

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

THURSDAY, 16 MAY 2007
9.40 A.M.
TRIAL (Amended)

TRIAL CHAMBER I

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

1 [RUF16MAY07A- SM]
2 Wednesday, 16 May 2007
3 [The accused present]
4 [The witness entered Court]
5 [Closed session]
6 [Upon commencing at 9.40 a.m.]
7 WITNESS: ISSA HASSAN SESAY [Continued].

8 [At this point in the proceedings, a portion of the
9 transcript, pages 2 to 29, was extracted and sealed under
10 separate cover, as the proceeding was heard in a closed
session]

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1 [Open Session]

2 PRESIDING JUDGE: Continue, Mr Jordash.

3 MR JORDASH: Thank you.

4 Q. You were saying, Mr Sesay?

11:34:18 5 A. Yes. I said as I was leaving to go to Mende Buima where
I

6 used slept Fonti Kanu, the very evening he too left and he was
7 captured at the borderline. Then the MP commander from
Baiwala

8 sent a radio message to Buedu to Bockarie saying that they had
9 arrested Fonti at the border, and Bockarie instructed Mike
Lamin

11:34:50 10 so that Mike Lamin could move to Buedu with his Land Cruiser
jeep

11 so that he could collect Fonti Kanu from Baiwala. To collect
him

12 from the hands of the MP. So Mike Lamin came and passed to
13 Baiwala. I too was not in Pendembu. The time he returned
from

14 Baiwala, I was had returned from Mende Buima. I met Fonti
Kanu

11:35:23 15 tied in Mike Lamin's jeep. I met Mike Lamin on the radio set,
16 the field radio communicating, talking with Bockarie. After
they

17 had spoken, Mike Lamin came out, took the AK he had and shot -
-

18 Q. Stop. I'm not getting the translation. Is there a
problem

19 with the translation?

11:35:46 20 PRESIDING JUDGE: Mr Interpreter?

21 THE INTERPRETER: Yes, My Lord. The witness was moving
too

22 fast for the interpreter.

23 PRESIDING JUDGE: Right. Well, let's -- Mr Sesay, let's
go

24 slowly.

11:36:03 25 THE WITNESS: Yes, My Lord. My Lord, I said upon --
when

26 Bockarie received this information from the MP commander in

27 Baiwala -- in Baiwala, he gave the instruction to Mike Lamin
so

28 that he could go and receive Fonti Kanu from the MP in Baiwala

29 with his Land Cruiser jeep. So, Mike went to Baiwala, came
with

1 Fonti Kanu to Pendembu. I too came from Mende Buima with --
in a
2 motorbike and came to Pendembu and Fonti Kanu in Mike's jeep,
3 while Mike was speaking to Sam Bockarie on the field radio.
So,
4 just after that discussion between Mike and Bockarie, Mike
came
11:37:04 5 out of the house. He ordered Fonti Kanu to alight the
vehicle.
6 Then Mike used his AK and shot Fonti Kanu with three shots. I
7 think it was Sam Bockarie who ordered him to kill him. He
said
8 the man had wanted -- to expose the RUF secret and Mike Lamin
9 entered the vehicle and drove to Buedu.
11:38:03 10 Q. What was the usual, if there was a usual, way of dealing
11 with fighters who were suspected of collaborating with the
enemy?
12 Was there a usual procedure or not?
13 A. Well, that was -- it was a law made by Foday Sankoh at
Camp
14 Naama. He said anybody, RUF person, be you a senior officer
or a
11:38:44 15 junior officer, who connived with the enemy, that officer
should
16 be killed. And many, even special forces have died through
that.
17 Vanguards have died through that because Bockarie, he himself
had
18 a grudge for Kanu, Fonti Kanu.

19 Q. Right. What was the grudge?

11:39:19 20 A. First, he expressed his concern about Fonti Kanu; during
21 the first arrest. Before the coup, Fonti Kanu was the
battalion
22 commander for the SLAs in Koribundu, and it was he who went
with
23 his -- this his battalion to Kailahun, when they started
24 attacking the RUF position from January '97 alongside the
11:40:00 25 Kamajors. Even when we were fighting at Giema in May 25,
Fonti
26 Kanu was based at Baiwala. That's the first thing. Two,
27 Bockarie said Johnny Paul sent Fonti Kanu to Burkina Faso as a
28 military attache. So, Fonti Kanu had known all the sources
where
29 RUF used to get their support in order for them to pursue the

1 war. As he came with the ammunition and the AAs from Burkina
2 Faso to the Magburaka airfield in 1997, so Bockarie observed,
3 looked at the man and said: If he were to escape he was going
to
4 expose all those people that were supporting the RUF.

11:41:11 5 Q. Did you agree with the execution?

6 A. Well, I personally, I was not in support of the
execution.

7 Q. Well, what did you think should have happened?

8 A. Well, they should have locked up the man in Buedu, as
what
9 was done to the younger brother of Gibril Massaquoi who
himself

11:41:44 10 was detained in Buedu from '98 to '99. But since Bockarie had
11 the last say, so I had no authority over Bockarie. I was
12 powerless.

13 Q. Mr Koker talked about the death of a civilian medic
called
14 Pa Bangura; do you know about that?

11:42:22 15 A. Well, I was at Pendembu; I heard about that. They said
16 Mike Lamin killed Dr Kamara, not Bangura. Not Bangura, it's
17 Kamara.

18 Q. Okay. Right. Sorry --

19 A. On Sam Bockarie's orders, at the MP office in Buedu.

11:42:51 20 Q. But what was that for? What was the reason given?

they
civilians

21 A. Well, the information I received was that the doctor,
22 gave him some supply of medicines in order to treat the
23 in Buedu. Then he sold the medicines to a petty trader. The
24 woman's name was Zainab.

11:43:26
"foot"

25 THE INTERPRETER: The interpreter is sorry. In Krio
26 can refer to the entire leg. Therefore, the interpreter needs
27 that clarification before giving the appropriate
interpretation
28 here.

29 PRESIDING JUDGE: Please seek the clarification.

1 MR JORDASH:

2 Q. But let's go back a bit. You used the word "foot" in
Krio.

3 Do you mean the --

4 A. F-O-O-T, yes.

11:43:55 5 Q. You are pointing to your leg?

6 A. Can I stand up and in order for me to indicate how the
7 woman was shot?

8 PRESIDING JUDGE: Leave granted.

9 THE WITNESS: They placed the AK like this, My Lord.
Then

11:44:16 10 the -- the MP commander shot the woman there. The bullet
entered

11 and pierced, came over to the other place.

12 MR JORDASH:

13 Q. So you are pointing to your --

14 PRESIDING JUDGE: [Microphone not activated]

11:44:32 15 MR JORDASH: Sorry, Your Honour, I though --

16 PRESIDING JUDGE: The records will reflect the
17 demonstration of the witness.

18 MR JORDASH: Mr Sesay stood up, he pointed towards his
foot

19 and indicated that the bullet had gone through the foot,
rather

11:44:46 20 than the leg.

21 PRESIDING JUDGE: Yes.

22 JUDGE BOUTET: The right foot.

23 MR JORDASH: Sorry, the right foot.

24 THE WITNESS: No. I wouldn't recall again the actual
foot,

11:44:56 25 but she was shot in the foot.

26 MR JORDASH:

27 Q. Who shot who in the foot?

28 A. It was the MP commander, Tom Sandy. It was alleged that
he

29 was the one that fired her foot.

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1 Q. Thank you.

2 PRESIDING JUDGE: Mr Jordash, we'll take a short break
at
3 this point.

4 [Break taken at 11.45 a.m.]

12:03:35 5 [Upon resuming at 12.05 p.m.]

6 PRESIDING JUDGE: Let's proceed, counsel.

7 MR JORDASH: Thank you.

8 Q. Foday Kallon, does that --

9 MR JORDASH: Can I just have a moment, please?

12:04:23 10 Q. Foday Kallon, does that name mean anything to you?

11 A. Yes.

12 Q. Did anything happen to him?

13 A. Yes.

14 Q. Firstly, who was he?

12:04:39 15 A. Well, he -- he was an AFRC soldier and he was the
commander

16 in Baiwala from '94 to '97.

17 Q. And in 1997, what happened to him then?

18 A. Well, he was working under the battalion in Daru. It
was

19 in 1998 something happened to him.

12:05:40 20 Q. He was working in Daru; was he a soldier, an SLA
soldier?

21 A. Yes. He was an SLA soldier before the coup and he was
the

22 SLA commander at Baiwala.

23 Q. And what happened?

24 THE INTERPRETER: The interpreter is sorry. The date,
the

12:06:06 25 date is not clear to him.

26 MR JORDASH:

27 Q. Repeat the date you just mentioned, Mr Sesay.

28 A. I said, he was the SLA lieutenant commander at Baiwala,

29 from '94 to '97.

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SLA

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Foday

1 Q. What happened to him in 1998?

2 JUDGE ITOE: Was he a lieutenant by rank?

3 THE WITNESS: Yes, My Lord. The time he was under the
4 at Baiwala, he was a lieutenant.

12:06:45 5 JUDGE BOUTET: As a lieutenant, he was the commander?

6 THE WITNESS: As lieutenant, he was the platoon
7 for the SLA at Baiwala. Thank you, sir.

8 MR JORDASH:

9 Q. Actually, before I ask the question about what happened
10 him in 1998, how did you know him?

11 A. Well, I personally knew him in Pendembu. When he came
12 Baiwala, he came to Pendembu. He went and met me at my house.
13 He told me, he asked me if -- if I knew that he was -- I was
14 in-law. So, we discussed, and I came to understand that, yes,
15 was true, he was my in-law.

16 Q. What do you mean he was your in-law; what relation was
17 A. Well, he was the uncle of Elsie.

18 Q. So what happened in 1998?

19 A. So, at one time I was in Pendembu, he came; he, the

12:08:38 20 Kallon. He said Bockarie had sent a radio message at Baiwala,
so
21 that he could go and meet him at Buedu. So, we sat together
and
22 discussed a little. From there, he continued and went to
Buedu.
23 So when he arrived in Buedu, Bockarie told him that he had
24 received information that the SLA/AFRC soldiers, who had
12:10:40 25 retreated from Daru to Liberia, they were at Foya, Vahun and
26 Kolahun. He say -- he said, so, they were -- they said they
27 wanted to come.
28 MR JORDASH: Just so there's no confusion, Vahun,
29 V-A-H-U-N. Kolahun, K-O-L-A-H-U-N.

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1 Q. Sorry, Mr Sesay, go on.

2 A. So, Bockarie told him, he said, he was the right man to
go

3 and talk to his man, so as to let them come. Bockarie gave
him

4 some money. Then he went to Liberia. So, I did not know the
12:10:40 5 towns he went to, but he passed through Pendembu. From Vahun
--

6 from Vahun, Baiwala, then to Pendembu, with 12 soldiers.

7 [No audio file from this point]

8 Then I sent a radio message to Bockarie, informing him
that

9 Foday Kallon had arrived here with 12 soldiers. Bockarie said
he

12:10:57 10 will send a vehicle to pick Foday Kallon, in order to take him
11 down to Buedu, while I should dispatch the soldiers with an MP
to

12 go to the training base. He said they should go and do a

13 two-week exercise before he could redeploy them.

14 So, Foday Kallon went to Buedu. He and Bockarie
discussed.

12:11:34 15 Then Bockarie gave a vehicle, they left him at Baiwala. They
16 passed through Pendembu. In late October or early November
1998,

17 Bockarie called him again at Buedu. He gave him the same

18 assignment. Then Foday Kallon went, again, to Liberia. It
was

me 19 during this time, the third week in November, Bockarie called
12:12:18 20 from Pendembu to come over to Buedu. He said he was going for
a 21 trip to Burkina Faso, so I and Mike Lamin should stay in
Buedu.
22 So, when Bockarie had left, about five days, then he
sent a 23 radio message. He said, when Foday Kallon returned to Buedu,
I 24 should arrest and detain him until he, Bockarie, returned.
12:13:09 25 Well, it was a radio message. I was unable to ask
26 questions. So, upon the arrival of Foday Kallon at Buedu, he
met 27 I and Mike Lamin sitting at the veranda. He came with about
28 seven soldiers. I told him that an order has -- we have
received 29 an order here. I said, "Bockarie said I should arrest you and

Then
1 lock you up until he comes." I said, "What have you done?"
2 I said, "My in-laws have done nothing. I don't know. This
3 surprises me." Then I said, "Well, I wouldn't detain you, but
4 the only thing, don't go out of Buedu, stay within the
confines
12:14:08 5 of Buedu Town until Bockarie returns."
6 And Foday Kallon was in Buedu. In the morning he would
7 come to me, we would go back and slept where he was until
8 Bockarie came. So, when Bockarie came, Bockarie was standing
at
9 his veranda, all of us went to greet him. Then Foday Kallon
12:14:43 10 came.
11 [Audio file resumes]
12 He stood and saluted Bockarie. Bockarie said, "You are
a
13 betrayer." He said, "What did you" -- "Why did you go to the
14 Sierra Leone Embassy in Liberia? Today, you are going to
die."
12:15:11 15 The Sierra Leone Embassy in Monrovia. Bockarie took his
pistol
16 from the side. He shot at Fonti Kanu. He gave him two shots,
in
17 our presence.
18 JUDGE ITOE: He shot at who?
19 THE WITNESS: He shot at -- sorry, Foday Kallon. Sorry,
My

pistol.

20 Lord. He fired at Foday Kallon with two rounds with his

21 Then Foday Kallon fell. This was how it happened.

22 Q. Do you know -- no. I'll leave that. A witness, and it
23 doesn't matter for the moment who, spoke about a sacrifice of
24 seven pregnant women and the killing of a priest in Kailahun
25 around '96/97 -- it's a little unclear -- but that that's what
26 was alleged, the burying of seven pregnant women. Did you

ever

27 hear of that?

28 A. It's never happened that particular one. And I didn't
29 want -- Mr Lawyer, I want you to look at that witness.

1 MS KAMUZORA: Your Honour, there is a technical problem.

2 Can we please adjourn for ten minutes?

3 PRESIDING JUDGE: We'll stand down for ten minutes.

4 [RUF16MAY07C_SM]

12:35:34 5 PRESIDING JUDGE: Counsel, we're advised that we cannot
6 proceed further with the trial today because of the state of
the
7 technology. It is malfunctioning, and sometimes these are
some
8 of the unpredictables, the imponderables, that the judicial
9 process is subject to. Therefore, we have no other option but
to

12:36:15 10 adjourn the trial to tomorrow, Thursday 17 May at 9.30 a.m.
11 Thank you.

12 [Whereupon the hearing adjourned at 12.36
p.m.,

13 to be reconvened on Thursday, the 17th of
May

14 at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY

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EXAMINED BY MR JORDASH

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