



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

THURSDAY, 24 MAY 2007
9.35 A.M.
TRIAL

TRIAL CHAMBER I

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

1 [RUF24MAY07A - MC]

2 Thursday, 24 May 2007

3 [Open session]

4 [The accused present]

5 [The witness entered court]

6 [Upon commencing at 9.35 a.m.]

7 WITNESS: ISSA HASSAN SESAY [Continued]

8 [The witness answered through interpreter]

9 EXAMINED BY MR JORDASH: [Continued]

09:40:30 10 PRESIDING JUDGE: Good morning, counsel. The trial
11 is resumed. Mr Jordash we'll continue with the presentation of
12 your client's case.

13 MR JORDASH: Thank you, Your Honour.

14 Q. Good morning, Mr Sesay.

09:49:21 15 A. Good morning, Mr Jordash.

16 JUDGE ITOE: Continuing to conclude, I hope, Mr Jordash.
17 Hopefully, hopefully, I mean.

18 MR JORDASH: I might have been slightly rushed yesterday.

19 JUDGE ITOE: I see.

09:49:36 20 MR JORDASH: But I am aiming to do --

21 JUDGE ITOE: That's right.

22 MR JORDASH: -- what I --

23 JUDGE ITOE: Make an effort, please.

24 MR JORDASH: I will, for sure.

09:49:46 25 JUDGE ITOE: Right, okay.

26 MR JORDASH:

27 Q. Before mining, Mr Sesay, I just want to ask you about
28 your domestic scene and who was living at your house. It's been
29 alleged by --

1 JUDGE ITOE: Mr Jordash, why don't -- why don't we stop
2 there? Who was living in his house, before we move to the
3 allegations.

09:50:22 4 MR JORDASH: Well, I want to give Mr Sesay the context in
5 which he can focus his mind, else we might have descriptions of
6 what he had for breakfast, which I want to avoid.

7 JUDGE ITOE: Well, let's see -- let's see what the context
8 comprises of.

9 MR JORDASH: It's a very brief allegation.

09:50:43 10 Q. It's the allegation that basically you had, Mr Sesay,
11 living at your house, members of Small Girls Unit, and the
12 allegation that you had small boys living at your house, and the
13 suggestion that there was something criminal about that. Without
14 going right back to the beginning of the conflict, let's start in
09:51:17 15 1996, who was living at your house?

16 THE INTERPRETER: Your Honour, let the lawyer repeat the
17 question.

18 PRESIDING JUDGE: He will take your advice.

19 MR JORDASH: Can the translator tell me where I need to
09:51:35 20 start the question from. I think it's a rather long
21 introduction. Do you want the last sentence?

22 THE INTERPRETER: From the Small Boys Unit.

23 MR JORDASH:

24 Q. The suggestion is that you had small boys living at your
09:51:46 25 house; the suggestion is you had small girls living at your
26 house. The implication is there is something criminal about
27 that.

28 [The Trial Chamber conferred]

29 PRESIDING JUDGE: Continue, counsel. We had just a little

1 conference, not of any consequence.

2 JUDGE ITOE: We are not conspiring.

3 MR JORDASH: It looked that way.

4 JUDGE ITOE: Against Mr Jordash, no.

09:52:24 5 MR JORDASH:

6 Q. So can you explain who was living at your house from 1996?

7 A. In 1996, in Giema, it was my bodyguards and their little
8 brothers, small brothers. They were living in my house with some
9 of their family members. Like, for example, Boys, Musa Vandí .

09:52:53 10 His mother was in my house at Giema, including Musa Vandí 's three
11 younger brothers: Momoh, Alhaji --

12 JUDGE ITOE: Mr Jordash, may we -- may we start that
13 enumeration again? He was living in his house with his boys.

14 MR JORDASH: With his boys, including a body -- with the
09:53:16 15 bodyguards and their brothers, their younger brothers.

16 JUDGE BOUTET: And mothers.

17 MR JORDASH: And mothers, Your Honours, yes. And then he,
18 Mr Sesay, said Musa Vandí , aka, Boys.

19 THE WITNESS: His younger brothers, Alhaji, Momoh and Ansu.

09:53:44 20 JUDGE ITOE: So, Boys name, real name, was Vandí ?

21 THE WITNESS: Yes, sir.

22 JUDGE ITOE: That's the man they call Boys?

23 THE WITNESS: Yes, sir.

24 JUDGE ITOE: Musa Vandí .

09:53:49 25 THE WITNESS: Musa Vandí .

26 JUDGE ITOE: I see.

27 JUDGE BOUTET: And this Boys is one of your bodyguards? He
28 is the senior bodyguard or he's just one of those?

29 THE WITNESS: He was one -- one of them, in -- in '96.

1 JUDGE BOUTET: In '96?

2 THE WITNESS: Yes, sir.

3 JUDGE ITOE: Boys was there with his brothers?

09:54:24

4 THE WITNESS: Yes, yes. Boys was there, his brother was
5 there, his mother was there, and uncle.

6 JUDGE ITOE: His brother or brothers? That's the
7 brother --

09:54:42

8 THE WITNESS: Brothers from the same mum. There were three
9 of them. Three of them, who were Boys' younger brother from the
10 same mother.

11 JUDGE ITOE: Then the uncle.

12 THE WITNESS: The uncle was in Kailahun. He was called --

13 JUDGE ITOE: We can continue.

09:55:16

14 THE WITNESS: Pa Sama, Pa Sama, My Lord. And Boy George
15 had his younger brother there and his younger sister.

16 MR JORDASH:

17 Q. And what were the spread of ages of the children that --

18 A. Like, they were from eight years to 13 years, 13, 14; that
19 was the age range of those boys.

09:55:50

20 Q. And the girl?

21 A. Well, like, Boy George, his younger sister, who was Mary,
22 in '96, he [as interpreted] would have been around nine years.

23 He -- she's also come from the same mum. That was their last
24 sister, Boy George's last sister. And we had Finda, who was

09:56:18

25 Tommy's younger sister.

26 Q. Tommy was the bodyguard?

27 A. Yes.

28 Q. How old was Finda?

29 A. Finda was around 11 in '96.

1 Q. Thank you. Did that change in '97?

2 A. It did not change; it was the same.

3 Q. '98?

4 A. In '98, it didn't change. It was only when -- it was only
09:56:56 5 when my woman elder sister came and stayed with me. She was --
6 she was staying with me in Buedu. She was Gina, and she also had
7 a small baby, and that woman was cooking. Gina was doing the
8 laundering for me. Most times if -- if he says he are not
9 feeling bright, Gina would do the cooking.

09:57:22 10 Q. And when did that --

11 JUDGE ITOE: Gina had a child. How old was the child?

12 THE WITNESS: My Lord, that baby was just -- in '98, he was
13 just one year. She was -- he was trying to walk.

14 MR JORDASH:

09:57:44 15 Q. And where were you when Gina came to stay?

16 A. Well, it was after I arrived at Buedu. I think -- Gina
17 came there before I went to Monrovia, before Mosquito sent me to
18 Monrovia in April -- in April '98.

19 Q. Okay. When you moved to Pendembu, who moved with you?

09:58:39 20 THE INTERPRETER: The interpreter did not get the question.

21 MR JORDASH:

22 Q. The question is: When, Mr Sesay, you moved to Pendembu,
23 who moved with you?

24 A. Well, it was only my bodyguards that went with me. My wife
09:59:00 25 just goes there to greet me and goes back to Buedu.

26 Q. And in -- did that change; did other people come to live
27 with you later on?

28 A. Yes. Like, after Superman had attacked me in Makeni, my
29 aunt's child --

1 Q. Before you jump to that, you're living with your bodyguards
2 in Pendembu; did you remain just living with your Pendembu --
3 with your bodyguards in Pendembu until Superman attacked you, or
4 what's the situation?

09:59:51 5 A. No. Superman didn't attack me in Pendembu. He said -- he
6 said if anything changed. I said, "Yes." I said after Superman
7 had attacked me in Makeni, that was in '99.

8 Q. Who was living with you between the time you left Pendembu
9 and the time Superman attacked you?

10:00:12 10 A. Well, like those small children, they remained in Buedu
11 with Gina. It was only my woman and my bodyguard that came to
12 join me in Makeni. So I and the woman were in Makeni from
13 January to March.

14 Q. And where was your son?

10:00:33 15 A. She was -- she stayed with Gina at Buedu [as interpreted].

16 Q. After you had been chased out of Makeni, who did you live
17 with then?

18 A. Who?

19 Q. You, who did you live with after you'd been chased out of
10:00:56 20 Makeni?

21 A. Oh, okay. When I was driven from Makeni, Superman went to
22 my aunt's house in Makeni and then they said this was Issa's
23 aunty. But, by then, my aunt was not there. So one of my aunts
24 had to escape and go to Makeni. From there, he would join me in
10:01:20 25 Kono [as interpreted].

26 THE INTERPRETER: Your Honour, the witness is too fast.

27 MR JORDASH:

28 Q. Slow down, Mr Sesay. Go back two sentences.

29 PRESIDING JUDGE: He doesn't appear to be. Mr Sesay, the

1 interpreters are complaining that you are too fast. All right,
2 let's proceed now.

3 MR JORDASH: Go back two sentences.

10:01:44

4 PRESIDING JUDGE: Try and accommodate them. Continue,
5 counsel.

6 JUDGE ITOE: Mr Sesay, it is in your interest. You have
7 been told this several times, to go slowly. It is in your
8 interest that you're properly recorded.

10:02:07

9 THE WITNESS: Yes, sir, My Lord. My Lord, I said, when
10 Superman attacked me in Makeni, Gibriil Massaquoi went to my
11 aunt's house and they harassed the people that were there. But
12 my aunt was not there, because my aunt had already run away from
13 Makeni. So, my aunty had a big daughter there, named, Ann-Marie.
14 So they had information that I had gone to Magburaka. So she,

10:02:37

15 Ann-Marie, that was -- and my big sister's daughter, whose name
16 was Lois, they went to Magburaka. From there, they joined one of
17 my bodyguard, who was called Tommy, and they joined me in Kono.
18 From there, I went with them to Buedu. So they were living in
19 Buedu in the house in 1999, until October, and then I came with
20 them back to Makeni.

10:03:02

21 MR JORDASH:

22 Q. Okay. Now, what -- what were the children doing in your
23 house, from 1996 to 2000?

10:03:25

24 A. Well, my bodyguard's family members were the only children
25 in the -- in the house. They were fighting -- they were fetching
26 water when they cook for all of us. They used to cook for all of
27 us. They would break wood for cooking. Because if Boys' mother
28 tells them to go and find wood to come and cook for them, that
29 has proved that even if they are staying with their people who

1 had come from the provinces, they would have to do that type of
2 work: To fetch water, to find wood.

3 Q. Well, were any of the children ever trained?

10:04:22

4 A. Well, some were trained. But they never took part in the
5 conflict, those who were trained, like -- like Hassan, Boy
6 George's younger brother. But, later, Hassan became big. But in
7 '96 -- from '91 to '96/'97, he didn't take part in the war.

8 Q. In '98, did he take part in the war?

9 A. Like Hassan, in '98, he had beards.

10:04:59

10 Q. He had what?

11 A. Beards, beards. And I had known him from '91. He was
12 living with me, so I know who is matured and who is not matured.

13 Q. Now, let's turn to mining. Let's start in 1996 when the
14 allegations start. Just very briefly, TF1-366 alleged that there
15 was mining, forced mining, in Kailahun in 1996.

10:05:46

16 JUDGE ITOE: If I may, Mr Jordash. Mr Sesay.

17 THE WITNESS: Yes, sir, My Lord.

18 JUDGE ITOE: Was it only Hassan that received the military
19 training? Was he the only one who received the military
20 training?

10:06:06

21 THE WITNESS: No, sir.

22 JUDGE ITOE: Which other one received military training?

23 THE WITNESS: Well, these boys, my bodyguard's younger
24 brothers, they went to the base at Pendembu, the base at Pendembu
25 in '91. But it was in '93 that they stayed with me. And from
26 '93, they didn't take part, who were Hassan, Gombu, who was
27 Victor's younger brother.

10:06:26

28 JUDGE ITOE: There was Hassan; there was Gombu.

29 THE WITNESS: Yes, sir. Then we had Abdul, who's -- who

1 was Victor's younger brother. Then we had Skinner, who was --
2 who's -- he was the son of Peter Vandi's sister, because he used
3 to call Peter Vandi, Uncle.

10:07:31

4 JUDGE ITOE: So are you saying that these ones went to the
5 base in Pendembu, but they never took part in the conflict?

6 THE WITNESS: Yes, My Lord. These ones followed their big
7 brothers when they stayed in Pendembu. But from the time they
8 stayed with me in '93, they never fought. They were only in the
9 house.

10:07:58

10 JUDGE ITOE: Thank you.

11 JUDGE BOUTET: You testified that they -- they went, to use
12 your words, they went with me since 1991. 1991, they weren't at
13 the base. What do you mean by this?

10:08:16

14 THE WITNESS: Well, My Lord, I said, these children
15 followed their brothers who were in the training base in
16 Pendembu. As far as I knew, they didn't go to the battlefield.
17 It was in '93, December, they stayed with me permanently until
18 the end of the conflict.

10:08:37

19 JUDGE BOUTET: So when you're talking of the base, you're
20 talking of the base, the training base in Pendembu, in
21 1991; that's what you're saying?

22 THE WITNESS: Yes, sir, My Lord.

23 MR JORDASH:

10:09:04

24 Q. Did -- did any of these children handle guns whilst living
25 at your house?

26 A. No. I was telling my bodyguards not to give children guns.

27 Q. Was there any occasion when it happened?

28 A. Well, when I was there, it never happened. If I am there,
29 it never happens. Unless those who were big, like Hassan, in

1 1998, who took part in the conflict.

2 JUDGE ITOE: Hassan took part in the conflict in 1998, you
3 say?

10:10:06

4 THE WITNESS: Yes, sir, My Lord. When I came to Kono in
5 December, we came together. By then, Hassan was a -- was a big
6 man. He was not a small boy again.

7 MR JORDASH:

10:10:57

8 Q. 1996. There's only been one suggestion that there was
9 mining in Kailahun, and it was forced, in 1996; do you know
10 anything about that?

10:11:19

11 A. Well, I just wanted to finish with these children's
12 affairs, and then I will answer your question. Because the
13 Prosecutor, according to what the Prosecutor has said, he said I
14 used these children to commit crimes against the civilians in
15 Sierra Leone. And, for me, I have never lived anywhere where I
16 used these children to commit crime. I was never in -- from '96
17 to 2000, where children are committing crimes against civilian,
18 that never happened.

19 Q. Okay.

10:11:44

20 JUDGE ITOE: I just want to be clarified on this. Did I
21 get you right when you said that these small boys followed their
22 brothers to the training base in Pendembu?

23 THE WITNESS: Yes, sir. That was in '91.

24 JUDGE ITOE: What were they doing there?

10:12:09

25 THE WITNESS: Well, My Lord, as I'd explained, that these
26 children -- Foday Sankoh said the child has a right to be trained
27 so that he will be able to defend himself on the attack from an
28 enemy. So these children went there to do this training in the
29 base. That is, how to escape from explosion; how to take cover

1 from a rocket or a grenade. Those were the tactics they were
2 learning. In case of any attack from enemy, these children will
3 know how to take cover.

10:12:47

4 JUDGE ITOE: So the children were accompanying their
5 brothers who were also trained, in order to teach them these
6 tactics, following Sankoh's instructions.

10:13:10

7 THE WITNESS: Yes. How to escape from attack on enemy.
8 But they were not taking full training like the adults. Like,
9 tactic ambush, they were not taking part in that. But they were
10 teaching them, like, for example, if somebody sends a grenade, we
11 should escape, how they should take cover so that this grenade
12 would not affect them. Those type of things, sir, that was what
13 I knew.

14 JUDGE ITOE: Thank you.

10:13:26

15 THE WITNESS: Thank you, sir.

16 MR JORDASH:

17 Q. Can I just ask one follow-on question from that. Could you
18 just describe, briefly, if you know, what the training would be
19 about, how to avoid being injured by a grenade?

10:14:00

20 A. Well, for example, the grenade, if you hold a grenade and
21 you want to send it to the opponent for it to explode, the
22 grenade had a safety pin, and that safety pin is what you draw
23 from the grenade. And then when you send the grenade, when the
24 grenade drops here, the grenade, before it explodes, it will come
25 to your knee level. So if you are lying flat on the ground, if
26 your body does not reach the knee level, if the grenade explodes,
27 then nothing will happen to you, nothing will hurt you. Those
28 were the type of training.

10:14:25

29 Q. 1996, was there forced mining in Kailahun, as far as you're

1 aware?

2 A. No, that was not in my knowledge. When I went to Kailahun,
3 in Zogoga [as interpreted], I never met mining going on in
4 Kailahun.

10:15:20 5 Q. Can you go over that again? Translator, the word is
6 Zogoda. Go over the answer again, please, Mr Sesay.

7 A. Yes. I had told the Court that, from April to October, I
8 was in Zogoda, when I was under investigation and was demoted.

9 So, when Mohamed Tarawallie gave me instruction to go back to
10:15:46 10 Kailahun, to go to Kailahun, when I reached Kailahun in October,
11 I never met any mining taking place there until November, when
12 Foday Sankoh came from Abidjan. Mining activity was not in
13 Kailahun until December '96. So, for the whole of '96, there was
14 no mining business taking place in Kailahun.

10:16:17 15 Q. And, in 1997, was there any?

16 A. Well, in '97, 1997, because it was in January the
17 government troops attacked Giema in Kailahun Town. So I was
18 based in Kailahun Town when Bockarie was in Buedu. So I never
19 saw mining going -- I never heard of mining taking -- going on in
10:16:49 20 Kailahun, up to May, when the government was overthrown and we
21 met with the AFRC.

22 Q. Now, during the AFRC/junta period, was there mining going
23 on in Kono?

24 A. Yes. During the AFRC government, even the minister went
10:17:12 25 there, who was SAJ; mining was going on in Kono.

26 JUDGE BOUTET: So you've moved away now from Kailahun and
27 you're in Kono.

28 MR JORDASH: Your Honour, yes. We touched upon Kailahun in
29 '98 and '99 about a week ago, very briefly, and I just wanted to

1 complete the story in Kailahun.

2 JUDGE BOUTET: Okay. Thank you.

3 MR JORDASH:

4 Q. So Kono, Mr Sesay.

10:17:38 5 A. I said yesterday, AFRC mining was going on in Kono. But I,
6 Issa, did not go to Kono for the whole of the AFRC role, from May
7 '97. I only went to Kono in February '98, when I was going to
8 Kailahun.

9 Q. Okay. Now, just try to cast your mind back to 1997 and
10:18:05 10 1998, putting -- putting aside the things you've heard about
11 mining in Kono since then. What was your state of mind? What
12 was your state of knowledge about the type of mining that was
13 going on, in Kono, during the junta period?

14 A. Well, how would I be able to explain to this Court how --
10:18:31 15 how mining was going on in Kono? I did not go to Kono. I was
16 not in control of Kono, and I had no commander in Kono who was
17 under my command. How would I be able to explain?

18 Q. Well, was there any news from people who went to Kono and
19 came back to Freetown?

10:18:55 20 A. Well --

21 JUDGE ITOE: The lawyer wants to know whether you had
22 information, whether you were told of the activities, of mining
23 activities in Kono, even though you say you did not go there.

24 THE WITNESS: Yes, sir, My Lord. I said, I did not go
10:19:22 25 there. I was not there and I had no -- no -- nobody reporting
26 from Kono to me. What I knew, yes, mining was on in Kono. The
27 AFRC authority were going to Kono, and even Bockarie himself went
28 to Kono on one or two occasions, in '97.

29 MR JORDASH:

1 Q. Okay. Well, let me ask you this: 366, TF1-366, suggested
2 that there was mining in various places in Kono, including
3 Superman Ground and PC Ground, and that the diamonds would be
4 sent to Morris Kallon and then to you -- I beg your pardon. Let
10:20:32 5 me just get this straight. This is -- let's deal with after the
6 junta. TF1-366 said that, after the junta, in 1998, the diamonds
7 from places in Kono were going to Morris Kallon and then to you
8 in Kailahun, who would then send them to Sam Bockarie.

9 A. That's a lie.

10:21:13 10 Q. Now, what did you know about diamond mining after the
11 intervention?

12 A. Well, what I knew, around June 1998, that was the time I
13 heard that Sam Bockarie had gathered some diamond miners and
14 Kennedy, he had sent them to Kono.

10:21:52 15 Q. Now --

16 A. That --

17 Q. Do you know if anything was happening, concerning diamond
18 mining, between February and June 1998, in Kono?

19 A. Well, while I was living in Kono in February, no mining was
10:22:19 20 on in Kono.

21 Q. So, how do you know?

22 A. Well, I was in Kono for three days before I left, before I
23 left Kono for Kailahun. Then I didn't observe mining activities
24 going on.

10:22:39 25 Q. So after you'd arrived in Buedu, what was the first news
26 you had then of diamond mining going on?

27 A. Where?

28 Q. Kono.

29 A. Well, I heard that Mohamed Kamara was appointed by

1 Mosquito, and they were doing some small-scale mining before they
2 were pushed out from Kono in -- in early May '98.

3 Q. And when did you hear that?

4 A. Well, I heard that when -- I heard it from Sam Bockarie
10:23:27 5 himself before he sent me to Monrovia in order for me to meet
6 Ibrahim Bah.

7 Q. And you say small-scale mining by Mohamed Kamara; what did
8 that mean, as you understood it, at that point?

9 A. Well, what I understood, only a few people that were
10:23:56 10 involved in the mining, but I did not know the exact figure
11 during that period.

12 Q. Do you know why Mohamed Kamara was the person doing it?

13 A. Well, I wasn't in Kono. I didn't know.

14 Q. Did you know Mohamed Kamara from past days?

10:24:29 15 A. Yes. I knew Mohamed Kamara as one of the Vanguard.

16 Q. And do you know what happened to the diamonds?

17 A. Well, what Bockarie had been saying --

18 THE INTERPRETER: The interpreter is sorry. He wants to
19 get the -- the witness's testimony has not been audible to him.

10:24:59 20 MR JORDASH:

21 Q. Raise your voice, please, Mr Sesay, and repeat your answer.

22 A. I said, Bockarie said the diamonds -- before he sent
23 Kennedy to Kono, the diamonds were not a serious diamond, they
24 were just very little stones.

10:25:28 25 Q. Go on.

26 A. Well, that was what I said.

27 Q. Well, did the diamonds stay in Kono?

28 A. Well, I said, Bockarie said the diamonds -- diamond went
29 with -- to Koidu. They were no better diamond; they were just

1 small, small diamonds.

2 Q. But did the small, small diamonds stay in Kono, once they
3 had been mined, once they had been found?

4 A. I said, Bockarie said Mohamed Kamara --

10:26:16 5 Q. Sorry, the translation appears to have stopped.

6 THE INTERPRETER: Yes. It's difficult for the interpreter
7 to make meaning from the first chunk. So therefore he waited, in
8 order for the witness to be asked to repeat.

9 MR JORDASH:

10:26:28 10 Q. Right. Repeat your answer, please.

11 A. I said, Bockarie said the diamonds Mohamed Kamara brought
12 to Koidu, they were very small stones; they were not valuable. I
13 said, in June -- in June, Bockarie sent Kennedy to Kono with some
14 civilians who knew about that mining, who had retreated to

10:26:55 15 Kailahun. Those were the ones that went -- went with Kennedy to
16 Kono. At that time, I was in Pendembu.

17 Q. But the diamonds which were not valuable, were they totally
18 worthless and therefore remained in Koidu, or were they of any
19 value whatsoever?

10:27:20 20 A. So therefore they were left where?

21 Q. I'm trying to work out -- were they, these diamonds which
22 were not worth anything, did they remain in Koidu?

23 A. Well, they were taken to Bockarie.

24 Q. That's what I was trying to ask you. How were they taken
10:27:44 25 to Bockarie?

26 A. I said, Bockarie said it was Mohamed Kamara who went with
27 them.

28 Q. Where did Bockarie keep them?

29 A. Well, Bockarie kept them with him, himself.

1 Q. Well, what, on his person or in a place?

2 A. Bockarie had a house. He had a room.

3 Q. Were they kept there?

4 A. Well, that was the place he used to live. I believe that;
10:28:31 5 I felt so.

6 Q. Right.

7 JUDGE ITOE: And what did he do with them, in his room or
8 in his house? What did he do with them?

9 THE WITNESS: Well, My Lord, at that time, I was not in
10 Pendembu. I was not in Buedu, I was in Pendembu. The time
11 Mohamed Kamara came in June '98 to Bockarie, when Bockarie sent
12 Kennedy to go to Kono so that Kennedy could be the mining
13 commander, I was in Pendembu.

14 JUDGE ITOE: Okay. Thank you.

10:29:18 15 JUDGE BOUTET: So, in short, you don't know?

16 THE WITNESS: Well, I wouldn't be able to say Bockarie took
17 them to such and such a place. But Bockarie had friends that he
18 had been transacting business with. But -- but when he used to
19 come from Buedu, I was not with him, so I didn't know the details
10:29:40 20 and he didn't explain the details to me.

21 MR JORDASH:

22 Q. Now, when Kennedy went to Koidu, do you know what happened
23 when he arrived there?

24 A. When I arrived in Kono in '98, that's what you meant?

10:30:29 25 Q. No. When Kennedy went to Koidu in June 1998, before you
26 get there in December, there's six months. What I'm trying to do
27 is try to find out what the state of your knowledge is; do you
28 follow? If you don't know, you don't know. That's perfectly
29 acceptable.

1 A. No. Ask your question. If I don't know, I'll tell you.
2 What I don't know, I'll tell you.

3 Q. Well, what did you know about Kennedy's activities from
4 June onwards?

10:31:10 5 A. Well, I didn't know anything. The only thing I knew, that
6 Kennedy was in Kono as mining commander. But his daily
7 activities in Kono, in '98, I didn't know. And he was not
8 reporting to me; he was reporting to Bockarie.

9 Q. Did you know who, if anyone, brought diamonds from Koidu?

10:31:43 10 A. From Kono to Buedu, the ones that I came to know that they
11 used to take diamonds to Buedu, they were -- it was in '98/'99,
12 it was Mohamed Kamara, the ones that were carrying the diamonds
13 from Kennedy to Sam Bockarie in Buedu.

14 Q. Well, Mohamed Kamara. Anyone else?

10:32:20 15 A. Mohamed Kamara, Michael Coomber, Alpha Turay and Pa Saidu
16 Mansaray -- I mean, Pa Abdul Mansaray.

17 Q. And do you know why these people were the ones selected to
18 bring the diamonds?

19 A. Well, they were the ones working together with Kennedy, and
10:32:57 20 it was Kennedy who will determine who and who would take the
21 diamonds to Bockarie, in '98/'99.

22 Q. Did Bockarie know these people?

23 A. Very well. He knew them.

24 Q. Had Alpha Turay occupied any other position within the RUF
10:33:19 25 before this?

26 A. Yes. Alpha Turay was the senior bodyguard to Pa Kallon;
27 Foday Sankoh's adviser.

28 Q. Do you know whether there were any supplies or items sent
29 in order to facilitate the mining?

1 A. Well, I would be able to comment more on the ones I saw in
2 '99. But in 1998, I wouldn't say much, because even the man who
3 was in charge said it. He said he had 60 people, in '98, who
4 were mining.

10:34:28 5 Q. Okay. Well, we'll come to that in a moment.

6 A. Well, I'm aware that, in '99, Bockarie used to send rice to
7 Kennedy. He sent condiments. He -- he sent special medicine for
8 the men's unit [as interpreted], so I knew. Cigarette. He sent
9 used cloths, by bales, for the mining unit in Kono. In '99.

10:35:04 10 Q. You said by bells. I didn't -- I heard the word by bells.

11 A. I mean junks. I'm referring to junks, shirts and trousers,
12 they were in bales, for the people that were doing the mining.

13 MR JORDASH: Can I clarify: Does everyone understand the
14 word "bales"?

10:35:51 15 PRESIDING JUDGE: Well, I'm sure that he is talking
16 about that. It is the pronunciation that sounds a little
17 different. I'm sure he is talking of B-A-L-E-S, bales. Like,
18 putting things in batches. It's the pronunciation that comes out
19 like some different pronunciation, but not the orthodox way of
10:36:11 20 pronouncing the word.

21 MR JORDASH: Thank you.

22 PRESIDING JUDGE: I'm sure that's what I got.

23 JUDGE ITOE: They're big bundles, Mr Sesay, they're big
24 bundles, aren't they, tied with strings and they're tied in a big
10:36:25 25 bale or so; is that what you're referring to?

26 THE WITNESS: Yes, sir, My Lord. That's what I mean.
27 Like, if you put 80 trousers, shirts, and they were put together
28 and tied differently.

29 MR JORDASH: Okay. I follow. Thank you.

1 Q. Now, you go to Koidu in December 1998?

2 A. Yes.

3 Q. And do you observe anything when you arrive, or soon after
4 you've arrived, concerning mining?

10:37:23 5 A. Well, I did not go to their camp because the mining --
6 Kennedy had his own camp with his workers. But I did not wait
7 there when I came to Kono. When I came to Kono, I came purely on
8 the -- for the arrangement for the attack. That was --

9 Q. Well, let's break this down. Did you have any instructions
10:37:43 10 from Sam Bockarie, concerning mining, before you left or after
11 you'd arrived in Koidu in the first few days?

12 A. I didn't -- I didn't receive any instruction from Bockarie
13 concerning the mining. The instruction from Bockarie was to come
14 and attack the ECOMOG and the CDFs in Kono. Bockarie had direct
10:38:13 15 communication with the mining commander. And he gave set, a set
16 to the mining commander before I came to Kono. He was purely
17 controlling that unit; he and the mining commander.

18 Q. Who had the set in Koidu?

19 A. It was the mining commander who had had the set before I
10:38:35 20 came to Kono. So he had direct communication and he received
21 direct instruction from Bockarie.

22 Q. When you arrived in Koidu, before making your way to
23 Makeni, did you see the mining commander?

24 A. Yes. He was in the meeting while we were planning the
10:39:02 25 attack on Kono. And even on the attack, we were together at
26 Kuyor.

27 Q. Did you speak to him about mining?

28 A. Well, the two of us did not discuss about mining, but it
29 was about the attack, and he came to join me in relation to the

1 attack. And, at that time, the mining -- when I came in
2 December, no serious mining was going on. And even according to
3 the report you heard before --

4 Q. Sorry, did you finish that answer?

10:39:58 5 A. Yes. I said, this mining in '98 was no serious mining.
6 And even people who were involved in him -- in it, what I -- what
7 they have explained in court here, the Court have heard them.

8 Q. Let me ask you this: Would you be able to speak more
9 freely in a closed session?

10:40:20 10 A. Yes. I would be able to speak in detail, in details.

11 MR JORDASH: Sorry, but I think Your Honours might be able
12 to anticipate the point of a closed session, so could I apply to
13 go into a closed session, please?

14 PRESIDING JUDGE: And for how long would this be, about?

10:40:46 15 Some kind of estimate, rough estimate.

16 MR JORDASH: Probably for around 30 minutes.

17 PRESIDING JUDGE: Can we put it about 45?

18 MR JORDASH: No, I think I --

19 PRESIDING JUDGE: Thirty is definitely convenient?

10:41:04 20 MR JORDASH: Generous, I think, 30.

21 PRESIDING JUDGE: Right, okay. Members of the public,
22 please retire for about 30 minutes. Mr Courtroom Officer, please
23 make sure the technology is adjusted --

24 MR GEORGE: Yes, sir.

10:41:27 25 PRESIDING JUDGE: -- for the purposes of closed session.

26 Yes, Mr Sesay.

27 THE WITNESS: My Lord, I want to attend the bathroom for
28 two minutes, sir.

29 PRESIDING JUDGE: Right, we'll stand down for that period,

1 right.

2 [Break taken at 10.40 a.m.]

3 [At this point in the proceedings, a portion of the
4 transcript, pages 24 to 45, was extracted and sealed under

10:41:47 5 separate cover, as the proceeding was heard in a closed session]

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1 [Open session]

2 MR GEORGE: We can now go into open session.

3 PRESIDING JUDGE: The trial is resumed in open session.

4 Continue, learned counsel.

12:18:46 5 MR JORDASH: Thank you, Your Honour.

6 Q. Do you know what two-pile is, Mr Sesay?

7 THE INTERPRETER: The interpreter cannot get the attorney.

8 MR JORDASH:

9 Q. Do you know what two-pile is, Mr Sesay?

12:19:01 10 A. Yes, I know that. I, myself, had wanted to explain
11 something before answering that question, if the Court could
12 allow me?

13 Q. Go ahead.

14 PRESIDING JUDGE: Yes, proceed.

12:19:24 15 THE WITNESS: Well, the radio log message book that was
16 brought -- given to me by the Prosecutor, you will see one
17 message there from the paramount chief in Mabonto, a gold mining
18 area, in '99. But the message was not from the paramount chief
19 himself, but the message showed that the paramount chief in
12:19:59 20 Mabonto had stopped all gold mining activities in his chiefdom.
21 So, really, if I were a person supporting this forced mining, in
22 order for us to force civilians to mine, at this time the
23 paramount chief wouldn't have had the opportunity to stop the RUF
24 from carrying out gold mining in his chiefdom; you understand?

12:20:37 25 MR JORDASH:

26 Q. Not completely. Which paramount chief stopped gold mining?

27 A. The paramount chief in Mabonto, Alimamy Bangura, he cannot
28 speak through his mouth. He had a mic in his throat. He stopped
29 the mining that -- mining should not be carried on in his

1 chiefdom in '99 and, indeed, that happened.

2 Q. Where was his chiefdom?

3 A. Well, this chiefdom is in the Tonkolili District.

4 Q. And who did he stop from mining?

12:21:24 5 A. He stopped the civilians and the RUF --

6 Q. How did he stop them?

7 A. -- who were mining there. Well, he had his chiefdom's
8 speaker. He gave him the instructions and the chiefdom speaker
9 said: All mining activities should cease in his chiefdom and,

12:21:51 10 indeed, everything concerning mining came to a halt and the
11 message was in effect.

12 Q. Well, when was this?

13 A. Well, the message is not before me here, but it was in '99.
14 I think it was '99, towards 2000. That was the time the message
15 was entered in that book.

12:22:20 16 Q. And how was he able to stop the RUF from mining?

17 PRESIDING JUDGE: Yes, Mr Harrison.

18 MR HARRISON: The Prosecution objects. We understand what
19 the witness to be doing to be simply reciting one page from an
20 exhibit. Now, a witness can certainly give his recollection of
21 the facts that are related to the exhibit. But if all he is
22 doing is simply reciting the information that he's read from the
23 exhibit that would not be admissible because it is not coming as
24 information or facts from the witness.

12:22:57 25 PRESIDING JUDGE: Is the document in evidence?

26 MR HARRISON: It's -- I think it's exhibit -- I think he's
27 referring to one of the log books which are 32 --

28 PRESIDING JUDGE: The Court exhibits?

29 MR HARRISON: Yes, I think it's 32, 33 and 34 of the

1 SITREPs.

2 PRESIDING JUDGE: Well, I think the proper procedure will
3 be that if this witness is adverting to some particular incident
4 in any of those exhibits we can, in fact, the Court can properly
12:23:23 5 have the exhibit -- give it to him --

6 MR JORDASH: Well --

7 PRESIDING JUDGE: -- rather than try to extrapolate from
8 the evidence, the document, from memory.

9 MR JORDASH: Well, I don't think he is extrapolating from
12:23:37 10 the report.

11 PRESIDING JUDGE: He is not doing that?

12 MR JORDASH: There is a radio message. I have seen it.

13 PRESIDING JUDGE: Yes.

14 MR JORDASH: And what Mr Sesay has done is, I think,
12:23:46 15 combine his own knowledge with that radio message.

16 PRESIDING JUDGE: Yes.

17 MR JORDASH: But the radio message does not include a
18 reference to the paramount chief speaking through his neck.

19 PRESIDING JUDGE: Good point, but do you agree that if he
12:23:58 20 is trying to represent to the Court what actually is in that
21 document, the best evidence is the document itself, not his
22 memory?

23 MR JORDASH: Not necessarily, no. If he had personal
24 dealings with the paramount chief, that is the best, potentially
12:24:15 25 the best evidence.

26 PRESIDING JUDGE: Well, the best evidence in the sense
27 that, in terms of his own knowledge of what transactions he may
28 have had with the paramount chief, but if he is referring to a
29 particular incident that is recorded in that document, then ought

1 the Court not to be able to see that his recollection of what is
2 in the exhibit is, in fact, accurate?

3 MR JORDASH: I can find the exhibit.

4 PRESIDING JUDGE: No. I am just saying that in a situation
12:24:45 5 like that, he has made reference to the exhibit. He is trying to
6 recollect what the exhibit says. My simple position, which is
7 not complicated, is that if he is trying to make some -- trying
8 to recollect what's in that particular document, for the purposes
9 of his answer to you, the best evidence would be the document
12:25:10 10 itself because it is possible, Mr Jordash, that his recollection
11 may be flawed; isn't it a possibility? Of the record itself.

12 MR JORDASH: I disagree with nothing that Your Honour has
13 just said.

14 PRESIDING JUDGE: Yes; quite. That is all we are trying to
12:25:30 15 do. That is what I am trying to understand; the document is in
16 evidence. So let's give him the document and he refers us to the
17 particular incident and then he can now give us his evidence in
18 the context in which he is trying to answer your question.

19 MR JORDASH: Well, if I may return to this because I will
12:25:48 20 need to find that --

21 PRESIDING JUDGE: Very well, yes.

22 MR JORDASH: -- radio message. I recall the radio message
23 but I hadn't anticipated Mr Sesay would deal with it at this
24 stage.

12:26:00 25 PRESIDING JUDGE: Yes. Mr Harrison, wouldn't that be
26 satisfactory for the Prosecution?

27 MR HARRISON: Yes, of course.

28 PRESIDING JUDGE: Yes. Because we -- thank you. Right,
29 Mr Jordash, you can keep that on hold. You are at liberty to

1 return to it.

2 MR JORDASH: Thank you.

3 Q. Two-pile; what's your understanding of two-pile?

4 A. Well, that one, it started in 2000, February.

12:26:41 5 Q. Well, what's your understanding of what it is?

6 A. Well, that one, my understanding of the two-pile, you are
7 supporting the workers, the miners. Well, after obtaining the
8 gravel, they share it into two; one for the civilian miners and
9 one is for the RUF. That is the two-pile.

12:27:24 10 Q. And during the time when Kennedy reported to Bockarie, what
11 was the arrangement with the mining?

12 A. Well, when Bockarie was there, and Kennedy was reporting to
13 him --

14 Q. Stop there. We've lost the translator. Repeat the last
12:27:59 15 two sentences, please.

16 A. I said Bockarie did not allow any commander, nobody in '99,
17 to mine in Kono, apart from the mining unit. It was only the
18 mining unit that was carrying out mining activities under Kennedy
19 in Kono, in '99.

12:28:22 20 Q. Well, was it -- what system was it? Was it a two-pile or
21 not?

22 A. No. During that time it was one pile. When the gravel was
23 obtained, it was washed. When diamond was picked there, the
24 diamond would be sent to Bockarie in Buedu.

12:28:43 25 Q. And do you know if the civilian miners received anything
26 for their labour?

27 A. Well, what I knew, except the food that was sent by
28 Bockarie to Kennedy, and the used clothing, and the medication he
29 used to give them. But when I went to Kono, when Foday Sankoh

1 sent me to Kono in February 2000, I was not giving out used
2 clothes to miners, but I introduced the two-pile system. That
3 the equipment Foday Sankoh sent to Kono, with the UNAMSIL escort,
4 the shovels, baling machines, the shakers, otherwise called
12:29:59 5 sheaves, the fuel, the pick axes and the buckets, rice and
6 condiment, these things I used to distribute. Then, when the
7 people mined, I shared the gravel into two piles: A pile for the
8 RUF, a pile for the workers.

9 Q. Okay. Now, 367 said that during 1998 and 1999 you had
12:30:47 10 boys, as in men, involved in non-government mining in Kono.
11 These were Bukoro --

12 A. Bokello.

13 Q. Sorry, Bokello, Colonel Lion, Small Kamare and Officer Med?

14 A. Okay. Let me explain about these four names. Well, in the
12:31:27 15 first instance it was a lie.

16 JUDGE ITOE: There's Bokello, Colonel Lion --

17 MR JORDASH: Small Kamare. K-A-M-A-R-E.

18 JUDGE ITOE: Thank you.

19 MR JORDASH:

12:31:41 20 Q. Okay. So Bokello, please explain?

21 A. John Bokello was a civilian who went to Makeni in January
22 2000 from Freetown. He went with his wife, who was Mimi, from
23 Freetown. So if 367 said Bokello was mining for me --

24 THE INTERPRETER: The interpreter is sorry.

12:32:27 25 MR JORDASH:

26 Q. Start the last two sentences again, please?

27 A. I said Bokello was not living within the areas held by the
28 RUF. He was in Freetown. He was a civilian.

29 Q. Did he ever involve himself with mining?

1 A. Yes. Bokello went to Kono in March 2000 from Makeni .
2 Well, when he went to Kono, he went with workers and he asked me
3 in order for me to support him, and Bokello had been working with
4 his workers on the two-pile system.

12:33:23 5 Q. Where were his workers from, do you know?

6 A. Well, he got them from Makeni . When he went and met me in
7 Kono. He met me in Kono in March of 2000. Because, during this
8 time, before this time, vehicles had been plying between Kono and
9 Makeni .

12:33:52 10 Q. Do you know what the condition of the workers were? Was?

11 A. Well, in 2000, Kono was packed. Transport was plying,
12 workers were working and it was just like normal life. You go to
13 work and in the evening you are off. You go to your
14 respective -- to their respective places. The miners were

12:34:21 15 civilians. Bokello -- and Bokello himself was a civilian. He
16 had no gunman around him.

17 Q. Colonel Lion?

18 A. Colonel Lion, the whole of 1998 he was in Kailahun. In '99
19 he was in Kailahun from January to October. So when I was
12:34:54 20 leaving Buedu to come to Makeni in October, that was the time
21 Bockarie said Lion should join me. So, from October '99, to
22 February 2000, Colonel Lion was living in Teko Barracks at
23 Makeni .

24 Q. Did he ever involve with mining?

12:35:23 25 A. Yes. That was when Foday Sankoh sent me to carry out the
26 mining in February 2000.

27 Q. And what was his involvement with mining?

28 A. Well, Lion did not have direct workers. He was in Number
29 11. When we distributed the shovels to miners, he would be there

1 for them to hand over the RUF gravel to them while the civilians
2 would take their own pile. That was Number 11.

3 Q. Where did his civilians come from, do you know?

12:36:28

4 A. Civilians started going to Kono. They started going to
5 Kono from November '99; from every part of Sierra Leone people
6 were working. People were coming from Kenema; some were coming
7 from Bo; people were coming from Makeni; people were coming from
8 Freetown here and were going to Kono.

9 Q. Small Kamare?

12:36:54

10 A. Small Kamare did not involve in mining '98/99. He did not
11 take part in any mining. Small Kamare, in fact it was in 2000
12 when he went to Kono.

13 Q. Where was he before that?

12:37:22

14 A. For the whole of '98 Small Kamare was in Kailahun. He was
15 a bodyguard to Mike Lamin. And in December '98 he was one of the
16 bodyguards Mike Lamin said he should join me to come and attack
17 Kono. And Kamare was with me in Makeni up to March when I was
18 attacked.

19 Q. And then?

12:37:49

20 A. From there, he went back to Kailahun and lived in Mike
21 Lamin's house at Buedu. From there, after the Lome, he came to
22 Freetown and he was with Mike and in 2000 he went to Kono, where
23 he joined me.

24 Q. And what kind of activity was he involved with, when he
25 joined you?

12:38:27

26 A. Well, he was in Kaisambo when the civilians were removing
27 the two piles. He was taking -- he was taking the RUF gravel.
28 When Bokello were removing the gravel he was given the RUF pile.
29 He was supervising the RUF pile.

1 Q. Kai sambo, K-A-I-S-O-M-B-O [sic]?

2 A. Yes.

3 Q. What kind of labour was he involved with?

4 A. You mean the mining?

12:39:30 5 Q. Yes.

6 A. Well, people were tripping. Sometimes if people trip it
7 would take about 20 or 25 days and then they would need some
8 gravel. Then they remove the gravel and then they divide it.

9 Q. Sorry, I should have said: What was the condition of the
12:39:52 10 miners he was working with?

11 A. Well, the condition of the mining, in 2000, it was not bad
12 for the civilians because that made the civilians started going
13 to Kono and the population increased. So, if we were harassing
14 or suffering the people, or forcing them to mine, the civilians
12:40:23 15 will not have taken transport to go to Kono on their own during
16 this time.

17 Q. Thank you.

18 A. But, you see, you will see business women coming with 200
19 to 300 bags rice straight to Kono from Freetown. So that will
12:40:42 20 prove that there was no problem within the civilians.

21 Q. Officer Med?

22 A. Well, Officer Med, I met him in Kono in December '98. So
23 it was about a week ago; and he was wounded.

24 Q. A week ago? Let me just stop you. A week ago?

12:41:15 25 A. I said I met Officer Med in Kono in December '98.

26 Q. Carry on.

27 A. And he was wounded. He was in Kailahun, part of '99 and,
28 in October, he was among the group I moved with from Kailahun,
29 through Kono to Makeni and, from October '99, to February 2000,

1 Officer Med never involved himself in any mining.

2 Q. Was he ever involved in any mining?

3 A. Yes, he did mining.

4 Q. When and where?

12:42:21 5 A. He did mining in Tombodu in December 2000 to March 2001,
6 and then I said the mining at Tombodu should stop because I was
7 running at a loss.

8 Q. This is perhaps going to take a little time but it has to
9 be done. 334 said that in 1998 to 1999 there was forced mining
12:43:16 10 in Kamara Chiefdom in Tombodu. Do you know if that's true?

11 A. Well, that was not in my knowledge and I did not see. I
12 never heard that the mine at Tombodu, in '99, even Kennedy, who
13 had the mining unit, they never mined in Tombodu in '99.

14 Q. Sukudu. 334 said that there was forced mining in Sukudu.
12:44:05 15 S-U-K-U-D-U. Do you know if that's true? This is in 1998 and
16 1999.

17 A. Well, I never heard anything about mining in Sukudu. Even
18 in 2000 I never heard of it. I did not carry out any mining
19 there. And in '99 I did -- I never heard of any mining in
12:44:37 20 Sukudu.

21 Q. 334 said that in 1998 and 1999 there was forced mining in
22 Peyima. P-E-Y-I-M-A. Is that something within your knowledge?

23 A. Well, no. That is not true because that was my first time
24 of hearing it in this Court.

12:45:01 25 Q. First time of hearing what, in this Court?

26 A. To say that in '98, in '99, they were forcing civilians to
27 mine in Peyima, this is my first time of hearing it in this
28 Court. That never happened.

29 Q. 334 said in 1998 to 1999 there was forced mining in Number

1 11; is that correct?

2 A. In '99 the mining unit never mined at Number 11. It was in
3 2000, from March, when mining took place in Number 11 but that
4 was not forced mining. It was not forced labour. It was a
12:45:58 5 two-pile system and it was a Caterpillar that tripped Number 11
6 in March. It was not forced labour.

7 Q. Same question: 1998, 1999, 334 said there was forced
8 mining? In Yardu. Y-A-R-A-D-U. Is that within your knowledge?

9 A. No, I never knew of it. This is the first time I'm hearing
12:46:31 10 it in this Court and even -- I said and even 367, he never
11 mentioned these areas all, in '98 and '99. He never mentioned
12 these areas.

13 Q. Same question: Brroma 38. B-R-R-O-M-A?

14 A. In '98?

12:47:21 15 Q. In '98 and '99, so said 334?

16 A. That place is too close to Koidu Town in '98. ECOMOG would
17 not be in Koidu Town and then ECOMOG -- RUF will mine in Brroma
18 and in '99 I never heard of any mining there.

19 Q. Knokortah. K-N-O-K-O-R-T-A-H. 1998, 1999, 334 said forced
12:48:02 20 mining there?

21 A. I never heard of that. I never heard it from anybody to
22 say that they were mining in that village in '98 and '99.

23 Q. Panyar Chiefdom, in Congo Creek. Panyar. P-A-N-Y-A-R.
24 334 said forced mining there in 1998 and 1999. Is that within
12:48:49 25 your knowledge?

26 A. I do not know about this at all and in '98 it was not
27 possible for a mining unit to mine at that Congo Bridge because
28 the bridge was between the ECOMOG in Koidu Town with -- this 334,
29 who is claiming about mining in these various areas, in '98 and

1 '94 --

2 Q. '98 and?

3 A. I'm sorry, inside '98 and '99, 334 left from Kono early May
4 and did not go to Kono until the disarmament.

12:49:53 5 Q. You were saying something about it was not possible to mine
6 at Congo Bridge. It was between ECOMOG and?

7 A. I said Congo Bridge, it is a bridge between Small Lebanon
8 and Koidu Town. So it is not possible for RUF to mine there when
9 ECOMOG was in control of Koidu Town. And this witness, all the

12:50:26 10 time that he had called that RUF were mining there, in '98 and
11 '99, this witness had left Kono early May, and never returned to
12 Kono 'til the disarmament. He was in Freetown January 6. How
13 would he know that they were mining in such-a-such village?

14 Q. Do you know in 1998 -- sorry, I will save that question.

12:51:40 15 Do you know when or if mining began in Mortema during the
16 indictment period?

17 A. Well, it was in Mortema, it was in 2000 I last saw them
18 mining.

19 Q. Well, it has been translated as that's the last time you
12:52:09 20 saw people mining; when was the first time you saw or heard about
21 mining in that place?

22 A. Well, I did not say that. I said the first time I saw
23 mining in Mortema was in 2000. That was what I said.

24 Q. Thank you, Mr Sesay. When is the first time you became
12:52:32 25 aware, if at all, of mining in Bandafaye? B-A-N-D-A-F-A-Y-E.

26 A. Bandafaye. Bandafaye. It was in 2000, when one girl was
27 called Makuta was mining there. Makuta. It was in 2000.

28 Q. How do you know that?

29 A. Well, I was the one giving shovels, baling machine to

1 somebody who had workers there who wanted to mine. That was the
2 time I knew they were mining at Bandafaye.

3 Q. But I just want to be clear: Are you saying it started
4 then or had it started before then?

12:53:35 5 A. Well, I never knew about mining there.

6 Q. I don't know if this is your answer or the translator. You
7 never knew about mining there, when?

8 A. I said I never knew about mining at Bandafaye in '98 or
9 '99.

12:54:07 10 Q. 366 said that there was forced mining --

11 JUDGE ITOE: But you knew about the mining in 2000 in
12 Bandafaye?

13 THE WITNESS: Yes, sir, My Lord.

14 JUDGE ITOE: You had been providing shovels to somebody who
12:54:27 15 was mining there?

16 THE WITNESS: Yes, sir, My Lord.

17 JUDGE ITOE: Thank you.

18 THE WITNESS: Thank you, sir.

19 MR JORDASH:

12:54:36 20 Q. Let me read you the full allegation from 366, so you know
21 what we are -- I am dealing with.

22 JUDGE BOUTET: The reference, Mr Jordash, please?

23 MR JORDASH: Could I just have a moment to find it? 7
24 November 2005, at page 94.

12:56:01 25 JUDGE BOUTET: Thank you.

26 JUDGE ITOE: If I may? Mr Sesay, you say it was -- you
27 know that in 2000 Makuta was mining in Bandafaye.

28 THE WITNESS: Yes, sir, My Lord. Bakuta. I said Bakuta.

29 JUDGE ITOE: Bakuta, not Makuta.

1 THE WITNESS: Yes, that is so.

2 JUDGE ITOE: Okay, Bakuta. What was your relationship with
3 Bakuta?

4 THE WITNESS: Well, Bakuta was a man who -- who was
12:56:32 5 working. He was not alone, but the relationship was, he would
6 come and want assistance. He would -- he have the worker. He
7 want assistance. He would come and say: Issa, I want shovel; I
8 want baling machine and food. And the condition was if Bakuta
9 goes to work and he has a gravel, he divide the gravel into two
12:56:54 10 piles. If the gravel is 400 bucket, they would put 200 there and
11 200 there, here, for the workmen and the RUF would be for the
12 RUF. That one, if he washes it, he and his workers would share
13 his diamonds with the Maraka men who was in Koakoyima within that
14 time.

12:57:16 15 JUDGE ITOE: Thank you.

16 THE WITNESS: Thank you, sir.

17 MR JORDASH: Your Honour, in relation to the question as to
18 the reference, there is also reference on page 6 on 10 November
19 2005. 10 November; did Your Honour hear? Yes. Thank you.

12:57:53 20 Q. And the brief allegation, just putting it all together for
21 you to answer questions concerning, is the following from
22 TF1-366: That there was forced mining in Mortema, Bandafaye,
23 Simbakoro, Gbeko, Bumpe, Gi eya, Yengema, Number 11, Kaisambo,
24 Kimberlite, 27 and Yellow Mosque, as well as Superman Ground, PC
12:58:42 25 Ground, Yardu Road, Tombodu. And the civilians came from
26 Masingbi, Makeni, Magburaka, Sewafe and Koidu. And that list I
27 have just given is also at page 4 of 10 November 2005 transcript.
28 So you have answered the Mortema, Bandafaye, Simbakoro; forced
29 mining 1998, 1999, 2000, Mr Sesay?

1 A. 366 was lying because --

2 Q. Sorry, 366 is where that came from.

3 A. That was what I am saying. 366 is lying because 366 only
4 came to involve in the mining when I had taken over --

12:59:53 5 Q. We are in open session, so be careful what you say.

6 A. And that was why I called the TF number. I said 366 only
7 came to involve in mining when I took over from Kennedy. I
8 appointed him in March.

9 Q. No, no. Stop. Don't say who you appointed.

13:00:22 10 A. Okay. Okay. Well, okay. 366, he was not part of the
11 mining until 2000, when I went to Kono and from March to January
12 2000, from March '99 to January 2000, this man was living in
13 Makeni and Magburaka on a daily basis. He was there.

14 Q. Okay. So let's just deal with the names quickly, if we
15 can. Was there any forced mining in Simbakoro, in 1998 to 2000?

16 A. No.

17 Q. Was there any mining in that place, in those days,?

18 A. Simbakoro?

19 Q. Yes.

20 A. No, even 2000 mining did not take place there.

21 Q. Gbeko, B-E-K-0 [sic], same question?

22 A. No, I did not see mining at Gbeko.

23 Q. Did you go to Gbeko?

24 A. I think it is a village on the main road going to Bumpe but
25 I did not see any mining there.

26 Q. Bumpe, was there forced mining in 1998 to 2000?

27 A. '98/99 there was no mining in Bumpe. It was in 2000 when
28 people started settling there, that was the time people started
29 mining.

- 1 Q. Gi eye, G-I-E-Y-E.
- 2 A. Gi eye, it was in 2000 they mined there.
- 3 Q. Yengema?
- 4 A. It was in 2000. '99, I never saw any mining there.
- 5 Q. I think Number 11 in Kaisambo we dealt with. Kimberlite?
- 6 A. Kimberlite, it was deep mining. It was in 2000. Even
- 7 people who mined in Kimberlite, the time they were about to move
- 8 the gravel, rain started coming, so that mining did not go ahead
- 9 in 2000.
- 10 Q. Yellow Mosque?
- 11 A. Yellow Mosque, mining did not go there. Even in 2000 I did
- 12 not see any mining there. Yellow Mosque, it is a village that
- 13 comes from leaving Koidu Town to Wama. That is the village they
- 14 call Yellow Mosque. Mining did not take place there.
- 15 Q. Is Number 27 in Koidu?
- 16 A. Yeah, I think Plan 27, I don't know the main place now.
- 17 Q. Do you know about mining there, if there was any in 1998 to
- 18 200?
- 19 A. Well, it was in 2000 when mining started in this area.
- 20 Q. How do you know that?
- 21 A. Well, at that time I was directing the mining at Kono, from
- 22 2000.
- 23 Q. Yardu Road?
- 24 A. Yardu Road, no.
- 25 Q. No, what?
- 26 A. No. Even 2000, I never saw people mining there.
- 27 Q. Superman Ground?
- 28 A. Well, from the time I left there in December, I never heard
- 29 that. From December 1998, I never heard that people were mining

1 there up to the time of disarmament in Kono.

2 Q. And that's the list.

3 PRESIDING JUDGE: We will now recess for lunch, and resume
4 at 2.30 p.m.

14:25:07 5 [Break taken at 1.04 p.m.]

6 [Upon resuming at 2.43 p.m.]

7 PRESIDING JUDGE: Mr Jordash, let us proceed.

8 MR JORDASH: Thank you, Your Honour.

9 Q. Good afternoon, Mr Sesay.

14:45:29 10 A. Good afternoon, Mr Jordash.

11 Q. You've dealt with the allegation of civilians being
12 transported from Makeni to Kono, and you've denied that. There
13 is an allegation, which is part of the allegation that we went
14 into before lunch, which is 366, that people, civilians, were
14:46:06 15 forced from Magburaka, Sewafe and Koidu, from 1998 to 2000.

16 THE INTERPRETER: Your Honours, the interpreter did not get
17 the name. Would the learned attorney be asked --

18 MR JORDASH:

19 Q. Pause there. Masingbi -- sorry, which name didn't the
14:46:25 20 interpreter get?

21 PRESIDING JUDGE: The interpreters, please.

22 THE INTERPRETER: The towns -- the names of towns that he
23 called.

24 PRESIDING JUDGE: All right.

14:46:36 25 MR JORDASH: Thank you.

26 Q. Magburaka, Sewafe and Koidu, and also Masingbi.

27 A. I said, that's not true. The only civilians whom I knew
28 that were loaded into a truck from Makeni to Kono, that was in
29 November to December '99. And those civilians, they were natives

1 of Kono, who were in displaced camps at Magbenteh, in Makeni.

2 Q. 041 -- sorry.

14:47:43

3 A. Well, I want you to wait for me to explain this. These
4 civilians who were at Magbenteh displaced camp, in Makeni, they
5 were not ones that made the request to me, saying that they
6 wanted me to help them so that they could be taken to Kono with
7 their families. Because they said that they had little children
8 and these children would not be able to work. And I, myself,
9 made a truck to go, three trips, and it took them from Magbenteh
10 displaced camp to Koakoyima Lorry park.

14:48:08

11 Q. Just pause there. Let's situate this in time. Magbenteh,
12 where exactly is that?

14:48:35

13 A. Magbenteh displaced camp is on the way when you are leaving
14 Makeni, when you are coming towards Lunsar. The road, the
15 highway to Freetown.

16 Q. And when did that camp begin?

17 A. Well, that camp was established in '98 -- from '98.

18 Q. Well, when in 1998?

14:49:00

19 A. Well, I was not in Makeni, I wouldn't be able to tell you
20 the time. But when ECOMOG had captured Kono, that was the time
21 that the camp had started to exist, this displaced camp in Makeni
22 which was called Magbenteh.

23 Q. And at the time of late 1998, when you attacked Koidu Town,
24 do you know how many people were in that camp?

14:49:26

25 A. No. I did not know. And even when we came to Makeni,
26 because the people left the camp initially and they came to this
27 camp later.

28 Q. Well, they left the camp initially; when did they leave the
29 camp?

1 A. Well, on -- because of the fighting in Makeni, between the
2 different groups which had met in Makeni and ECOMOG, during that
3 time, the civilians moved from the camp. But when Makeni was
4 under control, the civilians came to this place again. They
14:50:02 5 stayed in this camp until this November 1999, when they made this
6 request to me. They said they wanted me to help them with the
7 truck.

8 Q. When Makeni came under which control?

9 A. I meant when the -- Makeni came under the RUF with the
14:50:25 10 different AFRC/STF and when all of us met in Makeni, in December
11 '98.

12 Q. The people in this camp came from which places?

13 A. Well, these people came from Kono. They were natives of
14 Kono; they were Konos. The ones who were in the camp who made
14:50:48 15 the request, they were natives of Kono.

16 Q. Did you go to the camp?

17 A. Well, the camp was just by the road, yes. On the main
18 road.

19 Q. Did you go to the camp?

14:51:01 20 A. Yes, I went there.

21 Q. At what stage -- well, how was it organised?

22 A. Well, this was a displace camp which was supported by NGOs.
23 But this time around, it was the people who were there, who had
24 asked me for assistance for a truck to return to Kono.

14:51:25 25 Q. When?

26 A. They were the ones --

27 Q. Go on. Sorry.

28 A. These were the people who were in the camp, in November
29 '99, when I went there.

1 Q. And what did they ask you, specifically?

2 A. Well, they asked me, through Lawrence --

3 THE INTERPRETER: Your Honours, would the witness -- would
4 the witness call that name again? The interpreter did not get it
14:51:54 5 correctly.

6 MR JORDASH:

7 Q. Did you say Lawrence Womandia?

8 A. Yes, yes. Because some of these people knew him, so they
9 met him. They said he was to talk to me so that I could get a
14:52:09 10 truck so that he would be transported to Kono with their family
11 members.

12 JUDGE ITOE: Lawrence who?

13 THE WITNESS: Womandia, My Lord.

14 MR JORDASH:

14:52:22 15 Q. So they asked him --

16 A. So that he could talk to me so as to -- so that I can help
17 the people with the truck so that they could be transported to
18 Kono from the displace camp in Makeni; Magbenteh.

19 Q. To be transported to do what?

14:52:45 20 A. Well, so that people returned to their home, because they
21 were born in Kono.

22 Q. And did this happen?

23 A. Yes, that happened. I provided diesel for the truck which
24 was going to transport the people to Kono.

14:53:04 25 Q. Was it just the one truck?

26 A. Yes. It was the single truck that went three times.

27 Q. And when was this?

28 A. Well, I said that was in November to December '99.

29 Q. Now, 041 said that a message came from you in late 1998,

1 and the message was for people to go and mine. And 041 says he
2 gathered over 400 civilians from Makali, Gbantya Town, Masombo,
3 Makinbana and Mobanta, they were forced to go at gunpoint?

4 A. Interpreter, he said late 98? Well, late '98.

14:54:36 5 THE INTERPRETER: Your Honours, would the learned -- would
6 the learned attorney ask in order to clarify the date for the
7 interpreter?

8 MR JORDASH:

9 Q. Late 1998.

14:54:57 10 A. Well, in late '98, as I said, it was ECOMOG.

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

13 MR JORDASH:

14 Q. Go slowly, please. Repeat your answer.

14:55:21 15 A. I said this particular TF number that he called, remind me
16 of the TF number again?

17 Q. 041.

18 A. 041. This particular person, it was in January 1999 that
19 he came to Makeni, and that was the first thing that I have to
14:55:54 20 say because it was not in late '98 that December. He came in --
21 he came to Makeni in January.

22 Q. Is that the end of your answer?

23 A. And I did not force anybody. There was no civilians that I
24 forced from Makeni or any part of Makeni or Magburaka and
14:56:39 25 Masingbi. There was no civilian that I forced to put into a
26 truck to go to Kono to go and mine. That did not happen. That
27 did not happen. People had been going on their own to Kono
28 from -- from November to December '99 up to 2000. People
29 would -- went to Kono on their own. From all parts of Sierra

1 Leone they went to Kono. And these allegations, they came from
2 my own colleague RUFs. When they explained, they explained and
3 say that 400 people -- I forced 400 people and everyone in this
4 country knew that I had been indicted by the Special Court, so
14:57:37 5 these victims, the Prosecutor would not be able to put two or
6 three to say that I was a victim. When Issa forced me from
7 Makeni to go to Kono to mine, when I was put, or when we were put
8 in a truck to go to Kono to go and mine and, during this time,
9 there were a lot of civilians in Makeni. There were a lot of
14:58:08 10 civilians in Masingbi. There were a lot the civilians in
11 Magburaka. And my lawyer, during this time that we are talking
12 about, while the people from Kenema not rush to go to Kailahun,
13 but people had been rushing to go to Kono because the areas in
14 which they were they had been suffering. And the information had
14:58:41 15 been spreading that when you went to Kono RUF will not harass
16 you. That was why thousands of people had been going to Kono.
17 Q. Right. Now, I want to ask you about what you see when you
18 go to Kono, having been sent there in 2000, and what you did in
19 relation to mining?
14:59:14 20 A. When I had gone to Kono, I received three UNAMSIL trucks.
21 Q. Let's take it one step at a time: You arrive there. What
22 do you do in relation to mining?
23 A. Well, I reached Kono, and when I reached Kono at that time
24 Foday Sankoh had not yet given me mining equipment to go and do
14:59:44 25 mining, so I had to wait, so that the mining equipment could
26 come.
27 Q. So did you communicate with Sankoh?
28 A. Yes. Sankoh said I was to wait and he was going to send
29 Gibri Massaquoi with UNAMSIL escort to take the mining

1 equipment.

2 MR JORDASH: Your Honour, with Your Honour's leave, can I
3 approach your learned legal officer to ask him to send an email
4 to my office because I need something and I don't want to stop
15:00:29 5 the proceedings.

6 PRESIDING JUDGE: Leave granted.

7 MR JORDASH: Thank you. Thank you.

8 Q. Yes, go ahead.

9 A. Well, as I have been saying, I said I reached Kono and I
15:00:56 10 was there for one week. Then Gibril Massaquoi with UNAMSIL, with
11 an escort, went to get the mining equipment.

12 Q. What did you do in that week, if anything, in relation to
13 the job you had been sent to do?

14 A. Well, at that time I had not started doing anything. I had
15:01:17 15 now to wait until the equipment reached Kono.

16 Q. Mr Sesay, you're a recently deposed battlefield commander.
17 You are a well-known man in the RUF; what do you do during that
18 week?

19 A. Well, the leader had said that I was to go to Kono, so as
15:01:40 20 to go and take over the mining. So when I went I waited and he
21 said that he was going to send the mining equipment to me, so --

22 Q. We understand that but what happened --

23 JUDGE ITOE: But he did not even go directly to Kono. He
24 didn't even go directly to Kono. He went to certain places. He
15:02:01 25 was very angry and he was sent there and demoted. But then he
26 went to certain places and a friend -- he said his reaction was
27 that he was not going. His friend persuaded him and he said the
28 instructions have come from the leader. So you had better move.

29 MR JORDASH: I am not suggesting he didn't go. I'm just

1 asking him to fill in the gaps as to whether he was sitting in
2 his house twiddling his thumbs or, in fact, doing anything.

3 Q. Were you doing anything? I mean, you were not an
4 unimportant man within the RUF at this stage?

15:02:42 5 A. I had been moving. I used to go to the MP office. I would
6 go to Koakoyima. I would drive. I would not just sit in my
7 house for the whole of the day. I would move around the town.

8 Q. Explain to us if you had any involvement with the mining in
9 that first week. Did you see anything?

15:03:09 10 A. Well, that first week, if I -- that first week I did not
11 take part in the mining. It was Kennedy still who has been
12 continuing the mining. When they came with the mining equipment
13 I told Kennedy that -- I went and told him that I was in charge
14 of the mining from then and that I was waiting for the equipment
15:03:32 15 and when the equipment came from that point --

16 Q. I'm not going to get -- let you get to the equipment yet,
17 sorry. What did you speak to Kennedy about in relation to the
18 mining, if anything?

19 A. I told him that I was the one that the leader had sent to
15:03:54 20 Kono to go and take over the mining, I said, but when I was
21 ready, when the equipments came, then I would -- I would appoint
22 somebody who would replace him.

23 Q. Well, did you do any investigation into what was happening,
24 what your job was going to involve?

15:04:20 25 A. Well, I just felt that I was to --

26 THE INTERPRETER: Your Honours, I did not get the last bit
27 of the witness's testimony.

28 MR JORDASH:

29 Q. Repeat the last bit of your answer, please?

1 A. I felt that I was to work on a -- to work on a two-pile
2 system because the people were returning and their towns had been
3 burnt and the people had been going to Kono so as to make their
4 living. So that was why I said that the mining unit should
15:04:54 5 operate on a two-pile system. It was not just a mine for the
6 RUF, so it should be a two-pile system where the workers would
7 have the one pile --

8 Q. But what happened? Not what you thought, what happened?

9 A. Well, it was what happened. These two piles, two piles,
15:05:16 10 that was what happened and when I went, well, that was not what
11 had been operating.

12 Q. How did it happen then; explain to us what Issa Sesay did
13 to make this happen?

14 A. Oh, well, when they came with the mining equipment, because
15:05:39 15 it was from there that I, myself, spoke about the policy of the
16 mining.

17 Q. You spoke to who?

18 A. I talked to -- I spoke to some commanders that were in Kono
19 and civilians, and they all came to the MP's office. I talked to
15:06:12 20 The Big, who have the brigade commander. In fact, the equipment
21 were with him.

22 Q. What is The Big's full name?

23 A. Lansana Conteh.

24 Q. When did you speak to him?

15:06:26 25 A. When -- when the equipment came, I said it was to be parked
26 in his house. I told him that he was to receive the equipment,
27 that it should be offloaded and that he should take an inventory
28 of all the equipment. After that, I told him that I wanted to
29 talk to --

1 Q. Sorry, go on.

2 A. After that, the next day, the following day, the very day I
3 told The Big that he was to call his officer and that I wanted to
4 talk to them, and I said I wanted to talk to the mining officers
15:07:02 5 also. So they all went to the MP in the morning and I spoke to
6 them, what the policy was, and that everybody should operate on
7 that.

8 Q. What information were you given to suggest it wasn't
9 operating on that?

15:07:28 10 A. Cooperate with what?

11 Q. No, what information had you been given at that time, and
12 by who, to suggest it wasn't operating on a two-pile system?

13 A. When I knew -- when Bockarie said that nobody was allowed
14 to do any private mining in Kono, only the mining unit, and that
15:08:03 15 was what existed up to late '99.

16 Q. So, what happened next?

17 A. Well, I told the civilians who were there at the MP office
18 and the RUF who were there, that this mining equipment which
19 Foday Sankoh had sent, I said that I was going to operate on a
15:08:27 20 two-pile system. And that if you were a fighter and you wanted
21 to mine, you should come together. I will provide food for you
22 and the working -- working tools. And when you get the gravel,
23 the gravel should be shared into two; the one pile for the
24 labourers and one pile for the RUF. And that was the system
15:08:49 25 which we had been operated on -- operating on.

26 Q. How do you know this became the system?

27 A. Well, even the civilians, they met me and I had been
28 providing tools for them and I gave them tools and baling
29 machines and fuel. And when they got the gravel, it was divided.

1 Q. Where was mining going on when you arrived in Kono?

2 A. Well, the mining unit, or mined at Train 7, and it's also
3 mined at Small Sefadu.

4 Q. And did it continue in those places, after you'd arrived?

15:09:35 5 A. Well, it stopped at Train 7 when at Small Sefadu, when I'd
6 said that was a two-pile system, the people who were interested
7 worked, and even other people worked at Train 7. And at this
8 time, in 2000 -- I said, at this time around 2000, people had
9 been going about their business in Kono. And even at the -- at
15:10:17 10 Koakoyima, you had drug medicine stores and shops, you had the
11 market, market food, transports had been plying the route.

12 Q. Sorry, go on.

13 A. I said, the civilian transports had been plying from Kono
14 to Makeni and tankers would go with fuel in Kono, so it was not a
15:10:42 15 system which had been forcing people.

16 Q. Was there a joint security unit in Koidu, at that time?

17 A. Yes. There was joint security in Kono.

18 Q. Who was the MP commander in Kono?

19 A. The MP commander, I think it was Edwin Bockarie or Mohamed
15:11:17 20 Jalloh, but both of them were in the office.

21 Q. Is that Edwin Bockarie we've heard of before from you?

22 A. Yes, it was the same Edwin Bockarie.

23 Q. And what were -- where there, do you know, many complaints,
24 or any complaint, from civilians at that time?

15:11:52 25 A. Well, at that time, really, it was not easy to get a
26 complaint because -- but there was no organisation that was
27 perfect. Yes, there were complaints, but they were not -- they
28 were not rampant. Because I, myself, was conscious that I -- I
29 flogged two or more soldiers, you know, for harassment. But it

1 was much better because civilians had been selling their wares.
2 People were -- would stay in their barracks for the whole of the
3 night and civilians -- and people would go to Guinea. They would
4 buy goods and come. They would play football matches. There
15:12:46 5 were discos. So people attended churches. They would go to
6 mosques. There were a lot of foreigners, the Guineans, Gambians,
7 Malians.

8 Q. And do you know somebody called Chief Jonathan?

9 A. Yes, I knew him. He was the caretaker chief at Tombodu
15:13:36 10 area, Sandor.

11 Q. Did you meet him?

12 A. Yes. They used to go to me. They used to go to me with
13 the other chiefs. Because, on two occasions, the chiefs
14 themselves came and they lodged a complaint to me. And I

15:14:07 15 think --

16 Q. When -- when was this?

17 A. Well, this was -- the one was in 2000, and the other one
18 was in 2001.

19 Q. What was the complaint in 2000?

15:14:19 20 A. In 2000, Pa Sandy and the chiefs, early in the morning,
21 they came to me. They came and lodged a complaint, saying that
22 the way the people had been mining on the road by the bridge,
23 they said that if that's a bridge, we are to destroy it, it was
24 they, the Kono chiefs, that would be blamed. So he said that --

15:14:45 25 they appealed with me, to tell the people not to mine on that
26 main road; it was a bridge. I, myself, told them. We walked and
27 went there. And when we went there, I, myself, told the people
28 that, from today, nobody -- the chief said that nobody should
29 mine here, and nobody was allowed to mine here. And whosoever

1 was caught here mining would be arrested. That was one of the
2 complaints.

3 Q. Were there checkpoints on the road to Koidu Town?

15:15:27

4 A. Well, the checkpoint was -- when -- in the area when you
5 were entering Koakoyima, that was where the checkpoint was, on
6 the main road from Makeni, when we were entering Koakoyima.

7 Q. Was there any involvement of Chief Junatan with the
8 checkpoint?

15:15:54

9 A. Yes. Chief Junatan came and complained to me about the --
10 the RUF who were at the checkpoint, these checkpoints. Because
11 any road which lead out of Koidu Town had a guard post. It was
12 these guard posts that were referred to as checkpoints.

13 Q. And what was the complaint and when was it?

15:16:20

14 A. That was in 2000, when the chief said that those people who
15 had been coming from the surrounding villages, when they came to
16 sell their vegetables in the morning, the boys at the guard post,
17 they would ask them to give them some of the -- their products
18 which they came to sell.

19 Q. Did -- what happened? Did you do anything?

15:16:36

20 A. Yes. I, myself, called the MP commander. And the -- and
21 the -- and the checkpoints that were referred to, I, myself, went
22 there and I told the men that -- each time I had a complaint --

23 Q. Okay. Carry on.

15:16:58

24 A. I said, I and the MP commander, Edwin Bockarie, we went to
25 the checkpoint. One was a checkpoint that was going towards
26 Tombodu. And, two, the one towards Gandorhun. I said, I went to
27 the two checkpoints and I told the MP commanders before his
28 men -- I asked the men and the men denied and we did not have any
29 proof. And I told them that the next time, if I had any

1 complaint from the civilians, I said all of them that were --
2 they, the men, that were on the guard post, all of them would
3 bear the responsibility of what they did. And, from that time,
4 the chiefs did not bring any complaint to me anymore. So I told
15:17:35 5 him that when I'd warned the men, if they continued, he should
6 complain to me.

7 Q. Did you go to the mining sites in 2000?

8 A. Yes. I used to go to some of the areas.

9 Q. Where did you go?

15:17:51 10 A. I went to Kaisambo. And I went to Number 11. I went to
11 Small Sefadu.

12 Q. And what did you see in those places?

13 A. Well, I saw miners mining, both -- some areas, it was the
14 fighters that had been mining, and in some areas it was the
15:18:18 15 civilians. And these civilians had their own masters, under whom
16 they had been mining. And these masters were also civilians.

17 Q. And what was your communication with Foday Sankoh at this
18 time?

19 A. Well, between -- from February to -- to May, I had been
15:18:48 20 receiving messages from the radio from Foday Sankoh. And after
21 that, he started calling me on the satellite phone that he gave
22 me.

23 Q. What, did Sankoh have anything to do with the diamonds?

24 A. Yes, because that was why he sent me there, to go and mine.

15:19:06 25 Q. Well, would you like to tell us what involvement he had?

26 A. Well, when I had been mining, like, the first time that I
27 sent the diamonds. It was on the second -- food, fuel, which --
28 it was Gibri I Massaquoi we went with in Kono. He had three
29 trucks, three UNAMSIL trucks with UNAMSIL personnel. And the

1 di amond that I got from mi ning, which I got, Foday Sankoh told me
2 that when Gibri l went with the food and the fuel , I should give
3 them to him. So it was Gibri l that brought them to Foday Sankoh.
4 So he was the one that had been taki ng di amonds, to bring them to
15:19:56 5 Foday Sankoh.

6 Q. How often did he, Gibri l Massaquoi , come to get the
7 di amonds?

8 A. Well , it was two times he went and took di amonds from Kono.
9 The first time was in Makeni . That was where I gave him, and
15:20:22 10 Foday Sankoh told him that we were to meet in Makeni , so he came
11 to Freetown and I went back to Kono. And, in Kono, it was two
12 times.

13 Q. And who was it who was responsi ble for gi ving you the
14 di amonds?

15:20:46 15 A. Well , the di amonds, like Number 11, it was Li on that was in
16 charge of that place. So when they washed the RUF gravel , he was
17 the one that had been gi ving me the di amonds.

18 Q. And -- sorry.

19 A. Kaisambo. It was Kamara that was responsi ble for gi ving me
15:21:14 20 the di amonds. And 27, it was Peleto.

21 Q. Were there any other people there mi ning who had anything
22 to do wi th Foday Sankoh?

23 A. Yes. Foday Sankoh sent two Lebanese from Freetown, who
24 were in Kono. In fact, they were the ones that had been mi ning
15:21:56 25 at Number 11; they were the ones that had been sponsori ng that
26 mi ni ng.

27 Q. Can you remember thei r names?

28 A. Well , one' s name was Ali . And the other one' s name, I have
29 forgotten. There were two of them there.

1 Q. Let me ask you about what one witness said, 012, February
2 2005. This witness said that he had been forced to mine.

3 MR JORDASH: I'm afraid I'm going to have to ask to go into
4 closed session for approximately 30 minutes.

15:23:37 5 PRESIDING JUDGE: Members of the public, you are kindly
6 asked to retire for about 30 minutes. Mr Courtroom Officer.

7 MR GEORGE: Yes, sir.

8 PRESIDING JUDGE: Can you make the adjustments?

9 MR GEORGE: Yes, sir.

15:25:48 10 PRESIDING JUDGE: Mr Cammegh.

11 MR CAMMEGH: I have a note from Mr Gbao which reads, "I
12 would like to attend the bathroom."

13 PRESIDING JUDGE: Leave is granted.

14 MR CAMMEGH: Thank you.

15:25:59 15 [At this point in the proceedings, a portion of the
16 transcript, pages 78 to 108, was extracted and sealed under
17 separate cover, as the proceeding was heard in a closed session]

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OPEN SESSION

1 [Open session]

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

3 PRESIDING JUDGE: Thank you. Let's proceed, counsel.

4 MR JORDASH: Thank you. Could I ask for Mr Sesay to be
17:15:19 5 given a copy of Defence Exhibit 364, Your Honours, page 28014.

6 PRESIDING JUDGE: Give us the page reference again.

7 MR JORDASH: 28014.

8 JUDGE BOUTET: But this is 28015 that you are concerned
9 about?

17:16:32 10 MR JORDASH: Your Honour, yes. The actual -- the potential
11 Exhibit is 28015.

12 Q. Do you recognise that document, Mr Sesay?

13 A. Yes, I can recall it.

14 JUDGE ITOE: The document is 15, 015?

17:17:08 15 MR JORDASH: 28015. Yes, Your Honour.

16 Q. What did this relate to?

17 A. Well, this is a report that the MP made to me saying that
18 one of my guards, who was Lieutenant-Colonel Saquee, he came to
19 Makeni and he harassed the civilians in Makeni. That is the
17:17:39 20 report that he made. He said that he sent Saquee to Makeni, to
21 the MP office, so that he could answer questions with regards
22 that.

23 Q. And was it followed up?

24 A. Yes.

17:18:06 25 Q. Could you explain how?

26 A. Well, I sent Saquee so that he could be investigated and --

27 THE INTERPRETER: Your Honours, will the witness go over
28 the last bit of what he said.

29 MR JORDASH:

1 Q. Go over the last sentence, please.

2 A. I said -- I said he was investigated, and he was punished.

3 Q. And what punishment?

4 A. Well, he was locked up in Makeni.

17:18:31 5 THE INTERPRETER: Your Honours, would the witness be
6 instructed to speak a little bit louder.

7 MR JORDASH:

8 Q. Speak loudly, Mr Sesay.

9 A. I said he was detained in Makeni and, after that, I told
17:18:44 10 the MPs, the MP commander, I said he was to be transferred to
11 Kono where he would undergo punishment through the MP in Kono
12 and, indeed, Saquee, people knew that I had been flogging him,
13 even with regards the harassment of one woman. He drank the
14 woman's beer, in Koakoyima, and when the woman asked him to pay,
17:19:16 15 he did not pay the woman and he insulted the woman.

16 Q. Keep your voice up; when was that?

17 A. That was late 2000.

18 Q. I don't think we've heard about a Saquee before. Who
19 exactly was he?

17:19:39 20 A. Saquee was a bodyguard to Akim Turay and he was with Akim
21 in '98 and '99 but when Akim was staying in Freetown with Foday
22 Sankoh, and after when they had arrested Foday Sankoh, I myself
23 took Saquee with other men and I took him to be a guard to me
24 with other men. It was in, I think, June or July 2000. That was
17:20:10 25 the time that I took Saquee as one of my guards.

26 Q. Could I --

27 JUDGE BOUTET: Before -- Mr Sesay, you were talking of this
28 report that you have in front of you would appear to be dated 20
29 April 2000; am I right? This report to you.

1 THE WITNESS: Yes, sir, My Lord. You are correct.

2 JUDGE BOUTET: You gave some evidence about this individual
3 Saquee doing something by December 2000. So is this a second
4 incident or is it the same? So I am just trying to follow up
17:20:49 5 what you've been talking about.

6 THE WITNESS: Well, My Lord, I've -- I think that I've
7 responded to this document, you see, when -- before I gave the
8 reference about what Saquee did. The reference to this document,
9 I said that the MP sent this document to me. When the MP
17:21:07 10 commander requested that I should send Saquee from Kono to Makeni
11 so that he could go and answer questions that were levied against
12 him when he harassed civilians, and indeed, I sent Saquee to
13 Makeni. So when the MPs had locked him up and they detained him,
14 then the MPs reported to me that they -- that he was found guilty
17:21:25 15 and I said that he was to be transferred to Kono for punishment.

16 And when he came he was locked up in the MP where he had been
17 cleaning the MP office and they started flogging him and, after
18 that, I said the same Saquee, in late 2000, he went and drank
19 one --

17:21:43 20 JUDGE BOUTET: Okay. You've answered my -- it's a second
21 incident so, at the end of 2000, it's another incident with the
22 same individual?

23 THE WITNESS: Well, this is what I'm explaining about the
24 woman, the woman's beer that he drank from, was the second
17:21:57 25 incident and that was the time that I flogged him.

26 JUDGE BOUTET: You've answered my question. Thank you.

27 JUDGE ITOE: You said Saquee was whose bodyguard before,
28 before he came to you, whose bodyguard was he?

29 THE WITNESS: My Lord, Saquee was Akim Turay's bodyguard in

1 '98 and '99. I took him to be one of my guards in June, July
2 2000, because Akim had been arrested in Freetown.

3 MR JORDASH: Could I request, please, that this document,
4 the two pages 28015 and 28016 be exhibited, please?

17:22:44 5 PRESIDING JUDGE: Mr Touray, any objection to the document?

6 MR TOURAY: No objection, Your Honour.

7 PRESIDING JUDGE: Mr Cammegh?

8 MR CAMMEGH: No, thank you.

9 PRESIDING JUDGE: Mr Harrison?

17:22:56 10 MR HARRISON: No.

11 PRESIDING JUDGE: Right. The document will be received in
12 evidence and marked Exhibit 205.

13 [Exhibit No. 205 was admitted]

14 PRESIDING JUDGE: 205 and you will make an appropriate
17:23:08 15 designation on it to establish the nexus between the document and
16 this witness.

17 MR GEORGE: Yes, Your Honour.

18 MR JORDASH: Could I ask that Mr Sesay be given Defence
19 Exhibit 221, please. Page 27830 for the cover sheet, 27831, the
17:23:33 20 actual exhibit. Perhaps I can shortcut things as well by asking
21 that Mr Sesay be given Defence Exhibit 220 at the same time,
22 which is page 28122 for the cover page, 28123 for the exhibit.

23 JUDGE ITOE: Which one first? Which will we visit first?

24 MR JORDASH: I think we will visit the first one in time
17:24:40 25 which is 28--

26 JUDGE ITOE: 31?

27 MR JORDASH: 28123, please.

28 JUDGE BOUTET: What is it? 28 --

29 MR JORDASH: 123.

1 Q. Mr Sesay --

2 A. Yes.

3 Q. Do you recognise the --

4 JUDGE ITOE: Is that Defence Exhibit 220?

17:25:36 5 MR JORDASH: Your Honour, yes.

6 Q. Looking at 220, and the text there, Mr Sesay, Peoples Army
7 of Sierra Leone, to General Sam Bockarie from Brigadier Mike
8 Lamin, 16 June 1999. Is this a document you recognise, or is --
9 or are the contents of the document something which are familiar
10 to you?

17:26:00

11 A. Yes, I can recall the document. It was report from Mike
12 Lamin to Sam Bockarie, and Mike Lamin, he was the one that was
13 representing the combatants in Lome during the negotiations, and
14 this was a report which Mike sent to Bockarie.

17:26:27

15 Q. And where was Lamin at the time when he sent this?

16 A. Well, Lamin was in Lome. He was in the negotiations.

17 Q. And did you see this document at the time, or soon
18 thereafter?

17:26:54

19 A. Well, when Mike Lamin sent the report he himself had to
20 come and I saw this same copy with Mike when he had showed it to
21 Bockarie and he showed it to me, myself.

22 Q. And do you know how widely it was distributed?

23 A. Well, they wanted their rank and file. The rank and file,
24 the fighters, to know.

17:27:18

25 Q. To know what?

26 A. To know what was the outcome of the Lome. See, what were
27 the negotiations between the RUF and the Government of Sierra
28 Leone.

29 Q. And do you know, and carefully: Do you know whether these

1 proposals became part of the Lome agreement?

2 A. Well, that was what Mike told me.

3 Q. Right. Thank you.

17:27:58

4 MR JORDASH: Could I apply, please, for this to be
5 exhibited?

6 PRESIDING JUDGE: Is it being exhibited with the cover page
7 28122?

8 MR JORDASH: No, thank you.

9 PRESIDING JUDGE: Just 28123.

17:28:09

10 MR JORDASH: To 28125.

11 PRESIDING JUDGE: To 2815, yes.

12 MR JORDASH: It's the three pages, please.

13 PRESIDING JUDGE: Good. Counsel for the second accused,
14 any objection?

17:28:20

15 MR TOURAY: No, Your Honour.

16 PRESIDING JUDGE: Counsel for the third accused?

17 MR CAMMEGH: No, thank you.

18 PRESIDING JUDGE: And counsel for the Prosecution, any
19 objection?

17:28:28

20 MR HARRISON: I would like to inquire of the Court, if
21 permitted, whether this document was shown to any witnesses
22 before Mr Sesay? Any witnesses who came to court?

23 MR JORDASH: No.

17:28:44

24 PRESIDING JUDGE: Well, I don't know whether we can answer
25 that. You can answer?

26 MR JORDASH: It wasn't.

27 PRESIDING JUDGE: It wasn't.

28 MR JORDASH: It wasn't, no. I am thinking -- speaking off
29 the top of my head, I don't think we found it until after the

1 Prosecution case had finished.

2 PRESIDING JUDGE: Very well.

3 MR JORDASH: I will check on that.

4 PRESIDING JUDGE: Yes.

17:29:01 5 MR JORDASH: But I think that is the situation.

6 PRESIDING JUDGE: Mr Harrison, anything further?

7 MR HARRISON: No, the Prosecution does not object to this
8 document.

9 PRESIDING JUDGE: Thanks. The document will be received in
17:29:12 10 evidence and marked Exhibit 206.

11 [Exhibit No. 206 was admitted]

12 PRESIDING JUDGE: And should be appropriately designated to
13 show the link between this document and the witness.

14 MR GEORGE: Yes, Your Honour.

17:29:36 15 MR JORDASH: And then if --

16 PRESIDING JUDGE: Yes, Mr Jordash.

17 MR JORDASH: Thank you.

18 Q. Mr Sesay, do you recognise Exhibit 221, Defence Exhibit
19 221? Your microphone isn't on.

17:30:18 20 A. Sorry. I said I can recall it because my signature is on
21 it. Bockarie asked me to sign on behalf --

22 THE INTERPRETER: Your Honours, would the witness be asked
23 to speak up.

24 MR JORDASH:

17:30:39 25 Q. Speak up, please.

26 A. I said I signed this document. I knew about it because Sam
27 Bockarie was not around, so he asked me to sign the document and
28 dispatch it to the various front lines in Kailahun on his behalf.
29 That was what I wrote for, and I signed the document.

1 JUDGE BOUTET: What's the page again, Mr Jordash, of that
2 one?

3 MR JORDASH: 27831.

4 JUDGE BOUTET: 831. Thank you.

5 PRESIDING JUDGE: Yes, Mr Jordash.

6 MR JORDASH: May that be exhibited, please?

7 PRESIDING JUDGE: Very well. Just one page?

8 MR JORDASH: Just the one page, please.

9 PRESIDING JUDGE: Thank you. Counsel for the second
10 accused, any objection?

11 MR TOURAY: No objection.

12 PRESIDING JUDGE: Counsel for the third accused?

13 MR CAMMEGH: No, thank you.

14 PRESIDING JUDGE: And counsel for the Prosecution?

15 MR HARRISON: No objection.

16 PRESIDING JUDGE: The document is received in evidence and
17 marked Exhibit 207 and will be appropriately designated to
18 establish a link between the document and the witness.

19 MR GEORGE: Yes, Your Honour.

20 [Exhibit No. 207 was admitted]

21 MR JORDASH: Your Honour, the next subject is the --
22 concerns the abduction of the UNAMSIL peacekeepers.

23 PRESIDING JUDGE: And that is going to take some time?

24 MR JORDASH: Well, I'd hoped to finish it by the end of
25 tomorrow morning.

26 PRESIDING JUDGE: Very well.

27 MR JORDASH: I think that is realistic.

28 PRESIDING JUDGE: And it is a new subject, is it?

29 MR JORDASH: Well, it is a new subject and then there is

1 the disarming, which I hope shouldn't take too long.

2 PRESIDING JUDGE: Very well.

3 JUDGE BOUTET: So does that mean that you will have
4 finished tomorrow?

5 MR JORDASH: Without a doubt.

6 JUDGE BOUTET: Can we accept that?

7 MR JORDASH: Well, it depends, actually on --

8 JUDGE ITOE: I am not very sure, I am not sure as
9 Mr Jordash is.

10 MR JORDASH: Well, I will certainly finish those two
11 subjects.

12 PRESIDING JUDGE: I am prepared to keep an open mind.

13 JUDGE ITOE: I am too.

14 PRESIDING JUDGE: The trial is adjourned until tomorrow,
15 Friday, 25 May 2007 at 9.30 a.m.

16 [Whereupon the hearing adjourned at 5.30 p.m.,
17 to be reconvened on Friday, the 25th day of
18 May 2007, at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 205	112
Exhibit No. 206	115
Exhibit No. 207	116

WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY	2
EXAMINED BY MR JORDASH	2