



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

THURSDAY, 31 MAY 2007
9.34 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 Mr Vincent Wagona Ms Amira Hudroge (Case manager)
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph Mr Tobias Berkman
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF31MAY07A - CR]

2 Thursday, 31 May 2006

3 [The accused present]

4 [The witness entered Court]

5 [Open session]

6 [Upon commencing at 9.34 a.m.]

7 WITNESS: Issa Hassan Sesay [Continued]

8 CROSS-EXAMINED BY MR CAMMEGH: [Continued]

9 [Witness answered through interpreter]

09:44:13 10 PRESIDING JUDGE: Good morning, Mr Cammegh. Let's see if
11 you can live up to the commitment you made yesterday.

12 MR CAMMEGH: I can't remember what that was, Your Honour.
13 Can you remind me?

14 PRESIDING JUDGE: I do not intend to give you further and
09:44:24 15 better particulars, but I remember a commitment. However, let
16 us --

17 MR CAMMEGH: I remember committing to be longer than
18 Mr Touray. I think I can commit to certainly finishing today.

19 PRESIDING JUDGE: Very well.

09:44:37 20 MR CAMMEGH: It may be into this afternoon.

21 PRESIDING JUDGE: Right. Well, please continue your
22 cross-examination.

23 MR CAMMEGH:

24 Q. Mr Sesay, good morning.

09:44:48 25 A. Good morning, Mr Cammegh.

26 Q. What I would like to ask you about is, first of all, the
27 RUF command structure as it was in 1996. And then I would like
28 to ask you some questions about unit commanders and area
29 commanders. I'd like to ask you about the personalities in

1 charge in various positions and, later on this morning, to ask
2 you more, in particular, about the IDU and later about the Joint
3 Security Board of Investigation. After that, I'm going to ask
4 you one or two specific questions about what was said about one
09:45:29 5 or two witnesses. So, can we start with command structure. In
6 1996, of course, the leader was Foday Sankoh, and the battlefield
7 commander was Lieutenant-Colonel Mohamed Tarawallie; do you
8 agree?

9 A. Yes, Foday Sankoh was the leader, and Mohamed Tarawallie
09:45:57 10 was the battlefield commander, and then you had the overall area
11 commander, who was Michael Lamin.

12 Q. Can I just gradually take us through it, because I want to
13 keep some sort of structure. Is this right: That in '96 there
14 was, in effect, no battle-group commander?

09:46:24 15 A. Well, '96, from January to November, there was no
16 battle-group commander. It was in November 1996 when Foday
17 Sankoh reappointed Sam Bockarie as battle-group commander.

18 Q. In fact, Sam Bockarie had been demoted, hadn't he, from
19 battle-group commander down to staff sergeant for most of '96; is
09:46:54 20 that right?

21 A. Yes, from major, battle-group commander, to staff sergeant
22 by Foday Sankoh and -- and the War Council. They took that
23 decision.

24 JUDGE BOUTET: At that time, Bockarie was a major, before
09:47:21 25 he was demoted?

26 THE WITNESS: Yes, sir, My Lord. Bockarie was a major
27 battle-group commander, '94 to '95. In '95, Foday Sankoh demoted
28 him from major to staff sergeant. Then he was sent to the
29 training base for a month for advanced training on ideology, and,

1 from then, he sent him to Peyama as captain battalion commander
2 under the area commander who was there, Kennedy.

3 MR CAMMEGH:

09:48:18 4 Q. You will probably remember when I cross-examined three -- I
5 won't ask that question. This is right though, isn't it, the
6 position of overall area commander was created by Foday Sankoh
7 for Mike Lamin when Mike Lamin resurfaced in 1996? Is that
8 right?

9 A. Yes, that's correct; in the meeting at Zogoda.

09:48:45 10 Q. And did Mike Lamin remain as overall area commander until
11 about November or December of 1996, when, following the SLA, or
12 CDF attack on Zogoda, he escaped into Liberia? Is that right?

13 A. That has some -- because you -- it requires explanation.
14 Some areas yes, some areas I need to alter.

09:49:30 15 Q. Please go ahead.

16 A. Mike Lamin was the overall area commander early '96, and he
17 went to the Northern Jungle, the Kangari. He went to the Western
18 Jungle. From that point, he went to -- back to Zogoda, and they
19 attacked Zogoda in October, and it was dissolved. So, Mike Lamin
09:49:52 20 remained with that position, and he retreated to --

21 THE INTERPRETER: Your Honours, can the witness take --

22 PRESIDING JUDGE: Slowly, slowly please. Please go back.

23 THE WITNESS: Yes, sir, My Lord.

24 PRESIDING JUDGE: To the last sentence and let's hear the
09:50:09 25 testimony again.

26 THE WITNESS: I said, Mike Lamin remained as the overall
27 area commander when they retreated from Camp Zogoda to Pujehun
28 District and, because of the attack on them, they crossed over to
29 Liberia and surrendered to the ULIMO. So, at that time, it was

1 not yet December '96; It was late in October.

2 MR CAMMEGH:

3 Q. Okay. Can you confirm this: That Lamin led that -- I'll
4 use the word "expedition" into Liberia. He was the leader of
09:50:58 5 that group; correct?

6 A. Yes, he was the senior commander in Pujehun.

7 Q. He wasn't just holding a mere advisory role to the
8 battalion commander then; he was actually the leader of the
9 group? Yes?

09:51:18 10 A. Yes, because the group was divided into two from Camp
11 Zogoda. Mohamed Tarawallie was a field commander, he was the
12 head of one group, and Mike Lamin was in charge of the other
13 group, as the area commander, to go to Pujehun. The intention
14 was that Mike Lamin should base with the troop in Pujehun

09:51:43 15 District, to join the other RUF in Pujehun, while Mohamed
16 Tarawallie was to join the other RUFs in Kailahun.

17 Q. I think Lamin led more than a thousand RUF combatants into
18 Liberia, didn't he, with their arms and ammunition?

19 A. Yes, with arms, because it was -- because they lacked
09:52:15 20 ammunition that they went over to Liberia to surrender, but he
21 led the thousands of armed men who crossed over to Liberia and
22 surrendered.

23 Q. And as a result of that, did he become extremely unpopular
24 within some quarters of the RUF for disposing thousands of men
09:52:43 25 and, presumably, thousands of weapons?

26 A. Yes, that was the reason why Foday Sankoh made him only a
27 colonel. And he said he was an adviser to Bockarie, because
28 Sankoh was not pleased with him because of what he did.

29 Q. Well, of course, Lamin was made a colonel a bit later,

1 wasn't he, in '97; is that right, when he resurfaced a second
2 time.

3 THE INTERPRETER: Your Honours, can counsel repeat the
4 question.

09:53:23 5 PRESIDING JUDGE: [Microphone not activated]. Mr Cammegh,
6 repeat the question.

7 MR CAMMEGH: I'm not sure if Mr Lamin [sic] said something
8 then that wasn't translated.

9 PRESIDING JUDGE: No, it's just that the interpreter asked
09:53:37 10 you to repeat the question.

11 MR CAMMEGH: Yes. I'm sorry, I can't remember what the
12 question was.

13 JUDGE ITOE: Mr Cammegh, I would like to make a distinction
14 between questions and assertions as you're going along with your
09:53:55 15 cross-examination. I'd like to see a distinction. Are you
16 making an assertion or a statement, or you're asking a question,
17 you know, for the witness to answer. The that's the only comment
18 I have to make now.

19 MR CAMMEGH: Very well.

09:54:14 20 Q. I'm sorry, Mr Sesay, can you remember what I've asked you,
21 because I've lost it now.

22 A. Yes, you said the time in which Foday Sankoh promoted
23 Lamin, and I responded that the time Foday Sankoh promoted Lamin,
24 he was in Liberia, he was not in Sierra Leone, when Foday Sankoh
09:54:37 25 promoted -- sent the promotion message through a radio message to
26 Bockarie.

27 Q. Just returning to the end of '96, I think the battlefield
28 commander, Tarawallie, was killed on his way from Zogoda to
29 Kailahun District; is that right?

1 A. Yes, yes.

2 Q. Now, at that time, if we can just confirm the general
3 command structure operating.

09:55:24

4 JUDGE BOUTET: By that time, you mean after Tarawallie was
5 killed?

6 MR CAMMEGH: At that time, it's at the end of '96.

7 Q. Let's say November '96, please, Mr Sesay. The area
8 commander in the Kangari Hills, was that Major Isaac Mongor?

09:55:52

9 A. He was Colonel Isaac at that time. During this time, he
10 was a major, speaking of November '96, Major Isaac Mongor.

11 Q. I want to be very careful. We're talking about November
12 '96. I want to make sure that we get the names and the ranks
13 right. I know that the ranks change later, but this is November
14 '96. Was the area commander in the Western Jungle, at that time,
15 Major Denis Mingo, or Superman?

09:56:17

16 A. Yes, Denis Mingo, and Superman, alias Superman.

17 Q. In Kailahun District, was the area commander at that time
18 Staff Captain Peter Vandt?

19 A. Yes, it was Peter Vandt.

09:56:48

20 Q. Thank you. In Peyama Jungle, was the area commander Staff
21 Captain Matthew Kennedy Sesay?

22 A. Yes, Matthew Kennedy Sesay.

23 Q. Was there also an area commander for the region known as
24 "across the Moa," Captain Michael Rogers?

09:57:20

25 A. Yes, he was the area commander for Pujehun, when they
26 retreated.

27 Q. At this time, November into December of 1996, would it be
28 fair to say that the area commanders were now the ones in
29 complete control and command of the RUF.

1 A. Yes, at this time, between November and December, the area
2 commanders were commanding the RUF. They had the responsibility
3 of the various areas, to control the various areas in the RUF.

4 Q. I'm going to deal with the issue of unit commanders in some
09:58:17 5 depth a bit later. But is there any doubt in your mind as to
6 whether or not a unit commander occupied the same level of
7 responsibility as an area commander, at that time?

8 THE INTERPRETER: Your Honours, can the learned counsel
9 take the question again?

09:58:51 10 MR CAMMEGH: Can I ask what the problem is, please?

11 PRESIDING JUDGE: They probably didn't get it clearly.

12 MR CAMMEGH: Right. I'll put it again.

13 PRESIDING JUDGE: Try again, counsel.

14 MR CAMMEGH: I will ask the translators to try as well,
09:59:09 15 please.

16 PRESIDING JUDGE: They try.

17 MR CAMMEGH:

18 Q. At this time, late 1996, were the unit commanders occupying
19 the same level of command and control as area commanders?

09:59:43 20 A. Well, the area commander had -- was -- was higher in
21 control than the unit commander, because he had responsibilities
22 over the unit commanders.

23 Q. Okay. I will ask you a bit more about that later on. At
24 the end of '96, Mr Sesay, I think it's right --

10:00:10 25 JUDGE BOUTET: Mr Cammegh, so I get it clear, when you were
26 asked to repeat your question, you came with the words "command
27 and control," but your very first question that caused some
28 difficulties, your question was: Same level of responsibility,
29 rather than command and control.

1 MR CAMMEGH: Well, I will ask that question, if Your Honour
2 please.

3 JUDGE BOUTET: Because the answer is not necessarily the
4 same.

10:00:35 5 MR CAMMEGH: No.

6 JUDGE BOUTET: Command and control of a unit commander may
7 be the same if you are talking command and control over the
8 people, that is why you got this answer, so, I know what you are
9 trying to achieve but --

10:00:44 10 MR CAMMEGH: I think the words, did Your Honour recall,
11 level of responsibility?

12 JUDGE BOUTET: That's the words that you'd used.

13 MR CAMMEGH: Okay.

14 Q. Mr Sesay, just to clear this up once and for all, at that
10:00:55 15 time, late '96, did unit commanders occupy the same level of
16 responsibility within the RUF as area commanders did?

17 A. No. I said the area commanders had responsibility more
18 than the unit commanders, because they had a lot of men, more
19 than the unit, and they controlled the fighting force.

10:01:29 20 Q. Okay. At this time, Foday Sankoh was in the Ivory Coast in
21 relation to the peace talks; correct?

22 A. Yes.

23 Q. I think Bockarie still hadn't been repromoted to
24 battlefield commander at this stage; is that right?

10:01:58 25 A. Well, Foday Sankoh came from Abidjan with the Foreign
26 Minister Amara Sesay; he came with a helicopter. They came --
27 they went to Kailahun and Foday Sankoh told us that -- and he
28 told us that he was coming to tell the RUF fighters and the
29 civilians that it was time for him to go and sign the peace

1 accord, so he wanted everybody to know, everybody to be aware.
2 And Foday Sankoh went to the Northern Jungle -- on that very same
3 day he went to the Western Jungle, and they returned with a
4 helicopter to Balahun, and we walked with Foday Sankoh to -- from
10:02:49 5 Balahun to Giema. For two days we walked to Giema and we left
6 him in Buedu. During that time the government forces, the
7 soldiers, and the CDF were attacking us in Kailahun, and Foday
8 Sankoh was in Balahun at that time. He came with a satellite
9 phone. So he was there and called to Freetown and spoke to
10:03:28 10 President Kabbah. He told President Kabbah that -- he said, "I
11 have come and I am in the Western Area. I have been to the
12 Northern Jungle and now I'm in Kailahun. I came to tell the
13 people about the signing of the Abidjan Accord."

14 Q. Okay.

10:03:45 15 A. He said -- but let me just finish.

16 Q. Okay.

17 A. He said, "But the government troops, the CDFs were
18 attacking the positions in Kailahun and President Kabbah
19 responded to what Sankoh told him that he should repeat it --

10:04:06 20 THE INTERPRETER: Your Honours, can the witness go slow.

21 MR CAMMEGH:

22 Q. Slow down, Mr Sesay. Can you just go over the last two
23 sentences, please [microphone not activated]?

24 PRESIDING JUDGE: Okay, continue then.

10:04:20 25 THE WITNESS: Yes. President Kabbah told Foday Sankoh that
26 he was not able to control the people, the CDF, because they said
27 they were going back to Kailahun, to their homes. Sankoh said,
28 said that this did not cause a problem for the accord and they
29 quarrelled over the phone, and the communications finished and we

1 walked to Buedu. That was in November '96, before Sankoh went
2 and signed the accord.

3 MR CAMMEGH: Okay.

10:04:54

4 Q. Now, I think very soon after this, as I think you've
5 mentioned already, Sam Bockarie was promoted to major, and to
6 battlefield commander; correct?

10:05:22

7 A. No, that is not how it happened. Foday Sankoh, in a parade
8 in Giema, he promoted Sam Bockarie to major from captain and
9 battle-group commander. Then he repromoted me to major without
10 any assignment, because he said that he was not going to promote
11 or change Peter Vandi's assignment as area commander. He said he
12 was to stay in Kailahun as area commander. During this time,
13 Bockarie was battle group, November '96.

10:05:46

14 Q. All right. Thank you. I think the unit commanders, or the
15 identities of the unit commanders, stayed the same; is that
16 right, at that point?

17 A. Yes, they remained the same.

10:06:18

18 Q. Okay. I think we agreed yesterday that Augustine Gbao was
19 appointed overall IDU commander, and chairman of the Joint
20 Security Board of Investigation previously, in early 1996. So he
21 was already in that position; correct?

22 A. Yes. When I came, that is what they told me. They said he
23 was the overall IDU commander.

10:06:40

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

26 MR CAMMEGH:

27 Q. Can you repeat the last sentence, please, Mr Sesay.

28 A. I said, he was in that position as overall IDU commander
29 and joint security chairman.

1 Q. Would you describe the unit as administrative auxiliaries
2 to the RUF, or to the military wing of the RUF? Would that be
3 accurate?

4 A. Yes, it would be correct.

10:07:24 5 Q. You've touched on this already, but will you please confirm
6 they had no command or control over, one, the area commanders;
7 correct?

8 A. I don't understand the question.

9 Q. You've already said, I think, that they -- no, you tell us.
10:07:46 10 Did they have any command or control, that's unit commanders, did
11 they have any command or control over area commanders, at all?

12 A. Interpreter, that was not what I said a minute ago. I said
13 that the area commanders, they had a control, more than unit
14 commanders. I did not say that unit commanders had more control

10:08:15 15 more than the --

16 THE INTERPRETER: Your Honours, I didn't get the last bit.

17 MR CAMMEGH: I'll just clear this up.

18 Q. You can answer this with a straightforward yes or no,
19 Mr Sesay, and I'm sure we can move on. Did unit commanders have
10:08:29 20 any command or control over area commanders? Just say yes or no.

21 A. No.

22 Q. Okay. Also, did unit commanders have any command or
23 control over battalion commanders?

24 A. Well, unit commanders -- no. They did not have control
10:09:00 25 more than the battalion commanders. Unit commanders, most of
26 them were contained unarmed men and the battalion commanders, he
27 controlled fighting forces, so they were two different groups.
28 The unit would control this --

29 THE INTERPRETER: Your Honours, would the witness be asked

1 to go a little bit slow.

2 PRESIDING JUDGE: Mr Sesay. Mr Sesay, please, slow down a
3 bit. Try not to outpace the interpreters. Repeat the last part
4 of your testimony.

10:09:40 5 THE WITNESS: Yes, sir, My Lord. I said, sir, the
6 battalion commander, they were controlling fighting men under the
7 area commander. The unit commanders, they were commanding
8 unarmed men. They were sort of administrative people, but they
9 had -- they had the opportunity to report straight to the
10:10:03 10 commander, who was in the area. Or, if it was the overall
11 commander that was there, they would report to him in the place
12 in which they were. But the battalion commander, he would report
13 to the area commander --

14 PRESIDING JUDGE: Thank you.

10:10:25 15 THE WITNESS: -- at this time.

16 PRESIDING JUDGE: Continue, counsel.

17 MR CAMMEGH: Thank you.

18 Q. There were several units, I suggest. You had the combat
19 medic unit; yes?

10:10:35 20 A. Yes.

21 Q. The cultural unit?

22 A. Yes.

23 Q. S4, concerned with logistics and food supply; yes?

24 A. Yes.

10:10:58 25 Q. G4 for arms and ammunition?

26 A. Yes.

27 Q. Was there a communications unit dedicated to field radios
28 and their operators?

29 A. No. You need commanders -- well, at this time that we're

1 talking about, November/December 1996, no, unit commanders did
2 not have radios on their own. The radio which the area commander
3 had been using, if the unit commander wanted to send a message to
4 the other area, that was the radio he would speak through, then
10:11:36 5 the operator would send the radio message. But unit commanders
6 did not have any radios on their own during this time.

7 Q. There wasn't an individual communications unit then; is
8 that what you're saying?

9 A. No, the radio set was for the area commander.

10:12:01 10 JUDGE BOUTET: That's the question --

11 PRESIDING JUDGE: You wanted to know whether there was a
12 separate and distinct category called a communication unit.

13 MR CAMMEGH: That's what I was driving at.

14 PRESIDING JUDGE: That doesn't seem to be --

10:12:12 15 MR CAMMEGH:

16 Q. Was there a separate unit called a communications unit?

17 A. Yes, yes. [Indiscernible].

18 Q. Okay, thank you. Was there a separate unit called the
19 artillery unit?

10:12:25 20 A. Well, artillery were under G4.

21 Q. Okay.

22 A. They had been working with the G4.

23 Q. Was there a mechanics unit at any stage?

24 A. Well, at this time, they were there, but we had not been
10:12:46 25 using vehicles, so they had not been functioning,

26 November/December, but the unit existed, and the commander was
27 one civilian, old man.

28 THE INTERPRETER: Your Honours, the interpreter did not get
29 the name of the civilian.

1 MR CAMMEGH:

2 Q. What was his name?

3 A. Pa Palmer. An old man, Mr Palmer.

4 Q. Was there an education unit at any stage for schools and
10:13:21 5 basic educational activities?

6 A. Yes, yes, it existed, but it was not during this time.

7 Q. Okay. Did it come into being in '98 in Kailahun?

8 A. Yes, that was the time that it was effective, in '98.

9 Q. You've told us about the MP unit for discipline; yes?

10:13:55 10 A. Yes.

11 Q. There was a G5 unit for civilian affairs; correct?

12 A. Yes.

13 Q. You've told us about the IDU for investigations and
14 security; would you agree?

10:14:11 15 A. Yes, I would agree.

16 Q. There was an IO or intelligence office for intelligence,
17 particularly intelligence coming from the front line; would you
18 agree?

19 A. Yes.

10:14:35 20 Q. And was one of the peculiarities about the IO the fact that
21 they would report directly to the leader, and no one else, where
22 possible?

23 A. Yes, they would only report to the leader.

24 Q. And finally, was there a Black Guards Unit, Sankoh's, or I
10:15:10 25 imagine Bockarie's personal bodyguards; would you agree?

26 A. Yes. Those were Foday Sankoh's --

27 Q. Thank you.

28 JUDGE BOUTET: But the question that was posed to you was:
29 Was it Sankoh's and Sam Bockarie's; were the Black Guards Unit a

1 unit for Bockarie as well?

2 THE WITNESS: Well, the unit, it was Foday Sankoh that --

3 MR CAMMEGH:

10:15:51

4 Q. When Sankoh was out of the country, did the Black Guards
5 automatically transfer their attention to Sam Bockarie?

6 A. Yes, especially when they had arrested Sam Bockarie --

7 Foday Sankoh, yes.

8 Q. Mr Sesay, were they, in fact, the only unit to have their
9 own field radio?

10:16:16

10 A. The Black Guards, yes; you're right.

11 Q. Thank you. Were unit commanders responsible for the
12 behaviour and conduct of their own men within the unit?

10:17:11

13 A. Well, yes. But there was a problem during this time around
14 because you had a unit -- you had unit people in the Western
15 Jungle, and in the Northern Jungle, and you also had them in
16 Kailahun, and those units, if they had -- was in Kailahun, then,
17 if he was the overall, for example, the combat medic, the combat
18 medic, the overall was in Kailahun and, if you had a combat medic
19 who was the head for the Western Area, and the other medics would
20 work under him in the Western Area. And that combat medic, he
21 would not report to his overall in Kailahun, he would report to
22 the area commander with whom he was operating. That was how it
23 operated.

10:17:38

24 Q. Thank you. Furthermore, would this be right: That, for
25 example, an IDU commander could not be held responsible within
26 the RUF for the behaviour and conduct of personnel in, for
27 example, the IO; would you agree?

10:18:03

28 A. Repeat the question, please.

29 Q. Would an IDU commander -- I'll start again. Could an IDU

1 commander be held responsible within the RUF for the behaviour
2 and conduct of personnel in the IO?

3 A. No, an IO individual wouldn't do something that you capture
4 the IDU commander, no.

10:19:15 5 Q. Thank you. 371, you will remember --

6 A. Yes.

7 Q. -- told us that the IDU was, in fact, an umbrella
8 organisation containing the IO; would you agree?

9 A. No, I wouldn't agree, because the IO was an independent
10:19:47 10 unit, which was created by Foday Sankoh. That is what was
11 referred to as IDU. It was a separate unit. The IO was a
12 separate unit.

13 Q. And, in fact, did the IU [sic] have its own overall
14 commander who, until his unfortunate death from tetanus after a
10:20:06 15 car accident in 1999, was called AB Mannah, M-A-N-N-A-H; correct?

16 A. Yes, Foday Sankoh appointed this man as overall IO
17 commander and, from '94, then the man died. This man died in '99
18 from a vehicle accident in Makeni. And he was killed by tetanus,
19 early '99.

10:20:46 20 Q. And was he immediately replaced by an overall commander
21 called Ben Kenneh, K-E-N-N-E-H?

22 A. Yes, when AB Mannah died, because all of us came to Makeni.
23 At that time --

24 THE INTERPRETER: Your Honours, I did not get the last
10:21:13 25 segment of the witness's testimony.

26 MR CAMMEGH:

27 Q. I'm so sorry, Mr Sesay. I think you're going to have to
28 repeat your last sentence again. I know it's very, very hard not
29 to go too fast, but I think we're going to have to slow down.

1 It's probably my fault.

2 A. I said -- I said, this man, AB Mannah, he was the overall
3 IO commander. He died in an accident, and he died of tetanus.
4 It was early '99 in Makeni, and Mosquito --

10:22:00 5 Q. And Mosquito what? You said, "And Mosquito"; were you
6 going to say something else?

7 [The Trial Chamber conferred]

8 PRESIDING JUDGE: Learned counsel, continue. I'm sorry for
9 that distraction, but it was necessary.

10:23:30 10 MR CAMMEGH: That's all right. I hope it wasn't my fault.

11 PRESIDING JUDGE: No. Go ahead, yes.

12 MR CAMMEGH:

13 Q. Mr Sesay, I think actually you were about to tell us
14 something about Mosquito.

10:23:48 15 A. Yes. I said, when AB Mannah died, Mosquito had to replace
16 him with Ben Kenneh. He was the one that was appointed by
17 Mosquito as the overall IDU commander, who was the unit head.

18 Q. Okay. Just moving on to area commanders, is this right:
19 That an area commander of the RUF was responsible for the
10:24:25 20 behaviour and conduct of men within their area of command?

21 A. Yes.

22 Q. And according to correct practice, were they supposed to
23 give salute reports to the control station every morning,
24 afternoon and evening?

10:25:07 25 A. You mean the area commander to give report to the control
26 station?

27 Q. Yes. To give details of activities within their
28 operational areas.

29 A. Yes, but now -- yes, the area commanders reported all

1 activities in their area to the control station.

2 JUDGE BOUTET: But the question was were they reporting
3 that three times a day. That was part of the question: Morning,
4 noon, and evening.

10:25:50 5 MR CAMMEGH: I should clear that up. Your Honour's right.

6 THE WITNESS: Well, My Lord, it was based on the
7 situation -- it was based on the situation in which the area
8 commander was. If there was fighting in that area, he would send
9 a message --

10:26:05 10 THE INTERPRETER: Your Honours, the interpreter did not get
11 all that the witness has said, the latter part. Would he be
12 asked to repeat.

13 PRESIDING JUDGE: Mr Sesay, please repeat that part of your
14 testimony.

10:26:16 15 THE WITNESS: Yes, sir, My Lord. I said, it was based on
16 the situation in the area where the area commander had been
17 controlling. So if it was a fight situation that was on, that
18 area commander would report four or five times a day. He would
19 send messages to the control station four or five times a day.

10:26:38 20 But if there was no fighting going on and everything was calm,
21 the area commander would report that his area was calm and there
22 was no area in the control station. That was the daily routine.

23 MR CAMMEGH: Thank you.

24 JUDGE BOUTET: Mr Sesay, can you tell me what you mean by a
10:27:04 25 "control station", in this jargon.

26 THE WITNESS: Well, My Lord, from January '94 to '96,
27 before Foday Sankoh left for Abidjan, it was Foday Sankoh's
28 station that was the control station. When Mohamed Tarawallie
29 left Zogoda, the station at Zogoda was the control station. So

1 when Foday Sankoh appointed Mosqui to in November --

2 THE INTERPRETER: Your Honours, would the witness be asked
3 to clarify what he meant by loss in Krio. It is ambiguous.

4 PRESIDING JUDGE: Mr Sesay.

10:27:50 5 THE WITNESS: Yes, sir, My Lord.

6 PRESIDING JUDGE: The interpreters want you to explain what
7 you mean by the word "loss" in Krio. Did you say "loss" or
8 "lost"?

9 THE WITNESS: No, sir, My Lord, I said -- I said, when
10:28:11 10 Mohamed Tarawallie died, because, during that time, he came from
11 Zogoda to come to Kailahun, and it did not take long, he died.
12 He died. That's what I meant, sir. He was killed on the way.

13 PRESIDING JUDGE: I see. Very well, then.

14 MR CAMMEGH:

10:28:26 15 Q. Where was the control station after Zogoda? Was it Buedu?

16 A. Well, after Zogoda, Foday Sankoh came in November, and when
17 Foday Sankoh left, Bockarie was at Giema. From
18 November, December, the control station was in Giema. Then when
19 they attacked, the CDF, the SLA attacked Giema in January 1997,
10:28:58 20 then Bockarie transferred to Buedu. There, the control station
21 was, up to May '97.

22 Q. Thank you. Is this right: That the only commanders with
23 the power to exert command or control over the units were -- I
24 suggest there were five of them -- the leader; would you agree?

10:29:56 25 A. Yes. Go ahead, I'm listening.

26 Q. Okay. The battlefield commander; yes?

27 A. Well, you said -- I don't know. But I'm hearing two
28 different words.

29 PRESIDING JUDGE: Mr Cammegh, why not give him the complete

1 list and let him see how he can deal with it.

2 MR CAMMEGH: This is what I prefer to do.

3 PRESIDING JUDGE: Yes, so that we can make life less
4 complicated.

10:30:24 5 MR CAMMEGH: I didn't want to be accused of wrapping up
6 five separate questions into one.

7 PRESIDING JUDGE: No, no, but he probably -- this would be
8 permissible if that -- I mean, he is quite an experienced
9 witness.

10:30:35 10 MR CAMMEGH: Yes.

11 Q. So the only commanders, I suggest, with power over units
12 were the following: The leader; the battlefield commander; the
13 battle-group commander; the area commander; and the battlefield
14 inspector.

10:30:58 15 A. What time frame are you talking about?

16 Q. I'm talking about '96 up until the coup.

17 A. Well, then, you wouldn't present it like that, because the
18 events changed, things changed. But if you ask a general
19 question from '96 up to the coup, that's not how it operated, so
10:31:25 20 that's why I would explain.

21 Q. Please do.

22 A. Because from January to November, there was no battle-group
23 commander. So you want me to -- how do you want me to answer
24 that question, that the unit was under a battle group, when there
10:31:43 25 was no battle-group commander, Mr Cammegh.

26 Q. Well, I'm talking in theory, Mr Sesay. In theory, would
27 those five have been able to order a unit commander?

28 PRESIDING JUDGE: I think this confrontational posturing
29 might, in fact, be attenuated if we let him explain.

1 MR CAMMEGH: Yes.

2 PRESIDING JUDGE: It may be the question is complicated.

3 MR CAMMEGH: Yes.

4 PRESIDING JUDGE: And he can unravel the complication for
10:32:12 5 us. So let us give him time. Mr Sesay, give us the explanation
6 that you think will enlighten us.

7 THE WITNESS: Yes, My Lord. Like, in '96, from January
8 to November, the IDUs, who were the MPs, the IO, who was in the
9 Western Jungle, they had been reporting to the area commander.
10:32:46 10 It was the same thing in the Kangari Hills. It was the same
11 thing at Peyama Jungle; the same in Kailahun. You see, sir, so,
12 before this time, for example, Mohamed Tarawallie, he was in the
13 Western Jungle. He was a field commander. But the IDU commander
14 at Giema, from January '96 to October, he was reporting to the
10:33:18 15 area commander in Kailahun. You see, so, these unit commanders,
16 during this time in these jungles, they had been reporting to the
17 area commanders, under whom they had been operating.

18 PRESIDING JUDGE: Thank you. Counsel, proceed.

19 MR CAMMEGH:

10:33:37 20 Q. I think my question is directed more towards the theory,
21 perhaps, than the practice. I just want to know, or just want
22 you to confirm, if you can, please, that the individuals with the
23 power to issue orders to unit commanders were the leader, the
24 battlefield commander, the battle-group commander - if there had
10:34:09 25 been one - the area commander, and the battlefield inspector. On
26 principle, would you agree with that?

27 A. Yes, they had power as individual commanders to give
28 instructions, to give instructions to [microphone not activated].

29 Q. And is this right, that a unit commander could not query

1 the activities of another unit commander. I mean, the unit
2 commander of a separate unit without authorisation from one of
3 those five authorities? Would you agree with that?

4 A. Yes, the -- the -- the other unit commander did not have
10:35:10 5 authority to query the other unit commander. But if the other
6 unit commander did something, then Foday Sankoh sent instructions
7 to the other unit commanders so as to query that other unit
8 commander, that would happen, but on their own, the unit
9 commander did not have authority over another unit commander.

10:35:30 10 Q. I'm sorry this is so laborious, but you have just been
11 telling us about how the structure worked up until May of '97.
12 How did it work after that, up until 2000? Could you describe
13 that for us quickly?

14 A. Mr Cammegh, please repeat.

10:36:05 15 Q. You've indicated how the command structure operated from
16 '96 to '97. You appeared to indicate earlier on that, after the
17 coup, it changed in a way. Can you describe how it changed, if
18 at all?

19 A. Well, I feel that I have not yet come to the coup what we
10:36:40 20 have been discussing here. It was January '97 that I mentioned
21 when Giema was attacked. But you mean how it operated in '97,
22 '98 to 2000?

23 PRESIDING JUDGE: Can he take it in shorter time frames, or
24 you want him to take it in that consolidated and aggregated time
10:37:06 25 frame?

26 MR CAMMEGH: I'll ask this question, if I may.

27 Q. From '97 to 2000, Mr Sesay, was the method, was the
28 structure the same? Did it change?

29 A. Well, the unit commanders were still there, because the

1 unit was a structure. So -- but what I saw and I knew in '97,
2 for instance, the RUF came to Freetown, and I did not know any
3 function of the IDU in Freetown, nor did I know any function of
4 G5s in Freetown. It was the same in Bo, the same in Makeni.

10:37:57 5 Q. But if we return to the theory, was the theory of command
6 and control over units the same as it had been in '96?

7 A. Well, you had a lot of units. The units, there were
8 changes, because the signals, they changed. But the IDU, in '97,
9 '98, the same commander who was operating was Gbao. The MP
10:38:39 10 before the coup, Foday Sankoh appointed Saidu Kallon in '96, then
11 Sam Bockarie came and appointed his own MP commander in '97. In
12 '98, he appointed an overall MP commander.

13 Q. Perhaps I'm not making myself clear. I'm simply asking if
14 the command and control structure, that is the command of units,
10:39:12 15 had changed after the coup?

16 A. Well, after the coup, yes, as I said, some of these units
17 were not functioning in certain areas but in '98 it was the same
18 as the units were operating before. Like for instance Kono, the
19 unit members would report about the problems to the man who was
20 in charge of Kono, who was Superman. For example, when we were
21 in Pendembu in '98, Bockarie appointed me as a field commander
22 and Augustine Gbao would come with him but he would not report to
23 me. So the IDU who was in Pendembu would get the defence
24 information and would report to me. So, it's like you would --

10:40:16 25 The interpreter: Your Honours, can the witness take that
26 bit.

27 PRESIDING JUDGE: Could you repeat the last bit of your
28 testimony, Mr Sesay. Slowly.

29 THE WITNESS: Yes, sir, My Lord. I said, for example, in

1 '98, I was in Pendembu. The MP -- I was in Pendembu. The IDU
2 commander who was in Pendembu was John Gavawo. John Gavawo was a
3 member of the unit which he was heading. But the activities in
4 Baima, Mobai, Kwiva, in the front line, John Gaffou was reporting
10:40:59 5 directly to me in Pendembu. So this was how the units operated.
6 Since the unit commanders was on the ground, the unit commander
7 would report to you, because if it was a problem he could solve,
8 there was no need for him to isolate you.

9 THE INTERPRETER: Your Honours, the witness is not clear.

10:41:30 10 PRESIDING JUDGE: Let's try again. You ask a theoretical
11 question and then you seem to be getting a functional operational
12 answer. You probably need to -- perhaps if you refocus the
13 question and reformulate it, we might make some progress.

14 MR CAMMEGH: I'm not sure how to do it.

10:41:52 15 PRESIDING JUDGE: You are a very creative person.

16 MR CAMMEGH:

17 Q. Mr Sesay, you've told us that units -- no, from '97 to
18 2000 --

19 A. Mr Cammegh, you're talking about a different
10:42:18 20 administration. You can't talk about '97 to -- talk about '97 to
21 '99. Because, in 2000, by that time, Foday Sankoh was the
22 leader. He had come in.

23 Q. Yes. Let me start all over again. I'm sorry, this is
24 going to take a long time, but I need to get there.

10:42:32 25 PRESIDING JUDGE: Evidently, he wants to co-operate with
26 you.

27 MR CAMMEGH: Of course.

28 PRESIDING JUDGE: Right.

29 MR CAMMEGH:

1 Q. From May '97 to 2000, could unit commanders interfere with
2 other unit commanders?

3 A. No.

10:42:57

4 Q. Right. If, however, they were given authorisation from
5 either the leader or the battlefield inspector, or the
6 battle-group commander, or, by then, the brigade commander, or a
7 the battlefield inspector, could they then interfere with another
8 unit commander?

10:43:25

9 A. Well, if, for example, Peter Vandi was the overall brigade
10 commander in '99, and he was in Kono, the brigade MP commander in
11 Kono, the brigade G5 commander would report to Peter Vandi in
12 Kono. So the -- these unit commanders who were in Makeni, in the
13 same time in '99, were reporting to me.

10:44:14

14 Q. I wonder if you would like -- if I could just go back to my
15 question. If you could just answer my question, then I am really
16 anxious to move on from this. It's very simple: Could a unit
17 commander interfere with another unit commander's activities?

10:44:29

18 A. Well, certain of the units, there was collaboration. Like,
19 for instance, when you talk about the security aspect, like,
20 in -- in late '99 to 2000 the MP, the IDU, and the IO were
21 separate units, but since they were all security, so they would
22 exchange ideas and they would set up, and it's from those units
23 they would set up representatives in which they called -- which
24 they called panel of investigators. So if somebody commits a
25 crime, you would have a representative from the IDU, from the
26 MP --

10:45:06

27 Q. I'm going to come on to the Joint Security Board later. I
28 just want to know this, and I have to get there, so we are going
29 to have to keep hammering away at this until we get the answer.

1 Could a unit commander interfere with the activities of another
2 unit commander; tell him what to do; interfere with his work
3 without authority from the leader, the battlefield, the battle
4 group, the brigade commander, or a battlefield inspector?

10:45:43 5 JUDGE BOUTET: I think, with respect, Mr Cammegh, he has
6 answered that question.

7 JUDGE ITOE: I think he has answered that question very
8 clearly.

9 JUDGE BOUTET: At least twice. That one I think --

10:45:53 10 JUDGE ITOE: If not twice.

11 JUDGE BOUTET: That one, it's the next one that you may
12 have difficulty, but that one, I would suggest to you, has been
13 answered quite clearly.

14 MR CAMMEGH: If Your Honours are happy with the answer then
10:46:04 15 I will --

16 JUDGE BOUTET: With that one. I'm not talking of the
17 subsequent question; that one.

18 MR CAMMEGH: I'm sorry, Your Honour, I'm not sure what
19 subsequent question you're referring to; if you could assist me
10:46:21 20 by --

21 JUDGE BOUTET: The one as to whether a unit commander may
22 interfere in the activities of another unit commander without any
23 authority. The answer to that is no.

24 MR CAMMEGH: Yes.

10:46:31 25 JUDGE BOUTET: At least the witness has told you no.

26 MR CAMMEGH: Your Honour referred to a subsequent question,
27 I'm not quite sure --

28 JUDGE BOUTET: The question is, if it is with authority
29 from the brigade and so on and so on. That's where you get some

1 confusion.

2 MR CAMMEGH: Yes, all right.

3 Q. Well, I'm going to move on from this subject, Mr Sesay, and
4 I'll accept your answers that you've given. Can you just help me
10:47:01 5 with some promotions, please, in 1997. Can you confirm whether
6 these are right: Major Sam Bockarie was promoted to a full
7 colonel and appointed battlefield commander, I think you've told
8 us that already?

9 A. Correct.

10:47:23 10 Q. Was Major Mike Lamin promoted to a full colonel in the role
11 of military strategist and adviser to the leader; is that right?

12 A. Well, Foday Sankoh did not say it was a strategy. He
13 promoted him to colonel and adviser.

14 Q. But the word adviser, that was made clear to everybody in
10:47:52 15 the high ranks of the RUF, was it? Everyone knew that Lamin was
16 the adviser?

17 A. Yes, and even with Foday Sankoh's administration, you can
18 be the commander. And he would send a Vanguard, who is an
19 adviser, an experienced man who, at times, would be more senior
10:48:22 20 than you, the commander. Most times, that was what Foday Sankoh
21 did. He would advise Bockarie, because Bockarie was a military
22 commander, not a civilian commander. He was a military adviser.

23 Q. So far as you were concerned, after the May coup, after
24 Lamin reappeared, which I think was in June of '97, was Lamin a
10:48:48 25 member of the High Command of the RUF?

26 A. Yeah. From the morning Lamin was a High Command, he was a
27 member. From '91, he was a major High Command. From the
28 morning, in the RUF, he was a senior man who trained the
29 Vanguards.

1 Q. Would you have described him as a member of the High
2 Command in early '99?

3 A. Yes, because during the Lome Accord, Foday Sankoh said that
4 Lamin was his 2IC. He was the deputy leader.

10:49:44 5 Q. The third name or promotion I want to ask you about is
6 Major Isaac Mongor. Was he promoted to full colonel as area
7 commander of Kangari Hills Jungle?

8 A. Yes.

9 Q. Also, at that time in '97, was Major Denis Mingo, alias
10:50:12 10 Superman, promoted to full colonel in the Western Area as area
11 commander?

12 A. Yes.

13 Q. Were you promoted to lieutenant-colonel and appointed
14 battle-group commander?

10:50:41 15 A. Yes.

16 Q. Was Staff Captain Peter Vandi promoted to
17 lieutenant-colonel as area commander for Kailahun District?

18 A. Yes.

19 Q. Was Staff Captain Gibril Massaquoi promoted to
10:51:15 20 lieutenant-colonel and appointed as RUF spokesman?

21 A. Yes, by Foday Sankoh.

22 Q. Can you help me with this, because I've lost my note, but
23 which individuals -- which area commanders joined the Supreme
24 Council, can you remember? Was Isaac Mongor one of them?

10:52:01 25 A. No.

26 Q. Can you remember if anybody was, any of the area commanders
27 I've just mentioned?

28 A. No, there was no area commander.

29 Q. Continuing with the list, was Captain Momoh Rogers promoted

1 to staff captain and adviser to the training commandant?

2 A. Say again.

3 Q. Captain Momoh Rogers, was he promoted to staff captain and
4 adviser to the training commandant?

10:52:48 5 A. Well, this, to come back to '95 --

6 Q. Well, I'm referring to '96. If I'm wrong about that, I'm
7 wrong.

8 A. Well, this time around, it was in Kailahun, because there
9 was no base, base -- there was no base functioning during this

10:53:22 10 time. The training base, it was early in '96 that Foday Sankoh
11 gave the instructions to -- to stop.

12 Q. Okay. Was Captain Lansana, at the same time in '97,
13 appointed to staff captain and appointed junior commander of
14 Kailahun District?

10:53:47 15 A. Yes.

16 Q. At this time, please, Mr Sesay, can you help me: What rank
17 did Augustine Gbao hold?

18 A. Augustine Gbao was a captain. He was with me at Giema
19 from January to May '97. Up to the day of the coup, we were --
20 when we were under attack, I was there with Gbao, in Giema.

10:54:20 21 Because on the very 25th of May, the SLAs and the CDFs attacked
22 us in Giema. So, through the BBC, we heard that they had
23 overthrown the government, 305, in Freetown.

24 Q. Those are the only promotions I want to ask you about from
10:54:55 25 the early part of '97, just prior to the coup. Can we move on to
26 early 1998 now, please, and to the time when Johnny Paul Koroma
27 dished out some promotions in Kailahun, when he'd arrived in
28 Kailahun. So in February of '98, Mr Sesay, can you just confirm
29 the following appointments: Was Colonel Sam Bockarie appointed

1 to brigadier and appointed Chief of Defence Staff at the same
2 time?

3 A. Well, that was in March '98 to February, in Buedu.
4 Early March '97.

10:55:44 5 Q. '97 or '98?

6 A. '98. '98.

7 Q. Okay. At the same time, was Colonel Mike Lamin promoted to
8 brigadier and did he retain his position of military adviser?

9 A. No, Mike Lamin remained as military adviser, but he was a
10:56:12 10 colonel. He was not yet promoted. They did not promote him. It
11 was only Sam Bockarie that Johnny Paul promoted. So the
12 promotion was for Bockarie. Mike Lamin became a brigadier, but
13 it was later, or not at this time.

14 Q. Can you tell me when Mike Lamin became a brigadier?

10:56:48 15 A. February '99 when Sam Bockarie promoted Mike Lamin, Issa,
16 Peter Vandi, Isaac Mongor, and Denis Mingo, and Morris Kallon to
17 brigadier.

18 Q. Okay.

19 MR CAMMEGH: Can I just take instructions for a moment,
10:57:23 20 please, Your Honour.

21 PRESIDING JUDGE: Leave granted.

22 MR CAMMEGH:

23 Q. What rank did Augustine Gbao have, please, in February of
24 '98? Was he still a captain?

10:58:18 25 A. Yes, that was his rank in Kailahun when I met him. It was
26 in mid or late '98 that Bockarie promoted him. But early in '98,
27 he was still a captain when I went to Kailahun.

28 Q. Was he promoted to major in May of '98?

29 A. Sam Bockarie, yes. Yes, he promoted him.

1 Q. Bockarie promoted Gbao to major in '98?

2 A. Yes, yes.

3 Q. In October '98, was Gbao promoted to lieutenant-colonel?
4 Do you remember that?

10:59:18 5 A. October '98. Well, Bockarie used to dish out the
6 promotions.

7 Q. If you can't remember the exact date, Mr Sesay, it's not a
8 problem. If you can't remember the date, please just say so. I
9 didn't get an answer from the translator, from the interpreter.

10:59:52 10 Can you repeat your answer, please, Mr Sesay?

11 A. No, I said I can't recall the exact time Bockarie promoted
12 him to colonel.

13 Q. I'll move on from promotions now and go to the IDU and
14 precisely what role it occupied. We've been told in this trial
11:00:33 15 by 371 and specifically on 20 July last year, page 28, we were
16 told, and I'm quoting:

17 "There were other functions that were parallel to the
18 function of an area commander, and that were the security
19 commander, overall security commander. That vacancy was
11:01:01 20 filled by Augustine Gbao."

21 And later, at page 61, the overall security commander was
22 described by 371 as being horizontal with a brigade commander.
23 Would you like to comment on that, please, Mr Sesay, and tell us
24 whether you agree with that analysis or not?

11:01:38 25 A. Well, I knew -- I agree that the unit commanders were
26 making direct reports to the head, but when it comes to the
27 practical area, the area commander had troops under his control,
28 fighters under his control. The unit commanders had only a few
29 men. They are not many. So a man who has a lot of people to

1 command and a man who has few to command, I think the one who has
2 a lot of people is more powerful than the one who has few men.

3 For instance, the IDU, there were some men in Kailahun, some
4 teachers who were civilians, but they worked with the IDU, you
11:02:34 5 see. Well, for the brigade commander, he would control fighters.

6 Q. I think on pages 62 and 64, the same witness said that the
7 G4 and the G5 were not under brigade level, that they were
8 directly responsible to the High Command; would you agree with
9 that?

11:03:09 10 A. The G4. Well, these various units, they were
11 responsible -- these unit commanders were responsible to direct
12 command, especially in '98, because Buedu was in Koidu [as
13 interpreted] -- Buedu, sorry, and he had units head in Buedu, and
14 they were reporting to --

11:03:46 15 THE INTERPRETER: Your Honours, can the witness take that
16 bit again?

17 THE WITNESS: They will report direct to Bockarie at this
18 time in 1998. They were in Buedu with Sam Bockarie whilst the
19 brigade commander, he was with me in Pendembu, from Kailahun.

11:04:06 20 The brigade commander by then was Lieutenant-Colonel Dennis
21 Lansana. We were in Pendembu, whilst the overall G5 commander
22 was in Buedu, and he reported to Bockarie.

23 MR CAMMEGH:

24 Q. Would this be a fair suggestion: That the IDU had
11:04:31 25 absolutely no power or authority over military activities? Would
26 you agree?

27 A. No. Yes, I would agree, yes. Because they would only be
28 in the front line to know what was going on and send a report to
29 the commander so that he would be aware of what is happening in

1 the front line, or if there is a disturbance between fighters and
2 civilians, they would relay those reports. They were not
3 fighting units in the battle front.

11:05:25 4 Q. And returning to this suggestion that the unit commander
5 or, indeed, the security commander had a horizontal or parallel
6 position with area commanders, wasn't this right: That an area
7 commander always held a higher rank than Augustine Gbao?

8 A. Yes, because at the time Sam Bockarie created these
9 brigades in May, when he created the brigade in Kailahun, in May,
11:06:05 10 and at the meeting in Pendembu, he promoted Dennis Lansana --

11 THE INTERPRETER: Your Honours, can the witness take the
12 last bit?

13 PRESIDING JUDGE: Mr Sesay, please repeat the last part of
14 your testimony.

11:06:24 15 THE WITNESS: Yes, sir, My Lord. I said, for instance,
16 when Sam Bockarie created the brigade in Kailahun in May '98, at
17 a meeting in Pendembu, he promoted Dennis Lansana to
18 lieutenant-colonel and the brigade commander. I was with him at
19 Pendembu. While, at that same time, Gbao was IDU commander, but
11:06:53 20 he was a major. And you had Dr Fabai, who was in the medical
21 unit. He was a major at that time. The same with the G5, Prince
22 Taylor. So it was late in '98 that Sam Bockarie promoted them to
23 lieutenant-colonel.

24 MR CAMMEGH:

11:07:12 25 Q. And when you say Taylor and Fabai, you are referring, of
26 course, to them as the unit commanders of the medical unit and
27 the G5; the overall unit commanders?

28 A. Taylor was a G5 commander and Fabai was the medic
29 commander, unit commander.

1 Q. Can I just make one or two suggestions to you, please,
2 Mr Sesay, and you can help me as to whether or not I'm right
3 about this. Isn't this true: That, in 1998, there were no area
4 commanders below the rank of colonel in the RUF; would you agree?

11:08:06 5 A. Yes. In '98, in fact, you had two areas only from --
6 from February to August. Only two areas where RUF were. That
7 was -- those were Kono District and Kailahun District, and it was
8 Superman that was in Kono who was the area commander, and he was
9 a colonel.

11:08:24 10 Q. And no area commander fell below the rank of colonel, at
11 that time?

12 A. No. That was why I said you only had two areas: Kailahun
13 and Kono.

14 Q. I think you mentioned in May of '98, if I can just cover
11:08:48 15 that again. Is it right that, in May of '98, Lansana, Kailahun
16 District commander, was promoted from major to
17 lieutenant-colonel, while Gbao was promoted to major; do you
18 agree?

19 A. Say again. Repeat the question.

11:09:11 20 Q. In May of '98, was Gbao promoted to major and, at the same
21 time, was Kailahun District area commander Dennis Lansana
22 promoted from major up to lieutenant-colonel?

23 A. Yes, you are right. By Sam Bockarie.

24 Q. Exactly. Thank you.

11:09:39 25 JUDGE BOUTET: Mr Cammegh, if you allow me, I'm -- not on
26 this last one. I'm just trying to understand how that
27 organisation is functioning at that time. Mr Sesay just said
28 that in '98 he had only two areas functioning between February
29 and August; in Kono and Kailahun. Then he referred to the fact

1 that Sam Bockarie created a brigade in '98 as well. I'm just
2 trying to understand. You're talking of the Kailahun District.

3 MR CAMMEGH: It's entirely my fault. I should be using the
4 term brigade commander instead of area commander.

11:10:20 5 JUDGE BOUTET: And you also referred to Kailahun District.
6 I don't know if the Kailahun District was a brigade commander or
7 whatever it was. These are the kinds of clarifications I would
8 like you to pursue, if you can.

9 MR CAMMEGH: Of course.

11:10:33 10 THE WITNESS: Well, I'll just explain what My Lord wants to
11 know. My Lords, when the RUF met with the AFRC in '97, the areas
12 of these commanders was dissolved. When the RUF had retreated,
13 then Bockarie created the target in Kailahun. So these targets
14 were there to defend the roads, to May, when Bockarie created a
11:11:04 15 brigade in Kailahun. Then there was no more area. This
16 particular time, you had brigade, and it was commanded by the
17 commander. And when they created the brigade in Kailahun, then
18 they created -- later, he created a brigade in Kono. And the
19 brigade in Kono was in -- was in August. When Superman left
11:11:26 20 Kono, he said that Rambo should be the brigade commander, Isaac
21 should be the overall commander in Kono. So that was how the
22 administration worked.

23 JUDGE BOUTET: So, in your own language, the time you
24 referred to -- after Bockarie reorganised and created brigades,
11:11:49 25 as you called them, so you referred to those people in charge as
26 a brigade commander, no more as area commander or district
27 commander. So in your own structure, at the time, I'm talking
28 '98 when Bockarie reorganised, he created a brigade, and
29 therefore it's a brigade commander, and area commanders are not

1 in existence as a function, or as a group?

2 THE WITNESS: Well, My Lord, sir, like in Kailahun, from
3 '98 there was no area commander, yes. You had brigade commanders
4 and I, the battlefield commander, who was in Pendembu, the
11:12:30 5 brigade commander and I were in Pendembu. In Kono, by then,
6 Bockarie appointed Superman in March in '98 as battle-group
7 commander. So he was in Kono as senior commander. Up to August,
8 when Superman left Kono to go to Koinadugu District, then Sam
9 Bockarie appointed Boston Flomo, alias Rambo, as brigade
11:12:58 10 commander, second brigade in Kono. And Isaac, he was a senior
11 commander in the Kono District area. So the brigade commander
12 should take instructions from Isaac, who was a senior commander.
13 So just how the -- this administration operated.

14 JUDGE BOUTET: Thank you.

11:13:21 15 MR CAMMEGH:

16 Q. Thank you, Mr Sesay. Can I just run through to August of
17 1998, on the same subject of promotions. In August of '98 --
18 well, I shouldn't be specific -- around August, October of '98, I
19 should say, was Gbao promoted from major to lieutenant-colonel,
11:13:51 20 and Lansana promoted from lieutenant-colonel to colonel; can you
21 remember?

22 A. Yes. I had told you that, from the meeting in May, in
23 Pendembu, that was where Bockarie promoted Lansana as
24 lieutenant-colonel, from major. I said I did not know the exact
11:14:15 25 month when Bockarie promoted him to lieutenant-colonel, but I
26 think it was late '98, but I do not know the exact month. That,
27 I had answered.

28 Q. I'm suggesting there was another promotion after that, in
29 the region of August to October of '98 when Lansana, who was

1 already a lieutenant-colonel, was then made up to a full colonel
2 by Bockarie and, on the same day, Gbao was promoted from major to
3 lieutenant-colonel. Again, if you don't remember that, Mr Sesay,
4 you don't remember; it's fine.

11:14:58 5 A. Yes, but it was I and Dennis that were in Pendembu. And I
6 left Pendembu in late November when I went to Buedu. And I left
7 Dennis as lieutenant-colonel. Maybe it was the time that I went
8 to Kono that he was promoted to colonel, in December.

9 Q. Do you know that he was promoted to a colonel in December;
11:15:18 10 Lansana?

11 A. When I returned to Kailahun, I found him as a colonel.

12 Q. Well, perhaps I can ask you this: When you saw Augustine
13 Gbao in Makeni in February of '99, was he then a
14 lieutenant-colonel?

11:15:44 15 A. Of course, yes.

16 Q. So it would it be fair to assume that Lansana was promoted
17 to full colonel and lieutenant -- I'm sorry, and Gbao was
18 promoted to lieutenant-colonel on the same day, whenever that
19 was; would that be a fair assumption?

11:16:02 20 A. Well, I do not know when that happened. When I returned to
21 Kailahun -- when I returned to Kailahun, I found Dennis as a
22 colonel, and when Gbao came and joined me in Makeni in February,
23 he was a lieutenant-colonel. And I left him in Magburaka as a
24 lieutenant-colonel until the time that I came back.

11:16:26 25 Q. I'm still asking about this suggestion that the two were
26 parallel or horizontal. And my last question on this point is
27 this: Was there ever a time, in your knowledge, when Gbao
28 occupied the same rank as Dennis Lansana at the same time?

29 A. Well, all of them ended up as colonels until the time that

1 we disarmed. So I would say --

2 Q. That was in Makeni?

3 A. Yes.

4 Q. All right. I think that answers my question. Thank you.

11:17:18 5 Going back to the IDU, Mr Sesay, would this be right: The IDU
6 would generally only begin an investigation on instructions from
7 the battlefield commander, the battle group or a brigade
8 commander/area commander; would that be fair?

9 A. Yes, it's fair to say so.

11:17:51 10 Q. Now, you've touched on this already, but I just want to
11 fully understand the procedure of reporting. In principle, who
12 would a local, and I mean local, not overall, who would a local
13 IDU commander report to? In principle, not practice.

14 A. In principle, the IDU should report to his commander, the
11:18:27 15 IDU.

16 Q. The overall IDU?

17 A. Yes.

18 Q. Gbao?

19 A. Yes.

11:18:31 20 Q. And did that happen?

21 A. No. Because -- because this system started working in '94
22 when the RUF had been in the jungle. When the IDU commander in
23 this place, in this area was working under the commander in the
24 area, that IDU should report to that commander.

11:19:06 25 Q. Is that generally how things worked as we move through '98
26 into '99?

27 A. Yes, that was how things had been working.

28 Q. So can you describe the circumstances in which the overall
29 IDU, Augustine Gbao, would receive reports from his subordinates

1 in the IDU who were conducting an investigation?

2 THE INTERPRETER: Your Honours, would the learned attorney
3 be asked to repeat his question?

4 MR CAMMEGH:

11:19:37 5 Q. Will you describe the circumstances in which the overall
6 IDU might receive reports from local IDU commanders? How might
7 that happen or why would that happen?

8 A. Well, maybe they would inform their commanders so that they
9 would know but, for example, in '96, the IDU commander in the
11:20:19 10 Western Jungle would not be able to report to Gbao because --
11 because if he wanted to send a monthly report, he would not be
12 able to provide -- to prepare four, seven pages notes to send it
13 through a radio. It was difficult and it would not work to take
14 this report to --

11:20:42 15 THE INTERPRETER: Your Honours, would the witness go a
16 little bit slow, so as to allow the interpreter to keep up with
17 him.

18 MR CAMMEGH:

19 Q. Sorry, Mr Sesay. I think you're going to have to repeat
11:20:53 20 the last sentence again.

21 A. I said, it was not possible so that the IDU commander in
22 the Western Jungle or the Kangari Hills, in '96, to take report
23 off to Augustine Gbao in Kailahun.

24 Q. So the theory, or the principle might say one thing, but,
11:21:13 25 in practice, the reality was usually something rather different;
26 would that be fair, because of a lack of resources, et cetera?

27 A. Yes, because during that time there were difficulties. One
28 unit was living in the Western Jungle and the unit commander
29 would be in Giema. And, at times -- there was a certain time you

1 would not be able to leave the Western Jungle to go to Kailahun.
2 It was not possible. And it was the same in the Northern Jungle.
3 So, it was not possible for them to send a report and the radio
4 messages would come from the area commander to the central
11:21:58 5 command. It was not so that units could send report to the
6 commanders while the area commander was there in that area. So
7 the unit commander would report to that commander and the
8 commander himself would be able to take immediate action, because
9 he was the commander on the ground.

11:22:14 10 Q. Right. I want to read something to you that 041 said.
11 041, as you recall, was in the G5. I'd like to just read a small
12 section of what he said, and Mr Sesay, if you'd like to tell me
13 if you agree or not with what he said about the practice in his
14 unit. He said this, page 18 on 11 July last year:

11:22:45 15 "I was under the brigade which is" -- and I'll leave out
16 the district, it was a district brigade -- "so all my
17 reports I would write it, so the brigade commander and copy
18 to the front line commander, copy to the other commanders.
19 Because we have MP commanders and we have overall
11:23:17 20 commanders. We also have area commanders who supervises an
21 area. That is how I wrote my report."

22 Then he says this, and this is particularly the part I'd
23 like you to tell me whether you agree or disagree:

24 "But between me and Prince Taylor," -- we know he was the
11:23:41 25 overall G5 -- "because the distance was too far, you see, I
26 had no radio station. I would just send it to the
27 commander."

28 Do you agree, in practice, that's how it usually worked?

29 A. Yes. This is the same thing that I said some moment --

1 some minutes ago.

2 Q. Indeed. I'm emphasising that this is a G5 unit as opposed
3 to an IDU. My question then is this: In your overall knowledge,
4 was this what happened in all of the units, so far as reporting
11:24:24 5 was concerned? Was that your impression?

6 A. Yes.

7 Q. Thank you.

8 A. That is what happened.

9 Q. I think you might have just mentioned this, but can you
11:24:40 10 confirm that sometimes a local IDU commander within a brigade
11 area would submit a monthly report to Augustine Gbao, the overall
12 IDU, for the sake of reference? Would that be right?

13 A. Yes, it's correct.

14 Q. And if he felt it was necessary, Augustine Gbao might
11:25:23 15 sometimes follow-up with some action himself; would that be
16 right?

17 A. Yes. Yes, that's something he had to raise up with the
18 command.

19 Q. When you were in Pendembu, Mr Sesay, and would that be
11:25:55 20 between November and December '98?

21 A. Mmm.

22 Q. How many times did you, as the local military commander,
23 how many times did you receive reports which were addressed to
24 you from the local IDU officers? Can you remember?

11:26:27 25 A. I cannot recall the IDU commander who was in Pendembu. He
26 was the one that was reporting to me. And I and he would see
27 each other every day on a daily parade. He would talk to me and
28 he would come to my house. I would not be able to remember the
29 reports that he made.

1 Q. Of course. I'm not suggesting you should. But the point
2 is this, isn't it: In essence, in effect, he was leaving Gbao
3 out of the process by simply coming to you directly because you
4 were there, conveniently, on the ground; yes?

11:27:09 5 A. Mr Cammegh, this is what I was saying, and that's what I am
6 still saying, that is what used to happen, that John Gavawo, who
7 was the IDU commander in Pendembu, was reporting to me in
8 Pendembu. So if he had gone to Gbao then I wouldn't have said he
9 would reported to me.

11:27:31 10 Q. Just to finish this off, I think it's very clear what
11 you're saying, but you were the one who would take action if
12 action needed to be taken against any particular individual;
13 correct?

14 A. Yes. Based on the report that I had from the IDU, who was
11:27:46 15 John Gavawo, in Pendembu.

16 Q. And that might involve you recommending to the MP that some
17 disciplinary measure ought to be taken, or something like that;
18 would that be right?

19 A. Yes, based on the information that I got from the report
11:28:04 20 from John Gavawo, then I would invite the MP and the IDU to
21 investigate. And when they investigated, whatever the punishment
22 they recommended, if it was on my own level of action, then I
23 would take instructions so that they would take action against
24 the fighter who committed who was reported. But if it was
11:28:23 25 something that I was supposed to report to Bockarie, then I will
26 refer to Bockarie for approval.

27 Q. Which leads to this question: To your knowledge, during
28 1998, what exactly was Augustine Gbao doing as overall commander
29 in Kailahun Town? Was he a busy man?

1 A. Well, Gbao was in Kailahun and I was in Pendembu. It was a
2 distance of 17 miles. I wouldn't tell you -- be able to tell you
3 the activities of Gbao. I had told you that when I was in
4 Pendembu, in May 1998 to November, Gbao had not been reporting to
11:29:11 5 me. So what do you want me to tell you about his daily
6 activities?

7 Q. 371 said this: That the overall security commander
8 interfaced between the IDU operations and the High Command of the
9 RUF relating to intelligence that had to do with the RUF
11:29:44 10 fighters. Did Augustine Gbao, as overall security commander,
11 have reason to involve himself in intelligence matters concerning
12 RUF fighters, or is 371 exaggerating?

13 A. Interpreter, I do not get what you are saying.

14 PRESIDING JUDGE: Counsel, would you repeat the question.

11:30:30 15 MR CAMMEGH: Okay.

16 PRESIDING JUDGE: Interpreters, would you be a little more
17 vigilant.

18 MR CAMMEGH:

19 Q. I'm going to read the piece to you again, Mr Sesay. Maybe
11:30:40 20 you remember 371 saying this, I don't know.

21 JUDGE BOUTET: Can you give me the reference, if you have
22 it.

23 MR CAMMEGH: I'm so sorry, Your Honour, I've left it off my
24 notes. All I can say is that it was in chief, I'm afraid. I
11:30:59 25 don't know if Your Honour has a word search for the word
26 "interface."

27 JUDGE BOUTET: I don't.

28 MR CAMMEGH: I'm sorry.

29 Q. What he said was this, Mr Sesay: That the overall security

1 commander interfaced between the IDU operations and the High
2 Command of the RUF relating to intelligence that had to do with
3 the RUF fighters. My question is: Did Augustine Gbao really, as
4 part of his duties, concern himself with intelligence relating to
11:31:44 5 RUF fighters or is 371 exaggerating his true role?

6 A. Interpreter, all that the man has said, you did not say
7 anything to me.

8 PRESIDING JUDGE: Interpreters, what is happening? Is
9 there some --

11:32:12 10 THE INTERPRETER: Your Honours, the Krio interpreter is
11 doing his work. I don't know what has happened. Perhaps it
12 might be a technical problem.

13 PRESIDING JUDGE: Yes, it sounds like it would be. Do you
14 want some time to investigate this?

11:32:27 15 THE INTERPRETER: Your Honours, I think so.

16 PRESIDING JUDGE: Well, as we're getting close to the time
17 for the usual morning break, we may as well break at this point
18 and, hopefully, when we come back, have a complete restoration of
19 the proper functioning of the interpretation booth.

11:32:49 20 MR CAMMEGH: Thank you. Before Your Honours rise, I'm very
21 grateful to Ms Ashraph, who has handed me the reference. It was
22 20 July last year. I think it's page 29.

23 PRESIDING JUDGE: All right. Thanks.

24 JUDGE BOUTET: Thank you.

11:33:04 25 PRESIDING JUDGE: The Court will take the usual break at
26 this time.

27 [Break taken at 11.27 a.m.]

28 [RUF31MAY07B - MD].

29 [Upon Resuming at 12.09 p.m.]

1 PRESIDING JUDGE: We will continue, learned counsel.

2 MR CAMMEGH: Thank you, Your Honour.

3 Q. Mr Sesay, we left off with me reading a section of 371's
4 testimony to you and I hope Your Honours have seen that now. In
12:09:37 5 fact, perhaps I could be reminded for my convenience the
6 reference -- I didn't take it down.

7 JUDGE BOUTET: You gave me 20 July, page 29.

8 MR CAMMEGH: Thank you, Your Honour.

9 Q. I'm going to read it to you again, Mr Sesay, if you want me
12:09:52 10 to. Would you like me to read it again?

11 A. Yes, sir.

12 Q. Okay. 371 indicated in evidence-in-chief that the overall
13 security commander interfaced between the IDU --

14 JUDGE ITOE: If you can go slowly so that they can --
12:10:14 15 slowly, yes.

16 MR CAMMEGH:

17 Q. The overall security commander interfaced between the IDU
18 operations and the High Command of the RUF relating to
19 intelligence that had to do with the RUF fighters. My question
12:10:46 20 is: Did Augustine Gbao, in his role, concern himself with
21 intelligence relating to RUF fighters?

22 A. Well, that was for the IO. You had the intelligence in the
23 front line and you would report to Bockarie in Buedu, in '98.

24 Q. So would you suggest that 371 was exaggerating Gbao's true
12:11:29 25 role when he gave that answer?

26 A. Yes.

27 Q. Can I just ask you a question now about Mike Lamin. As we
28 know, he was appointed director of intelligence by Johnny Paul
29 Koroma, some time in 1997. Were you aware of that, Mr Sesay?

1 A. Yes, I knew about that.

2 Q. As director of intelligence, up until presumably February
3 '98, did Mike Lamin have any involvement, or concerns, with the
4 intelligence that had to do with RUF fighters?

12:12:30 5 A. No, because at that time he was not getting reports from
6 Kenema, no. I was a police director, the police IG. He was
7 working with him. The police IG and the commander, the MIB
8 commander in the army.

9 Q. Okay. Fair enough. Very briefly --

12:13:05 10 JUDGE ITOE: Sorry, are you suggesting he didn't have any
11 access at all to RUF intelligence, as the director of
12 intelligence under Johnny Paul Koroma?

13 THE WITNESS: Well, My Lord, Mike Lamin was an RUF. He had
14 access to RUF, but what I'm saying is that I did not see him get
12:13:28 15 intelligence report from Kenema, or from Kailahun. That was not
16 happening, sir, and from the time when Mike Lamin came to
17 Freetown, he did not go to Kailahun until the -- up until the
18 intervention.

19 JUDGE ITOE: Thank you.

12:13:49 20 THE WITNESS: Thank you, sir.

21 MR CAMMEGH:

22 Q. You've told us that he was appointed as adviser to
23 Bockarie. As adviser, would he have been concerned to know
24 everything about RUF intelligence, do you think?

12:14:15 25 A. Well, the appointment, in which Sankoh gave to him was an
26 adviser to Sam Bockarie and for the commanders within the RUF,
27 that did not involve intelligence. Intelligence and advisory
28 roles are two different things. Foday Sankoh made him an adviser
29 and Johnny Paul made him a director of intelligence. In '97.

1 Q. All I'm asking is: Given that Lamin actually had this
2 title, director of intelligence, I'm just wondering whether that
3 would make him more likely to be required to know about
4 intelligence matters than Augustine Gbao, for example; would that
12:15:19 5 be right? Would you agree with that idea?

6 PRESIDING JUDGE: You mean in terms of his credentials?

7 MR CAMMEGH: By virtue of his title.

8 PRESIDING JUDGE: By virtue of his title.

9 MR CAMMEGH: Perhaps I can put that again or maybe put the
12:15:34 10 suggestion again.

11 PRESIDING JUDGE: Yes. Quite.

12 MR CAMMEGH:

13 Q. I'm going to make a suggestion to you, Mr Sesay, maybe you
14 will agree, maybe you won't. I don't know. But Lamin was
12:15:43 15 director of intelligence, that was the title that JPK gave him.
16 So, during the junta time, from your knowledge, who would have
17 been more likely to have been informed about intelligence
18 matters; Lamin or Gbao?

19 A. Well, it should be Gbao because Gbao was appointed by Foday
12:16:09 20 Sankoh for the coup -- before the coup he was given that
21 position, and all of us knew that Gbao was an old policeman and
22 Gbao -- and Mike Lamin was not an old policeman or a soldier.

23 Q. Perhaps I'm confusing the question. What I'm really
24 referring to is intelligence that had to do with the military,
12:16:36 25 with RUF fighters. Would Lamin have known more about that than
26 Gbao, in his position?

27 A. That's what I'm saying. I did not see that. I did not see
28 Mike receive intelligence reports from the RUF. Because I've
29 never heard Mike Lamin say that Gbao should tell him the report

1 about the intelligence situation in Kailahun. I've never heard
2 him ask about Kono or Kenema.

3 Q. But to go back --

4 PRESIDING JUDGE: Is it a question of competence here or --

12:17:15 5 MR CAMMEGH: It's a question of role and function, Your
6 Honour.

7 PRESIDING JUDGE: Yes, but it has nothing to do with
8 competence. It probably involves it because the question itself
9 is very loaded --

12:17:25 10 MR CAMMEGH: Yes.

11 PRESIDING JUDGE: -- in terms of its implication.

12 MR CAMMEGH: Can I just wrap up the small subject --

13 PRESIDING JUDGE: Thank you.

14 MR CAMMEGH: -- where I started.

12:17:33 15 Q. But your position is this, though, is it, Mr Sesay, that
16 Gbao's job was not to interface with the High Command on matters
17 relating to intelligence that had to do with the RUF fighters:
18 You'd agree with that?

19 A. Well, Gbao's job was not for intelligence. He was a
12:17:59 20 security.

21 Q. Well, I think I can leave that there and move on to what
22 exactly Gbao's job was. Very briefly, Mr Sesay, can you describe
23 what the overall IDU commander's job was, taking it as slowly as
24 you can?

12:18:30 25 A. What year are you asking me about?

26 Q. It's a general question.

27 A. Okay. Well, the IDU is Internal Defence Unit. For
28 example, in Kailahun, you had civilians who were working in this
29 unit. Their job was to -- they were between the fighters and the

1 civilians. If a fighter does something somewhere, the IDUs, if
2 it was that area that Gbao was, the IDU would send reports to
3 Gbao, and even if a commander was doing something out of the way,
4 if it was the same place where the commander was that Gbao was,
12:19:25 5 then the IDU would report to Gbao that I've got so-and-so
6 information, and I would advise that this is what should be done,
7 and if the commander does not listen, then Gbao would take the
8 reports to the head.

9 Q. Okay.

12:19:44 10 A. And the IDUs will also give passes if you -- it was, for
11 instance, Pendembu, and civilians want to go and do business in
12 the trading area, the IDU in --

13 THE INTERPRETER: Your Honours, the name of the trading
14 spot.

12:20:14 15 MR CAMMEGH: Did you say the training spot?

16 PRESIDING JUDGE: Trading spot.

17 MR CAMMEGH: Trading spot.

18 PRESIDING JUDGE: The interpreters want the name again.
19 Please repeat, Mr Sesay.

12:20:24 20 THE WITNESS: Yes, for -- I said, in '98, if civilians
21 wanted to do business in Lower Boama, which was a trading site
22 between Sierra Leone and Guinea, then the IDU would give a pass
23 to these civilians to go to Pendembu. So that the civilians
24 would be able to go through the RUF at Mende Bui ma and the RUF at
12:20:51 25 Lower Boama, and they would know these civilians were from
26 Pendembu. So the pass was a form of an identity to know where
27 you were from and where you were going to. The IDUs would give
28 such passes.

29 Q. And, as I think the Court has heard, particularly from '98

1 onwards, there was a lot of concern in Kailahun about
2 infiltration from enemy forces; that's why passes were often
3 important. Would you agree?

12:21:31 4 A. Well, that was not even -- it did not start in '98. It was
5 something -- it was a system that had been going on earlier on,
6 to identify civilians so that a mixed set of people were not
7 coming to know about the RUF areas.

12:21:53 8 Q. I accept that, Mr Sesay. I was just using '98 as an
9 example, but I accept your answer on that. If the IDU had
10 discovered some wrongdoing between civilians, or between a
11 soldier and a civilian, what would that IDU officer be expected
12 to do?

12:22:18 13 A. Well, the IDU, who would discover that a fighter had done
14 this to a civilian, the IDU would take the matter and the -- or
15 the report to the commander who was in the area and the commander
16 would order the arrest of that fighter through the MP.

17 Q. And by commander, do I take it that you mean the area or
18 the brigade commander, or the IDU commander, the overall IDU
19 commander, just so that we are clear?

12:22:43 20 A. Well, let me just give you an example. For example, in
21 December 1998, Denis Lansana was the brigade commander in
22 Gbendembu. He was the only one in Gbendembu. No, no, I can say,
23 for instance, that was not in '98. I am sorry. I can say for
24 like, like February, February '98, '99, sorry. The IDU
12:23:28 25 commander, who was in Pendembu, in February '99, if something
26 happens between a fighter and a civilian, the IDU in Pendembu
27 would take the report to Denis Lansana who was the brigade
28 commander in Pendembu and then Denis Lansana would issue an order
29 of arrest from the MP for the fighter to be arrested and

1 investigated on.

2 Q. Right.

3 A. So it does not mean that the IDU should find the overall
4 commander to make the complaint; no, no. And, at that time, the
12:24:12 5 IDU, in a problem in Pendembu in '99, the IDU would take the
6 report to the brigade commander. If it was a problem that the
7 brigade commander was unable to solve he would take the report to
8 Sam Bockarie.

9 Q. Okay. Why wouldn't he take it to Gbao, in those
12:24:43 10 circumstances?

11 A. Well, for example, Gbao at that time was in Makeni, you
12 know. And if there was a problem, if it was a problem to address
13 immediately, then the IDU commander would send a message to Gbao,
14 in Makeni, and if Gbao, Gbao has no authority to give the brigade
12:25:04 15 commander, unless Gbao sends to Mosquito and Mosquito will
16 instruct the brigade commander to do that. If it's a problem
17 then it will delay. So, for operations to be effective, the IDU
18 commander in Pendembu will report to the brigade commander.

19 Q. Thank you for that answer, Mr Sesay. I want to ask you
12:25:32 20 about G5, now. It's been suggested in this trial, by various
21 witnesses, that Augustine Gbao was certainly involved with G5.
22 One or two have said he was a local G5 commander in Kailahun
23 Town, and I will come on to those individual witnesses later.
24 Can I just revisit the issue of passes: Was it all -- was it
12:25:58 25 only the IDU who could issue a pass or were there circumstances
26 where the G5 would issue passes in the district?

27 A. The IDU would give passes; the G5 would give passes and
28 even the MP can give a pass.

29 Q. Usually, when a pass was given, would it be desirable, for

1 example, if the G5 issued a pass, for it to be countersigned by
2 member of either the IDU or the MP?

12:26:48 3 A. No. If, for example, the G5 in Kailahun, who was Morie
4 Fekai, if he had signed a pass for a civilian going to Buedu the
5 MP has nothing to do with that. The IDU has nothing to do with
6 that. So long as it is a G5 who has signed, he would issue you a
7 pass.

12:27:13 8 Q. I want to move to again focusing on the G5 to the issue of
9 movement of civilians. Again, I am afraid I don't have the
10 strict reference to this, but 371 told the Court this, and I'm
11 going to read it slowly:

12 "For the G5, in terms of movement of civilians, especially
13 the point in time when the civilians were used as carriers
14 of goods to strategic areas within the RUF controlled
12:27:42 15 territories, that movement was supervised by the overall
16 security commander who ensured the security of the internal
17 defence of the RUF. He liaised with the G5 in terms of
18 getting the civilians".

19 Now, the first question: Do you agree that movement of
12:28:17 20 civilians, as carriers of goods, was supervised by the overall
21 security commander?

22 A. No, that was not to my knowledge because, in '98, a lot of
23 vehicles were in Kailahun and even I, who was in Pendembu, when
24 Bockarie was sending supply, it would -- it will come in
12:28:56 25 vehicles. And if I wanted a supply, I would send my vehicle and
26 my driver to get the supply. So I did not see civilians carrying
27 RUF supplies to Kailahun in 1998.

28 Q. Okay. That's, by the way, on page 29 on 20 July last year.
29 Thanks again to Ms Ashraph.

1 JUDGE BOUTET: I didn't get it. You said 29?

2 MR CAMMEGH: 20 July.

3 JUDGE BOUTET: Yes.

4 MR CAMMEGH: Of last year, page 29.

12:29:29 5 JUDGE BOUTET: Thank you.

6 MR CAMMEGH:

7 Q. Thank you for that answer. Perhaps if I can ask you just
8 to reconsider the central question: Whether loads were
9 carried -- and clearly the Defence do not admit labour was

12:29:47 10 forced, that's not what I'm asking you about -- I'm asking you
11 about the organisation of labour, where labour was used; okay?

12 Of course we collectively deny forced labour so I don't want to
13 confuse you with that. But the question is: Back in '96, '97 or
14 whenever, when loads were carried on heads or by hand, and in '98

12:30:13 15 when they were on vehicles, as you say, did the overall security
16 commander have the job of supervising that carrying of goods to
17 strategic areas, as 371 says?

18 A. No. That was not the job of the IDU commanders.

19 Q. Was it ever his job to organise that logistical movement,
12:30:48 20 to your knowledge?

21 A. Well, I said I did not see that, no.

22 Q. And certainly so far as '98 is concerned, you were living
23 in Kailahun District, am I right? From February of '98 right up
24 until some time in December?

12:31:10 25 A. Yes. I was in Kailahun District.

26 Q. Indeed; I'm aware of that. The second question concerning
27 that quotation I've read to you is where 371 says that Gbao
28 "liaised with the G5 in terms of getting the civilians." Did
29 Augustine Gbao communicate with the G5 in terms of rounding up

1 civilians to do labour at any time, so far as you were aware?

2 A. For me, when I was with Gbao, in Giema, in late '96, to May
3 '97, I did not see that. And even when I returned to Kailahun in
4 '98 I said I did not see that, that Gbao would organise civilians
12:32:16 5 to transport goods. Gbao was in Kailahun Town and I was in
6 Pendembu Town and Bockarie was in Buedu, so -- so there was 17
7 miles -- it was 17 miles from Kailahun to Buedu.

8 THE INTERPRETER: Your Honours, can the witness take that
9 bit again.

12:32:35 10 PRESIDING JUDGE: Mr Sesay, Mr Sesay, please repeat the
11 last portion of your testimony for the interpreters.

12 THE WITNESS: Yes, sir, My Lord. I said when I returned to
13 Kailahun, late in February '98, I said I did not see Gbao
14 organising people to transport items, loads, luggages; I did not
12:33:05 15 see that. I said from May I was in Pendembu. Gbao was in
16 Kailahun Town and Bockarie was in Buedu. From Pendembu to Buedu
17 is 17 miles, and from Buedu to Kailahun is another 17 miles but
18 when I was going to Kailahun Town I never saw Gbao organising
19 civilians because the civilian population, itself, had to abandon
12:33:33 20 Kailahun from April, Kailahun Town, from April '98 because of the
21 bombardment through the jet in -- because it killed a woman and
22 some fighters in Kailahun Town. There were very few people in
23 Kailahun Town and some workers.

24 MR CAMMEGH:

12:33:58 25 Q. If the movement of logistics was ever required, Mr Sesay,
26 and again leaving aside the issue of whether it was forced or
27 not, was it the G5's job to organise that movement, or some other
28 unit?

29 A. Well, movement for the G5 if, if they have to carry

1 anything, or to make a bridge, they would call civilians from the
2 G5.

3 Q. Thank you. And, as you've said, the commander of the
4 IDU -- I am sorry, did you want to say something else?

12:34:38 5 A. Yes.

6 Q. What?

7 A. Like, for instance, when Bockarie said to brush up the
8 field, it was the overall G5 commander he told, who was Prince
9 Taylor and Prince Taylor called the chief on Sam Bockarie's
10 instructions, and he called the chief to talk to his people to
11 help to do the brushing, and Bockarie would provide food for
12 those who were working on the field. So that was the G5.

13 Q. Can I just give you a hypothetical situation: Let's assume
14 that the G5 have organised a movement of logistics. And let's
15 assume they are carrying items from Kailahun Town across the Moa.
16 And when they reach the Moa, some combatants within that column
17 commit some offences against some of the civilians in the column;
18 would the IDU commander be able to interfere with what the G5
19 were doing, in terms of carrying that column towards the
12:35:28 20 Moa River?

21 A. I don't understand the question, because the way in which
22 you asked it, I don't understand.

23 Q. You told us earlier on that a unit commander cannot query
24 the activities of another unit commander; yes? Do you remember?

12:36:36 25 A. Yes.

26 Q. If it came to the attention of IDU that another unit might
27 be committing some offence against a civilian, in the course of
28 its activity, could the IDU commander interfere with that
29 activity?

1 PRESIDING JUDGE: Isn't this something that really would
2 follow, as a matter of logical reasoning, if the hypothesis
3 because -- and this is a matter which probably can be a subject
4 for address and legal reasoning.

12:37:25 5 MR CAMMEGH: Your Honour is probably right, in view of the
6 witness's previous answers.

7 PRESIDING JUDGE: Quite right.

8 MR CAMMEGH: I am probably over-complicating the issue. I
9 am grateful for that indication. I never quite know how far to
10 go to illustrate the point I am making but --

11 PRESIDING JUDGE: Right.

12 MR CAMMEGH: -- I am grateful Your Honour is clearly alert
13 to the hypothesis I am trying to --

14 PRESIDING JUDGE: Let's proceed.

12:37:46 15 MR CAMMEGH:
16 Q. Can I refer you to what 113 said. She suggested that, in
17 fact, Augustine Gbao was the G5 in Giema, from 1993. Do you have
18 the name there, Mr Sesay. It's in the sixth, seventh?

19 A. Yes, I have the name.

12:38:18 20 Q. She suggested that Gbao was the G5, is what she called him,
21 in Giema, from 1993. Any truth in that?

22 A. It was a lie, it was a lie, because Gbao was in, from
23 December '93 to March '95, Gbao was living in Kamadugu Village,
24 very close to the Guinea and Liberian border; around Koidu. This
12:38:56 25 113, from '94 to -- to late October 1990 -- from '94 to late '96,
26 this 113, he was in Peyama Jungle and there he had been working
27 under one of the units.

28 Q. Thank you this witness also said that Gbao was the G5
29 commander, in Kailahun Town, at the time the Kamajors were

1 killed; any truth in that?

2 A. Well, even in Giema, the first question that you asked me I
3 did not finish answering it. In Giema, the G5 commander who was
4 working under me, who was the G5 commander, that was DM Brima.

12:40:05 5 DM Brima. And Gbao was not a G5 commander in Kailahun Town.

6 '97/98, Gbao was an IDU. The G5, the overall G5 in '97/98 was
7 Prince Taylor, and the G5 who was based in Kailahun, who was the
8 district G5 Commander, was Morie Fekai, and he was based in
9 Kailahun Town '97, '98, '99 up to 2000, 2001. Morie Fekai. He
10 was the district G5 commander.

12:40:50

11 Q. Mr Sesay, to your knowledge, and you knew Gbao for many
12 years, was Gbao ever a member of the G5?

13 A. I said Gbao was not a member of the G5.

14 Q. Okay.

12:41:03 15 A. Except from '96, he was the overall IDU commander and I've
16 never heard that Gbao worked with the G5 unit.

17 Q. I am just staying with 113 for a moment. That witness
18 indicated that in Kailahun Town, if civilians were required to
19 carrying logistics, or to farm, they had to go to Gbao's office;
20 any truth in that, to your knowledge?

12:41:44

21 A. Well, I did not know because I was not based in Kailahun
22 Town, and I did not know Gbao to organise civilians.

23 Q. Would this be right: That if civilians were going to be
24 involved in carrying, or in farming, then it would be Morie Fekai
25 who would have the job of organising that, if it was done?

12:42:11

26 THE INTERPRETER: Yes. Would the learned attorney repeat
27 the question? The interpreter did not get the last segment of
28 the question.

29 MR CAMMEGH: I will ask the question again.

1 Q. If it was necessary to organise the carrying of logistics,
2 or of some farming, would it --

3 A. To carry logistics where? Where?

12:42:49

4 Q. I'm saying anywhere. If any carrying was required, if any
5 farming was required, if any civilian work in support of the war
6 effort was required, I suppose it would be Morie Fekai, from the
7 G5, who would be organising that in Kailahun Town; is that right?

8 A. Yes. If it was something that the civilians had to do, it
9 was the responsibility of the G5. Like, so that the civilians

12:43:17

10 could brush the road from Bandajuma Village to the main road,
11 that was the G5.

12 Q. Thank you, Mr Sesay. I'm sure you remember 113 very well.
13 I'm going to ask you more about her later on and the comments
14 that she made.

12:43:34

15 A. I knew him. I knew him from 1992.

16 MR JORDASH: Was that a him or a her?

17 THE INTERPRETER: Yes, Your Honours, would that be
18 clarified by the witness because [speaks Krio] in Krio, [speaks
19 Krio] can mean him or her. Would the witness please be allowed
12:44:00 20 to explain, to clarify that. Because [speaks Krio] is ambiguous
21 in Krio.

22 PRESIDING JUDGE: Are you talking about he or a she? The
23 interpreters wanted some help. Is this person a he or a she?

24 MR CAMMEGH: Male or female?

12:44:21

25 THE WITNESS: My Lord, 113 -- I mean, the lawyer asked me
26 whether I knew 113 and I said that I knew 113 from '92, yes.

27 PRESIDING JUDGE: Yes. Is that okay, interpreters? Is it
28 now clarified?

29 THE INTERPRETER: Well, the gender is not clarified, Your

1 Honours.

2 PRESIDING JUDGE: Well, I mean, why is the gender necessary
3 now?

4 THE INTERPRETER: Well, the learned attorney Jordash got up
12:44:49 5 to say whether it was a he or a she. That is a --

6 PRESIDING JUDGE: No, I did say that, yes.

7 THE INTERPRETER: No, it was learned attorney Jordash. He
8 got up and said whether it was a he or she.

9 PRESIDING JUDGE: Oh, I see. On his intervention.

12:45:02 10 THE INTERPRETER: Yes.

11 PRESIDING JUDGE: Actually, it would seem as if the answer
12 is clear; we are talking about 113.

13 MR CAMMEGH: Yes.

14 PRESIDING JUDGE: And so what is the ambiguity now? I
12:45:15 15 think it's resolved.

16 THE INTERPRETER: Thank you very much, Your Honour, I think
17 it's resolved.

18 PRESIDING JUDGE: Mr Jordash, your question then seems --

19 MR JORDASH: It is simply that Mr Sesay said "I knew
12:45:28 20 113" --

21 PRESIDING JUDGE: Yes, yes.

22 MR JORDASH: -- and then referred to 113 as a he.

23 PRESIDING JUDGE: I see.

24 MR JORDASH: And 113 is not a he.

12:45:33 25 PRESIDING JUDGE: Quite. Well, would it be better if we
26 just leave it at 113? "I knew 113."

27 MR CAMMEGH: Shall I deal with it briefly?

28 PRESIDING JUDGE: All right. Let him ask.

29 MR CAMMEGH: I can deal with it this way.

1 PRESIDING JUDGE: Very well.

2 MR CAMMEGH:

3 Q. 113 was a female; correct?

4 A. Yes, you are correct.

12:45:53 5 Q. I hope that clears everything up. Okay. Back to Mike
6 Lamin and this is at page 59 on 21 July 2006. I want to ask you
7 a question about what 371 said on that occasion. In fact, no,
8 I'm not going to ask a question about Lamin right now. Let me go
9 to what 371 said on that occasion. When -- I am just trying to
12:46:41 10 read my own writing. Forgive me, I can't read my own writing for
11 a moment.

12 PRESIDING JUDGE: It's not an unusual experience.

13 MR CAMMEGH: Certainly not for me.

14 JUDGE ITOE: It happens to all of us at times, so we bear
12:47:07 15 with you.

16 MR CAMMEGH: Thank you, Your Honour. Yes.

17 Q. 371, in the middle of his evidence, indicated -- I'm going
18 to read exactly what the witness said again.

19 JUDGE BOUTET: What is the page?

12:47:27 20 MR CAMMEGH: It's page 59 on 21 July of last year, witness
21 371. And I'm sorry to labour, or to dwell on this point of
22 Gbao's duties, Mr Sesay, but I, obviously for my part, I need to
23 make absolutely clear what you are saying about all of this. He
24 said that the incidental duties of the overall security commander
12:47:58 25 included the oversight, supervision of the civilians going across
26 the Moa River to Kono District, those that carried RUF logistics,
27 as well as screening the movement of the RUF combatants in and
28 across the Moa. Now, you've already fully explained who, in your
29 opinion, was responsible for organising movement. My question

1 now is confined to logistics, logistical materials. Did
2 Augustine Gbao, as overall security commander, have any power
3 over the distribution of arms, ammunition, foodstuffs, what have
4 you?

12:49:11 5 A. Well, I wouldn't be able to tell you about the
6 transportation of logistics from Kono to the Moa River at that
7 time because I did not have any dealings with the activities in
8 Kono. What I knew was that Gbao was not responsible for sending
9 ammunition. If Superman needed ammunition, or he needed
12:49:34 10 something, he would send his unarmed men to the waterside at the
11 Moa River. Then Bockarie would dispatch the items from Kailahun
12 and where they went with their vehicles to Lower Boama. Then
13 they would take them to the waterside and take them away.

14 Q. Thank you. And furthermore, my suggestion to you is that
12:50:00 15 it would be nonsense for anyone to suggest that Augustine Gbao
16 had influence over the supply of logistics to the front lines;
17 wouldn't you agree?

18 PRESIDING JUDGE: Do you accept the amendment "inaccurate"?

19 MR CAMMEGH: Inaccurate. Yes. Perhaps that's --

12:50:21 20 PRESIDING JUDGE: Rather the terminology is not too
21 conducive here.

22 MR CAMMEGH: Absolutely.

23 PRESIDING JUDGE: Right.

24 MR CAMMEGH:

12:50:30 25 Q. It would be inaccurate for anyone to suggest that Gbao had
26 influence over where logistics were going on the front lines;
27 would you agree with that?

28 JUDGE ITOE: Does that not sound like your submission?

29 THE WITNESS: What, Mr Cammegh, I had told you that, I said

1 when I --

2 THE INTERPRETER: Your Honours, would the witness go a
3 little bit slow.

12:50:58

4 PRESIDING JUDGE: Slow down, Mr Sesay, just take it in
5 bits. Continue now.

6 THE WITNESS: -- or Bockarie sent the supply, food,
7 ammunition or condiments, then they would be put into a vehicle
8 in Buedu. If it was a security commander who brought that to
9 Pendembu, to me, then what is Gbao's own --

12:51:25

10 THE INTERPRETER: Your Honours, the witness is still fast.
11 Would he be instructed to go a little bit slow.

12 PRESIDING JUDGE: Right. Mr Sesay, try again and see if
13 you can moderate your pace.

14 THE WITNESS: Yes, sir, My Lord.

12:51:40

15 PRESIDING JUDGE: Right. Continue, then.

16 THE WITNESS: My Lord, I said if condiments or supplies
17 were not in the various front lines, when I was in Pendembu I
18 would send a radio message to Sam Bockarie in Buedu. Then Sam
19 Bockarie would tell me that: Okay. I will dispatch -- dispatch
12:51:59 20 my driver with such-and-such bags of rice, and salt, cigarettes
21 and Maggi, with ammunition, then the vehicle would come
22 straightaway from Buedu to me at Pendembu. Then if Bockarie said
23 that, send your driver with one of the bodyguards to come and
24 take the supply, then I would send my motor car from Pendembu, it
12:52:21 25 would go to Buedu and it will collect everything and come to
26 Pendembu.

27 MR CAMMEGH: Thank you.

28 Q. It has also been suggested, certainly by 113, and do you
29 remember 141, Mr Sesay?

1 A. Yes.

2 Q. They both suggested that Gbao was concerned with the
3 screening of civilians. 141, and there is a question coming, I
4 just want to put in the background, 141 said that Gbao was in
12:53:07 5 charge of G5 in Kailahun Town and in charge of screening
6 civilians there.

7 A. Well, that was the job of the G5, to screen the civilians.

8 Q. 141 went further, as against Mr Gbao. And indicated, to
9 put it shortly, that he was in charge of the deployment of
12:53:40 10 civilians to farms, to training camps and what have you. From
11 your knowledge, was there any truth in that?

12 A. No, that was not true. Because you had the G1 who was
13 responsible for the recruitment in the training base and you had
14 the G5 who were responsible for, in charge of the civilians, or
12:54:07 15 anything that the civilians had to do so that was not the IDU
16 commander's job.

17 Q. To your knowledge, Mr Sesay, and I'm going back to 113 now
18 because she suggested that screening was done at the G5 office in
19 Kailahun Town, that Gbao was in charge. Is there any truth, so
12:54:35 20 far as you are aware, in her assertion that children up to nine,
21 going to ten years old, were being taken from Kailahun Town to
22 Bunumbu training camp? And again we are talking early '98.

23 A. Mr Cammegh, nobody had ever said there was a training at
24 Pendembu. I thought --

12:55:07 25 Q. Bunumbu. Did I say Pendembu? I thought I said Bunumbu. I
26 mean Bunumbu. I am just repeating what the witness said.

27 A. What -- how do you want me to answer?

28 Q. I will put the question again. 113 said that Gbao was in
29 charge of the screening and was in charge of deploying civilians

1 at Kailahun Town, in early '98. One of the things she said was
2 that children --

3 A. Mr Cammegh, I want you to make your questions short because
4 if the questions are long, when you ask me a question, wait for
12:55:55 5 me to answer so that you could ask another one.

6 Q. Were children up to nine, going to ten, being taken to
7 Bunumbu training camp from Kailahun Town in early 1998, to your
8 knowledge?

9 A. I was not in Kailahun Town on a daily basis so as to tell
12:56:17 10 you what had been happening in Kailahun but I have told you that
11 it was a G1 that was responsible for recruitment. It was not
12 IDU.

13 Q. The interpreter said G1 then: Do you mean G1 or G5?

14 A. Mr Cammegh, see, you are just getting around to the same
12:56:41 15 place. I told you that it was the G1 that was responsible for
16 the recruitment to take people to the training base in Bunumbu.
17 It was not the IDU. It was not the IDU's job.

18 Q. It's all right, Mr Sesay. I think you are getting the
19 wrong impression. I was simply inquiring what the -- the
12:57:01 20 interpreter said, or repeated, or translated correctly what you
21 said; that's all. There is no need to get stressed about it.

22 A. No, I am not angry, see, because you are just repeating the
23 same thing.

24 Q. Well --

12:57:18 25 PRESIDING JUDGE: Let's move on.

26 MR CAMMEGH:

27 Q. I want to move on specifically to the question of forced
28 labour. I think you've already indicated that Gbao had had no
29 designated role in organising labour. Can I refer you to the

1 testimony of 108. Do you remember 108, Mr Sesay?

2 A. Very well, sir.

3 Q. He stated that Augustine Gbao called meetings in Kailahun
4 Town, concerning subscriptions and labour. Were you aware of

12:58:18 5 Gbao calling such meetings?

6 JUDGE ITOE: You see, there is -- to be fair to Mr Sesay,
7 he has said, time and again, that he was not residing in Kailahun
8 with Gbao to know what his activities were. He was not residing
9 with him on a daily basis. This is what he has been saying all
10 along and, this said, well, you can put the question.

12:58:47

11 MR CAMMEGH: Well, can I just respond to that?

12 JUDGE ITOE: Yes.

13 MR CAMMEGH: There is a relatively short distance between
14 Kailahun Town and Pendembu.

12:58:56

15 JUDGE ITOE: He says 17 miles, 17 miles.

16 MR CAMMEGH: Yes. And Issa Sesay, I think at this time,
17 was occupying a high position of battlefield commander. Gbao was
18 essentially lower down in terms of any notion of hierarchy and I
19 just want to know whether Issa Sesay would have expected someone
20 occupying Gbao's function and role, after all we are talking

12:59:21

21 about IDU commander, would it be appropriate for him to be
22 holding meetings in relation to subscriptions for labour and
23 food? I just want to know whether Issa Sesay would have expected
24 Gbao to hold that role or function or not. I am under a duty to

12:59:43

25 put my -- and I know it's exhaustive and I know it's laborious
26 but, Your Honour, I really have to ensure that Your Honours are
27 aware of what Mr Gbao's case is in relation to these allegations
28 by witnesses. Otherwise it's very difficult to defend the
29 allegations they have made.

1 JUDGE ITOE: We are very -- we are following you and the
2 way you are conducting your cross-examination.

3 MR CAMMEGH: Yes.

13:00:11

4 JUDGE ITOE: And I think we are very conscious of the
5 points you are trying to put across in the defence of your
6 client's interests.

7 MR CAMMEGH: Thank you. I will try to be as brief as I
8 can.

13:00:21

9 JUDGE ITOE: This comment just came as a result of what
10 Mr Sesay has been saying time and again.

11 MR CAMMEGH: Yes.

12 JUDGE ITOE: So you can go ahead.

13 MR CAMMEGH:

13:00:35

14 Q. I accept that you were in Pendembu and Gbao was in Kailahun
15 Town, and I know that you couldn't keep an eye on what he was
16 doing from day-to-day, but would it surprise you to find out that
17 he was holding or calling meetings with the town chiefs demanding
18 they make subscriptions?

19 A. In 1998?

13:00:53

20 Q. Yes.

21 A. Well, I did not know about that and I told you a moment ago
22 that from April 1998 the civilian population moved out of
23 Kailahun because of the air raids. They had killed a woman who
24 was called Sisi Mammy. She was killed by the jet with other
25 three RUF men, so this made the civilians to move out of Kailahun
26 Town, so I did not know whether Gbao had been calling civilians
27 to meetings in Kailahun Town in '98. I did not know.

13:01:09

28 Q. All right.

29 A. Because, see, I would not be able to talk about '97.

1 Q. I understand. Are you able to help me as to whether or not
2 RUF members in Kailahun Town were stealing food from civilians at
3 any time in '98? Did you hear anything to that effect?

13:02:19

4 A. Well, stealing food was something that was common. See,
5 wherever men -- wherever human beings are, stealing goes on.

6 Q. What 108 said was that civilians were told they could farm
7 for themselves, that frequently, when they cultivated their own
8 share of the crop, which was meant for their own consumption,
9 combatants would come and steal it from them. Did anything like
10 that come to your attention? Because I am suggesting that never
11 happened in Kailahun Town.

13:02:56

12 A. I have never come across that while I was in Kailahun, to
13 say that RUF would give some days to civilians and RUF, I've
14 never come across that.

13:03:11

15 Q. Okay.

16 JUDGE BOUTET: I would like to have a reference whenever
17 you quote that again, Mr Cammegh. It may not be part of your
18 note but in your preparation I would appreciate that when you --
19 especially when you do it the way you have done it now, 108 said
20 this, so I would like to be able to look for the reference but I
21 know you don't have it now.

13:03:27

22 MR CAMMEGH: I don't, I am afraid.

23 JUDGE BOUTET: So I won't insist.

24 MR CAMMEGH: I am sure I can find it for Your Honour in due
25 course.

13:03:40

26 Q. Are you able to comment on the process by which goods were
27 taken to the Guinea bartering points? If you aren't able to
28 describe how it was done, then please say so, and I will move on.

29 A. Well, civilians would go with their goods at the waterside.

1 For instance, the RUF, the produce, the civilians contributed,
2 that Bockarie would sell to buy medicine, it would -- a truck
3 would collect it from Kailahun. The trucks Bockarie took from
4 Kailahun, those were the trucks that transported the produce to
5 the Liberian border.

13:04:29

6 Q. Okay. Can I just suggest, just put to you my instructions
7 on this and again, Mr Sesay, if you are not personally aware,
8 please say so. It's really not a problem because I appreciate
9 that you weren't there. But the way I suggest it went is this:

13:04:52

10 Goods which were grown in the Kailahun area, coffee, what have
11 you, cocoa, were gathered by paramount chiefs who handed them
12 over to the S4 unit, and agricultural unit representatives would
13 then carry it, in trucks, to the Guinea barter point, where the
14 barter would take place. AU would bring back the bartered items,

13:05:25

15 give them to the S4 who would then distribute them to combatants
16 and civilians: Would that be about right?

17 A. Yes, that's right; especially the medicine.

18 Q. Thank you very much. Can I just ask one last question
19 before 1.00, if I may: I was asking you, and I'm not going to go
20 back into this in detail, but I was asking you about the idea
21 that the overall IDU commander was parallel to an area commander.
22 Before the Fiti Fata expedition in, what was it, June or July
23 '98, was Superman still an area or a brigade commander?

13:05:51

24 A. He was a battle group commander and senior commander in
25 Kono.

13:06:25

26 Q. I just want some impression of how well-respected Augustine
27 Gbao was by one of these military commanders. Did an incident
28 take place in Kailahun Town, and I appreciate you weren't there,
29 but did you hear about an incident in Kailahun Town, in about

1 June or July of '98, involving Gbao and Superman?

2 A. Yes. Mike told me in Pendembu, when he dropped Superman,
3 after he escorted him from Boama to Kailahun, they passed through
4 Buedu to Kailahun, so Mike told me that when they got to
13:07:17 5 Kailahun, he, himself and Superman went to Gbao's house.
6 Superman removed his pistol and fired, and fired three to four of
7 Gbao's fowls and he said he would eat them on the way. So when
8 Mike got there that was what he told me, that Gbao fired
9 Superman's fowls with his pistols, and went along with them.

13:07:51 10 Q. By fowls, I take it you mean chickens?

11 A. Yes, yes.

12 MR CAMMEGH: Ms Ashraph informs me that the interpretation
13 came over that Gbao killed Superman's chickens. I can't recall
14 if that's right. Can I ask the interpreter to revisit that.

13:08:16 15 Q. I am very sorry, Mr Sesay, who killed whose chickens? Who
16 shot the chickens?

17 A. Superman shot at Gbao's fowls at Kailahun Town, in Gbao's
18 house.

19 JUDGE ITOE: How many; you say there were three?

13:08:30 20 JUDGE ITOE: How many? You say there were three.

21 THE WITNESS: Well, Mike said three to four.

22 MR CAMMEGH:

23 Q. And that was a fairly disrespectful thing to do, was it
24 not?

13:08:48 25 A. Yes, yes. If he wanted the chickens, he would have asked
26 Gbao for him to give him the live ones and he would eat him
27 wherever. But he just met him in his compound and fired the --
28 fired at the fowls and molested the man.

29 Q. Sorry, who molested who?

1 A. I said, Superman molested Gbao in -- before his people
2 because --

3 THE INTERPRETER: Your Honours, would the witness be asked
4 to go slow and to repeat what he said?

13:09:34 5 PRESIDING JUDGE: Just repeat that last portion of your
6 testimony again.

7 THE WITNESS: I said, it was a molestation to Gbao because
8 if Superman wanted a chicken, he should have asked Gbao. Gbao
9 would have given him the live chickens. Then they would have
13:09:50 10 held them for him, and wherever he wanted to go then to eat them
11 on the way, but he just went into his companion's compound and
12 started firing at the chickens before the man's family. That was
13 a molestation.

14 PRESIDING JUDGE: We will recess for lunch --

13:10:08 15 MR CAMMEGH: Can I --

16 PRESIDING JUDGE: -- at this point, I thought it was --

17 MR CAMMEGH: I am dying to recess for lunch. Can I assist
18 Your Honours with a reference.

19 PRESIDING JUDGE: Yes.

13:10:15 20 MR CAMMEGH: I am, again, indebted to my learned friend
21 Ms Ashraph. The reference I cited from 108, it was the piece
22 about civilians being authorised to farm for themselves, and that
23 RUF would steal the portion that had been left over for them,
24 it's at 7 March of 2006, page 109.

13:10:53 25 JUDGE BOUTET: Thank you.

26 PRESIDING JUDGE: Right. We will recess for lunch now and
27 resume at 2.30 p.m..

28 [Luncheon recess taken at 1.05 p.m.]

29 [Upon resuming at 2.49 p.m.]

1 THE PRESIDING JUDGE: Yes, Mr Nicol-Wilson.

2 MR NICOL-WILSON: We have just noticed some mistakes in the
3 transcript for 30 May, which is yesterday. We have prepared a
4 list. We have the mistakes highlighted, and the corrections.

14:56:04 5 PRESIDING JUDGE: You're going to address this to the
6 appropriate unit, will you?

7 MR NICOL-WILSON: Well, we want to seek direction.

8 PRESIDING JUDGE: Yes, I think it better go through the --
9 there is a procedure now put in place whereby you send this to
10 the Court Management section, and they will liaise with the two
11 other units.

12 MR NICOL-WILSON: As Your Honour pleases.

13 PRESIDING JUDGE: Learned counsel, your witness.

14 MR CAMMEGH: I'm hoping that the message has found its way
14:56:42 15 via Mr Crippa to Your Honours.

16 PRESIDING JUDGE: Yes, we heard about that. And we admire
17 your resilience to slog on until such time -- I hope we don't
18 have an emergency.

19 JUDGE ITOE: Nor shall we have a recourse to a wheelchair,
14:57:07 20 because there is none nearby.

21 MR CAMMEGH: Your Honour, I'm embarrassed, because I don't
22 remember doing this in a local court before, but I am not feeling
23 bright, as they say in these it parts.

24 PRESIDING JUDGE: I can speak for you in the sense that the
14:57:27 25 epidemiology of this country does really create problems for
26 persons involved in this kind of work. I know how many times I
27 have a touch of malaria.

28 MR CAMMEGH: I don't think it's that serious, Your Honour.
29 Well, I'm hoping it's not. I'm afraid, with the best will in the

1 world, I ought to ask if we can have the afternoon off, because I
2 don't think I can do full justice to the rest of my
3 cross-examination, which is only about two hours, unless I'm
4 feeling a lot better than I do now. I've been feeling, I don't
14:58:13 5 want to elaborate, but I've been feeling very dizzy and weak and
6 hot. Mr Sesay has managed to do something that General Tarnue
7 couldn't do, and that is get the better of me.

8 JUDGE ITOE: He holds the record; he's a flagbearer.

9 MR CAMMEGH: I mean no disrespect to Mr Sesay.

14:58:31 10 PRESIDING JUDGE: Yes.

11 MR CAMMEGH: I'm embarrassed to make the application, but
12 with the best will in the world, I have to.

13 PRESIDING JUDGE: Certainly, whichever way we decide, we'd
14 also have to factor in the interests and rights of your client to
14:58:48 15 be effectively represented, given every opportunity to refute the
16 Prosecution's case.

17 MR CAMMEGH: Well, I wouldn't want to insult Your Honours'
18 intelligence by making that point, I know you'll take that point
19 on board.

14:59:05 20 PRESIDING JUDGE: In any event, if you want to start, or
21 you want to take the application at this point, we'll do that.
22 We'll ask the other counsel for their responses.

23 MR CAMMEGH: I would rather make the application now. I'm
24 terribly sorry.

14:59:18 25 PRESIDING JUDGE: Very well. So the application is for an
26 adjournment to tomorrow on the grounds of your temporary, shall
27 we just say indisposition, since we can't say medical.

28 MR CAMMEGH: That's what I was going to say, yes. Thank
29 you.

1 PRESIDING JUDGE: Mr Nicol-Wilson, on behalf of the second
2 accused.

3 MR NICOL-WILSON: We support the application, Your Honour.

4 PRESIDING JUDGE: Mr Jordash, what's your disposition?

14:59:46 5 MR JORDASH: I support his disposition.

6 PRESIDING JUDGE: Very well. Mr Harrison's what's your
7 disposition?

8 MR HARRISON: In the circumstances, we don't think it's
9 appropriate to make a suggestion one way or the other.

15:00:02 10 PRESIDING JUDGE: Very well. The Bench preeminently
11 considers the interests of the accused in the matter of this
12 nature and his right to effective and adequate counsel. So we'll
13 adjourn the Court to tomorrow, Friday, 1 June 2007 at 9.30 a.m..

14 MR CAMMEGH: Thank you very much.

15:00:47 15 [Whereupon the hearing adjourned at 2.54 p.m.,
16 to be reconvened on Friday, the 1st day of June
17 2007, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY 2

CROSS-EXAMINED BY MR CAMMEGH 2