

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

TUESDAY, 13 MAY 2008  
9.40 A.M.  
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:	Benjamin Mutanga Itoe, Bankole Thompson Pierre Boutet
For Chambers:	Mr Felix Nkongho Ms Priyanta Chirimar
For the Registry:	Ms Advera Kamuzora
For the Prosecution:	Mr Peter Harrison
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Charles Taku Mr Kennedy Ogeto Ms Lois Mbafor
For the accused Augustine Gbao:	Mr John Cammegh Mr Scott Martin

1 [RUF13MAY0808A-BP]

2 Tuesday, 13 May 2008

3 [Open session]

4 [The accused present]

09:25:38 5 [Upon commencing at 9.40 a.m.]

6 [The witness entered Court]

7 PRESIDING JUDGE: Good morning, learned counsel. We're

8 resuming the proceedings and this would, in fact, yesterday,

9 Mr Ogeto, when we talked of the other witness being the 16th,  
it

09:43:32 10 was in fact the 17th witness.

11 MR OGETO: It was an error. My apologies, My Lords.

12 PRESIDING JUDGE: Ms Mylvaganam, you are welcome back.

13 MS MYLVAGANAM: I am very grateful, My Lord. It's very

14 nice to be back.

09:43:52 15 PRESIDING JUDGE: Good. Mr Cammegh, welcome back. The

16 holidaymakers are back.

17 MS MYLVAGANAM: My Lord, far from it. I was definitely  
not

18 on holiday but putting my best efforts towards this case, I

can

19 assure you.

09:44:00 20 PRESIDING JUDGE: I see. Oh, beautiful. Thank you very

21 much. Thanks. Mr Cammegh, how was your trip?

22 MR CAMMEGH: It was very enjoyable, thank you very much.

23 The wedding was rubbish but apart from that I had a very good

24 time.

09:44:12 25  
Yes,

PRESIDING JUDGE: Very good. Well, all right. Good.

26 as I was saying, this would be the 18th witness.

27 MR OGETO: You're quite right, My Lords, 18th. Can the  
28 witness be sworn in, please. And this is witness number?  
0082?

29 MR OGETO: DMK-082.

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1 PRESIDING JUDGE: 082.

2 MR OGETO: Yes.

3 PRESIDING JUDGE: Yes, thanks.

4 WITNESS: DMK-082 [Sworn]

09:26:15 5 [The witness answered through interpreter]

6 EXAMINED BY MR OGETO:

I 7 MR OGETO: My Lords, in order to avoid a closed session,

8 would request that a piece of paper be given to the witness in

9 order to record certain background information that is likely  
to

09:45:43 10 identify him.

11 PRESIDING JUDGE: Right.

12 MR OGETO:

13 Q. Mr Witness, I would like you to --

14 A. Yes, sir.

09:46:12 15 Q. -- first of all --

16 A. Yes, morning, sir.

17 Q. -- I would like you to put down certain information that  
is  
18 likely to reveal your identity because we are in open session.  
19 The first information that I want you to put down as number 1  
--  
09:46:34 20 write "number 1".

21 PRESIDING JUDGE: The witness is testifying in Krio?

22 MR OGETO: In Krio, My Lords, yes.

23 PRESIDING JUDGE: Yes.

24 MR OGETO:

09:46:42 25 Q. Write down your full names.

26 A. Yes, sir.

27 Q. Number 2, your age.

28 A. Yes, sir.

29 Q. Number 3, your marital status and the number of  
children,

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1 if any, you have.

2 A. Yes, sir.

your  
3 Q. Number 4, please indicate your present place of abode;  
4 residence, your current residence.  
09:47:49 5 A. Yes, sir.  
6 Q. And the district where that place is located within  
7 Sierra Leone.  
8 A. Yes, sir.  
9 Q. Next, the next number, which is it, the next number?  
09:48:32 10 A. Number 5 now. It will be 6 now.  
1998 11 Q. Okay. Six, indicate your place of residence between  
12 and 2002.  
13 PRESIDING JUDGE: Between?  
14 MR OGETO: 1998, My Lords, and 2002.  
09:49:01 15 PRESIDING JUDGE: That is between 1998 to 2002?  
16 MR OGETO: Yes, My Lords.  
17 Q. Number 7, indicate your current --  
18 A. Yes, sir.  
19 Q. So number 7, indicate your current occupation and  
against  
09:49:49 20 that indicate your present place of work.  
21 PRESIDING JUDGE: Your present what?  
22 MR OGETO: Place of work.  
23 THE WITNESS: Yes, sir.  
24 MR OGETO:  
09:50:19 25 Q. And then next indicate the position, if any, that you  
hold  
26 at your present place of work. And finally, indicate the  
27 position that you held in December 1998 before the RUF came to  
28 your place of residence.  
29 A. Yes, sir.

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1 Q. That's all. Thank you, Mr Witness.

2 A. Yes, sir, thank you.

3 PRESIDING JUDGE: Mr Witness, I take it that you are a  
4 Sierra Leonean?

09:58:15 5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: You are tendering this?

7 MR OGETO: Yes, My Lords.

8 PRESIDING JUDGE: Yes. Any objections, please?

9 MR HARRISON: No.

09:58:36 10 MR JORDASH: No, thank you.

11 MR CAMMEGH: No, thank you.

12 PRESIDING JUDGE: The paper is admitted and marked  
13 confidentially as Exhibit 372.

14 MS KAMUZORA: Yes, My Lords.

09:59:13 15 PRESIDING JUDGE: Yes, can we have it now, please.  
Thank

16 you.

17 [Exhibit No. 372 was admitted]

18 MR OGETO: Much obliged.

19 Q. Mr witness, I have a few questions for you. They are

09:59:35 20  
answers

the 21

22  
also 23

24  
10:00:03 25

goings to be very few questions. Please try to make your  
as short as possible. After my questions, my colleagues from  
Defence on this side will ask you questions -- or may ask you  
questions -- and the Prosecution on your left-hand side may  
have some questions for you; do you understand?

A. Yes, sir.

26 Q. If my questions are not clear, please do not hesitate to  
27 seek clarification from me.

28 A. Okay, sir.

29 Q. Do you know the accused person, Morris Kallon, in this

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1 case?

2 A. Yes, sir.

3 Q. When did you first meet Mr Kallon?

4 A. 29 December '98.

10:00:42 5

PRESIDING JUDGE: That was when you first met him?

6 MR OGETO: Yes, My Lords.

7 THE WITNESS: Yes, My Lord.

8 MR OGETO:

9 Q. Where did you meet Mr Kallon in December 1998?

10:00:55 10 A. In --  
11 THE INTERPRETER: The interpreter is asking that the  
12 witness comes closer to the mic.  
13 PRESIDING JUDGE: Please come closer to the microphone.  
14 THE WITNESS: Yes, sir.  
10:01:19 15 MR OGETO:  
16 Q. Where did you meet Mr Kallon in December 1998? Just  
17 mention the place.  
18 A. In Masingbi Town.  
19 Q. Can you recall the circumstances in which you met Mr  
Kallon  
10:01:43 20 at that time?  
21 A. Yes, I can recall but I need some little explanation.  
22 Q. Proceed, please, to explain to the Court and try and be  
23 brief.  
24 A. Okay. I was the [REDACTED] in the chiefdom. Then in  
10:02:15 25 December --  
26 Q. Be careful about revealing your identity.  
27 A. No, no. No, no, no.  
28 PRESIDING JUDGE: Let the mention of, the last mention  
of  
29 of what he was in that kingdom -- it should be redacted,  
please.

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1 MR OGETO: Thank you, My Lords.

2 PRESIDING JUDGE: When you occupied that position that  
you  
3 mentioned in the paper -- you occupied that position?

4 THE WITNESS: Yes, sir.

10:02:46 5 MR OGETO:

6 Q. So what happened? Be careful be any information that is  
7 likely to identify you.

8 PRESIDING JUDGE: Mr Witness, every information that you  
9 have put on that piece of paper is confidential information.

10:03:04 10 It's not supposed to be communicated to the public.

11 THE WITNESS: Okay, sir.

12 PRESIDING JUDGE: It's marked as an exhibit but it is  
13 confidential --

14 MR HARRISON: Yes, sir.

10:03:15 15 PRESIDING JUDGE: You should be careful not to release  
any  
16 of the information on that paper to the public.

17 THE WITNESS: Yes, sir.

18 MR OGETO:

19 Q. Okay. Proceed to explain the circumstances under which  
you  
10:03:27 20 met Mr Kallon.

21 A. Well, it was our elders who called upon us. They said  
we  
22 should go, that there were people who had planned to talk to  
us.

23 Anyway, we did not believe. We were reluctant and we did not  
go

24 and still the elders of that particular town they persisted  
that  
10:03:58 25 we should go and we went. And when we went, that was the time  
I  
26 met Mr Kallon. Then he told us that: Now you've been here,  
you  
27 are taking care of this place, and now that we've come, we do  
not  
28 plan to leave any of our men here, so we wanted to continue to  
29 take care and you're under our protection and that you'll

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1 continue to be in control as before. And the way he spoke to  
us,  
2 and the way we observed him, we felt that we had the plan that  
we  
3 were in that place to protect. If they came and they said we  
4 should continue to protect under their name, then we saw it  
that  
10:04:54 5 what they told us, we started seeing the symptoms of what they  
6 told us, that they were going to receive us as Sierra Leoneans  
7 and then we accepted. And then he was -- he was so kind and  
8 initially, when he was speaking, I observed from his facial  
9 expression that he was a nice man and after the discussion he  
10:05:17 10 went away. Then --

were 11 Q. Just pause there for a moment. Where is it that you  
12 summoned to go and meet Mr Kallon? Where did you meet him?  
13 A. It was at the paramount chief, the caretaker of the  
14 chiefdom's house.  
10:05:49 15 Q. What was the name of that person at the place where the  
--  
16 the owner of the place where you met Mr Kallon?  
17 A. He was called xxxxxxxxxx. Now he is a chief, he is  
18 called Pa xxxxxxxxxx.  
19 Q. Can you please spell the second name?  
10:06:20 20 A. xxxxxxxxxxxxxxxxxxxxxxxxxxxx.  
21 Q. How many of you went to meet Mr Kallon?  
22 A. The first day, on 29 December 1998, we were 59 in  
number.  
23 Rather, 57 in number.  
24 Q. So what happened after you had had the discussion with  
him?  
10:07:10 25 A. Well, we accepted, and we decided to call upon our  
26 companions, and we called upon them and they came. They came  
in  
27 their numbers and we met with him again on 1 January 1999.  
28 Q. How many of you met him on 1 January 1999?  
29 A. I can still recall we were 115.

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1 PRESIDING JUDGE: What date in January?

2 THE WITNESS: 1st.

3 MR OGETO:

4 Q. How many? Can you please repeat, I didn't get it.

10:08:06 5 A. On 1 January, we were 115 who met him for the second  
time.

6 Q. And who were they, these 115?

7 A. It was the last name mentioned.

8 Q. Just describe them. Who were they, the 115 who met

9 Mr Kallon on 1 January 1999? Did they belong to a specific  
10:08:48 10 group?

11 A. Yes, they were CDFs.

12 Q. What about the 57 who had met him earlier; did they also  
13 belong to a specific group?

14 A. They were the CDFs. They were members of the command  
group

10:09:15 15 and they were the first people who met with him.

16 Q. During this second meeting, did Mr Kallon deliver any  
17 message to you?

18 A. Yes, sir.

19 Q. What was the message?

10:09:37 20 A. He told us that, as he told us the first day we met,  
that

21 he would want -- and his companions -- for us to take care of  
our

22 own place as we had been doing before and for us to believe in

23 the position we initially had, we would still retain those

24 positions and continue to take care of our people, and that  
that

10:10:09 25 was something he and Issa Sesay had discussed and accepted,  
and  
26 that we'll continue to hold the positions we held, so that  
we'll  
27 be able to take care of the people, especially the civilian  
28 population. And he warned us that they were handing over the  
29 place to us as we used to control the place before, that our

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that  
that  
deal  
10:10:57 and  
the  
please,  
10:11:19 Please

1 priority should be taking care of the civilian population;  
2 he would be harsh with somebody if he received a complaint  
3 the person had molested or disgraced civilian and that if he  
4 received any information regarding that he will -- he will  
5 with the person. And when talking this thing he was smiling  
6 at the end of the day he produced salt, medicines, and he gave  
7 some to the chief and that he carried some to the chief and,  
8 indeed, we saw it and some of us followed him, and he went to  
9 chiefs and gave them the salt and he talked to them that,  
10 these are your people. These were the people protecting you  
11 before. So we've also chosen them to take care of you.

12 cooperate with them. We've told them to take care of you, the  
13 civilians.

14 Q. Where was this second meeting held?

10:11:42 15 A. Where the CDF headquarters was located, at the Ahmadiyya  
16 Grounds. That was the headquarters.

17 Q. Ahmadiyya is A-H-M-A-D-I-Y-Y-A?

18 A. Exactly, sir.

19 Q. Do you know where Mr Kallon lived in early 1999?

10:12:30 20 A. It was in Masingbi Town; it was in Masingbi.

21 PRESIDING JUDGE: What year?

22 MR OGETO: Early 1999, My Lords.

23 Q. Do you know when he moved to Masingbi?

24 A. He came and stayed in Masingbi with his family January  
'99,

10:12:58 25 but I can cannot say the exact date, but at least at the end  
of

26 January.

27 Q. Can you recall where exactly in Masingbi he lived?

28 A. Yes, sir. He was at number 8, along Masiaka Road.

29 Q. How far was that from your residence?

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where

1 A. It was not up to 50 metres. Only four houses between  
2 I was and where he was. I was before and he was at the rear.

3 Q. For how long did Mr Kallon reside in Masingbi?

there

4 A. He was in Masingbi for quite a long period. He was

10:14:20

5 up to 2002.

to

6 Q. How often did you see Mr Kallon during this period, '99

7 2002?

to

8 A. Almost every day we will see three to four times because

9 Masingbi was a small town. Almost every day we would see up

10:14:53  
drank

10 four to five times and he used to drink palm wine. I too

11 palm wine so we used to sit together.

12 Q. During this period are you able to tell the Court the  
13 nature of the relationship between Mr Kallon and civilians in  
14 Masingbi?

10:15:19

15 A. Yes, sir.

16 Q. Go ahead.

that

17 A. Mr Kallon, he had a very cordial relationship with the  
18 civilians, and I can tell this Court and can attest to that,

10:15:57  
--

19 in the northern province, that the presence of Mr Kallon in  
20 Masingbi made the people in Masingbi had a relief from the war

be

21 they had a relief -- and he used to tell his men that it would

a

22 nice of them if they took care of the civilians and there was

even

23 time when he came and he surprised us and we admired him and

24 the chiefs and the civilians. He came with 40 bushels of husk

10:16:31 25 rice and he told us that it was Mr Issa Sesay who told him  
that  
26 he should come with rice for us and not for ourselves but for  
the  
27 civilians. And that included ten bags of food for work and  
other  
28 condiment. And we went to the chief, the paramount chief  
29 caretaker at that time. He explained to him that he brought  
the

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do 1 rice in order to supply it to the people in order for them to  
2 their swamp farming and the paramount chief caretaker received  
3 the rice and he asked him under what condition we should  
4 cultivate the rice. Then Mr Morris Kallon told the paramount  
10:17:11 5 chief caretaker that: I and Issa Sesay have decided that not  
6 only for Masingbi but for other areas to give rice to  
civilians  
7 in order for them to cultivate and that, after harvesting, if  
8 they had very good yield they would give the extra to other  
9 people, so that at least you people will be able to get food  
in  
10:17:35 10 the area. That's why I brought food for work. That was what  
was  
11 -- that was what Issa Sesay told me. He brought the -- he



the 12 brought the food with money and told us that we shall talk to  
13 people to -- in order for them to do their farming. That was  
14 what obtained during that time.

10:18:00 15 Q. When is this that Mr Kallon brought this rice to  
Masingbi?

16 A. It was in '99.

17 Q. Can you recall was it early '99, mid '99 or late '99?

18 A. No, he brought it -- I can still remember the month. It  
19 was in May '99. That was the time he brought it there.

Towards

10:18:33 20 the time we were about to cultivate our swamps. He came with  
40

21 bushels. As I'm saying it here, the paramount chief caretaker  
is

22 still there and I can attest to the Court that Mr Morris  
Kallon

23 took that rice to the paramount chief caretaker at that time.

24 Q. What was his name again, please?

10:18:56 25 A. The first name when he was there, he was xxxxxx xxxxx,  
26 but he has been crowned as a ceremonial chief; he is now  
xxxxxx

27 xxxx and he is still there.

28 Q. Thank you.

29 A. Yes, sir, welcome sir.

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do 1 Q. Now, during the period January to around April of 1999,  
2 you know if Mr Morris Kallon went to be based in Waterloo?  
3 A. No, sir.  
4 PRESIDING JUDGE: Was the witness based in Waterloo?  
10:19:42 5 MR OGETO: No, but the witness was in Masingbi.  
6 PRESIDING JUDGE: If Kallon went -- I mean, if he left  
7 Masingbi -- would the business or would the witness know  
whether 8 he went to Waterloo or wherever?  
9 MR OGETO: The witness earlier on --  
10:19:56 10 PRESIDING JUDGE: It's not a fair question.  
11 MR OGETO: Earlier on the witness, My Lord, said that he  
12 was with Mr Kallon --  
13 PRESIDING JUDGE: He saw Mr Kallon every day, at times  
14 three, four times a day. They drank palm wine together.  
10:20:05 15 MR OGETO: Yes, yes.  
16 PRESIDING JUDGE: Did everything together. But Waterloo  
is 17 not close to Masingbi.  
18 MR OGETO: Yeah, but if Mr Kallon went to be based in  
19 Waterloo, the witness is able to comment on that, in my humble  
10:20:22 20 submission, My Lords.  
21 PRESIDING JUDGE: It was just a comment. If Kallon wnet  
to 22 Waterloo.  
23 MR OGETO: Not just going, My Lords.  
24 PRESIDING JUDGE: To be based in Waterloo.  
10:20:34 25 MR OGETO: Yes, My Lords.

wanted 26 PRESIDING JUDGE: Well, I hope -- get along. I just  
27 to draw your attention to that.  
28 MR OGETO:  
29 Q. Do you have any information if Mr Kallon was at any time

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Waterloo? 1 during this period, January to April, he was based in

can 2 MR HARRISON: Well, the objection is that the witness

in a 3 answer if he was in Masingbi. He simply can't say if he was

wasn't 4 particular other location because, obviously, the witness

10:21:04 5 there. So he can simply be asked the question: Did at any  
6 time -- are you aware of Mr Kallon leaving Masingbi?

7 PRESIDING JUDGE: Yes.

8 MR OGETO:

1999, 9 Q. Are you aware of any time, between January and April

10:21:21 10 when Mr Kallon left Masingbi to be based in Waterloo?

11 MR HARRISON: It's the part about the Waterloo that the  
12 witness is unable to respond. He can be asked the question:

Are

13 you aware of Mr Kallon leaving Masingbi?  
14 PRESIDING JUDGE: Let him first answer the question  
whether  
10:21:41 15 Mr Kallon between -- what was the date again? April 1999 --  
16 MR OGETO: Yes, January '99 to April.  
17 PRESIDING JUDGE: January and April '99.  
18 MR OGETO: Yes, My Lords.  
19 PRESIDING JUDGE: Whether he left Masingbi?  
10:21:57 20 MR OGETO: Okay.  
21 Q. Do you have any information if Mr Kallon, between  
January  
22 '99 and April '99, left Masingbi?  
23 A. No, sir.  
24 Q. Where were you on 1 May 2000?  
10:22:26 25 A. I was in Masingbi.  
26 PRESIDING JUDGE: Are you saying that he never left  
27 Masingbi at all between April, between January and April 1999?  
28 He never left Masingbi at all? Because you saw him every day;  
29 you were very close.

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1 THE WITNESS: Every day, yes. Yes, every day. Every  
day.

saying 2 PRESIDING JUDGE: That's what I'm asking. Are you  
Masingbi 3 that within these four months of 1999 he never ever left  
4 to anywhere?

10:22:59 5 THE WITNESS: Well, he used to move with his car, but he  
6 will not spend the whole day. He would come back, because his  
7 wife was stationed in Masingbi and the family. He will go out  
8 but he will come at the end of the day.

9 Q. Where were you on 1 May 2000?

10:23:34 10 A. I was in Masingbi.

11 PRESIDING JUDGE: On 1 May?

12 MR OGETO: Yes, My Lords.

13 Q. Did you see Mr Kallon on 1 May 2000?

14 A. Yes, I saw him at around 8 p.m. I was coming from the  
10:24:01 15 junction to my house; then he went and passed -- he was in his  
16 the vehicle. His wife was in the vehicle and his son was also in  
17 vehicle. While I was going to my house, he drove past me.

18 Q. Did you talk to him?

19 A. Well, I can say I discussed with him because I greeted  
him 20 and that alone I would say we had a conversation.  
10:24:34 21

22 Q. Anything beyond that?

23 A. No, no, no. I went to my house.

24 PRESIDING JUDGE: [Indiscernible] 8 p.m. on 1 May? 8  
p.m. 25 It was in the night on 1 May.

10:24:52 26 THE WITNESS: Yes, sir. Yes, sir.

27 MR OGETO:

Q. Did you get to know where Mr Kallon was coming from?

28 A. I did not ask him. I only greeted him and I went to my  
29 house.

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1 Q. What about 2 May; did you meet Mr Kallon?

2 A. Yes, sir.

3 Q. Where did you meet him?

4 A. Well, by 9 to 10 in the morning I said I was going to  
pay

10:25:36 5 him a visit. He was my boss. So I went and ask and I was  
told

6 that he was taking a bath. And I was trying to leave the  
place

7 and he sent a message that I should be told that after taking  
the

8 bath, he will meet me at my house. He met me at 10.30 or so  
and

9 both of us sat and discussed. That was the time we sat  
together

10:26:09 10 drinking palm wine. He told me that: Fellow, I heard some  
said  
11 information about something going on which is not good. I

12 what? He said I received information last night that Komba

13 Gbundema and others -- I understood that some UNAMSIL were

14 forcefully trying to disarm our fighters and that there was a

10:26:36 15 confrontation between Komba Gbundema and those men. I said:

16 Well, if that was what happened, they are in Makeni. Let us  
17 listen to them. But the way I observed him. He was so  
worried  
18 that -- I asked him: Chief, why are you so jittery? He said:  
19 My fellow, I should be jittery because we had a close  
10:27:02 20 relationship with those guys, especially the Guineans and I  
would  
21 not want anything of the sort to happen to them. He said then  
22 you know that of our leader had not got interest in me. If  
those  
23 men succeed they will turn around and say Kallon, you are one  
of  
24 the men that were supporting those men. Then I told him that  
we  
10:27:25 25 are on your own side and some of us are loyal to you. Yes,  
sir.  
26 No problem, sir. Yes, sir. He said -- I said yes, it  
wouldn't  
27 be possible. Then we discussed that we forgot about that. We  
28 continued drinking our palm wine. Then we dispersed and, in  
fact,  
29 we ate -- we ate lunch together in my house. We dispersed  
around

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1 about 5.30 to 6. He went to his house. I remained in my  
house.

2 That was on the 2nd.

3 PRESIDING JUDGE: That was when.

4 MR OGETO: On the 2nd.

10:28:08 5 THE WITNESS: On the 2nd.

6 MR OGETO:

7 Q. What about the 3rd? Did you see Mr Kallon?

8 A. Yes. As I have told the Court earlier, that we would  
see

9 up to three to four times of a day because we stay closer. We

10:28:29 10 used to sit together, 11, the signaller that came.

11 Q. Just answer my question: Did you see Mr Kallon on the  
3rd?

12 A. Yeah, I saw him on the 3rd. I saw him on the 3rd, sir.

13 Q. Where did you see him on the 3rd?

14 A. In Masingbi.

10:28:50 15 Q. Where exactly did you see him in Masingbi?

16 A. He came to my house. He came to my very house.

17 Q. What time did he come to your house?

18 A. By 10 in the morning -- 10 a.m.

19 Q. Did you know why he came to your house?

10:29:19 20 A. Well, he used to come to my house and when he came, he

21 and discussed the same thing about what was happening in Makeni

22 we discussed the same thing. And he was worried over that.

23 Q. Did anything happen around that time after he arrived?

24 A. Yes.

10:29:45 25 Q. What is it that happened?

26 A. I recall that the signaller came with a paper. The  
paper

27 indicated --



28 Q. Which signaller came? Who is this signaller?  
29 A. It was Bockarie. I can recall the name Bockarie.

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1 Q. Whose signaller was he?

2 A. He was -- he was my signaller.

3 THE INTERPRETER: The interpreter cannot interpret that  
4 part.

10:30:27 5 MR OGETO:

6 Q. Can you please repeat: Whose signaller was this person?

7 A. I said he was my signaller. I was the [REDACTED] at the  
8 battalion. He was my signaller.

9 Q. Don't mention your position, Mr Witness, please?

10:30:47 10 A. Okay, sir. Okay, sir, no problem.

11 Q. But I pray that that be redacted?

12 PRESIDING JUDGE: Yes, let it be redacted, yes.

13 MR OGETO:

14 Q. So what kind of message did he come with?

10:31:03 15 A. He said what he wrote on the paper indicated that he  
16 monitored Gbundema, Kailondo and others, they were moving  
towards

17 Makeni the Lunsar highway intending to ambush the UN personnel  
18 that were coming to Makeni.

19 Q. What was your reaction to this information?  
10:31:41 20 A. Well, at that time I and Morris Kallon were sitting  
21 together. I said chief, this thing was going out of our hand,  
22 that I told him that my feeling was that the guys had wanted  
to  
Kono  
23 hijack the movement and that you are here, Issa Sesay is in  
24 and they are over there. They are subordinate like us. Why  
10:32:04 25 should they be doing all these things? And Kallon said:  
Well,  
26 maybe they might have got some orders from the above, but I  
can't  
27 tell. But still he was worried. He appeared worried. He  
looked  
28 worried.  
29 Q. Did anything else happen after the signaller came with  
this

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1 message on that day?  
2 A. Yes, sir.  
3 Q. What is it that happened?  
4 A. The same day the 3rd, by 3 o'clock the same signaller  
came  
10:32:44 5 again with --

6 PRESIDING JUDGE: Mr Witness. Mr Witness. Tell me, you  
7 said -- is it you? Is it Kallon who said that they may have  
8 issued instructions from above? You did say in the course of  
the  
9 conversation, you know, there was something like those juniors  
10:33:07 10 who were acting whilst he was in Masingbi and Issa Sesay was  
in  
11 Kono, may have received instructions from above. Who said  
that.

12 THE WITNESS: I myself said so. I said maybe they might  
13 have received instruction from above. And I said even that  
Pa,  
14 our Pa, it appeared as if he did not want peace to reign in  
this  
10:33:42 15 country. That was why he was doing that. And I -- it was he  
who  
16 instructed those boys, Kailondo and others, and did not  
instruct  
17 Issa and yourself.

18 MR OGETO:  
19 Q. How did you arrive at that conclusion?  
10:33:57 20 A. Well, we were still -- and even when he came to our  
town,  
21 the leader Sankoh, according to the way we observed him, he  
did  
22 not have much interest. He did not seem to have interest over  
23 some of the -- the big men in the movement like Issa and  
Kallon.  
24 Even when we went into closed-door meetings, the way he spoke  
to  
10:34:31 25 them showed that he had less interest in them. And he had  
more  
26 interest to those guys that were around him like Superman. He  
27 had much interest in them. That was -- that drove me to that  
28 conclusion. What made me to conclude that, I just want to

told 29 emphasise something. He came to Masingbi the other time and

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hand 1 us that we should disarm and he demonstrated, he pointed his  
2 in front and drew it at the back. He should give some few and  
3 hid the others and that, in fact, that made me to believe that  
4 probably he was the one that told those guys to act that way.

10:35:20 5 Q. When was that that the Pa came to Masingbi and did what  
you 6 have shown the Court?

from 7 A. Well, at that time it was at the field after he came  
8 Lome, after he had signed in Lome. I think that was his first  
9 visit in Masingbi. I believe so.

10:36:00 10 Q. So what was Mr Kallon's response to your conversation?

He 11 A. Well, he said he was trying to contact Issa Sesay to ask  
12 him if he was aware of what was going on. Then he left me.  
13 went to his house and I stayed in my house.

14 Q. What time did he leave your house?

10:36:34 15 A. He left me about 1 -- by 1. Around that time because he  
16 was calling -- that was -- I heard the call for prayers. That

it 17 was the time he left me. That was the 2 o'clock prayers but

18 was not exactly 2.

19 Q. And that's 3 May 2000; am I right?

10:36:50 20 A. Yes, sir, 3 May. The 3rd.

discussion 21 Q. Did anything else significant happen after this

22 with Mr Kallon?

23 A. Yes, sir, I can recall, yes.

24 Q. What happened next?

10:37:14 25 A. Well, a signaller came. He came again to me and gave me  
a

others 26 message that he had just monitored that Komba Gbundema and

27 had arrested 400 UNAMSIL personnel and I myself carried the

28 message to Kallon. I told him that that was the latest

29 development.

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from 1 Q. And what time is this that you got this second message  
2 the signaller?

3 A. 3 o'clock. It was at 3.

4 Q. Did Mr Kallon in any way react to this message that you  
10:38:04 5 took to him?

6 A. Yes, sir.

7 Q. What was his reaction?

8 A. He decided to go to Magburaka in order for him to check,  
9 and indeed he went.

10:38:35 10 Q. Now, during the period 1999 to 2002, do you know if  
there  
11 were any civilians in Masingbi who were forced to go and mine  
in  
12 Kono?

13 A. No, sir.

14 JUDGE BOUTET: Mr Ogeto, would you mind repeating your  
10:39:02 15 question, please?

16 MR OGETO: Yes, if the witness knows if there were any  
17 civilians from Masingbi who were taken to Kono by force to go  
and  
18 mine in Kono.

19 Q. What was your answer, Mr Witness?

10:39:21 20 A. No, sir, no.

21 Q. You did not receive any reports?

22 A. I did not get that report and at that time I was at the  
23 ground and if it happened it would have reached me. So if it  
did  
24 not reach me then it did not happen.

10:39:47 25 Q. During that same period --

26 PRESIDING JUDGE: Taken by force by who? I'm sure you  
want  
27 to precise that, taken by force, yes. Taken by force by who?

28 MR OGETO: Yes, My Lord.

29 Q. By the RUF; any senior officer of the RUF?

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of 1 A. None went there to collect civilians. I did not see any  
2 them who went there to collect civilians.

trucks 3 Q. Mr Kallon never ferried civilians from Masingbi in  
4 to go and mine in Kono at that time?

10:40:33 5 A. No, sir.

6 Q. Do you know if the RUF during that same period ferried  
7 civilians to Kono for training, for military training?

8 A. I did not receive that information. I was not aware of  
9 that.

10:41:01 10 MR OGETO: My Lords, with your permission if I can  
consult 11 for a minute?

12 PRESIDING JUDGE: Yes, you may.

13 MR OGETO: My Lords, I'm reminded that I forgot one  
aspect 14 which the witness ought to have written on that piece of  
paper.

10:41:53 15 If we can probably take that piece of paper once again to him  
so 16 that he can --

17 PRESIDING JUDGE: Let them give him another piece of  
paper.

18 MR OGETO: Okay, My Lords. Give the witness another  
piece

19 of paper.

10:42:23 20 Q. Mr Witness, on that piece of paper please indicate the  
held 21 position that you held after the RUF came to Masingbi. You  
Kallon; 22 a specific position before they came, before you met Mr  
23 is that right?

24 A. I don't understand the question.

10:42:49 25 Q. Now, before Mr Kallon, before you met Mr Kallon, you  
held a 26 specific position which you have already indicated in the  
other 27 piece of paper; am I correct?

28 A. Yes.

29 Q. After you met Mr Kallon you held another position?

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1 A. Yes, sir.

2 Q. That is the position that I now want you to indicate on  
3 that piece of paper, and the period within which you held that  
4 position, and if there were any men under you, please indicate  
10:44:02 5 the number, if you can recall that number?

6 PRESIDING JUDGE: But he had 112 men -- 112 men attended  
at



7 a meeting. Do you want him to write the names of all those  
8 people?

9 MR OGETO: I haven't said the names, My Lord. The  
number.

10:44:20 10 PRESIDING JUDGE: Yes, the number. You know, he's  
already

11 testified to the number of people.

12 MR OGETO: Who came for the meeting but not --

13 PRESIDING JUDGE: To what meeting?

14 MR OGETO: The meeting that -- the second meeting when  
they

10:44:32 15 met Mr Kallon.

16 PRESIDING JUDGE: There was a first meeting, 45, the  
second

17 meeting --

18 MR OGETO: 57 the first meeting.

19 PRESIDING JUDGE: Yes, the second meeting was 100 and --

10:44:43 20 MR OGETO: 100 and something.

21 THE WITNESS: Fifteen.

22 PRESIDING JUDGE: Fifty.

23 THE WITNESS: Fifteen.

24 PRESIDING JUDGE: So what do you want on this piece of  
10:44:51 25 paper now?

26 MR OGETO: I want him to indicate if he had men under  
him

27 during that period when he held that position and how many  
those

28 men were during that period.

29 Q. Did you have any men under you during that period?

My

1 A. Somebody near to me? As bodyguards, or what?  
2 Q. Okay, let me see the piece of paper that you've written.  
3 If the Registry can please -- okay, that will be sufficient,  
4 Lords.

10:46:20 5 MR CAMMEGH: Could Mr Gbao please leave the room for a  
6 moment?

7 PRESIDING JUDGE: Yes, he may, please.

8 MR CAMMEGH: Thank you.

9 PRESIDING JUDGE: You are tendering the paper, Mr --

10:48:00 10 MR OGETO: Yes, My Lords.

11 PRESIDING JUDGE: Yes. Any objections?

12 MR HARRISON: No.

13 PRESIDING JUDGE: Ms Ashraph, any objections?

14 MS ASHRAPH: No, Your Honour.

10:48:22 15 PRESIDING JUDGE: Thank you. Mr Cammegh?

16 MR CAMMEGH: No, thank you.

17 PRESIDING JUDGE: The paper is admitted in evidence and  
18 marked confidentially as Exhibit 373.

19 MS KAMUZORA: Yes, My Lord.

10:49:04 20 [Exhibit No. 373 was admitted]

21 PRESIDING JUDGE: Let me have it, please. Please don't  
22 forget the pseudonym; please, always mention the pseudonym.

23 MS KAMUZORA: Yes, My Lord.

24 MR OGETO: That's all for this witness, My Lords.

10:49:23 25 Thank you, Mr Witness.

26 PRESIDING JUDGE: Yes, Mr Jordash, you may proceed,  
please.

27 CROSS-EXAMINED BY MR JORDASH:

28 MR JORDASH: Thank you.

29 Q. Good morning, Mr Witness.

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1 A. Good morning, sir.

2 Q. I represent Mr Issa Sesay. I would like to ask you some  
3 questions on his behalf. I want to take you back, if I may,  
to

4 early 1998, when you will know the junta were in power; is  
that

10:51:03 5 right? The junta were in power in early 1998. You're going  
to

6 have to say "yes" so that the machine can pick up your words?

7 A. Repeat your question, sir.

8 Q. Are you aware that the junta were in power in Freetown  
in

9 early 1998?

10:51:32 10 A. Yes.

11 Q. And can you recall where you were at that time?

12 A. Yes.

13 Q. Where were you?

14 A. I was still in my village, Masingbi.

10:51:55 15 Q. Were you involved with the CDF at that stage?

16 A. Yes, sir.

17 Q. Is it right that the CDF were stationed at Mabbeko at  
that  
18 time?

19 A. Yes, sir.

10:52:17 20 Q. And, in fact, the actual town of Masingbi had been  
occupied  
21 by a --

22 PRESIDING JUDGE: What town is that again? Mabbeko?

23 MR JORDASH: M-A-B-B-E-K-O, Your Honour.

24 Q. And Masingbi Town itself was occupied by the combined  
10:52:37 25 forces of the junta; is that right?

26 A. Yes, sir. Yes, sir.

27 Q. Do you know a man called xxxxxxxx?

28 A. Yes, I know xxxxxxxx.

29 Q. He was, is this right, a senior man in the CDF in the

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2 A. Yes, exactly.

3 Q. And let me move forward to the intervention. At the  
4 intervention time the combined forces of the junta left  
Masingbi  
10:53:25 5 and headed with the intention or with the idea --  
6 PRESIDING JUDGE: Give him the dates, please, you know.  
7 When we know when the intervention, you know -- put him within  
a  
8 time frame so that he knows when the intervention took place.  
9 MR JORDASH:  
10:53:42 10 Q. Sometime in February towards the middle of February.  
Did  
11 the junta leave Masingbi in the direction of Freetown,  
allowing  
12 the CDF to move for a short period into Masingbi; do you  
recall  
13 that?  
14 A. Yes. Yes, sir.  
10:54:06 15 Q. And?  
16 Q. And were you one of those CDF who moved into Masingbi?  
17 A. Yes, sir.  
18 Q. And you were only able to stay in Masingbi for a short  
time  
19 because news came that the combined forces of the junta who  
had  
10:54:36 20 been thrown out of Freetown were heading towards Masingbi Town  
on  
21 the way to Kono; is that right?  
22 A. Yes, it is correct.  
23 Q. Now at that time there were some but not many civilians  
in  
24 Masingbi. It was essentially the CDF who had occupied there  
in

10:55:03 25 readiness for whatever was coming by way of military combat;  
is  
26 that right?  
27 A. Yes, that is true.  
28 Q. It became clear, didn't it, that there were thousands of  
going  
29 junta forces coming through Masingbi and the CDF were never

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1 to be able to prevent them coming through; do you recall this?  
2 A. That is quite clear. That's true.  
3 Q. And so the CDF did the sensible thing and moved out of  
bushes;  
4 Masingbi, taking those few civilians with them into the  
10:55:55 5 do you recall that?  
6 A. Yes, sir.  
7 Q. And the CDF remained with those few civilians in the  
recall?  
8 bushes, leaving the town empty; is that something you can  
9 A. Yes. Yes, I can remember that. That is the way it  
10:56:19 10 happened.  
11 Q. And would you agree with this, that you had several  
hours,  
12 if not several days of notice, before the junta forces came

was 13 through Masingbi. So it was easy to make sure that Masingbi  
14 empty by the time the junta came through; is that right?  
10:56:58 15 A. No, that is not true.  
16 Q. So Masingbi wasn't empty when the junta came through, or  
17 the notice was much shorter?  
18 A. Repeat your question, sir. Repeat.  
19 Q. What I'm suggesting happened is the CDF and the few  
10:57:13 20 civilians who were in Masingbi, news comes that the junta are  
21 coming through and there was plenty of time for the CDF and  
those 22 civilians to leave the town and seek protection in the bushes;  
is 23 that fair?  
24 A. Well, no, the CDF did not go there. They pushed the  
10:57:39 25 civilians to go to the bushes. The civilians put up some  
amount 26 of resistance. That I can explain. They put up -- they  
pushed 27 some amount of civilians but that time the fire power that the  
28 combined forces had, the CDF could not withstand, so they had  
to 29 go to the bushes. So the combined forces could not stay in

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1 Masingbi. They have to pass through. They were finding their  
2 way to go to Kono. After they passed, the CDF came back and  
took  
3 care of the town.

4 Q. There's some kinds of miscommunication going on and I  
10:58:16 5 suspect for a change it's not me. Let me try again and see if  
we  
6 can get a translation to you which conveys what I'm trying to  
ask  
7 you. I'm trying to ask you this: Put yourself back into  
8 Masingbi. The junta forces are on the way to Masingbi. Did  
news  
9 reach the CDF that the junta were on their way and were going  
to  
10:58:47 10 come through Masingbi.

11 A. Yes.

12 Q. Upon receiving that news did the CDF, along with  
civilians  
13 in the town, leave the town?

14 A. Yes, exactly.

10:59:10 15 Q. And did the CDF and those civilians leave and go into  
the  
16 bush to seek protection by hiding?

17 A. Yes.

18 Q. Was the town empty when the CDF and civilians left?

19 A. Yes, the town was empty.

10:59:39 20 Q. So when the junta came through the town they found an  
empty  
21 town, empty of people?

22 A. Yes.

23 Q. And the CDF and the civilians waited for three days or  
so  
24 before coming back to the town; is that right?



11:00:05 25 A. Yes, when they passed that was the time they came back  
to  
26 the town.  
27 Q. And when you came back to the town, there had been some,  
28 but not much, property removed from the town; is that  
something  
29 you observed?

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1 A. Yes, I observed that. I observed that.  
2 PRESIDING JUDGE: What did you observe? When you came  
back  
3 from the town, what did you observe? You say you observed  
that.  
4 What did you observe.

11:00:43 5 THE WITNESS: They took away some property. They took  
away  
6 some property.

7 MR JORDASH:

8 Q. But --

9 PRESIDING JUDGE: You mean the junta when they were  
passing  
11:01:13 10 through.

11 THE WITNESS: Yes, when they were withdrawing, yes, sir.

12 JUDGE BOUTET: What do you mean by took away some  
property?

and 13 Can you give some indication as to what you mean by property  
14 what you are describing now.

11:01:29 15 THE WITNESS: What I mean, clothes, some items that they  
16 took from people. They took those items away.

17 MR JORDASH:  
18 Q. But the town was, apart from some items being taken  
away,  
19 was intact. There was no damage to the town; would you  
confirm

11:02:07 20 that?

21 A. Yes, that is true. Because they did not do much damage.  
22 They only took away some items away.

23 PRESIDING JUDGE: When you say they did not do much  
damage,  
24 what do you mean?

11:02:27 25 THE WITNESS: Like in Masingbi why I said they did not do  
when 26 much damage -- why I said they did not do a lot of damage,  
27 they were passing through that town, they did not burn houses  
28 there. That's why I said they did not do much damage there.

29 PRESIDING JUDGE: When you say much damage, it means  
that

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now 1 they did some damage. But the damage was not much. You are  
2 saying that they did not --

looting. 3 THE WITNESS: I'm talking about the looting. The

4 MR JORDASH:

11:03:08 5 Q. So there was no damage to the houses?

6 A. No, sir.

to 7 Q. And all the civilians who had been in Masingbi were able  
8 return to their houses; is that right?

9 A. Yes, it is correct. When they passed all those who were  
11:03:34 10 living in Masingbi town, they all came back.

must 11 Q. And I suppose despite the loss of some property, there  
and 12 have been great relief that no one had been abducted and life  
13 limb had been preserved; do you agree?

14 A. Yes, that one is true. Because when they came, although  
11:04:00 15 they lost their property but because of the small relief they  
16 got, they were happy.

17 Q. And would you -- are you able to confirm this, that when  
18 the news came, as it must have done, I suggest, from other  
19 villages along the Kono/Makeni Highway, that was a common  
story;

11:04:40 20 there had been some looting, but houses and people had been  
left  
21 essentially intact. Was that the news that came through to  
the  
22 Masingbi in the days and weeks after the junta had passed  
23 through?

24 PRESIDING JUDGE: Mr Jordash, can you take the question

--

11:05:01 25 THE WITNESS: Repeat your question.

26 MR JORDASH:

27 Q. I'm -- what I'm suggesting was the case was that what  
28 happened in Masingbi happened in other towns and villages  
along  
29 the way from Makeni to Kono; that in some towns and villages

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1 there was some looting, but that was the only complaint, that  
2 houses had remained intact and people had managed to run from  
the  
3 towns, hide in the bushes and come back when the junta had  
passed  
4 through. Was that something you heard?

11:06:09 5 PRESIDING JUDGE: I think -- I think yes. I think he is  
6 clear on this.

7 MR JORDASH: He hasn't said in relation to other towns  
or  
8 villages.

9 PRESIDING JUDGE: Oh, to other towns, okay.

11:06:09 10 MR JORDASH: [Overlapping speakers]

11 PRESIDING JUDGE: His response was as far as Masingbi is  
12 concerned. Okay. All right.

13 MR JORDASH: [Overlapping speakers]

14 Q. Is that the general -- was that the general news?  
People  
11:06:11 15 had gone to the bushes, come back, found their houses intact  
but  
16 some property had been taken. Is that something you heard or  
17 not?  
18 A. Yes, I heard of that. The looting was open. Everybody  
was  
19 looting. CDF was looting because it was an open act.  
11:06:30 20 Q. I'll come to that actually. Okay, let's pick up on  
that.  
CDF,  
21 Basically it was -- when it came to looting, the RUF, AFRC,  
22 civilians, all took the opportunity in the chaos to take some  
23 goods for themselves to secure themselves in a difficult war  
24 situation; is that what you observed at those times?  
11:07:08 25 A. Yes, sir.  
26 Q. But when the junta came through places like Masingbi,  
27 Makoni Junction, Makali, Matotoka, Magburaka, all the houses  
28 remained intact but there was looting by all sorts and all  
kinds  
29 of groups; is that correct?

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1 A. Yes, it is correct. It was looting that took place.

2 Q. And there was -- I don't know if you know this as a CDF  
3 fighter, but are you able to confirm that there was some  
combat  
4 between the fleeing junta forces and pro-government forces  
11:07:58 5 between Masingbi and the Sewafe region of the Kono District?  
Are  
6 you able to confirm that there was combat between those two  
7 places?

8 A. Yes, there were little skirmishes that was taking place  
but  
9 the man that -- the men who withdraw their firing power was  
11:08:28 10 heavier.

11 Q. Did the translator --

12 A. We went into the bush for safety.

13 PRESIDING JUDGE: That translation is not -- take it  
again.

14 THE INTERPRETER: Your Honours, can the witness show --

11:08:44 15 MR JORDASH:

16 Q. Sorry, Mr Witness, it's not your fault. Can you repeat  
17 your last answer, please?

18 A. Okay, repeat the question.

19 Q. There was combat between Masingbi and Sewafe by the  
junta  
11:09:06 20 against pro-government forces during the intervention; is that  
21 correct?

22 A. Mabbeko, Sewafe; that was the place it happened.

23 Q. It's interesting you should say Mabbeko because I was  
about  
24 to suggest that Mabbeko?

11:09:28 25 PRESIDING JUDGE: What place?

26 MR JORDASH: M-A-B-E-K-O.

burning

27 Q. Mabbeko was the place which -- where there was some  
28 of houses which had taken place during this combat; is that  
29 right?

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who?

1 A. Yes, it is correct.  
2 PRESIDING JUDGE: The retreating forces, the AFRC and

3 MR JORDASH:

4 Q. And who? Who were they fighting, Mr Witness?

11:09:59 5 A. Yes, sir, CDF.

also

6 Q. And you may or may not know this. I suggest there was

fighting

7 at the same period of time some fighting in the place called

8 Masokure and the same thing happened as in Mabbeko, that

9 resulted in some burning of houses. Masokure?

11:10:26 10 A. Masokure? It's just about 2 miles from Mabbeko. It's

11 very -- after Mabbeko you go to Masokure. They are all on the  
12 same highway.

CDF,

13 Q. Is this, from what you learned, was this the place where  
14 the fiercest fighting took place between the junta and the

11:10:52 15 Mabbeko all the way to Masokure?

CDF 16 A. Yes. The time when the junta took power initially, the  
17 barricaded the roads and, indeed, fierce fighting took place.  
18 Q. Thank you.  
19 MR JORDASH: That's, Your Honours, 26 February 2008,  
11:11:40 20 DIS-103, page 35 to 38.  
21 JUDGE BOUTET: What's the date again? 26 February --  
22 MR JORDASH: 26 February 2008.  
23 PRESIDING JUDGE: Mr Jordash, DIS?  
24 MR JORDASH: 103.  
11:11:57 25 PRESIDING JUDGE: 103?  
26 MR JORDASH: 103.  
27 Q. Now let me move you forward to December 1998. Would I  
be  
28 right that you, from that point on, were working fairly  
closely  
29 with xxxxxxxxxx?

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1 A. Yes, he was the adviser.  
2 Q. Was that the same as the deputy commander position?  
3 A. He was the adviser.  
4 PRESIDING JUDGE: Who Conteh?.



11:12:52 5 THE WITNESS: xxxxxxxx.

6 MR JORDASH: xxxxxxxx.

7 PRESIDING JUDGE: You say he was his adviser?

8 THE WITNESS: Yes, sir.

9 MR JORDASH:

11:13:12 10 Q. When the RUF came into Masingbi, including Mr Kallon,  
was

11 there a brief problem with a man called Major Poison? Did you

12 recall him?

13 A. Yes, I can recall that.

14 Q. And basically, he captured some CDF and was mistreating

11:13:44 15 them by roughing them up, if you know what I mean by that?

16 A. Exactly; that happened.

17 Q. And, fortunately, there came Mr Kallon, who released the

18 CDF and treated them with the decency which should be accorded  
to

19 prisoners of war; is that fair enough?

11:14:16 20 A. Yes, that is correct. It was fair enough.

21 Q. Fair enough, I think you said, didn't you, not fear  
enough?

22 A. Yes, sir.

23 Q. And were you aware that later on Issa Sesay came by

24 captured Poison and had him flogged as punishment for his

11:14:45 25 misbehaviour?

26 A. Yes, sir, he beat him up and he took him out of that  
place.

27 Q. And the beating up was a public beating up?

28 PRESIDING JUDGE: Be beat up who?

29 MR JORDASH: Poison. Major Poison.

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1 PRESIDING JUDGE: Major Poison.

2 MR JORDASH: Major Poison.

3 Q. And he was flogged publicly in front of civilians and  
the  
4 fighters as a lesson?

11:15:20 5 A. He was beaten up in the presence of civilians, a lot of  
--  
6 in the presence of a lot of people and since then he did not  
come  
7 to Masingbi again.

8 Q. Thank you. That's DIS-103, 25 February, page 42. Am I  
9 proclaimed  
10 in Masingbi when the RUF came in under the command of Issa  
Sesay?

11 A. Repeat your question, sir.

12 Q. Let me break it down a bit. When the RUF came, there  
was  
13 obviously some concern. It was a rebel group. All sorts of  
14 rumours had bounded about what they were like; am I correct so  
11:16:29 15 far? There was some fear in Masingbi because of those  
rumours?

16 A. I do not still understand the question.

17 Q. You heard -- you're stationed in Masingbi. You hear the  
18 rebels are coming from Kono, heading in the direction of  
Makeni,

19 and are going to come through Masingbi; is that right?

11:16:56 20 A. Yes, it is correct. That is correct.

21 Q. Am I also right that there were so many rumours about  
what

22 the rebels were about, what they were like, what they did; is  
23 that right?

24 A. Yes, it is correct. But when they came, when we saw  
them,

11:17:22 25 in my opinion, they were not the type of people that we were  
26 imagining.

27 Q. Let me just stick with the rumours a moment. There was  
28 rumours about killing and raping and all sorts of rumours were  
29 reaching Masingbi; is that right?

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1 A. Yes, there were rumours. Yes, there were rumours about  
2 that.

3 Q. Have you ever heard a rumour about the RUF rebels being  
--  
4 they are not even human. They can't speak. They are a  
strange

11:17:57 5 kind of animal. Did you ever hear those rumours?

6 A. Yes, sir.

7 Q. And these were the kind of rumours that makes these

there 8 word-of-mouth stories about the RUF so unreliable. I mean,  
9 were just ridiculous stories coming out of RUF territory; am I  
11:18:24 10 right?  
11 A. Yes, there were rumours about that, yes; there were  
12 rumours.  
13 Q. But what you saw when they came to Masingbi was  
something 14 quite different, quite civilised men, who enacted strict laws  
11:18:41 15 against --  
16 PRESIDING JUDGE: Are you telling him what he should  
say? 17  
18 MR JORDASH: No, I'm leading him.  
19 PRESIDING JUDGE: The people who came, they gave strict  
20 laws, they were civilised men and so on. Let's put proper  
11:18:58 21 questions. We are used to the art of cross-examination. Even  
if 22 it is, it doesn't give such extensive liberty to lecture for  
the 23 witness, you know, to give the reply you want. What was his  
24 experience of the RUF when the RUF came? I mean, when they  
came, 25 there were rumours about their looting, about the killings and  
11:19:21 26 rapes and so on before they came to Masingbi, yes. When they  
27 came to Masingbi, what was his judgment of them?  
28 MR JORDASH: Well, Your Honour, I have a clear --  
29 PRESIDING JUDGE: No, this is -- this is the observation  
I'm making and I think we can move on.

1 MR JORDASH:

2 Q. What were the RUF like in Masingbi, Mr Witness?

3 A. Peaceful.

4 Q. What was Issa Sesay like in Masingbi, Mr Witness?

11:19:54 5 A. In fact, people claimed -- yes, sir.

6 PRESIDING JUDGE: In Masingbi the RUF was peaceful?

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: Yes.

9 THE WITNESS: Your question again?

11:20:10 10 MR JORDASH:

11 Q. What was Issa Sesay like when you saw him in Masingbi?

12 What was he like? How did he behave?

13 A. Very nice. He was very kind.

14 Q. What were the RUF like in Masingbi who were under Issa

11:20:27 15 Sesay's command, Mr Witness?

16 A. They were very nice because Issa Sesay was nice. So he

is

17 a -- the junior ones were fine. He was talking to them to

talk

18 to the civilians nicely, so everybody was following suit, so

19 there was no problem. In fact, I just want to mention one

thing.

11:20:55 20 People were going with the idea that he was born in Makali,

21 Masingbi, but we used to tell them that, no, he was not born

22 there. He is just has interest for the people.

23 Q. What made you say that, Mr Witness, about Mr Sesay?

24 A. Because the type of interest Issa Sesay had for Masingbi  
11:21:24 25 and Makali was so great because there were people who can even  
26 attest that he had much interest because most of the lootings  
27 Morris Kallon was bringing like cigarettes, he used to tell us  
28 that your child, Issa Sesay, has sent me to bring these things  
29 for you and whenever he came he will go and visit the chief

first

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could

1 before he came to the combatants, and you must see that he

not

2 talk to the chief. If there were any complaints, if he was

was

3 satisfied he would go to the combatants and talk to them. He

even

4 so nice. He was so nice. And I can even repeat that people

11:22:02 5  
some

said that he was born in Makali, Masingbi, but people -- but

was

6 of us who knew him before the war used to tell them no, he was

7 born around the Port Loko District area, only that his sister

you

8 married to one man in Makali. That is the only reason or --

9 can imagine that he has --

11:22:24 10 THE INTERPRETER: Your Honours, can the witness take the  
11 last bit of his testimony.  
12 MR JORDASH:  
13 Q. Could you take the last two sentences again, Mr Witness,  
14 please? Sorry, the translator didn't pick up the last two --  
a  
11:22:45 15 small part of -- the latter part of your answer.  
16 A. I said the man Issa Sesay -- Mr Issa Sesay, people  
thought  
17 that he was born in Makali or Masingbi but no, we used to tell  
18 people that no, that man was not born in those areas. For  
19 example, I know Mr Issa Sesay before the war. '84, '85. He  
used  
11:23:15 20 to mine gold and I say his sister got married to one man in  
21 Makali and that is the interest he has for we the people in  
22 Makali, and he had deep interest over people in Makali,  
wherever  
23 there was problem he would make sure that he took care of that  
24 problem.  
11:23:50 25 Q. Did he -- how did he behave in other places other than  
26 Makali? How was his behaviour there?  
27 A. I can say Issa Sesay is a very perfect gentleman. He  
can  
28 only be called severe to -- to fighters who maintained to  
become  
29 wicked to civilians. If you meet him in his -- if you meet  
him

1 when he is annoyed you will think that -- you would think that  
he  
2 is a bad man.

3 Q. And what kinds of things did you observe would annoy  
him?

4 A. First and foremost, what Issa Sesay could not encourage  
in  
11:24:52 5 his life is raping and he used to talk against that. Looting,  
6 another word. He is against that. When somebody is trying to  
7 molest civilians, those are the things that he is against and  
8 moreover, raping.

9 Q. You say you heard him talking about raping. Did you  
hear  
11:25:16 10 what he said about raping?

11 A. What I heard, he said that if anybody was caught raping  
and  
12 that person is brought to him and the person is found guilty  
and  
13 the person has said that he was guilty, he said that person  
would  
14 ever remain to regret it. That was the word he used to say.  
I

11:25:43 15 can still remember that word. He used to repeat that word,  
that  
16 the person will ever remain to regret that. I don't know what  
he  
17 means.

18 Q. And do you know if Mr Sesay had anything to do with  
farming  
19 in the Masingbi area?



11:26:07 20 A. Yes, sir.  
21 Q. What did he have to do with farming?  
22 A. As I mentioned that in my statement before, he and  
Morris  
23 Kallon came with 40 bushels of husk rice and gave food for  
work  
24 and that happened not only in Masingbi but in Makali,  
Magburaka.  
11:26:32 25 I can still recall that it happened there. He gave rice so  
that  
26 the civilians could cultivate and he gave food for work.  
Apart  
27 from -- best part of that, he, Issa Sesay had personal work  
with  
28 Amadu and they were very intimate. That I can recall.  
29 Q. Intimate in what sense? In working together or --

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1 A. No, somebody may have a friend. You're standing over  
2 there, you have a friend.  
3 JUDGE BOUTET: A friend with whom? xxxxxx is it.  
4 THE WITNESS: xxxxxxxxxxxxxxxx.  
11:27:28 5 MR JORDASH:  
6 Q. Finally, Mr Witness, let me just ask you about, a bit  
more  
7 about Masingbi: You're still living there?

8 A. I am -- yes, I'm still there. I'm still there with my  
9 family.

11:27:47 10 Q. And from what you've told us, you worked hand-in-hand  
with  
11 RUF commanders such as Issa Sesay; is that correct?

12 A. Yes, sir.

13 Q. And because you -- well, you've lived in Masingbi for  
how  
14 many years in total?

11:28:25 15 A. I was born there. I was born there.

16 Q. So is it fair to say you know all Masingbi residents, at  
17 least by face or by family?

18 A. That is quite right.

19 Q. Any -- anybody report to you that they have been  
abducted  
11:28:54 20 or -- by the RUF between the junta period and the end of the  
war?  
21 A. No, I did not have any discussion regarding that with  
22 anybody.

23 Q. And is there any ill will towards you for working so  
24 closely with the RUF and Issa Sesay 's command by any of the  
11:29:23 25 residents in Masingbi or the outlying areas?  
26 A. Repeat your question, sir.

27 Q. Is there any hostility or ill will from the civilians of  
28 Masingbi and the outlying areas towards you for working so  
29 closely with Issa Sesay and the RUF under his command?

also  
away

11:30:15

1 A. No, I heard no ill feeling because the gentleman was  
2 good to them. Because people had been grumbling, if it took  
3 without going there they will grumble because whenever he went  
4 there, he will give them money, cigarettes so working with him  
5 they were happy. I don't think anybody had any ill feeling  
6 against me because I had worked with him.

7 Q. Thank you. I've got no further questions. Thank you,  
8 Your Honour. Thank you, Mr Witness.

9 PRESIDING JUDGE: Mr Cammegh --

11:31:14

10 MR CAMMEGH: Your Honour.

11 PRESIDING JUDGE: -- cross-examination.

12 MR CAMMEGH: I have some questions in cross-examination.

13 Not many.

14 PRESIDING JUDGE: You have some questions.

11:31:21

15 MR CAMMEGH: I would have thought about ten minutes.

16 PRESIDING JUDGE: Ten minutes.

17 MR CAMMEGH: Ten to fifteen.

can

18 PRESIDING JUDGE: Well, we will take the break and you

resume

19 take the cross-examination. The Chamber will recess and

11:31:54

20 in the next couple of minutes. We will rise, please.

21 [Break taken at 11.34 a.m.]

22 [RUF13MAY08B-BP]

23 [Upon resuming at 12.07 p.m.]

24 PRESIDING JUDGE: Yes, Mr Cammegh.

12:07:13 25 MR CAMMEGH: May it please, Your Honour.

26 PRESIDING JUDGE: Yes.

27 CROSS-EXAMINED BY MR CAMMEGH:

28 MR CAMMEGH:

29 Q. Mr Witness, I've only got a few questions for you this

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Masingbi

1 morning -- this afternoon. I just want to ask you about  
2 to start with. Going back to 2000, May of 2000, were you  
3 familiar with a man by the name of Jabati Brima or Brima also  
4 known as Kangaroo?

12:07:40 5 PRESIDING JUDGE: Familiar with what, Mr Cammegh?

was

6 MR CAMMEGH: A man called Jabati, J-A-B-A-T-I, Brima or  
7 Brima, B-R-I-M-A -- Brima, I'm told B-R-I-A-M-A, sorry -- who  
8 also known as Kangaroo. Does that sound familiar to you,  
9 Mr Witness.

12:08:09 10 A. I used to hear the name. I used to hear the name  
Kangaroo

11 but I don't know him.

12 Q. In Masingbi?

13 A. He was not in Masingbi. He was not there.

14 Q. No, I appreciate I'm asking you about events which now  
go  
12:08:27 15 back a long time. It's tempting sometimes to forget that  
we're  
16 dealing with events that took place now eight years ago. How  
17 clear is your memory of day-to-day life in Masingbi eight  
years  
18 ago?

19 A. Well, the life that was there was a life under war  
12:08:58 20 situation.

21 Q. I was interested in the account that you gave in  
relation  
22 to events on 1 and 2 May. I think you told the Court that you  
23 saw Morris Kallon at 8 p.m. on 1 May; is that right?

24 A. Yes, sir.

12:09:27 25 Q. I think you also said that you saw him again the next  
day  
26 on 2 May; correct?

27 A. Yes, sir.

28 Q. Do you remember when it was that Mr Kallon had told you  
29 that he had received some bad news about things that had  
happened

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1 at Makump DDR camp?

2 A. Yes, that was on the 2nd.

3 Q. So he didn't tell you about it on the evening of the  
1st?

4 A. No, I only greeted him and I went to my house.

12:10:06 5 Q. Right. When did you become aware -- I'll rephrase the  
6 question. When you saw Morris Kallon at 8 o'clock on the 1st,  
7 were you already aware yourself that there had been some  
8 disturbance at Makump earlier that day?

9 A. No, sir.

12:10:30 10 Q. So the first -- is this right: The first you heard  
about  
11 that disturbance at Makump was when Mr Kallon -- I should say  
12 Brigadier Kallon -- told you on the morning of the 2nd; is  
that  
13 right?

14 A. Yes, sir.

12:10:52 15 Q. I just want to make something absolutely clear to you  
about  
16 what I'm saying. I am not suggesting -- nor am I in a  
position  
17 to suggest -- that Morris Kallon did anything wrong at Makump  
on  
18 either 1 or 2 May; all right? I'm not throwing any blame in  
his  
19 direction at all.

12:11:25 20 A. Well, he was in Masingbi, so it wasn't easy. He was in  
21 Masingbi.

22 Q. Yes, I'm just going to repeat because it's important you  
23 understand that I'm not suggesting, nor am I in a position to  
24 suggest, that Kallon did anything wrong in the DDR camp on the  
12:11:50 25 1st or the 2nd. That's my position, all right? Now, I

26 understand that you've told the Court, and you've just told me  
27 just now, that Mr Kallon was with you in Masingbi on the 2nd;  
28 correct?

29 A. Yes, sir.

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1 Q. And, of course, as I just pointed out, these were events  
2 that took place now eight years ago. What time on the 2nd did  
3 you first see Brigadier Kallon?

4 A. As I can say, it was between 10 to 10.30. I went to his  
12:12:33 5 house. I met him taking a bath and he sent a message that he  
6 will meet me at home and it was at home that he met me.

7 Q. So what time did you meet Brigadier Kallon on the 2nd,  
8 after he took his bath, what time did you meet him?

9 A. He came and met me at my house, 10, 10.30. I went to  
his

12:13:08 10 house 9 to 9.30 and members of his family told me that he was  
11 taking a bath, and he sent a message to me that after taking a  
12 bath, he will come to my house and, indeed, he came there.

13 Q. And is it right that on your account you spent the rest  
of  
14 the day with him; is that what happened?

12:13:30 15 A. Both of us were -- both of us were there until the time  
we

16 ate lunch, and both of us were drinking; that was on the 2nd.

17 Q. At your house?

18 A. Yes, sir.

19 Q. Did you meet anybody else that day?

12:13:47 20 A. No, sir.

but, 21 Q. Do you think you might have met other people that day

22 due to the passage of time, perhaps you've forgotten about it?

23 A. No, sir.

24 Q. Do you think that due to the passage of time, you might

12:14:10 25 have forgotten small periods during the day when Mr Kallon  
wasn't

26 with you?

27 A. The 2nd?

into 28 PRESIDING JUDGE: Mr Cammegh, I don't want us to get

have 29 troubled waters. You know what I'm talking about, and you

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1 already given -- you've prefaced this questioning with certain  
2 remarks and I think -- all I'm saying is I wouldn't want us to  
3 get into troubled waters here again.



4 MR CAMMEGH: It's not my intention.

12:14:55 5 PRESIDING JUDGE: You may continue.

6 MR CAMMEGH: It's just this, Your Honour: That, given  
the  
7 nature of this gentleman's evidence, it's not my intention to  
8 cast any aspersions on Mr Kallon's conduct. Rather, to  
establish  
9 his whereabouts. I should just make this comment for the  
record:

12:15:18 10 I've taken the view that it would be disingenuous of me not to  
be  
11 put my case on this particular issue to the witness. It would  
written  
12 unfair of me not to do so, and I wouldn't like to write  
have  
13 submissions at the end of the case where a criticism could  
14 been leveled at me that I hadn't put my case to each relevant  
12:15:36 15 witness who could have gainsaid, perhaps, what I was  
suggesting.

16 Can I just deal with it --

17 PRESIDING JUDGE: Just as you think it would be  
18 disingenuous for you not to, I think it would also be  
19 disingenuous for you to go against the stand that the Court  
has  
12:15:53 20 taken on this issue. You are not yet there but I'm just  
21 prefacing this with what I'm saying.

22 MR CAMMEGH: Well, I'm going to try and deal --

23 MR TAKU: May it please Your Honours. We've already --

24 PRESIDING JUDGE: Please, Mr Taku, you know, let Mr  
Cammegh  
12:16:21 25 continue with his questioning, you know, of the witness.

26 MR CAMMEGH:

27 Q. I want to say this Mr Witness: I repeat, I am not

suggesting 28 suggesting that Mr Kallon did anything wrong; all I'm  
DDR 29 is this: Is that at some time during the 2nd he was at the

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forgotten 1 camp and perhaps that's something that you might have  
that, 2 about. That's all I'm suggesting. Could I be right about  
3 given that eight years has gone by?

12:17:00 4 PRESIDING JUDGE: Mr Cammegh, put your question again.  
5 What's the question you are putting to this witness?

6 MR JORDASH:  
7 Q. Is it possible, Mr Witness, given the amount of time  
that's 8 gone by, that there was a time during 2 May when Mr Kallon was  
9 actually at the DDR camp at Makump?

12:17:24 10 PRESIDING JUDGE: Are you sure that is a fair question  
11 given, you know, what we have been talking about? Is that a  
fair 12 question?

13 MR CAMMEGH: With respect, I fail to see why it might  
not 14 be.

12:17:37 15           PRESIDING JUDGE: It is not a fair question. I mean, we  
16 ruled that question out because you are tending, you know, to  
17 incriminate, you know, the -- to be against the interests of -  
-  
18           MR CAMMEGH: But, Your Honour, it's against -- I'm not  
19 attempting to incriminate Mr Kallon at all. What I'm trying  
to  
12:17:57 20 do is absolve Mr Gbao.  
21           PRESIDING JUDGE: Because it is your thesis, from the  
time  
22 we made the ruling, that Kallon was in fact at the scene of  
the  
23 incident.  
24           MR CAMMEGH: On the 1st and the 2nd for some time, yes.  
12:18:16 25           JUDGE BOUTET: But at the time these questions were  
asked  
26 by counsel Cammegh, he was, Kallon himself, giving evidence  
and  
27 that was the issue at the time. I think, personally speaking  
for  
28 myself, that this particular witness can be challenged as to  
his  
29 credibility, as such. I mean, there's nothing improper about

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1 this. This is not a question about attempting to incriminate

2 Kallon or not. It's a question about may this witness be  
3 mistaken as to the timeline and I think, personally, that is a  
4 very acceptable and proper question in cross-examination.

12:18:50  
standing

5 PRESIDING JUDGE: Supposing Kallon, you know, were  
6 trial without Gbao; what would happen? This is coming in  
7 a co-accused is wanting to incriminate another accused person.

because

8 MR CAMMEGH: No, no, Your Honour, and I --

12:19:08

9 PRESIDING JUDGE: In terms of the defence which has been  
10 put across.

have

11 MR CAMMEGH: Your Honour, no. I cannot, with respect,

this

12 that said. I have bent over backwards to make it plain to

now:

13 Court, and my learned friends, for the reason I had to

14 cross-examine Mr Kallon in that way, and I'll reiterate it

12:19:23  
was

15 He was the only person who testified, on my instructions, who

unique

16 at the camp on both 1 and 2 May and, therefore, was in the

present.

17 position where he could have absolved Mr Gbao as being

18 MR TAKU: Your Honours, may I respectfully be heard?

19 PRESIDING JUDGE: Yes.

12:19:41

20 MR CAMMEGH: Perhaps the witness should leave at this  
21 moment, I'm helpfully reminded.

22 PRESIDING JUDGE: Can the witness leave the Court, the  
23 premises, please; the courtroom.

24 [The witness stood down]

12:20:50

25 PRESIDING JUDGE: Yes, Mr Taku.

question,

26 MR TAKU: My Lord, we object vehemently to this

Pursuant

27 or to this line of questioning. The reasons are these:

to

28 to the Rules, the accused persons in this Court were required

29 file pre-trial brief; file summary of evidence that will be

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the

1 presented in their defence in this case; give notice to all

Nowhere

2 parties about the [indiscernible] of their defence case.

3 in any of the filings that we have so far, nowhere, and I say

4 nowhere, either through the summary of witnesses, through the

12:21:42

5 pre-trial brief, has the third accused indicated the present

Kallon

6 theory of saying that he will rely on the presence of Mr

from

7 at the crime base for his own defence. This has developed

8 nowhere, from nowhere, I say Your Honours, and we submit,

9 Your Honour, there is absolutely no notice through any of the

12:22:04

10 other pre-trial brief or witness summaries, either the core

11 witness list or backup list or by any other filing before this

12 Court. So, Your Honour, we object, Your Honours.

13                    Secondly, Your Honours, my colleague knows that Mr  
Kallon  
14                    has raised an alibi, and he knows that when alibi have been  
12:22:29 15                    raised, the burden is on the Prosecutor to disprove. It's not  
on  
16                    the co-accused in a joint trial to attempt to disprove the  
alibi  
17                    of a co-accused.  
18                    So Your Honour, we subject -- we object vehemently to  
this  
19                    line of incriminating cross-examination under the pretext,  
Your  
12:22:51 20                    Honour, of trying to adduce evidence in support of a co-  
accused.  
21                    Your Honours, the Court has ruled on this issue, and the  
22                    potential here, Your Honours, is to revisit an issue for which  
23                    the Court at the time unanimously raised. I do not see any  
24                    distinction, any dichotomy between Mr Kallon testifying  
12:23:12 25                    individually, and a witness testifying for him. This witness  
is  
26                    here to testify for Mr Kallon, and the defence of Mr Kallon is  
27                    one and indivisible, Your Honour, either through exhibit or  
28                    witness he called in his own defence, so we submit  
respectfully  
29                    Your Honours, that this line of questioning is inappropriate  
and

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1 intended to incriminate Mr Kallon.

2 JUDGE BOUTET: Why is it inappropriate, if I can ask you  
3 why?

4 MR TAKU: It is not appropriate.

12:23:36 5 JUDGE BOUTET: In cross-examination.

6 MR TAKU: In cross-examination, Your Honours, it is  
7 intended inappropriate because the purpose, the sole purpose, is  
8 to incriminate Mr Kallon; it's intended to disprove his alibi.

9 JUDGE BOUTET: No, it's -- if I say to you it is to  
12:23:52 10 discriminate this witness, to show that he is not credible, so  
11 what is improper in this?

12 MR TAKU: Including [indiscernible] in what respect,  
Your  
13 Honours, he has not testified against his clients, he has not  
14 said anything against his interest, he can only be incredible  
12:24:03 15 with regard to why he has testified in front of Mr Kallon, so  
how  
16 does he serve the interests of his client, Your Honours? If  
this  
17 witness is not credible with regard to that piece of evidence  
how  
18 does that in any way advance the cause of his client.

19 JUDGE BOUTET: Yes, why is it that counsel for the third  
12:24:20 20 accused cannot challenge the credibility of a witness that you  
21 bring if they feel that this witness is not serving their own  
22 purposes. Why is it they cannot attack the credibility of  
that  
23 witness? I would like it hear about that.

24 MR TAKU: Your Honours, I will address that, Your  
Honours.

12:24:34 25 Yes, if the witness has said anything adverse to his client he  
witness 26 can challenge his credibility in that respect. This is a  
27 who has said nothing, absolutely nothing against their client.  
28 He has not challenged, he has not in any way jeopardised the  
29 interests of his client in this case, so Your Honour, why  
would

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incriminate 1 he challenge his credibility apart from intention to  
2 Mr Kallon.  
3 JUDGE THOMPSON: I take the view that it's not as simple  
as 4 just challenging one's credibility. I think the Court -- the  
12:25:18 5 Tribunal in accordance with the doctrine of fundamental  
fairness 6 has a duty to ensure that whilst these accused persons are  
being 7 tried jointly, they are also afforded the judicial guarantees  
8 that would, in fact, apply if they were being tried  
separately.  
9 If that is not kept in the forefront of our judicial  
perspective  
12:25:52 10 all the time, then it means that kind of thinking or that kind  
of



11 principle is merely empty. In other words, we're merely  
paying  
12 lip service to it. I'm very sensitive to the fact that when  
we  
13 made the orders for joinders and separate trials and all that,  
14 one of the rational behind our rulings was that  
notwithstanding  
12:26:15 15 the fact that they are being tried jointly, each of them would  
be  
16 guaranteed some of the protections -- or the protections that  
17 accused persons who are tried separately had guaranteed and I  
18 take it very seriously. I don't think it just simply  
credibility  
19 alone. It's a question of the effect of allowing these  
questions  
12:26:45 20 to be put and the answers elicited upon the accused persons in  
21 terms of the -- their role -- alleged role that is, in fact,  
22 crucial for me, and I don't think we should just dismiss it  
as:  
23 Oh, if it goes to credibility then there is entitlement. I  
think  
24 Mr Cammegh was very, very careful in what he said, that when  
he  
12:27:14 25 put those questions the last time -- or the particular  
question,  
26 it was because he felt that the witness who was in that  
witness  
27 stand was the only person who could exonerate his client and  
that  
28 is critical if the object is it exonerate, then it seems to me  
29 that if a question is put to this witness which has the  
opposite

1 effect, we the judges are letting our guards down in not  
2 protecting the accused person -- the co-accused person from  
3 incriminating evidence coming from that kind of answer:  
Because  
4 I agree that it's a very difficult line -- or very difficult  
area  
12:28:04 5 we're treading and I would like to think about it a little  
more.  
6 But I think we're really here on that area where we're called  
7 upon to protect each accused persons as if they are being  
tried  
8 separately. That is paramount in my thinking.  
9 MR CAMMEGH: Can I just say, Your Honour, that that is  
as I  
12:28:34 10 tried to make it plain many times. Your Honour has enunciated  
my  
11 point is the intention to put my case in order to exonerate  
12 Mr Gbao, and there we have it. If -- can I just suggest this,  
13 given -- I don't know if Your Honour first wants to --  
14 Your Honours want to consider this in our absence before I  
12:29:04 15 continue, but.  
16 JUDGE THOMPSON: My own position would be this is  
something  
17 that I would not like to join my learned brothers in an  
impromptu  
18 ruling here. I need to reflect on it in some short  
deliberation  
19 because I think it's critical. It's critical.

12:29:22 20 MR CAMMEGH: That being the case, the rest --

21 PRESIDING JUDGE: Can you then go into other aspects of  
22 your cross-examination -- oh, I'm sorry. The witness is not -

23 I'm just asking you the question, you know.

24 MR CAMMEGH: Your Honour.

12:29:42 25 PRESIDING JUDGE: Can you -- can you go into other  
aspects

26 of your cross-examination, you know, and then we will come  
back

27 to that if your question will be considered to be proper, you  
28 know, by the judges.

29 MR CAMMEGH: I'm afraid there isn't anything else,

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1 Your Honour. I was simply hoping to raise the doubt in the  
2 witness's mind that maybe there might have been a period on

the

3 2nd when he wasn't with the second defendant all the time and

I

4 was going to leave it there.

12:30:10 5 PRESIDING JUDGE: But you would agree, you know, that it

6  
of

has the effect, you know, of not just testing the credibility

7 this witness, but also of incriminating the second accused who

8 said he was not there and who at the time, like Honourable  
9 Justice Thompson pointed out, he thought was the only person  
who  
12:30:38 10 could exonerate your client who could give evidence that is  
11 favourable to your client in this regard.

12 MR CAMMEGH: The difficulty with respect with that  
analysis  
13 Your Honour, is this: That although your analysis affords a  
14 protection to the second accused, it rather removes any such  
12:30:59 15 protection from the third because if, as his Honour Justice  
16 Thompson has just said, the second accused happens to be the  
one  
17 person who would be able to exonerate Mr Gbao, then I'm  
18 essentially -- and I don't mean this to be if facetious, I  
think  
19 Your Honour knows that, but it would be akin to gagging the  
12:31:21 20 defence case for the third accused and there is another point  
21 here which I must --

22 PRESIDING JUDGE: I don't think so. We're not gagging  
the  
23 Defence case for the third accused.

24 MR CAMMEGH: It certainly curtails it, Your Honour,  
because  
12:31:34 25 cross-examination, Your Honour said earlier on, it's the art  
of  
26 cross-examination that we're used to. It is through  
27 cross-examination that one hopes to lay further foundations  
and  
28 the framework for one's defence case. Now I understand what  
you  
29 say.

1 PRESIDING JUDGE: But within the confines of certain  
rules.

2 MR CAMMEGH: Well.

3 PRESIDING JUDGE: Which we are to observe, you know, and  
4 the rule of each of the parties -- you know, the  
responsibilities

12:31:59 5 of the parties and the privileges of the accused persons in a  
6 joint trial like this one.

7 MR CAMMEGH: But the problem with that analysis,  
8 Your Honour, is this, in my respectful submission, that  
9 application of that rule, whilst it might favour one  
defendant,

12:32:13 10 it necessarily prejudices the position of another who -- and I  
11 don't like to use the word gag but there is a curtailment in  
his  
12 rights, I would suggest, at having his case properly aired.  
Can

13 I just make this final point. I think it's a bit of a cheap  
trip

14 to hark back to one's personal jurisdiction but in England, a  
12:32:34 15 well established jurisdiction of course one, would be rightly,  
16 hotly criticised for not putting one's case to each witness  
who

17 is capable of commenting on it. And that is something which I  
18 must emphasise. It doesn't sit well with me ethically not to  
put

19 my case and allow myself open to criticism in due course that  
12:32:58 20 I've been disingenuous in the way that I might be seemed to  
have  
21 hijacked Mr Kallon, for example, but not had the courage of my  
22 convictions to make the same point to other similarly  
qualified  
23 witnesses. So I think it's one of those areas where there's a  
24 crossover between this jurisdiction and national jurisdictions  
12:33:19 25 what we're used to outside, what we're used to here -- I'm  
told  
26 by Mr Jordash who is -- that international criminal law adopts  
27 the same precepts. But I want to emphasise it's not my  
intention  
28 to incriminate his Honour Justice Thompson --  
29 PRESIDING JUDGE: It is not your intention Mr Cammegh,  
but

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1 do you.  
2 MR CAMMEGH: [Overlapping speakers]  
3 PRESIDING JUDGE: But do you -- do you accept that the  
4 question you're putting has the potential of triggering a  
12:33:49 5 response that is incriminating to the second accused.  
6 MR CAMMEGH: Well yes but as no doubt Mr Harrison will  
hope

7 to do when he starts cross-examination.

8 PRESIDING JUDGE: Yes, he has the latitude to do that.

9 JUDGE THOMPSON: That's his role, his role is to bring  
12:34:05 10 incriminating evidence here --

11 PRESIDING JUDGE: That is his role.

12 JUDGE THOMPSON: -- but I'm not sure whether it's the  
role  
13 of the Defence to bring incriminating evidence.

14 MR CAMMEGH: It's not the designated role of the  
Defence.

12:34:14 15 JUDGE THOMPSON: Quite right.

16 MR CAMMEGH: But at the same time there is no bounding  
17 contract between Defence counsel to ensure --

18 JUDGE THOMPSON: Conceded straightaway. My difficulty  
of  
19 course is our role, whether we by saying that we will also  
grant

12:34:28 20 these accused persons the guarantees and protections as if  
they  
21 had been tried separately, are mere empty words, that's my  
22 concern.

23 MR CAMMEGH: Well, Your Honours --

24 JUDGE BOUTET: My concern it is not an empty word  
because

12:34:40 25 if we get to that level, as such, the third accused in this  
26 condition has also the right to be treated fairly, as such,  
and  
27 if this is something that is required for the defence of his  
own  
28 trial, this is a difficult situation. One option is to go on  
29 separate trials from now on. I mean this is -- I mean this

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1 why -- there are remedies available but the remedy is not  
2 necessarily to say not such a question.

3 MR CAMMEGH: But the ultimate --

12:35:08  
second

4 JUDGE BOUTET: I'm not saying we should go there, I'm  
5 saying this fairness plays in favour of the first accused,  
6 accused and third accused and therefore if this question is  
7 required for the fairness of the trial of your client, I say  
8 well, it is indeed very serious and difficult question and I  
9 share the views of my brother Justice Thompson that this is

not a

12:35:30 10 decision we should make impromptu right here from the Bench  
11 because it has other consequences.

It's

12 MR CAMMEGH: And I can assure Your Honours of this:

13 not a decision that I take lightly; I hope that's a given.

14 Your Honour talks about remedies, the ultimate remedy or the  
15 ultimate -- should I say the trust that counsel have to have

12:35:45  
and

16 do have, because this is a given as well, extends to the Bench

in

17 the months that intervene between the close of the Gbao case

and

18 the verdict to exercise the application of fairness in an



19 appropriate way. That with respect is Your Honours' remit.

12:36:17 20 PRESIDING JUDGE: Yes but Mr Cammegh, what -- what would  
credibility 21 you say, you know, to -- I mean going to testing the  
22 of a witness which you say is the purport, you know, of that  
23 question. I mean, you are testing his credibility in what  
sense 24 because this witness has not -- has not given any evidence  
that  
12:36:41 25 has incriminated your client.

26 MR JORDASH: But he has Your Honour.

27 PRESIDING JUDGE: What could you say to this? What did  
you 28 say to this.

29 MR CAMMEGH: Implicitly -- implicitly he has conflicted  
my

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1 case in the same way that Mr Kallon did, by suggesting that  
2 Mr Kallon wasn't there at all on the 2nd.

3 PRESIDING JUDGE: And if we ruled then at that time, you  
4 know, what -- the way we did rule, why do you think our ruling  
12:37:07 5 now should be different? That is what I want you to convince  
me  
6 on.

7 MR CAMMEGH: Well Your Honour, when I was arguing the  
issue  
8 before, I think this was a certain amount of argument  
concerning  
9 the right not to incriminate oneself. That's when Mr Kallon  
was  
10 facing questions from me. We're also of course directing much  
12:37:20 of  
11 our argument to the documents that I wanted to put in.  
12 Your Honour -- I'm sorry, I've forgotten my thread. I'm  
sorry,  
13 Your Honour, I was coming on to something else. It's  
temporarily  
14 left my mind.  
12:37:47 15 PRESIDING JUDGE: That's all right. But I think you've  
16 made the point anyway. Since we --  
17 MR CAMMEGH: It's this. It's this, Your Honour.  
18 PRESIDING JUDGE: Yes.  
19 MR CAMMEGH: It's not an attack. It's - I mean I hope  
that  
12:37:56 20 the diplomatic way in which I tried to question this witness  
has  
21 been self-evident. I'm not suggesting this witness is lying.  
22 I'm not suggesting that he has been brought here to tell the  
23 Court what Mr Kallon wants him to say, I'm simply asking in  
the  
24 passage of time whether he might have been mistaken.  
12:38:13 25 PRESIDING JUDGE: In fact -- well it's not diplomatic --  
26 mistaken in what sense.  
27 MR CAMMEGH: It's a long time ago.  
28 PRESIDING JUDGE: In effect it is like -- doesn't it  
look  
29 like he is lying, you know.

it's 1 MR CAMMEGH: Well that's a matter for Your Honours but

2 not for me --

lying 3 PRESIDING JUDGE: Are you not suggesting that he is

4 when he.

12:38:29 5 MR CAMMEGH: I can't. But how can I.

because 6 PRESIDING JUDGE: Indirectly, in a way, in a sense

his 7 you are seeking to contradict him, you know, on the thrust of

8 testimony that.

9 MR CAMMEGH: Your Honour I can't.

12:38:42 10 PRESIDING JUDGE: Kallon was not, was not where you say  
he

11 was.

12 MR CAMMEGH: This is where we have the crossover between  
13 the UK jurisdiction and the jurisdiction here. We've heard

14 the Prosecution put it to witnesses time and time again through

12:38:53 15 Sesay case, you're lying about this, you're lying about that.

still 16 JUDGE THOMPSON: But I can take your point that it's

17 possible to say that I'm trying to jog your memory, which does

18 not mean that you are lying, it's just that --

19 MR CAMMEGH: Yes.

12:39:07 20 JUDGE THOMPSON: -- your memory has failed you in  
respect

21 of this.

22 MR CAMMEGH: Well, no disrespect to Mr Harrison, but one  
of

23 the issues I have with the manner that Prosecution

24 cross-examination is often run is this almost blank cheque  
that

12:39:24 25 the Prosecution have often felt they have had to just accuse  
you  
26 people blindly of lying: I put it to you this; I put it to

27 that. I'm in no position to suggest this man is lying.

28 JUDGE THOMPSON: Yes, quite right.

29 MR CAMMEGH: I have no instructions to say he is lying.

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1 Mr Gbao doesn't know if he is lying. What I'm saying is maybe  
he  
2 is mistaken; if he wants to admit he's --

3 JUDGE THOMPSON: Or his memory may have failed him.

4 MR CAMMEGH: Well, yes. I'm not in a position, because  
I

12:39:48 5 don't have the instructions, to say this man has come to this

6 Court to lie, and it would be absolutely wrong for me to go  
out  
7 on a limb and suggest that he is. That's not my position. So  
I  
8 just wanted to say that because it is not an attack on Mr  
Kallon.  
9 It is simply to corroborate, if you like, for want of a better  
10 word, the approach I was forced to take with Mr Kallon when he  
11 testified in this Court that he wasn't there. And that is  
12 contrary to my instructions.

13 This witness is in a position to comment on that thesis  
14 because he claims he was with Mr Kallon on the 2nd. So I  
don't  
15 see as I have a choice. And the offshoot, as His Honour  
12:40:05 Justice  
16 Itoe says, that it might tend to incriminate a second  
defendant,  
17 with the greatest of respect, I would prefer to leave that to  
the  
18 Chamber to decide whether that is the by-product.

19 PRESIDING JUDGE: Fine. Thank you. I think, learned  
12:42:28 20 counsel, it's getting to 1 o'clock and lunchtime. The Chamber  
21 will stand down this matter and come up with a ruling on  
22 Mr Taku's objection when we do resume at 2.30. It is then  
also  
23 that I think the witness should be brought to the stand at  
that  
24 time. So we would with rise and resume the session at 2.30.

12:44:52 25 [Luncheon recess taken at 11.45 p.m.]

26 [RUF13MAY08C-BP]

27 [The witness entered Court]

28 [Upon resuming at 2.45 p.m.]

29 PRESIDING JUDGE: Learned counsel, we are resuming our

1 proceedings, and the ruling of this Chamber is that learned  
2 counsel Taku's objection is upheld, and the question put by  
3 Mr Cammegh is overruled. But this of course does not mean  
that  
4 learned counsel Cammegh cannot or is estopped from putting the  
14:45:31 5 defence of his client at all stages as forcefully as he can in  
6 order to fulfil his mandate as counsel in this case. So this  
is  
7 the ruling of the Court and we may proceed, please.

8 MR CAMMEGH: Forgive me, Your Honour, I'm just trying to  
9 consider my position while I'm on my feet.

14:46:28 10 Q. Mr Witness, you're sure, are you, that you were with  
11 Mr Kallon at all material times on 2 May in Masingbi?

12 A. Yes, sir.

13 MR CAMMEGH: Your Honour, I think I'll leave it there  
and  
14 reserve my position for a later date on this issue.

14:46:58 15 PRESIDING JUDGE: Thank you. So that's the end of your  
16 cross-examination?

17 MR CAMMEGH: Yes, it is, yes.

18 PRESIDING JUDGE: Yes, Mr Harrison, it's your turn.

19

CROSS-EXAMINED BY MR HARRISON:

14:47:37 20

MR HARRISON:

372

21

Q. Witness, there were two exhibits made today; they are

and

22

and 373, and I'm asking if they can be put in front of you,

23

the reason for that is I just want you to remember that if you

24

are concerned about your identity being disclosed, it may help

14:48:04 25  
say

you by referring to the documents, so that you don't have to

26

anything but can simply refer to the exhibits; are you

27

understanding me?

not

28

A. I've not been able to get the question clearly. I've

29

been able to get what you said clearly.

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1

Q. There's two exhibits that were made today, two documents

2

that you wrote out?

3

PRESIDING JUDGE: That is 372 and 373.

4

MR HARRISON:

14:50:10 5

Q. You remember writing those out today?

6

A. Yes, sir.

7

Q. What I was trying to explain to you is that if there is

8 something that I have asked you, that you feel might disclose  
9 your identity, it may be possible to answer by referring to  
one

14:50:34 10 of those documents?

11 PRESIDING JUDGE: Without mentioning what is written on  
12 them, without mentioning loudly on your microphone what is  
13 written on the documents.

14 MR HARRISON:

14:50:51 15 Q. Are you following?

16 A. Yes, sir.

17 Q. Because there is an order by the Court regarding  
protective

18 measures for you and you're entitled to the benefit of that  
19 order; do you understand?

14:51:08 20 A. Yes, sir.

21 Q. And I just want to emphasise for you that if you are not  
22 getting the Krio translation, or if the question is simply  
23 unclear, you should let the Court know right away; do you  
24 understand?

14:51:31 25 A. Yes, sir.

26 Q. Now --

27 PRESIDING JUDGE: And do not respond until you've gotten  
28 the Krio translation; you understand?

29 THE WITNESS: Yes, sir. Yes, sir.

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1 MR HARRISON:

2 Q. Now, on those two documents, one of them will have the  
3 number 373. Would you just look at that document, what is  
4 Exhibit 373. It should be the briefer of the two documents,  
the  
14:52:10 5 shorter of the two. Now, there is a rank on that page.

6 A. Yes, sir.

7 Q. Am I right in thinking that that rank was given to you  
by  
8 the RUF?

9 A. Yes, sir.

14:52:29 10 Q. And there is also a -- what I will call an assignment --  
11 there's a job function that's written on that page?

12 A. Yes, sir.

13 Q. Was that given to you by the RUF as well?

14 A. Yes, sir.

14:52:58 15 Q. Now, that rank, was it given to you by Morris Kallon?

16 A. No, sir.

17 Q. And who gave it to you?

18 A. Sam Bockarie.

19 Q. So Sam Bockarie is a person that you knew; is that fair?

14:53:25 20 A. He gave me the rank through signal.

21 Q. So, by answering in that way, are you saying that you  
never  
22 met Sam Bockarie?

23 A. I had met with him. I met with him. He had given the  
rank  
24 before meeting him.

14:53:53 25 Q. And had you met with him in Buedu?

26 A. Yes, sir.

27 Q. So you travelled to Buedu to meet Sam Bockarie; is that  
28 correct?

29 A. Yes, sir.

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1 Q. And when was it you travelled to Buedu to meet  
2 Sam Bockarie?

3 A. January '99. It was the 13th day of January 1999. That  
4 was the time I left and went there.

14:54:32 5 Q. I'm sorry, it was my hearing. Did you say the 3rd day  
of  
6 January?

7 A. The 13th.

8 Q. Thank you. So within approximately two weeks of the RUF  
9 entering Masingbi, you were sent off to go to meet Sam  
Bockarie;

14:54:58 10 is that fair?

11 A. Yes, sir.

12 Q. And this assignment that's also written on Exhibit 373,  
was  
13 that given to you by Sam Bockarie as well?

14 A. Yes, sir.

14:55:21 15 Q. So this rank and this assignment, that made you the most  
16 senior RUF person in Masingbi; is that fair?

17 A. Yes, sir.

18 Q. And, of course, you would not have been given that rank  
or  
19 that assignment unless you had shown your loyalty to the RUF;  
14:55:58 20 that's fair, isn't it?

21 A. Yes, sir.

22 Q. And that's true today; you still remain loyal to the  
RUF,  
23 don't you?

24 A. Yes, sir.

14:56:22 25 Q. Now, you were asked some questions earlier by Mr  
Jordash,  
26 who is counsel for Mr Sesay, and at the time I wasn't sure if  
you  
27 were concerned about the protective measures order, but you  
seem  
28 content to answer the questions. Now, I'm going to ask you  
29 similar questions, and if you are concerned about your  
identity,

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1 you must let the Judges know right away; do you understand?

2 A. Yes, sir.

3 Q. Now, you had been asked if you knew a person named -- I

4 think it was Amadu Conteh; do you remember that?

14:57:25 5 PRESIDING JUDGE: Amadu, Amadu Conteh?

6 THE WITNESS: Yes, sir.

7 PRESIDING JUDGE: Or Amidu?

8 THE WITNESS: Amidu. Amidu.

9 MR HARRISON:

14:57:38 10 Q. Can I defer to you and ask if you could spell that --  
the

11 first name?

12 A. Yes, sir. A-M-I-D-U.

13 Q. Now, who was that person?

14 A. Well, he himself was a CDF.

14:58:10 15 Q. And was he just an ordinary CDF?

16 A. No, no, no, he himself held a very high position. He  
had a

17 command position.

18 Q. And what position did he hold?

19 A. He was a section commander because the chiefdom was  
divided

14:58:34 20 into eight sections and he was one of the commanders in the  
21 sections.

22 PRESIDING JUDGE: So he was a section commander of the  
CDF?

23 THE WITNESS: Yes, sir. Yes, sir.

24 MR HARRISON:

14:59:10 25 Q. Again I'm concerned about not doing anything to infringe  
26 upon the protective measures order, but, with respect to Amidu  
27 Conteh, did he remain in Masingbi?

28 A. Yes. Yes, sir.

in 29 Q. So after the RUF came to Masingbi, Amidu Conteh remained

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1 Masingbi?

2 A. Yes, sir.

3 Q. And did he have an assignment after the RUF entered  
4 Masingbi?

15:00:00 5 A. Just like I said, he himself was an adviser. He was a  
6 battalion adviser.

7 Q. Is a battalion adviser more senior to a battalion  
8 commander?

9 A. Yes, he was battalion commander. When I was elevated to  
15:00:34 10 the position, then they said I should be adviser, so I would  
take  
11 it. With regard to that he was senior, he was the one that  
was  
12 first promoted.

13 MR OGETO: My Lords, we are getting too close to  
revealing  
14 the identity of this witness.

15:00:52 15 PRESIDING JUDGE: Mr Harrison is very cautious of that.  
16 I'm sure he will know how to navigate the troubled waters very

there. 17 close but not yet there. Mr Ogeto, very close but not yet

18 MR OGETO: I just wanted to draw the attention of the  
19 Chamber to that.

15:01:24 20 PRESIDING JUDGE: Mr Harrison is even more conscious  
than  
21 the Chamber is of this responsibility because he keeps  
reminding  
22 himself, and the witness, of course.

23 MR HARRISON:

24 Q. Now, you told about one trip that you took to Buedu.  
Did

15:01:51 25 you take any other trips from Masingbi?

26 A. Yes.

27 Q. What other trips did you take?

28 A. I used to go to Makali, Magburaka, and even Kono. I  
used  
29 to go there.

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1 Q. So how frequently would you go to Makali?

2 A. At times once a month or maybe once in two months,  
because

3 used to have threats from the CDF so I was not used to moving  
as

4 a commander.

15:02:30 5 Q. And how frequently would you travel to Magburaka?

6 A. Just like I said, at times, once in a month; at times  
once  
7 in two months because I used to have threats from the CDF, so  
I  
8 would not move like that.

9 Q. And how frequently would you travel to Kono?

15:03:01 10 A. It's the same; it's the same. Because Kono is further  
than  
11 Magburaka. At times it would take four to five months I would  
12 not go there.

13 Q. Why would you be going to Kono?

14 A. Well, I -- I had some friends that were there. They  
were  
15:03:22 15 my personal friends and I used to go there to greet them.

16 Q. I'm going to suggest to you that you were involved in  
17 mining Kono; do you accept that?

18 A. No, sir.

19 Q. And I'm going to suggest to you that you would have gone  
to  
15:03:49 20 Kono District far more frequently than every four or five  
months;  
21 do you accept that?

22 A. No, I don't agree.

23 Q. And do you agree with me that when you say you went to  
24 Kono, what you're saying is that you went to Koidu?

15:04:21 25 A. Kono was the natural name. I would go to Sewafe, I  
would  
Koidu  
26 go to Jaima Sewafe. Jaima Sewafe is part of Kono, so, but  
27 Town, in fact, I was not interested in going there. My  
longest  
28 journey was Bumpe.

mining 29 Q. You certainly agree with me, though, that there was

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1 taking place in Sewafe when you went there?

2 A. No, I wouldn't agree, because I was not mining.

3 Q. No, what I'm suggesting to you is that you would have  
seen,

4 you would have observed mining taking place when you went to  
15:05:12 5 Sewafe and Bumpe?

6 A. Well, I did not go to the mining site, so I wouldn't be  
7 able to tell because I was on the highway. There I was  
working  
8 along.

9 PRESIDING JUDGE: Answer the question, please. Answer  
the

15:05:26 10 question. Mr Harrison, please put the question to him.  
Answer

11 the question directly.

12 MR HARRISON:

13 Q. I was suggesting to you that you would have observed  
mining

14 taking place when you went to Bumpe and Sewafe?

15:05:48 15 A. I used to hear that they were mining there. Some  
civilians



I 16 had been mining there. I was told. I did not go there. And  
17 did not go there to see them.

18 PRESIDING JUDGE: So what you're saying is you did not  
19 observe mining going there; is that your response? You did  
not  
15:06:04 20 observe mining going there but you heard that civilians were  
21 mining there --

22 THE WITNESS: Yes, sir. Yes, sir.

23 MR HARRISON:

24 Q. Witness, I'm suggesting to you that you're not being  
candid  
15:06:23 25 with the Court, that it was well-known that mining was taking  
26 place in Kono District and that you would have seen that; do  
you  
27 accept that?

28 A. Well, I don't agree, and I believe that where I am here,  
I  
29 wouldn't say anything except the truth, and I've sworn on the

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1 Koran, the Holy Koran. I wouldn't lie to the Court. All I'm  
2 saying here is the truth.

3 Q. Now, today you told us about a meeting that took place  
on

4 29 December 1998; do you remember that?

15:07:10 5 A. Yes, sir.

6 Q. And you said you went with 57 people; do you remember  
7 saying that?

8 A. Yes, sir.

9 Q. Now, witness, I've looked at a statement of yours where  
it

15:07:32 10 says that there was over 200 CDF at that meeting; do you  
accept

11 that?

12 A. Yes. The first time we were 57 and the number had been  
13 rising because we were many; it was a very big chiefdom. The  
14 CDFs were many. In fact, the number of CDFs at Masingbi  
during

15:07:57 15 the time of the CDF was over a thousand plus.

16 Q. But just so you're clear on what I'm putting to you, I  
had

17 understood you to say today that you went to a meeting on 29  
18 December 1998; do you remember talking about that?

19 A. Yes, sir.

15:08:28 20 Q. And you said that you went with 57 people; do you  
remember

21 that?

22 A. Yes, sir.

23 Q. And I'm putting to you that in an earlier statement you  
24 said that you went with 200 people; do you accept that?

15:08:38 25 PRESIDING JUDGE: During the first trip, Mr Harrison?

26 MR HARRISON: Yes.

27 PRESIDING JUDGE: During the first trip? That is what  
he

28 said in his statement.

type

29 THE WITNESS: Well, I cannot recall that I gave that

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I

1 of statement. It was today that I -- I gave that statement.

2 wouldn't remember -- recall giving that statement.

3 MR HARRISON:

been

4 Q. Well, I'm going to suggest to you that this would have

15:09:02

5 a statement from last week when you would have spoken to

6 Mr Ogeto; do you accept that?

It

7 A. Well, I had been talking. I did not give a statement.

time

8 was something like an interview and Mr Ogeto had been playing

9 with his laptop. I did not know whether it was during that

15:09:25

10 that it was indicated.

11 Q. Well, you certainly agree with me that you met with

12 Mr Ogeto last week; is that fair?

13 A. Yes, that was on Thursday, the day I came.

asked

14 Q. And I'm putting it to you that on that day you were

We

15:09:46

15 who was at the meeting, and your answer was: "Over 200 CDF.

the

16 were fully armed." Did you utter those words to Mr Ogeto in  
17 statement?

18 A. Yes, I can recall that I said that.

19 Q. So when you talked about 57 today, you were mistaken?

15:10:12 20  
witness

PRESIDING JUDGE: But Mr Harrison, there is something  
21 there, you know. I did ask this question before. This

did

22 talked about two meetings. In that one he did not say -- he

you

23 not say that in the first meeting there were 200 people, what

15:10:33 25  
the

24 have read out there. He said in that meeting there were 200  
25 people. Which meeting was that. This is -- this is the --

26 clarification I want.

27 MR HARRISON: Yes I was going to take it in sequence.

28 There are two meetings referred to in this statement.

the

29 PRESIDING JUDGE: Yes, because he said in that one in

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is

1 meeting there were 200, so I didn't know in which meeting he

2 referring to because the numbers grew in the second meeting.

3 Yes, okay.

4 MR HARRISON:

15:10:59 5 Q. So you would agree with me that when you uttered the  
number

6 57 today, you were mistaken; is that fair?

7 A. Well, just like I keep saying, we met on the 29th and we  
8 met on the 1st.

The 9 Q. Yes, we've got that. But I made a suggestion to you.

15:11:22 10 suggestion was that when you uttered the number 57 today in  
11 Court, you were mistaken when you did so; do you accept that?

12 A. Well, I called the number on two occasions. The second  
13 meeting -- the second occasion I called another number.

as 14 Q. If you just listen to me again I'll try and be as clear

15:11:48 15 I can.

16 PRESIDING JUDGE: Mr Witness, please listen. Listen to  
17 learned counsel. Listen before you answer.

18 MR HARRISON:

1998; 19 Q. Today you were asked about a meeting on 29 December

15:12:02 20 do you remember that?

21 A. Yes, sir.

with 22 Q. Your answer to that question was that 57 people went

23 you to the meeting; do you remember saying that?

24 A. Yes, sir.

15:12:17 25 Q. I'm suggesting to you that you were mistaken when you  
said

26 that number; do you accept that?

27 A. Yes, sir.

the 28 Q. And that the correct number now that you want to tell

29 Court is 200; do you accept that?

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1 A. Yes, sir.

you

2 Q. So you accept that you made up a number today of 57; do

3 agree?

4 A. Yes, sir.

15:12:48 5 Q. So you agree that you lied to the Court?

6 A. No, sir.

7 Q. Well, you just told the Court that you made up --

8 A. Two meetings.

15:13:07  
that

9 Q. Witness, I'm going to put it to you again that we're  
10 talking about the meeting of 29 December 1998. Have you got

11 clear?

12 A. Yes, sir.

13 Q. That's the only thing we're talking about right now; is  
14 that clear to you?

15:13:22 15 A. I don't understand. But what about the meeting of 1  
16 January?

17 Q. We'll come to that, witness.

18 A. Okay.

19 Q. So is it clear to you now we're talking solely about the  
15:13:42 20 meeting on 29 December 1998?

21 A. Okay, sir.

22 Q. And you understand that I had advised you that at least  
23 according to my notes, you had said you went with 57 people to  
24 that meeting; do you agree with that?

15:14:10 25 A. Yes, sir.

26 Q. And I had also put it to you that in your statement to  
27 Mr Ogeto, you had said that over 200 CDF went to that meeting;  
do  
28 you accept that?

29 A. No, sir.

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being  
1 Q. Well, you see, I'm putting it to you that you're not  
2 truthful with the Court; do you accept that?

3 A. I'm saying the truth. I believe that I'm saying the  
truth.

4 Q. Now, there is a second meeting that you've told us  
about,

15:15:01 5 which was on 1 January 1999; do you remember that?

6 A. Yes, sir.

7 Q. And what you've told the Trial Chamber --

8 PRESIDING JUDGE: On what date.

9 MR HARRISON: The 1st --

15:15:21 10 PRESIDING JUDGE: 1st of January.

11 MR HARRISON: -- of January 1999.

12 Q. And again you correct me if I am wrong, but my note is  
you

13 said you went to that meeting with 115 people; do you accept  
14 that.

15:15:48 15 A. Yes, sir.

16 Q. And you'd agree with me that you're talking about  
something

17 which happened over seven years ago; do you accept that?

18 A. Yes, sir.

19 Q. And you would agree with me that you certainly weren't  
the

15:16:04 20 sort of person who would go around counting 115 heads at a  
21 meeting and then take a note of that, would you?

22 A. In fact, it was not a meeting. It was a muster parade.  
A

23 muster parade type. It was on parade ground.

24 Q. Fair enough. But you understand the point that I was  
15:16:31 25 trying to raise with you, that in the position you held, which  
is

26 indicated on Exhibit 373, you would not have been the person  
who

27 would have walked around counting heads at a muster parade,  
would

28 you?

29 A. Yes, but it was the MP commander that showed me the  
figure.



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a 1 Q. All right. So you're saying an MP commander showed you  
2 figure. And who was the MP commander?  
3 A. Phillip.  
4 Q. Phillip who?  
15:17:16 5 A. xxxxxxxxx. xxxxxxxxx.  
6 Q. Just for the benefit of the reporter and the rest of us,  
7 can I defer to you and ask you to spell the last name?  
8 A. It's xxxxxxxxxxxxxxxx.  
9 Q. Thank you. Now, that was something that was pretty  
firmly  
15:17:54 10 embedded in your mind because it was told to you by the MP  
11 commander; is that what you're saying?  
12 A. Yes, that was in my mind.  
13 Q. So you had a real specific recollection of this number;  
is  
14 that fair?  
15:18:18 15 A. Yes, I recalled. I recalled that. That was what I  
16 recalled.  
17 Q. Well, when you were talking to Mr Ogeto, he put the  
18 question how many of you were at the muster parade and you  
said  
19 over 100. Do you accept that?  
15:18:40 20 A. Yes, sir.

21 Q. Now, what I'm suggesting to you is that that shows that  
22 last week the best you could do was indicate that it was over  
23 100; is that fair?

24 A. No, sir.

15:19:03 25 Q. And what I'm further suggesting to you that one week  
later

26 in time you've decided to make up the number 115 in this  
27 courtroom; do you accept that?

28 A. It was not I that decided to make it up. The interview  
29 that I had with Mr Ogeto was so fast that I was not able to  
pay

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in 1 attention when I was talking to him. It was today that I sat

and 2 the Court that I thought I was to talk what really happened

3 what I saw with my own eyes. In fact, I did not feel that

4 Mr Ogeto had been recording. I thought that it was -- he was

15:19:49 5 doing any other thing because he was talking to me and he had  
not

6 been paying attention, he had been playing with the laptop. I

7 did not know that he had been writing down all that I was  
saying.

8 But now that I'm sitting here, what I saw with my own eyes I

saying 9 believe that it's what I'm saying and it is true that I'm  
15:20:06 10 here.

11 Q. How many muster parades did you attend?

making 12 PRESIDING JUDGE: So Mr Harrison, the point you are  
13 here is that in his interview with Mr Ogeto, he said there  
were 14 over 100 in the muster parade but in his testimony here he is  
15:20:30 15 specific that there were 112.

16 JUDGE BOUTET: 15.

17 PRESIDING JUDGE: 15, I'm sorry. 115. That is the  
point 18 that you are making.

19 MR HARRISON: That's correct.

15:20:40 20 PRESIDING JUDGE: So the discrepancy is between over 100  
21 and a definite figure of 115.

22 MR HARRISON:

23 Q. Now again referring to Exhibit 373, I'm suggesting to  
you 24 that you would have been part of a large number of muster  
15:21:05 25 parades; do you accept that?

26 A. Yes, sir.

27 Q. And how many muster parades do you say you would have  
been 28 part of?

29 A. Well, I cannot guess because I attended a lot. Like the

When 1 first muster parade is 6 a.m. and also 6 p.m. for prayers.

go 2 we go for muster parade we say prayers. That is we normally

to 3 for muster parade two times a day. So it's impossible for me

4 tell the number of muster parades that I've attended.

15:21:52 5 Q. Yes. And that's my suggestion to you, witness, is that  
any 6 it's impossible for you to say the number of people attending

7 specific muster parade; do you accept that?

I 8 A. Well, not all the muster parades. The first number that  
They 9 provided, that was the first meeting we had with the RUF.

15:22:23 10 had wanted to know the number of people that were willing to  
be

guardpost 11 with them so the other muster parades were men at the

12 that will not remove from the guardpost. Only a few men that  
security 13 will attend, you see, because they had to maintain the

first 14 at the guardpost. So only a few men will attend. So the

15:22:48 15 figure that I gave was the initial meeting that we had with  
them

16 because they wanted to know if we were --

17 THE INTERPRETER: Your Honours, can the witness be  
18 instructed to please speak slowly to facilitate  
interpretation.

19 MR HARRISON:

15:23:10 20 Q. Just pause. This is one of the problems that sometimes  
21 happens in the courtroom. You know already that there are  
22 interpreters who are trying their best to faithfully interpret  
23 every single word you utter. If you go too fast or for too  
long,  
24 the interpreters can't keep up with you. So this is an  
example  
15:23:31 25 of where they were not able to keep up with you. And they are  
26 asking if you could try to take that answer again?  
27 A. Okay. Anyway, excuse me. My problem is I'm a stammer,  
so  
28 sometimes when I want to escape I speak fast.  
29 PRESIDING JUDGE: That is very true. I have experiences  
of

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1 friends who have given me the same reason for their talking  
fast.  
2 I have a cousin who has this problem, but try, try and speak  
3 slowly, even if you have to stammer in the process.  
4 THE WITNESS: Okay, sir. So, as I said, why I was able  
to  
15:24:38 5 think about the number for the first and second meetings  
because,  
6 when the RUF came initially, they spoke with the elders, the

7 chiefdom elders. They said they will not come to do bad and  
they  
8 want us to join them, so the chiefs sent for us. At last we  
9 decided to come. So when they came they had wanted to see the  
10 amount of cooperation given to them by us so that they will be  
15:25:05 11 rest assured that we are with them. That was why I was able  
to  
12 remember the first and second meeting, that these were the  
number  
13 of people CDF that attended. But all other muster parades, I  
14 can't tell the exact number. In fact, I don't attend some of  
15:25:30 15 these meetings. Sometimes we go two times for a muster  
parade.  
16 In fact, we do that mainly for prayers, asking God for  
protection  
17 and forgiveness. Just as I said, sometimes I don't even  
attend  
18 as a commander.

19 MR HARRISON:

15:25:52 20 Q. What I'm suggesting to you, witness, it's clear from  
your  
21 answer with respect to the first meeting, you told the Court  
you  
22 went with 57 people; you told Mr Ogeto last week that there  
were  
23 200 who were fully armed. I'm suggesting to you that you just  
24 made up the number in Court today; do you accept that?

15:26:19 25 A. Yes, sir.

26 Q. And you made up the number because you're here to do  
your  
27 best to help Morris Kallon and Issa Sesay; is that fair?

28 A. No, sir, I am not here to help Morris Kallon and Issa  
29 Sesay. I'm in this Court to testify to speak to the truth so

help 1 that truth will prevail in this country so I'm not here to

2 them.

3 Q. Now, you've given evidence, and this would have been I  
4 believe when Mr Ogeto was asking you questions this morning,  
15:27:10 5 where you said that you saw Morris Kallon every day; do you  
6 remember saying that?

7 A. Yes, sir.

some 8 Q. I take it you would want to retract that statement to

and 9 extent because, on the times when you go to Makali, Magburaka

15:27:33 10 Kono, you would not have seen Morris Kallon; is that fair?

11 A. What I will say is from '99, January and February, those  
12 two months Morris Kallon was permanently based at Masingbi.

He 13 didn't go anywhere; he was there.

from 14 Q. So January and February of 1999. So the implication

15:28:07 15 your answer is that after February of 1999 Kallon was not  
16 permanently based in Masingbi; is that what you're trying to  
say?

17 A. Yes, he went to Magburaka because, by then, there was an  
18 infighting between Issa Sesay and Superman, so he would spend

19 every two days; every week he will spend two days. But what I  
15:28:38 20 knew is that January and February Morris Kallon was  
permanently  
21 based --  
22 THE INTERPRETER: Your Honours, the witness is still  
fast.  
23 MR HARRISON:  
24 Q. I'm sorry, Mr Witness, to interrupt you. It's not  
proper  
15:28:58 25 for me to cut you off, and I'm trying not to, but we've had  
going  
26 another indication from the interpreters that you started  
27 too fast again. And we all know it's difficult. But I can  
28 assure you that you'll be finished quicker if you can try to  
29 remember to pace your answers more slowly than you would  
normally

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1 speak. Now, you were halfway through an answer about Morris  
2 Kallon going to Magburaka and some other aspects I think you  
3 wanted to continue on with; you're entitled to complete that  
4 answer.

15:29:50 5 A. Yes. I said when the infighting took place, Morris  
Kallon  
6 went to Magburaka and he will, for every week he will come and



7 spend two days at Masingbi, because his wife was there and his  
8 family was there; that's what I knew.

9 Q. And I'm suggesting to you that that continued through  
the  
15:30:20 10 remainder of 1999, 2000 and 2001; do you accept that?

11 A. After the infighting he returned to Masingbi. After  
12 resolving the issue, he returned to Masingbi.

13 Q. But what I'm suggesting to you is that he would have  
spent  
14 at least two or three days a week away from Masingbi; do you  
15:30:49 15 accept that?

16 A. Yes, sir.

17 Q. Now, you've also told this Court that -- and again this  
was  
18 during questions from Mr Ogeto I believe -- that Morris Kallon  
19 was your boss; do you remember saying that?

15:31:21 20 A. Yes, he was my boss. I'll not deny the fact.

21 Q. And in the year 2000, I'm suggesting to you that after  
Issa  
22 Sesay, Morris Kallon was the second-most senior person in the  
23 RUF; do you accept that?

24 A. Please repeat the question.

15:31:54 25 Q. I'm suggesting to you that in the year 2000, after Issa  
26 Sesay, Morris Kallon was the second-most senior person in the  
27 RUF; do you accept that?

28 A. Yes, sir.

29 Q. And you knew him to be Brigadier Kallon?

1 A. Initially, I knew him to be Major Kallon and later  
2 Brigadier Kallon.

3 Q. And did you know him to be Brigadier Kallon in 1999?

4 PRESIDING JUDGE: Think of the year properly when you  
got  
15:32:51 5 to know him as brigadier.

6 THE WITNESS: 1999; '99.

7 PRESIDING JUDGE: Can you situate us in the period, you  
8 know, from what period? Do you know the month? Do you  
remember  
9 the month?

10 THE WITNESS: No, no, no, no. No, sir, I can't recall  
15:33:43 the  
11 month. I cannot recall the month.

12 PRESIDING JUDGE: At the beginning of the year or the  
end  
13 of the year? First half of the year or the second half of the  
14 year?

15 THE WITNESS: It was around the end of 1999.

16 MR HARRISON:

17 Q. Again I'm going to remind you about the protective  
18 measures, but these were questions put to you by Mr Ogeto, and  
19 I'm going to put something similar to you. You talked about a  
15:34:28 20 signaller named Bockarie; do you remember that?

21 A. Yes, sir.

22 Q. And you told the Court that Bockarie was your signaller?

23 A. Yes, sir.

24 PRESIDING JUDGE: What year was this when Bockarie was  
your

15:34:58 25 signaller?

26 THE WITNESS: '99.

27 MR HARRISON:

28 Q. Now, had Bockarie been a member of the RUF?

29 A. Yes, he was a member of RUF. He was an SLA but later he

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1 joined the RUF movement.

2 Q. So far as you know, Bockarie was never part of the CDF?

3 A. No, no, no; Bockarie was SLA.

4 Q. And the evidence that you gave to the Court this morning  
15:35:46 5 was that Bockarie and others -- sorry --

6 PRESIDING JUDGE: Mr Harrison, please, if I may, because  
I

7 want to get the records right: You said it was in 1999 that

8 Bockarie was your signaller; 1999?

9 THE WITNESS: Yes, sir.

15:36:15 10 PRESIDING JUDGE: Around what period of that year?

11 THE WITNESS: 1999, it was in March. He changed the  
first

was 12 signaller that I had, Thaimu. The first signaller that I had

13 changed.

14 PRESIDING JUDGE: Thank you.

15:36:40 15 MR HARRISON:

16 Q. And based upon --

17 PRESIDING JUDGE: And what was the name of the first  
18 signaller, I'm sorry?

19 THE WITNESS: Thaimu.

15:36:52 20 PRESIDING JUDGE: Can you spell that?

21 THE WITNESS: Yes, sir. T-H-A-I-M-U.

22 PRESIDING JUDGE: Was that the only name?

23 THE WITNESS: Thaimu Kamara.

24 PRESIDING JUDGE: Thank you. Mr Harrison, proceed,  
please.

15:37:12 25 MR HARRISON:

26 Q. The person named Bockarie, he remained the signaller  
from

27 1999 through all of 2000?

28 A. No, sir, he himself was replaced in December.

29 Q. And is that December of 2000?

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1 A. No, December 1999; he was replaced in December 1999.

2 Q. Well, witness, this morning you told the Court that a  
3 signaller named Bockarie brought a message that Kailondo and  
4 others were going to attack the UN; do you remember saying  
that  
15:38:01 5 this morning?  
6 A. I said so. I will come to that. We had the signallers;  
we  
7 had the overall signaller operator. They are swapped every  
five  
8 months.  
9 PRESIDING JUDGE: Mr Witness, answer the question first  
and  
15:38:24 10 then --  
11 THE WITNESS: Yes, sir.  
12 PRESIDING JUDGE: And then [indiscernible]. Please, put  
it  
13 to him again.  
14 MR HARRISON:  
15:38:28 15 Q. So I was asking you if you remembered saying in Court  
this  
16 morning that the signaller Bockarie brought you a message that  
17 Kailondo and others were going to attack the UN; do you  
remember  
18 saying that this morning?  
19 A. Yes, sir. Yes, sir.  
15:38:51 20 Q. And that would have been on what day?  
21 A. On the 3rd.  
22 Q. And you were with Morris Kallon at the time?  
23 A. Yes, sir.  
24 Q. And you've already agreed with me that at that time,  
after  
15:39:17 25 Issa Sesay, Morris Kallon was the second-most senior person in

26 the RUF?  
27 A. Yes, sir.  
28 Q. And upon hearing this message about Kailondo and others  
29 going to attack the UN --

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1 PRESIDING JUDGE: Mr Harrison, the witness has answered  
the  
2 question. He said it is true, you know, that Bockarie brought  
a  
3 message to him that Kailondo and others were going to attack  
the  
4 UN and he was going to profile, you know, an explanation. Can  
we  
15:40:00 5 have the explanation before -- be brief, please. Can we have  
the  
6 explanation he wanted to bring in before we move on.

7 THE WITNESS: Yes, sir. Just as I said, we had the  
signal  
8 unit. We had a commander. We normally train the signallers  
9 because they are not to be familiar at any particular  
location.

15:40:29 10 So Bockarie changed Thaimu and they brought Archie. Archie  
said  
11 he was unable to cope with the ground because he didn't like  
the

replaced 12 place so I reported to the signal operator. He was also  
February 13 and Bockarie was brought again. Bockarie was brought in  
to 14 2000 so he was again brought to me. That is what I had wanted  
15:40:57 15 explain to the Court because the movement will change  
signallers 16 as they wanted to.  
17 PRESIDING JUDGE: Okay. Thank you.  
18 MR HARRISON:  
19 Q. And I think we're all with you but -- I think it's clear  
15:41:20 20 but just let me ask the question. From February through -- is  
it 21 to the end of 2000, Bockarie is the signaller for you?  
22 A. Bockarie was also changed later. He was changed in  
July. 23 Q. Now, what I'm going to suggest to you is that Bockarie  
24 brought this message to you and Morris Kallon about Kailondo  
and 15:41:52 25 others going to attack the UN; do you agree so far?  
26 A. Yes, sir.  
27 Q. And you've told the Court this was on 3 May?  
28 A. Yes, sir. Yes, sir.  
29 Q. And I'm going to suggest to you that Morris Kallon does

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1 nothing to stop this attack; do you accept that?

2 A. Well, the third after the signaller had passed the  
message  
3 that Kailondo and others had captured 400 personnel, Kallon  
was  
4 restless. About 3 o'clock he went towards Magburaka. He went  
15:42:43 5 and said the situation was out of control so he wouldn't sit  
and  
6 wait. I saw him. He went on the 3rd at about 3; after he had  
7 received the message he went.

8 Q. And you'd agree with me that the message was known to  
you  
9 at about 10 a.m. That's what you said this morning?

15:43:11 10 A. The message came on two occasions: At first the  
signaller  
11 came and said he monitored Kailondo and others who were  
heading  
12 for Makeni/Lunsar highway to ambush UN personnel. Later in  
the  
13 day by 2 to 3, another message came that they were monitored  
and  
14 that they had captured 400 UNAMSIL personnel. That was what I  
15:43:44 15 said in Court.

16 Q. The first message would have been around 10 a.m. Is  
that  
17 what your earlier evidence was?

18 A. Around 11. 11.

19 Q. And you'd agree with me that Morris Kallon did nothing  
upon  
15:43:59 20 getting that message; do you accept that?

21 A. Well, he was just panicked. He was panicked. He was  
22 stressed. He was really concerned as if he was not in favour  
of



23 what was going on. You can see it from him.

24 Q. And you'd accept that you did nothing to try to prevent  
15:44:34 25 Kailondo and the others attacking the UN?

26 A. I?

27 Q. Yes?

28 A. I was subordinate. What can I could to Kailondo who was  
29 third in command? I cannot confront him because, in fact, the

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1 distance was too far. It was about 47 miles to where I was.

2 Q. And --

3 A. So I had nothing to do.

4 Q. And you've told this Court that --

15:45:10 5 PRESIDING JUDGE: Did I hear you say that Kailondo was  
the

6 third in command.

7 THE WITNESS: Yes, he was the battle-group commander by  
8 then. He was third in command.

9 MR HARRISON:

15:45:28 10 Q. So if Kailondo is a battle-group commander, what was  
Morris

11 Kallon?

12 A. Morris Kallon was a field commander.

13 Q. And do you mean battlefield commander?

14 A. Field commander. You know, field commander. It was  
15:45:55 15 written in a signal message, written field commander. It was  
16 never written as battlefield commander. All messages were  
17 written as field commander.

18 PRESIDING JUDGE: But who was the battlefield commander  
at  
19 that time? If Kailondo was battle group who was the  
battlefield  
15:46:23 20 commander.

21 THE WITNESS: What I will say is let us just accept it  
22 because the messages that are normally received it is written  
as  
23 field commander. But Kailondo, in fact, was second in  
command.

24 JUDGE BOUTET: So to you, you've been in that system,  
what  
15:46:44 25 did that -- what was the meaning of field commander? By what  
26 meaning to you. Was that meaning anything to do with Kailondo  
27 and others? What was the meaning of field commander.

28 THE WITNESS: Yes, but it has a meaning to Morris Kallon  
29 because I believe he was second in command and I believe he

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1 carried the position as a battlefield commander.

2 JUDGE BOUTET: So you believe he was.

3 THE WITNESS: Yes.

4 JUDGE BOUTET: So in the message it just used the word  
15:47:21 5 field commander but to you you knew it meant battlefield  
6 commander.

7 THE WITNESS: Yes, sir.

8 MR HARRISON:

9 Q. So if Morris Kallon was a battlefield commander, what  
was

15:47:48 10 Issa Sesay?

11 A. At what time?

12 Q. Let's just continue talking about May of 2000?

13 A. May 2000? At that time Issa was the boss. If it was  
May  
14 2000, Issa was the boss because when the incident took place  
in

15:48:16 15 Freetown after the attack of Foday Sankoh's residence, we  
16 realised that.

17 THE INTERPRETER: Your Honours, would the witness  
continue

18 to speak Krio.

19 MR HARRISON:

15:48:30 20 Q. Witness, you've told the Court that you wanted to give  
your  
21 evidence in Krio. And in order to do it efficiently, you have  
to  
22 keep speaking in Krio otherwise the interpreters are confused  
as  
23 to what they should be doing.

24 PRESIDING JUDGE: Unless you want to put the  
interpreters

15:48:58 25 out of job.

26 JUDGE BOUTET: [Inaudible].

27 PRESIDING JUDGE: You want the interpreters to be put  
out  
28 of job, Mr Witness? We don't want them to be out of their  
jobs.

29 THE INTERPRETER: Thank you very much, Your Honour.

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1 MR HARRISON:

2 Q. Just so you know, if you would like to give your  
evidence  
3 in English, you can indicate that to the Court but we're going  
to  
4 assume that you wish to keep giving your evidence in Krio  
until  
15:49:36 5 you indicate otherwise?

6 A. No, I will continue. I will continue in Krio.

7 Q. You had been giving some evidence about May of 2000 and  
you  
8 had explained about Issa Sesay being the boss, and you were  
9 continuing on and I think that's when the interpreters may  
have  
15:50:02 10 sought to intervene.

11 A. Yes.

12 Q. Did you want to continue with your answer?

13 A. That was what I said. I said he was the boss.

14 Q. Was there a specific title or assignment that Issa Sesay  
15:50:21 15 had?

16 A. Well, he took the position of the leader. He was the  
17 leader. He was the leader.

18 Q. Now, I'm going to suggest to you that Morris Kallon was  
the  
19 battle-group commander at least as early as when you met him  
in  
15:50:56 20 December of 1998; do you accept that?

21 A. I did not know his position. When he came and  
introduced  
22 himself he said he was Major Morris Kallon. That was what he  
23 told us when he met us. He did not disclose his position to  
the  
24 movement.

15:51:18 25 Q. And when did you learn that he was the battlefield  
26 commander?

27 A. It was -- it was during the time when Mosquito ran away  
and  
28 went.

29 Q. Now, again this morning you had given some evidence  
about

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been 1 Foday Sankoh coming to Masingbi after the Lome agreement had

2 signed; do you remember that?

3 A. Yes.

4 Q. And I take it Foday Sankoh spoke at a meeting?

15:52:10 5 A. Yes, he spoke. He spoke. It was for that meeting that  
he

6 went to Masingbi and he spoke.

7 Q. And you were present?

8 A. Well, as a matter of fact I was not there. As a  
commander

9 I went to put security in place, and he was a leader and when  
he

15:52:33 10 came to my ground I should make sure that he was safe and  
sound,

11 so I was not there.

12 Q. But this morning you had --

13 JUDGE BOUTET: I'm sorry, Mr Harrison, I didn't get this  
14 answer. Could you get the witness to do the answer again? I  
15 missed part of it, so I apologise for that.

16 MR HARRISON:

17 Q. You were explaining to the Court, I think, that there  
was a

18 meeting but because of your position, you may not have been

19 present for the meeting. Is that what you were telling the

15:53:17 20 Court?

21 A. They opened the meeting, they opened the meeting that  
22 witness  
involved civilians. When Sankoh went I was not able to

23 it. After the open meeting he called us, the officers where  
he

24 was lodged, but when he held the meeting in the field -- in  
the

15:53:37 25 town field, I was not there. I went to make sure that  
security

26 was in place.

27 Q. So without wanting to try to confuse issues, there was a  
28 big open meeting and a smaller meeting for certain commanders?

29 A. Yes, sir.

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1 Q. And it was at this smaller meeting that Foday Sankoh  
said

2 that the RUF should hide some of their arms; is that right?

3 A. He did not say so but, according to his demonstrations,  
he

4 said we should disarm. So we were able to get the meaning and  
we

15:54:30 5 took it for granted that he did not even want that. He did  
not

6 even want that. Because he had been telling us that we should

7 disarm and he would with say this and he would put his arms  
right

8 at the back like that. Yes, sir. Yes, sir. He had been

9 demonstrating as that before us.

15:54:53 10 Q. Just pause for a moment. I think it's only fair to you  
if

11 I try to explain the physical motions that you were making,  
and

I

12 listen to what I'm going to say and you correct me if I'm  
13 describing your physical motions incorrectly or inadequately.

you

14 had observed you, when you were talking about Foday Sankoh  
15:55:24 15 speaking about arms, taking your right arm, putting it fully  
16 forward, and then taking your right arm and moving it behind  
17 past your back. Did I have the motions right?

18 A. Yes, sir.

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19 Q. And by doing that, you were trying to convey to the

arms

15:55:41 20 Chamber that Foday Sankoh may have given the impression that

arms

21 should be given over to UNAMSIL, but he was also saying that

to

22 should be kept behind by the RUF; is that what you were trying

23 say?

to

24 A. That was what I understood during the time that he went

15:56:09 25 the officers' meeting, through his demonstration.

26 Q. So your understanding was that the instruction from

27 Foday Sankoh was not to be sincere in disarming?

28 A. See, that was what I suspected through what he had been

29 telling us.

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your  
1 Q. And I assume that you would have discussed this with  
2 colleagues after the small meeting?

Kallon  
3 A. Yes, and it was not they alone but even with Morris  
4 he discussed that.

15:57:02  
was  
5 Q. And when you say he discussed it with Morris Kallon, he  
6 discussing with Morris Kallon that the RUF should not be  
7 disarming?

8 A. No. He had been, in a joking form, Morris Kallon said  
9 that: Don't listen to that old man. He said: When the  
15:57:22 10 disarmament time comes let us forget about everything. Let us  
11 hand over everything and let's think about a better life.  
That  
12 was what Morris Kallon told me. And I say it before God and  
me  
13 that that is what he said during the time when we had been  
14 discussing in a joking form.

15:57:47  
Sankoh  
15 Q. And this would have, this small meeting where Foday  
16 was present, you said it was after Lome. Are you able to say  
if  
17 it was one or two or three months after Lome or longer?

18 A. No, I wouldn't be able to guess, but it's after the Lome  
19 but I wouldn't be able to tell the Court whether it was one  
month  
15:58:08 20 or after two months because, after Lome, that was the time  
that  
21 he came.

22 Q. And what you can be certain of is it happened before May  
1,

23 2000?

24 A. I don't understand the question.

15:58:41 25  
confirm

Q. I was suggesting to you that you would be able to

26 that this small meeting, where Sankoh spoke, would have taken

27 place before 1 May 2000?

28 A. Yes, it was before that. It was before that.

29  
was

Q. Now, when Mr Jordash, who is the counsel for Mr Sesay,

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that

1 asking you questions this morning, I think you had told him

from

2 there was looting taking place as the RUF and AFRC travelled

3 Freetown to Kono District; do you remember talking about that?

4 A. Yes, sir.

15:59:37 5

Q. And you would agree with me that that would have been in

6 the end of February, March of 1998?

7 A. That was in February; that's the time that the incident

8 took place. I could recall. It was February '98. It was in

9 mid-February '98, around the 14th and the 15th.

16:00:15 10  
specific

Q. When you say around the 14th, the 15th, that's a

11 time that the AFRC and RUF were pushed out of Freetown?

12 A. It was around February 10 that they passed through  
13 Masingbi; that is the time that I'm referring to. I'm not  
14 talking about Freetown. I am talking about when they passed  
16:00:39 15 through Freetown -- Masingbi.

16 PRESIDING JUDGE: Do you want specific dates? Well, the  
17 witness may remember some specific dates. Mr Witness, please,  
if  
18 you can give us specific dates, you better do. But if you can  
19 only remember the dates in terms of months, well, fair enough.  
16:01:08 20 Months and the year.

21 THE WITNESS: That was why I said it was in February,  
when  
22 they passed through our own village to go to Kono.

23 MR HARRISON:

24 Q. And I'll come back to this in just a moment.

16:01:25 25 MR MARTIN: Excuse me, Mr Harrison, may Mr Gbao leave  
for a  
26 few minutes?

27 PRESIDING JUDGE: Please, he may.

28 MR MARTIN: Thank you.

29 MR HARRISON:

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this  
in  
and

1 Q. And am I right in suggesting to you that your evidence  
2 morning was that the RUF, or members of the RUF, were looting  
3 the Masingbi area?

4 A. I said they started looting from Makeni up to Masingbi  
16:02:04 5 it was not only they alone. AFRC, RUF and even the CDF also  
6 looted. Even CDF. And even the civilians, they took that  
7 opportunity.

8 PRESIDING JUDGE: You say they looted right up to where?

9 THE WITNESS: Up to Kono. From Makeni up to Kono.  
Koidu  
16:02:44 10 Town.

11 MR HARRISON:

12 Q. Now, witness, on 1 May 2000, did you go to work?

13 A. I was in Masingbi. I was in my town, because Masingbi  
was  
14 my ground. I was there. I did not go anywhere.

16:03:03 15 Q. In the morning --

16 PRESIDING JUDGE: He said did you go to work? Following  
17 the exhibits, you know, which --

18 THE WITNESS: Yes, I went to my office.

19 MR HARRISON:

16:03:13 20 Q. So 1 May was an ordinary day for you, wasn't it?

21 A. Yes, it was like any other day.

22 Q. And nothing special happened on that day?

23 A. No, I did not have anything special on that day.

24 Q. And on that particular day there would have been no  
reason

16:03:43 25 to record the particular time that you had lunch; is that  
fair?

26 A. Well, I believe that it was on the 2nd that I had lunch.

27 On the 1st, I did not have any lunch for anybody.

28 Q. And -- but you're not sure if you had lunch or not on  
the

29 1st; is that correct?

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1 A. No, I did not have any lunch.

2 Q. What about on 28 April?

3 A. Well, I had lunch every day. A human being should have  
4 lunch.

16:04:39 5 Q. But you just said on the 1st that you didn't have lunch?

6 A. What I meant, it's like -- it's a lunch that if I was  
7 invited by somebody to have lunch. You know that in fact I

used

8 to have lunch; even when I was in Court I had lunch. When I

was

9 sitting there in the waiting room I had lunch.

16:05:02 10 Q. But you point is you don't remember the times when these  
11 things happened, do you?

12 A. What things are you talking about?

13 Q. You don't remember the times you may or may not have had  
14 lunch on May 1 or April 28?

16:05:36 15 A. I had answered the Court that I had lunch every day.  
Every

16 day I used to have lunch.

17 JUDGE BOUTET: But I thought you had said that you had  
no

18 lunch on 1 May and you change that now? I took down that no  
19 lunch on 1 May; it was on 2 May I had lunch.

16:05:58 20 THE WITNESS: I was taking it -- I was taking it for  
not  
21 granted that lunch on invitation. That was what I said I did

22 have any lunch. I thought that the lawyer had been asking me  
23 whether I was invited for lunch. That was why I said no. I'm  
24 very sorry, I should have asked him to repeat his question so  
as

16:06:17 25 to understand it better. I just answered.

26 JUDGE BOUTET: So you understood that question to be  
that

27 whether you had been invited to lunch on the 1st; that's why  
you  
28 said no, I had no lunch.

29 THE WITNESS: Yes, sir.

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1 JUDGE BOUTET: But you meant to say that you had not  
been

been

2 invited for lunch on the 1st; it was on the 2nd that you had

3 invited for lunch? No?

16:06:46 4 THE WITNESS: Nobody invited me the 2nd. Nobody invited  
5 me.

it 6 JUDGE BOUTET: I just wrote in my notes that I believe

understand, 7 was the 2nd that I had lunch, so I'm just trying to

8 Mr Witness. I'm not criticising you. I'm just trying to  
9 understand what you are saying. You are saying in one moment  
you

16:06:59 10 had lunch, then you had no lunch, then you say I was invited,  
now

11 I'm just trying to repeat what you said so I understand what  
you

12 intend to say to the Court; that's all.

13 THE WITNESS: What I'm trying to say is on the 1st, when  
14 the lawyer was trying to ask me whether I had lunch, I was  
16:07:21 15 thinking about I being invited. I told the Court that I was  
16 having lunch every day, but I was thinking about when you had

--

asked 17 THE INTERPRETER: Your Honours, would the witness be

18 to go slow.

19 MR HARRISON:

16:07:36 20 Q. We have the same problem where the interpreters  
indicated

21 that you were going too fast, and they would ask if you could  
22 again take your answer, but try to give your answer a bit more  
23 slowly.

24 MR JORDASH: Could Mr Sesay use the bathroom, please?

16:08:01 25 PRESIDING JUDGE: Yes, he may, please.

26 THE WITNESS: I said I used to have lunch every day. I  
27 used to have lunch every day.

28 PRESIDING JUDGE: You are a very disciplined person, to  
say  
29 you have lunch every day.

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1 THE WITNESS: Every day, yes.

2 PRESIDING JUDGE: At times I don't. That's why I say  
you  
3 are very disciplined. It's a good habit, isn't it?

4 THE WITNESS: Yes, so as -- yes, so as to retain my  
energy  
16:08:35 5 and my health.

6 PRESIDING JUDGE: That's good.

7 MR HARRISON:

8 Q. But you have no recollection of what time you would have  
9 had lunch on May 1 or April 28; is that fair?

16:08:48 10 A. Repeat the question.

11 Q. You have no recollection what time you had lunch on May  
1  
12 or April 28; is that fair?

13 A. This is why I told the Court that I used to have lunch  
14 every day. I thought that the Court -- the lawyer had been



16:09:24 15 asking me to talk about I had been invited by somebody to have  
16 lunch.  
17 JUDGE BOUTET: The question, Mr Witness, is quite  
simple.  
18 It's whether or not you have any recollection of the time you  
say  
19 you had lunch every day, so what was the time that you had  
lunch  
16:09:37 20 on May 1 and April 28. That's the question. Do you  
understand?  
21 The question is not whether you had lunch. You have said you  
had  
22 lunch. The question now is those lunches that you had on the  
23 28th and 1 May -- 28 April and 1 May, do you have any  
24 recollection as to what time you had those lunch.  
16:10:09 25 THE WITNESS: 21 of what? Ask the question again.  
26 JUDGE BOUTET: 28 April and 1 May. These are the two  
27 dates.  
28 THE WITNESS: Yes. No, I can't recall.  
29 MR HARRISON:

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1 Q. And that's because May 1 was an ordinary day, wasn't it?  
2 A. Well, I would not take it to be like that. But if you  
take

3 it like that, okay.

4 Q. All right. Well, up until 5 o'clock p.m. on 1 May, in  
what

16:10:57 5 you were doing, what was unique about it?

6 A. I was in my office. I was so busy with some civilians  
in

7 connection with the swamp on which we had been working. So I  
was

8 not able to leave my office and from my office to the house  
was

9 very far.

16:11:25 10 Q. So it was an ordinary day for you, 1 May?

11 A. Yes.

12 Q. Nothing special about 1 May?

13 A. There was nothing special to me.

14 Q. And that's why I'm suggesting to you that you invented  
this

16:11:41 15 story that you saw Morris Kallon at 8 p.m. on 1 May. You have  
no

16 way of recalling that; do you accept that?

17 THE INTERPRETER: Your Honours, will learned attorney be  
18 instructed to repeat the question.

19 MR HARRISON:

16:11:57 20 Q. I'm suggesting to you that you have misled this Court  
and

21 you have no recollection of seeing Morris Kallon at 8 p.m. on  
1

22 May?

23 A. I said I saw Morris Kallon at 8 p.m., 1 May. That was  
not

24 working hours. It was during the night. I myself had been

16:12:21 25 strolling at the junction. That was the time that I saw him

26 driving his vehicle. That was on 1 May. I am telling the  
truth

27 to the Court. What I saw with my own eyes is what I'm telling  
28 the Court.

29 Q. So do you run home and write 8 p.m., meeting with Morris

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1 Kallon in your diary? Is that what happened?

that

2 A. I did not say that I was running to my house. I said

3 I was strolling in the junction during the night and Morris

4 Kallon passed by. First close by his house. He did not even

16:12:55

5 alight from his vehicle. That was the time that I greeted him

evening

6 and I passed by. See, I just greeted him and said good

I

7 sir and I passed by. I did not say anything other than that.

8 did not even stay, I only greeted him and I passed.

9 Q. You certainly did not record this anywhere?

16:13:25

10 A. No. I said I passed by and I greeted him. I say -- I

only

11 greeted him. He was passing and I went to my house and he

12 said hello and I passed by.

ordinary

13 Q. And that was just a very brief, and at the time,

14 meeting with Morris Kallon?

16:14:00 15 A. I did not say that we had a meeting with Morris Kallon.  
He  
16 was passing by. I was coming from the junction. I peeped and  
I  
17 saw him in his vehicle but he had already stopped at his  
house,  
18 so I greeted him. I said good evening, sir and I passed and  
went  
19 to my house.

16:14:18 20 Q. So I'm suggesting to you it was a very brief and  
perfectly  
21 ordinary conversation that you had with Morris Kallon; do you  
22 accept that?

23 A. Yes, all we had were greetings and I went to my house;  
24 nothing else.

16:14:41 25 Q. And I'm suggesting to you that you have fabricated this  
26 information of having a specific recollection of this taking  
27 place at 8 p.m.; do you accept that?

28 A. I don't see any need to come and sit down in this Court  
29 leaving my work. I indicated that in my document -- this

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1 document to leave my work and stay here for one week only to  
come  
2 and sit in this Court to lie. Well, I am a top civil servant  
in

3 this country, just to come to this Court to lie. You see, I'm  
4 saying what I saw with my own eyes and I'm saying the truth.

16:15:26  
so

5 Q. You see, but what I'm suggesting to you, witness, just  
6 that it's clear to you and you have the chance to respond, I'm  
7 suggesting to you that because it was an ordinary, brief  
8 encounter with Morris Kallon, you would have had no reason to  
9 recall this taking place specifically at 8 p.m.; do you accept  
10 that?

16:15:51

I  
I

11 A. I am time conscious, Mr Lawyer, and I know the time and  
12 know the time that I left the junction to come to my house and  
13 knew that that was the time. It was about 8 p.m.

14 Q. So when you say it was about 8 p.m. --

16:16:17

15 A. I said 8 p.m. I said 8 p.m.

that

16 Q. I'll just put it to you to be fair. I heard the  
17 interpreter utter the words "about 8 p.m.", do you now deny  
18 you ever said that just a moment ago?

19 A. 8 p.m. 8 p.m.

16:16:42

would

and

office

20 Q. Now, where were you on 6 June?  
21 JUDGE BOUTET: Before you move away, Mr Harrison, I  
22 like to know, Mr Witness, when you saw, as you say, Mr Kallon  
23 you greeted him, where are you? I hear you saying you were  
24 strolling home so you were walking from your -- from your

16:17:08

25 to home? Is that what you were doing? Or are you in a car  
26 yourself? I take it that Kallon was in a motor vehicle at the  
27 time.

28 THE WITNESS: Morris Kallon, I was leaving my -- I was  
29 leaving my home. I was going to the highway because it was at

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I  
had  
16:17:45

1 the highway that they had been selling refreshment drinks, so  
2 met up with him. He was stopping at his house. In fact, he  
3 not even alighted from the vehicle. That was the time that I  
4 greeted him and I said good evening, sir. His wife was in the  
5 vehicle and I passed by and went.

6 MR HARRISON:

7 Q. Tell the Court where you were --

8 THE INTERPRETER: The attorney's mic is not on,  
9 Your Honours.

16:18:01 10 MR HARRISON:

11 Q. Tell the Court where you were on 6 June?

12 A. June 6 I was at Masingbi.

13 PRESIDING JUDGE: [Indiscernible].

14 MR HARRISON: 2000.

16:18:15 15 THE WITNESS: I was at Masingbi.

16 MR HARRISON:

that 17 Q. And can you tell the Court what time you had lunch on  
18 day?  
19 A. It's normal, yes.  
16:18:39 20 Q. Well, what's normal?  
21 A. I said yes, I had lunch.  
22 Q. The question was can you tell the Court what time you  
had 23 lunch on 4 June -- sorry, 6 June 2000?  
24 A. I had lunch by 12.30 to 1 because during that time I was  
16:19:03 25 not busy. I was in my house, so I had lunch in my house.  
26 Q. So again you have a specific recall of the time you had  
27 lunch almost eight years ago; is that fair?  
28 A. Yes, I could recall because the normal time that I used  
to 29 have lunch was that. 12 to 12.30 normally when I was not  
busy.

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when 1 Even when, as I indicated this document, when I was busy --  
2 I was less busy I would take lunch during that time. That was  
3 the normal time that I used to take lunch, so I can recall  
those 4 times.

16:19:46 5 Q. No, I'm not asking you the normal time. You had said of  
a  
6 specific time on June 6 when you had lunch. And I'm wanting  
you  
7 to answer the question. What time did you have lunch on 6  
June  
8 2000?

9 A. 12.30.

16:20:15 10 Q. So you're telling this Court that you have a specific  
11 recall of having lunch at 12.30 over seven years ago?

12 PRESIDING JUDGE: The witness said, Mr Harrison, that he  
13 remembers lunches between 12.30 and 1 because it is his normal  
14 time for having lunch. That is what he has said.

16:20:44 15 MR HARRISON: Yes and I asked him if it was a specific  
time  
16 on that day to which he said he recalls specifically on that  
day.  
17 So it's no longer the normal time.

18 Q. Do you accept that?

19 A. No, that is what I said. I said I used to have lunch,  
my  
16:21:04 20 normal time for having lunch was what I indicated; it was the  
day

21 normal time for me to have lunch. I did not have a specific  
22 that I would have lunch. I would have lunch when I was less  
23 busy. I would have lunch. When I was busy with my work,  
except  
24 if I -- I was free then I would do -- I would have my lunch.

16:21:25 25 That is what I was trying to tell the Court.

26 Q. So it's fair to say, then, that on 6 June you have no  
27 specific recall of what time you would have had lunch; is that  
28 fair?



29 A. But I told you that my specific time to take lunch was

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1 to 12.30. That was the specific time. Even in December 24 or  
2 whatsoever.

simply

3 Q. You see, witness, I'm suggesting to you that you are  
4 fabricating evidence, you see? And I'm suggesting to you that

--

16:22:12 5 PRESIDING JUDGE: Excuse me. Mr Witness, are you  
6 fabricating evidence.

7 THE WITNESS: No, sir.

8 PRESIDING JUDGE: Yes, Mr Harrison, you may continue,  
9 please.

16:22:24 10 MR HARRISON:

you

11 Q. And I'm suggesting to you that you have agreed that you  
12 have no specific recall of the particular time on 6 June when  
13 had lunch; do you accept that?

14 A. In order for the proceedings to continue, I would agree.

16:22:51 15 that

16 Q. And you agree with me the reason for that is because  
was almost eight years ago; do you accept that?

You 17 A. I can recall things that had happened 20 years back.  
18 see I wouldn't forget things that had happened eight years.  
that 19 Q. So what you're saying that you can recall everything  
16:23:21 20 happened to you eight years ago; is that what you're trying to  
21 tell the Court?  
eight 22 A. Yes, sir, that particular eight -- those particular  
23 years that have passed, those are years that no civilian would  
24 forget in his or her life. All the things that had happened  
to 16:23:41 25 me that have taken place, Sierra Leoneans would remember.  
26 Q. So you have a perfect recall of what day a certain thing  
27 happened and what time on that day something happened; is that  
28 what you're telling the Court?  
29 A. That was why I said that I could recall some -- some. I

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1 can recall especially the past eight years. Those times,  
2 anything that had happened to any Sierra Leonean, he or she  
must 3 recall.  
4 Q. And I'm suggesting to you that your evidence before this  
16:24:30 5 Court is that you would have seen Morris Kallon three or four

6 times every day; is that correct?

7 A. Repeat the question.

8 Q. You told this Court that you saw Morris Kallon three or  
9 four times every day; do you recall that?

16:24:56 10 A. From -- well, I used to see him every day the time that  
we  
11 were together; not now.

12 PRESIDING JUDGE: But answer the question. You have  
told  
13 the Court that when you were together in Masingbi --

14 THE WITNESS: Yes, sir.

16:25:25 15 PRESIDING JUDGE: -- you used to see him three or four  
16 times every day.

17 THE WITNESS: Yes, sir.

18 PRESIDING JUDGE: That's the question counsel is putting  
to  
19 you.

16:25:33 20 MR HARRISON:

21 Q. And I'm suggesting to you that because you would have  
seen  
22 Kallon so frequently, that it's impossible for you to say  
whether  
23 you saw Kallon on 1 May, 29 April, or 28 April when he is  
going  
24 by in a vehicle; do you accept that?

16:26:04 25 PRESIDING JUDGE: Mr Harrison, please put the question  
the  
26 again; put the question again. Let me get it -- let me get  
27 thrust of the question, please.

28 MR HARRISON:

29 Q. I'm suggesting to you that it's impossible for you to  
say

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Kallon

1 whether it was 1 May, 29 April, or 28 April when you see

2 passing by in a vehicle; do you accept that?

3 A. I am supposed to recall because the next day what we

heard,

4 that was what made me to remember that that particular day was

16:26:42 5 the 1st, because the following day we had a message which was

not

6 all satisfactory to us. That was why I recalled that from the

7 person that I had information, he told me that the incident

took

8 place on 1 May; that was the time that I remember that --

9 THE INTERPRETER: Your Honours, would the witness be

asked

16:27:05 10 to go slow.

11 MR HARRISON:

12 Q. Witness, you are being asked to go slow by the

interpreters

13 again. I think they require you to repeat your answer.

14 A. I'm asking permission from the Court, I want to ease

16:27:30 15 myself.

16 PRESIDING JUDGE: Mr Witness, you are a very good

17 timekeeper for this Court. You are asking to leave just when

the

will 18 Court is supposed to recess for a few minutes, so the Court  
19 recess and you can go and use the bathroom. We will rise,  
16:27:55 20 please.

21 [Break taken at 4.30 p.m.]

22 [RUF13MAY08D-BP]

23 [Upon resuming at 5.10 p.m.]

24 PRESIDING JUDGE: Yes, Mr Ogeto, I see.

17:09:58 25 MR OGETO: My Lords, I've just spoken to Mr Harrison and  
he 26 says he is going to be a little longer than he expected and  
I'm 27 requesting that the Chamber issues an order that the next  
witness 28 be taken back to his place of abode. He has been here since  
29 morning and he is very exhausted. He is an old man.

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1 PRESIDING JUDGE: Yes, I think they can take him home.

2 MR OGETO: Much obliged.

3 PRESIDING JUDGE: Please, they can take him home. Is  
4 Mr Harrison suggesting that he will not wrap up before 5.30?

17:10:29 5 MR HARRISON: It might be.

6 PRESIDING JUDGE: Because if we're sending the witness

it, I 7 home, we should -- oh, tomorrow we are not sitting. That's

8 think he can be taken home, please.

9 MR OGETO: Much obliged, My Lord.

17:10:48 10 PRESIDING JUDGE: Yes, Mr Harrison.

11 MR HARRISON: I'm not sure --

12 PRESIDING JUDGE: We're not forcing you to -- you may  
13 proceed and we'll see how we move.

14 MR HARRISON: I was just going to indicate if the Court  
17:10:57 15 would consider sitting perhaps until 5.40 I would hope to be  
16 finished by then. I'll try to finish by 5.30.

we 17 PRESIDING JUDGE: That is fine. That is fine. I think

are 18 can accommodate you. And we are presuming that -- well, we

19 presuming that there will be no re-examination so that we wrap  
17:11:25 20 everything up. I'm just teasing, Mr Ogeto.

My 21 MR OGETO: I'm just hoping there will be no 5 minutes,

22 Lords. Up until now there is no --

23 PRESIDING JUDGE: No cause.

24 MR OGETO: Yes.

17:11:43 25 PRESIDING JUDGE: All right. Okay. Yes, Mr Harrison,  
26 please.

27 MR HARRISON:

had 28 Q. There was a very last question before we broke and you

something 29 given an answer, and I had thought I had heard you say

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1 like you had heard from a radio person, a signaller, and I had  
2 understood you to say that it was radio signaller who told you  
3 that something happened on 1 May?

4 A. No, sir.

17:12:27  
any

5 Q. What I'm wanting to ask you now is: Have you reviewed  
6 documents or any kind of material since May of 2000?

7 THE INTERPRETER: Your Honours, can the learned attorney  
8 please ask the question again.

9 MR HARRISON:

17:12:51  
since

10 Q. Have you reviewed any kind of documents or materials  
11 May of 2000 about the UN hostage-taking?

12 A. Repeat the question.

of

13 Q. Have you reviewed any documents or materials since May  
14 2000 about the UN abductions?

17:13:40  
gave

15 A. Well, except the document that was handed to me by the  
16 signaller stating that they abducted 400 UN peacekeepers, that  
17 was a signal message paper; a signal message paper that he  
18 to me.

17:14:18  
20

19 Q. And you're talking about on 3 May when the signaller --  
again I think it's Bockarie -- comes to you with this message?

21 A. Yes. It was on 3 May that the signaller came with the  
22 message.

23 Q. Okay. Now, I was asking you -- what I was trying to ask  
24 you: Is there anything after that where you have reviewed any  
17:14:27 25 document or materials about the UN abductions?

26 A. No.

27 Q. You certainly agree with me that this was very much in  
all  
28 of the newspapers; is that fair?

29 A. Yes, yes, it was on the newspaper but I didn't have  
access

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1 to come to the end because I wasn't located there. I didn't  
have  
2 access to newspaper by then.

3 Q. But even in the last two or three years you would have  
had  
4 access to newspapers where this would have been discussed,  
right?

17:15:21 5 A. No, the last two or three years that everything was  
okay,

6 by then I had access to come to Freetown, so I read about  
them.

7 I thought you were just asking about the time the incident  
8 occurred.



9 Q. No; in the last two or three years you would have had  
17:15:36 10 occasion to see newspapers and read them that discuss the  
11 abduction of the UN peacekeepers and military observers?  
12 A. Yes. Once in a while I used to read them when I come  
13 downtown; I had access.  
14 Q. And what I'm suggesting to you is that what's happened  
is  
17:16:04 15 that you have used this information you gained in the last two  
or  
16 three years to tell your story in Court today; do you accept  
17 that?  
18 A. No, I did not use that information.  
19 Q. Because you agree with me that you yourself kept no  
record  
17:16:34 20 of the times you would have done things on 2 May?  
21 A. I did not keep the records, but the paper that was  
handed  
22 to me by the signaller, I can still remember that I read this  
23 paper and the memory is still fresh in my mind.  
24 Q. Just listen to the question: You would agree with me  
that  
17:17:06 25 you would have kept no record of the times at which you did  
26 things on 2 May; do you accept that?  
27 A. I did not keep any record, but I keep my memory.  
28 Q. Well, I'm going to suggest to you that you could not  
have  
29 remembered that the time was from 9 to 10 a.m. that you were  
at

1 Kallon's house on 2 May; do you accept that?

2 A. I could recall.

3 Q. And I'm going to suggest to you that you could not be in  
a  
drinking

17:17:56 5 palm wine with Kallon; do you accept that?

6 A. It was in the morning hours. It was past 9, so I took  
it  
7 for granted that it was on the 10th, on the 3rd, I and Kallon  
8 were drinking palm wine in my house.

9 Q. But you see, you're using the words you took it for  
17:18:28 10 granted, and I'm suggesting to you that you simply are taking  
all  
11 of these times for granted; that you have no specific recall;  
do  
12 you accept that?

13 A. I don't accept that. I said by 10 on the 3rd I and  
Kallon  
14 sat together and we were drinking palm wine.

17:18:55 15 Q. Yes, you're jumping ahead. I'm talking about 2 May and  
was  
16 I've been using 2 May in the questions. Your answer just now  
17 about 3 May. Are you misunderstanding the question or do you  
18 just want to say something about 3 May?

19 A. No. 2 May, I and Morris Kallon were together the same  
time

17:19:24 20 at 10. I went to his house. They said he was taking his  
bath.

Then 21 He sent a message that he will join me at home on the 2nd.

22 he came home. We sat together and discuss. We were drinking  
ensued 23 palm wine. Then we got the information that a problem has  
the 24 in one combat camp in Makump but he was worried. That was on  
17:20:03 25 2nd. That was the only thing that we discuss. We were  
together 26 for a very long time on the 2nd. We didn't disperse up to 5.  
want 27 Q. Yeah, I understand what you're saying. But look at, I  
serious 28 you to listen to the question because I think there's a  
29 miscommunication taking place. And I'm not wanting you to be

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about 1 under any illusion as to what the question is. I'm talking  
2 the specific times; do you understand what I mean by that?  
3 A. I understand.  
to 4 Q. You have said that, specifically, from 9 to 10, you went  
17:21:00 5 Kallon's house. At 10.30 you were drinking palm wine. At  
5.30

6 to 6 Kallon went home. I'm suggesting to you that you have no  
7 specific recall of the particular times; do you agree with  
that?

8 A. No, sir, I said I and Kallon were together. Kallon came  
to  
9 my house. We spent the rest of the day together drinking palm  
17:21:31 10 wine until 5, when he returned to his house. That was what I  
was  
11 trying to explain.

12 Q. So with the specific times I've referred to, you are  
13 wishing to say now that you are not sure of the times but you  
14 think Kallon was with you for the entire day; is that fair?

17:21:56 15 A. He was with me from the morning hours because I went to  
his  
16 house by 9. By then he was taking his bath. But he sent a  
17 message that immediately after taking bath, he will come over  
to  
18 me. So after taking his bath he came. That's why I said by  
10  
19 he was with me at home.

17:22:22 20 Q. And now turning to 3 May. I'm suggesting to you that  
you  
21 have no specific recall that it was at 10 a.m. that Kallon  
went  
22 to your house; do you accept that?

23 A. What I will agree on, he was with me when the signaller  
24 came with the first message saying that Komba Gbundema and  
others  
17:22:53 25 have gone to Makeni/Lunsar highway to intercept the UNAMSIL  
with  
26 personnel who were about to deploy Makeni. By then he was  
27 me. By then it was about 10.30 to 11 in the morning. He was  
28 with me at home on the 3rd again.

at 1

29 Q. You see, because earlier you had said that Kallon left

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at

1 o'clock and that you took a message to Kallon at 3 p.m., not

2 10 a.m.?

3 A. I didn't say so. I didn't say so.

today

4 Q. I'm suggesting to you that you simply have no recall

17:23:43

5 of what time things happened on 3 May; do you accept that?

6 A. I disagree, sir. I disagree.

recall

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

8 today of what events took place on 1 May, 2 May, and 3 May; do

9 you accept that?

17:24:21  
got

10 A. I recall what happened on the 2nd and the information I

the

11 of what happened on the 1st, because it was on the 2nd we got

to

12 information that UNAMSIL personnel were forcefully attempting

the

13 disarm RUF combatants at the base. I got this information on

could

14 2nd. By then I was sitting together with Morris Kallon. I

17:24:48

15 recall the date. I could recall the day that I got the

16 information, but at first I got no information about that.  
What  
17 I got on the 1st was that I was -- I was moving out at night  
by  
18 8. I was moving. I saw Kallon driving his car. He was with  
his  
19 wife. I greeted him and he passed. That was what I recalled.  
17:25:14 20 Q. You've told the Court already that you had left the town  
of  
Masingbi 21 Masingbi prior to the movement of the RUF and AFRC into  
22 in February of '98; do you remember that?  
23 A. Please come again.  
24 Q. I'm suggesting to you that you've told the Court that  
you  
17:25:53 25 left Masingbi before the RUF and AFRC arrived in February '98;  
do  
26 you remember saying that?  
27 A. Yes, we withdrew. It was a tactical withdrawal. After  
28 they have passed, then we returned and took over again.  
29 Q. Now, I'm suggesting that in fact it wasn't February '98  
but

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1 March '98; do you accept that?  
2 A. Well, I can't state exactly, but it was early '98; the

3 withdrawal of AFRC/RUF, it was early '98.

4 Q. All right. So this is one of the significant events and

17:26:46 5 you would agree with me that you can't say anything more  
detailed

6 than it was early '98; do you accept that?

7 A. I don't understand. Repeat.

8 Q. All you can say about this important event is that it

9 happened in early 1998; do you accept that?

17:27:18 10 A. It was February '98. February '98 was the time when  
11 AFRC/RUF withdrew from Freetown. It was mid-February, the  
15th,

12 to be precise.

13 Q. All right. Fair enough. Now, you would agree with me  
that

14 you left the town of Masingbi?

17:27:46 15 A. Yes.

16 Q. You have no idea who was in the town when the RUF  
arrived;

17 do you accept that?

18 A. Well, they didn't even stay; they just passed. When  
they

19 came, they passed through Kono.

17:28:04 20 PRESIDING JUDGE: Mr Witness, the question is that you  
do

21 not even know who was in Masingbi on that day; you do not  
know?

22 THE WITNESS: No, no.

23 MR HARRISON:

24 Q. Now, you've told this Court that you knew Issa Sesay  
from

17:28:26 25 before the war?

26 A. Yes, sir.

27 Q. The note I have is that you've known him since 1984/85?  
28 A. Yes, sir.  
29 Q. You'd agree with me he's been a friend of yours for 24

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1 years?

but

2 A. I knew him at Makali. He was not my friend actually,

3 we knew each other.

4 Q. And you know Sesay's sister?

17:29:08

5 A. I know one of his sisters.

6 Q. And you know the man that she married?

7 A. Yes, sir, the man who married her is now late, is John  
8 Bangura.

that I

9 Q. I'm sorry, I think you gave a name, but I'm not sure

17:29:36

10 would be able to repronounce it?

11 A. The late man, Issa Sesay's sister's husband John Bangura  
12 died recently, about three years ago.

13 Q. And just so that the reporter is not making mistakes I  
14 think you said xxxxxxxxxxxx

17:30:04

15 A. xxxxxxxxxxxx. xxxxxxxxxxxxxxxxxxxx.

16 PRESIDING JUDGE: You say he died about three years ago?



17 THE WITNESS: Two years ago, sir.

18 MR HARRISON:

19 Q. Witness, I'm suggesting to you that you gave an  
untruthful

17:30:30 20 answer in Court today when you told the Court that 57 people  
went

21 with you to the meeting on 29 December 1998; do you agree with  
22 that now, don't you?

23 A. Well, I agree.

24 Q. And I'm suggesting to you you gave that false answer in  
17:30:59 25 order to try to help Morris Kallon and Issa Sesay; do you  
accept

26 that?

27 PRESIDING JUDGE: In what sense?

28 MR HARRISON:.

29 Q. That you are here --

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1 PRESIDING JUDGE: If he said he went there were 57  
people,

2 in what sense does the figure -- I just want to know -- in  
what

3 sense does the figure help Kallon and Sesay?

4 MR HARRISON: The Prosecution suggests that he is

17:31:30 5 intentionally misleading the Court in giving numbers which he  
is

6 simply inventing.

7 PRESIDING JUDGE: I see. Okay.

8 MR HARRISON:

9 Q. So you invented that number of 57; do you agree with  
that?

17:31:53 10 A. Yes.

11 Q. And you invented that number to try and help Morris  
Kallon

12 and Issa Sesay, didn't you?

13 A. No, sir. No.

14 Q. And I'm suggesting to you that just as you invented that  
17:32:08 15 number of 57, you've invented the rest of your evidence about  
16 events on May 1, May 2 and May 3; do you accept that?

17 A. No, sir.

18 MR HARRISON: That concludes the questioning.

19 PRESIDING JUDGE: Thank you. Yes, Mr Ogeto.

17:33:15 20 MR OGETO: One or two questions, My Lords.

21 RE-EXAMINED BY MR OGETO:

22 MR OGETO:

23 Q. Mr Witness, you've stated that you invented this figure  
of

24 57 --

17:33:27 25 PRESIDING JUDGE: How is that -- how does that arise in  
26 re-examination?

27 JUDGE THOMPSON: I'll join my brother in asking how is  
that

28 permissible?

29 PRESIDING JUDGE: Is that permissible?

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1 JUDGE BOUTET: And there's certainly no dissent on this  
2 issue.

quite

3 MR OGETO: It's because, My Lords, the record is not  
4 clear because --

17:34:05

5 PRESIDING JUDGE: That question is overruled.

to

6 MR OGETO: Can I ask him to explain how many people came  
7 that meeting?

8 PRESIDING JUDGE: That will be a further  
9 examination-in-chief.

17:34:30

10 MR OGETO: I will leave it at that, My Lords.

11 PRESIDING JUDGE: Right. Yes, Mr Harrison.

just

12 MR HARRISON: I apologise, I note the time, but can I  
13 ask through the Court the administrative question about the  
14 remaining witnesses that we can anticipate this week? I'm

under

17:35:07

15 the impression that there may only be one and, if that's the  
16 case, I just want to confirm that, and if the Court is going

to

17 take that witness on Thursday, or if we're going to be dealing  
18 with Mr Jordash's issue on Thursday?

19 PRESIDING JUDGE: Yes.

17:35:39 20 MR OGETO: My Lords, one minute.  
21 PRESIDING JUDGE: Yes, please consult and let's know  
what  
22 the agenda is like for Thursday. I know we are supposed to  
have  
23 a full day on Thursday, but let's see.  
24 MR OGETO: My Lords, this will be the last local  
witness.  
17:36:27 25 PRESIDING JUDGE: This will be the last local witness.  
26 MR OGETO: Yes, and we do have one UNAMSIL witness who  
has  
27 been waiting to testify, DMK-444. We expect that that witness  
28 will testify on Thursday, subject to the Court's directions on  
29 the testimony of His Excellency Kabbah. We are expecting --

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1 PRESIDING JUDGE: You say the last witness is DMK what,  
the  
2 one who may testify on Thursday?  
3 MR OGETO: DMK-444.  
4 PRESIDING JUDGE: Okay. DMK-444.  
17:37:10 5 MR OGETO: Yes, My Lords. We have two other witnesses.  
6 These are not UNAMSIL witnesses but they are international  
7 witnesses. I don't have their pseudonyms with me right now  
but

we 8 we are considering doing a 92bis with these two witnesses but  
9 will be in a position to advise the Chamber and the parties on  
17:37:38 10 Friday after consultations. So if we decide to have them  
under  
11 92bis then DMK-444 will be the last Kallon Defence witness, at  
12 least for purposes of oral testimony, in Court.

92bis 13 PRESIDING JUDGE: I hope that if you are talking of  
14 you are thinking of the procedural implications?

17:38:08 15 MR OGETO: Yes.

16 PRESIDING JUDGE: Of 92bis.

17 MR OGETO: We have actually even discussed this with my  
18 colleague, Mr Harrison.

19 PRESIDING JUDGE: And he is prepared to waive his rights  
17:38:19 20 as --

21 JUDGE BOUTET: Ten days' notification as well?

with 22 MR OGETO: Not absolutely, but we are in discussions  
23 him, and I'm sure by Friday we will be in a position to advise  
24 the Chamber.

17:38:47 25 JUDGE BOUTET: But if it does not work under 92bis what  
26 does that mean then? What is the alternative, if any?

27 MR OGETO: That's why I said on Friday we'll be able to  
28 tell the Chamber whether they will be coming to testify orally  
in

a 29 Court or whether it will be 92bis. For now I'm not really in

1 position --

2 JUDGE BOUTET: So from what you are saying, if 92bis  
does  
3 not work you will call them? They are coming to testify.  
This  
4 is what you are saying.

17:38:57 5 PRESIDING JUDGE: Well, let us put it this way: They  
may  
6 come, if 92bis doesn't work.

7 MR OGETO: The situation will be, first of all, we'll  
8 decide whether we should call them to testify orally. If that  
9 decision is negative, then we will decide whether we should do  
17:39:13 10 92bis. If 92bis doesn't work, then we don't call them at all.

11 JUDGE BOUTET: Okay.

12 JUDGE THOMPSON: That sounds logical.

13 PRESIDING JUDGE: Yes.

14 MR OGETO: So let me -- the witnesses I'm talking about  
are  
17:39:41 15 DMK-400 and DMK-422.

16 PRESIDING JUDGE: These are the international witnesses?

17 MR OGETO: The international witnesses, My Lords, and  
they  
18 are not UNAMSIL.

19 PRESIDING JUDGE: So no waivers?

17:39:46 20 MR OGETO: No waivers involved.

21 PRESIDING JUDGE: Yes.

22 MR HARRISON: Does that mean the matter involving the  
23 former President is going to be dealt with at some other time?

24 PRESIDING JUDGE: We adjourn the matter to Thursday, the  
17:40:38 25 15th, and I'm not prepared to discuss that now. When it comes  
on  
26 the 15th we're going to discuss it and to know what  
alternatives,  
27 you know, what we have to do on that day.

28 JUDGE THOMPSON: We are requiring a presumption of  
29 regularity.

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the  
1 MR HARRISON: But will there be a summary provided of  
2 witness to the Defence?

3 JUDGE THOMPSON: I'm sure the other side --

4 PRESIDING JUDGE: Mr Harrison, I'm afraid we won't get  
into  
17:41:05 5 that. We'll rise and we'll take up all those procedural  
niceties  
6 when we resume.

7 [Whereupon the hearing adjourned at 5.43  
p.m.,

8 to be reconvened on Thursday, the 15th day  
of

9

May 2008 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 372

5

Exhibit No. 373

24

WITNESSES FOR THE DEFENCE:

WITNESS: DMK-082

3

EXAMINED BY MR OGETO

3

CROSS-EXAMINED BY MR JORDASH

24

CROSS-EXAMINED BY MR CAMMEGH

41

CROSS-EXAMINED BY MR HARRISON

59

RE-EXAMINED BY MR OGETO

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