

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

FRIDAY, 1 JUNE 2007
9.47 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Peter Harrison Mr Vincent Wagona Ms Amira Hudroge (Case
For the Principal Defender:	Ms Haddijatou Kah-Jallow
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr John Cammegh

manager)

1 [RUF01JUNE07A- MD]
2 Friday, 1 June 2007
3 [Open session]
4 [The accused present]
5 [The witness entered court]
6 [Upon commencing at 9.47 a.m.]
7 WITNESS: ISSA HASSAN SESAY [Continued]
8 CROSS-EXAMINED BY MR CAMMEGH: [Continued]
9 [The witness answered through interpreter]

10 PRESIDING JUDGE: The trial is resumed. Good morning,
11 Mr Cammegh. Are you in much better shape this morning?

12 MR CAMMEGH: Well, the honest answer is I am not really,
13 but I'd like to finish, Your Honour.

14 PRESIDING JUDGE: Very well.

15 MR CAMMEGH: I don't know if Mr Crippa has told you, but
it
16 may well be later in the day, when I do finish, I will be
17 respectfully applying to the Court if I could be excused.

18 PRESIDING JUDGE: Your application will be considered in
19 due course.

20 MR CAMMEGH: Yes. Thank you, very much.

21 PRESIDING JUDGE: Let us proceed.

22 MR CAMMEGH:

23 Q. Mr Sesay, I want to start by returning to the
allegations

clear
just
with
2005,

24 of the forced labour. There is just one matter I'd like to
25 up with you. And, again, I'm afraid this question involves me
26 reading to you something that was said by a witness, and I
27 want you to comment on it, please; tell me whether you agree
28 it or not. It's something that 366 said on 17 November of
29 at page 87. And what that witness said was:

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to
MPs,
you

1 "Whatever we received it was from Augustine Gbao. When
2 something comes from Buedu to Kailahun, he was a senior
3 officer in Kailahun. He was the one who dispatched it
4 us in the jungle...I would say Augustine Gbao and the
5 but he was the head."

6 Would you like to comment on that please, Mr Sesay, if
7 can?

8 A. Yes, sir. But, first, I disagree with what 366 said,
9 because 366 did not go to Kailahun Town for the entire 1998.

He

10 was in Kono for the whole of '99 up to the disarmament. 366
did

11 not go to Kailahun.

12 Q. What about the suggestion that it was Augustine Gbao,
and

13 the MPs, who appeared to be responsible for dispatching
logistics

14 to the fighters in the jungle; would you agree with that?

15 A. Well, 336 -- 366, did not come to Kailahun, that's the
16 first thing; and, secondly, the supplies were coming from
17 Bockarie, not from Augustine Gbao, for Kono in '98; and,
thirdly,

18 from July, the road from Kenewa to Boama, they had made it
19 because, at that time, it was a tree that only fell across the
20 road.

21 THE INTERPRETER: Your Honours, can he take it slowly
22 again.

23 MR CAMMEGH:

24 Q. Mr Sesay, once again, I'm sorry, you are being asked to
go

25 back and speak a little bit more slowly.

26 PRESIDING JUDGE: Yes, let's get his third point again.

27 MR CAMMEGH:

28 Q. Yes, your third point, if we can.

29 A. Yes, sir My Lord. I said, the third point -- I said,
the

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1 third point, from July 1998, the road, the road from Kenewa to
2 Boama, they had removed the trees that had fallen across the
3 road, so vehicles were coming from Buedu to Lower Boama. Now,
4 from Lower Boama to the Moa River, was not up to one and a
half
5 miles. It's about a mile.

6 Q. Thank you, Mr Sesay. I know that you were living in
7 Pendembu for most of 1998, and, of course, if you can't answer
8 this question, I will understand, but were you aware of a man
9 called Korpomeh who worked with Augustine Gbao? I think he
was a
10 driver.

11 A. Yes, I know Korpomeh, he was a driver. He used to
drive.
12 Currently, he's a soldier in the army.

13 Q. And, again, an allegation from 108 was that Korpomeh,
108
14 specified, that between 1998 and 2000, was capturing
15 female civilians, to fetch coffee for Augustine Gbao in
Sandiaru;
16 are you able to comment on that allegation?

17 A. Yes. But from February 1999, Augustine Gbao was not in
18 Kailahun any more. From January -- from February to March,
Gbao
19 was in Makeni. From March to October he was in Magburaka. He
20 continued to stay in Makeni up to the disarmament. He was not
in
21 Kailahun, so how could they fetch coffee for him in Sandiaru?

22 Q. What about just focusing on --

and

not

would

was

23 A. And when Foday Sankoh had been arrested, in 2000, May, I
24 went to Kailahun around -- around July. I called the chiefs
25 told them not to contribute cocoa. I said I would provide the
26 medicines, that we've had -- we've had a source for the
27 medicines, we'd buy the medicines. So the civilians should
28 contribute anything in the form of produce and they, too,
29 come here to confirm that. So if anybody tells you that he

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in

1 forced in 2000 to fetch produce in Kailahun, that's a lie.
2 Because I made it plain to the chiefs in Kailahun Town that
3 nobody should contribute because the war was coming to an end.
4 Let the people have as their produce for themselves, and I
5 continued to provide medication for them up to the disarmament
6 Kailahun.
7 Q. And just a "yes" or "no," if you can. Were you ever, at
8 any stage were you ever aware of Korpomeh recruiting forced
9 female labour on behalf of Augustine Gbao, in Sandiaru?
10 A. No.

11 Q. Thank you.

12 A. I don't know that and --

questions

13 Q. I just want to wrap up with 108, a couple of last

14 on 108. 108 claimed, and again I'm afraid I haven't got the
15 reference, but 108 claimed that Martin George was, at one
stage,

16 the chief security officer; is there any truth in that, that
he
17 took over from Augustine Gbao at some point?

18 A. Did you say from Augustine Gbao?

19 Q. Yes.

20 A. The time that Martin George became chief security
officer

21 in Kailahun, it was around March or April 2000 and, at that
time,

22 Gbao was in Makeni.

23 Q. Thank you. And finally this, again on 108: 108 claimed
24 that Francis Musa was, at one stage, an IDU commander; is that
25 right, according to your knowledge?

26 A. Yes. He was the district, Kailahun District, IDU
27 commander.

28 Q. At what stage? Would this have been as far back as '98?

29 A. Yes. '98, '99.

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you
1 Q. Would he have been the Kailahun District -- sorry, did
2 say Kailahun District or Kailahun Town?
3 A. Kailahun District IDU commander.
of
4 Q. Was he the Kailahun District IDU commander at the time
5 the killing of the 67 Kamajors?
6 A. Yes, I think so.
security
7 Q. I want to now move on to the subject of the joint
that
8 board for investigation. Would you agree with me, Mr Sesay,
me
9 the -- I'm going to call it the JSBI -- would you agree with
10 that the JSBI could only start an investigation if either a
11 brigade commander or a battalion commander decided that a
soldier
12 or combatant should be investigated; would you agree with
that?
13 A. Yes, I'll agree, especially with the brigade commander.
14 I'll agree with that.
15 Q. Thank you. And did investigations -- once again,
16 Ms Ashraph is assisting me. The suggestion by 108 that Martin
17 George became security commander is at 7 March 2006, page 90.
18 Right. Now, I just want to talk about how an investigation by
19 the JSBI would begin; where would it come from? How would it
20 originate? Would you agree with me that the usual manner in
21 which an investigation would arise --
yesterday?
22 JUDGE ITOE: Mr Cammegh, hadn't we visited that
near
23 MR CAMMEGH: No, Your Honour, we haven't been anywhere

24 the JSBI yet. It's a new subject and which is totally
separate
25 from the IDU. Augustine Gbao, in March of '96 was appointed
the
26 chairman of the Joint Security Board of Investigation, or at
27 least that's our case, as well as overall IDU commander on the
28 same occasion, and was on the same occasion elevated to the
rank
29 of captain and I think, on the same occasion, was appointed

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1 overall security commander.
2 JUDGE ITOE: So what you are saying is that the
procedures
3 are different, from what we saw yesterday.
4 MR CAMMEGH: Yes, because the JSBI --
5 JUDGE ITOE: Go ahead then. Go ahead. That's all
right.
6 MR CAMMEGH:
7 Q. Was the normal manner in which a JSBI investigation -- I
am
8 going to start again. I am sorry, Mr Sesay. Would a JSBI
9 investigation usually start in this way: A G5 commander would
10 submit a report concerning harassment of, for example, a

would

11 civilian, to a brigade IDU commander and that IDU commander

12 then inform the brigade commander of the allegation. That

13 brigade commander would then institute a JSBI board of
inquiry.

14 Does that sound right to you?

15 A. Yes, that's correct.

16 Q. Thank you. I'm sorry it's just a convoluted question.

17 Once the JSBI had reached a finding that disciplinary action

18 should be taken against the guilty combatant, was it up to the

19 JSBI to recommend that the MP took that disciplinary action

20 against the combatant?

21 A. Yes.

22 Q. Thank you. Were you familiar in '96, '97, and
particularly

23 1998 -- in fact, I will start again. Were you familiar in
1998,

24 particularly after the retreat of the RUF from Kenema with the

25 resurgence of the CDF and the Kamajors, were you familiar with

26 the phrase SOS; security-on-security.

27 A. Yeah.

28 Q. Are you aware of how the JSBI was formed? How it was

29 comprised? Who would sit on the JSBI?

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1 A. During the investigations of the Kamajors?

2 Q. Well, for example, during the investigations of the
3 Kamajors, yes, just as an example. Who would sit on the JSBI?

4 A. Well, it was the unit, but I was not there to be able to
5 recall the individuals. But what I understood was that the
IDU,
6 the MP and some of the G5s were the ones who carried out the
7 investigations, especially the MPs and the IDUs.

8 Q. Thank you. What in particular, if you can help us, was
9 Augustine Gbao's role with the JSBI? Can you shed any light
on
10 that? I appreciate you weren't involved with the JSBI
yourself
11 but perhaps you can help us.

12 A. Well, during that incident involving the Kamajors, I was
13 not in Kailahun, but Gbao would not just say to investigate or
to
14 arrest those people. If Bockarie gives orders to arrest those
15 people, then he would tell Gbao to get the MPs and IDUs to
16 investigate those people. And when I reached Kailahun, I
to
17 understood that those who were investigated, who had no marks

18 show that they were Kamajors, were set free, because the
Kamajors
19 had marks in front of their bodies and at the back of their
20 bodies. So those people who hadn't those marks were set free.

21 Those who had the marks were the ones Mosquito killed. That
was

22 what I heard when I reached Kailahun because I was not present
at

23 the scene, but the MP commander who was in Kailahun, who was
John

24 Aruna, he was a district MP commander for Kailahun.
25 Q. That's very helpful, Mr Sesay. Thank you for that.
26 Clearly you are talking there about the JSBI in relation to
27 events prior to the Kailahun massacre. Can I just ask you,
28 please, your knowledge of Augustine Gbao's precise function, I
29 mean in a general way, with the JSBI. He was, I think, the

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us

1 chairman of the JSBI; is that right? But how much involvement
2 did Augustine Gbao have in boards of inquiries; can you help
3 with that? If you don't know, just say so.

4 A. Well, when I arrived there, Mosquito had killed those
5 people, so I cannot tell you who and who was in that board of
6 investigation, the board of the panel.

7 Q. You mentioned a man called John. Was his name John T
8 Aruna, in fact; was that his name, the local MP commander in
9 Kailahun Town?

miles

10 A. Yes, John Aruna. He's a native of Bandajuma, three
11 to Kailahun.

12 Q. Help me with this if you can: Did he have a deputy in
13 Kailahun Town by the name of -- I can't remember the first

14 name -- but the name of Mendegla?

15 A. Well, I did not exactly know that he was the deputy, but
16 Mendegla was an MP. He was working with the MP.

17 Q. I'm going to come onto the Kailahun killings in a moment
18 but, before I forget this, perhaps you can help me: Were you
19 ever aware as to whether Mendegla was one of those who shot

the

20 67 Kamajors on that day in Kailahun Town? Was he one of the
21 shooters, do you know?

22 A. Well, except if you want me to speculate. But I've told
23 you that I was not there. When I arrived in Kailahun, I heard
24 that it was Mosquito who first killed the people; he gave

orders.

25 Q. Okay. Now, I think, returning to the practice of the

JSBI,

26 is this right: That if the board chairman's advice to a

brigade

27 commander to take action against a combatant was ignored, did

the

28 chairman have the right to write a warning letter to that

brigade

29 commander?

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1 A. Yes. He would write a warning letter and if a brigade

to 2 commander fails to listen, then the report would be forwarded
3 Mosquito.

occasion 4 Q. Exactly. Thank you. I want to ask you about an
5 towards the end of 1996, when Mr Gbao wrote a warning letter.
6 Perhaps you can help me with this. In late 1996, was Sam
7 Bockarie based in Peyama?

that 8 A. Yes. Sam Bockarie, in late October or early November,
9 was the time he came to Giema from Peyama, but from October to
10 January '96, Bockarie was based in Peyama.

was 11 Q. Thank you. Now, at that time, I think Augustine Gbao
12 based in Giema; is that right?

13 A. Yes. When I came from Zogoda in early October, I met
14 Augustine Gbao in Giema.

15 Q. Were you aware that it had come to Gbao's attention that
16 some harassment of civilians was going on concerning, in
17 particular, Kennedy?

this 18 A. Well, Kennedy was the area commander in Peyama and, at
can't 19 time, I was not the commander in Kailahun, you know, so I
20 say. Kennedy was not working under me at this time. The
21 commander in Kailahun also was not working under me at this
time.

22 Q. Okay. Can you remember Gbao telling you that he'd had
23 cause to write to Sam Bockarie to complain of the fact that no
24 action to prevent this harassment had been taken. Can you
25 remember that?

he

26 A. Well, I can recall when Bockarie came to Giema, and when
27 said that Augustine Gbao would be in Giema and be writing a
28 letter to me that they were harassing civilians, as if I was
29 under his control. I heard that. But, at that time, Bockarie

--

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1 THE INTERPRETER: Your Honours, can the witness kindly
2 repeat?

3 MR CAMMEGH:

4 Q. Sorry, Mr Sesay, you are being asked to roll back again.
5 Can you go back a couple of sentences?

Gbao

time,

6 A. I said, when Bockarie arrived in Giema, Bockarie said it
7 openly that Augustine Gbao would be in Giema and writing a
8 warning letter to me, in Peyama, about fighters harassing
9 civilians in Peyama. He said he doesn't know what Augustine
10 means, or if he thinks he was under him. Because, at that
11 Bockarie himself was working under Kennedy in Peyama, because
12 Kennedy was the area commander and Bockarie was the battalion
13 commander.

It
you

14 Q. And is this right: That Bockarie got extremely upset
15 because, somehow, the letter was shown to Mohamed Tarawallie.
16 must be very shortly before Tarawallie lost his life. But do
17 remember that: Bockarie was very angry about the fact that
18 Tarawallie --

19 THE INTERPRETER: Can learned counsel kindly repeat the
20 question?

21 MR CAMMEGH:

had
been

22 Q. Was Bockarie very angry over the fact that Tarawallie
23 had sight of Gbao's letter and that Bockarie had therefore
24 embarrassed; do you remember?

order
because

25 A. Yes. That led Mohamed Tarawallie, on that letter, to
26 Bockarie to report at Zogoda where he was strongly warned
27 the incident --

28 Q. Thank you.

kindly

29 THE INTERPRETER: Your Honours, can learned counsel

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1 wait for the answer. His interjection seems to be obstructing

2 the interpretation. Please --

3 MR CAMMEGH: I'm so sorry, Mr Interpreter, that I'm
4 obstructing you with the word thank you. I'm very sorry.

5 JUDGE ITOE: Let's not -- let's keep our nerves, please.
6 We should keep our nerves. These exchanges --

7 MR CAMMEGH: I'd like the interpreters, please --

8 JUDGE ITOE: These exchanges with the cabin, you know,
do
9 not assist us to advance. Let's please keep our nerves
together
10 and proceed normally. And with all the serenity that we
require
11 in this Court, please.

12 MR CAMMEGH:

13 Q. Mr Sesay, I think you are going to have to repeat your
14 answer again, I'm afraid.

15 A. I said, that was why, based on that letter that Gbao
sent
16 to Tarawallie, that was why Tarawallie called Mosquito to
Zogoda,
17 where he was warned and Mosquito became offended. That was
why
18 he was saying it in Giema when he went there. He said Gbao
was
19 in Kailahun, in the rear, and writing things about them who
were
20 fighting the war in Peyama.

21 Q. Were you there when Sam Bockarie physically assaulted
22 Augustine Gbao in the Giema MP office?

23 A. Yes. It was based on that letter regarding Augustine
Gbao.

24 Q. And I think he assaulted Mr Gbao with some force; is
that

25 right?

26 A. Well, he lambasted him.

27 Q. And in fact --

28 JUDGE BOUTET: Mr Sesay, did you say you were there?

29 THE WITNESS: Yes, My Lord, I was at the MP office

during

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1 the parade in the morning, when Bockarie was lambasting Gbao,
2 that it was Gbao that had sent a report against him.

question

3 JUDGE BOUTET: It's okay because you were asked a

that

4 if you were there and I didn't hear your answer to be saying

5 you were there but this is something you observed.

6 THE WITNESS: Yes, sir, in Giema.

7 JUDGE BOUTET: Thank you. Sorry, Mr Cammegh.

8 MR CAMMEGH: Not at all.

9 Q. I just want to clear one thing --

again?

10 JUDGE ITOE: Sorry, Mr Cammegh, just a minute. What was
11 the -- was it a physical assault or -- can you take that

12 I mean, what was the nature of the assault?

13 THE WITNESS: He lambasted him in the presence of the

in 14 parade. He even abused him in the presence of the fighters,
15 the presence of the junior men.

16 JUDGE ITOE: But he didn't touch him physically, did he?

17 THE WITNESS: No, he did not beat him up.

18 JUDGE ITOE: Thank you.

19 MR CAMMEGH:

take 20 Q. But in any event, Mr Sesay, did you take Mr Bockarie,

21 Sam Bockarie aside, and tell him that he should show Gbao, his
22 elder, more respect in the future?

23 A. Yes, because when Bockarie was becoming angry, I said,
24 "Gbao, this is our big man. Leave him alone. If he does
25 something to you he should not be disgraced in the presence of
26 the men. You should have called him. Leave him alone." And
I, 27 Peter Vandj, spoke to Mosquito for him to calm down.

28 Q. Okay. Thank you. I want to ask you some more questions
29 about the relationship between Augustine Gbao and Sam
Bockarie.

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Augustine 1 In late 1998, is it correct that Sam Bockarie recalled

2 Gbao to Buedu on disciplinary grounds?

later;

3 A. Well, when I had gone to Kono that was what I heard

4 that Mosquito ordered Gbao to report to Buedu in December and
5 from that report that was made he was posted to brush the road
6 from the Moa River to Sandiaru.

prefaced

7 Q. I'm aware that you weren't there. I should have

I

8 my question with that. I know you weren't there but can you,

at

9 don't know if you can, perhaps you can help us. Was Bockarie,

10 that time, unhappy for three particular reasons with Gbao?

11 Number one, and perhaps the largest, or the greatest reason of
12 all, was he tired of what he saw as Gbao's constant laziness?

himself,

13 A. Well, I did not know the problem. I did not know the
14 problem. I was not in Buedu. I just heard when Gbao,

me

15 came and told me that, "Oh, you know that boss had instructed

16 to brush the road, he sent an order of arrest when I went to

to

17 Buedu. I stayed there for some time and later he ordered me

him,

18 brush the road" but I did not know the problem that caused

19 that caused Bockarie to order him to -- order him to brush the
20 road.

you

21 Q. Okay. Can I just ask you a couple of things indirectly
22 connected with this issue. Earlier in the year and again,
23 Mr Sesay, I know you may not be able to answer this but, if

Gbao

24 can, can you confirm that Sam Bockarie was very angry with

Philip

25 when he heard that Gbao's wife, Hawa, had cooked food for
26 Palmer while he was incarcerated in Kailahun Town, in about
27 February of 1998?
28 A. Well, I was not there but I heard that, that Gbao was
29 allowing them to prepare a special food for the people who had

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this

1 captured Philip Palmer while there was food at the MP office
2 which should have been prepared for Philip Palmer and others
3 which should have been given to them to eat.

4 THE INTERPRETER: Your Honours, can the witness repeat
5 last bit? He was not very audible.

6 MR CAMMEGH:

repeat

7 Q. Sorry Mr Sesay, you are being asked to speak up and
8 your last sentence, please.

Kailahun, I

9 A. I said I was not in Kailahun but when I went to
10 heard that when they said Mosquito was angry with Gbao because
11 Gbao's wife was preparing food that she takes for Philip
12 and others, and Bockarie was angry because there was food at

the

13 MP which they should have been preparing for the -- for all
the
14 detainees. So if Gbao was preparing a special food and
sending
15 it for Philip Palmer and others, that did not go down well
with
16 Bockarie. That was why Bockarie was angry, because the food
that
17 the MPs were preparing for the detainees was just like a
18 bogey-like; food that was not palatable. That was what we
call
19 bogey. They would just cook it because it was a prisoners'
food.
20 Q. Sounds horrible. And when you say cooking food for
Philip
21 Palmer and others, who were -- were the others those other
22 members of the external delegation who Palmer was locked up
with?
23 A. Yes, they were Fayia Musa, Deen Jalloh, Dr Barrie. They
24 were the ones.
25 Q. Okay. Now, can I just ask you about this: You
mentioned
26 earlier on this morning that some suspected Kamajors had been
27 released by Gbao prior to the massacre. Can you please
confirm
28 this? Again, if you don't know then I am sure you will tell
us
29 but can you confirm that probably, because I can't be precise,

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1 but probably within a week of the killings, Augustine Gbao
2 authorised the release of about 40 suspected Kamajors from the
3 same place as where those who were shot were later held?

4 A. Well, I can't confirm the figure but when I arrived in
5 Kailahun, that was what I heard; that the people who were
6 arrested were Kamajors. Those who hadn't marks were released.
7 Those who had marks were the ones that stayed in custody until
8 Bockarie came and killed some and passed orders to kill the
9 others.

10 Q. Can you again, Mr Sesay, I don't want you to speak on
11 things that you're not directly aware of but, did you hear
that
the
12 Augustine Gbao's then deputy, Francis Musa, was also part of
13 process that freed those 40 or so Kamajors? Was Francis Musa
14 involved as well?

15 A. Well, I was not there to know the individual who carried
16 out the investigations. When I arrived there the incident had
17 taken place. I just heard it by hearsay. That was what they
18 told me.

19 Q. I just want to make sure of this: Were you told then,
did
involved
20 you get hearsay information, that Francis Musa had been
21 along with Gbao, in the freeing of those men?

22 A. Well, Francis Musa was a district IDU, so, in a matter
like
23 that, because that massacre in Kailahun was a big news. I

24 wouldn't deny that he was part of it because they were
25 responsible for the investigations.

Augustine
26 Q. Okay. Can you confirm this for me, please: That

JPK
27 Gbao played no personal role in retrieving the diamonds from

28 in February of '98? Can you confirm that?

took
29 A. Augustine Gbao was in Kailahun Town and this incident

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1 place in Buedu, so he was not part of it.

at
2 Q. In a similar vein, can you please confirm that Augustine
3 Gbao played no role in the retrieval of diamonds from Gullit

4 around the same time?

hadn't
5 A. Well, when I met Gullit he hadn't diamonds, and he

6 diamonds. Gullit said that the diamonds that he had, he had
7 given to Bockarie before we arrived in Kailahun. So I don't
know

8 about taking diamonds from Gullit because when I met him he
9 hadn't diamonds and he did not give me diamonds.

referring
10 Q. That's exactly the incident I'm -- I'm actually

11 to. Was Gbao involved in that incident when you retrieved the
12 diamonds from Gullit; was Gbao there?

Gullit.

13 A. Well, I did not tell you that I had diamonds from

14 I told you that when I -- when I was ordered to go and meet

15 Gullit, Gullit said he hadn't diamonds and I searched him and

he

16 hadn't diamonds and he made his boys to search themselves in

my

17 presence and they hadn't diamonds. So they did not take

diamonds

18 from Gullit. Gullit said that when he arrived in Kailahun --

19 Q. Carry on, Mr Sesay.

20 A. Yeah. I said Gullit said, when he arrived in Kailahun,

the

21 diamond that he had he gave to Bockarie before we arrived in

22 Kailahun, us and JPK. I did not hear about Gbao in that and

Gbao

23 was in Kailahun Town.

24 Q. That's fine. Thank you. And the last issue I want to

ask

25 you about here, we've heard about a bank robbery in Koidu Town

26 and we've heard evidence in this trial that the proceeds of

that

27 bank robbery were being searched for in order that they be

28 recovered. Was, to your knowledge, Augustine Gbao involved in

29 the recovery of money from that bank robbery?

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in
the
playing

1 A. Well, I don't know this because Augustine Gbao was not
2 Kono; he was in Kailahun. So I don't know whether he played a
3 role to retrieve that money. What I knew was that the man who
4 brought the money from Kono, who was Major Kennedy, he was a
5 senior man to Gbao at that time and it was Kennedy who took
6 money to Bockarie in Buedu. So I was not aware of Gbao
7 any role in that.

you
being

8 Q. Thank you. I will make this clear: My suggestion to
9 is that, indeed, Gbao had no role in that at all, despite
10 the overall IDU. It seems you probably agree with me; is that
11 right?

Kono
presented

12 A. That's what I'm saying. That the incident happened in
13 and Gbao was in Kailahun Town. The man who brought the money
14 passed through Gbao in Kailahun and went to Buedu and
15 the money to him. The man was Kennedy.

by
you

16 Q. Thank you. You've mentioned the fact that Gbao was sent
17 Sam Bockarie to brush a highway. In fact, I'm suggesting to
18 that it was the Bunumbu to Kono highway; would you agree with
19 that?

20 A. Well, I just heard, I can't recall, I just heard that he
21 brushed the road towards Kono. I do not know the main road.

22 Q. Okay. Now, I know that you weren't involved in this
23 action, so I'm just asking you for hearsay, if you did hear
24 anything, but --

25 A. Well, what I've heard is what I told you.

26 Q. Can you -- did you know -- or do you know that -- can
you
27 confirm that Gbao stayed in a place called Woama W-O-A-A-M-A
brushing
28 [sic] between December '98 and February '99 while that
29 was going on?

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1 A. Well, I did not know the village where he was based
because
2 I was in Makeni. It was when he went to Makeni that he told
me
3 that Bockarie instructed him to brush the road. So I did not
4 know the villages by he was going on with that work.

5 Q. I'm suggesting this: That although Kono had been
retaken
6 at that time, CDF or Kamajor ambushes were still taking place
7 and, in order to prevent himself from seeing any action, Gbao
8 simply delegated the work and stayed safe in the village of
9 Woama. That's my suggestion. If you can't help me with that,
10 I'll understand.

11 A. Well, when we had captured Kono, yes, the road to
Kailahun,
12 CDF used to set ambushes there, even on the main road, but I
13 can't make any comment about Gbao's movement on that road,
when
14 he brushed that road, because I was in Makeni.
15 JUDGE BOUTET: He told you three times, Mr Cammegh, that
he
16 doesn't know what happened. He saw Gbao when he was finished,
17 that he had been brushing. He doesn't know where he was
living,
18 how he was living. He doesn't know anything about that.
19 MR CAMMEGH: Okay.
20 JUDGE BOUTET: I know it's your -- you want to put that
to
21 him but he doesn't know.
22 MR CAMMEGH: I can move on. I can move on.
23 Q. A comment made by the witness 054 -- do you have the
list
24 in front of you, Mr Sesay? I don't think you do. Do you
25 remember -- thank you. 054, I think he was in either session
six
26 or seven -- I think six. Do you have him?
27 A. I have not yet seen it.
28 Q. If you have a look at session six, Mr Sesay?
29 A. I have 045, not 054.

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out

1 Q. I'm sorry, yes. A simple question, I am sorry to jump
2 of sequence. But was --

3 JUDGE ITOE: Is it 054 or 045?

4 THE WITNESS: Section six, we have 045, My Lord.

5 MR HARRISON: Just so there is no confusion, 054 and 045
6 both testified in the sixth session.

7 MR CAMMEGH: Then I must be right; it must be 054.

8 Q. The witness concerned Bo; it's 054. Do you see the name
9 alongside 054?

10 A. I don't have 054 here.

11 Q. I've lost my list, I am afraid, so I can't help you. Do
12 you have it?

13 A. Yes, yes. Sorry.

14 Q. 054 told a story about an event in -- is it Gerihun or
15 Gerihun in Bo District. Do you remember?

16 A. Yes, I can recall that witness.

in

17 Q. And he told a story which took place, according to him,

Gbao

18 May of 1997, very shortly after the coup. According to your
19 knowledge, Mr Sesay, at that time, May 1997, was Augustine
20 anywhere near Gerihun in Bo District?

21 A. No, no. Augustine Gbao, I left him in Giema.

22 Q. Thank you.

23 A. And during the junta time Augustine Gbao never passed --

24 Q. Thank you.

25 A. -- Kenema.

26 Q. Okay. In a similar vein, can I ask you about 117 -- I
am

27 afraid I cannot remember in which session that witness
28 testified -- I think it might be eight?

29 A. Yes.

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1 Q. Do you have it, Mr Sesay?

2 A. Yes. Yes, I have it. 117.

3 Q. Now, 117, amongst other things, was talking about the
4 retreat from Tombo towards Makeni, in early 1998; do you
recall

5 that witness?

6 A. Yes, I recall him.

7 Q. Just a few simple questions on this. In early 1998,
8 February 1998, was Gbao at any stage in Makeni?

9 A. No, no, no. For the rest of '97, '98 Gbao did not go to
10 Makeni.

11 Q. Thank you. Was he at any stage on the JPK convoy
towards

12 Kailahun?

13 A. No, no. He wasn't there. We met him in Kailahun.

between

14 Q. And at any stage, Mr Sesay, did you shoot at Gbao

15 his toes as a punishment for raping a Lebanese woman?

Gbao's

16 A. No, no, that never happened. I never fired between

17 toes, since the start of the war 'til the end.

event

18 Q. You may remember that the same witness described an

19 when his group, coming down from Kabala, met you and Gbao with

20 other STF commanders, in Kono District. Is there any truth in

21 that assertion at all?

22 A. Well, there is no truth in that because --

in

23 Q. Thank you. I want to now move on to the killing of the

24 Kamajors. The background of this event is that thousands of

25 people, mainly civilians, had retreated into Kailahun District

Liberia.

26 February of 1998. Would you agree?

27 A. Yes, but those thousands, most of them crossed to

28 Especially the people from Kenema, Segbwema, Daru and --

29 Q. I don't disagree with you. Would it be fair to say that

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time?

1 Kailahun District was on a very tense war-footing at that

Even

2 A. Yes, because when we arrived in Kailahun, from that time
3 the jet was attacking Kailahun, in the towns, the villages.

4 in the farms. It was dropping cluster bombs wherein it killed
5 people. That was what happened in '98.

6 Q. Okay.

7 A. The jet would come in the morning. It would fly in the
8 morning. It would come -- sometimes it would go to Kailahun
9 three times, sometimes two times.

10 Q. Is this right: That in the days prior to the Kailahun
11 killings atrocities had been committed by CDF or Kamajors in
12 Hangha Lane, in Kenema Town and elsewhere?

13 A. Where? Where in Kenema Town?

14 Q. Hangha Lane. It's the main street in Kenema.

15 JUDGE BOUTET: Hangha Road.

16 MR CAMMEGH: Is it -- Hangha Lane, I am getting mixed up
17 with the police station.

18 Q. Hangha Road.

19 A. Hangha Road, yes. Well, I only knew that the Kamajors
20 attacked Kenema and they attacked Bo, they attacked Kono

during

21 the early time before we retreated, but I cannot tell you

exactly

22 what happened in the ground in Kenema because I wasn't there.

23 Q. Right. On the day that those people were killed did you
24 send an advance team -- I am referring now to the testimony of
25 366 -- did you send an advance team in a Hilux vehicle in
26 order -- can I just finish the question, sorry, in order for

366

27 to meet Gbao to arrange your arrival in Kailahun Town later

that

28 day?

Gandorhun, 29 A. Well, that was a lie because 336, we left him in

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had 1 we went to Kailahun, and before we arrived we met the people
Kailahun 2 already been killed. So he didn't go -- he didn't go to
not 3 for the rest of '98 and when they killed these people he was
in 4 in Kailahun, so they were telling lies. We didn't leave him
when 5 Kono. Then I would meet the people had been killed when --
to 6 I left the Kamajors they -- how did it happen when I would go
had 7 Buedu, then I would order for the people to be killed when I
8 already met them killed?

9 Q. To your knowledge, Mr Sesay, is there any possibility at
10 all that 366 was in Kailahun Town at any stage on that day?

11 A. Well, I said if he was there, do you mean if 336 [as
12 interpreted] was there during the killing of the people?

13 Q. Yes, I will be clear about it. I'm suggesting that he
14 wasn't there at all; what would you say?

the

15 A. Well, that is what I'm saying. I'm said, this man at
16 time when they killed these people, we were between Makeni and
17 Kono because when we arrived in Kailahun the people had
18 been killed over a week, so he was lying.

already

said

19 Q. Thank you. I want to read something to you that 366
20 about Augustine Gbao's job and the way he would do his job.

On

the

21 November -- now this could be either the 8th but I think it's
22 18th, 2005 at page 53. I will read it to you, Mr Sesay, and
23 perhaps you can comment. 366 said this: Augustine Gbao
24 investigated us when we do something wrong. Whoever does
25 something wrong, if he -- that's Gbao -- says you're going to
26 today, you would die.

die

his

27 Was 366 giving a fair description of how Gbao was doing
28 job there, or was he exaggerating?

29 A. He was exaggerating because, in '98, 336 was in Kono for

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1 the rest of '98, and Gbao was in Kailahun. He wasn't under
2 Gbao's command or control.

reference,

3 JUDGE BOUTET: Mr Cammegh, can you give me the
4 the one you have given doesn't appear to work.

I'm

5 MR CAMMEGH: It's page 53 and it's, this is my mistake
6 afraid, it's either 18 November or 8 November 2005. I think
7 the 18th. Mr Crippa is indicating to me I'm probably wrong.
8 It's probably the 8th, Your Honour.

it's

9 JUDGE BOUTET: Yes, the page that you've given, there's
10 nothing like that on 18th, I can tell you.

11 MR CAMMEGH: Yes.

12 JUDGE BOUTET: Yes, it's the 8th. Thank you.

13 MR CAMMEGH:

there

14 Q. I hear what you say when you tell us that you weren't

15 on that day, Mr Sesay. From what you've heard, was Augustine
16 Gbao in Kailahun Town? In fact, there is little point in me
17 asking about that. I'll move on. To your knowledge, in your
18 experience, can you remember a single event in the war, a

single

19 investigation or disciplinary finding in which Augustine Gbao
20 caused the death of a single individual in Sierra Leone?

21 A. Well, I did not see or hear where Augustine Gbao killed
22 somebody. So say Augustine Gbao shot somebody, no, I did not
23 hear about that.

24 Q. What about ordering execution? Did you ever hear of a
25 single time when his actions led to somebody's execution?

26 A. Well -- that Augustine Gbao's actions led someone to be
27 executed?

28 Q. Yes. I'm suggesting that it never happened; would you
29 agree with me?

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1 A. Yes, yes. Because the Kamajors that were killed, when I
2 suggested went to Kailahun, I never heard that it was Gbao that
3 took that Mosquito should kill them. It was Mosquito himself who
4 it on himself to kill those people.

5 Q. Let's, for one moment, assume that Gbao was there at the
6 that roundabout. Can I just finish the question. Let's assume
7 he was up at the MP when the second group were killed. What
8 would have happened to Gbao if he'd tried to interfere with
9 Mosquito's order?

10 the PRESIDING JUDGE: Isn't this speculative? It comes on
11 borderline, perhaps.

12 MR CAMMEGH: I will put it a different way.

13 PRESIDING JUDGE: Yes.

14 MR CAMMEGH:

15 Mosquito, Q. If, I will use the phrase a junior commander to

being 16 directly tried to interfere with one of Mosquito's orders
17 carried out, would he have been in trouble?
Mosquito 18 A. Yes. He wouldn't stand in front of Mosquito, when
Mosquito 19 said these people should be killed. If he tried to pull
20 from there, it would be a problem for him, when Mosquito said
And 21 there's no one who would tell him he shouldn't do this, no.
22 Gbao would not be able to stop Mosquito at that time, when
23 Mosquito had decided to do this. Even if he stood there when
Gbao 24 Mosquito was killing the first people at the roundabout, no,
25 would not be able to stop him.
we 26 Q. Can I ask why. It might sound a silly question but can
27 have your answer to that?
28 A. Well, Bockarie: One, he was a dictator; two, he was
to 29 aggressive. When he will say he will do this, you who tried

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1 advise him, it would be problem for you. He thought that his
2 ideas were the best, so --

say

3 Q. When you, I am sorry to labour the point, but when you
4 it could be a problem for you, what do you have in mind,
5 Mr Sesay? What are you referring to?

to

6 A. Well -- well, for instance, in Kenema, Mosquito looked
7 Vanguards, one who was a Vanguard, the son of BS Massaquoi,
8 was Morris Massaquoi. All of us trained as Vanguards.

who

Mosquito

9 shot his feet and break it. He looked at other Vanguards and
10 shot his foot and break it. So those things that he was doing
11 his colleagues' Vanguards, everybody was afraid of him.

to

12 MR CAMMEGH: Of course, as Your Honours, I'm sure, are
13 aware, it's not accepted that Gbao was at the scene of either
14 the shootings, but I needn't ask Mr Sesay as to his knowledge
15 to Gbao's whereabouts, because I don't want to delve too far
16 the reach of hearsay.

of

as

into

17 Q. 113 gave evidence concerning the same event and we've
18 already discussed 113 yesterday.

please.

19 MR CAMMEGH: Would Your Honours give me a moment,

20 PRESIDING JUDGE: Leave granted.

21 MR CAMMEGH: Thank you.

XXXXXXXXXXXXXXXX

22 Q. At the time that this happened, Mr Sesay, was
23 living in Kailahun Town?

24 A. Well, Mr Cammegh, I have told you that when they killed
25 those people, I was not in Kailahun Town, so how am I going to
26 confirm about the people that were on the scene when those

people

27 were killed when I was not there?

28 Q. Let me put the question again. I'm not making myself
29 clear. I will ask a different question altogether. At the

time

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1 that this happened, in February of 1998, can you confirm that,
2 effect, the RUF commander in Kailahun Town, based in Kailahun
3 Town, was Vandi Kosia? Can you confirm that?

in

4 A. Well, it was -- when I arrived in Kailahun, it was XXXX
5 XXXXX. He was in Kailahun as one of the commanders. But

during

6 the time of the killing of the Kamajors, I was not there. It

was

7 when I arrived there that I met XXXXX XXXXX in the -- he was
8 living in Banya's compound at the roundabout.

9 Q. Okay. Another thing suggested by 113 was that the 67

were

10 killed after JPK had moved through Kailahun Town with his

convoy.

11 Any truth in that?

12 A. That was a lie. He lied. When we got there, the people

13 had already been killed. That was why I said I was standing

at

14 the roundabout. He was lying.

15 Q. It was also suggested by this XXXXXX, 113, that when JPK
16 came to Kailahun Town, in early 1998, she spent the night
17 at Augustine Gbao's house -- he spent the night at Augustine
18 Gbao's house; any truth in that, to your knowledge?

took

19 A. That was a lie. Johnny Paul only went to -- they only
20 him to Gbao's house when Johnny Paul went to eat, because Gbao
21 had prepared food when Johnny Paul ate. Then he moved to

Buedu,

22 ahead of us, when we left Kailahun. We went to Buedu in the
23 evening, but JP did not sleep in Kailahun at all. He went to

eat

24 in Gbao's house. Then Mosquito's car took him to Buedu.

25 Q. Can you remember --

go

26 THE INTERPRETER: Your Honours, can the witness please

interpreter.

27 over his testimony again. It was not clear for the

of

28 PRESIDING JUDGE: Mr Sesay, please repeat the last part

29 your testimony.

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to

1 THE WITNESS: Yes, sir. My Lord. I said, JPK, he went
2 eat in Gbao's house. Because before we arrived in Kailahun --
3 when we arrived in Kailahun, they said Gbao had prepared food.
4 And JPK -- the driver who was driving Mosquito's jeep, drove
5 Gbao's house where JPK went to eat. After JPK had eaten, he
6 to Buedu. He did not sleep in Kailahun.

7 PRESIDING JUDGE: That sounds clear.

8 MR CAMMEGH: Yes, thank you.

9 PRESIDING JUDGE: Yes, Mr Harrison.

the

10 MR HARRISON: Could I just ask you, if Mr Cammegh has
11 transcript references if he could -- if he doesn't have them,
12 not asking for any kind of delay or adjournment, but if he
13 if he could just indicate them to us.

I'm

14 PRESIDING JUDGE: Mr Cammegh, do you have them?

has,

15 MR CAMMEGH: That's exactly what I've been doing. I'm
16 afraid I've --

17 PRESIDING JUDGE: Yes, we don't have the resourceful
18 assistant to Mr Jordash here today.

tried

19 MR CAMMEGH: Your Honour's noticed, yes. What I've
20 to do, and I apologise, because as I think everyone can see,
21 basically trawling through the entire allegations in the
22 case.

I'm

23 PRESIDING JUDGE: Yes.

entire

24 MR CAMMEGH: And it's quite an onerous task to get the

25 specific references for everything I am putting.

26 PRESIDING JUDGE: Is it likely that you might get this
27 later on?

an 28 MR CAMMEGH: Your Honour, with due respect, it would be
29 enormous job.

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1 PRESIDING JUDGE: Yes.

a 2 MR CAMMEGH: What I've tried to do, everywhere I've put
3 direct quotation from the transcript, I've tried to give the
4 reference.

that 5 PRESIDING JUDGE: Yes. And the assurance, of course,
6 we expect you are faithfully reproducing the allegations.

7 MR CAMMEGH: Most certainly.

8 PRESIDING JUDGE: Yes.

recent 9 MR CAMMEGH: I can say this: It's a product of very
10 revision.

11 PRESIDING JUDGE: Very well.

12 MR CAMMEGH: I've checked and double-checked in the last
13 few weeks.

the

14 PRESIDING JUDGE: Mr Harrison, are you satisfied with

15 explanation so far?

16 MR HARRISON: Yes, I am just asking if he had them.

17 PRESIDING JUDGE: Right.

18 MR HARRISON: If he doesn't, he doesn't.

19 MR CAMMEGH: I apologise.

20 PRESIDING JUDGE: Well, let's proceed then.

21 MR CAMMEGH: Can I just briefly take instructions on a
22 small matter, please, Your Honour?

23 PRESIDING JUDGE: Leave granted.

24 MR CAMMEGH:

Sesay.

25 Q. I've realised a mistake that I made earlier on, Mr

was

26 I suggest it to you that his name is actually Alieu Mendegla

27 the deputy to John Aruna in the MP in Kailahun Town. Can I

deputy

28 correct that? I was wrong. In fact, was Joe Fatoma the

29 to John Aruna. Do you know? If you don't, say so.

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1 A. Yes. Joe Fatoma was the deputy MP commander, '98, in

2 Kailahun Town.

can I

108

that

that

was

ever

and

not

role

be

trying

were

3 Q. I just want to ask you about a couple of allegations of
4 unlawful killing which are connected to forced labour. And,
5 again, I'm sorry, I don't have the precise references. But
6 just ask you about something that 108 said, in chief. 108
7 described an event, Mr Sesay, which involved Mr Gbao ordering
8 to supply civilian manpower to carry ammunition from a truck
9 had come from the east and that that truck, and that that
10 ammunition was to be carried to Pendembu. He went on to say
11 his sibling, I don't know if it's his brother or his sister,
12 shot dead on the way because he or she had become tired,
13 presumably, from carrying goods. Is that an event that you
14 had any knowledge of?

15 A. No, I never knew about that. I never heard about that
16 there were vehicles in Kailahun at that time, and they were
17 using people to transport things.

18 Q. And, of course, I remember your testimony as to Gbao's
19 in the organisation of labour yesterday. I'm not going to ask
20 you about that again. There is one other incident concerning
21 unlawful killing I want to ask you about. Again, you may not
22 able to answer the question but, if you can, please do. 108
23 suggested in chief that four people had been caught by RUF
24 to cross over to Guinea, at, is this right, Mafindor? They

they
at
prior

25 arrested; they were taken to Kailahun Town court barri; and
26 were killed. The date given is '98 to '99. The witness said
27 that Gbao, Martin George, Sam Koroma, and Tom Sandy were there
28 the barri. Was that an event that you had ever heard about
29 to this trial?

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the
did
in

1 A. I -- it was in this trial that I heard about it. Minus
2 60 something people that Bockarie killed in Kailahun in 98, I
3 not hear about any civilian that was killed in Kailahun Town
4 '98, and Martin George was not in Kailahun in '98 and '99. He
5 did not stay in Kailahun. It was in 2000 that he went to
6 Kailahun. And the time he went to Kailahun, Gbao was in
7 So Martin George and Gbao were never together in Kailahun for
8 to the disarmament.

Makeni.

'96

a
the

9 Q. Thank you. Just one or two questions about mining. Was
10 man called XXXXXX XXXXXX ever made XXXXXX of XXXXX, late in

11 war, in Kailahun District?

12 A. No, no that never happened. XXXXXX was never -- in
fact,

13 he was not a XXXXXX, he was a XXXXXX commander. That was in

14 2000 in Kono. But in Kailahun, he was never a mining
commander

15 there. No.

16 Q. Would Augustine Gbao have ever been in a position where
he

17 could be appointing a XXXXX minister, together with you and

18 Morris Kallon; could that ever have happened?

19 A. That never happened where I and XXXXXX should be mining
20 commander. In February 2000, Gbao was not there, Kallon was
not

21 there, in Kono. They were in Makeni.

22 Q. Did Gbao ever have anything to do with mining, so far as
23 you were aware, at any stage, and at any location during the
war?

24 A. No.

25 Q. I want to ask you about --

26 JUDGE BOUTET: Mr Cammegh, it's only that I was just
27 discussing with the Presiding Judge about some of this
evidence

28 which is borderline to deal with; re reveal the identity of

29 witnesses. So we have to just remind you and, particularly

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1 Mr Sesay, that when answers are given -- I understand at times
2 it's difficult. The last series of questions could lead to
that
3 difficulty.

4 MR CAMMEGH: I hope they didn't. I hope I kept it under
5 control. I am aware of what --

6 JUDGE BOUTET: It's not your question, it's more the
7 answer. But obviously if the witness is attempting to answer
8 your question to the best of his ability --

9 MR CAMMEGH: Yes.

10 JUDGE BOUTET: -- but, at times --

11 MR CAMMEGH: I think in relation to that particular
subject
12 in particular, I can see where Your Honour's concern comes
from.
13 I am moving away from mines.

14 JUDGE BOUTET: It's not because I want to preclude you
15 going in that direction. If you do go, I just want to caution
16 the witness to be careful when the answer is to give answers
that
17 are sufficient to answer your questions but, at the same time,
18 would not prejudice the identity of protected witnesses,
that's
19 all.

20 MR CAMMEGH: I'm grateful.

21 PRESIDING JUDGE: Clearly, the machinery of closed
session
22 is still available.

can

23 MR CAMMEGH: Yes. I am hoping not to use it at all. I

leave

24 assuage Your Honours that tricky little subject we can now

25 behind.

say.

26 Q. We are making good progress, Mr Sesay, I am pleased to

were

27 Can we now move on to Small Boys Unit. Various suggestions

28 made during the Prosecution case that Augustine Gbao had small

you

29 boys. I want to ask you or remind you of witness 314. Can

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in

1 see that witness there in session 6, I think.

2 A. Yes.

in

3 Q. Again, I'm going to put one or two things that she said

4 chief. Again, I apologise for not having the specific page

5 numbers. This witness suggested that Augustine Gbao had SBUs

6 Buedu. Could that possibly be true, to your knowledge?

7 A. Well, Augustine Gbao was not in Buedu in '98. I believe

8 that he only went to Buedu when Sam Bockarie ordered him in

9 December, when I had left Kailahun. But from that time until

10 December, around the 12th, 13th, when I left Buedu, to January

11 '98, Gbao was not in Buedu. He was in Kailahun.

12 Q. Can you just deal with this please, because that witness
13 also claimed that she saw Augustine Gbao at meetings -- that
is
14 plural, meetings, not one meeting, but meetings -- at Buedu,
15 concerning plans for military attacks. And she told the Court
16 that you were -- sorry, Augustine Gbao was at meetings with
you,
17 with Morris Kallon, and with somebody called Scorpion. Could
18 there be any possible truth in what the witness had to say
there?

19 A. There's no truth in it.

20 Q. Okay. 113 -- excuse me. I mentioned the name Scorpion.
I
21 might be able to provide the Court with references as to 314's
22 assertions but I'm going to have to ask Ms Ashraph to improve
her
23 handwriting, because I can't read it. I mentioned the name
24 Scorpion. Is there any reason, in particular, why you are
sure
25 that a meeting wouldn't have taken place with Scorpion, in
Buedu?

26 A. Yes. Scorpion did not go to Buedu from '93, December.
No.
27 From '94, in early '94, when Scorpion left Kailahun, he did
not
28 go to Kailahun until he died in 2001. He did not go to
Kailahun.
29 In '98, he was in Kono. Then he went to Superman, to
Koinadugu

2000,

who

called

by

and

in

even

not

would

1 District and Scorpion was a Vanguard. But in '98, '99 to
2 Scorpion did not go to Kailahun, no. And nobody was in Buedu
3 was living there with Scorpion.

4 THE INTERPRETER: Correction, interpreter: Who was
5 Scorpion.

6 MR CAMMEGH:

7 Q. I think the references concerning the claims I just put
8 314 are 2 November of 2005, respectively page 34 and page 37.
9 That concerns the assertion that Gbao was with, I think SBUs
10 SGUs at Buedu. Just a couple more questions on SBUs, please,
11 Mr Sesay. 113 claimed that she saw Augustine Gbao with SBUs
12 Kailahun Town from '96 to '97. In your -- to your knowledge,
13 could that possibly be true?

14 A. Well, each commander had family members that they were
15 staying with, but I did not know that Augustine Gbao had kids
16 that would go to the battlefield to fight the war. Because
17 him, Augustine Gbao, did not go to the battle front. He was
18 a fighter. So if he was not going to the battle front, how
19 he use child combatants?

in

20 Q. Did you ever see him walking alongside a child combatant

21 all the time you knew him?

kids

22 A. No. I cannot deny that he did not had children in his

23 house because his wife was a native of Kailahun and she had

24 in her house. But to say he had SBUs that would go that had

25 guns, no, I did not see it like that.

Hawa?

26 Q. Okay. When you say his wife, are you talking about

27 A. Yes, that's the one; Hawa.

28 Q. And are you talking about the house in Sandiaru? Or the

29 house in Kailahun Town?

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Kailahun.

1 A. Well, I'm talking about the house in Kailahun, in

is

2 I did not go to Sandiaru. It was the house in Kailahun that

3 up the hills in Gbanya Road. That was where Gbao was.

something

4 Q. And finally on SBUs, I just want to remind you of

5 that 366 said because he gave a variety of dates and I want to

6 put them to you and you can give your answers. He says he saw

gave

7 Augustine Gbao with SBUs and this is the order in which he

8 the dates. First of all in 2000; would you agree?

9 A. Well, I don't know the order yet.

10 Q. I'm giving it to you. I'm giving you the order. I'm
going
11 to repeat the order in which he gave it to this Court. So the
2000?
12 first year he gave was 2000; did you see Gbao with SBUs in

13 A. Gbao had adult bodyguards in 2000 when he was in Makeni.

14 Q. I'm going to come on to that. So is the answer no?

15 A. I did not see Gbao with children in Makeni that were
going
16 around with him.

17 Q. Okay. Next year he gave was 1990. Is there any truth
in
18 that, do you think?

19 A. Well, in 1990, there was no one in Sierra Leone at that
20 time. There is no RUF shot a gun in Sierra Leone so how
comes.

21 Q. Then he said in 1996 -- I think you have already covered
22 1996 in the previous answer -- then he said 1991. Any truth
in
23 1991 Gbao had SBUs?

24 A. 1991, Gbao hadn't even bodyguards.

25 Q. And then he said up to 1992, could he have had SBUs in
'92?

26 A. I did not see them.

27 Q. You referred to bodyguards that Mr Gbao had. I'm going
to
28 give you three names and again, Mr Sesay, I appreciate that
you
29 might not know the names. If you don't, then say so. But did
he

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1 have a bodyguard called Gassimo [phon], who, in 19 -- in about
2 '99 -- was 22 years old?

that

3 A. I don't know the names. It's only the driver Ibrahim
4 I know.

he

5 Q. Do you remember a man who died during the war called --
6 was referred to as Man Thousand. He spent most of his time,
7 fact, at the battle front away from Gbao. He was about 30.

in

Do

8 you remember him?

9 A. Man Thousand?

10 Q. Yes. You don't --

11 A. I said I do not recall his name.

is

12 Q. The third and final name I want to give you, again this
13 a man who didn't survive the war, he was about 25 when he died
14 towards the end of the war, his name Komba Ansumama [phon].

Do

15 you remember him?

16 A. I did not know the names of the bodyguards.

17 Q. Not of any of them?

18 A. It was only when he was in Makeni, his driver Ibrahim is

19 the one I can recall, but he too was an RUF. But his security
20 was Ibrahim. He was a driver.

21 Q. Did Augustine Gbao have any farms, apart from his own
22 personal farm at Sandiaru; do you know?

23 A. Well, I was not going to Sandiaru. The whole of '98 I
did
24 not go to Sandiaru. '99 I did not go to Sandiaru.

25 Q. Okay.

26 A. But I knew that -- I knew that when the jet was
harassing
27 Kailahun Town, he let his wife go and stay in Sandiaru. I did
28 not go there.

29 Q. See, it was suggested by 371 that he had a swamp farm in

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1 Kailahun Town. My suggestion is that's not true. Can you
2 comment?

3 A. Yes. When I was passing through Kailahun Town, or when
I
4 made stops in Kailahun Town, I did not see swamps in '98 which
5 the witness said was owned by Gbao. I did not see that.

6 Q. And finally on this, it was also suggested by 108 that
7 Mr Gbao had a farm in Giema and, again, I suggest that wasn't
8 true either. Can you comment?

9 A. Yes, because '94, '95, Gbao was not in Giema. It was in
10 '96 that Gbao came to Giema and when I left Zogoda, in October
11 '96 I did not see a farm. Nor did I see a swamp which they
said
12 was owned by Gbao. The only man who had a farm was the area
13 commander, who was XXXXX XXXXX. His own farm was very close
to
14 Giema Town towards Borbu Road.

15 Q. I want to move on to wives. Can you remember the names
of
16 wives that you met during the war? Wives of Augustine Gbao?
17 You've mentioned Hawa.

18 A. Yes, I know Hawa.

19 Q. Hawa, the mother of Sylvester 1, Sylvester 2 and
latterly,
20 indeed, of Sylvester 3? You know Hawa?

21 A. Yes, I know Hawa. She has been coming to the detention.

22 Q. Yes. And, in fact, she continues -- well, she's
Augustine
23 Gbao's wife, isn't she? She visits him at least twice a week
24 with her three boys; correct?

25 A. Say that again?

26 Q. She continues to visit Augustine Gbao at least twice a
week
27 with her three -- with the three Sylvesters; is that right?

28 A. Yes, yes.

29 Q. Did you also know wife, who also continues on occasion
to

1 visit Augustine Gbao, called Rosalind, who comes from Makeni?

2 A. Yes, I know Rose, Rosalind.

3 Q. She is a relatively fair-skinned lady; is that right?

4 A. Yeah, yeah.

5 Q. Now, Mr Sesay, once again I know that you weren't with

Gbao

6 all the time during the war but, once again, 366 gave some

7 evidence against Gbao to the effect that he had a school girl

8 wife in Makeni called Kadi. Did you ever hear of someone

called

9 Kadi in Makeni?

10 A. I, my first time of hearing it was when him, 366, said

it

11 here. That was my first time to hear that.

12 Q. Okay. I will just quickly run through the other three

13 names. We don't need to spend much time on this. I suggest

that

14 these were all lies. There was Bessie in Buedu, Tenneh in

Mende

15 Buima and that's it. Did you ever hear of those two, Bessie

and

16 Tenneh?

17 A. I knew about one lady who was in Buedu, who was his wife

18 but he, Gbao, left Kailahun at night and went to Buedu and met

19 another man with a woman. Since then, he said he does not

want

20 the woman any more.

21 Q. Was that the woman I cross-examined 113 about?
22 A. Yes, that's the lady. You are right. That's the lady's
--
23 the lady's sister is 113.
24 Q. Okay. Is it right they weren't actually married; she
was
25 just a girlfriend?
26 A. Yes, she's his girlfriend. The woman is an elderly
woman.
27 She is not a young woman. But he caught her with one man.
That
28 was why Gbao stopped being in love with her.
29 Q. Yes. Very briefly, radios. Did, in fact, XXX XXXXXX
have

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1 a radio code-name during the war, XXXX XXXX?
2 THE INTERPRETER: Can learned counsel repeat the name
3 please?
4 MR CAMMEGH:
5 Q. I'm suggesting that XXXX XXXX had a radio code-name
during
6 the war and the code-name was XXXX XXXX?
7 A. Iron Mike, yes. That was in '98, '99.
8 Q. Okay. So any suggestion that XXXX XXXX never had a
radio

9 code-name would be a lie, would it? Would you agree?

10 A. Say that again.

11 Q. Perhaps I don't need to ask that question, in
retrospect.

12 It's all right. Did Augustine Gbao, from 1996 at his
13 appointment, to the end of the war, ever have a radio and a
radio
14 operator allocated to him?

15 A. Well -- but there was a radio in Kailahun Town in '98.
16 There was a radio there in '98 until he left there and came to
17 Makeni. There was a field radio in Kailahun Town, but to say
18 that he had his assigned radio that he went about with, no.
He
19 hadn't his -- a field radio that was his personal property,
no.
20 Because when he left Kailahun, the radio stayed in Kailahun
Town.
21 Q. And, in fact, would you agree with this: That the radio
in
22 Kailahun Town was under the control of the area commander, who
at
23 that time would have been Denis Lansana; would that be right?

24 A. No, that wouldn't be correct.

25 Q. Okay. Who would be responsible for it then? Who would
be
26 in control of that radio?

27 A. Well, for example, if Denis were in Pendembu, and the
radio
28 set was in Pendembu, it would be Denis that would be in
control
29 of that radio but if Gbao --

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was
question
Town,

1 Q. It's my mistake. I was forgetting, Mr Sesay, Lansana
2 based in Pendembu not in Kailahun Town. Let me put the
3 again. Overall responsibility for that radio in Kailahun
4 would that have been Vandí Kosia's responsibility?

Denis,
Kailahun
in

5 A. When Vandí was there, but even Vandí was transferred --
6 Bockarie transferred him to Pendembu as brigade adviser to
7 and he did not go with the radio. The radio stayed in
8 Town. The radio was for Kailahun. So the commander who was
9 Kailahun Town was the one who used the radio.

10 Q. And who was the commander in Kailahun Town when Vandí
11 wasn't there?

there.

12 A. Well, when Vandí was not there, it was Gbao who was
13 Because Vandí, it was in May that he was posted to Pendembu as
14 brigade adviser to Denis; May '98.

was

15 Q. Right. Is this right: That the radio in Kailahun Town
16 available for both senior and junior officers to use with
17 discretion?

18 A. Yes. Because Kailahun Town was a strategic point. That

would
message,
him.

19 was why the radio was there. The commander who was there
20 use it and an officer who was there who wanted to send a
21 he would come to the station and a message would be sent for

22 Q. Is this also right: That the Kailahun set wasn't on a
23 24-hour monitor?

not
But
Superman

24 A. Well, any other radio set, not just Kailahun, any other
25 radio set could not be monitored for 24 hours because, you
26 yourself, would have to transmit and send messages, so it was
27 possible for you to monitor for 24 hours. The only person who
28 had a monitoring set in '98, '99, was Sam Bockarie in Buedu.
29 he started -- it started from Kono with Superman, when

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that
this

1 said he had discovered one SLA who knows about the Morse code,
2 that he can monitor the ECOMOG frequencies, so that was then
3 Bockarie said he should dispatch him to Buedu and to set up
4 monitoring set in Buedu.

the

5 MR CAMMEGH: Okay. I may have one last question before

6 break, Your Honour. Can I briefly take instructions?

7 PRESIDING JUDGE: You may.

8 MR CAMMEGH: Thank you

9 THE WITNESS: My Lord, I want to ease myself.

10 PRESIDING JUDGE: We will take the usual morning break
now.

11 [Break taken at 11.29 a.m.]

12 [RUF01JUNE07B - MC]

13 [Upon resuming at 12.03 p.m.]

14 PRESIDING JUDGE: Mr Cammegh, your witness.

15 MR CAMMEGH: Thank you, Your Honour.

16 Q. Mr Sesay, I'm happy to say that we're coming towards the
17 end. We'll be no more than half an hour. Did Mike Lamin lead
a

18 force into Kenema? No. Did Mike Lamin lead a force into
19 Segbwema in late 1998 or early '99?

20 A. Well, it was when we had captured -- I had captured
Kono,

21 when I was moving towards Makeni. That was when Mosquito
22 instructed Mike Lamin, for him and other troops to attack
23 Segbwema. He was the senior commander for that attack on
24 Segbwema. That was in late December '98. From December up to
25 Bendu Junction.

26 Q. Thank you. Did that force go into Kenema after that?

27 A. Yes, they organised an attack on Kenema in January '99,
and

28 it was Mike Lamin who organised the attack, but it was not
29 successful and they were unable to capture Kenema.

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when

1 Q. Okay. Was there an occasion towards the end of 1998
2 some peace talks were held close to the Guinean border?

peace

3 A. Well, it was not the Guinean border, but I know about

the

4 talks that took place, peace between us and the CDF in -- in

5 first week of December, late November to the first week of

6 December '98. At that time, Bockarie was not there. It was I

message

7 and XXXX XXXX who were there in Buedu. So I received a

that

8 from the commander in Niama who was Mohamed Gaddafi, saying

9 he and his men, and the CDF, met at a river where they greeted

they

10 one another. After they had greeted one another, they said

to

11 wanted to talk to one another. So that was the messages sent

12 me and XXXX for us to advise. So I told Mike that that is the

13 case, if the CDF wanted to talk to us, well, we should talk to

14 them. So XXXX agreed with me and I sent a message. I sent a

join

15 vehicle from Buedu to pick up Gbao in Kailahun, for him to

16 Morris Kallon in Pendembu, for them to go to Niama. And the

on

17 meeting took place in Niama, when the CDF assembled their arms

they
18 one side and the RUF assembled their arms on the other, when
19 held their meeting on the first day. On the second day,
20 thousands of civilians left Kenema to witness this occasion.
21 Then Prince Brima, who was a reporter in Bo, came over the BBC
22 radio the following day, saying that the RUF and the CDF have
23 been carrying out discussions and a lot of jubilation went on
at
24 the meeting point. So when Sam Bockarie heard this
information
25 over the BBC, he sent instruction that he doesn't want to hear
26 that. Those talks that have started taking place between the
RUF
27 and CDF should be stopped immediately, that he never wants to
28 hear that. But this information had flowed in Kailahun where
we
29 were controlling in Buedu -- Buedu, Dodo Kotuma, Balahun. So
the

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1 civilians there were happy for this development, but when
2 Bockarie said we should stop, so I sent a message to Morris
3 Kallon that he should disregard the meeting. So they spoke to
4 the CDF, for them to return to their positions, while the RUF
5 returned to their positions.

to

6 Q. Do you know if Bockarie was angry with Gbao for offering
7 play a role in that peace process?

peace,

8 A. Well, it was not just Gbao. He was angry with me, Mike,
9 Gbao, Kallon, saying why we should carry out this kind of
10 these kinds of meetings, peace meetings between us and the CDF
11 without his approval. It did not go down well with him. So
12 he said we should stop it.

he

was

13 Q. Okay. I'm sorry to jump back. Just referring to the
14 answer you gave about Lamin and Segbwema a few minutes ago;

was

15 Lamin in fact leading one of the flanks of the RUF force that

flanks

16 breaking out of Kailahun? Is that what it was, one of the

17 going through Segbwema into Kenema?

18 A. Well, yes, and I can explain, you know.

19 Q. Okay.

captured

20 A. Because when I and Kallon left for Kono and we had

and

21 Kono, Bockarie called the frontline commanders in Kailahun,

was

22 the brigade commander, and they had a meeting in Buedu. It

to

23 from that meeting that Bockarie instructed XXXX XXXX, for him

24 head the attack on Segbwema; through Bunumbu, Segbwema up to

25 Bendu Junction. It was XXX who was the commander.

over

26 Q. Thank you. Still on XXX XXXX, do you have any knowledge
27 that he shot a soldier assigned to the MP in Giema in 1998,

28 some cane juice?

This

29 A. Well, it was not in Giema, this is Gima, not Giema.

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1 is Gima, towards the Liberian border.

2 Q. Did it happen?

3 A. Yes. That's what I heard, that he killed one MP because
4 the MP had drunk his cane juice, so he shot him and killed
him.

5 Q. Did you ever hear about an incident in which XXX XXXX
6 shot and killed some civilians -- I'm not sure how many, three
or
7 four I think -- at Segbwema near Bendu Junction in December of
8 '98?

9 A. Yes. I heard that. It was not just the civilians
because,
10 during that attack, they burnt Segbwema, they burnt other
11 villages around Segbwema.

12 Q. Did you ever hear a story of XXX XXXX raping the wife of
13 a man called XXXX XXXXXX. Her name was XXXX, and that
14 was in Gima?

15 A. Well, this was Giema. This was Giema.

16 Q. Oh, I see. May of 1998 is the date I have. Do you
agree,
17 or do you know of that incident?

18 A. Yes. I agree and I know. And he took the woman from
19 Captain Razak, finally, and the woman became his.

20 THE INTERPRETER: Your Honours, can he take that last
bit?

21 MR CAMMEGH:

22 Q. Can you go back a couple sentences, please. You said he
23 took the woman for his. What did you say after that?

24 A. I said, he took the woman from him and the woman stayed
25 with him, XXXX, throughout '98 to '99. And XXXX, at one time
26 when he went to Pendembu, he complained to me that XXXX XXXX
had
27 taken his wife and slept with her. XXXX XXXX had taken his
wife
28 from Giema Village and taken her to Kailahun Town. And I said
29 that I hadn't any control over XXXX, I can only talk to XXXX,
for

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1 him to give XXXX wife's back, but XXX refused. Even though
2 XXXX, after the Lome, when he came to Freetown, he brought
with
3 the woman -- he brought with him the woman, sorry. That XXXX,
4 because he had XXXX and another lady whom he had taken from
5 Freetown during the retreat, whom they called Mandela.

6 Q. Was XXXX known for being hot tempered, particularly with
7 his subordinates?

8 A. Yes, yes. And I strongly believe that even his
9 subordinates, who were his bodyguards, would come here and
10 for the Court to know.

11 Q. Did he have a nickname that you recall?

12 A. Yes. He gave himself the nickname. He called himself
13 XXX that if anybody becked around the RUF, he would becked
14 person. So that was the nickname he had, XXXX.

15 Q. What does it mean to beck someone?

16 A. Well, if you beck around the RUF, he would beck around
17 That was why he said he was XXXXX, to get rid of somebody.

18 Q. To get rid of someone?

19 A. Yes. To kill somebody who wanted to sabotage the RUF.

20 Q. Mr Sesay, if you have no knowledge of this, please
21 indicate, but is it correct that, in 2002, prior to the last
22 general election in this country, ECOWAS, in Dakar, decided to
23 donate US\$150,000 in order to fund the RUF peace political
24 campaign; were you aware of that? Is that right?

25 A. Yes. I knew about that because the ECOWAS leaders, the
26 ECOWAS leaders, they promised to fund the RUF, to transform
27 itself into a political party. And, in 2002, after we had
28 disarmed, the SRSG ambassador, Adeniji, called me up at Mammy
29 Yoko and said that ECOWAS had said to him that the money that

Speak

XXX

that

you.

1 they promised, they've got \$150 for the RUF. So if I was not
2 going to pick up the money from the ECOWAS leaders at that
time,
3 that it was --

4 THE INTERPRETER: Your Honours, can he repeat the
5 President's name again?

6 MR CAMMEGH:

7 Q. Repeat the name of president again, please, Mr Sesay?

8 A. I said, Ambassador Adeniji told me that the ECOWAS
leaders,
9 the money that they had promised to give to the RUF to
transform

10 itself into a party, the money was not available to President
11 Wade in Senegal, who was the ECOWAS leader then. So he said
that

12 if I was not going, I should appoint somebody from among us,
the

13 RUF commanders, who would go to Senegal to pick up the money.
So

14 I discussed that with XXXX, and XXXX said he would go. And we
15 went to Ambassador Adeniji and they arranged for New York to
give

16 waiver to XXXX XXXX, because all of us were on a travelling
ban.

17 So he wrote to New York and New York gave waiver to XXXX XXXX
18 for him to travel to Senegal. When XXXX went to Senegal, he

the
came

19 called me on the telephone and told me that he had received
20 money and that he was coming so-and-so a time. So he never
21 [REDACTED].

22 Q. What happened to the money; do you know?

23 A. I said, when the man received the money, the man did not
24 come back to Sierra Leone [REDACTED].

go

25 Q. I want to move on -- well, actually, before I do, I'm
26 sorry, again, to jump back, but I've missed something. Can we

up.

27 back to 113? You may remember, Mr Sesay, that 113 made
28 allegations against Augustine Gbao that he'd had her beaten
29 One incident, in particular, took place after a food-finding

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memory.

1 mission, or something like that. I'm sorry to be imprecise
2 because I don't have a note of it, it's just come to my

any

3 Do you have any knowledge of Augustine Gbao giving orders for
4 anybody, male or female, to be beaten up in Kailahun Town, at
5 time, between '97 and '99?

6 A. I never heard that. I only heard that here, and 113 was

easy

7 working -- he was a staff in the RUF. It wouldn't have been
8 for somebody to just look at him and beat him up. And he was,
9 she was a sister-in-law to Gbao.

witness

10 Q. Just to -- just to confirm the allegation -- again, I'm
11 sorry, I don't have the reference. Do you remember the

into

12 stating that after Gbao had caused this woman to be placed

remember

13 custody, he ordered some SBUs to beat her up. You may

up

14 it was suggested that the SBUs stripped her naked, except her
15 chamois which she was wearing and that, indeed, Gbao beat her

16 as well. Does that mean anything to you? Did you ever hear
17 about that?

18 A. No, I never heard. I never heard that.

you

19 Q. Can we move to February of 1999? I don't want to ask

think,

20 many questions about Makeni. But between February and, I

21 early April of 1999, was Augustine Gbao based in Makeni?

22 A. February to late March '99.

23 Q. Who required him to go to Makeni?

24 A. It was Bockarie who sent him to Makeni.

25 Q. Was he in Makeni as overall IDU commander?

26 A. Yes.

to

27 Q. And was the overriding reason for his being sent there

28 try and calm down the infighting between various factions?

29 THE INTERPRETER: Can learned counsel take the question

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1 again?

like

2 PRESIDING JUDGE: Mr Cammegh, the interpreters would

3 the question put again.

4 MR CAMMEGH:

5 Q. The question was, Mr Sesay: Was the reason for Gbao's

6 secondment to Makeni to assist in calming down the tension

7 between various factions?

8 A. Yes. It was based on my report that I used to send to

for

9 Bockarie that Bockarie said, yes, I'll send Gbao to join you

10 a better administration in Makeni. Because I was telling

the

11 Bockarie that we have now met different groups in Makeni and

I

12 civilian population in Makeni, in January '99, was heavy. So,

better

13 said I needed more people for us to administer Makeni in a

join

14 way. So Bockarie said he was going to send Gbao, for him to

15 us in Makeni, and Gbao came in in February '99.

16 Q. Did Gbao -- well, was there an MP commander there called

17 Mohamed Jalloh?

18 A. Yes.

19 Q. Were meetings held between all the factions?

20 A. Yes.

21 Q. Can you please confirm that Gbao never actually chaired
the

22 meetings?

23 A. That Gbao did not what?

24 Q. Didn't chair the meetings; he wasn't in any of those
25 meetings. Can you confirm that, please?

26 A. Yes, I can confirm that. But he was at some of the
27 meetings where the RUF, the AFRC, the STF were holding in
Makeni

28 so that the commanders would be able to control their men in
29 terms of harassing civilians and unnecessary shooting in
Makeni

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1 town. That was -- those were what the meetings were about.

2 Q. And you've already told this Court about misbehaviour,
3 particularly conducted by people from within the STF and the
SLA,

4 AFRC and Superman's group; correct?

5 A. Yes, that's correct.

6 Q. Did Gbao actively preach that Makeni should be
maintained

7 in a law -- with a semblance of law and order?

That

8 A. Well, that was what he met me trying to put in place.

9 was what he met me trying to put in place, and he joined in so
10 that law and order should be maintained in Makeni.

11 Q. I entirely accept that that was your purpose as well,
12 initiative

were

13 from Gbao alone. But so far as you and Gbao were concerned,
14 you preaching to the combatants that there should be no
15 harassment of civilians; yes?

16 A. Yes, yes.

17 Q. And that this would be imperative in order to ensure
that,

of

18 at voting time, the people would be behind the political wing
19 the RUF; do you agree?

20 A. Well, at that time, we were not discussing party issues.
21 But what I had in mind was that we wouldn't continue fighting
22 with instruction and, at the end of the day, this is our
country.

23 So

conditions

24 if we say we were going to fight for the -- for better
25 for the civilians, then we should not target the civilians nor
26 target their properties, to destroy them. That was what I had
at
27 the back of my mind.

28 Q. And also at the back of your mind, Mr Sesay, was there a
29 desire for democracy to reign again as soon as possible?

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other

said,

was

told

end

true?

1 A. Yes, because that was why -- that was why the war came,
2 because of one-party rule. So if the RUF had the chance, they
3 would have allowed a democracy. They wouldn't have stopped
4 political parties.

5 Q. Am I right in suggesting that that was very much an
6 aspiration shared by Augustine Gbao when he arrived in Makeni?

7 A. Well, when Gbao arrived in Makeni, the development as he
8 himself saw, from Masingbi up to Makeni, when he arrived he

9 "Oh, my brother. This is how we should fight." And we were
10 fighting this way. Our people would feel good about us. He
11 happy with what he saw on the way up to Makeni.

12 Q. I'm not going to ask you specific questions about
13 individuals who attempted to make this process work. You've
14 us in detail about how you were forced to leave Makeni at the
15 of March. I think it's right Gbao left with you; is that

16 A. Yes, yes. Because he, too, was targeted.

17 Q. Yep. And did you end up in Magburaka after that?

18 A. Well, Gbao and others ended up -- they went -- passed
19 through and I passed from Magburaka by Kono to Buedu.

20 Q. Was anyone else with Gbao in Magburaka at that time, any
21 senior commander of the RUF?

22 A. Yes, Kallon was there. He was the senior commander in
23 Magburaka, from March to October. Then you had Kailondo. We
had
24 he himself, Gbao, Koni Mulbah, Tactical, and others.

25 Q. When Gbao was in Magburaka, was he reporting to Kallon?

26 A. Of course, yes.

27 Q. Did you ever hear of any allegations of criminal
activity

28 leveled against Gbao while he was in Makeni, between January
and

29 March of '99?

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1 A. No. Gbao was there to ensure that the orders are
2 implemented. I mean, to protect the people in Makeni. Those
are

3 the orders I gave to him, so he wouldn't commit any crime.
And

4 it was the same thing in a Magburaka from March to October,
when

5 I came to --

6 Q. When you came to where?

7 A. I said, when I came to Magburaka, I went to the
paramount

8 chief, Baiyosoh. I met the trade union chairman who was the
9 civilian. All those people I spoke with, and nobody
complained
10 that this was what had happened to them between March and
October
11 '99. Because there was marketing in Magburaka and schools
12 reopened; about two secondary schools were reopened in
Magburaka,
13 some primary schools.

14 Q. During this period, both Makeni until March, and
Magburaka
15 until October, was an IDU -- well, let's start with January
till
16 March. Was an IDU operating in Makeni?

17 A. Yes. The second brigade IDU commander, who was JK
Bangali,
18 he was with me in Makeni before Gbao arrived.

19 Q. Sorry. Did you say he was a brigade commander?

20 A. Yes. He was the IDU brigade commander for the second --

21 THE INTERPRETER: Your Honours, I did not get the tail
end
22 of the witness's testimony.

23 MR CAMMEGH:

24 Q. Repeat the last sentence, please.

25 A. I said, I was in Makeni with the brigade IDU commander
from
26 Kono, JK Bangali.

27 JUDGE BOUTET: Bangali was not the brigade commander, he
28 was the IDU with the brigade commander; is that what you say?

29 THE WITNESS: Yes, sir. JK Bangali, sir, was the
brigade

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we

Jalloh,

sorry

to

they

1 IDU commander, sir, for the second brigade in Kono. So when
2 moved and captured Makeni from Kono, in December '98, I told
3 Rambo to call his brigade staff and he, JK Bangali, was one of
4 Rambo's brigade staff. When he came to Makeni, Mohamed
5 who was the MP commander, even before Gbao came.

6 MR CAMMEGH:

7 Q. Is this the case: That before Gbao came -- and I'm
8 to jump back in time. Is this the case: Before Gbao arrived,
9 were JK Bangali and -- who was the brigade IDU, second brigade
10 IDU commander -- and Jalloh, was it Mohamed Jalloh?

11 A. Mohamed Jalloh was the MP commander.

12 Q. Brigade MP commander?

13 A. Yes.

14 Q. Before Gbao's arrival, were they both reporting to
15 Buster -- well, Rambo, RUF Rambo?

16 A. Yeah. They were reporting to Rambo in Kono. And when I
17 came, I took up the operation in Kono and they were reporting
18 me. Even when we came to Makeni, they were reporting to me,
19 because Rambo did not stay in Makeni. I was in Makeni, so

20 reported to me.

21 Q. Okay. Similarly, at that time, up until March of '99,
was

22 the brigade G5 commander, Hindolo Koroma, reporting to you?

23 A. Yes, in Makeni.

24 Q. Right. And when Gbao arrived, what happened to -- he
25 arrived as overall IDU commander -- what happened to JK
Bangali?

26 A. Well, JK Bangali worked under him. So, when he came, it
27 was Gbao that would report to me and not JK Bangali, because
Gbao

28 was his boss.

29 Q. I'm with you. And can you tell me this: Was the JSBI

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1 performing its duty during that period in Makeni until March
'99?

2 THE INTERPRETER: Can learned counsel kindly take the
3 question again?

4 MR CAMMEGH: Yes.

5 Q. Was the JSB -- I'm talking about the period up to the
6 of March of '99 -- was the JSBI still performing its duty in
7 Makeni?
end

8 A. Yes. They were doing their work, even before Gbao came.
9 They arrested fighters who committed crimes and they were
10 investigated.

all
11 Q. And, indeed, was the JSBI still performing its duty in
12 RUF areas, at that time?

13 A. Well, I was, yes. I wouldn't speak about where Superman
14 was in Koinadugu District in '98, where I wasn't. I wouldn't
15 just answer a general question.

all
16 Q. Okay. Can you tell me whether the IDU was operating in
17 other RUF areas at that time?

18 A. Well, wherever RUF was, an IDU and an MP would be there.

October
19 Q. When Gbao returned to Makeni, and I think this is
20 of 1999, did anybody else re-enter Makeni with him?

I
21 A. Well, he had his -- some of his IDU staff in Magburaka.
22 think some of them came with him in Makeni.

overall
23 Q. Okay. And who was, if I can use this phrase, the
24 RUF commander? Who was the senior commander in Makeni from
25 October of '99?

Superman
26 A. From October '99 to February 2000, I was. After
27 and others had gone to Lunsar, I was the senior man in Makeni.

28 Q. Was Kailondo ever the senior man in Makeni?

29 A. Well, Kailondo, yes, he was in Makeni when they attacked

1 and they went to Magburaka. And Kailondo was one of the
2 Vanguards' senior commanders. And he, too, was in Makeni from
3 October. He was the ground commander in Makeni. So he was
4 responsible purely the RUF in Makeni and some in Teko
Barracks.

5 That's where we lived.

6 Q. You said he was -- I'm sorry, was it the ground
commander
7 or a ground commander?

8 A. Well, I said he was the ground commander in Makeni from
9 October to February, when I left Makeni in 2000.

10 Q. Who was Augustine Gbao reporting to in Makeni from
October
11 of '99, please?

12 A. Well, from October '99 upwards, sometimes he would
report
13 to me, sometimes he would report to Kailahun and sometimes he
14 would report to Foday Sankoh before he was arrested.

15 Q. And after October of '99 where was Morris Kallon based?

16 A. Well, when we came to Makeni, Kallon's family were in
17 Magburaka. My family were in Magburaka. It was the same with
18 Gbao. We were the only ones staying in Makeni. So when I
left
19 to go to Kono --

20 Q. This is February 2000, right?

21 A. Yes. Kallon was in Makeni and Magburaka. It was a
short

22 distance.

23 Q. Okay. So would that mean that Gbao was reporting to
24 Kallon, necessarily? After you had gone?

25 A. Yes. After I had left he would report to Kallon. Then
he
26 would report to Foday Sankoh.

27 Q. Okay. I don't want to ask you any questions concerning
28 Caritas or disarmament of children or indeed of UNAMSIL. What
I
29 would like to ask --

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1 A. Where they disarmed the children.

2 Q. Yes.

3 A. Where did they disarm them?

4 Q. I'm talking about -- it's my loose terminology. I'll
say
5 again. I don't want to ask you any questions about --

6 A. Well, I had said when my lawyer was cross-examining me,
I
7 said when they opened Caritas Makeni was not under
disarmament,
8 so those children that were under Caritas, they were not
children

why

9 that they had disarmed. They did not have guns, so that was

10 I was asking you where.

man

11 Q. Yes. And I can tell you that I accept your answers on
12 that. I don't want to ask you any further questions on that
13 subject. 041 testified about an incident, the killing of a

the

14 called Pa Abdulai Conteh. Would you agree with my suggestion
15 that Augustine Gbao was not, or had not arrived in Makeni by
16 time of Pa Abdulai's death?

17 A. Well, then it seems as if that man was saying the truth.

if

18 THE INTERPRETER: Correction, interpreter. It seems as
19 you are agreeing to what that man said.

20 MR CAMMEGH:

was

21 Q. Well, I will put the question in a simpler way which I
22 should have done. Was Gbao in Makeni when Pa Abdulai Conteh
23 killed?

killed a

24 A. It's my first time to hear in this Court that they

at

25 man called Pa Abdulai Conteh. The Pa Conteh I knew, he worked

Abdulai

26 the G5 since January '99 to the disarmament. And that witness
27 said, when they killed Pa Conteh in Makobo Street, this

only

28 Conteh, he said he took the report to Kposowa. And Kposowa

sorry.

29 came to Makeni for the first time in May 2000. May 2001,

1 But since May 2001 'til December '98, Kposowa did not come to
2 Makeni.

3 Q. Okay. So your evidence is this, is it: That, yes, Pa
4 Abdulai Conteh was killed but it didn't happen in early '99 as
5 suggested by 041, it happened about what, two years later; is
6 that what you're saying?

7 A. No, no, I did not agree that they killed Pa Abdulai
Conteh
8 because I never heard about it. At the time when I was in
9 Makeni, from December 25th until March, late March '99,
December
10 25th '98 'til late March '99, I did not get such information
that
11 they killed the Pa named Pa Abdulai Conteh. At the same time,
12 from October '99 'til February '99, I did not hear any such
13 complaint. From October to February 2000, sorry. 'Til
February
14 2000, I did not hear any such complaint.

15 Q. So if anybody were to suggest that a report was written
to
16 you and to Morris Kallon and to Augustine Gbao about the
murder
17 of Pa Abdulai Conteh, in early '99, would you say that was a
lie?

18 A. Yes, that was a lie.

041, 19 Q. Okay. 041, I'm afraid I don't have the reference, but
20 and I quote, was talking about Gbao in Makeni in these terms:
21 "All of us were under him." Could that possibly be true, Mr
22 Sesay?
23 A. Well, when I left Makeni in February 2000 and went to
Kono, 24 Kallon, Gbao, Kailondo, they were the senior commanders in
25 Makeni.
benefit, 26 Q. Thank you. To your knowledge did Augustine Gbao
27 in a material sense, from the war?
his 28 A. Well, I did not see that except when he was lucky and
29 project was approved. The NCDDR approved his project but I
did

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1 not see any benefit that he had during the war.
2 Q. I mean, did you ever see him driving around in expensive
3 four-by-fours or wearing expensive clothes or jewellery or
4 anything of that nature?
5 A. No, no, no. Gbao did not -- Gbao was not somebody who
was 6 materialistic.

7 Q. Are you able to give any examples of that, that you can
8 think of?

9 A. Yes. When -- I can think of something that I saw in him
10 for a long time. When the NPRC pushed us from Kailahun up
Koidu,
11 in November and up to December 1993, at that time Augustine
Gbao
12 was living in a village under Captain Philip Palmer and at
that
13 time I saw a brown Desta with Augustine Gbao and I continued
14 seeing it on Augustine Gbao in Kailahun in '98.

15 Q. I'm sorry, I didn't catch that. Did the interpreter say
a
16 brown Desta? I don't know what that is. Could the witness --
Mr
17 Sesay, could you explain what a brown Desta is?

18 A. Brown, it's the colour. The Desta is a footwear. I
said I
19 knew he had a Desta from December '93 and he had it up to '98
in
20 Kailahun Town.

21 Q. The same shoes?

22 A. Yes, yes. The same Desta.

23 Q. What exactly -- can you -- I'm very sorry to be ignorant
--

24 JUDGE ITOE: From 1993 to -- to when?

25 THE WITNESS: To 1998, My Lord. I saw him using the
same
26 shoes, the Desta.

27 MR CAMMEGH:

28 Q. I mean, are these leather shoes or flip-flops or what?

29 A. Leather shoes.

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1 MR CAMMEGH: Thank you very much, Mr Sesay.
2 Your Honours, again I'm indebted to my learned friend.
3 reference to the allegation of beating by 113, 2 March 2006,
4 pages 65 to 68, and the quotation that I just gave from 041,
5 were all under him," was 10 July 2006 at page 64. And I'm
6 to say that concludes my cross-examination.

7 PRESIDING JUDGE: Thank you, counsel.

8 MR CAMMEGH: But can, Your Honours, I make a brief
9 application please?

10 PRESIDING JUDGE: What is it?

11 MR CAMMEGH: That is, that I'm released for the rest of
12 day. I'm not feeling well at all. Can I --

13 PRESIDING JUDGE: Yes, go ahead.

14 MR CAMMEGH: -- to assist Your Honours' discussions, I
15 that --

16 PRESIDING JUDGE: Are you going to have someone just
17 in your stead? Do you know?

The

"We

happy

the

know

stand

such

18 MR CAMMEGH: Well, alas, I am afraid my resources are

19 that I don't. Can I say this, though.

20 PRESIDING JUDGE: Yes.

be

21 MR CAMMEGH: I anticipate this afternoon that there will

The

22 a legal argument conducted by my learned friend Mr Jordash.

explained

23 subject of this argument is something, although as I've

and

24 earlier, I have no locus in, I am in full agreement with him,

reason

25 I do not see any potential conflict arising. And for that

26 I am or my conscience is clear in leaving things to him this

27 afternoon.

to

28 PRESIDING JUDGE: You mean, even if -- even with regard

29 the cross-examination by the Prosecution?

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of

1 MR CAMMEGH: Well, Your Honour, I'm afraid it's a case

over

2 needs must. I can't stay here anymore. I'm going to fall

3 if I do.

4 PRESIDING JUDGE: We just want you to realise the
5 importance --

6 MR CAMMEGH: I do realise --

7 PRESIDING JUDGE: -- of the right of your client to
8 effective counsel.

9 MR CAMMEGH: Well, Augustine Gbao is in agreement to me
10 taking my leave. I think the reality is that if this legal
11 argument begins, it will take at least until the rest of the
day.

12 And there is no part that I would be entitled to play in
13 that legal argument, as I have explained. So I think we are
on
14 safe -- well, I'm sure that we are on safe ground.

15 PRESIDING JUDGE: Okay.

16 JUDGE BOUTET: Mr Cammegh, my questions to you have
nothing
17 to challenge your situation per se, but I'm concerned that you
18 are the sole representative of your team in this Court that is
19 part of the juncture of the trial. I recall last week, or the
20 week before, your lead counsel introduced a new member of your
21 team as such. I'm bit taken aback by the fact that you appear
to

22 be the only one in court that is supporting the team as such.
I
23 thought this was an important part of the trial, and your team
24 would be organised in such a way that you would have some
25 assistance. I don't know how you organised your particular
26 Defence team, but I know it is more than just you. At least
that
27 is what the record is indicating, so --

28 MR CAMMEGH: Unfortunately, the organisation is not down
to

29 me. I don't think it will be politic for me to say more. And

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a 1 the member of the team that was introduced a few weeks ago was
I 2 legal assistant who, I'm afraid, would not qualify under the,
afraid 3 think it's the seven-year rule, to sit in my chair. I'm
a 4 that's the position. I should also add this, because this is
with 5 perfectly personal comment. Here, perhaps, is the first
6 practical example of where the budget that we're labouring
the 7 has caused a problem, because the budget doesn't allow for two
8 counsel to attend -- well, in our team, to attend together;
9 constraints are too severe.
not 10 So I would rather, really, if Your Honour doesn't mind,
organised, 11 get involved into a discussion as to how our team is
12 because, as you can see, I'm in a difficult position, and it
13 wouldn't be appropriate for me to make comments in this place,
I 14 would think.

15 JUDGE BOUTET: My purpose is not to challenge --

16 MR CAMMEGH: I understand.

17 JUDGE BOUTET: -- per se. It's just questioning that.

I

18 understand your client is agreeable that he not be represented
19 this afternoon by you, but we are concerned about proper
20 representation as well. So, I mean --

21 MR CAMMEGH: Yes.

22 JUDGE BOUTET: And we certainly don't want to delay
23 proceedings because of internal problems with the
organisation,

24 whatever they may be. But, at the same time, I'm not
disputing

25 the fact that you may not feel well and you may not be able to
26 properly act this afternoon. This is not my issue at all.

27 MR CAMMEGH: I appreciate that. Can I --

28 PRESIDING JUDGE: Do I understand you to say that this
is

29 not entirely of your making? The fiscal aspect, also, is part
of

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1 this?

2 MR CAMMEGH: There simply isn't --

3 PRESIDING JUDGE: Money or resources to -- in other
words,
4 is this a problem that we are likely to confront in case a
5 situation like this were to recur? Are we likely to confront
it,
6 when you talk about the budget not making provision for --
7 MR CAMMEGH: Well, the way the budget has been
apportioned
8 in my team, and I emphasise I am not, I'm afraid, lead
counsel.
9 PRESIDING JUDGE: Yes.
10 MR CAMMEGH: But then I'm afraid the answer is --
11 PRESIDING JUDGE: Who controls the budget? The
Principal
12 Defender?
13 MR CAMMEGH: We are getting into territory --
14 PRESIDING JUDGE: Well, that's all right. I guess I
better
15 take that back.
16 MR CAMMEGH: It's a [overlapping speakers] --
17 PRESIDING JUDGE: Let me ask another question. Is your
18 client able to look after his own interests for the rest of
the
19 session today?
20 MR CAMMEGH: Well, I would have to ask him, if he --
21 PRESIDING JUDGE: Well, I mean we are just trying to see
22 whether there is some remedial option here.
23 MR CAMMEGH: We're forgetting one thing. There is
24 [overlapping speakers] --
25 JUDGE ITOE: What about these duty counsel who are in
the
26 Defence office? They're loitering there. I don't see them

should

27 around here. Where are they? This is when, I think, they

28 surface and provide assistance.

29 MR CAMMEGH: My sentiments exactly.

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1 JUDGE ITOE: Where are they? I don't see them here.

2 MR CAMMEGH: I will -- I forgot -- I'm afraid they don't

3 immediately spring to mind when it comes to assistance, but I

4 will -- well, Your Honour, we've had to, as you know, I don't

the

5 think it's any secret, we have had terrible difficulties with

6 efficiency of the service we've been rendered from the Defence

7 office since day one.

8 PRESIDING JUDGE: You did agree not to open a Pandora's

of

9 box. Let us just go back and see if it's possible to send one

10 them here.

11 MR CAMMEGH: I will try to make [overlapping speakers] -

-

12 PRESIDING JUDGE: Make the arrangement, just to make

sure

13 we don't have a lacuna in the process, if we can find some

14 remedial option. All right?

15 MR CAMMEGH: Yes. Thank you.

16 JUDGE BOUTET: And, if I may, I ascribe to what Justice
17 Itoe has said. I mean, we've been reminded many times that
there
18 were RUF-assigned duty counsel, whose function it is,
whatever,
19 very wide, as such, but they are referred to and described as
20 duty counsel. So I'm a bit surprised, too, to see that in
part
21 of the RUF Defence portion of the trial, they are absent from
the
22 Court. So it may be it's a different philosophy now as to
what
23 their duties are. I don't know. In any event, they have been
24 assigned to RUF and you should see with them what it is they
can
25 do to assist you and your client this afternoon.

26 MR CAMMEGH: Many people, over the months, have
described
27 this Tribunal as something from which everyone will learn,
28 because it's probably a blueprint for future tribunals. This
is
29 an area where, perhaps, you know, things can be developed or

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1 learned from in the future.

of
accused,
case.

you
access,

know,

and

and

for a

2 JUDGE ITOE: Because I'm surprised, you know, that none
3 them has been here to follow the testimony of the first
4 which is very, very important and strategic for the Defence
5 I must say, that I'm rather surprised that there has been this
6 lukewarmness, and yet you remember, in previous proceedings,
7 know, this Chamber has been generous enough to allow them
8 exceptionally, in the absence of lead counsel and counsel, to
9 stand in in certain situations during the course of our
10 proceedings. So I think that we need to have recourse, you
11 to them, because they're there. I think they should do their
12 job.

13 MR CAMMEGH: I'm sure my learned friends who to my left
14 right note your comments with interest, Your Honour.

15 PRESIDING JUDGE: We'll recess for lunch and resume at
16 2.30 p.m. Just a minute. Mr Sesay, did you want to say
17 something? Do sit down.

18 THE WITNESS: Yes, sir, My Lord.

19 PRESIDING JUDGE: Go ahead.

20 THE WITNESS: My Lord, I'm feeling some pain in my foot
21 cold in the foot.

22 PRESIDING JUDGE: Is it a result of the temperature in
23 here, or could it also be the result of some other factors?

24 THE WITNESS: Yes. I'm feeling my foot because I sit
25 long time and it's giving me some hard times, and I'm feeling

26 cold.

He

27 PRESIDING JUDGE: Yes. Well, let me hear Mr Jordash.

28 wants intervene too.

Sesay

29 MR JORDASH: I'm just wondering if I may approach Mr

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1 and speak to him about this discrete subject.

2 PRESIDING JUDGE: Very well then. Go ahead.

3 MR JORDASH: Thank you.

4 PRESIDING JUDGE: Yes, Mr Jordash.

5 MR JORDASH: It is the injury.

6 PRESIDING JUDGE: Quite.

7 MR JORDASH: And I think the cold is exacerbating the --

8 PRESIDING JUDGE: Quite.

the

9 MR JORDASH: -- discomfort, which has built up through

prefer

10 process of sitting for the last few weeks. Mr Sesay would

11 not to continue this afternoon.

12 PRESIDING JUDGE: Well, let us put it straight in the --

Prosecution.

13 let's put that option straight in the court of the

14 That's the situation which is clearly supervening now. What
15 would be your response to Mr Jordash's preference, in terms of
16 his client's interest?

17 MR HARRISON: The Prosecution can't tell you about the
18 seriousness of the complaint.

19 PRESIDING JUDGE: No, we are not asking that.

20 MR HARRISON: I've heard the complaint.

21 PRESIDING JUDGE: No, don't complicate matters,
22 Mr Harrison. Let's get back to basics. Your turn comes in

the

23 afternoon, after we resume, for cross-examination. In other
24 words, we don't know whether you're ready to go on, but we

make

25 an assumption that you may be ready to go on. Here is a
26 supervening situation coming from the other side.

27 All I'm asking to you, suppose the Bench is disposed to
28 respond favourably to Mr Jordash's option; what would be your
29 position? We want to hear your position so that we weigh the

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1 conflicting interests.

2 MR HARRISON: We would prefer to continue.

3 PRESIDING JUDGE: Precisely. That's all I wanted. I

4 didn't really want a long -- some kind of exchange of
unnecessary

5 points. I just wanted to know.

6 MR HARRISON: But if I can just add the caveat --

7 PRESIDING JUDGE: Go ahead, yeah.

8 MR HARRISON: -- that the Prosecution does not, at any
9 point, wish to take an unfair advantage --

10 PRESIDING JUDGE: Good point.

11 MR HARRISON: -- particularly of an accused who is
12 complaining of an illness.

13 PRESIDING JUDGE: This would have sorted out exactly
what I

14 was looking for. Mr Nicol-Wilson, what would be your response
to

15 the Bench considering, favourably, the application of Mr
Jordash?

16 MR NICOL-WILSON: Well, Your Honours, we think there is
no

17 way we can proceed. Because even if the Prosecution wants to
go

18 ahead, the accused would not be in a position to continue.

19 PRESIDING JUDGE: In other words, there is here a
20 suggestion of possible incapacitation, temporary
incapacitation.

21 MR NICOL-WILSON: Yes, sir. So we support whatever
22 position.

23 PRESIDING JUDGE: Mr Touray.

24 JUDGE ITOE: They are all the same --

25 MR TOURAY: We are the same [overlapping speakers] --

26 PRESIDING JUDGE: Well, we need to have it for the
records,

27 otherwise the Bench might be accused of -- what? [Overlapping

28 speakers] I'm sorry, I apologise for that. Well, what is our
29 disposition?

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bringing

1 JUDGE ITOE: Well, my disposition is that I don't think

2 want to put the accused person under any form of stress. If

3 tired, he's tired.

4 JUDGE BOUTET: I would like to have a report from the
5 doctor.

6 JUDGE ITOE: I wouldn't want to put him under any form

7 stress because he has been sitting there for about three weeks

8 and it is stressful; let us face the facts. And I think that

9 should be granted his request, that we move the proceedings,

10 know, to Tuesday or whatever. And this also fits in with the

11 scenario of Mr Cammegh, who is not feeling fine and might not

12 present. This is what we have been wrestling with, you know,

13 see how we sort out the scenario for this afternoon by

14 in a duty counsel.

15 So if the supervening circumstances that have been
16 presented by Mr Sesay are such that -- we cannot side track.

I

17 think we should live up to the reality and grant him his
18 application. I don't think I would like to have him here to
19 facing questioning, you know, when he says he is stressed.

be

20 MR JORDASH: Can I make a --

21 PRESIDING JUDGE: Go ahead, Mr Jordash.

22 MR JORDASH: I haven't discussed it with Mr Sesay, but

if

23 the Prosecution were to tender the statement of the first
24 accused, we could move to the legal argument. I don't know

where

25 they come in the Prosecution's planning, but we must be at the
26 foot of -- sorry, at the door of their intended use. I'm just
27 trying to think practically on how we can avoid losing an
28 afternoon, which I certainly would not want to do.

29 As I said, though, I haven't spoken to Mr Sesay. I

don't

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That

1 know if he wants to be present during the argument or not.

before I

2 would have to be something I would need an indication of

before 3 could agree to that course. But I'm simply putting that
4 the Court as a means by which we might avoid the loss of an
5 afternoon.

6 PRESIDING JUDGE: Well, the Bench would like to distance
7 itself from that kind of option, but we'll let the Prosecution
8 have their response to that at this point in time.

that 9 JUDGE ITOE: The impression which is being conveyed is

preliminary 10 documents will just be tendered like that, without a

11 questioning, you know, a preliminary cross-examination of

that 12 Mr Sesay. I do not think that those documents will come in

of 13 way. There will certainly be a preliminary cross-examination

documents. 14 Mr Sesay to prepare the grounds for tendering whatever

is 15 And this will -- this will subject him to the stress which he

16 complaining about. So I don't see how we can avoid this.

17 Because it's not just a question of the Prosecution coming and

18 dumping the documents and saying, "We are tendering this," you

19 know, without Mr Sesay knowing where he is coming from. So we

20 are where we are and I think the reality is there.

21 MR JORDASH: My suggestion was --

to 22 PRESIDING JUDGE: And speaking for myself, I do not want

23 even suggest to the Prosecution anything that would take away

adopt 24 their discretion as to how -- what methodology they want to

25 in cross-examining. I distance myself from that completely.

26 MR JORDASH: Well --

27 PRESIDING JUDGE: Yes.

28 MR HARRISON: The Prosecution has heard the comments of
29 Mr Justice Itoe and Mr Justice Thompson and, as Mr Jordash has

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1 indicated, he has a concern for trying to make a profitable
use
2 of this afternoon's time. The Prosecution also thinks that it
3 may be possible to do that. With the Court's leave and, of
4 course, Mr Sesay would have to give some consent, if it was to
5 take place in his absence. The Prosecution can prepare itself
6 over the break to make an application to the Court for
permission
7 to cross-examine Mr Sesay with respect to certain documents.

8 JUDGE ITOE: This afternoon?

9 MR HARRISON: Yes. So that the application could be
made
10 by the Prosecution this afternoon and the Prosecution could
11 advance its argument this afternoon. But we recognise that
12 Mr Sesay has a right to be present throughout all matters of
the
13 trial.

14 PRESIDING JUDGE: We'll stand down the Court for a few
15 minutes.

16 [Break taken at 1.10 p.m.]

17 [Upon resuming at 1.18 p.m.]

adjourn

18 PRESIDING JUDGE: Counsel, the Bench is disposed to

before

19 this trial to Tuesday morning next week at 9.30 a.m.. But

ensure

20 we do that, we'll direct counsel for the first accused to

21 that we have a tentative medical report on the condition of

22 Mr Sesay by then.

23 MR JORDASH: Certainly.

24 PRESIDING JUDGE: Right. The trial is adjourned to --

the

25 MS KAH-JALLOW: Your Honour, if I may, may I be given

26 opportunity to respond to your concerns that I was absent from

27 court today.

28 PRESIDING JUDGE: Yes. Certainly not today.

29 MS KAH-JALLOW: My Lord?

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you

1 PRESIDING JUDGE: Not today. We are not going to grant

you

2 leave to do that today. At some appropriate time next week

3 can come and ask for leave to do that. But, at this juncture,

4 I'm about to adjourn this trial to next Tuesday morning at
5 9.30 a.m., and I so do.

6 MS KAH-JALLOW: As Your Honour pleases.

p.m.

7 [Whereupon the hearing adjourned at 1.25

8 to be reconvened on Tuesday, the 5th day of
9 June 2007, at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY

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CROSS-EXAMINED BY MR CAMMEGH

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