Barracks. He came with --

16 Q. Don't put TFI numbers with their --

17 A. Okay.

18 Q. You follow me?

the

19 A. Yes. Okay. So, one radio operator came and met us at

15:33:29 20
from

restaurant. He told me that he had received the information

21 Freetown that the ECOMOG had attacked and, in fact, they were
22 advancing from Jui to Freetown. So I decided to return,
because
23 I left my family in Freetown. So, I was in Makeni when I
heard
24 about the attack, the intervention in Freetown.
15:33:54 25 Q. But what did you hear was the situation?
26 A. The operator told me that he had heard information from
his
27 brothers, a brother operator who was BTC -- at BTC, said the
28 ECOMOG had launched an attack in Freetown. And they had
captured
29 some parts in Wellington and they were advancing into
Freetown.

1 That was the information I got.

2 Q. What did you do upon receiving the information?

3 A. Well, from the restaurant -- from the restaurant where
we

4 were eating, we parked our vehicles. We had the plan to go to

15:34:46 5 Kono, but immediately I heard the information, I decided to
6 return to Freetown, but I was unable to reach.

7 Q. Where did you go, if anywhere, from Makeni?

8 A. From Makeni, we came to Masiaka where we met vehicles,
9 which had come from Bo, parked.

15:35:12 10 Q. And who went to Masiaka?

11 A. From Bo.

12 Q. Who went to Masiaka from Makeni?

13 A. I said, myself and the men with whom I was.

14 Q. Whom were you with?

15:35:32 15 A. Well, while I was going to Kono to accomplish this
16 assignment, the commander with whom I was, Base Marine. And I
17 collected other RUF fighters from BTC. All of them were to go
18 together, because --

19 Q. Who were they?

15:35:58 20 A. Well, he said -- you said I should not call TF numbers,
and

21 some of these men I could not call their names like that. If

I

22 were to call their names, then --

of 23 Q. Sorry. Do you want to write the names down on a piece
24 paper?
15:36:17 25 A. Yes.
26 MR JORDASH: Would you grant leave?
27 PRESIDING JUDGE: Leave granted.
28 MR JORDASH: Thank you. Sorry, I know this is a bit
29 tricky, but we'll get there.

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1 Q. Right. So, write down who you went, from Makeni to
2 Masiaka, with, please.

3 A. These are the names that I can recall. Like this?

4 PRESIDING JUDGE: Mr Jordash, I reckon you are tendering
it
15:40:14 5 as an exhibit?

6 MR JORDASH: Yes, please.

7 PRESIDING JUDGE: Prosecution, any objection?

8 MR HARRISON: No.

9 PRESIDING JUDGE: Counsel for the second accused?

15:40:23 10 MR NICOL-WILSON: No objection, Your Honour.

11 PRESIDING JUDGE: Counsel for the third?

12 MR CAMMEGH: None.

13 PRESIDING JUDGE: We will receive it in evidence and
mark
14 it as Exhibit 193.

15:40:32 15 [Exhibit No. 193 was admitted]

16 PRESIDING JUDGE: Make sure you indicate on this exhibit
17 some nexus, establishing -- establish a nexus between the
18 document and the witness, so that we don't lose track of it.
19 Thanks. Let's proceed, Mr Jordash.

15:40:52 20 MR JORDASH: Thank you.

21 Q. So these men went with you to Masiaka. And, at Masiaka,
22 what do you see?

23 A. Masiaka, I said, when I arrived there, I saw vehicles,
24 which had left Bo to come to Freetown. I met them parked
there.

15:41:16 25 And I got information that the ECOMOG had captured Waterloo,
so
26 there was no way they could come down.

27 Q. Just take it one step at a time. Who did you get the
28 information from?

29 A. Mr Wayne, this was information that was flowing; you
could

it
1 even get it from children. The road from Masiaka to Freetown,
2 is the main road to come to the city. And when ECOMOG blocked
3 the road, vehicles from Bo were unable to enter Freetown
again.

4 The information was everywhere. When I arrived, and the crowd
15:41:58 5 that I saw in Masiaka, that was where I got the information.

6 Q. Did you see any RUF at Masiaka?

7 A. Well, during that time, only civilians that were there,
8 their vehicles that were trying to enter Freetown. There were
no
9 RUF there.

15:42:16 10 Q. And what did you do after arriving at Masiaka?

11 A. Well, I continued and drove on to RDF.

12 Q. What is RDF?

13 A. Well, RDF, it was the NPRC that created the camp. It is
14 called Rapid Deployment Force.

15:42:48 15 Q. Where is RDF?

16 A. RDF is located between Masiaka and Waterloo. I think
the
17 village is called Sumbuya.

18 Q. You think the village is what?

19 A. I think, I'm not sure. I said, I think the village is
15:43:18 20 called Sumbuya and the camp is outside the village.

21 Q. Sumbuya. Could you spell that or try to spell that?

22 A. I think it is S-U-M-B-U-Y-A.

23 Q. So, did you go and meet anyone at the RDF?

24 A. Yes, I met the commandant who was in charge of BTC,
15:43:51 25 Benguema. At that time, he was a colonel, Colonel Nelson
26 Williams. I met him there, and a major, who was in charge of
27 RDF. Because Nelson Williams was at BTC, but because of the
28 attack, they withdrew and I met him at RDF camp.

29 Q. So who was the major who had been in charge of -- was it

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1 RDF?

2 A. Yes. It was an AFRC, but I have forgotten his name, but
he
3 was in charge of RDF.

4 Q. Okay. What happened when you met these -- what happened
15:44:45 5 when you met at the RDF?

6 A. Well, I said, I met Colonel Nelson Williams, who told me
7 that all the soldiers who left BTC, the AFRC and our own men -
-
8 our own, RUF, were at Four Mile. That is Newton.

9 Q. And what else did you discuss?

10 A. Well, we were seated there, and I asked him, I said,
15:45:22 what
11 was the situation in Freetown. He said the ECOMOG had been
12 advancing and that he had a communication from the chief of
13 defence staff that they were sending two senior officers to go
to
14 the RDF and join him. So I was there when the helicopter
came.

15 Then I saw Colonel Mansaray. Then I saw Colonel IY Koroma
and,
16 the information they brought, they said the chief of defence
17 staff said they should set a very strong defensive at Lumpa
or,
18 if possible, we should repel the attack at Waterloo.

19 Q. And what happened then?

15:46:38 20 A. Well, then the two colonels who came, the one said he
was
21 in charge of purchasing food and other items for the troops
that
22 would be at the front line at Lumpa. Then Colonel IY Koroma
was
23 to be in charge of the operation, and he was to base at RDF.
So
24 then --

15:47:15 25 Q. How many men were at the RDF?
26 A. Well, at this time, my lawyer, I wouldn't be able to
tell
27 you the exact number because this was a confused situation.
But
28 all the soldiers that were at BTC had retreated, and all the
RUF
29 at BTC and Hastings, all of them had withdrawn to the Lumpa
end

1 and Newton.

2 Q. So what happened next?

3 A. Then, I and Colonel Nelson Williams, Colonel IY Koroma,
all

4 of us arranged that we should attack Waterloo, and we did
launch

15:48:00 5 the attack, but we were unfit because the men repelled us.
And,

6 in the evening, we made another attempt, but we were also
pushed

7 back and we decided to set up defensive positions.

8 Q. Sorry, just for clarity sake, who are you attacking in
9 Waterloo?

15:48:23 10 A. It was the ECOMOG that were in Waterloo, the Nigerian
11 ECOMOG. So I decided to send my bodyguard, Victor, to bypass
12 Waterloo to a road that led to Tombo, so he could get
transport

13 from Tombo to Freetown, in order for him to collect my wife
and

14 child, and the other members of the family who had stayed with
me

15:48:53 15 in the house. So we were in that defensive position.

16 Q. Where was this defensive position?

17 A. Well, we, the commanders, were at RDF while the men were
at

18 Newton.

19 Q. So who is "we" that were at the RDF -- oh, the
commanders,

15:49:25 20 sorry. I missed that.

21 A. I had called Nelson Williams, IY Koroma and myself with
the

22 major that was at the RDF camp.

23 Q. And who was directing operations or directing the
defensive

24 position?

15:49:41 25 A. Well, at that time, it was Colonel Nelson Williams who
was

26 the most senior man, because he was a full colonel, and he was
in

27 charge of logistic supplies in the army. So he was --

28 Q. That's fine. So what happened next after sending Victor
to

29 Freetown and setting up the defensive position?

1 A. Well, we are at this defensive position until the groups
2 started withdrawing from Freetown through Tombo, and they took
3 some canoes and they crossed to Fogbo. And, from Fogbo, they
4 walked and they reached at Four Mile. That was there they
gave
15:50:35 5 information that the authorities were behind; JP and everybody
6 was coming.
7 Q. So people are arriving at Four Mile. Who is arriving at
8 Four Mile?
9 A. Well, the first group that arrived were soldiers and
RUF.
15:51:01 10 It was a mixed-up group, but some men came without guns. Some
11 came with guns. That was the way the members of the group
were
12 coming.
13 Q. And how do you know about what was happening at Four
Mile?
14 A. But, Mr Lawyer, if I was a commander and I was at RDF
camp
15:51:29 15 and our men were at Four Mile, we had to be checking there to
16 know what was happening there and the distance was not that
far.
17 Q. How far is Four Mile from RDF?
18 A. Well, I wouldn't be able to tell the mileage now, but it
is
19 a short distance. But anybody in this courtroom who had
15:51:53 20 travelled from Four Mile to RDF would know that it is a short

21 distance.

22 Q. At that time, how long did it take to travel by vehicle?

23 A. That would just be a five to ten-minute drive.

24 Q. So these various people are arriving at Four Mile, and
15:52:29 25 they -- who gave the message that the authorities were coming?

26 A. Yes.

27 Q. Was it a particular person who gave that information?

28 A. Well, the men arrived in group. It was not a matter of
29 information. The men were running away from Freetown.

1 Q. So what happened next?

2 A. So when the groups had been arriving, and the groups
were

3 not under -- they were out of control because, at this time,
4 there was no command. Everybody was trying to escape from

15:53:07 5 Freetown in order to secure his life. So that was the
withdrawal

6 took place. It wasn't organised. Everybody was going. There
7 were -- people were going in groups.

8 Q. What kind of groups were people going in?

9 A. Well, both the RUF, the AFRC, and the family member
15:53:36 10 sympathisers were running away. They were going.

11 Q. Was there any news at that time about what, in fact, was
12 happening in Freetown?

13 A. Yes. At that time, they said they were burning
14 collaborators. They put -- sprinkle petrol on them and they
lit

15:53:59 15 them. So everybody that was a sympathiser for RUF was burnt
16 alive. Anybody that had a business with the AFRC/RUF, they
all

17 followed the retreating group. So you will see women, young
men,
18 young women, old people, that was the composition of the
group,

19 thousands of people, who retreated.

15:54:36 20 Q. Does the name Sheik Mutaba mean anything to you?

understood 21 A. Well, I, personally, was not used to him. But I
was 22 that he was a very strong Iman who supported the AFRC and he
burnt 23 burnt alive during the intervention. He was captured and
24 alive.

15:55:01 25 Q. Does the name Sa Koroma mean anything to you?

26 A. I think it is Sakoma. He too was burnt alive, Sakoma.

27 Q. Who was he?

28 A. Well, he was a civilian, and the Imam himself was a
29 civilian. Both of them were civilians.

1 Q. Did you, yourself, go to Four Mile at around this stage?

2 A. Yes, I too went at Four Mile. I went on to the river so
3 that I could wait for my family's arrival. So I went to Fogbo
4 where I received my wife and other people.

15:56:01 5 Q. And when was this that you went to Four Mile? How long
6 after you had been sitting in the restaurant in Makeni?

7 A. Well, My Lord, I cannot tell the exact date, but this
was a
8 short period of time when these things happened. But to say I
9 can recall the day I reached Four Mile, I cannot recall, but
this

15:56:29 10 was a short period of time when these things happened.

11 Q. Just so we get a picture in the Court as to the sort of
12 timeframe, are we talking several days, several hours, several
13 weeks after you first heard the news when you were in Makeni
that
14 you then go to Four Mile and see people fleeing Freetown?

15:56:55 15 A. Well, when I left Makeni and I came and observed that
the
16 road had been cut off, it wasn't one week, when I went to
Fogbo
17 myself in order for me to receive my own people.

18 Q. Now, can you give a picture of the kind of numbers of
19 people coming out of Freetown when you went to Four Mile?

15:57:25 20 A. I said, thousands of people were retreating, RUF/AFRC,
with

21 large civilian population with them.

22 Q. And was there one particular way of getting to Four Mile
or

23 were people arriving there by different routes?

24 A. Well, from RDF, you mean, or from Freetown?

15:58:07 25 Q. From Freetown, sorry.

26 A. Well, the first batch of soldiers that arrived at Four
27 Mile, they came from Tombo. They bypassed Waterloo and jumped
on

28 the main road. But from the second day, everybody that came
used

29 the sea. They used boats from Tombo. They hired civilian
boats

1 from Tombo and they crossed the river to Fogbo.

2 Q. Now, what happened next after you had been to Four Mile?

3 A. Well, as I said, I saw people arriving at Fogbo from
Four
Fogbo,

4 Mile, the main road. Then you have the village, which is
15:58:59 5 where the boats landed. That's about five mile distance. I,
6 myself, went to Fogbo, so that I could be able to find out
about
7 my own people, the family members, whom Victor went to
collect.

8 Q. And what did you see when you arrived at Fogbo?

9 A. Well, I saw boats bringing people, they're bringing
people,
15:59:26 10 large number of people: AFRC, RUF, civilians.

11 Q. It may seem like an unnecessary detail, but what kind of
12 boats were there?

13 A. Well, they are outboard, locally known as pampa. They
had
14 machines.

16:00:02 15 Q. Sorry. What was the name, again, you said?

16 A. Well, locally, we call them pampa. They have outboard
17 machines.

18 Q. Just because they're -- well, I won't say that. What I
19 will say is: Are they big enough to get a vehicle on, these
16:00:26 20 boats?

take

21 A. No. They won't carry a vehicle, but a single boat can

22 50, 60, up to 80 people, but it cannot carry a vehicle.

23 Q. And how many people were on these boats when they came?

24 A. Well, Mr Lawyer, I said the people who were coming, the

16:00:59 25 boat will slam -- you see, the people, they were many. There

26 were many boats. That situation, I cannot tell, but the crowd

lives.

27 was a very large crowd. People were afraid of their own

28 That's why they were following their family members, or the

to

29 people that they had been friends with. Because, if you were

would 1 live in Freetown during that time and you were caught, you
2 be burnt alive. So people left and went away.

3 Q. Were there people carrying anything?

4 A. Some that were strong would take bags on their backs and
16:01:38 5 some would have bundles on their heads, and some would go
without 6 any things.

7 Q. Now, did you meet anyone you knew there?

8 A. Yes, I met people that I knew.

9 Q. And who were they?

16:02:00 10 A. JPK came with his family; SAJ Musa; SFY Koroma; Avivavo;
11 defence minister; army chief of staff; a lot of them. All the
12 authority, the RUF authorities: Superman; Mike Lamin; Peter
13 Vandi; Isaac Mongor; Babay; and a lot of others, including
14 civilian ministers, who were in the AFRC, like Joe Amara
Bangali,
16:02:35 15 and others.

16 Q. Can you say the last name again?

17 A. I said, like civilian ministers who are with the AFRC:
Joe 18 Amara Bangali; SYB Rogers; AA Vandi; and others.

19 Q. How were these people arriving? Did you see JPK arrive?

16:02:55 20 A. I met JPK with other commanders at Fogbo. I was not
there 21 when they arrived.

22 Q. And when you saw him, who was he with?

23 A. He was with his security and his family.

24 Q. And you said you saw Superman. Who was he with?

16:03:30 25 A. Superman was with his boys and other officers, together
26 with his family members, wife and children.

27 Q. Mike Lamin, who was he with?

28 A. Mike Lamin had had a woman in Freetown. He was with
that
29 woman and with the boys -- with his boys.

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1 Q. What do you mean, the boys?

2 A. I mean the bodyguards, and some officers, like Sylvester
3 Kieh and others, all were there with Mike Lamin.

4 Q. Isaac Mongor, who was he with?

16:04:07 5 A. He was with his officers, his bodyguards and his wife.

6 Q. And try and describe the scene with all these commanders
7 there at Fogbo. What's the scene?

8 A. Well, this was a time of confusion, where you saw large
9 crowds of people with bags, bundles sitting down under trees.

16:04:39 10 Some were sitting in the back of houses, some were sitting on
the

11 veranda of houses. So, that was how the village was packed
full

12 of people, Fogbo, whilst others were walking to come to Four
13 Mile.

14 Q. So was there a general movement to a particular place,
at

16:04:56 15 this time, after Fogbo?

16 A. At that time, nobody would ask anyone to assemble at
17 Masiaka. Everybody would just go to Masiaka. Everybody would
18 just go to Masiaka because that was the safety zone.

19 Q. Why was that the safety zone?

16:05:25 20 A. Because they had been running after people in Freetown.

21 And in Masiaka, they were not running after anybody. That is
why

22 I said it was a safety zone.

23 Q. Did you meet your wife?

24 A. Yes, yes. They met me there at Fogbo.

16:05:41 25 Q. And who did they meet you there with? Who did she meet
you

26 there with?

27 A. She met me with my bodyguards, Mohamed James, Tommy,
Isiaka

28 and Base Marine. Because Base Marine was an officer, he was
just

29 with me. Since the movement of moving to go to Kono had been

1 cancelled, so he was with me. We were all in the village.

2 Q. From your family, anyone other than your wife?

3 A. Well, at this time, members of my family were in the
4 eastern part. They had captured the area, so I was not able

to

16:06:33 5 get them again.

6 Q. And your son, where was he?

7 A. He was with my wife.

8 Q. How old was he, at the time?

completely

9 A. At that time, he was almost three years but not

16:07:00 10 three years, almost.

11 Q. So what happened when you met them, your wife and son?

was

12 A. Well, when I met them, I asked my wife -- I said, where

13 Mohamed Tarawallie's wife and he told me that he left them

to

14 boarding a boat from Tombu to come, and I told him that we are

and

16:07:21 15 wait for them. And we waited for Mohamed Tarawallie's wife

16 with SYB Rogers. So when they came, so I loaded them in a

17 pick-up and we went to Masiaka.

18 Q. Why did you wait for Mohamed Tarawallie's wife?

19 A. Well, Mohamed Tarawallie was my commander and, at that

16:07:42 20 time, he was not there. So if we did not take care of his

I
That
was

21 people, nobody will take care of them. So that was why I said
22 was to wait for Mohamed Tarawallie's wife and his children.
23 is why I waited.
24 Q. Did they come?
16:07:54 25 A. Yes, they came and all of them boarded the pick-up,
26 including SYB Rogers, and I took them to Masiaka.
27 Q. So who did you travel to Masiaka with?
28 A. I; my wife; the wife of Mohamed Tarawallie; and the
29 children; SYB Rogers; and Dr Fabai. Then SYB Rogers said he

Bangali,
regime.

1 not going to leave his brother behind, who was Joe Amara
2 a civilian politician, who was a minister during the AFRC
3 Q. So what happened in relation to that?
4 A. Well, all of us travelled to Masiaka. I and they went
to
16:08:51 5 Masiaka.
6 Q. Was there any order to the troops? Was there a troop
7 organisation at this stage? A fighting troop organisation, I
8 mean.
9 A. At this time, the whole AFRC in Freetown and the RUF
were
16:09:29 10 disorganised. There was no organisation. Everybody was just
11 trying to run from Freetown to go to upcountry. There was no
12 organisation. There was no control. Nothing.
13 Q. So how long did it take to get from Fogbo to Masiaka?
This
14 is your group.
16:09:55 15 A. Well, I will say it was just about a 30 minutes drive.
You
16 see, I drove and went to Masiaka.
17 Q. And describe the scene on the way to Masiaka, please?
18 A. Well, there were a lot of people on the way. Everybody
was
19 walking. Some had bags, some did not have any slippers on
their

16:10:23 20 feet. That was the situation. Everybody was walking towards
21 Masiaka, in large groups, on the way.

22 Q. Were there vehicles on the road?

23 A. Well, few vehicles were there. Some were coming to take
24 the officers, to take them to Masiaka. A few, like the SOS
and
16:10:45 25 the brigade commander from Bo, he, himself, had come during
this
26 time. They had been helping to transport their colleagues.
The
27 same with the SOS North. He also had been helping to
transport
28 his colleagues from the village to Masiaka, Fogbo.

29 Q. So what did you do when you reached Masiaka?

Masiaka, 1 A. Well, when these large groups of people arrived in
Masiaka, 2 they created a panic in Masiaka. So the civilians who were
Masiaka, 3 natives of Masiaka, they all started running away from
4 and started going into the surrounding villages. During that
16:11:23 5 time, it was just a large group of RUF/AFRC, including a large
6 group of civilians from Freetown, coming to Masiaka, While the
7 Guinean contingent were also on one part of Masiaka.
8 Q. As you were travelling to Masiaka, did you know or
observe
9 where the other commanders were, at that time; commanders of
the
16:12:01 10 RUF, I am thinking about.
11 A. Everybody went to Masiaka. Mike, Superman, Isaac, with
12 others, all went to Masiaka.
13 Q. So, at Masiaka, civilians had fled, and what did you do
14 then?
16:12:20 15 A. Well, we lived in the houses. The retreating group from
16 Freetown stayed in the houses.
17 Q. Where did you stay?
18 A. I stayed in one house where civilians had left on the
way
19 towards Bo, so with the people that I came with.
16:12:53 20 Q. And what happened then?

AF 21 A. Then we spent the night at Masiaka, and the SOS south,
22 Kamara, and the brigade commander, Boysie Palmer. They had
come 23 and they had taken Johnny Paul to Masiaka when we were
explaining 24 the situation that the CDF had captured Bo from them.

16:13:23 25 Q. Did you see crimes being committed on the way to Masiaka
by 26 any RUF?

27 A. Well, truly speaking, I did see -- did not kill anybody
in 28 Masiaka. I did not burn any house at Masiaka. I said, but,
with 29 regards food, those who had retreated from Freetown did not

1 retreat with food. So they had been taking people's food,
2 because the civilians had left the town and they had gone to
the
3 surrounding villages.

4 Q. Did you see anyone brought against their will from
16:14:04 5 Freetown?

6 A. People were running away from Freetown for their safety,
so
7 it was not possible during that time to drive somebody to
8 Freetown without his will to go.

9 Q. So the next morning after, you wake up in Masiaka; what
16:14:29 10 happened then?

11 A. Early in the morning, my radio operator, he put the set
on.
12 Then Bockarie called me on the set, which was on the veranda
of

13 the house in which I lodged. I and Bockarie discussed --
14 Bockarie asked me -- he said, where we were. I told him that,
16:14:56 15 well, they had pushed the AFRC out of Freetown and that we
were

16 at Masiaka. And he said that they, themselves, had been
pushed
17 yesterday, from Kenema. But, as he was talking to me, he was
at

18 Hangha, and that he was trying to re-organise so that they
could

19 re-attack Kenema. He said so. He also was suggesting that I

16:15:09 20 should tell the army chief of staff, or the chief of defence
21 staff, so that we -- if we also could organise a group so as
to
22 re-attack Bo, so as to coordinate they that are from Kenema
and
23 those that are in Bo.
24 So, I also told Bockarie that it would be better that he
16:15:35 25 spoke to the chief of defence staff or the army chief of
staff.
26 Then he said that if I was able to talk to any one of them, so
he
27 will talk to them. Then I said yes, that, yes, I will be able
to
28 do so. So I called SO Williams. I sent for SO Williams and
he
29 came and spoke with Mosquito.

1 Q. How did you find SO Williams?

2 A. Well, at that time, they were sitting near the town hall
at

3 Masiaka. There was a booth where all the commanders were
4 sitting, because there was an air raid, so the jet had started

16:16:15 5 flying. So they called him and he came and he spoke with
6 Mosquito. So they also accepted that we were to attack Bo
while

7 Bockarie attacked Kenema so that we can join the two groups
and
8 be able to retreat to Kailahun.

9 Q. Do you know why Sam Bockarie didn't speak directly from
his
16:16:44 10 radio to SO Williams' radio?

11 A. Well, Bockarie had told me that, from yesterday, he had
12 tried to contact Cockerill Station. For a long time he was
not

13 able to get them. So since he was able to get me, and he had
14 asked me, and I told him that everybody was at Masiaka, so
there

16:17:04 15 was no need for him to contact that man's station anymore. So
he
16 just sent me to call the man so that they could discuss. This
17 was early in the morning. You try to talk to somebody early
in

18 the morning, you are not able to go through his station. So
if

19 you are able to get the next man who was close to him, then it

16:17:28 20 would be easy.

21 Q. Were you in communication with Superman at this stage?

22 A. Yes. We discussed, but the only thing was that our
23 relationship was not that good. But, at that time, we would
24 greet each other.

16:17:50 25 Q. So what happened after the conversation between SO
Williams

26 and Sam Bockarie?

27 A. Well, SO Williams, when he had spoken with Bockarie, he
28 told me that both of us should go and see the chief of defence
29 staff. We went and met SFY Koroma. Then SFY Koroma supported

1 the idea; he said it was a good idea. Since the SOS south and
2 the brigade commander south were here, he called them and he
3 talked to them. He said, so we should move and join these
men's
4 troops, which they left at Moyamba Junction, so that we would
be
16:18:34 5 able to capture Bo from the Kamajors.
6 Q. So was there a movement to Bo?
7 A. Yes, there was movement.
8 Q. Who went to Bo?
9 A. Well, I; AF Kamara; Boysie Palmer; Peter Vandi. We
drove
16:19:01 10 from Masiaka to Mile 91.
11 Q. And anyone else?
12 A. Well, Peter Vandi had his boys. I also had my own boys.
13 So we moved and went and met Morris Kallon, with the RUF boys
who
14 had retreated from Bo. We met them at Mile 91. So I, myself,
16:19:32 15 explained to Kallon what the mission was, because we did not -
-
16 there was no need for us to have taken troops from Masiaka,
17 because we all knew that the old AFRC soldiers from Bo were
all
18 at Moyamba Junction, including the platoon, plus the others
that
19 Morris Kallon had in Bo. They were all at Moyamba Junction.
So

16:20:00 20 we just went and met Morris Kallon at Mile 91 and proceeded to
21 Bo, where we left the whole group at Masiaka: AFRC, RUF, with
22 all the commanders.

23 Q. What was that group doing when you left?

24 A. Well, at the moment when I was leaving, I did not know.

16:20:24 25 But, later, I came to know that when we were going to Mile 91,
26 they, themselves, had been leaving Masiaka to go to Makeni,
27 through Lunsar. All the AFRC, from Johnny Paul, all the AFRC
28 commanders, the RUF commanders, all of them left Masiaka to go

to

29 Makeni while we were heading for Bo.

observed,
1 Q. Was there any misbehaviour in Masiaka, that you
2 before you left?

authorities
3 A. Well, yes. Because, during that time, even the
4 see everybody was confused. Everybody was frustrated. So
there
16:21:25 5 was no proper organisation. There was no proper control as
one

6 can see from everybody's face when we were at Masiaka before I
7 left.

is
8 Q. TF1-334 said he went and took part on the mission to Bo;
9 that right?

16:21:54 10 A. It was a lie. Because all that happened between Moyamba
11 Junction and Bo, when he had been cross-examined, he was not
able
12 to say anything. You see, there were some incidents that took
13 place between Moyamba Junction and Bo, which he was not able
to
14 explain.

16:22:13 15 Q. Well, what were those incidents?

the
16 A. Yes. Like, when we arrived at Taiama Junction, we met
17 CDF. CDF was there, and there was fighting between us and the
18 CDF. And our men captured 17 AK rounds and 11 RPGs from
19 them. So whosoever was on that route to go and attack Bo
should

16:22:42 20 be able to talk about that.

21 Q. So you say you captured 17 AK rounds?

RPG 22 A. Seven tins, three-and-a-half boxes of AK rounds and 11

23 rockets.

24 Q. Who were they captured from?

16:23:02 25 A. From the CDF, who were deployed at Taiama Junction.

26 Q. And who took part in that attack?

Masiaka, 27 A. Well, I told you that we were the ones that left

the 28 Mile 91, to go to Bo. I, myself, was there. We took part in

29 attack.

1 Q. Now, what happened after that?

2 A. Well, after that, we continued our journey to Bo.

3 Q. And what happened at Bo?

4 A. Well, as we were arriving -- as we were entering Bo, we met

16:23:42 5 the CDF and we started fighting. That was early in the morning.

6 We fought up to -- you see, I did not understand Bo properly.

7 But we went around Bo hospital, government hospital and, a group

8 of fighters, they were before -- right in front of a Lebanese

9 shop. They were attempting to burst a shop.

16:24:01 10 Q. Let's slow it down.

11 A. Okay. Okay.

12 Q. Did the attack take place as soon as you arrived in Bo?

13 A. Yes, yes. As we entered Bo, that was the time that we
14 started fighting.

16:24:26 15 Q. Were there any AFRC/RUF troops taking part in the attack?

16 A. Yes, just like I said. I said, that the CDF had attacked

17 the AFRC/RUF, and they had pushed them out of Bo. These troops

18 had gone to Moyamba Junction, so we -- when we came from Masiaka,

19 went and joined Kallon at Mile 91. So we went and joined the

16:24:53 20 troops at Moyamba Junction. We moved to Taiama Junction and
we
21 were the ones who went to Bo. But there was no AFRC/RUF in
Bo,
22 except those that were under the custody of the CDF. Because
23 they arrested collaborators; they arrested RUF; the AFRC, who
24 were under custody at the police station. And some of them
had
16:25:16 25 been executed. Others had been waiting to be executed,
including
26 civilians, who had been working with the AFRC, in Bo. All of
27 them were under custody.
28 Q. So after the attack, what happened?
29 A. Well, I left Bo during the attack. I was not in Bo
after

station, 1 the attack. But all these people who were in the police
operator, 2 our men, had to free them all, because even one of our
had 3 US Marine, was burnt alive before we entered Bo. So, when we
4 been fighting, men went to the police station. They burnt the
16:26:01 5 police station and they freed these people. So a group of
6 soldiers who had wanted to break the Lebanese man's store -- I
7 was there, standing by the fence of the government hospital.
So
8 I said, "No, no, no." I said, "We did not come here for
that."

9 Q. Who was it trying to do that?

16:28:02 10 A. Well, they were soldiers; men who were in combat. They
11 were the ones trying to do so.

12 Q. Where did these men in combat come from?

13 A. Well, it was the same group who went to recapture Bo
from
14 the CDF.

16:28:02 15 Q. So were these SLAs then?

16 A. Yes. As far as I could see, they were SLAs.

17 Q. And they were trying to do what?

18 A. I said, they were trying to break into a Lebanese man's
19 store, and I told them that was not the purpose of our going
16:28:02 20 there. So, I saw suppressive firing when somebody fired from
the

21 site, and the bullet bust my jacket and all the bullets hit my
22 back, my left back.

23 Q. Who made this suppressive firing?

24 A. Well, I strongly believe that it was the group that I
had

16:28:02 25 been shouting at that they should not break the store.

26 Q. Right. Just pause there. Sorry, I didn't see Your
27 Honour's light.

28 JUDGE BOUTET: I was trying to intervene to see, because
29 your witness said that they were soldiers because they were in

1 combat. Was there any difference between soldiers?
2 Soldiers-soldiers, and soldiers-RUF? What was a soldier, in
the
3 language of the witness, so I understand what he means?

4 THE WITNESS: Yes, My Lord.

16:28:02 5 JUDGE BOUTET: Do you understand my question?

6 THE WITNESS: Yes. Very well, sir. 1997, we did not
have
7 uniform; RUF did not have any uniform. RUF had been wearing
8 jeans and T-shirts.

9 JUDGE BOUTET: Thank you.

16:28:09 10 THE WITNESS: Thank you, sir.

11 MR JORDASH:

12 Q. The men in combat you described breaking into the
Lebanese
13 shop, who was their commander; whose command did they fall
under,
14 please?

16:28:18 15 A. Boysie Palmer was their commander. He was the brigade
16 commander.

17 Q. Brigade commander for where?

18 A. For the Southern Province, which was based in Bo. He
was
19 in charge of the brigade. Then he had his battalion
commander.

16:28:37 20 Q. Who was that?

21 A. Well, during that attack, the battalion commander was
22 Mamadi Keita.

23 Q. Can you spell that, please?

24 A. M-A -- M-A-M-A-D-I-E [sic], K-E-I-T-A.

16:29:08 25 PRESIDING JUDGE: Counsel, you have been on your feet
for

26 quite some time. Let us take the conventional afternoon break
at

27 this time.

28 MR JORDASH: Thank you.

29 [Break taken at 4.30 p.m.]

1 [Upon resuming at 5.06 p.m.]

2 PRESIDING JUDGE: Proceed, counsel. Yes, Mr Cammegh.

3 MR CAMMEGH: Your Honour, forgive me, if I bring
something

4 to the attention of Chamber. I've mentioned this to Mr
Jordash.

17:06:38 5 Your Honour, it is reference to the final version of the
6 transcript from Friday's proceedings. I have been reading
7 through it today and there are a couple of errors. One, in
8 particular, I would like to draw to the Court's attention
because
9 I think it's an error that is potentially quite a serious
error.

17:06:57 10 I will ignore the fact that my name is missing from the
11 front, which is rather disadvantageous for remunerative
reasons.

12 Maybe that could be dealt with later.

13 JUDGE BOUTET: Do they pay you based on whether your
name
14 is there or not?

17:07:14 15 MR CAMMEGH: I think so, yes.

16 JUDGE ITOE: Is it to the Registrar for which you
present
17 for payment?

18 MR CAMMEGH: I am not going to comment on that. Your
19 Honour, there was a series of questions while I was not in the
17:07:32 20 room, asked by my friend, Mr Jordash, of Mr Sesay, concerning

labour. 21 Augustine Gbao and the allegations against him of forced
22 If I can just put this on the record, I will read it verbatim.
23 JUDGE BOUTET: What is the page?
24 MR CAMMEGH: It is page 42, at the bottom at line 28.
And
17:08:03 25 I will read it. Issa Sesay says, "No, My Lord. '94, '96, it
was
26 not Gbao that was in charge of receiving the cocoa. That was
why
27 I said Gbao had never reported about cocoa or meat which was
28 being hunted by civilians. No. And I -- it was brought to my
29 knowledge that Gbao had been forcing civilians." I'm quite
glad

1 I spotted that because obviously that would be rather
dangerous
2 for Mr Gbao.
3 Your Honour, what I'm assured by Mr Jordash, and by my
4 client himself, is that what was actually said was more on the
17:08:49 5 lines of, "It was not brought to my knowledge that Gbao had
been
6 forcing civilians." And what I do, is ask the stenographers,
7 please, via the Chamber, because this is very serious -- I'm
sure
8 it is an innocent error, which after nearly three years of
work
9 is hardly surprising and understandable -- but I would ask
them
17:09:13 10 to check that and reprint that page once it has been checked.
11 PRESIDING JUDGE: Mr Jordash, do you have any comments
in
12 respect of that observation?
13 MR JORDASH: Only that Mr Cammegh is exactly right.
That
14 is my recollection of the evidence.
17:09:30 15 PRESIDING JUDGE: Mr Nicol-Wilson, do you have any --
16 MR NICOL-WILSON: I think Mr Cammegh is right, Your
Honour.
17 PRESIDING JUDGE: Prosecution, what is your position on
18 that?
19 MR HARRISON: Just that I think there is a procedure in

17:09:44 20 place. I think the procedure --

21 PRESIDING JUDGE: No, I'm talking about -- there is an
22 allegation of inaccuracy. I just want your position on that
23 first before we get to the procedure. Have you looked at the

--

24 MR HARRISON: I have no recollection.

17:09:59 25 PRESIDING JUDGE: You have not looked at the transcript?

26 MR HARRISON: No.

27 PRESIDING JUDGE: And counsel hasn't discussed this with
28 the Prosecution. So you cannot usefully contribute to the
29 question of whether there is, in fact, an inaccuracy in the

1 record?

2 MR HARRISON: I can't help you, but what I can --

3 PRESIDING JUDGE: That is what I wanted to know.

4 MR HARRISON: What I can tell you is that I think,
through

17:10:19 5 the Chamber's legal officers, what typically happens is --

6 PRESIDING JUDGE: No, no, no. Let's take it step by
step.

7 I am more concerned with the substantive question of whether
you

8 agree or do not agree that there is an error. Once you get
over

9 that, then we can talk about procedure as to how to rectify or
17:10:39 10 not rectify.

11 MR HARRISON: I was trying to convey to the Court that
the

12 Prosecution simply doesn't know.

13 PRESIDING JUDGE: Thank you. That's helpful.

14 MR HARRISON: It certainly may be correct what Mr
Cammegh

17:10:52 15 says.

16 PRESIDING JUDGE: Right. Thanks very much.

17 [Trial Chamber conferred]

18 PRESIDING JUDGE: Mr Cammegh, I'm sure that counsel for
the

19 Prosecution was going to remind us of a procedure which we
have,

17:12:39 20 and I reckon that what we normally do in this situation, where
the 21 there is an allegation of inaccurate recording, is to check
said 22 transcript record against the audio, to see exactly what was
the 23 and whether what was said was accurately recorded. That is
24 step which we will direct at this point in time.

17:13:08 25 MR CAMMEGH: I am obliged. Thank you very much.

proceed 26 PRESIDING JUDGE: Right. Thank you. Shall we now
27 with the presentation of your case, Mr Jordash?

28 MR JORDASH: Your Honour, yes. Thank you.

who 29 Q. So, I think where we'd got to was, these men in combat,

1 reported to Boysie Palmer, were trying to break into a
Lebanese
2 shop and you said -- what did you say?
3 A. I said, that was not our purpose in Bo. Our purpose of
4 going to Bo was to get rid of the Kamajors out of Bo and not
to
17:14:03 5 break into somebody's shop. I only heard suppressive firing,
6 then the bullet hit me on the back of my side.
7 Q. I'm not sure it was surprising firing. I think it was
8 suppressive firing. Mr Sesay, did you say surprising --
9 A. Suppressive firing.
17:14:30 10 Q. Just for the purposes of clarity, what is suppressive
11 firing?
12 A. Well, when you fire a gun at automatic, then the bullets
13 are coming terrifically. That is suppressive firing.
14 Q. Where did the firing come from?
17:14:54 15 A. The firing came from the group which I had been shouting
16 at, that they should not break into the store. That was where
17 the firing came from.
18 Q. And --
19 JUDGE BOUTET: And you were shot at, you were showing,
on
17:15:12 20 your right-hand side.
21 THE WITNESS: Yes, My Lord. They shot me in here. I
can

22 get off my chair so that you can see.

23 JUDGE BOUTET: No, that's okay. I just want to know,

24 because you were showing, first, on your right-hand side and
now

17:15:31 25 you're saying it's on your left. That's okay, I just want to

26 know. You were pointing to the left, so there was a bit of

27 confusion in my mind as to where it was, but you say it's on
your

28 left-hand side. That's fine.

29 MR JORDASH: If Mr Sesay doesn't mind, I would like him
to

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1 show the scars.

2 Q. Do you mind, Mr Sesay?

3 A. No, not at all.

4 MR JORDASH: With Your Honours' leave.

17:16:03 5 PRESIDING JUDGE: Leave granted.

6 MR JORDASH:

7 Q. Would you like to just raise your shirt and show the
scar,

8 please? I think you need to take the shirt off, if you can?

9 [Witness complied]

17:16:27 10 PRESIDING JUDGE: The records will reflect that Mr Sesay
11 has exhibited the scars in respect of an alleged wound that he
12 received.

13 MR JORDASH: Can I just describe it?

14 PRESIDING JUDGE: Very well, go ahead. Fine.

17:16:46 15 MR JORDASH: Can I have another look, please, Mr Sesay.

16 [Witness complied]

17 MR JORDASH: The scar is, I think, approximately three -

18 two and a half to three inches long, an inch and a half high,

19 positioned on his left side of his back, approximately midway

17:17:16 20 between the shoulders and the waist. And it's coloured a
darker

21 complexion than his skin colour. And there is a slight
concave

22 appearance to it.

short

23 PRESIDING JUDGE: Thanks. You must have had a very

24 medical orientation course. Thanks. The records will reflect

17:17:45 25 the description.

26 MR JORDASH: Thank you, Mr Sesay.

27 Q. What happened to you when the bullet hit you?

28 A. Well, when the bullet hit me, immediately Kallon and --

29 Morris Kallon and Peter Vandi came.

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1 Q. Before that, what happened to you?

2 A. Well, the bullet hit me. Blood was dripping and the whole

3 T-shirt I had on had some blood and blood was dripping from the

4 place.

17:18:33 5 Q. What, did you remain standing?

6 A. No, no. No, no. I sat. When I was shot, I sat down.

7 Q. What happened then?

8 A. I said, well, I was in the company of Kallon and Peter

9 Vandii. They came and took off the jacket. They tried -- they

17:18:58 10 took off the T-shirt to see the wound. Then they saw the sore

11 and blood was dripping. Kallon tore my T-shirt and tied the

12 place.

13 Q. And what happened then?

14 A. Then Kallon said they should check at the hospital to see a

17:19:25 15 doctor or a nurse, but nobody was at the hospital.

16 Q. How did you get from where you were -- well, did you go to

17 the hospital?

18 A. No. I did not go to the hospital. It was Kallon, but we

19 were at the -- by the hospital fence. Kallon sent one fighter to

17:19:51 20 see whether there was somebody in the hospital, and the fighter

21 came and said there was nobody there.

22 Q. Meanwhile, what were you doing?

23 A. Well, at that time, I was lying down. They laid me down
on

24 the floor and the place continued bleeding.

17:20:16 25 Q. And what happened then?

26 A. Then they placed me in my vehicle. Kallon and Peter
Vandi

27 brought me down to Mile 91.

28 Q. How were you placed in the vehicle?

29 A. Well, they leant me sideways like this, and I leaned
against

1 Kallon's foot. Because it was a Land Rover, which has four
2 doors, and I was lying at the back of the Land Rover and laid
my 3 head on Kallon's foot.

4 Q. How did you get to the Land Rover?

17:21:00 5 THE INTERPRETER: The interpreter is sorry. The
6 interpreter would like to make one correction there.

7 PRESIDING JUDGE: Go ahead.

8 THE INTERPRETER: Normally, in Krio, when somebody says
9 foot, it can refer to the entire leg. So the interpreter has
17:21:15 10 interpreted foot and doesn't know whether the witness is
11 referring to the entire leg. So if counsel can make a
12 clarification, the interpreter would be very happy about it.

13 PRESIDING JUDGE: We'll try. Go ahead, Mr Jordash.

14 MR JORDASH:

17:21:33 15 Q. When you say that you were laid against Mr Kallon, which
16 part of the body were you laid against? If you would need to
17 indicate by pointing to your own --

18 A. Well, I have got a wound on the left part of my back.
So

19 this is the only way I was able to lie down, so my head was on
17:22:05 20 Kallon's legs and my foot was like this.

21 Q. "My foot was like," what, Mr Sesay?

22 A. I said, I laid my head -- I lied down like that and my
feet

this 23 were at the side of the door because I was unable to lie in

24 way.

17:22:29 25 Q. Which part of Mr Kallon's body did you rest upon?

26 A. I laid my foot on Mr Kallon's leg, so my head was on
27 Kallon's leg.

wound 28 PRESIDING JUDGE: We understand. We know you had the

29 on the left, so he could only lie on the right side and placed

1 his head on Kallon's leg.

2 MR JORDASH:

3 Q. Is that right?

4 A. Yes, My Lord.

17:23:08 5 Q. How did you get to the vehicle?

6 A. They held me, they held my hand. I walked and entered
the
7 vehicle.

8 Q. And what happened when you were in the vehicle; where
did
9 you go?

17:23:32 10 A. They drove me to Mile 91.

11 Q. Who drove you to Mile 91?

12 A. Well, the driver who was with me, Tommy, and Kallon
himself
13 was in the vehicle, including Peter Vandi and the bodyguards.

14 Q. Where did you go in Mile 91?

17:23:59 15 A. Well, when we came, we went to Camp Charlie. The army
had
16 a camp based at Camp Charlie and that was where they took me.

17 Q. What was Camp Charlie?

18 A. Camp Charlie, it was a camp like RDF, which was made by
the
19 NPRC. That was where the soldiers were based. So I was
driven

17:24:33 20 to that place, from out of Mile 91 towards Freetown.

21 Q. And what happened there?

22 A. Well, they took me to the hospital. I think two
military
23 doctors were there. They were assigned there. They treated
me
24 and --

17:25:03 25 Q. What treatment did you receive?

26 A. Well, they stitched the sore. They anaesthetised the
place
27 and stitched it and they gave me series of injections.

28 Q. Do you know how stitches you received?

29 A. I cannot recall again.

and 1 Q. Did you receive any other treatment besides stitching
2 cleaning?

gave 3 A. Yes. I said they gave me tetanus injection and they
4 me a procaine injection again.

17:25:46 5 Q. What was the last injection?

6 A. Procaine. Antibiotic.

7 PRESIDING JUDGE: Yes, procaine.

8 MR JORDASH: Thank you.

9 Q. And how long did you stay there?

17:26:05 10 A. Well, we were at the hospital for about an hour. After
the 11 treatment, I was taken to the house where I left my family, in
12 Mile 91.

13 Q. And perhaps I should have asked this: Do you know what
14 weapon caused the injury?

17:26:33 15 A. Well, because other bullets pierced my jeans jacket, and
know 16 when I saw the bullet marks on my jeans jacket. I came to
17 that it was an AK-47, but the distance of the shooting was a
18 short distance.

19 Q. So you went to your family in Mile 91?

17:27:01 20 A. Yes.

21 Q. Where were they in Mile 91?

22 A. I said, we left there, at Mile 91, where we met Kallon's
23 family at Mile 91, that was at the junction. That was where I
24 left my family, too. Then we went on the attack and, when we
17:27:25 25 returned, we met them there.

26 Q. And what happened when you met them there?

27 A. Well, when I met them there, my wife made soup for me,
28 which I drank. And Kallon returned to Bo. So we were there
29 until the evening. Then we left Mile 91, hoping that our men

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1 will still be at Masiaka. But, to my surprise, when I reached
2 Masiaka, we didn't meet anybody. All members of the troop had
3 left from Makeni.

4 Q. Just a question about timing: From the time you left
17:28:25 5 Masiaka, to the time you came back and arrived at Masiaka, how
6 long between those two times?

7 A. Well, we left Masiaka -- like, I can say it wasn't
complete
8 48 hours, because we left Masiaka at around 11 and we drove in
9 the morning.

10 Q. In the morning?

11 A. In the morning. We left Masiaka at around 11 and we
12 arrived at Mile 91. We travelled throughout the night and we
13 attacked Bo. Then, the following morning, at around ten, I
got
14 wounded. Then they brought me back to Mile 91. So, we left
Mile

15 91 around 5.30 to go back to Masiaka. So, I'm not sure if
16 it's complete 48 hours.

17 Q. Well, how much less than 48 hours was it, just
18 approximately, not exact?

19 A. Well, I feel, Mr Lawyer, you can help me. I have
17:30:01 20 explained. I cannot tell the exact hours. I have explained
to

21 you about the time I left Masiaka, through Mile 91, to Bo, and

22 the time I got wounded and came back.

arrived 23 Q. The time you arrived in Masiaka was, what, when you

24 back in Masiaka, having been --

17:30:19 25 A. That would be around 6.30 in the evening.

know 26 MR JORDASH: I notice the time, Your Honour. I don't

27 if that's a suitable time.

28 PRESIDING JUDGE: Yes. Well, we have come to the end of

at 29 the day. The trial is adjourned to tomorrow, Wednesday, 9 May

p.m.,
of

1 9.30 a.m.
2 [Whereupon the hearing adjourned at 5.30
3 to be reconvened on Wednesday, the 9th day
4 May 2007, at 9.30 a.m.]
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EXHIBITS:

Exhibit No. 193

WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ISSA HASSAN SESAY 2

EXAMINED BY MR JORDASH 2