

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

TUESDAY, 22 MAY 2007
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges: Bankole Thompson, Presiding
Pierre Boutet
Benjamin Mutanga Itoe

For Chambers: Mr Matteo Crippa

For the Registry: Mr Thomas George

For the Prosecution: Mr Peter Harrison
Ms Penelope-Ann Mamattah
Ms Amira Hudroge (Case

manager)

For the accused Issa Sesay: Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon: Mr Shekou Touray

For the accused Augustine Gbao: Mr John Cammegh

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1 [RUF22MAY07A_SM]
2 Tuesday, 22 May 2007
3 [The accused present]
4 [The witness entered Court]
5 [Open session]
6 [Upon commencing at 9.50 a.m.]
7 [The witness answered through interpreter]

resume

8 PRESIDING JUDGE: The trial is being resumed. As we
9 the trial this morning, it's important that I bring to the
10 attention of the Court the fact that the Bench did receive
11 from the Chief of the Language Unit of the Court, through the Chief
12 of Court Management Section, a memorandum dated 21 May 2007
13 informing the Chamber that some omissions were made by the
14 proceedings interpreters, and the stenographers, during the trial
15 made. in this case on 3 May 2007 and indicating the corrections

16 For the records, we note that a corrected version of the
17 prepared transcripts of the trial proceedings of 3 May 2007 was
18 and served on the Chamber. We are advised that all parties
19 received the corrected version.

20 Mr Jordash, do you intend to respond to that?

21 MR JORDASH: Yes, I would like to, please.

22 PRESIDING JUDGE: Very well; go ahead then.

23 MR JORDASH: The difficulties with translation, and to a

we
24 lesser extent the stenography, came to our attention because
25 asked our legal assistant to check the accuracy of the record.
26 We checked the 3rd of May and, as a result of that, we went
into
27 discussions with both units.
28 We were deeply concerned about the inaccuracies. We
also
29 checked various other days, an hour here and an hour there,
and

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still,
1 we note that whilst the inaccuracies improved there were
2 in our view, too many and, in some cases, inaccuracies which
3 affected quite significantly the meaning of Mr Sesay's
answers.
4 It's our preference that a complete review is done of
the
5 whole transcript before from Sesay is cross-examined because
of
6 the number of inaccuracies which we've found. Now, both units
7 have expressed a willingness to do everything they can, and I
in
8 no way mean to be critical of those units, but both units have
9 also said that they don't have the resources to be able to do
a

10 complete review and that's where we're at. It's my submission
11 that a complete review ought to be done. If the Trial Chamber
is
12 able to consider that, we would be grateful.

13 THE PRESIDING JUDGE: Right.

14 MR JORDASH: Mr Kelson from the translation, I think
wanted
15 the issue brought up in Court.

16 PRESIDING JUDGE: Right. Well, let's put that on hold
for
17 the time being and ask -- let me ask two short questions: The
18 first is: Did you receive a copy of the corrected version
that I
19 referred to? We were so informed; you did not?

20 MR JORDASH: Neither myself or Ms Ashraph have seen that
21 arrive on the system.

22 PRESIDING JUDGE: Very well. Then let me ask Mr -- you
are
23 just arriving. You were here once upon a time, then on
another
24 time you were not here, and now you're back. And we welcome.

25 MR TOURAY: Your Honour, I am back, I'm back.

26 PRESIDING JUDGE: Right. Welcome. Did you receive a
copy
27 of the corrected version of the transcript?

28 MR TOURAY: As far as the moment, not yet.

29 PRESIDING JUDGE: Not yet. What about Mr Cammegh?

1 MR CAMMEGH: I haven't checked.
2 PRESIDING JUDGE: You haven't?
3 MR CAMMEGH: What I can say is this: I have been
following
4 the transcripts as they have been produced --
5 PRESIDING JUDGE: Well, we don't want you to come out
with
6 any creative solutions yet. We will come to that.
7 MR CAMMEGH: All right.
8 PRESIDING JUDGE: I'm just taking this just step by
step.
9 MR CAMMEGH: I haven't seen the corrected version.
10 PRESIDING JUDGE: Very well, thanks. Mr Harrison, we
are
11 advised, the Chamber is advised that the parties have been, in
12 fact, served with a copy of the corrected transcript.
13 MR HARRISON: Yes, I think the general email circulation
14 took place on Friday and there is one that I have seen and it
has
15 been printed out.
16 PRESIDING JUDGE: Thank you. Mr Jordash, then I -- the
17 second question would not arise, because if you haven't seen
the
18 copy of the corrected version then I cannot ask whether you
are
19 satisfied with it, and I will probably have to defer that
20 question because what I want to know, whether the corrected
21 transcripts was, in fact, a product of cooperation of the
parties

22 and the head of the translation unit?

23 MR JORDASH: No, I think we --

24 JUDGE FERNANDO: That's the difficulty we are in now.

We

25 don't know whether, in fact, the corrected transcript really

does

26 reflect all the corrections to the alleged inaccuracies.

27 MR JORDASH: Well, could I answer in this way.

28 PRESIDING JUDGE: Go ahead, yes.

29 MR JORDASH: That we intend to have our legal assistant

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1 check the whole transcript.

2 PRESIDING JUDGE: Quite.

3 MR JORDASH: We'd rather not, obviously, because it's a

moment.

4 waste of our resources, but I don't see any choice at the

5 PRESIDING JUDGE: Yes, quite.

6 MR JORDASH: We will be able to inform the Trial Chamber

7 if --

are

8 PRESIDING JUDGE: Yes, because that's the position we

filed,

9 in now. We do have a corrected transcript that has been

10 and I think the indication is that the interpreters and the
11 stenographers are saying that there was -- that transcript
12 reflects faithfully and accurately what transpired.

13 So we need to be satisfied that the parties themselves
14 concur that the product that we have now is, in fact, a
faithful
15 and accurate reflection of what transpired. Then, of course,
before
16 your option or proposal comes into focus whether, in fact,
have
17 your client is cross-examined, and given the situation as we
to
18 it now, it may be expedient for the entire transcript record
19 be carefully and meticulously examined with a view to ensuring
that,
20 that in fact it is wholly and accurate. That is something
you
21 as I say, may well be an option given the record. But when
about
22 talk about the resources aspect that frightens me a little,
23 the response.

24 MR JORDASH: Well, it frightens me because what I do not
25 want is for a member of our team to have to check the whole
26 transcript until we are finished our case.

27 PRESIDING JUDGE: Yes.

28 MR JORDASH: And my preferred option is that somehow
there
29 are discussions with the units at the administrative level and

1 proper resources provided to enable them to do their jobs.

document

2 PRESIDING JUDGE: Speaking for myself, I saw the

contains

3 yesterday and it was quite a laborious document, and it

that.

4 what I consider an almost inexhaustive [indiscernible] list of

5 the, you know, alleged inaccuracies and corrections and all

6 MR JORDASH: Yes.

7 PRESIDING JUDGE: You know, we need to wrestle with this

8 problem and see what solution we can achieve.

--

9 MR JORDASH: Well, can I make my position clear because

10 PRESIDING JUDGE: Yes.

transcripts

11 MR JORDASH: -- I would seek an order that the

12 are reviewed by these units.

13 PRESIDING JUDGE: Yes.

14 MR JORDASH: In totality.

15 PRESIDING JUDGE: All right. Probably at some point in

16 time.

the

17 MR JORDASH: If that's not going to happen, then this,

18 fallback position is that we will be forced to have a legal

19 assistant check the transcript.

20 PRESIDING JUDGE: Yes.

on a

21 MR JORDASH: To ensure that Mr Sesay is cross-examined

22 correct basis.

23 PRESIDING JUDGE: Right. Well, let's hear some -- from
24 Mr Cammegh; you wanted some inputs into this.

25 MR CAMMEGH: Only to say this: It's the first that I've
26 heard of this suggestion, that there be a review, and it's one
27 that I wholeheartedly support. Just that.

28 PRESIDING JUDGE: Right. Thanks. Mr Touray has nothing
29 useful to contribute to this?

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1 MR TOURAY: I think I endorse what Mr Cammegh says, yes.

2 PRESIDING JUDGE: Right.

3 JUDGE ITOE: Well, yeah --

4 PRESIDING JUDGE: My Lord.

5 JUDGE ITOE: -- yes. I think listening to what has been
6 said this morning, I am very very concerned that there are
these

7 inaccuracies that have been recorded in the evidence of the
8 accused person. We know the capital importance of his
evidence

9 to his defence, and to the verdict that is eventually going to
be

10 rendered by this Court. And if we have not been used to this,

11 and I feel very very concerned, and I think that the units

that
and
saying
I
very
we
any
am

12 concerned should address this and ensure that the evidence
13 we are going to rely on to give our judgment is as reliable
14 as reflective of the testimony of the witnesses as possible.
15 It is alarming, you know, that what the accused is
16 is misrepresented by, in one way or the other, on the record.
17 think it is not fair to the accused persons, nor is it fair to
18 any witness and something should be done immediately for the
19 services concerned to remedy this. Otherwise, it would be
20 very catastrophic in terms of the quality of the decision that
21 are going to render here.
22 PRESIDING JUDGE: Thank you. Does the Prosecution have
23 comments? Well, go ahead, please.
24 MR JORDASH: Could I just make two -- I don't want to
25 prolong the issue.
26 PRESIDING JUDGE: Yes, right.
27 MR JORDASH: Two other --
28 PRESIDING JUDGE: Short points.
29 MR JORDASH: One is that having spoken to both units I

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1 sure that they are doing their best within the resources that
2 they have been given.

3 PRESIDING JUDGE: Yes.

4 MR JORDASH: I would want to emphasise that.

5 PRESIDING JUDGE: Yes.

6 MR JORDASH: And number two, I do have to take some of
the
7 responsibility for some of the mistakes, given the speed in
which
8 we have sometimes been asking questions and answering the
9 questions. So I want to make that clear, too, that sometimes
10 it's an issue of the questions I ask, the way I ask them, and
the
11 way Mr Sesay answers.

12 PRESIDING JUDGE: Right. Well, thank you for that
candor.

13 JUDGE BOUTET: I would like to speak to that: I don't
14 think there is anything exceptional to the way you have been
15 doing, and asking your questions, nor the response from Mr
Sesay.
16 At times it may be difficult but, I mean, your tone of voice
and
17 the way you are talking and asking a question is really not
18 different than what you have been doing in the past. So when
you
19 were doing cross-examination of witnesses you were proceeding
on
20 a different tempo as such. And we never had these problems.
So,
21 I mean, yes, you are generous to try to justify some of the
22 problems being on your account but I don't think this is the

23 reason. So I think it lays somewhere else.

24 PRESIDING JUDGE: Thank you. Well, certainly it's
25 important that at some point in time we find a solution that
26 addresses the question of the quality of the interpretation
27 also the question of the quality of recording in an objective
28 sense, without any -- factoring any collateral tangential
29 This technology, I am sure, is adaptable to accommodate any

and
matter.
kind

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1 of idiosyncratic dimensions or complexities in terms of
2 testimony. So we should make that assumption.

3 Well, we will take the necessary action. I am sure that
4 the constituencies that we were addressing have been listening
5 very carefully to our concerns and know how strongly we feel
6 about this. I am advised, Mr Jordash, that you are about to
7 this Court back into closed session. Am I -- it's the wrong
8 advice?

9 MR JORDASH: It is a --

10 PRESIDING JUDGE: It's a misrepresentation of the --

11 MR JORDASH: It is. At some stage this morning I would

move

12 like to deal with evidence lasting about 20 minutes or 30
13 minutes.

14 PRESIDING JUDGE: Very well. In other words, we can
stay
15 in open session.

16 MR JORDASH: Yes.

17 PRESIDING JUDGE: Until such time that --

18 MR JORDASH: And I'd be happy to do -- the section I
have
19 got to deal with in closed, I'd be happy to deal with whenever
20 the Court finds convenient.

21 PRESIDING JUDGE: Very well.

22 MR JORDASH: It can be slotted in whenever.

23 PRESIDING JUDGE: Very well. We are entirely in your
hands
24 and I can assure you that in matters of the closed and open
25 nature of the proceedings, we prefer to adopt a virtue of
26 flexibility, rather than rigidity. So, in other words, we
will
27 continue in open session and we will ask you to proceed with
the
28 presentation of your case.

29 MR JORDASH: Thank you.

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1 WITNESS: ISSA HASSAN SESAY [Continued]

2 [The witness answered through interpreter]

3 EXAMINED BY: MR JORDASH [Continued]

4 Q. Good morning, Mr Sesay.

5 A. Yes, good morning, Mr Jordash.

6 Q. You are fit and ready to continue?

7 A. Yes.

8 Q. Now, I want to deal quickly with the situation around
9 February 1999, moving up to March when, I think it's agreed,

you

10 were attacked?

11 A. Yes, I was attacked in Makeni by Superman.

12 Q. Now, you've mentioned Gibril Massaquoi and how you went

to

13 Waterloo to call Gibril Massaquoi. Now, when you went there,

did

14 you go to find or take anyone else?

15 A. Well, I only went to call Gibril. I went to call Gibril
16 because during that time they have sent -- they had sent the
17 politicians who were freed from Pademba Road, Joseph Momoh and
18 all of them were in Makeni.

19 Q. And under whose control were they in Makeni?

20 A. They were under Brigadier Mani.

21 THE INTERPRETER: Your Honours, would the witness go

over

22 the last bit of his testimony.

23 MR JORDASH:

24 Q. Repeat the last sentence please, Mr Sesay.

25 A. I said former President Momoh, he was with Brigadier

Mani

Foh
were

26 in his house -- he was with Brigadier Mani in his house in
27 Makeni. The other people like -- like ET Kamara, Mr Victor
28 and others, Mosquito said they were to go to Buedu, and they
29 in Buedu up to the time of Lome.

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attorney

1 Q. Well, when did ET Kamara and Victor Foh go to Buedu?

2 A. It was in February '99.

3 Q. Did Sam Bockarie give any instructions concerning Momoh?

4 THE INTERPRETER: Your Honours, would the learned

5 go over the question.

6 MR JORDASH:

about

7 Q. Did Victor -- did Sam Bockarie give any instructions

8 ex-President Momoh?

but

9 A. Yes, he gave instructions that he should go to Buedu,

Makeni.

10 Brigadier Mani said no. Pa Momoh should be with him in

happen

11 Q. Did Sam Bockarie give instructions about what should

12 with Gibril Massaquoi?

13 A. Yes, because when they had refused to go with them,

14 Bockarie said I should go to Lunsar and allow Gibril to -- so
15 that I could report with him to Buedu.

16 Q. Let's go over that again. What did you just say, Mr
Sesay?

17 A. I said, when Gibril had refused to go to Buedu, Bockarie
18 gave me instructions. He said, I should go to Lunsar to
arrest

19 Gibril Massaquoi so that I could report to Buedu with him, or
I
20 should dispatch him to Buedu.

21 Q. Well, let's just try to get the chronology. You go to
22 Waterloo to call Gibril Massaquoi --

23 A. Yes, yes.

24 Q. Gibril Massaquoi refuses to come. When does Gibril
25 Massaquoi go to Lunsar?

26 A. Well, after when I had gone to call him and he refused
to
27 go, it was just two days. They went Lunsar, he and Superman;
28 they went and based at Lunsar.

29 Q. And --

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1 MR JORDASH: Sorry, could I just have a moment please.

with

2 Q. Did you, at any stage, go to Lunsar to deal in any way

3 Gibril Massaquoi?

ordered

4 A. Yes. I went to Lunsar in March, and when I went, I

5 Gibril to get into my vehicle.

6 JUDGE ITOE: In March what year, please?

7 THE WITNESS: 19 -- 1999.

8 MR JORDASH:

with

9 Q. Right. Before you go on and answer the question, I just
10 want to ask you some questions before that, then we'll deal

questions.

11 March. We've heard that Superman is based in Lunsar around
12 February 1999, and you've told us that Brigadier Mani is in
13 Makeni around that time. Where is -- I'll save those

I

14 Sorry, I just realised something. Sorry to be confusing, but
15 think you might understand why I paused. Tell us about what
16 happened in March with Gibril Massaquoi.

go

17 A. I said, in early March Bockarie gave me instructions to

just

18 and arrest Gibril, and I should send him to Buedu and -- March
19 '99. When I went Lunsar, because Gibril and Superman were

to

20 opposite the main road street, so I ordered Gibril -- I went

that

21 Gibril's house, I stood on the road, and I sent for him and he
22 came. And when he came, I told him to board the vehicle so

you?

23 we could go to Makeni.

24 Q. Who did you go to Lunsar with? Who did you take with

25 A. Well, it was I and my bodyguards.

26 Q. And what were your specific instructions about what you
27 were supposed to do?

28 A. Well, the instructions from Bockarie said I should go to
29 Lunsar to arrest Gibril Massaquoi and send him to Buedu.

Those

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1 were the instructions.

2 Q. And were you aware if there had been communication
3 concerning this subject between Sam Bockarie and Superman or

Sam

4 Bockarie and Gibril Massaquoi?

5 A. Well, I knew that Superman knew that Gibril -- Sam
6 Bockarie had given instructions so that Gibril could go to

Buedu.

7 But Superman denied that Gibril would go anywhere and Gibril
8 himself denied and Superman supported. Because from December

'98

9 to March '99 there was communication between Superman and
10 Bockarie.

generally?

11 Q. And what was the nature of that communication,

12 A. Well, Bockarie would send instruction to Superman and
13 Superman would also send messages to Bockarie.

14 Q. But what kind of instructions were being sent?

Lunsar

15 A. Well, for example, when Superman went and captured

were

16 in December '98, he said he was going to base there. It was

17 Bockarie that sent instructions saying that Superman should

18 attack Port Loko in the first week of January 1999. Those

19 the types of instructions. And when the attack failed, it was

20 Bockarie who sent instructions, and he said he should take the

21 road to come to Waterloo.

time?

22 Q. And were you communicating with Superman during that

and

23 A. Yes, there was communications in December, December '98

24 March '99. During this first time that I went to Lunsar, you

25 see, that was the time that the communication stopped; when I

26 arrested Gibril and they fired at me. So I was not able to

27 arrest Gibril.

28 Q. What was the nature of your communication with Superman?

29 What was the nature of your communication?

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Loko

1 A. Well, like -- for example, when Superman attacked Port

sent a

2 in the first week, January '99, when the attack failed, he
3 message to Bockarie. Then the operator informed my operator
4 saying that the attack was not successful and that he had sent
5 message to Bockarie.

a

this

6 Q. Well, were you giving instructions to Superman during
7 period?

8 A. No. If I had been giving instructions to Superman, then
9 there wouldn't have been any need for Bockarie --

10 THE INTERPRETER: Your Honours, would the witness go a
11 little bit slow.

12 MR JORDASH:

13 Q. Repeat what you just said.

me,

14 A. I said, if Superman had been taking instructions from
15 then there wouldn't have been any need for Bockarie to send
16 instructions to him. And he, himself, wouldn't have been
17 reports to Bockarie. I said, for example, when Rambo had been
18 taking instructions from me, it was I that Bockarie had been
19 giving instructions so that I could pass these instructions to
20 Rambo.

sending

of

21 And -- and, if Superman were under my control, then the
22 commander had given me instructions so that I could go
23 instruct -- arrest Gibril. Even if Gibril were in the house
24 Superman, Superman should have accepted that I -- I arrest
25 Gibril, but they fired at me. I was not able to arrest

Gibril.

26 Q. Just specifically who fired at you?

the
with, I
car.

27 A. It was Superman and his boys, his bodyguards, they were
28 ones that fired at me. Even with the vehicle that I went
29 had to leave it there, because I went with one vehicle and a

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able
of

1 So the pick-up was left there, and I had had to use the car.

2 Q. And where did you go to after you'd left Lunsar?

3 A. Well, the road was blocked towards Makeni, so I wasn't

4 to go through that road. I had had to pass through Gberi

5 Junction, Masiaka, Mile 91, then I went to Magburaka. Because

6 the firing, I wasn't able retreat through the road -- through

7 Makeni road, and so I had to go around with a small car. And

8 before I went around and arrived at Makeni, I had met Gibril

9 Massaquoi --

10 THE INTERPRETER: Your Honours, would the witness go a

11 little bit slow.

12 MR JORDASH:

two

13 Q. Okay. Just go a bit slower and just go over the last

14 sentences, please.

through

15 A. I said, when I went by the long road from Lunsar,
16 Gberi Junction, Masiaka, Mile 91 to Magburaka, during that
17 process Superman, as they had fired at me, they took the
18 with this -- with an AA van, they drove and went to Makeni.

vehicles

19 Q. And what happened then?

20 A. Then they went to the house where I was; they -- they
21 molested the people that were there; they beat my bodyguards;
22 they took all the things that I had in the house. Then before

I

23 arrived in Makeni, they had left Makeni and had gone to

Lunsar.

24 Q. Was this the beginning or the middle or the end of

March;

25 do you remember?

26 A. This was at the -- this was in early March 1999.

you

27 Q. But was there anything further which happened between
28 and Superman in this town?

Mena

29 A. Yes. In -- from that, I left and went and stayed at

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In

1 Hills, where you had the government quarters. There I was.

2 late March 1999, Superman --

you

3 Q. Before we get to what happened in late March, what were
4 doing then between this attack in Lunsar and late March?

me

5 A. Well, from this time there was no communication between
6 and Superman. I was in Makeni. I was just there in Makeni to
7 monitor the road, Makeni-Magburaka, and that was all.

8 Q. Well, let's break this down a bit. What's going on in
9 Makeni and the surrounding areas concerning civilian life?

10 A. Well, at this time, nothing happened to the civilians.
11 They came to my house.

12 Q. No, no. Listen to the question. What's happening
13 concerning civilian life in terms of trade or hospitals or
14 schools and civilian administration?

roads.

15 A. At this time, Makeni was packed with over 60,000 people;
16 marketing had been going on; there were trucks plying the

17 Q. Which markets were there? How many markets? Give us an
18 idea.

fully.

19 A. Well, there was one big market that was in Makeni by
20 Campbell Street and Metro and that market was functioning

21 And the -- the markets at the lower park and the one in the
22 roundabout and --

23 Q. What kind of items were being traded?

sell

24 A. Well, they would bring goods from Guinea. They would
25 them, and they would sell vegetables --

bit

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

27 of the witness's testimony. Would he be instructed to repeat.

part 28 PRESIDING JUDGE: Yes. Mr Sesay, try again; the last
29 of your testimony.

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bring 1 THE WITNESS: Yes, sir. My Lord, I said, they would
2 goods because traders would go and do business from the Guinea
3 border, and they would bring these goods and they would sell
the 4 vegetables again from gardens in the market.

5 MR JORDASH:
6 Q. Let me ask you this: what was the route taken from
Guinea?

7 A. They used to use the road from Makeni to Kamakwie. From
8 Kamakwie, they would cross with a ferry, and they would go
9 towards the border.

10 Q. And -- go on, sorry.

11 A. They would buy goods from the Guinea border, and they
would 12 also buy goods from Rokuprr.

13 Q. Aside from this market, what else was going on with
14 civilians in Makeni and the surrounding areas?

15 A. Well, at this time, the civilians, they would do their

with 16 gardens and harassment had ceased -- harassment had ceased
17 regards to civilians. People would walk from Magburaka to
18 Makeni. People would come from Makeni to Magburaka.
the 19 Q. And were these people escorted by fighters, or what was
20 situation in terms of freedom of movement?
21 A. Well, the people, like, from Magburaka to Makeni up to
22 Makali, people would move freely. There was no problem. The
But 23 only place which gave me a little headache was Makeni Town.
there 24 from Magburaka up to Masingbi, I did not have any problem
25 at all.
fighters? 26 Q. Who was deployed in Magburaka to Masingbi; which
27 A. That was the group that came from Kono.
28 Q. And what was the --
29 A. December '98.

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1 Q. And what kind of problems -- well, who was causing the
2 problems in Makeni?
3 A. It was the group that we met in Makeni, the group from

they
shops,
anybody's

4 Koinadugu. Because, for example, the group from Kono, when
5 arrived at Magburaka, Magburaka was a big town which had
6 but they did not break into any shop, they did not open
7 house.

8 Q. Okay, let me ask you this: Do you know some -- does the
9 name Moray Tarawallie mean anything to you?

10 A. Yes, it's familiar to me.

11 Q. And do you know what he did?

the
far

12 A. Well -- but this was not in Bombali. This was not in
13 Bombali District, it was not in Makeni. That name was in the
14 east.

15 Q. Okay. We'll come back to that then. Was there an S4 in
16 Makeni [indiscernible]?

of
rice

17 A. Well, it was the F4 [as interpreted] that was in charge
18 the food that we captured from the barracks and the -- the
19 that we met -- we had rice which had been packed in the --

what

20 THE INTERPRETER: Your Honour, let the witness repeat
21 he said.

22 MR JORDASH:

23 Q. Repeat your answer, please, Mr Sesay.

rice
during

24 A. I said, when we captured Makeni in December '98, the
25 that we captured from the barracks and the seed rice which the
26 Ministry of Agriculture packed in Makeni, because this was

this

27 the harvest time. It was the S4 that had been controlling
28 rice, and he was called Pa Balla. The S4's name was Pa Balla.
29 Q. Okay. In terms of trade, you've told us things were

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schools

1 relatively normal. In terms of schooling, were there any
2 around that time, operating?

in

3 A. Well, during that time, schools had not been operating

It

4 Makeni because, in February, the Alpha Jet went there in '99.

--

5 met children playing football at Compound Street. It dropped

had

6 it fired at these children and killed 13 children. So school

7 not been going on during that time.

the

8 Q. What about hospitals or medical treatment, anything in

9 area?

to

10 A. Yes, it was on. The medical had been functioning. In
11 fact, there are two hospitals that we had been letting people
12 get treatments from. One was the Arab --

13 Q. Where were they?

14 A. This is what I want to explain --

15 Q. Sorry, My fault.

16 A. One was the Arab hospital on the way to Magburaka, and
one
17 was Dr Conteh, Dr Conteh's hospital at Lunsar Road. And the
18 government hospital itself.

19 Q. Around this time, where was Isaac Mongor?

20 A. Isaac Mongor was at Pendembu, Kailahun District, in
21 February '98 -- '99, sorry.

22 Q. Yes.

23 A. Yes. Isaac Mongor was in Pendembu, February '99.

24 Q. I want to ask you about an incident which you may
recall.

25 Did you, at any stage between January and March, go to meet an
26 STF on Lunsar Road?

27 A. Well, I did not go to meet --

28 THE INTERPRETER: Your Honours, it's a little bit
difficult

29 for the interpreter to determine whether it is a -- it was a
lady

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1 or a man. Because [speaks Krio] could mean either sex. Would
2 the witness be asked to clarify.

3 PRESIDING JUDGE: Mr Jordash, please help us.

4 MR JORDASH: I will.

5 Q. Start that answer again and make clear whether you are
6 talking about a man or a woman.

7 A. Well, it was a man that came and lodged a complaint to
me.
8 That was in -- that was in early January '99.

9 Q. Well, just briefly tell us about the incident, please.

10 A. Well, at that time I was by St Francis. There, I was
11 living. So this man, he was a civilian. His old house was at
12 Lunsar Road, by the petrol station. So, in the morning around
13 6.00, I was standing on my veranda, I saw this man running

from
14 the hills, coming towards my house where I was. So my -- my
15 bodyguards stopped him. And I said, "No, leave the man. The
man
16 said he wanted to talk to me. Leave him to come to me." Then
17 civilian came to me. He walked closer to me at the veranda.

He
18 came, he did he not have any shoes on his feet. I said, "What
19 happened?" He said, "Pa, look at the armed men. They were in
my
20 house, and they are raping" --

21 THE INTERPRETER: Your Honours, would the witness be
asked
22 to --

23 PRESIDING JUDGE: Yes, Mr Sesay, try not to outpace the
24 interpreters. Slow down a bit.

25 THE WITNESS: Okay, My Lord.

26 PRESIDING JUDGE: Continue, then.

27 THE WITNESS: So I asked the man: I said, "Where was
your

first
there."

28 house?" He said it was at the junction here. He said the
29 house at the junction, there I was. I said, "Let us go

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running

1 I went into the vehicle and went with the man. We were
2 towards the house. The armed men heard the sound of vehicle.

3 Q. Go on.

the

4 A. They were three armed -- they were three armed men. So
5 when they heard the sound of the vehicle, they jumped through

fired,

6 back door. They were running. And I shoot at one of them who
7 was one STF, because I was not able to capture them. So I

them.

8 and the bullet, went into one of -- into the neck of one of

9 And later I came to know that it was one of the STFs.

incident?

10 Q. And did anything else happen in relation to that

was

11 A. Well, I went into the house, I saw the lady. The baby

the

12 young, a very young baby. And the hospital was not far from

doctor

13 house, so I told the man and the bodyguard to call on the

14 to take the woman for treatment and --

15 THE INTERPRETER: Your Honours, the name of the doctor,

I

16 didn't get it.

17 MR JORDASH:

18 Q. The name of the doctor?

19 A. Dr Gina. He was the --

20 Q. Let me ask -- [microphone not activated] Sorry. He was
21 the?

22 A. He was the RUF doctor in Makeni at that time.

23 Q. Let me ask you this: What was your day-to-day
interaction,
24 if any, with Mani in Makeni?

25 JUDGE ITOE: But, if I may first ask: He shot at one of
26 these escaping armed men. What happened to him?

27 THE WITNESS: Well, before I met them, before we could
meet

28 up with the man, he died. Two of them ran after the man; they
29 caught up with him, and he identified himself as being an STF.

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1 They flogged him. They flogged the others and they confessed
2 that -- that those -- those who ran off --

3 THE INTERPRETER: Your Honours, can the witness go slow.

4 MR JORDASH:

5 Q. I'm sorry. You are going to have to go over that last
6 sentence again.

7 A. I said the one who fell down that I shot at, because
they
8 were running, so since they were running, I shot at them. One
9 fell and the others -- the other continued to run. The two of
10 them continued to run. But my -- my bodyguards tried to catch
up
11 with them. They -- they caught one of them. The one who they
12 caught he said he did not rape. He said the one who I had
killed
13 was the one who had raped the lady. So I sent the other one
to
14 the MP where he was locked up. This was something a lot of
15 people saw at Makeni.

16 Q. Well, what do you mean it was something that a lot of
17 people saw; what does that mean?

18 A. Well, the civilians around the area, after this incident
19 had ceased, they -- they stood around the area and they were
20 asking. And they said it was a civilian's wife who they had
21 raped.

22 Q. What did they respond to -- or did the civilians in
Makeni
23 respond to this incident?

24 A. Well, the civilians were aware that I did that to stop
the
25 fighters, so that they would not commit crimes against them.
So
26 even when I -- they attacked me when I left Makeni, the
civilians
27 missed me.

you

28 Q. Now, the man you locked up and the man you shot were
29 STF; what were your -- was your day-to-day relationship, if

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If

wanted

to

firing;

that

because

one

1 had one, with Brigadier Mani?

2 A. Well, Brigadier Mani did not go to the office usually.

3 I wanted to see him, I had to go to his house. Unless I

4 to see him, I would go to his house. Especially if something

5 happened, and I wanted him to control his men, then I would go

6 meet him and talk to him. For instance, the unnecessary

7 that was one reason I went to his house, to plead with him to

8 tell his men to stop firing during -- at the night, because

9 was causing a lot of trauma for the civilians.

10 Q. You've described how you were able to, through the MPs,
11 detain this STF. What was the situation in terms of you being
12 able to, generally, investigate STF?

13 A. Well, the one who was -- the one who was captured,

14 one escaped, the one who was captured he said -- he said the

15 who died and the one who escaped were the ones who raped the
16 woman. And when I asked the woman, he said that two of them
17 raped her.

18 Q. I'm asking a more general question than that. What was
the
19 situation in terms of the administration you were running and
its
20 relationship in the sense of investigating crime with the
21 Brigadier Mani Group; do you follow the question?

22 A. Yes. Well, the MPs were RUF MPs. So they arrested --
they
23 used to arrest the RUF. If the men, Brigadier Mani's men
would
24 do something, the MP commanders would inform brigadier
commander
25 that so-and-so commanders --

26 THE INTERPRETER: Your Honours, can the witness go slow?

27 MR JORDASH:

28 Q. Let's just go over the last two sentences.

29 A. I said, if Brigadier Mani's boys go to the market and
steal

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1 something from the civilians, and it gets to the MP commander,

2 Mohamed Jalloh, Mohamed Jalloh would go to Brigadier Mani and

So

3 tell him that so-and-so officer's men were harassing his men.

4 we were looking up to Brigadier Mani to take action.

did

5 Q. Thank you. Obviously being careful about discussing any
6 witnesses and their identities when you give this evidence,

7 you have any interaction with Top Marine in the early part of
8 1999?

did

9 A. Yes. They were in Makeni and with Babe, because Babe

10 not go to Lunsar; he remained in Makeni.

11 Q. Who's Babe?

12 A. Babe is a Liberian Vanguard. He was following Superman.

13 But at this time he was in Makeni, early in '91.

the

14 THE INTERPRETER: Your Honours, sorry, early '99. So

15 Top Marines were with him.

16 MR JORDASH:

17 Q. Top Marine. And what was Top Marine doing?

18 A. I knew him as a signaller, but at that time he was with
19 Babe between the January to February 1999 period; he was in
20 Makeni.

around

21 Q. And did you, personally, have any dealings with him

22 this time?

23 A. Yes. I -- I had dealings with him, I believe in late
24 January or early February 1999.

25 Q. And what were those dealings?

past

26 A. Well, I was from Makeni heading for Magburaka. As I

27 at Makump I met a Top Marine with a tractor loaded with looted

in
this

28 items. They had -- they were just from a looting spree at --
29 one village, so I stopped the vehicle. Then I said a man --

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should

1 very same thing: "Wherever you people go, you will just go on
2 destroying. This is what you have been doing since from" --
3 "since in Kono, and you continue doing it." I said: "What
4 village did you loot these things from?" And he said Makump.
5 Q. Go on.

6 A. He said Makump. So I ordered him to alight from the
7 tractor and get into my vehicle. And I told the man who was
8 driving the tractor, I told him to drive back to the village
9 because the village was not so far from Makump. I said he
10 go back to the village and to get the things back to the court
11 barri where he -- he looted the items.

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

13 MR JORDASH:

14 Q. Just slow down slightly. Okay, just go over the last
15 sentence.

16 A. I said, I ordered the man who was driving the tractor to
17 take the items back to the village. And I gave orders to my

with 18 bodyguards to flog the Top Marine and the two boys who were
19 him. They -- they beat up the Top Marine seriously, and I
20 brought them to the MP at Makeni where they were -- where I
21 locked them up.

22 Q. And how long did they stay -- sorry, how long did Top
23 Marine stay locked up?

24 A. Top Marine was at the MPs for two weeks under close
25 confinement. At that point, I told them to release him and
Komba 26 said that would never happen again. So I told them to release
27 him.

28 Q. Sorry, who said that would never happen again?

29 A. CO Babe told me that since I had disciplined Top Marine
and

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never 1 Top Marine was with him, that would -- that incident would
2 happen again, so I should release the Top Marine. So I told
the 3 MPs to release him. After they released him, that was the
time 4 he went to Superman at Lunsar.

around

5 Q. Did Superman, at Lunsar, have a name for his group
6 this time?

that

7 A. Well, the name he used was not at that -- was not at
8 time. It was in '98, when he was in Koinadugu District,

before

9 we met at Makeni. December '98. They used to call themselves
10 the IRUF, that is the Independent Revolutionary Front --
11 Independent Revolutionary United Front, sorry.

12 Q. Now, around this time, was there training in Yengema?

some

13 A. Yes. In February 1999 there was training ongoing at
14 Yengema. The CDF, we captured from Masingbi to Makeni, and
15 civilians.

16 Q. Do you know, roughly, how many CDF went?

when

17 A. Well, I cannot tell you the exact amount but there were
18 many because the CDF, from Kono to Makeni, in December '98,
19 we -- when we -- they -- we were captured, they were more than
20 1,500; so I can say 700 to 800 went to Yengema.

21 Q. And how was it that civilians ended up in Yengema during
22 this time?

to

23 A. Well, the civilians, through the G5 and the man who
24 announced, the town crier, he passed the message on that if
25 anyone wants to join with -- join up with them, they should go
26 the headquarters.

that

27 THE INTERPRETER: Your Honours, can the witness take
28 bit after that?

29 MR JORDASH:

1 Q. Just go over the last two sentences.

there's

2 A. I said, I told the town crier to announce that if

to

3 any young man, or man who wants to join the RUF, should come

--

4 the -- our cultural compound and register his name. So people

men,

5 so people came free -- on their own free will. These young

the

6 they came and they registered. When -- when they were many,

7 MP commander told me to fuel the truck.

8 Q. Go on.

report

9 A. When they were many, the MP commander would -- will

should

10 to me that the people who have registered were many and I

11 refuel the truck. He called -- he would call the instructor

12 for -- instructor from Yengema to take the men from Makeni and

13 drive them to Yengema. Both the civilians and the CDF were on

CDFs

14 board the same truck with -- with -- with me. Because the

15 had officers, the agriculture -- the agricultural office gave

16 them office space.

in

17 Q. Do you know -- let me start that again. Have you ever
18 heard of President Kabbah's view of the civilians of Makeni,
19 terms of the war?

went

20 A. Yes. He said first, before -- before the May 25 coup,
21 during the time that I had been campaigning in '96 when we
22 to Makeni, he said it was the northerners that had brought the
23 war in Sierra Leone. He said was not pleased with the people
24 Makeni. That was the first time.

of

25 Q. And was there another time?

been

26 A. Well, the second time, when they had -- when they had
27 overthrown when they went to Makeni, when they had been
28 overthrown by the AFRC when they went to Guinea. When he came
29 back, it was in '98, especially in December when the people

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not

1 surrendered, a lot to the RUF, yes, President Kabbah, he was

country.

2 happy with the people, with the -- on that side of the

they

3 He said they were sympathising with the rebels, the RUF, and

places.

4 were the ones that were accommodating the RUFs in those

Makeni

5 And even during the time that he, the President, went to

6 for the disarmament, that was on the 19th of January 2002. I

7 talked about it, because I spoke before he spoke. I told the

8 people who attended the meeting, there were over 20,000

9 civilians, I said, "You saw that Pa Kabbah was so audacious to

10 come to Makeni. That showed you that the war had come to an

to

11 end." And he, himself, said yes, that if I had not called him

12 this place, he wouldn't have come. And I said it was true.

early

13 Q. Did you have any contact with Monica Pearson during

14 1999?

15 A. Yes, because I had been sending people to her -- to her,

16 the civilians --

over

17 THE INTERPRETER: Your Honours, would the witness go

18 the last bit of his testimony?

19 MR JORDASH:

20 Q. Go over the last bit of your testimony, please.

21 A. I said -- I said, I had contacted Monica when she was at

her,

22 Yengema in '99. Because I had been sending the civilians to

23 and the civilians who had joined the RUF, willingly, to go and

24 train at Yengema. She was the commandant.

25 Q. Thank you.

26 A. You're welcome.

27 Q. Let me just ask you about some allegations made by

children

28 Prosecution witnesses. It's been suggested that young

Don't

29 were being sent to Yengema and you were involved in that.

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cast

1 make any mention of witnesses' names or identities; can you

2 any light on that?

Makeni

3 A. I, personally, I saw the people who had been leaving

4 to go to and train in Yengema. There were no children among

the

5 them. I, myself, saw them; there were no children. Because

children.

6 CDF -- the CDF's population was high and there were no

Makeni.

7 And even the young men who joined were not children from

that

8 Q. One witness said that the MPs forced -- let me start

the

9 again. The MPs went around Makeni, forcing civilians to join

10 CDF to train at Yengema.

No

11 A. That was not true. That was not true. It was a lie.

on

12 MP forced anybody. It was the people, themselves, who walked

agricultural

13 their own -- on their own and would come to the RUF

Yengema

14 compound to register their names so that they could go to

15 to train.

16 Q. And a witness said that that had been done by Jalloh,

17 Mohamed Jalloh?

It

18 A. No. No MP was in charge of recruitment. That was one.

there

19 was not Mohamed Jalloh's function. It was the Makeni G5 --

he

20 was no G1. So I was the one that told the town crier so that

21 could announce in Makeni, so that whosoever wanted to join the

name.

22 RUF should go to the agricultural compound and register a

men

23 Q. And this same witness, it was TF1-174, said that 3,000

24 had registered but 1,000 of them had gone to a place called

25 Burkina Faso, which the witness said he later discovered was

26 somewhere in Kailahun. Do you know anything about 1,000 men

27 being sent, forcibly, to a place called Burkina Faso, in

28 Kailahun, at this time?

come

29 A. Well, this -- what is going to prove that people who

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--

1 to this Court, to come and testify to things that they did not

2 they did not know. The people who came from Makeni --

3 JUDGE ITOE: Mr Sesay, just answer the question

directly,

4 please.

5 THE WITNESS: My Lord, sir, sorry, sir. Sorry, sir, My

Kailahun,

6 Lord. My Lord, there was no base that was called, in

7 that was called Burkina Faso; the base was in Yengema. My

8 Lord --

9 JUDGE ITOE: So no 1,000 people were sent to the base

10 called Burkina Faso; is that not supposed to be your reply to

11 that question? The answer -- the question was --

12 THE WITNESS: My Lord --

Burkina

13 JUDGE ITOE: -- 1,000 people sent to a base called

14 Faso for training. You say that there was no place like that

15 called Burkina Faso; so what is your answer to that question?

16 THE WITNESS: No, My Lord. There was a place that was

17 called Burkina Faso, which was in Kailahun District. But

there

18 was no base in this place at this time. In 1999, it was only

19 Yengema that had a base. Kailahun had no base. The base in

20 Kailahun, which was Bunumbu, it was Sam Bockarie -- it was

what

21 Sam Bockarie transferred to Yengema.

22 THE INTERPRETER: Your Honours, would the witness be

23 asked -- Your Honours, the interpreter did not get the last

bit

24 of the witness's testimony.

25 PRESIDING JUDGE: Please go over that piece of your

26 testimony.

27 THE WITNESS: Yes, My Lord.

28 PRESIDING JUDGE: Please, do it slowly.

29 THE WITNESS: Yes, sir. My Lord, the first instance, no

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at

1 1,000 people left Makeni by force to go to Burkina Faso. And
2 there -- there was no training base that had been functioning
3 Burkina Faso in '99, and this Burkina Faso was in the Kailahun
4 District.

5 Q. At this time, Mr Sesay, were there any armed conflicts
6 between pro-government and other groups?

we

7 A. Well, at this time fighting was almost ceasing, because
8 had not been attacking anymore. We had been taking defensive
9 positions. We had not been attacking Kabala. We had not been
10 attacking Bumbuna. We had not been attacking Port Loko. We
11 been taking a defensive position in February to March. And
12 before I left Makeni, there was no fighting in the north. The
13 only place where there was fighting and where attacks had been
14 taking place -- I said the only place that -- where attacks

had

CDFs 15 been taking place, that was on the way to Matotoka, that is,
16 would come from Yele and come and attack Yele and go back, and
attacks 17 Fontaneh Junction, Sewafe. You would have intermittent
no 18 in those areas. But around Makeni, Magburaka, no, there was
19 fighting.
training 20 Q. Can I ask you, do you know what the nature of the
21 was, at that time, at Yengema?
Because 22 A. Yes. I visited Yengema on two or three occasions.
that 23 I, myself, went there to see, see the work that had been --
24 they had been doing.
Bunumbu 25 Q. Did -- the same training that had been happening in
26 the year before, or was it different?
one 27 A. It was the same training; there was no difference. The
28 that I explained.
29 Q. Well, do you have anything to add to what you've said

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1 already, about the training?

the
trained
everything
who
took

2 A. Well, the training in Yengema, see, I can confirm that
3 CDF, they were many; they over -- they were more than the
4 civilians that trained in Yengema. And these people who
5 in Yengema, they did not take part in this conflict anymore.
6 Because when they trained, at that time, the ceasefire had
7 already been imposed and there were negotiations, and
8 stopped in June 1999. There was no training. So the people
9 trained there did not even take part in the fighting, which
10 part in this country -- which took place in this country.

11 THE INTERPRETER: Correction, interpreter.

12 MR JORDASH:

loaded
was

13 Q. 174 said that he saw young people and children being
14 into trucks heading in the Magburaka direction; this -- this
15 around early 1999?

16 A. Yes. It was the people who had been going to Yengema.

loaded

17 Q. Well, this witness said he saw young children being
18 onto the trucks; is that correct? From what you know?

Makeni

19 A. I did not see any children who were recruited from
20 to go and train, no. They were young men; they were not
21 children.

And,

22 Q. Was there any other reason that you can think of, that
23 young people would be loaded into trucks; did that happen?
24 if so, do you know why?

25 A. Well, I did not -- I did see any reason to train young

would
to
able
recruit

26 children. Yes, because, if you take them from Makeni, you
27 have to buy fuel to transport them to Makeni; you would have
28 feed them at the end of the day; and they just would not be
29 to take part in the fighting. So that was why I did not

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at
You
not
understand

1 young children.
2 Q. Okay. Let's leave that at that then. What was the
3 youngest you saw, either being taken to Yengema, or that was
4 Yengema when you were there?
5 A. I was not in Yengema. I would just go there. Perhaps I
6 would spend there 30, 40 minutes and I would leave the place
7 again.
8 Q. Yep. But what was the youngest person being trained?
9 don't have to give an exact; just give us what you saw.
10 A. Well, really, you want me to say something that I would
11 be able to know, because I was not an instructor, to
12 their ages. I was not a doctor to know their age. I told you

13 that young children did not go to that place. And the people
14 there training, in Yengema, did not take place -- part in this
15 hostility for which I was captured by this Court.

of
16 PRESIDING JUDGE: [Indiscernible] Mr Jordash, take care
17 your witness. I should just -- it's another gentle reminder;
18 he's your witness. But surely he's saying that he is denying
19 knowledge of that kind of line of examination-in-chief. Of
20 course it is entirely your case.

21 MR JORDASH: I'm sorry. I'm not -- I'm not --

he
22 PRESIDING JUDGE: Well, I heard him say that he -- that
23 had -- you wanted him to give an answer which, in fact, does
not
24 fall within any -- within his knowledge about -- I heard that
25 kind of response and that's why I'm just reminding you that he
is
26 your witness.

his
27 MR JORDASH: Well, I think from what I understood about
28 answer was that he was saying he -- he couldn't give an exact
--

you
29 PRESIDING JUDGE: No, he went further than that, unless

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to

1 and I heard different things; that you were trying to get him
2 answer something that was not within his knowledge. I thought
3 heard that part. And I just thought I should remind you that
4 he's your witness. Well, I mean --

I

5 MR JORDASH: I'm reminded.

6 PRESIDING JUDGE: Well, yes, quite. I mean, we know the
7 rules about examination-in-chief.

8 JUDGE ITOE: I heard it too.

9 PRESIDING JUDGE: That's okay. Let's go on.

10 MR JORDASH: Can I have just one moment, please?

11 PRESIDING JUDGE: Very well.

Sesay

12 MR JORDASH: At this stage I would like to ask for Mr
13 to be given Defence Exhibit 67, which is, Your Honours, page
14 27820.

15 PRESIDING JUDGE: Right. Mr Courtroom Officer, please.

16 MR JORDASH: And then I'll be moving on to Defence
17 Exhibit --

18 JUDGE ITOE: Mr Jordash, what exhibit?

19 MR JORDASH: 67.

20 JUDGE ITOE: 67.

21 MR JORDASH: Then followed by 21; then followed by 190.

22 PRESIDING JUDGE: That's Defence Exhibit?

23 MR JORDASH: Your Honour, yes.

24 PRESIDING JUDGE: Not Court?

25 MR JORDASH: Yes. Page --

Officer.

26 PRESIDING JUDGE: Could you assist, Mr Courtroom

27 MR GEORGE: Just one moment, Your Honour.
28 MR JORDASH: Pages 27820 which is Defence Exhibit
29 67; page --

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1 PRESIDING JUDGE: Thank you.

2 MR JORDASH: Sorry, I should probably have given your
3 learned officer warning.

4 PRESIDING JUDGE: Very well. Do you have an extra copy?

5 MR JORDASH: I'm afraid we don't.

6 PRESIDING JUDGE: I am sure we can make do with that and
7 follow the proceedings carefully.

8 MR JORDASH: To be honest, I just presumed that everyone
9 had copies.

10 PRESIDING JUDGE: Yes.

11 MR JORDASH: Of these exhibits.

12 JUDGE ITOE: [Microphone not activated]

13 MR JORDASH: No, I've got this one, thank you. Oh,
14 actually, I may take you up on the offer, if I may.

15 JUDGE ITOE: Yes, I don't mind giving this to you. That

is

16 no problem.

17 MR JORDASH: Thank you.

18 JUDGE ITOE: Please, take this.

19 MR JORDASH: If the Court Management is looking for a
copy
20 for Mr Sesay, we do have a copy for Mr Sesay.

21 PRESIDING JUDGE: Okay.

22 MR JORDASH: So that can shorten things.

23 JUDGE ITOE: Mr Jordash, my offer has lapsed, so --

24 MR JORDASH: Thank you very much.

25 JUDGE ITOE: -- you can't cash in on it anymore. Thank
26 you.

27 MR JORDASH:

28 Q. First of all, Mr Sesay, look at Defence Exhibit 67,
which
29 is page number 27820. Just have a quick look through it.

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1 JUDGE BOUTET: But this is not an exhibit yet, I take
it.

2 MR JORDASH: No. It's not an exhibit yet, Your Honour.

3 JUDGE BOUTET: When you say Exhibit 67, this is your own
4 numbering, I guess.

5 MR JORDASH: It is, yes.

6 JUDGE BOUTET: Okay.

7 MR JORDASH: Perhaps I should just refer to the page
8 number.

9 JUDGE BOUTET: Okay; thanks.

10 MR JORDASH:

11 Q. Do you recognise this, Mr Sesay?

12 A. Yes, I recognise it.

13 Q. Do you recognise this actual document, or do you just
14 recognise the type of document?

15 A. Well, I recognise this document and I recognise it.

16 Q. Did you receive it?

17 A. Yes. It was not the only one that I -- I also received
18 others sent from the MP.

19 MR JORDASH: Can I ask that this be exhibited, please?

20 PRESIDING JUDGE: Counsel for the second accused, do you
21 have any objection?

22 MR TOURAY: None, Your Honour.

23 PRESIDING JUDGE: Counsel for the third accused, do you
24 have any objection?

25 MR CAMMEGH: No.

26 PRESIDING JUDGE: And the Prosecution?

27 MR HARRISON: There is no objection to the exhibiting of
28 the document, but I can observe that from the typed numbers,

it

29 indicates it is a Prosecution document. And it goes from

25674

1 to 676 to 678, indicating that two pages have not been
2 reproducing, and I am just suggesting that the actual
exhibiting
3 of the document be stood down until after the break. I will
go
4 and try and find a full copy of the document and give it to Mr
5 Jordash. And it may well be that those pages are -- they may
be
6 blank, for all I know, but I don't know the answer.

7 PRESIDING JUDGE: Mr Jordash, what is your response to
8 that?

9 MR JORDASH: I am grateful for the indication.

10 PRESIDING JUDGE: Right. That option will be adopted.

11 MR JORDASH: Now, the next one is page 27824 and, just
for
12 completeness, Defence Exhibit 21, not yet exhibited.

13 JUDGE BOUTET: So the question you're asking the
witness,
14 Mr Jordash, had to do with the three pages, I think, didn't
it?
15 27821, 822 and 823; not only 821?

16 MR JORDASH: No, just the whole document. 27821, all
the
17 way to 27823.

18 JUDGE BOUTET: Okay. Inclusive.

19 MR JORDASH: Can I just check with Mr Sesay that that's
20 what he was referring to.

67,

21 Q. Were you referring -- looking back at Defence Exhibit

check

22 Mr Sesay, the one you looked at a moment ago. No, the one you

23 looked at a moment ago, it's on the left, yes. Can I just

24 that you were referring to the whole document with the three

25 pages, when you said that you recognised the document?

26 A. Yes.

27 Q. Thank you. Now, looking at Defence Exhibit 21, 27824;

28 could you just have a look at that, please?

29 A. 27828, 27824 I have. I do not have 21.

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look

1 Q. Sorry, you've got the right one; 27824. Just have a

2 at what this is.

3 A. Yes.

like

4 Q. Do you recognise this, or do you recognise documents

5 this from around that time?

the

6 A. Yes. I recognise there were documents like this, from

7 IO, when I was in Makeni; he had been reporting to me.

refers

8 Q. And this is dated, is it not, 30 January 1999, and

Sanda 9 to harassment of traders and civilians from Sanda, from the
10 area along the Kamakwie Road?
11 A. Yes. I received it.
12 [RUF22MAY07C - CR]
13 Q. Now, who was, from what you know, deployed in these
areas,
14 if anyone?
15 A. Well, it was Komba Gbundema that was in Kamakwie as
16 commander.
17 Q. And who was he reporting to?
18 A. He had been reporting to Superman.
19 Q. Thank you.
20 A. Because it was Komba who covered Kamakwie, up to Rokupr,
21 and he was the commander in that place.
22 Q. Thank you.
23 MR JORDASH: Could I ask for this document to be
exhibited,
24 please?
25 JUDGE BOUTET: Can you enlighten me as to the meaning of
26 BFC and BFI?
27 THE WITNESS: Yes, My Lord.
28 JUDGE BOUTET: It says, "BFC second brigade
headquarters."
29 MR JORDASH: Certainly.

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1 Q. Mr Sesay, you heard the question.

2 A. Yes, I can respond to the Honourable Judge. BFC was
3 battlefield commander, My Lord, and BFI, battle-front
inspector.

4 JUDGE BOUTET: BFC is you at that time?

5 THE WITNESS: Yes. Yes, My Lord, it was I.

6 JUDGE BOUTET: And who is BFI?

7 THE WITNESS: It was Morris Kallon.

8 JUDGE BOUTET: Thank you.

9 THE WITNESS: Yes, sir.

10 PRESIDING JUDGE: Yes, you're seeking to exhibit the
11 document?

12 MR JORDASH: Yes.

13 PRESIDING JUDGE: It's a three-page document?

14 MR JORDASH: Yes, please. The description on the
15 front is --

16 PRESIDING JUDGE: Yes, it is Exhibit 21, the first
exhibit.

17 MR JORDASH: -- our description.

18 PRESIDING JUDGE: Yes, I know that. But it comprises
three
19 pages.

20 MR JORDASH: Your Honour, yes; 27825 to 27827.

21 PRESIDING JUDGE: Mr Touray, any objection?

22 MR TOURAY: None, Your Honour.

23 PRESIDING JUDGE: Mr Cammegh?

24 MR CAMMEGH: No.

25 PRESIDING JUDGE: Mr Harrison, any objection?
26 MR HARRISON: No, there is no objection.
27 PRESIDING JUDGE: So we can receive this document in
28 evidence and mark it exhibit?
29 MR GEORGE: 201, Your Honour.

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the
1 PRESIDING JUDGE: 201, with the usual indication as to
2 connection between the exhibit and the witness.
3 MR GEORGE: Yes, sir.
4 PRESIDING JUDGE: Thank you.
5 [Exhibit No. 201 was admitted]
6 MR JORDASH: Just so I can assist Court Management, if
you
7 look at the description on the front of the exhibit, that will
8 assist you.
9 PRESIDING JUDGE: Very well. It shouldn't be
confidential.
10 We're in open session. I was being asked whether you seek any
11 confidentiality. I presume you don't?
12 MR JORDASH: No, thank you.
13 Q. Then, finally, Mr Sesay, Exhibit 2 -- page number 27828.
14 Do you recognise this?

15 JUDGE ITOE: What page is that?
16 MR JORDASH: Sorry, Your Honour.
17 JUDGE ITOE: What page is that?
18 MR JORDASH: 27828 is the cover sheet, 27829, the actual
19 document.
20 Q. Do you recognise this document, Mr Sesay?
21 A. Yes.
22 Q. Did you receive a copy?
23 A. Yes.
24 Q. Inside -- do you know what this is?
25 A. This was a comprehensive report from the deputy overall
MP
26 commander who was with me at Makeni. He would send it to the
27 overall MP commander for the attention of Sam Bockarie.
28 Q. Who was that?
29 A. This was Mohamed Jalloh, who sent this report through

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overall
1 Kaisuku to Sam Bockarie. Mohamed Jalloh was the deputy
2 MP commander. Kaisuku was the overall MP commander.
3 Q. And it's sent as "Infos" to a number of people,
including

4 BFC. Do you know why it was sent to all these people?

5 A. Yes. The MP commander did this to get the support of
the

6 various commanders at Makeni so that he would have control on
the

7 fighters at Makeni for the civilians, or towards the
civilians.

8 That was why he would copy Mani, copy Bropleh and copy
Superman.

9 Q. Thank you. And you can see the first paragraph, the
second

10 line said -- the second sentence says, "There is not a single
11 nook or cranny of the Makeni township and its environs that
has

12 not been visited by my personnel in reinforcing law and
order."

13 A. Yes, that was true.

14 Q. How do you know it's true?

15 A. Because I was there on a daily basis. I would patrol at
16 the Makeni Town. I would receive reports for myself and
receive

17 reports from other -- elsewhere.

18 PRESIDING JUDGE: Without being pre-emptive, are you
19 exhibiting that?

20 MR JORDASH: You're not being pre-emptive, Your Honour.
21 Yes, please.

22 PRESIDING JUDGE: Very well. Mr Touray, what's your
23 response?

24 MR TOURAY: No objection.

25 THE PRESIDING JUDGE: Mr Cammegh?

26 MR CAMMEGH: None.

27 PRESIDING JUDGE: Mr Harrison?

document, 28 MR HARRISON: Yes, there is no objection to the
29 but I see some of the pages are not legible.

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1 PRESIDING JUDGE: Yes.
2 MR HARRISON: I have a recollection that this is the
best 3 the Prosecution had. I'm suggesting to the Court that if you
4 give me the opportunity to double-check over the break --
5 PRESIDING JUDGE: To see if you can produce some
readable 6 copies. Very well. Mr Jordash, an offer from the
Prosecution.
7 MR JORDASH: I'm grateful.
8 PRESIDING JUDGE: We'll stand down the reception in
9 evidence of this document until such time.
10 JUDGE BOUTET: How many pages are you filing with this
11 exhibit, Mr Jordash? It's just 828 and 829?
12 PRESIDING JUDGE: Yes.
13 MR JORDASH: Yes. I'm happy for the cover sheet to be
14 taken from the actual document.
15 JUDGE BOUTET: I was going to ask you a question about
that 16 because 828, what you call the cover sheet, the writing in

17 there -- the write-up in there, whose write-up is this?
18 "Regarded that the unit has been able to detect." In other
19 words, this is your own description of what you perceive the
20 document to be or to mean, I take it?

reference,

21 MR JORDASH: Yes. More for everyone's ease of
22 but I know that during the Prosecution case, such descriptions
23 were taken from the exhibit, and I'd be very content with that
24 happening for these exhibits.

So
25 JUDGE BOUTET: Because I take it that the witness, your
26 witness, this is not a document that he has ever seen before.

27 when you showed him -- I'm talking of 828. I'm not talking of
28 the attachment. I'm talking of the cover sheet; am I right?

You

29 may have discussed that with him, but certainly this is your
own

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1 preparation of that document, so it is not something that the
2 witness might have access to while performing his duties,
3 wherever it may be?

4 MR JORDASH: Your Honour is right. But there is no need
5 for this --

6 JUDGE BOUTET: I know there is no objection to it. I'm
7 concerned about the -- I don't know, I have not read all of
your
8 description of all of these exhibits. I was just reading this
9 one. The first part is very attractive as to a description;
10 whether it is accurate or not, I don't know.

11 MR JORDASH: I thought it was quite understated. I take
12 Your Honour's point. I submit that it should be removed.

13 JUDGE BOUTET: Yes, because it may be for your
assistance
14 and maybe our better understanding of it, but these are not
the
15 exhibits per se.

16 MR JORDASH: Exactly.

17 PRESIDING JUDGE: For the sake of consistency and
18 uniformity, we expunge all the cover sheets in respect of the
19 other exhibits?

20 MR JORDASH: Yes, please.

21 PRESIDING JUDGE: It's so directed, Mr Courtroom
Officer.

22 JUDGE BOUTET: And my other comments have to do with --
23 yes, I'm coming to you, Mr Prosecutor -- the Prosecutor was
24 suggesting that pages were not readable or might be better,
but I
25 thought you were introducing only one page. The one I have is
26 quite clear. I'm not sure we're talking of the same
documents.
27 Mr Prosecutor?

28 MR HARRISON: You're right. I actually found this
document
29 and I should give it to the court clerk, who can give it to

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of
entire
it

1 Mr Jordash. It's actually, in total, an eight-page document,
2 which three pages are not legible at all. I can give the
3 document to Mr Jordash. He can review it and determine what
4 is of that document he wishes to exhibit.

5 MR JORDASH: Thank you. Well, I'll review this over the
6 day and come back to the Court, if I may.

7 PRESIDING JUDGE: Very well.

the

8 JUDGE BOUTET: I would like to ask a few questions of
9 witness, if I may, so I understand some of the jargon that is
10 being used in this document, if I may?

11 MR JORDASH: Your Honour, yes, of course.

12 JUDGE BOUTET: I'm making reference to the one which is
13 have
14 document?
15 number 27829 at the top. The Chief of Defence Staff, as you
16 stated, Mr Sesay, is Sam Bockarie, at the time of the

15 THE WITNESS: Yes, sir, My Lord.

16 in
17 JUDGE BOUTET: Then there is info with a lot of acronyms
17 there. I take it, BFC, it was you; it means battlefield

18 commander?

19 THE WITNESS: Who, sir?

you

20 JUDGE BOUTET: In the same document, where you go --

the

21 look at the top, it says, "To the Chief of Defence Staff from

22 Deputy Overall MP Commander. Info." Then you have a lot of

23 letters there: BFC, CMN, BGC, CMN, Brig and so on. Do you

24 follow me?

25 THE WITNESS: Yes, sir.

what

26 JUDGE BOUTET: What is the meaning? BFC I know, but

27 about the meaning of the other letters you see in there?

28 THE WITNESS: BGC, that is battle-group commander, sir,

29 that was for Superman.

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1 JUDGE BOUTET: CMN means what?

2 THE WITNESS: Well, I think that was just a command,

3 Brigadier GST Mani.

so

4 JUDGE BOUTET: Then it's CMN General Bropleh, CMN BFI,

5 it means commander battlefront --

6 THE WITNESS: Inspector.

7 JUDGE BOUTET: Inspector.

8 THE WITNESS: Yes, sir.

9 JUDGE BOUTET: CMN second brigade commander.

10 THE WITNESS: Yes, second brigade commander, that was
11 Boston Flomo; that is Rambo.

12 JUDGE BOUTET: Thank you. And CMN chief admin
13 co-ordinator, Northern Region, CMN headquarters.

14 THE WITNESS: Well, chief admin co-ordinator, Northern
15 Region, headquarters. That was Titus, Titus Tarawallie.

16 JUDGE BOUTET: And the next one is commander CMN IO.

17 THE WITNESS: IO unit. That was Ibrahim Mana, AB Mana.

18 JUDGE BOUTET: CMN IDU.

19 THE WITNESS: Yes, sir, that is IBU. His name is
Bangali.

20 I think it is Jacob Bangali.

21 JUDGE BOUTET: And the next one is CMN WAC's Unit.

22 THE WITNESS: WAC's Unit. That is Agnes Mani.

23 JUDGE BOUTET: And what is WAC's? What does that mean?

24 THE WITNESS: My Lord, that means she was in charge of
the
25 women, his fellow women, who were RUF.

26 JUDGE BOUTET: What is WAC's. What is this word for?
It

27 is women --

28 THE WITNESS: My Lord, is WAC's, Command WAC's. The
lady's

29 name is Agnes Mani.

1 JUDGE BOUTET: WAC's means the unit of women, is it?

2 THE WITNESS: Yes, sir, My Lord.

3 JUDGE BOUTET: Thank you. Thank you, Mr Jordash.

4 MR JORDASH:

Tarawallie?

5 Q. Can I just pick up on one aspect; who was Titus

said

6 A. Titus Tarawallie was RUF. But he was with Superman at

7 Koinadugu District. When they got to Makeni in December, he

I

8 he would not operate with Superman, so since he was educated,

9 told him to remain at the admin office.

10 Q. There's been evidence about a Titus who mediated between

11 the SAJ Musa group and the Superman group when Superman first

12 arrived in Koinadugu. Is that the same man?

13 A. Yes, that was -- yes, the same person, same man.

make

14 Q. Now, let's go to March again. And you were going to

15 mention -- I've just realised the time.

16 PRESIDING JUDGE: You're starting on a new episode?

17 MR JORDASH: Your Honour, yes.

at

18 PRESIDING JUDGE: Right. Then we'll take a short break

19 this point.

20 MR JORDASH: Can I just notify the Court I will be

21 referring to the radio logs after the break.

22 PRESIDING JUDGE: Yes.

23 MR JORDASH: Exhibits 34 and 35 -- 32 to 34, I think.

24 PRESIDING JUDGE: There will be no need for a closed
25 session at this point, when we come back?

26 MR JORDASH: No, I think I will try to wait until I get
to
27 that point in the radio logs and then deal with everything.

28 PRESIDING JUDGE: Very well. Okay.

29 [Break taken at 11.30 a.m.]

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1 [RUF22MAY07D - MD]

2 [Upon resuming at 12.05 p.m.]

3 PRESIDING JUDGE: Let us continue, Mr Jordash.

4 MR JORDASH: Your Honour, thank you.

5 Q. We were about to just embark on the events in March.
You

6 mentioned earlier that something happened late March?

7 A. Yes, that was what I said.

8 Q. Before we get to -- where was it that -- when did Isaac
--

9 let me start again. Where did Isaac Mongor go after Pendembu?

10 A. Isaac Mongor, with some other people -- Sam Bockarie
sent

when 11 them to investigate what transpired between me and Superman,
12 Superman fired at me at Lunsar.
13 Q. So --
14 A. That was in March. Before Superman returned --
that 15 THE INTERPRETER: Your Honours, can the witness take
16 last bit.
17 MR JORDASH:
18 Q. Sorry, Mr Sesay, can you repeat your sentence?
19 A. Yes. Isaac came to Makeni after Sam Bockarie sent him
with 20 some other people.
21 Q. When did he come to Makeni?
22 A. He came in the second week of March 1999.
23 Q. And what was he sent to do?
24 A. Well, they told him to come and take statement from me
and 25 Superman.
26 Q. Concerning what?
27 A. Because Superman opened fire at -- on me at Lunsar,
because 28 he said I should not go along with Gibril Massaquoi.
29 Q. Did he arrive in Makeni?

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1999.

1 A. Yes. He went to Makeni in the second week of March

2 Q. Did he arrive with anybody else?

3 A. Yes. He came with PS Binda. He came with Jackson

4 who is the bodyguard commander -- who was the bodyguard

5 for Foday Sankoh. He came with Augustine Mulbah, who was the

6 commander at Buedu. He came with Sam Koleh, from Kailahun.

7 These are the people he came with.

8 Q. And what did he actually do when he arrived?

9 A. When he arrived, he met me at Mena Hill where I was. He

10 explained to me his mission. He said that he should collect a

11 statement from me and go to Lunsar and collect a statement

12 Superman. And, from that point, they should inform Sam

13 and Sam Bockarie should give him more instructions. With

14 he would be able to handle the situation, the problem between

15 and Superman.

16 Q. Let me just seek some clarification: You say you were

17 Mena Hill. Were you actually living there or in what

18 circumstances were you there?

19 A. Well, because Superman -- Superman raided the house

20 was, so I transferred to --

21 Q. You do have a habit of explaining before you've answered

22 the question, so just answer the question and then offer an

from

Bockarie

that,

me

at

where I

23 explanation, if you think it's necessary. Were you living at
24 Mena Hills, or in what sense were you there?

25 A. Well, I was at Mena Hill; I was the commander. That was
26 where I stayed with my boys, my bodyguards.

27 Q. And I know you might have answered this question: This
is
28 how far from the centre of Makeni?

29 A. Mena Hills is by the police station. It's part of
Makeni,

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1 in Makeni Town.

2 Q. Okay. So this is what Mongor came to do. Did it work
out
3 that way?

4 A. Well, Mongor started it but it didn't work. Okay, let
me
5 answer the question. It didn't work.

6 Q. Mr Sesay, I don't want to stop you giving explanations,
but
7 just remember to answer directly and then explain if you need
to;
8 okay?

9 A. Okay. Well, Isaac Mongor was unable to solve the
problem

and

10 because he was at Makeni when Superman attacked. He himself

11 Gibril Massaquoi.

12 Q. Now, are we talking the attack you mentioned or another
13 attack, the attack you've already mentioned before the break?

2.00

14 A. Well, the first one was -- the first incident was at
15 Lunsar when they opened fire, but this one was in Makeni at
16 night, which was late March in 1999. They attacked around

17 at my place at Mena Hill.

18 Q. So did Mongor start his investigation?

him.

19 A. Yes. Mongor took statement from me. I explained to

20 From that point, he went with a delegation to Lunsar to meet

not

21 Superman. But Superman definitely told Mongor that he would

22 take instructions from Bockarie until Foday Sankoh returned to

23 the RUF.

24 Q. Well, how do you know that?

told

25 A. Well, when Mongor returned from Lunsar, to Makeni, he

26 me. He told me that the problem was difficult to solve

27 because --

that

28 THE INTERPRETER: Your Honours, can the witness take

29 last bit.

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1 MR JORDASH:

2 Q. Repeat the last sentence there.

3 A. Well, when Mongor left Lunsar, he himself told me that
what
to
4 he has observed, what he saw, it would be a difficult problem
5 solve because Superman did -- Superman refused to take
6 instruction from Sam Bockarie. He said he will not take
7 instructions until Foday Sankoh returned back to the RUF.

8 Q. Was there any news of Foday Sankoh around this time?

9 A. Yes. At that time, Foday Sankoh, the ECOMOG had -- were
10 allowing him to -- to talk to the commanders through the field
11 radio.

12 Q. Where was he at this time?

13 A. At that time, I was not aware. I did not know at that
time
he
14 but, later on, Foday Sankoh said he was in a boat at sea when
15 was communicating with us. But, at that time, I knew Foday
16 Sankoh was with the ECOMOG, that was what I knew, as prisoner
in
17 Freetown.

18 Q. Was there any information about any prospective peace
19 negotiation or peace agreement, at this time?

20 A. Yes. At that time, they were talking about the
ceasefire.
21 Foday Sankoh was trying to tell the commanders through the
field
22 radio about that. But when Foday Sankoh called, Sam Bockarie

was
23 ordered us that no one should talk to Foday Sankoh because he
24 under duress; he was being forced to talk, so no one should
allow
25 respond to him. He said, that is Sam Bockarie, would only
to
26 commanders to talk to Foday Sankoh when they take Foday Sankoh
27 a neutral ground, which is out of Sierra Leone.
refusal
28 Q. Okay. So how long after the news about Superman's
29 to take any orders from Sam Bockarie was it before you were

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1 attacked?
Sankoh
2 A. Well, that very day I went to Magburaka when Foday
I
3 called me through the station. Then my operator told him that
4 had gone to Magburaka. So Foday Sankoh told my operator. He
5 said, "If you dismiss him, tell him I'd want to talk to him
6 tomorrow. So at 10.00 tomorrow I will call."
7 THE INTERPRETER: Your Honours, correction interpreter:
8 When Issa came.
9 MR JORDASH: Could you repeat the whole sentence,
please,
10 miss Translator? No, no, I am trying to get a full amendment

11 from the translator.

12 THE INTERPRETER: Your Honours, can the witness repeat
what
13 he said, the last bit of his testimony? He was talking
something
14 about when he dismissed. I got to dismissed, then
15 [indiscernible] it should have been Issa.

16 MR JORDASH:

17 Q. Can you repeat the last two sentences of your answer,
18 Mr Sesay, please?

19 A. Well, I said I went to Magburaka when Foday Sankoh
called
20 my station, my field radio. And he told my operator that --
he
21 asked for me and my operator told him that I had gone to
22 Magburaka. So he told my operator that, on Issa's return, I
23 would want to talk to him at 10.00, so he should be around the
24 set. Because Foday Sankoh had been trying to call Bockarie's
25 field radio station, to no avail, so he only got Superman. So
26 when I returned to Magburaka, that was what my operator told
me.

27 Q. Okay. Who attacked you?

28 A. Well, it was Superman, Gibril Massaquoi, Komba Gbundema,
29 John Peters, and a lot of RUF.

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1 Q. Anyone other than RUF?

2 A. Well, they came in -- yes, there were others, but the
very
3 day that I was attacked, no, but the next day they came.

4 Q. Well, take us through the attack, as concisely as you
can.

5 A. Okay. So, it was during the night when -- where I was -
-
6 where I was living in the reservation, it was around 2.00 in
the
7 morning. I heard suppressive firing in my own compound with
RPG.

8 So, I myself had to run away because I said it was an enemy.
9 Because I thought this was not an enemy because I knew it was
not
10 possible for an enemy to come and fire in my house. So I went
11 out of the back door --

12 THE INTERPRETER: Your Honours, will the witness go a
13 little bit slow.

14 MR JORDASH: Go on.

15 A. At that time they divided the group. Superman went to
16 Rambo. Gibril Massaquoi came to me and I found Rambo lying
down
17 in his lounge.

18 THE INTERPRETER: Your Honours, would the witness go a
19 little bit slow.

20 PRESIDING JUDGE: Mr Sesay, please try again and try and
be
21 as co-operative as possible. I am sure it's difficult. You
are
22 trying to narrate incidents that happened, allegedly, quite
some

to
to
put
23 time ago and perhaps in a certain manner that you are trying
24 reproduce here. But make sure that the interpreters are able
25 translate every word and every nuance that you are trying to
26 into the testimony. Go ahead.

came
with
in
27 THE WITNESS: Yes, sir, My Lord. I said, Superman, he
28 from Lunsar with their group. They came to Makeni at night
29 other commanders, whose names I mentioned. When they arrived

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attack
1 Makeni they divided the group into two. Superman, he went to
2 Rambo and, Gibril Massaquoi, he headed a group to come and
3 my own place.

4 MR JORDASH:

5 Q. What kind of numbers of people were involved in the
6 attacks; do you know?

house
my
7 A. Well, later, I came to know that those who came to my
8 were 120 armed men. They were the ones that went and attacked

9 own place and Superman himself was the one that led over 60
men
10 that went and attacked Rambo's place. There they killed Rambo
11 and two of his bodyguards. For me, I was able to escape
because
12 -- but they killed three of my own boys.
13 Q. And where did you go to?
14 A. Civilians were living just at the back of the quarters
in
15 which I was living in the Mena Hills, so two of those
civilians
16 had had to take me through bush roads and we went to Makump.
I
17 arrived at Makump around 6.00 in the morning. From Makump, by
18 then, there was no other person. It was the civilians that
took
19 me through the bush roads and we went to Magburaka, at the
Rokel
20 River.
21 Q. R-O-K-E-L?
22 A. Yes.
23 Q. Go on.
24 A. So I was at Rokel River. I sent for a civilian friend,
who
25 was -- who was --
26 THE INTERPRETER: Your Honours, that was not clear.
Will
27 the witness be given the instruction to repeat. It was not
clear
28 at all.
29 MR JORDASH:

1 Q. Could you repeat your last answer, please?

2 A. I said, I was by Rokel River, you know, when I had to
talk
3 to the two civilians that went with me. I had to send one so
as
4 to go and meet Magay, who was a civilian, who was living in
5 Magburaka at Makeni Road. He was a friend. So it was Magay
who
6 came and met me at the riverbank.

7 Q. M-A-G-A-Y?

8 A. Yes, Magay. So it was Magay who took me to his mother's
9 house at Mabong Street. There, I slept that particular night.

10 Q. You spoke of another incident when I asked the question:
11 Were there others besides the RUF?

12 A. Yes. Those were the men who came from Waterloo. Those
who
13 had reached from Freetown, these were the ones who came from
14 Waterloo and joined Superman in Makeni. That was the next day
15 when I was attacked. The following day, they came from
Waterloo
16 and went and joined Superman. I think he talked to them on
radio
17 and they came from there and went and joined him in Makeni.

18 Q. Joined him; do you know why?

19 A. Well, it was to fight against me and the other groups
that

joined

20 were there. They went and reinforced Superman because of the
21 attack that Superman brought in Makeni. That was why they
22 him, to reinforce him.

would

23 Q. And are you able to say who was based in Waterloo or
24 you want to answer that question in a closed session?

Waterloo

25 A. Yes. And even I would answer that question in closed
26 session and even the commanders who led these men from
27 to Makeni.

28 Q. Okay. We will leave that for now. So you are in
29 Magburaka; is that right?

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brother

1 A. Well, at that night, that was the time that I slept in
2 Magburaka. The next day I continued -- Magay's younger
3 escorted me through Mafanta and we went through --

4 THE INTERPRETER: I did not get the last bit of the
5 witness's testimony.

6 MR JORDASH:

7 Q. Repeat the last sentence, please.

from

8 A. I said, it was Magay's younger brother who escorted me

Junction. 9 Magburaka through Mafanta prison. Then I went to Robol

10 Q. Could you spell that junction, please?

11 A. R-O-B-O-L, Robol Junction.

12 Q. Thank you. Then what happened?

13 A. Then I walked from Robol Junction to Matotoka, where I
met
to
14 one RUF who had a bicycle, and it was that bicycle that I used
15 go to Makali.

16 Q. At Makali, what happened?

17 A. Well, when I arrived at Makali, at that time, I had a
radio
was
18 station at Makali because the paramount chief said that there
19 to be a set in this town, so that in case of anything we'd be
20 able to send a message. So it was that set that I used to
21 contact Bockarie and told Bockarie that I had come to Makali.
He
two
22 said, Bockarie himself told me that -- he said he was worried
23 days because he was not able to hear from me. And I told him
24 that I walked through bush roads and said, but now, I thank
God
as
25 because I was at Makali. I said that I had sent a message so
26 to bring a message from Kono so that I could be taken from
there.

27 So, during this dialogue, Superman had had to monitor it. So
28 Gibril followed me up to Makali. They came and opened fire at
me
through
29 in Makali. But still, I thank God. I was able to escape

we
I
who

1 civilians who went with me through bush road from Makali and
2 went to Makoni Line Junction. And from Makoni Line Junction,
3 walked to Masingbi. From there, Peter Vandi sent a vehicle
4 went -- which went and picked me from there to Kono.

5 Q. Did you see the paramount chief from Makali?

6 A. Yes. When I arrived at Makali, because I had -- see, I
me
7 wounded on my toe, because when I tried to escape they fired
8 in my house. So when I arrived the nurses at Makali had been
9 treating my toe. So the paramount chief had information.
They
10 came and greeted me.

11 Q. Do you know the name of any of the nurses who were
treating
12 you?

13 A. Yes. The nurse who treated me was a nurse who was in
14 Makali. And even now, she is the one that is still in the
clinic
15 in Makali. She is called Rosaline Conteh.

16 Q. Is that Rosalind, R-O-S-A-L-I-N-D?

17 A. Yes, Rosaline. L-I-N-E, Rosaline Conteh.

18 Q. And do you know someone called Mayelie from Makali?

over

19 A. Mayelie. Mayelie. That was the --

20 THE INTERPRETER: Your Honours, would the witness go

21 what he said?

22 MR JORDASH:

23 Q. Repeat the last sentence, please.

24 A. I said, Mayelie was the wife of the G5, the civilian G5
25 commander that was in Masingbi, who was Mr John Bangura, alias
26 Fetelie.

27 Q. Alias?

28 A. F-E-T-E-L-I-E. Fetelie.

29 Q. Thank you. Do you know somebody called Pa Demba Marah?

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took

1 A. Yes, I knew him.

2 Q. Did you hear anything from him around this time?

3 A. Well, I came to know Demba Marah in January '99. He was
4 the -- he was the Marabu that was with Superman at Koinadugu.
5 During this time, Demba Marah was in Makeni, where the attack
6 place.

7 Q. Did you hear what was going on in Makeni as you left and
8 went through Kono?

was
had
village,
I
arrived
took
nights;
third

9 A. Well, at that moment I did not hear anything because I
10 not able to get any information from Makeni. But, later, I
11 to hear about it.
12 Q. Well, let's just stick with where you are then for the
13 moment. Where do you go?
14 A. I went to Kono because my toe was aching. I was in Kono
15 for two weeks, when I went on leave, when I lived in the
16 between Koidu Town and Wama. I was there for two weeks. Then
17 went to Kailahun.
18 Q. And where did you go in Kailahun?
19 A. I went to Buedu.
20 Q. And what date do you think it was by the time you
21 in Buedu?
22 A. Well, I cannot recall the day any more, but the attack
23 place in late March, around the 29th or, the very day, 28th of
24 March, but I did not know because I slept on the way two
25 I slept in Magburaka and I slept at Masingbi. And then the
26 night I went to Kono.
27 Q. At what stage did you hear about what was happening in
28 Makeni?
29 A. Well, when people started escaping from Makeni and they

was

1 started coming to Magburaka, at that time it was Kallon that
2 in Magburaka. Morris Kallon, he had been sending information
3 that the men in Makeni had been harassing civilians. And even
4 Foday Sankoh's bodyguards had been sending messages when they
5 taken Foday Sankoh to Lungi. In May to June, they had been
6 sending messages --

had

7 THE INTERPRETER: I did not get the last bit of the
8 witness's testimony, Your Honours. Would he be allowed to
9 repeat?

10 MR JORDASH:

11 Q. Repeat the last sentence, please.

his

12 A. I said, even when Foday Sankoh had been taken to Lungi

messages

13 bodyguards, who were there in Makeni, had been sending
14 to Foday Sankoh about harassment of the troops that were in
15 Makeni, especially the civilians, saying that there was no law
16 and order.

there

17 Q. Apart from you leaving Makeni to go to Kailahun, was

result

18 any change of any other either commander, or fighter, as a

19 of the attack on you by Superman?

that

20 A. Well, that brought a complete division again. Those

from
21 were in Makeni, all of them had not been taking the orders
22 Bockarie any more. Nobody had been taking orders from me from
23 Makeni, from March to October in 1999.
24 Q. Was there a change in deployment of any of the men from
25 Kono who had been in Makeni?
26 A. Yes. The men from Kono, they all withdrew to Magburaka
27 when I was attacked, when they killed Rambo. Those that were
in
28 Makeni, Superman and the various commanders, they also
deployed
29 in a village after Makump. There, they set their armed men
and

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1 they made a road block and who --
2 THE INTERPRETER: I did not get the last bit of the
3 witness's testimony, Your Honours.
4 MR JORDASH:
5 Q. Repeat your last bit, please.
6 A. I said, the group which came from Kono in December '98,
7 when this attack took place in Makeni, they had already come
to
8 Magburaka. They were in Magburaka. So Superman's group, they

9 also had armed men who had been advancing from Makeni. They
came
10 and set a combat camp in their village, which was after
Makump,
11 towards Magburaka. So our men in Magburaka, they also had
their
12 own combat camp at Rosent so there we had a buffer zone
between
13 Makeni and Lunsar, at Magburaka, which was like a frontline.
14 Q. And you spoke of Issac Mongor; what happened to him?
15 A. Well, he himself was arrested by Superman but later he
was
16 released, so he stayed in Makeni with Superman, but the first
two
17 days he was arrested by Superman. Later he left him and he
18 stayed with them in Makeni.
19 Q. And was there anything said about that by Bockarie?
20 A. Yes. From that day Bockarie declared them as enemies.
He
21 said he did not have anything to do with them.
22 Q. And just so that this is clear: The men in Makeni, at
the
23 time you were chased out of Makeni, and from March onwards,
which
24 areas were they in control of; are you able to give a complete
25 picture?
26 A. Yes, I can. They had been controlling Makeni Town; they
27 had been controlling Binkolo, up to Fadugu; they had been
28 controlling from Makeni to Lunsar; they had been controlling
from
29 Makeni to Kamakwie, Kambia Town, Rokupr.

and

32,

at

00008641

Can

1 Q. Repeat the last one.

2 A. They had been controlling Kamakwie, up to Kambia Town

3 Rokupr. All these areas were under their control.

4 Q. Thank you. I would like, if I can, to turn to Exhibit

5 the radio book. Now, I want to take you through this but as

6 quickly as we can, because some of these radio messages may be

7 self-explanatory. Would you just have a look at that and just

8 familiarise yourself quickly. Do you recognise the book from

9 least the Courtroom. Do you remember this book from the

10 Courtroom, Mr Sesay?

11 A. Yes.

12 Q. Well, let's just take you through some of the radio

13 messages, to see if you can help us. Can you go to page

14 which is, I think, three pages into the document?

15 A. Yes, I have seen it.

16 Q. Look at the third paragraph down there; can you just

17 confirm who Equaliser is, please?

18 A. Equaliser is Superman's code-name.

19 Q. This is a message from the Lion to the named people.

20 you explain what it was this message refers to?

Then

21 A. Well, this message came from Foday Sankoh, from Lome.

all

22 he sent it to -- through Planet, Planet was Sam Bockarie, and

23 to Equaliser and the other commanders in Makeni.

24 Q. When did Foday Sankoh go to Lome?

place

25 A. I think it was in April, because the cease-fire took

26 in May and Foday Sankoh went to Lome before May.

27 Q. And just quickly, who is Black Jar?

28 A. Well -- well, I don't know but if you would allow me to

29 write it?

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1 Q. Yes, please. Mr Sesay, I think because you are coming
2 really close to the microphone, there is a whistling, so just
3 keep a certain distance.

4 MR JORDASH: Could that be exhibited, please?

5 PRESIDING JUDGE: Counsel for the second accused, any
6 objection?

7 MR TOURAY: No, Your Honour.

8 PRESIDING JUDGE: Counsel for the third accused?

9 MR CAMMEGH: No, thank you.

10 PRESIDING JUDGE: Counsel for the Prosecution?

11 MR HARRISON: No.

12 PRESIDING JUDGE: Right. It is received in evidence and
13 marked Exhibit --

14 MR GEORGE: 202.

15 PRESIDING JUDGE: 202. Then it will be designated
16 accordingly for its nexus to this witness.

17 [Exhibit No. 202 was admitted]

18 JUDGE BOUTET: Mr Jordash, can you tell me why this is -
19 this document name needs to be kept confidential?

20 MR JORDASH: I think for the same reasons that we went
into
21 closed session in relation to January 6, 1999.

22 JUDGE BOUTET: I see. Okay; I have my answer. Thank
you.

23 PRESIDING JUDGE: Mr Courtroom Officer, would you find
out
24 why we are having this disruptive noise in the background.

25 MR JORDASH: Apparently, if I go too close to this
26 microphone it makes the sound but it never has done until
today.

27 PRESIDING JUDGE: Yes.

28 MR JORDASH: I will try and stay away.

29 JUDGE BOUTET: It's the technology in this Court,

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microphone

1 obviously. It does it to you; maybe it's because your
2 is allergic to you.

3 MR JORDASH: Subjected [Indiscernible]. Quite right
4 [Indiscernible].

but

5 Q. Go to page 8643. I am going to miss out the 000 aspect
6 you know what I mean; 8643. Can you see the bottom message
7 there, to the Lion from Superman. Sir Gappa and
8 Lieutenant-Colonel FAT Sesay. Can you just tell us who

Colonel

9 FAT Sesay was?

10 A. He was SLA and they were all in Makeni.

11 Q. And who was he attached to, if anyone?

able

12 A. He was attached to the AFRC in Makeni, and I would be

13 to talk more about this fellow but I wouldn't like to put my
14 children into risk. That is why I wanted you to ask me these
15 questions in closed session so as to answer you in -- because
16 this man FAT Sesay, he was a soldier, and I understood that he
17 had been sent to go and do a course. Those that were involved

in

18 the conflict were so many in the army and I wouldn't like to

talk

19 in open session because I -- my children are there.

going

20 MR JORDASH: I wanted to avoid this but I think it is

during

21 to be almost impossible to go through these logs, at least

the

22 the March to October period of 1999, in open session, given

23 concerns which Mr Sesay has expressed previously.

24 It could be done but I think it would be a rather
25 disjointed process and it would take much longer than it could
be
26 done in closed session. So could I apply to go into closed
27 session, please.

28 PRESIDING JUDGE: How long would this be; for about
29 approximately how long?

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1 MR JORDASH: I think to be on the safe side, I think it
2 could be the rest of the day.

3 PRESIDING JUDGE: Right. Just a minute, please.

Members

4 of the public, regrettably, we will have to ask you to retire
for
5 the rest of today. Come back tomorrow at 9.30 because we are
6 about to go into closed session hearing, and this is a very
7 delicate phase and we apologise for the inconvenience. And,
8 Mr Courtroom Officer, would you advise that the technology be
9 adjusted so that we can go into closed session.

10 MR GEORGE: Yes, sir.

11 PRESIDING JUDGE: To hear the application of Mr Jordash.

12 JUDGE BOUTET: And, Mr Courtroom Officer, I would

13 appreciate if this problem that seems to exist, Mr Jordash is
14 seated and his microphone is not open and, therefore, that is
not
15 the cause of the problem but we still have this --

16 PRESIDING JUDGE: Yes. I am also advised that we need
to
17 recognise the presence of two court monitors here. They have
our
18 permission to be present during the closed session hearing.

19 [At this point in the proceedings, a portion of the
20 transcript, pages 64 to 96, was extracted and sealed under
21 separate cover, as the proceeding was heard in a closed
session]

22
23
24
25
26
27
28
29

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1 [Open session]

2 MR GEORGE: Court is now in open session, Your Honour.

3 PRESIDING JUDGE: Mr Jordash, please continue.

4 MR JORDASH: Thank you, Your Honour.

5 Q. 8740, please. 30 October 1999. Sorry, my fault. I
6 thought you'd finished the answer concerning Bishop Biguzzi's
7 ring. You said to Big Victor, the bodyguard.

8 A. Mm-hm.

9 JUDGE ITOE: "Am I a Bishop? Why did you bring me the
10 Bishop's vehicle?"

11 MR JORDASH: Thank you, Your Honour.

12 Q. What happened then?

13 A. Yes, sir. So when I had asked Victor, I said, "Who were
14 those that were involved with you in this act?" He said, "All
15 the three fighters that were -- were in the barracks." Then I
16 gave an order that all of them should be tied up. Then I said
17 they should be -- they should be given each 40 lashes. The
18 beating was going on. Then I saw the bishop entering the
19 barracks. He walked and entered the barracks.

20 JUDGE ITOE: Mr Sesay, who were the others? Apart from
21 Victor Kamara, who were the others who Victor pointed out as
22 being the perpetrators of this act of looting? What were the
23 names of the others? And how many --

24 THE WITNESS: Well, there were five in number. Four
plus
25 Victor. Total five. But there were five, five fighters; all
of
26 them in the barracks, the ones that came.

27 JUDGE ITOE: Were these your guards?

28 THE WITNESS: Victor and the three -- and two were my

29 guards but the other two were not my guards.

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1 JUDGE ITOE: Thank you.

2 THE WITNESS: You're welcome.

3 MR JORDASH:

4 Q. Who was tied up?

5 JUDGE ITOE: Those that were not sure guards but they
were
6 fighters. They were RUF fighters?

7 THE WITNESS: Yes, sir, yes, sir. They were -- they
were
8 under my own group in the barracks.

9 MR JORDASH:

10 Q. Who was tied up?

11 A. First, Victor, who answered that he came with the
vehicles.

12 Then I gave instruction that he should be tied up and --

13 Q. Can I just pause you there? When you say "tied up,"
what
14 does that mean exactly?

15 A. His two -- his two hands were brought behind him and he
was
16 raised.

17 Q. Why was he tied up in that manner; is that a particular

18 manner or what?

19 A. Well, because I had warned that nobody should leave the
20 barracks in order to join Superman and others. So, if he, my
21 bodyguard, in order for him to reinforce my orders and violate
22 instructions and, at the end of the day, they went and looted
23 property of the Bishop, I became annoyed. So I told them that
24 they should follow my orders.

25 Q. What I'm asking is, the tying up, is that a punishment
26 itself or are you tying up for some other punishment?

27 A. Well, that was a very serious punishment because if you
28 tied, if the elbows were tied and almost two of the elbows,
29 of the elbows could meet each other, within a very short

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1 you will feel a very serious pain.

2 Q. Thank you. And you talked about flogging?

3 A. Yes. I said they should be tied up and that each should
4 given 40 lashes while the tying was going on. So this -- so

my

the

in

are

both

period

Page 99

be

this

5 was going on. Then I saw the bishop walking and enter the
6 barracks. That was Biguzzi. That is the present bishop in
7 Makeni.

8 MR JORDASH: Sorry, can I just have a moment, please?

9 PRESIDING JUDGE: Leave granted.

10 MR JORDASH:

11 Q. Have you had any contact with Bishop Biguzzi since then?

12 A. This was my first time when we had a discussion.

13 Q. Okay. He's walking towards the barracks. Sorry, I keep
14 jumping on. Did anything happen then?

15 JUDGE ITOE: Mr Biguzzi is what nationality, Mr Sesay?

16 THE WITNESS: Well, they said he's -- My Lord, I only
know
17 that he is a white man, but I don't know his nationality.

18 MR JORDASH: I don't think there will be a dispute. I
19 think he's Italian, from Italy.

20 THE WITNESS: Yes, he is an Italian. He said he is an
21 Italian/American.

22 Q. And what happened after he approached?

23 A. He said -- he said, "Commander Issa, it is for you I
have
24 come." Then I said, "Bishop, how are you?" Then I gave him a
25 chair to sit. He said, "I have come to make a complaint.
26 They've taken my vehicles away. Look at them here." He said,
27 "They removed my bishop's ring from my finger last night." He
28 said, "It was during the last night that they did this thing."
29 Then I told him, "Bishop, this" -- this -- "this man you've
met,

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1 I've already tied up." It is because of -- because they went
to
2 your house and took the vehicles from there. That's why I
have
3 tied them up." Then I asked Victor; I said, "Where is the
4 bishop's ring?" One of them presented the ring. Then I took
the
5 ring and the two vehicles' keys I gave to the bishop. The
Land
6 Cruiser and the Peugeot, I gave them to the bishop. Then the
7 bishop said, "Untie them," say, "Do. I'm pleading on their
8 behalf. Stop beating them now." So the bishop took one of
his
9 vehicles and went away, and he told me that he will give the
key
10 to one of the drivers and he'll come. So he came and took the
11 Land Cruiser and went away.

12 JUDGE ITOE: Who is the one who handed the bishop's
ring;
13 to the bishop or to you? Was it --

14 THE WITNESS: My Lord, it was to me that the key was
handed
15 over to --

16 JUDGE ITOE: The ring, the ring first. The ring, the
17 bishop's ring.

18 THE WITNESS: Yes, sir.

19 JUDGE ITOE: Those five who were tied and were being
20 beaten, who was the one that produced the bishop's ring?

21 THE WITNESS: Well, the one who presented -- the one who
22 presented the bishop's ring to me was Victor, sir.

23 JUDGE ITOE: Was Victor?

24 THE INTERPRETER: The interpreter is sorry, he cannot
get
25 all what the witness has said.

26 MR JORDASH:

27 Q. Repeat the last two sentences, please.

28 A. I said, it was Victor. When I asked for the ring, it
was
29 he who gave me the ring.

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1 JUDGE ITOE: Yes.

2 MR JORDASH:

3 Q. Anything else?

4 A. Well, like, these ones, they were under my control.
That

5 was why I disciplined them and I did it in the presence of the
--

6 of the bishop and he, too, went with the report.

Has 7 Q. Just -- I don't think there'll be any dispute on this:

8 the bishop had anything to do with your case so far?

bishop 9 A. Yes. When I was captured, when I said to him, the

that 10 wrote a statement and that he should guarantee the Court so

he 11 he could come and stand as a guarantor on my behalf, and that

At 12 will guarantee the Court that I live in his house in Makeni.

to 13 any time the Court want -- needs me, then he'll bring me down

14 the Court, in Freetown.

15 MR JORDASH: I think Mr Sesay is referring to the

gave 16 application for a provisional release, which Bishop Biguzzi

17 a statement.

From: 18 Q. 8740, please. Top of the page, "To: Black Moses.

19 Survival. 30 October 1999. Subject: Infos. Sir, upon my

20 arrival at Makeni, I have tried very hard to return life to

stopped." 21 normal at Makeni, and harassment and intimidation has

such 22 Could you tell us what it is you did to be able to say with

23 confidence this message?

I 24 A. Well -- well, the first thing, the administration, which

25 set up in Makeni before I was attacked, I made them change

responsible 26 everything. For instance, the chiefs in Makeni were

wanted 27 for collecting the market dues. So if we, the fighters,

commanders, 28 something, we would go and meet the chiefs. We, the

give 29 will say we want such-and-such a thing, and the chief will

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Makeni 1 us. But, during this time, I met the -- the AFRC/RUF in
dues. 2 were controlling the market dues; they were controlling the
these 3 They were controlling the dues at the lorry park, and all
in 4 things were the responsibilities of the civilians. That was
5 the hands of the chairman of the drivers' union and --
6 Q. Well, just stop there. Let's just try to make this
7 clearer. When you say the AFRC and RUF, before you came, were
8 controlling the market dues, what do you mean by that?
heard 9 A. Well, what I mean -- like, for instance, as I came, I
10 what I was told, that Tina Musa used to send people to go and
11 collect market dues. And even at the lorry park, she was
12 controlling there. So all taxes -- she had people that sold
the 13 tickets and the money was reported to her. So the chiefs'
14 hands --
15 Q. Sorry, it's my fault for not getting clarity. First of

16 all, what are market dues? What are they?
17 A. Okay. For instance, this is the market area. I am
selling
18 palm oil; you are selling cigarettes; the other person is
selling
19 oil; the other person is selling tomatoes. Then each price,
if
20 -- if -- the tomato, they will say you will pay 100 leones.
The
21 chief gave that price. They will issue a ticket and put it on
22 your table and you give them the 100 leones. And that money,
23 they would collect it. And for the day that -- the chief may
24 sell up to 600 tickets, and they would be able to raise up to
25 300,000 leones per day. So that money, it -- it would be led
for
26 -- for the welfare of the chiefs. And we ourselves, whenever
we
27 needed something, we'd go to the chiefs and make a request
that I
28 want such-and-such an item for the fighters, and the chief
will
29 give that money in order for all -- bought those items and
give

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1 them to me. And the chief who was in charge, who was the head
of

2 all the other chiefs, he was called Pa Alimamy. So when I was
3 not in Makeni again, all these things had ceased to exist. So
4 the Pa --

5 THE INTERPRETER: The interpreter is sorry.

6 MR JORDASH:

7 Q. Stop. Go over the last two sentences.

8 A. I said, from March, when I had left Makeni, all these
9 activities had stopped. So the -- the chiefs were strained.
10 They had no way of feeding their own respective families
again.

11 Q. How had this system changed, in your absence?

12 A. Well, they -- they told the chiefs they should not sell
13 tickets again. They made their own tickets. They had their
14 agents. Instead of the civilians that were sent by the
15 civilians, they appointed their own people who sold the -- the
16 ticket to the traders. And when they collected the money,
they
17 reported directly to them, to Gina -- to Gina Musa, SAJ Musa's
18 wife.

19 Q. Tina Musa?

20 A. Yes. So this was what was going on, from the time I had
21 left Makeni.

22 PRESIDING JUDGE: Mr Jordash, let us take a short break
at
23 this time.

24 [Break taken at 4.30 p.m.]

25 [Upon resuming at 5.05 p.m.]

26 PRESIDING JUDGE: Counsel, please proceed.

27 MR JORDASH: Thank you.

28 Q. Just to wrap up on the market dues, during the time when

29 you were not in Makeni --

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due

work

the

that

course,

in

that, I

1 JUDGE ITOE: Mr Jordash, those market women, the market
2 collectors are very powerful people in the community. They're
3 very, very powerful. Oh, yes. No local administration can
4 without counting on those people. So you know where you are
5 coming from when Mr Jordash is telling you that, remove from
6 chief's pockets, you know, into the pockets of the SLA, and
7 Mrs Musa was the person that was in charge. And that, of
8 you know, the chiefs no longer had funds to run their
9 administrations. Anyway, that was just a comment to put you
10 the right perspective.

11 JUDGE BOUTET: We have now taken judicial notice of
12 can tell you.

13 PRESIDING JUDGE: I can assure you that we don't.

14 JUDGE ITOE: No, I'm just telling you because these are
15 realities on the ground which you wouldn't know.

the

16 MR JORDASH: Well, I'm happy in that I wasn't sure if
17 evidence was clear. So it's obviously clear to Justice Itoe.

that

18 Q. When you arrived in Makeni, October 1999, the system
19 you brought into place, was that a system which is in place
20 today; do you know?

21 A. To whom?

gone

22 Q. Well, the market dues, which I think you explained had
23 to Tina Musa. When you came in, the market dues went to whom?

when

24 A. Well, when I came, they told me that the market dues,

gave

25 -- the chief used to collect it, but now it is Tina Musa who

rather

26 out tickets to the agents, and they will sell these tickets to
27 businesswomen, and the money is brought back to Tina Musa
28 than the chiefs. So that was the system I met. And I want to
29 explain a little more. When Superman attacked the SLAs in

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NGOs

1 Makeni, I want to say something about the NGOs.

2 PRESIDING JUDGE: Please do.

3 THE WITNESS: Thank you, sir. My Lord, the different

vehicles.

4 that were based in Makeni, Superman's men looted their

were

5 One of the NGOs decided, that is Action Farm, they decided to
6 take their vehicles and properties to Magburaka. So they were
7 based in Magburaka from October '99 to January 2000. They

food

8 in charge of the government hospital and they were providing
9 and medication to under-five children. They did not go to
10 Lunsar, they came to Magburaka. They went in the midst of
11 RUF-controlled areas.

12 MR JORDASH:

13 Q. But not Lunsar?

happens

14 A. No, it was not Lunsar. Instead they ran to Lunsar, they
15 went to Magburaka and they were there. They carried out their
16 activities, because I used to visit them. I'll see what

17 in the hospital. Over 3,000 children were in the hospital,
18 between the ages of one to eight were provided with food and
19 medication. And the lawyer asked me, the time I brought the
20 system about market dues in Makeni, that is from January 1999
21 and, at the same time, I also introduced the same thing in
22 Magburaka. It is the paramount chief who is responsible for

the

23 market, so he's responsible for selling out the ticket. So

that

24 went throughout, from January 1999 until the disarmament in

2001,

25 in Magburaka.

26 Q. What else did you do to return life to normal at Makeni
27 when you returned?

patrol

28 A. Well, I gave orders that no armed men has right to
29 in Makeni. If you want to go out, you leave your gun in your

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the

harassed

1 house. No one is permitted to move along with his or her gun.
2 And I ensured that -- and I ensured that I gave the orders to
3 MPs that whosoever that takes property of a civilian, or
4 a civilian, that individual should be arrested and be
5 investigated.

6 Q. What else? Anything else?

over

right

7 A. Well, I told the chiefs that they should take over their
8 market dues and the driver union chairman should also take
9 his [indiscernible]. They are the only ones that had the
10 to sell. The chiefs were the only ones that had the right to
11 sell their tickets in the market. I told the chiefs and their
12 colleagues that, if we need anything, and it is not every
13 commander that will come and make a request. If I'm not

there,

should

14 Kallon is going to make the request to the chiefs. They
15 not accept a request from every commander.

16 Q. Was there a joint security unit when you returned?

17 A. Well, when I came, those that were in Magburaka,
18 Augustine Gbao returned to Makeni. So the MPs, IDUs, they

were

19 all based at the MP office at the centre of Makeni.

20 Q. When did they start working again?

21 A. Well, just after Superman had opened fire and looted the
22 NGO vehicles in Makeni, so I believe when I arrived in Makeni,
23 within 48 hours, I ensured that I reinforced others to the MPs
24 again.

do?

25 Q. Well, just explain what you mean by that; what did you

26 A. Well, before -- when I arrived in Makeni, the civilians
27 told me that in your absence if we put on nice clothing, nice
28 crepe, if the fighters meet you along the street, they will

take

29 them off from you. This was the act of the fighters. So, I

said

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1 I don't want to listen to all these things and I don't want to
2 see them happen anymore. I told the MPs, I said, "Any fighter
3 that is based in Makeni, the right that you have as a fighter

is

4 the same right that the civilians had."

5 Q. 8742, please. The second message there: To: Survival.

6 Info: Smile. From: Superman. Sir, be informed that the

7 brother from Okra Hill have crossed towards our axis upon

8 receiving the message of the DDR programme. Even when the

ECOMOG

9 at Rogberi Junction tried to cut them off," sorry, "to cut off

10 them, they could not find them anywhere." What was the

message,

11 do you know, of the DDR programme?

12 A. Well, let me make the headline clear because the message

is

13 addressed to me. So I also inform Foday Sankoh about

Superman.

14 When I arrived in Makeni, in October, Foday Sankoh instructed

15 Superman that he should take instructions, orders from me.

That

16 was the time Superman began to take instructions from me. And

17 about the DDR, inside --

18 Q. Before we move to that, what brought this change about?

19 Superman now, from what you've told us, for the first time in

20 several years, is taking orders from you.

21 A. Interpreter, you are mistaking what the lawyer is

saying.

22 Q. Let's try again. From what you've told us, Superman did

23 not take orders from you for several years; what brought this

24 change?

25 A. Well, this change is because of the arrival of Foday

26 Sankoh. This time, Foday Sankoh had arrived and he's based in

27 Freetown.

28 THE INTERPRETER: Your Honours, can the witness please

29 lower his pace for the interpretation.

1 MR JORDASH:

2 Q. Sorry. Go slow. I think it's late in the day so
everyone
3 is a bit tired.

4 A. I said, in October 1999, Foday Sankoh had come to
Freetown
5 and he's based in Freetown. He took over the RUF as leader.
And
6 he gave instructions to Superman that he should take orders
from
7 me.

8 Q. Where was Superman based at that time?

9 A. The time this message was sent, Superman was based in
10 Lunsar, while I was in Makeni. That was November '99.

11 Q. And tell us, if you can, which was the first place to
12 disarm or go through the DDR programme?

13 A. Well, these were the message when Foday Sankoh said
Lunsar
14 shall disarm. So the disarmament was in Lunsar. The
disarmament
15 in Lunsar started in mid or late December '99 but I think it's
16 November '99 that Lunsar was disarmed. So Lunsar was the
first

17 place for RUF to disarm.

18 Q. When did Superman disarm?

19 A. In November 1999.

20 Q. Thank you. Did he go through and official programme?

21 A. Well, I didn't go to the DDR Camp in Port Loko, but when

22 the men in Lunsar, ECOMOG had transported them to Port Loko

for

23 disarmament, Superman came to Freetown. He was in Freetown

until

24 the year 2000.

25 Q. Was there any reason, or any operation -- let me

rephrase

26 that. Was there any reason why Foday Sankoh wanted Superman

to

27 take orders from you? Was there any reason on the ground?

28 A. Well, the only reason I knew Foday Sankoh could not

place

29 Superman above me because Superman is a Liberian; he will

create

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1 mixed feelings about him. So this is what I believe
necessitated

2 the orders.

3 Q. Look at 8742, the bottom message, 4 November 1999. "To:

received

4 Smile. From: Survival. Subject: Infos. Sir, I have

the

5 Colonel Eagle and others, but Superman refused to hand over

6 material I issued them during the incursion at Lunsar."

not

7 A. Yes, I saw the message. But the seven boxes, they were

box.

8 boxes, they were seven tins, seven sardines tins of AK rounds;

9 they were not boxes. And one sardine tin is equals to one

Superman

10 Q. Thank you. What I'm particularly interested in is

or

11 refusing to hand over the material at a time when you tell me,

had

12 you told the Court that Foday Sankoh had told Sam Bockarie,

13 told Superman to take orders from you. What happened?

sometimes,

14 A. Well, it was the Superman. Even Foday Sankoh,

not.

15 if he's given instruction he will accept; sometimes he will

4/11/1999

16 Q. And go over to page, 8743. You can see the top message

17 there from Foday Sankoh to Superman telling him on the

material

18 to hand over the material. Did Superman hand over the

19 after the order from Foday Sankoh?

the

20 A. When Foday Sankoh gave the orders he did not hand over

21 materials. In fact, he denied that I gave him such materials.

"To:

22 Q. 8748, please. The second message, 12 November 1999.

yesterday

23 Black Moses. From: Survival. Sir, report reached me

24 from the paramount chief in the Makuli chiefdom that there are

25 serious harassment and intimidation within the chiefdom. Sir,

the

26 this has caused one quarter of the civil populous to flee in
27 bush, as explained by the paramount chief. Sir, this area is
28 controlled by Superman with a command of a man called Oso.
29 of all, where is the Makuli chiefdom?

First

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message

1 A. I'm lost. I just want the page number. I know the
2 but I need the page number.

on

3 Q. 8748. That is not it. 8748, which is about four pages
4 from the last message. Five pages on.

5 A. 87 --

6 Q. I think that might be it.

7 PRESIDING JUDGE: Mr Courtroom Officer, would you assist
8 the witness?

9 MR JORDASH: Perhaps if the learned Court Officer could
10 pass it to me, I can find it.

11 PRESIDING JUDGE: Well, that's okay, yes.

12 MR JORDASH:

13 Q. 8748, 12 December 1999 to Black Moses from Survival.

14 MR JORDASH: Your Honour, actually, can I just raise

15 something?

16 PRESIDING JUDGE: Do. Go ahead, counsel. Please do.

17 MR JORDASH: I note the time and I know that the
18 explanation of this links in with another radio message and
the
19 explanation is quite lengthy.

20 PRESIDING JUDGE: Yes.

21 MR JORDASH: And there is the issue of exhibiting the
two
22 documents from earlier today, which I'd hoped to deal with
today.
23 So, with Your Honour's leave, I prefer to deal with the
exhibit
24 and then pick up on this tomorrow morning.

25 PRESIDING JUDGE: So you want to deal with the exhibit
now?

26 MR JORDASH: Yes. And then --

27 PRESIDING JUDGE: Very well.

28 MR JORDASH: -- whilst that is happening, I will just
see
29 if I can just read the message which I will deal with tomorrow

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1 morning.

2 PRESIDING JUDGE: Right. We'll proceed that way.

Prosecution

which

in

3 MR JORDASH: Well, could Mr Sesay be given a copy of the
4 exhibit, Exhibit 190, the Defence Exhibit 190. The
5 have provided a full copy of the exhibit which we had just one
6 copy. There is now a full copy which is eight pages long
7 is, in truth, a four-page document from the original.

8 PRESIDING JUDGE: And this is a document which you had,
9 fact, kept on hold to be --

10 MR JORDASH: Kept on hold.

11 PRESIDING JUDGE: To be introduced into evidence at this
12 stage.

13 MR JORDASH: Yes.

14 PRESIDING JUDGE: Very well. What was the title of that
15 document?

16 MR JORDASH: Memorandum to the Chief of Defence Staff.

17 PRESIDING JUDGE: Very well. Yes. Nobody had any
18 objection to that, I remember.

19 MR JORDASH: No. I would like to, if I may, put it to
20 Mr Sesay because Mr Sesay hasn't seen this one page of it.

21 PRESIDING JUDGE: Very well. Do that, yes.

22 MR JORDASH: There are copies for Your Honour.

23 PRESIDING JUDGE: Very well. Has he now familiarised
24 himself with it?

25 MR JORDASH:

the

looking

26 Q. Would you have a look, Mr Sesay, at page 25719 which is
27 page which wasn't attached before. Do you see -- you are

is
look

28 at a different page. 25719. Keep going nearer the front. It
29 where the stamp is saying "RUF O Jalloh." Yes. Just have a

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February

POWs

1 at the top there. Let me just read quickly what it says.
2 "Registered figures of surrendered SLA, SLPs and CDFs so far
3 stand out. SLA 307, SLP -- sorry, I think it might be SLA --
4 JUDGE BOUTET: Isn't it three zero?
5 MR JORDASH: I think it might be, yes. Three zero plus;
6 SLP 85 plus; CDF 836 plus; and this document is dated 11
7 1999.
8 Q. Did more -- was this the full totality of surrendered
9 by March or were there more?
10 A. Before March, yes.
11 Q. Were there more after this date?
12 A. No, no. None was there.
13 Q. None was where?
14 A. Well, when I was in Makeni, it was -- I don't know the
15 figures of the SLA but I said the number of police was 87 who
16 surrendered.

17 Q. And CDF is 836 plus; was this the full total who
18 surrendered or were there any others later on?

19 A. Well, I cannot deny because --

20 THE INTERPRETER: Your Honours, can the witness please
go
21 over the last bit.

22 MR JORDASH:

23 Q. Go over the last bit, please.

24 A. I said this was the figure I knew during the time under
25 consideration.

26 Q. Okay, just reading on:

27 "Among the civilians who have been coming out of the
bush,
28 manifested loyalty has not only been limited to
performing
29 governmental duties, but there has also been those who
have

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Such
1 been volunteering to join the RUFSL to be combatants.

2 civilians have been enlisted, encamped and subsequently

3 sent to the training base for basic ideology. Some
SLA/CDF

4 personnels have been treated likewise."

5 This report which you received, did you discuss the
6 contents of this report with anybody?

7 A. Well, it was the MP who made the report, but I did not
say
8 SLA went to the place. It was the CDF and the civilians and
the
9 RUF in Makeni who went there. The SLAs, they were with
Brigadier
10 Mani.

11 Q. Okay. Thank you.

12 PRESIDING JUDGE: Can we now receive it in evidence?

13 MR JORDASH: Can I just deal with one last point?

14 PRESIDING JUDGE: Very well. Go ahead, yes.

15 MR JORDASH:

16 Q. Page 25721, the final paragraph there:
17 "Please note that the retributions of flogging, changing
of
18 assignment areas, detention, deployments and sending to
the
19 training base for more ideology have been also meted out
20 for crimes that have not had a very serious impact on
the
21 complainant."

22 Were you aware of RUF being sent to the training base at
23 this time for this purpose?

24 A. Yes. RUF who were found guilty after investigation,
they
25 will -- they recommended them to go for the training at the
base
26 for the ideology.

27 MR JORDASH: Thank you. That's all I have on the
exhibit.

28 Can we have it exhibited, please?

and

29 PRESIDING JUDGE: Yeah. We'll receive it in evidence

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1 mark it exhibit?

2 MR GEORGE: 202 [sic], Your Honour.

3 PRESIDING JUDGE: 202, and it will be accordingly

4 designated with some indication to establish a nexus with this

5 witness.

6 [Exhibit No. 203 was admitted]

need

7 MR JORDASH: There was one final exhibit which I don't

8 to ask any further questions, and it was Exhibit 67, Your

9 Honours' page 27820. The Prosecution have checked the exhibit

10 and it can be, with Your Honour's leave, exhibited as is.

11 PRESIDING JUDGE: Yes. Was this a -- this was a --

12 MR JORDASH: This was the one from this morning.

and

13 PRESIDING JUDGE: Quite. We'll receive it in evidence

14 mark it exhibit?

15 MR GEORGE: 203 [sic], Your Honour.

16 PRESIDING JUDGE: 203.

17 [Exhibit No. 204 was admitted]

18 PRESIDING JUDGE: And do the same in respect of this

19 exhibit.

20 MR JORDASH: Thank you.

21 PRESIDING JUDGE: The trial is adjourned to tomorrow,

22 Wednesday, 23 May 2007, at 9.30 a.m.

23 [Whereupon the hearing adjourned at 5.35
p.m.,

24 to be reconvened on Wednesday, the 23rd day
of

25 May, 2006, at 9.30 a.m.]

26

27

28

29

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EXHIBITS:

40 Exhibit No. 201

61 Exhibit No. 202

114 Exhibit No. 203

114 Exhibit No. 204

WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY

10

EXAMINED BY: MR JORDASH

10