

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

FRIDAY, 22 JUNE 2007
10.18 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa Mr William Romans
For the Registry:	Ms Advera Kamuzora
For the Prosecution:	Mr Peter Harrison Mr Charles Hardaway Mr Vincent Wagona
For the Principal Defender:	Mrs Haddijatou Kah-Jallow
For the accused Issa Sesay:	Mr Wayne Jordash Mr Jared Kneitel Mr Tobias Berkman
For the accused Morris Kallon:	Mr Melron Nicol-Wilson Ms Francess Issa
For the accused Augustine Gbao:	Mr Andreas O'Shea Mr John Cammegh

1 [RUF22JUN07A - CR]

2 Friday, 22 June 2007

3 [The accused present]

4 [Open session]

10:18:55 5 [Upon commencing at 10.18 a.m.]

6 PRESIDING JUDGE: Good morning, counsel. The trial is
7 resumed. We do have a ruling on the issue that has been the
8 subject of the voir dire proceeding. I will now proceed to
9 deliver the ruling of the Court.

10:19:51 10 This is the unanimous ruling of this Trial Chamber on
the
11 issue of the voluntariness or otherwise of the statements
alleged
12 to have been made by the first accused to the Prosecution on
13 successive dates between the months of March and April 2003,
14 coupled with that of the voluntariness of the alleged waiver
by
10:20:21 15 the first accused of his right to the presence of counsel
during
16 the said interviews.

17 Having heard, in the course of the voir dire proceeding,
18 the case, both for the Prosecution and for the first accused,
as
19 presented through witnesses for both the Prosecution and first
10:20:46 20 accused respectively, and having heard legal submissions by
both
21 counsel for the Prosecution, and counsel for the first accused
on

10:21:13
into

22 the aforementioned issue, and having deliberated upon the said
23 issue in the light of the evidence and legal submissions put
24 forward by both sides, this Chamber, taking all the facts and
25 circumstances as gathered from the totality of the evidence
26 consideration, and the applicable law and jurisprudence in
27 situations of this nature, finds that the alleged statements
28 obtained from the first accused during the interviews by the
29 Prosecution were not voluntary, in that they were obtained by

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in
burden

1 fear of prejudice and hope of advantage, held out by persons
2 authority; the Prosecution having failed to discharge the
3 of proving beyond reasonable doubt the voluntariness of the
4 alleged statements under the provisions of Rule 92, read
5 conjunctively with Rules 43 and Rule 63 of the Rules of
6 and Evidence.

10:22:07
Procedure

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7 In the light of these findings, the Chamber accordingly
8 rules that the alleged statements are inadmissible under Rule
9 and cannot be used, even for the limited purpose advanced by

10:22:30 10 Prosecution of cross-examining the first accused in order to
11 impeach his credibility.

12 A detailed reasoned decision will be published in due
13 course. After this ruling, the Honourable Justice Itoe has a
14 separate concurring ruling, which he will now deliver.

10:23:00 15 JUDGE ITOE: My Lord Presiding President, Presiding
Judge,

16 thank you. I would like to say here that I concur entirely
with
17 the decision that has been read by the Honourable Presiding
Judge

18 and that in concurring, I'm only adding another element in
19 paragraph 4 of that decision. I would not bother myself or

10:23:30 20 bother the audience to read paragraphs 1, 2 and 3, because I'm
on
21 board on all those paragraphs, including paragraphs 5 and 6; I
22 would only read paragraph 4.

23 This Chamber, taking all the facts and circumstances as
24 gathered from the totality of the evidence into consideration,
10:23:54 25 and the applicable law and jurisprudence in situations of this
26 nature, finds that the alleged statements obtained from the
27 accused during the interviews by the Prosecution and I add --
28 this is the addition -- as well as his alleged waiver to his
29 rights to counsel were not voluntary, in that they were
obtained

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in
burden
10:24:42
and

1 by fear of prejudice and hope of advantage held out by persons
2 authority; the Prosecution, having failed to discharge the
3 of proving beyond reasonable doubt the voluntariness of the
4 statements, under the provisions of Rule 92, as read
5 conjunctively with Rules 43 and 63 of the Rules of Procedure
6 Evidence.

opinion
of

7 The addition here is that the separate concurring
8 includes, as well as his alleged rights to waive the presence
9 a counsel. This is the clarification I wanted to make.

10:25:09 10 PRESIDING JUDGE: Thank you, Your Lordship.

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go
international

11 JUDGE ITOE: My Lord President, with your permission, I
12 would like at this juncture to acknowledge and highly commend
13 professionalism and the thoroughness of both Mr Jordash and
14 Mr Harrison, and their respective teams, in the presentation
15 their evidence and their factual and legal submissions on an
16 issue of such complexity, whose results, I have no doubt, will
17 a very long way to registering yet another milestone in the
18 progress that has been made so far in domestic and
19 criminal law jurisdictions on cases relating to waivers by
10:25:59 20 accused persons of their rights to counsel, and the rules and
21 conduct that govern, or should govern, the concept of

relating

22 voluntariness in the process of adjudicating on issues

23 to the admissibility of alleged confessions. I thank you, My
24 Lord.

10:26:21 25 PRESIDING JUDGE: Thank you, His Lordship, for that
26 contribution, with which I generally concur.

27 MR JORDASH: May I express our gratitude for the careful
28 deliberations.

29 PRESIDING JUDGE: Thank you. We'll now proceed. These

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of

1 rulings conclude the formal, rather, formally, the proceeding

purposes

2 voir dire. We'll now revert to the main trial for the

3 of cross-examination of the first accused on behalf of the

4 Prosecution.

10:27:09 5 Will the first accused take the witness stand, please.

6 WITNESS: ISSA HASSAN SESAY [Continued]

7 PRESIDING JUDGE: The first accused is still under oath.

8 You will now proceed, Mr Prosecutor.

9 PRESIDING JUDGE: Yes, Mr Jordash.

10:28:54 10 MR JORDASH: I was just indicating that the Court

11 Management were taking the list of witnesses with the TF1
numbers
12 to Mr Sesay. I don't know if Mr Harrison wanted that to
happen
13 or not.

14 PRESIDING JUDGE: Can we resolve that? He has observed
--

10:29:13 15 MR HARRISON: The Prosecution doesn't have an issue with
it
16 one way or the other. I am not sure what the Court's
preference
17 is?

18 PRESIDING JUDGE: We can do that.

19 MR JORDASH: It would assist Mr Sesay in referring to
10:29:24 20 people, if he could be --

21 PRESIDING JUDGE: Yes, quite, because that was the
22 procedure which we adopted before.

23 MR JORDASH: Yes.

24 PRESIDING JUDGE: Yes. Madam Courtroom Officer, could
you
10:29:40 25 assist in that?

26 CROSS-EXAMINED BY MR HARRISON:

27 [The witness answered through interpreter]

28 PRESIDING JUDGE: Let's proceed, please.

29 MR HARRISON:

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testimony 1 Q. Witness, you have given evidence in your direct
1990; 2 about your first contact with Foday Sankoh, and that was in
3 is that right?
4 A. Yes, late 1990; around September.
10:30:31 5 Q. And you met Sankoh in Abidjan?
6 A. Well, it was Sankoh who met us in Abidjan. It was not I
7 alone.
Abidjan, 8 Q. And I'm suggesting to you that Sankoh, he came to
9 and he said that he needed some young men; is that right?
10:30:51 10 A. No, it was not like that. He needed some young men;
yes.
11 Q. And I'm suggesting to you around that time you had been
in
12 Abidjan for about a year?
13 A. Well, it was less than a year.
14 Q. And you and your friends were introduced to Sankoh?
10:31:25 15 A. Well, it was Sankoh who went and met one of our friends
who
16 was Kaifa Way and later it was Kaifa Way who introduced me to
17 Sankoh.
18 JUDGE BOUTET: What's the name you're using? Who
19 introduced you to Sankoh?
10:31:51 20 THE WITNESS: Kaifa Way was the one who introduced me to
21 Pa Morlai, who was Sankoh.
22 JUDGE BOUTET: Can you spend that name, please? Not
Morlai
23 the other name.

I
24 THE WITNESS: My Lord, K-A-I-F-A, Kaifa. Wai, it's W-A-
10:32:25 25 [sic].
26 JUDGE BOUTET: Thank you.
27 MR HARRISON:
28 Q. And after having met Sankoh, you know that Sankoh went
away
29 for some time, then came back to Abidjan?

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Sankoh,
1 A. Well, at the time that we met Sankoh, when we knew
2 he did not go and came back.

3 THE INTERPRETER: Your Honours, would the witness be
4 instructed to go a little bit slow.

10:32:56 5 MR HARRISON: If you could just pause for a moment.

6 PRESIDING JUDGE: Take it slowly, Mr Sesay.

7 MR HARRISON:

8 Q. It's the interpreters who interrupted, and they were
asking
9 if you could perhaps try to slow your pace somewhat so that
the

10:33:07 10 interpreters could follow you. Again, as Mr Jordash suggested
to

were 11 you before, you may find it a more efficient process if you
12 to speak for two or three sentences, then to pause so that the
13 interpreters could keep pace with you.
14 A. Okay, Mr Harrison. Ask the question again.
10:33:36 15 Q. What I'd asked you, and I'd suggested to you, that
Sankoh
16 had gone away for some time from Abidjan and then he came back
17 and you saw him again; is that right?
18 A. No, it was not like that.
19 Q. I'm suggesting to you that, in fact, Sankoh, he went
away,
10:34:01 20 came back, and he told you that he had been with Blaze
Campaore
21 and Ghadaffi; is that right?
22 A. No, Sankoh did not tell me that. I, and my fellows who
23 were with us, they did not tell us something like that.
24 Q. And that he also told you that he wanted to take the APC
10:34:31 25 out of power; is that right?
26 A. No, it was not like that. He did not tell us that in
27 Abidjan. It was in Abidjan that he told us that -- it was in
28 Liberia that he told us that.
29 Q. So you're saying that it's in Liberia where Sankoh told
you

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1 that he wanted to take the APC out of power?

2 A. No, it was not this time. The time that I first saw
3 Sankoh, it was the very first time that he took us to Danane
and
4 he brought us to Liberia. And what he told us in Abidjan, he
10:35:11 5 said that he had a job for young men in the restaurant, in
6 Burkina Faso. So the minibus that he chartered, he took us to
7 Danane and, from there, they took us to Liberia but, in
Abidjan,
8 Foday Sankoh did not tell us anything about Blaise Compaore or
9 Ghadaffi, or to overthrow the APC. That was not what he told
us.

10:35:41 10 Q. So when you say you went from Danane, the place you went
to
11 was Gbarnga; is that right?

12 A. Well, I said from Danane, we were taken to Ganta. From
13 Ganta they took us to Cuttington, which was one university. I
14 did not say that --

10:36:05 15 THE INTERPRETER: Your Honours, I did not get the last
bit
16 of the witness's testimony. Would he be instructed to repeat.

17 MR HARRISON:

18 Q. If you can just pause again. The interpreter asked you
to
19 repeat the last portion of your testimony.

10:36:17 20 A. Yes. I said, Foday Sankoh took us to Ganta. From
there,
21 he took us to Cuttington. I said, I did not tell you that
Foday
22 Sankoh took us to Gbarnga.

Taylor's

23 Q. And I'm suggesting to you that you were taken to
24 executive ground at Gbarnga; do you accept that?

10:36:45 25 A. No, it was not like that.

you

26 Q. And when you went to the executive ground at Gbarnga,
27 actually met Taylor; do you accept that?

28 A. I said it did not happen that way. That was not what I
29 said here.

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1 Q. And, in fact, when you first met Taylor, he came and
2 greeted you at the executive ground; is that right?

3 A. No, it did not -- it did not happen that way.

with

4 Q. And, in fact, what happened is, at the executive ground
10:37:21 5 Taylor came outside and he said to you, "Hello, gentlemen."
6 Asked you how you were doing and that was your first contact
7 Charles Taylor; is that right?

rules;

8 JUDGE ITOE: Mr Harrison, you are breaking your own
9 you're a bit fast.

10:37:40 10 MR HARRISON:

you

11 Q. I'll put it to you again. I'm suggesting to you that

12 met Charles Taylor at the executive ground, that Taylor came
13 outside and said "hello" to you; is that right?
14 A. I said, it did not happen that way.
10:38:08 15 Q. And you do agree with me that you went to Camp Naama?
16 A. Well, from Cuttington, yes, I went to Camp Naama.
17 Q. And you would have arrived at Camp Naama in very late
1990?
18 A. Well, it was just one to two weeks I spent at
Cuttington;
19 then I went to Naama. That was late in 1990.
10:38:53 20 Q. And is it right you go directly from Cuttington
University
21 Campus to Camp Naama?
22 A. Yes, there we were taken. It was not I alone. We were
23 many in the truck.
24 Q. And when you get to Camp Naama, that's when you began
10:39:21 25 undergoing training; is that right?
26 A. Yes.
27 Q. And from Camp Naama, you are aware that you're being
28 trained as part of the RUF?
29 A. Yes, I was trained to be part of the RUF because, during

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1 that time, I did not have any way of leaving Camp Naama.

2 Q. And with respect to your training at Naama, that would
have
3 continued up to March of 1991?

4 A. Yes.

10:40:23 5 Q. And it's while you are at Camp Naama that you appreciate
power;
6 that you were going to attack the APC to remove them from

7 is that right?

8 A. Well, when we were at Naama, yes, that was why I told
you
9 that, at the time that Foday Sankoh spoke about it, during
that

10:40:46 10 time I did not have any means to leave Naama. There was no
way
11 to leave Naama because one of our colleagues, who attempted to
12 escape, he lost his life, according to Foday Sankoh, so I did
not
13 have any way to leave Naama.

14 Q. Just to return to the question: I'd suggested to you
that

10:41:20 15 it's while you were at Camp Naama you came to understand that
you
16 were going to attack Sierra Leone to remove the APC from
power?

17 A. Yes, that's true. That was what Foday Sankoh said.

18 Q. And while you were at Camp Naama, there were Liberian
19 instructors there for you; is that right?

10:41:57 20 A. Yes. Those that were under Foday Sankoh, who were Isaac
Konganu
21 Mongor and three others who were there; Isaac Mongor, PI,
22 and Sylvester Miller.

23 MR HARRISON: I think, perhaps for the benefit of the
court

24 reporters, we should maybe go over the names again.

10:42:29 25 Q. I think the first one was Isaac Mongor; is that right?

26 A. Yes. The Liberian instructors; Isaac Mongor; Konganu.

spell 27 Q. And if you could just pause there; do you know how to

28 that?

know 29 A. No, Mr Harrison, I think you can spell them. I do not

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1 how to spell them.

was 2 Q. Unfortunately, I don't know how to spell that but if I

3 to say it phonetically, could you tell me if I've got it

4 correctly. Kongonor?

10:43:12 5 A. Konganu. Even when my lawyer was examining me, I told
him

6 that I did not know how to spell the word Konganu.

7 Q. And I think one of the other names was PI?

8 A. Yes, PI had his real name.

9 Q. And do you know the real name?

10:43:44 10 A. His real name was AB Wangbe. AB Wangbe.

11 Q. AB being the first name?

12 A. ABS. And the surname is Wangbe.

13 Q. And did you list a fourth name as being a Liberian
14 instructor there?

10:44:19 15 A. Yes; Sylvester Miller.

16 Q. And while you're being trained at Camp Naama, you were
17 aware that these Liberians were doing the training under the
18 instruction of Charles Taylor?

19 A. Well, I did not know that because it was Foday Sankoh
who

10:44:49 20 brought them to Naama, and I had never seen Charles Taylor go
to

21 Naama, so I would not be able to tell you that.

22 Q. And during the time that you were being trained at Camp
23 Naama, there was up to 500 other recruits being trained?

24 A. You mean we, the RUF, who were at Camp Naama, if we're
up

10:45:22 25 to 500?

26 Q. Yes, that's right.

27 A. No, we were not up to 500. We were not up to 500. We
were

28 not even up to 400.

29 Q. So it would be somewhere between 300 to 400?

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1 A. Well, 300 plus. But less than 350, even.

being
Camp
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they
the
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called.
13
14
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These
said
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Rashid
10:47:49
as

2 Q. And at the same time that you and the other RUF were
3 trained, there's also training taking place of Liberians at
4 Naama?
5 A. No. I was in the RUF camp. Foday Sankoh and the
6 instructors, Mohamed Tarawallie, Rashid Mansaray, Mike Lamin,
7 they did not allow us to go out of the camp. He said that was
8 out of bounds, we should not go out of the camp, except when
9 went to train us, that was the time that we would go out of
10 camp. So I would not tell you about what happened out of the
11 camp in which I was.
12 JUDGE ITOE: Let's have the names of those you've
13 You've called Rashid Mansaray, Mohamed Tarawallie?
14 THE WITNESS: Yes, sir.
15 JUDGE ITOE: And who else?
16 THE WITNESS: Mike Lamin, and Foday Sankoh himself.
17 were the authorities at the base during that time. And they
18 that we were not to go out of the camp, and that if we were
19 caught going out of the camp, they would take serious actions
20 against us. So I did not go out of the camp.
21 MR HARRISON:
22 Q. You've mentioned the names of Mohamed Tarawallie and
23 Mansaray; you know that they were persons who were trained in
24 Libya?
25 A. Including Mike Lamin, because they had the same status

26 majors, who had been training us.
27 Q. And also trained in Libya were Patrick Lamin and Foday
28 Sankoh?
29 A. Well --

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1 THE INTERPRETER: Your Honours, would he be -- okay.
2 MR HARRISON: If you could just pause.
3 THE INTERPRETER: Yes, Your Honours. I would like the
4 witness to speak a little bit loud, so as to allow the
10:48:41 5 interpreter to get what he's saying.
6 MR HARRISON:
7 Q. On this occasion, the interpreter is asking if you could
8 speak louder so that he could hear you. I'm not sure if that
9 requires moving the microphone closer to you or not.
10:49:08 10 A. Yes. I said, Mike Lamin, Patrick Lamin, Foday Sankoh,
11 Mohamed Tarawallie, Rashid Mansaray, all were trained in
Libya.
12 Q. Now, while you were at Camp Naama, you met Augustine
Gbao
13 there; is that right?
14 A. Augustine Gbao met me there. That was what I said in
this

10:49:47 15 Court.

16 Q. And you also met Morris Kallon there?

17 A. Morris Kallon met me there. Mike Lamin came with Morris
18 Kallon --

19 Q. And --

10:50:02 20 A. -- at the base in Camp Naama.

21 Q. In around March of 1991, you leave Camp Naama to go to
22 Kailahun; is that correct?

23 A. They put me in a truck to go to Kailahun. I did not do
24 that on my own volition. It was Foday Sankoh who put me in a

10:50:27 25 truck.

26 Q. And you went to Kailahun, but others went to Pujehun
27 District; is that right?

28 A. Yes, Mr Harris [sic]. Foday Sankoh divided the group
into
29 two; one group for Kailahun and one group for Pujehun
District.

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a 1 Q. And one of the persons who went with you to Kailahun was

2 Liberian named Sam Tuah?

3 A. Those ones, we met them at Lofa. They were not at
Naama.

4 Yes, but he was in the group in Kailahun.

10:51:22 5 Q. And you knew that --

6 JUDGE ITOE: Mr Harrison, the name again? The name of -

7 MR HARRISON: It was Sam Tuah.

8 Q. And witness, I'll try to spell the last name. You tell
me

9 if I'm correct or not. T-U-A-H?

10:51:42 10 A. Yes, Tuah.

11 Q. And I'm suggesting to you that you were in fact escorted
to

12 Kailahun by Charles Taylor who himself went with you as far as

13 Voinjama; is that right?

14 A. No, that's not correct. That's not correct. From
Naama,

10:52:13 15 when we were taken, we went straight to Golahun. There, Foday

16 Sankoh took us.

17 Q. And I'm suggesting to you that Taylor and Sankoh stopped
at

18 Voinjama and you and the others continued on to Sierra Leone;

19 that right?

10:52:37 20 A. I said that was not true. It was Foday Sankoh who came
and

21 left us at Golahun. Foday Sankoh came straight from Naama to

22 Golahun when he came with us. That was what I said.

23 Q. And the attack that takes place in Kailahun, that's on
23

24 March 1991; is that right?

10:53:08 25 A. Well, we were at the base, and we heard that there was
Liberian

26 firing, first between the Sierra Leone soldiers and the

27 NPFL fighters, because of a trade that they had been doing in

SLAs

28 Bomaru, wherein the NPFL rebels sold looted vehicles to the
29 in Bomaru. The officer who was there, I think there was a

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time

brought

10:54:04

trading

10:54:19

10:54:30

1 problem which concerned paid NPFL rebels, so that was what
2 brought the fight between the SLA and NPFL, and during that
3 we were in the base. It was after that that Foday Sankoh
4 us and asked us to attack Bomaru.

5 Q. So the attack was initiated by the NPFL rebels; is that
6 right?

7 A. Well, that's what I have explained. They had been
8 with the soldiers. But they gave vehicles to the soldiers and
9 the soldiers did not want to pay them their money. So therein
10 they start --

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

13 MR HARRISON:

14 Q. It's the same problem, Mr Sesay. The interpreters need
15 some time --

16 A. I would repeat.

to
17 Q. -- to try to interpret for you. And if you were to try
18 remember that if you speak for a few sentences, and then
pause,
19 that would give the interpreters a chance to keep pace with
you.

10:54:52 20 A. Okay, sir. I said, there was trade between the NPFL
21 fighters in Liberia and the SLAs in Bomaru. They gave them
22 vehicles, for which we are supposed to pay, and the soldiers
did
23 not pay. That was why fighting ensued in Bomaru before Foday
24 Sankoh took us from Naama and brought us to the borderline
10:55:24 25 wherein the attack took place in Bomaru.

Gambian 26 Q. And the Liberians there were joined by at least one
27 commander; is that right?

28 A. Well, that one was not with us at Bomaru, because I
29 belonged to the Bomaru group. The Bomaru group -- during that

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1 time, it was Mike Lamin and the other RUF commanders who
2 attacked
3 Bomaru and Baiwala.

all 3 Q. And you knew that the Liberians were there? They were
4 under the control of Charles Taylor?

10:56:19 5 A. Well, the NPFL, their boss was Taylor. That, I will not
6 deny. It was Taylor that was the leader of the NPFL, but we
that
7 came to Sierra Leone, the man who had been commanding the NPFL
in
8 91 in Kailahun, they called him Be, Anthony Makunagbe, and he
had
9 been working with Foday Sankoh.

10:56:47 10 Q. Again, I'll try to assist the reporter. I think you
gave
11 the name Anthony Makunagbe?

12 A. I said he was the commander of the Liberians in
Kailahun,
13 and he had been working for Foday Sankoh.

14 Q. And tell me if I've got the spelling of his last name
10:57:10 15 right: M-A-K-U-N-A-G-B-E?

16 A. Yes, Makunagbe.

17 Q. Now, you'd agree with me insofar as from late 1996 up
until
18 the end of the war, you were the commander of Morris Kallon;
is
19 that right?

10:58:07 20 A. Well, from 1996 up to the end of the war?

21 Q. Yes. Let's just go from, say, November 1996, up until
the
22 end of the war?

23 A. No. I can -- I can explain. Because November '96, I
was a
24 major and Kallon was a major and where Kallon was, he was in
the

10:58:38 25 Northern Jungle, the Kangari Hills, and I was at Giema, so he
had
26 not been taking orders from me; he had been taking orders from
27 Isaac Mongor who was his commander. Till -- from November

28 till March '97, all of us had the same rank and some -- let me
29 say sometime between '97 to 2000, sometimes he had been
working

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1 under me, sometimes, he had not been working under me, because
of
2 the areas in which we were, because we were not in the same
area.
3 RUF had been functioning in areas -- in different areas. So
if
4 you were in this area, Kallon would be in a different area, so
he
10:59:41 5 would have to work under the commander -- he was working with
the
6 commander of the area in which he was; do you understand that?
7 Q. Now, going back to '91 and '92, in that time frame, it
8 would have been the case that in fact Kallon would have been
your
9 commander for a period of time; is that right?

11:00:32 10 JUDGE ITOE: '91 to?

11 MR HARRISON: '92.

12 JUDGE ITOE: Is that very relevant to him, to the
13 indictment, Mr Harrison?

14 MR HARRISON: If the Court deems it not to be relevant -

-

11:00:32 15 JUDGE ITOE: I'm just putting the question. If you want
to
16 create a nexus to that, fine. Otherwise, my immediate
reaction
17 would be that it would not appear to be relevant to the
18 indictment. If you want to create a nexus, fine.

19 MR HARRISON: Yes, as I see it, that's fine.

11:00:33 20 Q. Let's move forward in time, then. I'm going to suggest
to
21 you that, by 1993, there was a time when you were instructed
to
22 go to Liberia, to Foya; is that right?

23 A. I was not instructed to go to Foya. Foday Sankoh
24 instructed me to go to Bendu, the borderline.

11:01:03 25 Q. And the reason to go to Bendu was to take part in
fighting
26 against ULIMO; is that right?

27 A. Yes, because the ULIMOs had been advancing towards the
28 borderline, and the ULIMO was part of the Sierra Leone
29 government. They came from here. So they had also been
fighting

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1 against us.

2 Q. You've given evidence in your direct testimony that, in

3 1994, you were the area commander in Kailahun; is that right?
4 A. Well, I became an area commander in Kailahun in July
1994.

11:01:54 5 That was the time that Foday Sankoh appointed me as area
6 commander and he instructed me to leave Pumudu Village and
come
7 and base at Giema.

8 Q. By that time in 1994, you have already reached the rank
of
9 major?

11:02:17 10 A. Well, it was in the same month that he promoted me. The
11 same day that he gave me the position, that was the same day
that
12 he promoted me. But, later, in 1996, he demoted me. So he
could
13 give you a rank today, and after two or three days, or two or
14 three months, he would demote you again.

11:02:40 15 JUDGE BOUTET: When was that you say you were demoted?
In
16 1996?

17 THE WITNESS: Yes, My Lord. I was demoted in '96 from
18 major back to captain, and I --

19 JUDGE BOUTET: You were removed from what, major? Major
11:02:56 20 rank?

21 THE WITNESS: Yes, sir, My Lord. I said I was demoted
from
22 major to captain. Foday Sankoh demoted me from major to
captain,
23 in '96. And from -- the demotion took place in April/May and,
24 from that time to November, I did not have any assignment, and
I

11:03:21 25 was a captain.

26 MR HARRISON:

27 Q. And throughout the RUF, persons were assigned different
28 ranks; do you agree with that?

29 A. Yes. They were assigning people with different ranks.

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1 Q. And the ranks had an obvious purpose, didn't they? The
2 purpose was to create a structure of command; is that right?

3 A. Well, some ranks had a instructions of command, some had
no
4 instructions of command. Because, in 1994, Foday Sankoh had
gone

11:04:23 5 with the RUF to the jungle. And I, from '94 to '97, I was
based

6 in Kailahun. I did not take part in any jungle.

7 Q. And the purpose --

8 JUDGE BOUTET: Mr Harrison, maybe you wish to clarify
that

9 because I have -- I'm not sure that your question was properly
11:04:50 10 answered or understood. You were talking of RUF persons who
were

11 assigned rank, but the witness is talking of ranks and
assignment

12 as being two different notions, if I can put it this way. And
13 his answers subsequent to that seem to confirm that to an
extent.

14 MR HARRISON:

11:05:11 15 Q. There may be a bit of confusion. Let me just give you
the
16 opportunity to try to understand the question again. You've
17 talked about different ranks that exist in the RUF. And I was
18 putting it to you that the ranks had a function, and the
obvious
19 function was to show the command structure of the RUF; is that
11:05:46 20 right?

21 A. Well, Foday Sankoh would give ranks, yes.

22 Q. And it would be obvious, wouldn't it, that often the
case
23 would be that a captain would tell a corporal what to do; is
that
24 right?

11:06:19 25 A. Well, if the captain was -- for example, if the captain
is
26 in Giema in '94, the captain would tell the corporal what to
do.
27 But the captain who was in Giema in '94 would not tell the
28 corporal in Peyama what to do. No. And the captain in Giema,
he
29 would not tell a corporal in Zogoda what to do, or a corporal
in

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1 the Kangari Hills what to do.

of

2 Q. Now, continuing on with what I think may have been part

3 the confusion, just so the record is clear on this, and we can

were

4 pursue it later on, but it may have been the case that you

11:07:28

5 trying to give an answer that somehow distinguished between a

6 rank and an assignment. Were you attempting to do that?

of

7 A. Well, Mr Harrison, frankly speaking, at the early days

8 the war, Foday Sankoh was given the ranks and assignments that

would

9 matched. What I mean by that, the rank and the assignment

11:08:00
loyalty

10 go together. But there was some confusion, because this

higher

11 or I think Foday Sankoh had his own opinion when he gave a

higher

12 rank and a higher position -- no, I mean, when he gave a

13 position, and he would give you a lower rank. So the next man

14 who has the higher rank would not respect or take instructions

11:08:39
was

15 from you who had a lower rank, but a higher position. That

16 what happened in '97. Those were the promotions Foday Sankoh

17 gave.

18 Q. And by early 1997, February/March, you became the

19 battle-group commander of the RUF; is that right?

11:09:02

20 A. What year?

21 Q. In February/March 1997, you became the battle-group

22 commander of the RUF.

was

23 A. No, Mr Harris, this is what I'm trying to explain. I

24 not the battlefield, but a battle group in March '97. Foday -

11:09:28 25 Q. I think there may be an interpretation problem. The
26 question that was put to you is the following: In March
27 or February --

28 JUDGE ITOE: You said February/March.

29 MR HARRISON:

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appointed

1 Q. February/March, March or February 1997, you were
2 the battle-group commander of the RUF; is that right?

3 A. Well, I would answer to explain. Yes, that is correct.
4 But I can explain, please. This time in March '97, Foday

Sankoh

11:10:16 5 was in Nigeria. It was the first time when the RUF began in
'91
6 when he appointed a battle-group commander, but with a lower
7 rank. While the area commander, he had a senior rank than the
8 battle group. So the area commander would not take
instructions
9 because the battle-group commander's rank, he was lower in
rank.

11:10:47 10 Q. Well, I'm suggesting to you, Mr Sesay, that that's a
11 convenient story that you've invented and that the reality is

12 this: As a battle-group commander, you were superior to
everyone
13 in the RUF, except for the battlefield commander and the
leader.
14 Do you accept that?
11:11:09 15 A. Well, I completely disagree with that, and people know
colonel,
16 about this. Because Foday Sankoh promoted Superman as a
Lamin
17 who was an area commander; Isaac Mongor as a colonel; Mike
take
18 as a colonel. And these four colonels said they would not
the
19 instructions from me, who was a lieutenant-colonel. This was
11:11:47 20 confusion among ourselves. By that time I was not yet
arrested,
Mongor,
21 but this was the confusion in '97. And Superman, Isaac
22 Mike Lamin, I had no authority over them in '97, '98, and even
23 '99.
24 Q. In fact, as the battle-group commander, the reality was
11:12:15 25 that all area commanders reported to you; do you accept that?
26 A. No, I don't accept that. I have told you that there was
a
27 problem --
28 Q. Yes. And I don't think you need to say it again. We've
29 all heard what the problem is. So if we could just continue
on.

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1 Now, Sankoh --

2 JUDGE ITOE: I'm not very sure it's the same problem.

3 MR HARRISON: All right.

4 JUDGE ITOE: I'm not very sure.

11:12:50 5 MR HARRISON:

6 Q. If it's a different problem, you're allowed to tell the
7 Court.

8 JUDGE ITOE: Is it a different problem, Mr Sesay, or you
9 have mentioned it here before?

11:13:01 10 THE WITNESS: No, sir. It's an addition I want to make
to

11 what I mentioned earlier. My Lord, the jungles were created
12 in December '94 -- '97 by Foday Sankoh. And in '91 to '97,

all

13 the thousands of RUF who were in Pujehun District who had come

to

14 the Kangari Hills from '94 who had migrated to the Western

11:13:35 15 Jungle, were at the Bo Highway jungle before the '97 coup. So

16 these men did not know me from Kailahun. Most of them came to

area

17 know me in person when we met with the AFRC, so to say those

was

18 commanders were reporting to me, that was not the case. That

19 not how it operated.

11:14:05 20 THE INTERPRETER: Correction, interpreter: The jungle
was

21 created in 1993 and not '97.

22 MR HARRISON:

23 Q. Did you hear what that supposed correction was? Are you

24 hearing the interpreter's voice.

11:14:22 25 A. No, I didn't get the correction.

26 Q. Just to make sure you understood, the interpreter made a
27 correction that the jungle was created in 1993 and not 1997;

was

28 that what you understood?

29 A. Yes. I said, the jungles were created from December '93

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1 and I did not take part in these jungles until '97 when I met

the

2 with these jungle men for the first time, most of them, and

3 RUF was not a professional army.

4 Q. Now, at the time that you were promoted to battle-group

11:15:08
you

5 commander, Bockarie was promoted to battlefield commander; do

6 agree with that?

the

7 A. Well, I was given the position -- Foday Sankoh gave me

Bockarie

8 position of battle group and I was in Giema in '97 while

9 was in Buedu. The two areas what were functioning by then for

11:15:37 10

the RUF, the Kangari Hills and the Western Jungle, those two

11 commanders were reporting to Bockarie and not to me.

12 Q. The question was a little bit simpler. When you were
13 promoted to battle-group commander, at the same time, Bockarie
14 was made the battlefield commander; do you accept that?

11:16:09 15 PRESIDING JUDGE: Is that true, Mr Sesay? It's a simple
16 question.

17 THE WITNESS: Yes, My Lord.

18 PRESIDING JUDGE: Right. Let's proceed.

19 MR HARRISON:

11:16:17 20 Q. And as a battle-group commander, you reported directly
to
21 the battlefield commander; do you accept that?

22 A. With what was happening in -- only in Giema, I could not
23 report from March to May before the coup. I was unable to
report

24 to Bockarie any activity on the Western Jungle or the northern
11:16:41 25 Kangari Hills. No. I was only reporting about what was
26 happening in Giema and the surrounding areas.

27 PRESIDING JUDGE: Was your question as to the norm or
the
28 practice?

29 MR HARRISON: Yes. The question would have been as to
the

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1 norm.

with

2 PRESIDING JUDGE: Yes. He probably now confuses that

3 the practice.

4 MR HARRISON:

11:17:03 5 Q. I'm suggesting to you that the only person that you
6 reported to when you were the battle-group commander was
7 Bockarie, the battlefield commander; do you accept that?

8 A. Yes, that was true.

11:17:21 10 accept

9 Q. And the only person Bockarie would have reported to as a
10 battlefield commander would have been the leader; do you

11 that?

12 A. Yes.

13 Q. Now, just dealing with you for a bit longer --

just

11:17:51 15 say I was only reporting to the field commander, then you are
not

and

16 concerned about where I was not based at the Northern Jungle

17 the Western Jungle. They were not reporting to me.

the

18 Q. Just so that you're not under any confusion, Mr Sesay,

19 question was: You reported only to the battlefield commander

11:18:20 20 when you were the battle-group commander. That's not that

21 complex a question, and I thought you'd accepted that.

to

22 A. Yes. I accept it with condition so that I can explain

23 you so that you be aware that the main force and the heaviest

24 group of the RUF, so you don't care about their own side of

11:18:46 25 reporting, the Northern Jungle and the Kangari Hills?

but 26 PRESIDING JUDGE: Those questions might come later on,
27 this is a different question. Each particular question is
28 designed to help you to understand which particular aspect
your 29 counsel is trying to focus on. And if only you can direct

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you 1 question to what the question was. Later on you can add what
2 want to add. But if you want to explain everything, even when
3 the question does not relate to that, then we will not see the
4 end of this exercise. Do you follow?

11:19:29 5 THE WITNESS: Yes, sir, My Lord.

ask 6 PRESIDING JUDGE: Otherwise, we'll not even let counsel

about 7 you questions. We will just say, "You tell us everything
8 it." So, please let us get a little focused on the questions
9 being asked. You can explain when you've answered a question
if

11:19:46 10 you think there's some condition you need to attach to your
11 answer. All right?

12 THE WITNESS: Yes, sir, My Lord.

13 PRESIDING JUDGE: All right. Continue, counsel.

14 THE WITNESS: Yes, sir, but --

11:19:58 15 PRESIDING JUDGE: No, no. We must have a method,
otherwise

16 we run into difficulty. All right? You've been doing well so
17 far, trying --

18 THE WITNESS: Yes, but --

19 PRESIDING JUDGE: -- but what I'm saying is that it
would

11:20:10 20 seem to me not right if he asks a question: "Is A, B?" for
you

21 to say, or you leave that question and you want to tell us
22 something else not related to the question. That would not
23 really be the proper way to go. In other words, we'll confuse
24 the record. So just listen to the question carefully and,
before

11:20:35 25 you answer, think carefully. All right. Let's proceed,
counsel.

26 JUDGE ITOE: My Lord, he was pointing --

27 PRESIDING JUDGE: Are you trying to say -- okay, let's
hear

28 your response.

29 THE WITNESS: Yes, sir, My Lord. Because this is a
general

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the
So
would

1 question he asked me, and I've answered. And if you look at
2 answer I gave, that was a very big responsibility on my side.
3 that's why I want to explain in details, so that the Court
4 understand.

11:21:07
question
then

5 PRESIDING JUDGE: No, we're not precluding you from
6 explaining. It's just that you must listen first to the
7 to try and see what the questioner is trying to get at, and
8 you answer and then you expand on it. We're not going to
9 preclude you from expanding on questions. Very well.

11:21:23 10 THE WITNESS: Yes, sir.

11 MR HARRISON:

12 Q. We'll just try to focus your mind a little bit more
13 sharply. As a battle-group commander, the only person you
14 reported to was the battlefield commander; do you accept that?

11:21:42 15 A. I was not the only one reporting to him but I --

16 JUDGE ITOE: Mr Sesay --

17 JUDGE BOUTET: That's not the question.

18 JUDGE ITOE: -- listen to the advice.

19 JUDGE BOUTET: Mr Sesay, please [indiscernible]. That's
11:21:55 20 not the question, Mr Sesay. If you don't understand the
21 question, ask that the question be asked of you again. But
the
you
22 question is a very simple one. The only person to whom you,
23 reported -- not others, you -- was the battlefield commander.
24 That's the question.

11:22:12 25 PRESIDING JUDGE: We want to tell you that we know, from

26 your testimony, you have a lot of information, almost to the
27 point of being encyclopaedic in your knowledge about this
28 process. All counsel is trying to do is get the picture in
bits
29 and pieces, not all in one go like that because that can
confuse

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1 the Court. That's why he puts specific questions. Otherwise
2 we'll just say to you: Sit there, tell us your story, and no
3 questions put to you. But that's not the process. So try and
4 help us to be focused and listen carefully to the question.

And

11:22:59 5 if you don't understand it, ask counsel to repeat it, or even
to
6 make it clearer if you think it's opaque or obscure. All
right?

7 It's a gentle process. Counsel --

8 MR JORDASH: Sorry, can I just --

9 PRESIDING JUDGE: Do sit down, Mr Harrison.

11:23:13 10 MR JORDASH: Can I just inquire as to whether the
question

11 is directed at a particular time.

12 PRESIDING JUDGE: Well, let's give counsel a chance. He
13 will -- as we say, we are all here to help elicit the
evidence,

it 14 and where the question is unclear, counsel has a duty to make
11:23:32 15 clear and where it's complicated, he has a duty to simplify
it.
16 So if we can use that methodology, we'll all be happy.
Counsel,
17 he's asking whether --
18 JUDGE ITOE: Mr Jordash, we have it on record that we're
19 in March 1997.
11:23:47 20 MR JORDASH: If we're talking March then, thank you.
21 JUDGE ITOE: That is where we are.
22 JUDGE BOUTET: The questions have been related to that:
23 When he was promoted and made the battle-group commander,
24 Bockarie was made the battlefield commander. That's what
we're
11:24:01 25 talking about.
26 MR JORDASH: I was simply inquiring, Your Honour.
27 PRESIDING JUDGE: That's okay, counsel. Counsel,
continue.
28 Of course, you see -- I would now in fact say you have been
very
29 careful. Whenever a question is not understood, you actually
try

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probably

1 and go over it. Let's keep making that effort. We'll

2 be able to elicit all of the evidence in a comprehensible and
3 intelligible way. Continue.

4 MR HARRISON:

11:24:29 5 to

Q. Just so you're not under a misunderstanding, I will try

told

6 put the question to you in slightly different words. You've

you

7 us that you were made the battle-group commander, and I think

8 agree that the only person you reported to was the battlefield

9 commander; is that right?

11:24:55 10

A. Yes, that's true.

11 JUDGE ITOE: So, Mr Sesay, you've answered the question,

12 simply as that.

13 MR HARRISON:

by

14 Q. And I'm suggesting to you that you were made a colonel

11:25:15 15

Johnny Paul Koroma; is that right?

16 A. No. I was a lieutenant-colonel.

a

17 Q. I'm suggesting to you that, in April 1998, you were made

18 colonel by Johnny Paul Koroma.

19 A. April '98, Sam Bockarie promoted me to colonel.

11:26:00 20

Q. And I'm also going to suggest to you that, much later in

accept

21 time, you were made the interim leader of the RUF; do you

22 that?

23 A. Yes. In August 2000. I accept that.

deputy;

24 Q. And, as the interim leader, Superman was made your

11:26:31 25 is that right?
26 A. Yes. Superman was a field commander for few months,
then
27 he resigned from RUF.
28 Q. And --
29 JUDGE ITOE: That question is not answered.

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2000.
the
1 JUDGE BOUTET: Did he make you a deputy; that was the
2 question. You were the interim leader, you say, in August
3 The question then: Superman was made your deputy; that was
4 question. Was he or was he not?

11:27:02 5 THE WITNESS: My Lord, a deputy rebel leader -- a deputy
interim
6 interim leader was not in existence. When I was made an
7 leader, Superman was a field commander for a short while and
then
8 he resigned from the RUF.

9 MR HARRISON:

11:27:37 10 Q. During that same time when you were the interim leader,
11 Morris Kallon had a deputy, and that was Gibril Massaquoi; is
12 that right?

13 A. Yes. Sankoh -- sorry, Kallon was the battle group and
14 Gibril the deputy. That was the case.

11:28:00 15 Q. Now, I'm going to move on to a slightly different topic.

16 PRESIDING JUDGE: Perhaps we should, since it's a
slightly
17 different topic, we'll probably just take the break and give
you

18 time to take it up when we come back. Let's take the morning
19 break.

11:28:52 20 [Break taken at 11.27 a.m.]

21 [RUF22JUN07B - MD]

22 [Upon resuming at 12.10 p.m.]

23 PRESIDING JUDGE: The Prosecution will continue, please.

24 MR HARRISON:

12:11:44 25 Q. Now, there was a time when ULIMO blocked the armed
26 transport route from Liberia to Sierra Leone; is that right?

27 A. Yes, that is true. When ULIMO captured Lofa County,
around
28 April, May 1993.

29 Q. And by the time Taylor's elected in '97, that transport

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1 route into Sierra Leone is working again, isn't it?

2 A. Well, I don't go to Liberia in 1997. It was before the
3 overthrow in Freetown, in May '97. It was the ECOMOG troops,
the
4 Senegalese that were deployed in the border between Sierra
Leone
12:13:04 5 and Liberia.

6 Q. The question was somewhat different: I'm asking you
that
7 after Taylor was elected, the route of carrying arms into
Sierra
8 Leone was re-established and operating; do you accept that?

9 A. Well, that was not to my knowledge in '97.

12:13:39 10 Q. And what I'm saying to you is that it was Colonel Jungle
11 and Colonel Zigzag Mazzah, who were largely responsible for
12 bringing the arms into Sierra Leone; do you accept that?

13 A. I disagree. In '97, I did not know about any arms,
14 ammunition that was brought to the RUF in Kailahun. No, that
did
12:14:14 15 not happen.

16 Q. And you know that --
17 JUDGE BOUTET: Was your question to Kailahun or to
Sierra
18 Leone?

19 MR HARRISON: Yes, it was to Sierra Leone. If the Court
12:14:25 20 would just wait one moment.

21 JUDGE BOUTET: Okay.

22 MR HARRISON: I will ask a few more questions and try to
23 pick it up.

24 Q. And I'm suggesting to you that you knew or know that
12:14:36 25 Colonel Jungle acted as a liaison between Bockarie and Taylor?

26 A. Well, in '97 I did not know that. But I knew that
Jungle

27 was there in '96, '97, in Cote d'Ivoire, because he was with
28 Foday Sankoh. And Jungle had been in Kailahun District all
29 along. In '93, '94, '95, he was in Kailahun.

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1 Q. And you know that Colonel Jungle is a Liberian?

2 A. Well, Colonel Jungle, yes, but he was born on the
3 borderline. His mother was from Buedu and his father was from
4 Foya Tengeya. That was the border between Kailahun and
Liberia,
12:15:31 5 around that dawa. Because it was the same tribe that was in
6 Liberia and in Sierra Leone again, the Kissi.

7 Q. And do you know that Colonel Jungle's name is Daniel
Tamba?

8 A. Daniel Tamba. Yes, that was his name.

9 Q. And you had earlier answered a question somewhat
12:16:08 10 differently from what it was put, and you heard Judge Boutet
made
11 a comment. I'll just return to that now. I'm suggesting to
you

12 that Colonel Jungle and xxxxx were the persons largely
13 responsible for bringing or arranging arms to be brought into
14 Sierra Leone; do you accept that?

12:16:29 15 A. I said, I did not know that and that did not happen.
The

16 ammunition that came, the flight came to Magburaka.

17 JUDGE ITOE: No, if you do not know, you cannot say it
did

18 not happen. How can you say you do not know and you add and
say

19 it cannot happen. If you don't know, you don't know. You
can't

12:16:52 20 assert that you do not know and yet profess that it did not

21 happen.

22 THE WITNESS: Well, My Lord, that did not take place in
'97

23 in Kailahun, that's what I was saying. I was in Kailahun from

24 January to May and, from May to December, I did not hear from
any

12:17:13 25 RUF that ammunition was brought to Kailahun through the Lofa

26 road, no.

27 JUDGE BOUTET: Mr Sesay, this is not the question.
Please

28 listen to the question and try to answer it to the best of
your

29 ability. The question was not whether it was taken by that
route

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1 or not. The question was, simply: Do you know if Colonel
Jungle

2 and Colonel Zigzag had the responsibility to arrange and bring
3 arms and ammunition to Sierra Leone. There was no reference
to
4 any particular route, nor Kailahun. It's just to Sierra
Leone.

12:17:51 5 You either know or not know. You say, "Well, I was in
Kailahun."

6 Well, it may be. But that's not the question. If you don't
7 know, you don't know.

8 THE WITNESS: Well, My Lord, I did not know about this.
I
9 did not know about this, sir.

12:18:06 10 MR HARRISON:

11 Q. And part of your answer may have been somewhat --

12 JUDGE ITOE: Mr Harrison, please. You know Colonel
Jungle;
13 do you know Colonel Zigzag as well?

14 THE WITNESS: Well, in '97 I did not know Zigzag.

12:18:29 15 JUDGE ITOE: Did you know Colonel Zigzag; that's the
16 question. I have not put a time frame.

17 THE WITNESS: Yes, My Lord. I knew Jungle, who was
General
18 Tamba and, later, I knew Mazzah.

19 JUDGE ITOE: Mazzah. Is Mazzah the same as Zigzag?

12:18:52 20 THE WITNESS: Yes, sir.

21 MR HARRISON:

22 Q. And when you say that you knew Mazzah, you also knew
that
23 he was a person who worked with Benjamin Yeaten?

24 A. Well, I'm saying that I knew these people in 2000. I
was

12:19:23 25 not in Liberia to know whether he had been working with
Yeaten.

26 Q. If you just listen and I will try to put the question
27 again. Do you know today that Zigzag Mazzah was the liaison,
or
28 assistant to Benjamin Yeaten?
29 A. No, I don't know.

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1 Q. And going back to the movement of arms from Liberia to
2 Sierra Leone, I'm suggesting to you that arms were transported
3 regularly from Liberia to Sierra Leone in 1997, 1998, 1999 and
4 2000; do you accept that?
12:20:31 5 A. Well, I did not see arms.
6 Q. Yes. You can say you don't see arms, but I'm saying to
you
7 that you know that they were transported from Liberia to
Sierra
8 Leone during the years 1997 to 2000?
9 A. Well, I only knew once that Bockarie, he himself came
with
12:21:01 10 ammunition in December 1998, and he told me, he gave me an
order
11 that he brought these ammunition from Burkina Faso.
12 JUDGE ITOE: Please, Mr Sesay, answer the question.
Answer

Liberia 13 the question. Do you know whether arms were coming from
14 into Sierra Leone?

12:21:30 15 THE WITNESS: Well, My Lord, I said, I did not know
about 16 arms. I only know about one time when Bockarie brought some
17 ammunition in December.

18 JUDGE ITOE: So you only know of this one unique
occasion,
19 when Bockarie brought arms from Liberia into -- this is the
only
12:21:49 20 occasion you remember?

21 THE WITNESS: My Lord, what I'm saying, I do recall
well.
22 I said, only once Sam Bockarie, in December '98, he came with
23 ammunition; it was not arms. But during 1998, Bockarie had
24 Matthew Kennedy in Kailahun, who had been buying ammunition
from

12:22:18 25 ULIMO. Kennedy had been buying this and bringing them to
Buedu.

26 JUDGE BOUTET: But the question the question was again a
27 very general question: Do you know if arms were coming from
28 Liberia to Sierra Leone in '97, '98, '99 and 2000. That was
the
29 question. Now you're saying that, yes, Kennedy was buying
arms.

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1 There was no specification that it came from ULIMO or the
others.

2 MR JORDASH: Your Honour, I understand he's answered
3 differently to that. Mr Sesay is making a distinction between
4 arms and ammunition. He said: I don't know about arms coming
12:23:01 5 in. I know about --

6 JUDGE BOUTET: Ammunition.

7 MR JORDASH: -- ammunition in December 98, and I also
know
8 about ammunition bought by Kennedy.

9 PRESIDING JUDGE: But why not stop at I don't know about
12:23:13 10 arms coming in? Why not just stop there?

11 MR JORDASH: Well, I think the questions went on a bit
12 further.

13 PRESIDING JUDGE: No, no, no. The question was clearly
14 now, in that context, Liberia to Sierra Leone, during those
12:23:25 15 periods. Why not just stop there? Why not just say: I don't
what
16 know about arms coming in. Why go and give us -- and that's
probably
17 complicates the situation. When a question is asked and

18 a question that aims at precision, then the witness takes the
19 opportunity of expanding and then bringing something which may
12:23:48 20 well be extraneous, and that's what we are trying to contain.

21 Let him try again. It may well be that because, as I
said,
22 that his encyclopaedic knowledge of the whole thing, it makes
it
23 difficult for him to keep them separate, and I can understand
24 that. But we are just trying to have some method. Try again,

12:24:08 25 Mr Harrison.
26 MR HARRISON:
27 Q. You've told us about Bockarie bringing arms in, I think
28 approximately December 1998. Do you remember saying --
29 JUDGE BOUTET: So there is no confusion Mr Harrison, the

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1 witness has not said arms; he said ammunition. And that was
2 the -- to avoid any further confusion.

3 MR HARRISON: You're right.

4 Q. I think you talked about ammunition being brought in by
12:24:35 5 Bockarie in December 1998; do you remember saying that?

6 A. Yes, that was what I said.

7 Q. And I think you said that that ammunition brought by
8 Bockarie, around December 1998, was from Burkina Faso; do you
9 remember saying that?

12:24:56 10 A. Yes, that was what Bockarie told me and other people.
SYB

Bockarie 11 Rogers, he himself also confirmed that, because he and
12 went.

13 Q. And that ammunition was transported into Sierra Leone
from 14 Liberia; that's right, isn't it?

12:25:20 15 A. Yes, it was Bockarie that came with it.
16 Q. And it was transported into Sierra Leone from Liberia?
17 A. Yes. It was through Liberia that Bockarie passed and
came
18 to Buedu.
19 Q. And you know that Colonel Jungle and Colonel Zigzag
Mazzah
12:26:02 20 were the Liberians responsible for assisting the transport of
21 arms from Liberia to Sierra Leone; isn't that right?
22 A. Well, at the time that Bockarie came to Buedu with that
23 ammunition, I did not see Zigzag Mazzah and I did not see
Jungle.
24 It was Bockarie and the other people with whom he went, they
were
12:26:28 25 the same people that he came with, and the truck which they
came
26 with was a civilian truck.
27 Q. I didn't ask you if you saw them. If you just listen to
28 the question. I asked you if you knew that it was Colonel
Jungle
29 and Colonel Zigzag Mazzah who were responsible for assisting
in

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1 the transport of that ammunition from Liberia to Sierra Leone;

2 that's right, isn't it?

3 A. I said, I did not see them. I do not know. When
Bockarie

4 came in December, I did not see them.

12:27:23 5 Q. And I'm suggesting to you that Colonel Jungle and
Colonel

6 Zigzag Mazzah were responsible for making sure that several
trips

7 of arms and ammunition travelled from Liberia to Sierra Leone
in

8 the years from 1997 to 2000. That's right, isn't it?

9 A. That was not true. That was not true.

12:28:12 10 Q. And you know that it was Taylor, Charles Taylor, who
Leone;

11 sponsored the whole RUF invasion and activities in Sierra

12 that is right, isn't it?

13 A. Well, I did not know that.

14 Q. You certainly knew that he was responsible for the
training

12:28:46 15 of yourself and others at Camp Naama?

16 JUDGE ITOE: What was the first question? Let me get it
Taylor

17 right again. He has said that he doesn't know that it was

18 who did what? Who --

19 MR HARRISON: I will perhaps get the words.

12:29:07 20 JUDGE ITOE: Sponsored.

21 MR HARRISON: Sponsored the activities of the RUF.

22 PRESIDING JUDGE: You also used invasion.

23 MR HARRISON: I'm sorry. Invasion and activities of the

24 RUF.

12:29:29 25 JUDGE ITOE: He said he doesn't know?

26 MR HARRISON: That's correct.

27 THE WITNESS: Yes. '97, '98 to 2000, I did not know.

28 MR HARRISON:

29 Q. All right. Well, you've qualified it by saying '97, '98
to

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1 2000. Is it the case that you know that Taylor was
responsible

2 for sponsoring the RUF from '91 up to '96?

3 A. No. I disagree because I need to explain.

4 PRESIDING JUDGE: Please explain.

12:30:30 5 THE WITNESS: Yes, sir. My Lord, from 1993, April/May,
the

6 ULIMO captured Lofa County. Up to 1997, we did not have any

7 visit to Lofa County, no business with Charles Taylor. So if
you

8 said that it was Charles Taylor who had been sponsoring the

RUF

9 where there was no means, so that he could meet us or RUF

could

12:30:53 10 meet him, there was no way.

11 MR HARRISON:

12 Q. You certainly agree with me, though, that the training
that

13 you underwent was at Camp Naama?

14 A. Yes, I do agree that it was at Camp Naama. I do agree -
-
12:31:11 15 Q. And you agree with me that --
16 A. -- that it was at Camp Naama.
17 Q. -- was under the control of Charles Taylor?
18 A. Yes. Because that was the liberated zone for NPFL but
19 Charles Taylor did not go to our base but the area was under
his
12:31:30 20 control.
21 Q. And you agree with me that, after Taylor was elected in
22 '97, the route to transport arms from Liberia into Sierra
Leone
23 could be used again?
24 A. No, no. That did not happen because it was ECOMOG that
12:31:58 25 deployed on the road.
26 Q. You certainly agree with me that you said that, in 1998,
27 when Bockarie brought arms, they were transported from Liberia
28 into Sierra Leone?
29 A. Well, that was what I said. I said it was Bockarie that

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1 brought the ammunition from Liberia. He came to Buedu. He
and
2 Pa Rogers told us that it was from Burkina Faso that they got
the

3 ammunition.

4 Q. And I'm putting it to you that from mid to late 1997, up
to

12:32:48 5 the end of the war, arms were being transported from Liberia
to

6 Sierra Leone; do you accept that?

7 A. I won't accept that. Minus that December and the
8 ammunition which Bockarie had been buying from the ULIMO,
besides

9 that, I did not see any transportation of ammunition or arms
into

12:33:23 10 Kailahun from Liberia.

11 Q. And in 1997/1998, you agree that you were a senior
12 commander in the RUF?

13 A. Yes, I was one of the commanders. One amongst the
14 commanders.

12:33:57 15 Q. The question was just slightly different. I'd put it to
16 you that you agreed that you were one of the senior commanders
of

17 the RUF?

18 A. Yes, I was a commander. See, I was not the sole
19 individual
20 who made decisions. It was the senior man who made decisions.

12:34:17 20 JUDGE ITOE: They say you were one of the senior
21 commanders. Follow the question, Mr Sesay, would you. You
were

22 one of the senior commanders; were you or were you not?

23 THE WITNESS: Yes. Yes, I said I was one of them, one
of

24 the commanders.

12:34:34 25 JUDGE ITOE: That is the question, you've answered it
now:

26 You were one of the senior commanders.

27 THE WITNESS: Yes, sir.

28 MR HARRISON:

29 Q. And, in fact, you were serving as somewhat of a deputy
to

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1 Sam Bockarie; is that right?

2 A. Well, I had not been serving as a deputy to Sam Bockarie
in
3 '98 because I did not have control of certain areas where RUF
4 were, so I wouldn't say that I was a deputy.

12:35:11 5 Q. At any rate, in 1998, I take it you are going to agree
that
6 Bockarie was still the battlefield commander and you were
still
7 the battle-group commander?

8 A. Well, in '98, there were changes. In '98, March, Johnny
9 Paul appointed Bockarie as Chief of Defence Staff. Then
Bockarie

12:35:49 10 said I should be the field commander and Superman should be
the
11 battle-group commander. But then, in April, I had problem
with
12 Bockarie because of the diamonds that I lost. And, during
that

13 time, Bockarie had to marginalise me and he posted me to
14 Pendembu. So, from that time, from April to November, in
1998, I
12:36:17 15 was only responsible for Pendembu and the front line around
Daru.
16 So the job that I had been performing did not allow me to be
the
17 deputy to Sam Bockarie.
18 Q. And what I'm suggesting to you is that during the time
that
19 you were the battle-group commander, and the battlefield
12:36:44 20 commander, again, the only person you reported to would have
been
21 Bockarie?
22 A. Yes.
23 JUDGE ITOE: Yes, he has answered that question earlier
on.
24 MR HARRISON: I think it was slightly different before.
He
12:37:06 25 has now expanded to talk about the time when he was a
battlefield
26 commander.
27 THE WITNESS: Yes. During that time I was only
reporting
28 to Bockarie, I would only report activities concerning
Pendembu,
29 Mogbai, Baima, Kuiva. I was not able to report about
activities

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1 in the Kono District because I did not have any control over
2 Kono.

3 MR HARRISON:

4 Q. Now, at the beginning of the AFRC junta, you know that
12:37:45 5 Sankoh sent a message for the RUF to work with Johnny Paul
6 Koroma?

7 A. Yes.

8 Q. And you know that what happened is that a message was
sent
9 by Sankoh from where he was in Nigeria; isn't that right?

12:38:11 10 A. Yes, Sankoh sent a message from Nigeria.

11 Q. And what happened was, he sent a message to Liberia to
12 Colonel Jungle, which was then passed on to Bockarie; isn't
that
13 right?

14 A. No. It was not like that, because Jungle was in
Abidjan,

12:38:41 15 and Foday Sankoh, the house in which he was in Abidjan, in
16 Cocody, there was a radio set. So when Foday Sankoh sent a
17 message so that the RUF could meet with the AFRC, it was
through

18 that -- Foday Sankoh sent a message by telephone from Nigeria
to
19 Abidjan. Then from Abidjan, they sent a message through
radio,

12:39:09 20 HF radio, to Bockarie, in Buedu.

21 Q. And I'm going to suggest to you that the message was
that
22 Bockarie should move immediately to join up with JPK?

23 A. Well, that was the instruction that was sent by Foday

24 Sankoh. In fact, that was announced over BBC and on SLBS.
12:39:50 25 Q. And I'm going to suggest to you that during this entire
26 period of time, Colonel Jungle, as a liaison for Taylor, was
at
27 all times in Monrovia; do you accept that?
28 A. Well, I knew that Jungle was in Abidjan with Foday
Sankoh.
29 I did not know him to be a liaison between RUF and Charles

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1 Taylor, no.
2 Q. And I'm going to suggest to you as well that you know
very
3 well that Colonel Jungle was a member of the SSS, Special
4 Security Service of Charles Taylor; isn't that right?
12:40:35 5 A. Well, I did not know that.
6 Q. And the message that ultimately comes to you is that
Foday
7 Sankoh said that the RUF should take all orders from Johnny
Paul
8 Koroma?
9 A. Well, the message was to Bockarie. Foday Sankoh
directed
12:41:16 10 it to Bockarie and not to me. He instructed Sam Bockarie to

work 11 instruct the other commanders to meet with the AFRC and to
12 with Johnny Paul, in the interest of peace.
13 Q. Now, in the junta period, I'm suggesting to you that
14 Colonel Jungle used to come from Liberia to see Bockarie in
12:41:55 15 Freetown; do you accept that?
when 16 A. Well, Jungle came once with Ibrahim Bah to Freetown,
when 17 they said they came through Abidjan to Guinea to Freetown,
18 they came to see Bockarie. And, even that, it was Gibril
19 Massaquoi who came with the message. That was why they came.
12:42:34 20 Q. And I'm suggesting to you that Colonel Jungle used to
come 21 to see Bockarie and that they would go together and see Johnny
22 Paul Koroma?
with 23 A. Well, it was once that I knew that Jungle came to town
to 24 Ibrahim Bah. And, indeed, when they came, Bockarie took them
12:43:11 25 JP to arrange about the transportation of the ammunition from
26 Burkina Faso to Magburaka. That was what I knew. From that
of 27 time, I never saw Jungle in Freetown until we were pushed out
28 Freetown.
29 Q. Ibrahim Bah, of course, being one of the --

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arms 1 JUDGE ITOE: Excuse me, for the transportation of the
2 from where?

3 THE WITNESS: Arms and ammunition.

Magburaka? 4 JUDGE ITOE: Arms and ammunition from where to
12:43:52 5 From where to Magburaka?

6 THE WITNESS: From Burkina Faso, sir. When the flight
7 came.

8 MR HARRISON:

9 Q. Ibrahim Bah being a person who is a close confidant and
12:44:25 10 associate of Charles Taylor?

Liberia. 11 A. Well, I was not aware of that because I was not in

instances 12 Q. And I think you may have referred to two separate
13 but I will see if I can clarify it with you. You said that
14 Jungle came once with Ibrahim Bah, I think; is that right?

12:44:52 15 A. Yes.

16 Q. I thought I understood you to say that Jungle came with
17 Gibril Massaquoi and it was Massaquoi who delivered a message;
is 18 that right?

19 A. No. I said, Ibrahim Bah and Jungle came to Freetown
12:45:15 20 because of the message Gibril Massaquoi delivered from Foday
21 Sankoh. He brought a message to Freetown, to Johnny Paul and
22 Bockarie. Then he took another message to Ibrahim Bah in
Burkina 23 Faso and he saw Jungle at Abidjan. So they came to Freetown

make

24 because -- Ibrahim Bah and Jungle, they came to Freetown to

12:45:49 25 arranges to meet Johnny Paul and Foday Sankoh on the --

26 THE INTERPRETER: Your Honours, can the witness go over
27 that bit.

28 MR HARRISON:

29 Q. I'm sorry, witness. The interpreters have asked you to
go

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1 over the last portion of your answer. If you can just try to
2 remember that sometimes, if you make a pause, that gives the
3 interpreters a chance to keep pace with you?

4 A. Yes. I said, based on the message, the message and the
12:46:34 5 letters Gibril Massaquoi brought from Liberia, it was to make
6 Ibrahim Bah make arrangements with Jungle, Johnny Paul to get
7 money, so that Johnny Paul should provide money to charter a
8 flight that would bring the ammunition and the arms from
Burkina
9 Faso, to Magburaka airfield.

12:47:11 10 Q. So this is a case where Gibril Massaquoi, Johnny Paul
11 Koroma and Ibrahim Bah are working together to transport arms
to
12 the Magburaka airport; is that right?

13 A. Yes, but they were not the only ones involved. If I can
14 call the names? They are: Gibril Massaquoi brought the
letters,
12:47:55 15 but when he left Nigeria, he went to Abidjan and then he met
16 Jungle. From then, Foday Sankoh gave him a letter to take to
17 Ibrahim Bah, the Chief of Staff in Burkina Faso called
Jenjere.
18 So he dropped those letters and Gibril passed through Guinea
to
19 come to Freetown, and he dropped the letters for Johnny Paul.
He
12:48:29 20 gave it to Johnny Paul and gave Bockarie's, Bockarie his own.
So
21 when Ibrahim Bah left Burkina Faso, to come and make
arrangement
22 for the money for the flight, he took Jungle from Abidjan and
23 they all went to Guinea. Then a helicopter took them from
Guinea
24 and brought them to Freetown. So Gibril Massaquoi, Bockarie,
12:49:02 25 Bah, Jungle, Steve Bio, met Johnny Paul and they made
26 arrangements for the flight, for the payment of the flight.
So
27 after Johnny Paul provided the money, after Johnny Paul
provided
28 the money, he gave Fonteh Kanu to represent him as a liaison
29 officer. So they went back to Abidjan and back to Burkina
Faso.

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1 That was when they came with the ammunition in the flight.

2 Q. And this money that you're talking about, that came from
3 diamonds mined in Sierra Leone; right?

4 A. Well, Johnny Paul did not tell me where he got the money
12:50:07 5 from, and I was not part of those arrangements. I only knew
that

6 JP provided the money.

7 Q. So this is an example of where you have this wealth of
8 knowledge; on the one hand, you can tell us that Massaquoi
9 brought the letters, met with Jungle, you can talk about their
12:50:31 10 trip to Abidjan, you can talk about the role of Ibrahim Bah,
you

11 can talk about the trip through Guinea, you can talk all about
12 that, and yet you have this little gap in knowledge that you
13 don't know where the money came from to buy these arms; is
that

14 right?

12:50:53 15 A. Well, it was not about buying the arms; the arms were
16 already there. They said Foday Sankoh got the -- had the arms
17 and ammunitions. The money was to pay for the flight. But,
18 Mr Harrison, the way in which I would get information from
19 Bockarie was not the same way I would get it from Johnny Paul.

12:51:17 20 So, you see, at that time I was not in a position to ask
Johnny

21 Paul where he got the money from that he used to pay for the
22 flight, no.

23 Q. And at any rate, you do know that this flight arrived at
24 Magburaka; right?

12:51:34 25 A. Yes, I went there.

26 Q. And you know that there were arms on the flight?
27 A. Yes. They came with artillery arms, not light rifles.
28 They came with anti-aircraft guns and some seven --

29 THE INTERPRETER: Your Honours, can the witness take
that

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1 bit.

2 MR HARRISON:

3 Q. The interpreter has asked you if you could repeat your
4 answer.

12:52:20 5 A. Yes. When you asked me that if I knew if the flight
6 brought arms, I said yes. I said I saw the arms the flight
7 brought. There were anti-aircraft guns and not light rifles.

I

8 saw some seven, which is for Alpha Jets, and I saw ammunition
for
9 the anti-aircraft.

12:52:55 10 Q. Now, during the junta period, you'd agree with me that
you
11 took some orders from Johnny Paul Koroma?

12 A. Yes. He would give me orders and he would give others
13 orders as well; RUFs.

14 Q. And you would agree with me that for a period of time

12:53:22 15 Bockarie was taking orders from Johnny Paul Koroma?
16 A. Yes; during the junta period.
17 Q. And you would agree with me that during the junta time,
18 Johnny Paul Koroma told you that you should be working with
FSY
19 Koroma and SO Williams?
12:53:48 20 A. Well, I was not the only one he gave that with -- to the
21 other senior commanders as well; Mike Lamin, Issa, Superman,
22 Isaac Mongor and Bockarie himself.
23 Q. Just so that there's no difficulty with the transcript
24 later on, let me just try to refocus your mind on the
question.
12:54:21 25 The question was that Johnny Paul Koroma told you that you
should
26 be working with FSY Koroma and SO Williams?
27 A. Yes, but he did not tell me alone.
28 JUDGE ITOE: But he told you. You were not alone, yes,
but
29 he told you, Sesay. Did he tell you?

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Chief
Staff,
1 THE WITNESS: Yes. JP said we should work with the
2 of Staff and the army Chief of Staff, the Defence Chief of

only 3 but the way Mr Harrison is saying it now as though I was the
4 one and I was not the only one.

12:55:10 5 JUDGE ITOE: No, no. Mr Harrison did not say you were
the 6 only one. He said you. You are the one misunderstanding the
7 question. Mr Harrison's question was very clear; very, very
8 clear.

9 MR HARRISON:

12:55:24 10 Q. Do you follow?

11 A. I follow. Johnny Paul said that, but it was not to me
12 alone.

13 Q. Now, as the junta evolved, you've told us that there was
a 14 point in time when Bockarie went to Kenema; do you remember
12:56:01 15 saying that?

16 A. Yes, I said that.

17 Q. And you'd agree with me that when Bockarie was in
Kenema,
18 if he wanted arms he would send a request to you and you, in
19 turn, would go and meet the army Chief of Staff; is that
right?

12:56:26 20 A. Well, if Bockarie called, and he did not get them, then
he 21 would give -- leave a message to deliver to the army chief,
yes.

22 Then, if it was an ammunition he was requesting for --

23 JUDGE BOUTET: I don't think that was the question
again.

24 The question was asked: Would such a request be sent to you
by

12:56:58 25 Sam Bockarie, while he was in Kenema, so you would get -- the
26 question is to you.

when
27 THE WITNESS: Yes, My Lord. I said there were times
28 Bockarie would give me the message to tell SO Williams or FSY
in 29 Koroma that the CDF would attack us, and the ammunition were

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1 short supply in Kenema. There are times when he requested for
2 the helicopter and he would give -- leave messages for them to
3 me.

4 MR HARRISON:
12:57:37 5 Q. So the process would be: Bockarie would contact you
first 6 of all; do you agree with that?

7 A. Well, if he called at Cockerill and did not get them
then 8 he would contact me.

9 Q. And then it would be for you to try to contact SFY
Koroma 10 or SO Williams to try to get the arms; right?

11 A. Yes. At times he would give me the message to tell them
12 and they would dispatch the helicopter to take the ammunition
to 13 the brigade commander in Kenema.

14 Q. And at times Bockarie would try to speak to Johnny Paul
12:58:29 15 Koroma directly while Bockarie was in Kenema; is that right?
16 A. Yeah, they were in communication.
17 Q. Now, you've given us some evidence about the Supreme
18 Council already. Do you remember talking about it?
19 A. Yes. I spoke about the Council.
12:58:58 20 Q. And I'm suggesting to you that you would have been
taking
21 part in Council meetings from at least as early as August of
'97?
22 A. No. I started attending, when Bockarie appointed me, I
23 started attending the RUF's Council meeting from September,
and
24 not in August.
12:59:27 25 Q. Well, I'm going to suggest to you that you were
attending
26 at least one meeting on 16 August 1997; do you accept that?
27 A. Yes. From what I can recall, I started attending in
28 September, when they approved us as being part of the Council.
29 Q. Actually, I'm sorry, I think I gave a wrong date. I'm

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from 1 suggesting to you that you attended Supreme Council meetings
2 at least as early as 11 August 1997; do you accept that?

3 A. No. I said it was in September.

4 Q. And I'm suggesting to you that at that meeting it was
13:00:17 5 decided how much pay should be given to the members of the
6 Supreme Council; do you accept that?

7 A. No, I was not in that meeting when they discussed that.

8 Q. And also you would have been present when there was a
9 discussion about the appointment of the bank governor; do you
13:00:46 10 accept that?

11 A. No, no. Probably before I was part of the Council,
there
12 had been several appointments.

13 Q. I'm going to show you a document, and I'd ask if Court
14 Management could show one copy to Mr Sesay, and there's enough
13:01:19 15 copies for the Court and Defence counsel.

16 PRESIDING JUDGE: How long will this particular
incident,
17 episode, take, this one that you're examining now?

18 MR HARRISON: The document itself, it's just a matter of
19 minutes.

13:01:49 20 PRESIDING JUDGE: Okay. Then we will stay with it.
Right.

21 Thanks.

22 MR HARRISON:

23 Q. If you stay on the first page, witness, you will see
that

24 this is a document headed "Minutes of an emergency Council
13:02:07 25 meeting of the AFRC held at State House on Monday, 11 August
26 1997."

27 MR JORDASH: Sorry to stand up; could I just clarify
that
28 this has been served on the Defence before?

of 29 MR HARRISON: It's document 41 from the Prosecution list

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1 documents.

2 PRESIDING JUDGE: Yes.

3 MR JORDASH: Thank you.

4 PRESIDING JUDGE: Proceed.

13:02:31 5 MR HARRISON:

6 Q. And if you look at the document, witness, you will see
that

7 there's a list of persons present; Major JP Koroma; Captain
SAJ

8 Musa; Staff Sergeant Abu Sankoh; Staff Sergeant Tamba Alex
Brima;

9 Ibrahim Bazzy Kamara; Squadron Leader BL King; Colonel Mike
13:02:57 10 Lamin; Lieutenant-Colonel Issa Sesay, member." Do you see
that?

11 A. Yes, I've seen it. I've seen it, but I'm in some doubt,
12 because Eldred Collins was not a Council member and I can't
13 recall I attended any meeting at State House as Council in
14 August.

13:03:27 15 Q. And if you turn to the second page, you will see there's
an

the
situation
on
13:04:01
down
13:04:31
intimated
funds
(b)

16 item 1 at that meeting, was general financial position, where
17 chairman intimated members that the general financial
18 in the country is bad. And then at paragraph 5, the chairman
19 went on to inform members that he would not make major changes
20 the pay scale of the previous government, which he now ran
21 as follows. And there are positions and pay scales adjacent.
22 And then paragraph 6 says that the salary scale of Council
23 members, of which you were described as being one on the first
24 page, falls between 690,000 and one million; do you see that?
25 A. Yeah.
26 Q. And then at paragraph 7, states that the chairman
27 members that the only source the government can now raise
28 from include the following: (a) sale of petroleum products;
29 imports and customs duties; and (c) proceeds from sale of

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1 diamonds; do you see that?
2 A. Yes, I've seen it.

that 3 Q. And that's what you and all Council members knew, was
4 the proceeds from sale of diamonds was crucial to the ongoing
13:05:16 5 existence of the AFRC junta.

he 6 A. Yes, because the chairman had to run the government and
7 needed money. He had to pay the ministries.

8 Q. And that money came mainly from the sale of diamonds?

9 A. Well, I cannot confirm that because I was not in the
13:05:53 10 diamond field area. I was not engaged in mining. And where
they
11 were selling diamonds, I was not there. They would not call
me
12 there.

13 Q. The question is different. You know that the only way
the
14 AFRC government could survive is by getting money from the
sale
13:06:16 15 of diamonds?

16 A. Well, I cannot say that was the only source.

17 Q. You know that the sale of diamonds was an important
source
18 of revenue for the ongoing survival of the AFRC junta?

19 PRESIDING JUDGE: Do you know that or do you not know?

13:06:46 20 THE WITNESS: Well, My Lord, I knew they were mining,
but I
21 cannot tell how they were selling the diamonds, because I was
not
22 present.

23 PRESIDING JUDGE: Yes. That's not the question. Do you
24 know whether the sale of diamonds was an important source for
the
13:07:00 25 survival of the AFRC? What's your answer?

details.

26 THE WITNESS: Well, I don't know. I can't go into

more

27 MR HARRISON: And if the Court would just give me two

28 minutes.

29 Q. You will see that, at paragraph 8 and 9, it talks about

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do

1 decisions made. One of the decisions was Council members must

2 put their men under control and make prudent use of fuel.

3 Another was that Council members must make sure that their men

at

4 not interfere with operations at the ports. You will then see

13:07:54
to

5 paragraph 11 that, at the same meeting, a decision was taken

Do

6 appoint a person as a governor of the Bank of Sierra Leone.

7 you remember that?

-

8 PRESIDING JUDGE: Does he remember, what, all of it or -

9 MR HARRISON: No, just with respect to paragraph 11.

13:08:15

10 PRESIDING JUDGE: Very well.

they

11 THE WITNESS: Well, I said I did not know about the

12 appointment of the governor. They were taking decisions and

13 would call meeting and explain it.

14 MR HARRISON: The Prosecution would apply to make this
13:08:38 15 document an exhibit in the proceedings.

16 PRESIDING JUDGE: Mr Jordash, do you have any objection?

17 MR JORDASH: No objections.

18 PRESIDING JUDGE: The document will be admitted and
marked
19 exhibit?

13:08:50 20 MS KAMUZORA: 224, Your Honour.

21 PRESIDING JUDGE: Thank you. And Mr Cammegh, any
22 objection?

23 MR CAMMEGH: No.

24 PRESIDING JUDGE: And Mr Nicol-Wilson, any objection?

13:09:23 25 MR NICOL-WILSON: No objection.

26 PRESIDING JUDGE: Right. Well, then, we'll mark it
27 Exhibit 224.

28 [Exhibit No. 224 was admitted]

29 PRESIDING JUDGE: At this juncture we will recess for
lunch

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1 and resume at 2.40 p.m.

2 [Luncheon recess taken at 1.10 p.m.]

3 [RUF22JUN07C - MC]

4 [Upon resuming at 3.10 p.m.]

15:16:09
examination

5 PRESIDING JUDGE: We'll continue with the cross-

6 of the witness. I'm advised that the last exhibit, there's a
7 slight error. I think we might have had some difference
between

8 Bench and the courtroom officer as to the correct designation
or

9 numbering of the exhibit. Shall we clear that up, Madam

15:16:35

10 Courtroom Officer.

11 MS KAMUZORA: Yes, Your Honour. The exhibit number is
224.

12 PRESIDING JUDGE: Confirmed. Thanks. We'll proceed,

13 Mr Harrison, with your cross-examination.

14 JUDGE ITOE: It is no longer 223?

15:16:51

15 PRESIDING JUDGE: Yes.

16 MS KAMUZORA: No, Your Honour. 223 was the last one in
the

17 main trial.

18 PRESIDING JUDGE: Yes. Right.

19 MR HARRISON:

15:17:05

20 Q. I'm just staying in the same period, that of the AFRC
21 junta. I think you've told us during your direct examination
22 that there were some RUF members appointed as government
23 ministers; do you remember that?

24 THE INTERPRETER: I'm not getting the translation.

15:17:36

25 PRESIDING JUDGE: Why? Who would know why you were not
26 getting it?

27 MR SESAY: Advera, can you please check the channel. It
28 should be N2. N2, the channel.

29 PRESIDING JUDGE: Continue, Mr Harrison.

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1 MR HARRISON:

2 Q. Perhaps I will just ask the interpreter to speak these
3 words and, Mr Sesay, can you indicate if you're getting a
4 translation now?

15:18:36 5 A. No. I'm only listening to what Mr Harrison is saying.

6 JUDGE BOUTET: He's obviously not on the right channel;
it
7 should be N2.

8 PRESIDING JUDGE: Yes, N2, officer.

9 MS KAMUZORA: N2 was the one he had before and I changed
it
15:18:59 10 to FLO.

11 PRESIDING JUDGE: But the interpreters are advising that
he
12 should be on N2.

13 MS KAMUZORA: Well, I'll take it back to N2 and see what
14 happens.

15:19:14 15 PRESIDING JUDGE: Very well. Try again.

16 MR HARRISON:

17 Q. Are you hearing either the judge's voice or mine? Are
you

18 getting an interpretation?

19 A. No interpretation sir.

15:19:44 20 PRESIDING JUDGE: Madam Courtroom Officer, let's try
21 another method. What else do we need to do?

22 MS KAMUZORA: Your Honour, perhaps we have to be advised
by 23 the language booth.

24 PRESIDING JUDGE: Yes.

15:20:02 25 THE INTERPRETER: Your Honours, the language unit chief
is 26 on his way.

27 PRESIDING JUDGE: Very well. Do we have it clear?

28 THE WITNESS: Yes, I can hear you now.

29 PRESIDING JUDGE: So, may we continue?

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1 THE WITNESS: Yes, sir, My Lord.

2 PRESIDING JUDGE: Then, Mr Harrison, you can proceed.

3 MR HARRISON:

4 Q. Are you getting an interpretation from my microphone as
15:22:18 5 well?

6 A. Yes, I can hear what you're saying now.

7 Q. The question I'd asked you was to do with RUF members
who

do 8 were appointed as government ministers during the AFRC junta;

9 you remember discussing that during your direct evidence?

15:22:46 10 A. Yes, I remember.

11 Q. And I'm suggesting to you that some of the RUF members

who 12 became government ministers during the AFRC time were,

13 firstly, Peter Vandi; is that correct?

14 A. Yes, it's correct. Deputy minister.

15:23:16 15 Q. Another one was SYB Rogers?

16 A. Yes; correct.

17 Q. Another one was PS Binda?

18 A. Yes, deputy minister.

19 Q. Another one was Lawrence Womandia?

15:23:36 20 A. Yes; correct.

21 Q. And another one was Eldred Collins?

22 A. Yes, correct.

23 Q. And did I miss anyone out? Were there others?

24 A. I think that's all.

15:23:57 25 Q. And you'd agree with me that all of these RUF members

took 26 part in the affairs of their ministries during the AFRC junta?

27 A. Yes, I agree with you.

28 Q. And I'm suggesting to you that they had administrative

29 function which was a different function from that of the

Supreme

1 Council; do you accept that?

2 A. Yes. They were ministers, I agree, on the AFRC Council.

3 Q. And you'd agree with me that this organ or body that you

4 call the AFRC Council, that was the highest council of the

land

15:25:10 5 at the time?

6 A. Well, no. Among the AFRC Council, you had the

7 decision-making body, who sat in front of the meetings.

8 MR HARRISON: I'd ask if Exhibit 224 could be shown to

the

9 witness again.

15:25:53 10 Q. And if you were to turn to page three in the bottom
right

11 corner. You will see at paragraph 14, in the second sentence,

it

12 was noted that, as members of the highest council of the land,

13 members must conduct themselves with respect and honesty. I

am

14 suggesting to you that you were a member of the highest

council

15:26:26 15 of the land?

16 A. Well, I was the member of the AFRC Council, but we have

the

17 highest council who made decisions, and I was not part of

them.

18 Q. Now you've told the court during your direct examination

19 about an airplane delivery of arms and ammunition to

Magburaka;

15:27:07 20 do you remember that?
21 A. Very well.
22 Q. And I'm suggesting to you that what was off-loaded
required
23 four military Bedford trucks to transport; do you accept that?
24 A. No. It was two trucks which were loaded. The other
15:27:37 25 vehicles were used for the personnel.
26 Q. You've also told the Court during your direct
examination
27 that, during the AFRC junta, you carried out a mission to
attack
28 the camp of Nigerian soldiers near Kenema, do you recall that?
29 A. Yes, in order for me to join the others. I did not lead

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1 the attack.
2 Q. So what I'm suggesting to you is that the orders to take
3 part in that attack on the Nigerians, came from Johnny Paul
4 Koroma; do you accept that?
15:28:32 5 A. Well, I was told by the Chief of Defence Staff, but I
agree
6 that it wouldn't have happened without the approval of JP.
7 Q. And I'm going to suggest to you that there was actually

a

Paul 8 meeting at State House, at which you took part, where Johnny
9 Koroma gave those instructions?

15:29:05 10 A. No, I was not at that meeting. For this attack, no
meeting 11 was summoned.

12 Q. And what was discussed was that Johnny Paul Koroma said
13 that you should join Bockarie, Colonel Labbie, the brigade
14 commander, and Eddie Kanneh, to attack the Nigerian camp?

15:29:42 15 A. Well, it was not JP who gave me the orders. It was FS
and 16 SO who told me to go to Kenema.

17 Q. And just for the sake of the transcript, when you say
FS, I 18 think you may be meaning FSY Koroma?

19 A. Yes, the Chief of Defence Staff.

15:30:09 20 Q. And when you said SO, did you mean SO Williams?

21 A. Yes. The army Chief of Staff.

22 Q. And it was SO Williams who gave you the ammunition that
you 23 could use on that attack?

24 A. No, I was not given the ammunition. They were giving
the 25 ammunition to the brigade commander in Kenema, through the
26 helicopter. When they told me to join those men, they did not
27 give me ammunition.

28 Q. And you would agree with me that you went on that attack
to 29 the Nigerian camp?

1 A. Yes, I took part in that attack.

2 Q. And that was an attack that included members of the RUF,
as
3 well as ex-members of the SLA?

4 A. Yes, that's true.

15:31:34 5 Q. And I believe you gave evidence during your direct
6 examination of another attack on Bo; do you recall that?

I 7 A. Well, I heard the attacks took place at the same time.
8 was not present on the attack on Bo.

9 Q. On the attack on the Nigerian camp, there was a Colonel
15:32:08 10 Lion acting as the battalion commander; is that right?

11 A. Yes. Colonel Lion was in Kenema.

12 Q. As a battalion commander?

13 A. Yeah.

14 Q. And he would have had about 900 men under him?

15:32:36 15 A. No, they were not up to that. RUF could have 300, 350
men.
16 We called it a battalion.

17 Q. You'd agree with me that Colonel Lion, he reported to
you
18 on the mission?

19 A. Well, Colonel Lion -- Bockarie was there. Both of us
15:33:03 20 reported to him. And the attack was just at a camp out of

21 Kenema.

Colonel 22 Q. But my question was: You would agree with me that
23 Lion reported to you?
Bockarie 24 A. Well, he was not reporting to me because I made --
15:33:26 25 had already given him instructions and he had had all the men
for 26 the said attack.
27 Q. Now, I'm going to take you forward in time a bit. I'm
28 going to suggest to you that, at the time of the ECOMOG
29 intervention, which is mid-February 1998, do you recall that -
-

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1 A. Yes, sir.
2 Q. -- Jungle had brought ammunition to Kailahun around that
3 time?
4 A. Well, I don't know that because I was not in Kailahun.
15:34:17 5 Q. And just before the ECOMOG intervention you told us that
6 you had left Freetown and were travelling towards Kono; do you
7 remember that?
8 A. Yes. I said, before the intervention, I stopped in
Makeni
9 on my way to Kono. When I heard about the attack, I came
back.

15:34:43 10 Q. And at that time, the most senior person in Kono, he was
an
11 AFRC person; do you agree with me?
12 A. Yes, because for the entire time of the AFRC, RUF had no
13 commander in Kono.
14 Q. And at the time of the intervention, the reason why you
15:35:07 15 were going to Kono was to take an RUF member to place him as
the
16 deputy to the AFRC person in Kono?
17 A. Well, that was the plan. And that was the instruction
that
18 I received, but it did not work because of the intervention.
19 Q. And the reason for the instruction was that wherever
there
15:35:40 20 was an AFRC person as a top commander, an RUF person would be
21 sent there to be a deputy; do you accept that?
22 THE INTERPRETER: Can learned counsel ask the question
23 again?
24 MR HARRISON:
15:35:52 25 Q. I'm suggesting to you that where there was an AFRC
member
26 as a top commander, an RUF person would be sent there to act
as
27 the deputy?
28 A. Well, it was not in all areas. It's -- I'm coming but
the
29 deputy who was to go to Kono was to have been the deputy

1 battalion commander. Well, we had other senior AFRC members
in
2 Kono who were greater than the battalion commander of the AFRC
in
3 Kono.
4 Q. You're saying that at that time, around the time of the
15:36:39 5 intervention, that there were other RUF senior men in Kono?
6 A. No. RUF senior men were not in Kono before the
7 intervention.
8 Q. That was the reason why you were to go to Kono, was to
9 install an RUF person in Kono as the deputy; right?
15:37:08 10 A. Yes, to become a deputy battalion commander. Well, we
had
11 somebody who was more senior than the battalion commander in
Kono
12 who was an AFRC.
13 Q. And the person that you were taking to install as the
14 deputy was Peleto; right?
15:37:35 15 A. No, no. He was Base Marine.
16 Q. And the real name of Base Marine is Sheriff Parker?
17 A. Yes, you are right. Sheriff.
18 Q. And what happened was that as you were travelling to
Kono,
19 you end up stopping at Makeni and spending the night there;
15:38:08 20 right?
21 A. Yes. I passed the night in Makeni, and I returned.
22 Q. And Peleto was with you, wasn't he?

23 A. Peleto -- they were in Benguema. I took him and his
24 companions as escorts.

15:38:34 25 Q. So he travelled with you from Freetown to Makeni?

26 A. Yes.

27 Q. At Makeni that's when you learned about the ECOMOG
28 intervention; right?

29 A. Yes, it was in Makeni that I heard. Then all of us came

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1 back.

2 Q. And when you say you came back, you mean you came back

3 towards -- towards Freetown?

4 A. Yes, we came back towards Freetown and we stopped at
RDF.

15:39:24 5 Q. And I'm suggesting that from RDF onwards, you saw
Operation

6 Pay Yourself taking place?

7 A. From RDF to where?

8 Q. From RDF until the time you returned back to Makeni?

9 A. Well, I did not return to Makeni and no Operation Pay
15:39:58 10 Yourself took place during the two days that we were at RDF
and

11 Freetown, Four Mile. The group, the retreating group that left

it 12 they were the ones that went with Operation Pay Yourself, and

13 was a very large group from Freetown.

what 14 Q. And just so that you're not under a misunderstanding,

15:40:26 15 I'm suggesting to you is that from your time at RDF, from the
16 time you go then to Newton, and back to Masiaka, Bo, Makeni,
17 during that entire period, Operation Pay Yourself was in
effect?

18 A. Well, well, I wouldn't refute that, but this group which
19 retreated from Freetown, from Masiaka, they went to Makeni and
I

15:41:05 20 went to Bo.

21 Q. And even at Bo there was looting taking place, wasn't
22 there?

23 A. Well, those who wanted to broke into stores, and when I
24 tried to stop them, it was during that period that I was shot
and

15:41:26 25 I left Bo and I was not there any longer.

26 Q. And from Bo that's when you go back to Makeni; correct?

27 A. From Bo, Mile 91, Masiaka, Makeni, yes.

village, 28 Q. And you're instructed to go from Makeni to JPK's

29 aren't you?

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I 1 A. Well, when I arrived in Makeni I went to JPK's village;
2 and Mike Lamin.

3 Q. And the reason for doing that was because you were
4 entrusted with making sure that JPK was safely transferred to
15:42:25 5 Kailahun?

6 A. Well, no; I disagree with that, that I was to ensure
that,
7 because JPK and Mosquito used to talk and other RUF commanders
8 had gone to that village before I went there.

9 Q. Let me make it a little bit more clearly. I'm putting
it
15:43:05 10 to you, witness, that you yourself were asked to transport
Johnny

11 Paul Koroma to Kailahun; do you accept that?

12 A. I disagree with that. Johnny Paul wanted to go to
13 Kailahun.

14 Q. Now, you've talked about, in your direct evidence, the
15:43:43 15 route you took to get to Kono District; do you remember
talking

16 about it?

17 A. Yes.

18 Q. And I'm putting it to you that it would have taken two
or
19 three weeks for you to get to Kono District; do you accept
that?

15:44:08 20 THE INTERPRETER: Can learned counsel --

21 MR HARRISON:

22 Q. I am putting it to you that it would have taken you two
to
23 three weeks to arrive at Kono District?

24 A. Well, it was not up to two weeks. It was not up to
that.

15:44:35 25 Q. And when you got to Kono District you went to Koidu
Town;

26 do you accept that?

27 A. Yes, I went to Koidu Town.

28 Q. And when you got to Koidu Town, there had been no damage
to

29 the town?

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1 A. Well, at that time there was no damage in Koidu Town.
2 Apart from the two houses that I mentioned at Tankoro
Junction,
3 during the time my lawyer was cross-examining me, apart from
4 those, no other house was burnt.

15:45:31 5 Q. And what happened was an order was given by you and
6 Bockarie to burn Koidu Town if ECOMOG tried to push you out;
do
7 you accept that?

8 A. That is a big lie. I did not give anybody order to burn
9 any house in Kono. In fact, I was not the person who
appointed

15:45:58 10 the commander who took over Kono, and that commander was not
11 taking instructions from me.

you
12 Q. Now, you arrived in Kailahun in around April 1998; do
13 agree with that?
14 A. I disagree with that. I arrived in Kailahun in late
15:46:27 15 February 1998. In late February to early in March, we arrived
in
16 Kailahun.
17 Q. And just going back to Operation Pay Yourself: That was
a
18 common term in the RUF, wasn't it?
19 A. Well, it was not a common talk to me because I did not
give
15:47:10 20 anybody instruction in relation to that. Those who went with
21 this Operation Pay Yourself were the people who retreated from
22 Freetown, like Mike Lamin. They took people's vehicles.
23 Q. I'm going to suggest to you that what Operation Pay
24 Yourself meant in the RUF was the opportunity for fighters to
15:47:44 25 take whatever they wanted so that they could survive; do you
26 accept that?
27 A. Mr Harrison, I wouldn't deny what you're saying, that
28 Operation Pay Yourself, they did not loot people. I believe
that
29 even when my lawyer was leading me I said that, that both the
RUF

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in
1 and the AFRC, who retreated from Freetown, they looted people
2 Lunsar and Makeni. They took their houses. Sorry, they took
3 their cars, and Mike Lamin and others took the -- the car that
4 belonged to the eye clinic in Lunsar, so that happened. But I
15:48:31 5 was not present when that went on in Lunsar and Makeni.

6 Q. But the words "Operation Pay Yourself" were common words
7 within the RUF. I'm suggesting to you that all RUF fighters
knew
8 that whenever there was a battle, and it ended, they could
then
9 go out looting; do you accept that?

15:49:00 10 A. I do not agree with that because from 1991 when RUF
started
11 fighting, up to February 1998, never did we have anything
called
12 Operation Pay Yourself within the RUF. So that's my first
time
13 that I heard that.

14 Q. And the reason why all of the fighters used the term
15:49:25 15 "Operation Pay Yourself," was because the RUF didn't give its
16 fighters any salary; isn't that right?
17 A. Well, during this time, the AFRC had been paying the RUF
up
18 to this January, February, when the intervention took place.
19 They paid and they give food; rice.

15:49:50 20 Q. And that's correct, isn't it, that throughout the junta
the
21 AFRC was giving a monthly payment to the RUF?

22 A. Well, that started around August to September till
January

23 1998; they were given money and rice.

24 Q. And they were given 50 million leones a month?

15:50:22 25 A. Yes, that's true.

26 Q. And that money was given by the AFRC?

27 A. It's a fact.

28 Q. The money was given by the AFRC to the RUF to ensure the

29 groups worked together; isn't that right?

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pay 1 A. Well, they used to give the money so that the RUF could
2 their own men per month.

3 Q. So before the AFRC junta time, there would have been no
4 money paid to RUF fighters; right?

15:51:10 5 A. Well, Foday Sankoh was not paying.

6 Q. So you would agree with me that fighters, in order to
7 survive, had to go out looting, didn't they?

8 A. Well, I had told you that from 1993 to 1997 I was in
9 Kailahun, so I couldn't talk about places RUF went to, Kabala
in

15:51:43 10 '94, when -- where I -- I was not present.

11 THE INTERPRETER: Your Honours, can the witness please
take

12 the last bit of his testimony.

13 MR HARRISON:

14 Q. The interpreter asked you to repeat the last portion of
15:51:55 15 your testimony.

16 A. Well, the question you asked, I have answered that, from
17 '93 to '97, I was in Kailahun only. I was not operating
outside
18 Kailahun. So I wouldn't tell you when RUF captured the place
19 what happens there; when RUF captured Kabala what happened,
15:52:22 20 because I was not there and they were not reporting to me.

21 Q. And I'm suggesting to you that after the AFRC junta the
RUF
22 returned to looting to support themselves?

23 A. Well, I wouldn't disagree that during the retreat they
did
24 not loot. Both AFRC and RUF, they looted during the retreat.

15:52:50 25 Unlike Lunsar, Makeni, it happened but I was not there and all
26 the senior RUF commanders who were there, like Mike Lamin and
27 others.

28 Q. Now, just to return to Kono briefly, at the time of the
29 of intervention. Let me skip over this; this may have been one

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1 the issues that was dealt with in a closed session. I'll have
to
2 check. Now, in addition to Superman being in Koidu, Foday
Kallay
3 was there as well, wasn't he?
4 A. Yes, Foday Kallay was in Kono.
15:54:11 5 Q. And Papa Hassan Bangura?
6 A. Yeah.
7 Q. And there was other senior AFRC members in Kono, wasn't
8 there?
9 A. Yes.
15:54:30 10 Q. And all of them were working together?
11 A. Well, I was not there. I spent two days in Kono and I
12 left. And from that time I never returned there till
December.
13 Q. But you do know, witness, you do know the answers to
this
14 because you were in constant radio communication with them,
15:54:55 15 weren't you?
16 A. Well, I was not communicating to Kono when I left there.
17 Nobody sent reports to me in Kailahun. Nobody was sending any
18 radio message to me. And Superman, who was there, was
reporting
19 to Bockarie. And Bockarie would send direct messages to
15:55:24 20 Superman.
21 Q. And you were with Bockarie throughout this time, in
Buedu,
22 weren't you?
23 A. Well, I was in Buedu in March. Then April to November,
I
24 was not in Buedu.

15:55:51 25 Q. And you were in Buedu when Koidu Town was burnt to the
26 ground, weren't you?
27 A. No. Koidu Town was burnt down in April. At that time,
I
28 was not in Buedu. It was in April to May that Koidu Town was
29 burnt down. I was not in Buedu.

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Kimberlite 1 Q. When you were in Koidu Town, you were based at
2 with JPK; right?
3 A. Well, it was the same road but the house where JPK was,
was
4 further away from where I was.

15:56:30 5 Q. And in addition so Superman staying in Koidu, Morris
Kallon
6 stayed there as well, didn't he?

7 A. Yes, Kallon was there.

8 Q. And the burning of Koidu, that was done by the RUF and
the
9 AFRC together, wasn't it?

15:57:10 10 A. Well, I can't explain exactly what used to happen there
11 because I was not there. But when Kono was burnt down, it was
12 the AFRC and the RUF were there whilst the ECOMOG were
advancing

13 on Koidu Town in order to capture it.

14 Q. And you know that civilians in Kono were forced to go on
15:57:40 15 food-finding missions for the RUF, don't you?

16 A. Well, Mr Harris, I was not there. I was not in any of
17 those camps. From February, I left Kono. I only went there
in
18 December.

19 Q. And I'm suggesting to you that you used to get reports
from
15:58:01 20 other fighters, from other groups within the RUF, about what
was

21 taking place in Kono; do you accept that?

22 A. Mr Harris, it was not like that. If you can recall,
your
23 own witness who said he had a radio set and was reporting to
me,
24 look at the story that he narrated. That will prove that he
told
15:58:27 25 lies.

26 Q. Yes. And TF1-361 says that you took part in giving the
27 order to burn Koidu; do you accept that?

28 A. That's a lie. That's a lie. And if you look at 366, he
do
29 said -- he said that he was talking to me on the radio, and I

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1 not understand Mende. He does not speak Krio, but he said the
2 radio was translating. So that's a lie.

3 Q. And it was true, wasn't it, that the burning of Koidu
took
4 place where fighters got promotions, depending upon how many
15:59:14 5 houses they burned?

6 A. Well, I don't know. I was not there, and nobody
reported
7 to me.

8 Q. Even though you agree that you were the battle-group
9 commander at that time?

15:59:36 10 A. Yeah. But when my commander had told me that I had no
11 business in any other part, it was only Pendembu and the other
done?
12 three targets that I was to supervise. What could I have
time
13 Q. From the time the burning of Koidu took place to the
months;
14 you go back to Kono, is a period of about seven or eight
16:00:30 15 is that right?

16 A. Yeah.

17 Q. And that burning of Koidu Town, would have been one of
the
18 most damaging events in Sierra Leone in 1998; right?

19 A. Yes, that's true. I myself, when I came to Kono in
16:00:59 20 December, I made that comment in the presence of people: That
and
21 this they have done, we are against it. But I was not there
22 I had no control over the people who were there at that time.

23 Q. But you certainly learned of that burning of Koidu while
24 you were in Buedu, didn't you?

16:01:20 25 A. No. I was in Pendembu when I heard. But even when I

26 heard, I was powerless because Mosquito, who was the
commander,
27 had said that it was only Pendembu and the targets that I was
28 responsible for. So I had no business to do with Kono. I had
no
29 authority, no influence, over Kono at this time.

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isn't
1 Q. And your family was living in Buedu throughout 1998;
2 that right?

me
3 A. Well, for some time, for some time, the woman would meet
4 in Pendembu. That's where I should be. From April to
November,
16:02:19 5 the woman would go with the children and they would stay there
6 for a month and then return to Buedu and return to Pendembu,
and
7 meet me there.

8 Q. And what would have taken place is that the trip from
9 Pendembu to Buedu would be about 17 miles; right?

16:02:41 10 A. No. It's 34 mile and the road is deplorable.

were
11 Q. And you've told the Court that you had a car while you

12 in Kailahun District?

Lamin 13 A. Yes. Mosquito gave me a vehicle and he gave to Mike

14 when we arrived in Kailahun.

16:03:02 15 Q. And you would have made that trip frequently from
Pendembu

16 to Buedu; right?

17 A. No, no. That is not how it happened. I would only go
to

18 Buedu when I'm called by Bockarie. If Bockarie did not call
me,

19 I wouldn't just go there.

16:03:21 20 Q. And I'm suggesting to you that you went to Buedu
frequently

21 to visit your family and also to see Bockarie; do you accept

22 that?

23 A. No, no. I said, the woman would come to me in Pendembu.
I

24 would only go to Buedu when I'm called by Bockarie.

16:03:39 25 Q. And what happened on a regular basis, at least a couple
of

26 times a week, would be that you would travel to Buedu, meet

with

27 Bockarie, and discuss all events that had taken place

involving

28 the RUF; do you accept that?

29 A. No. It was not like that. I disregard, because
Bockarie

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1 called for Superman from Kono. They had a meeting and they
did
2 not call me. Bockarie called for the Vanguard's from Kono.
They
3 attended a meeting in Buedu and they did not call me. So
there
4 are many things that went on that Bockarie did not call me to.
16:04:23 5 Because, at that time, he was angry with me because of the
6 diamonds that I had lost.

7 Q. Now, you've already told the Court that while you were
in
8 Kailahun District, Johnny Paul Koroma promoted Bockarie to
Chief
9 of Defence Staff; do you remember saying that?

16:04:44 10 A. Yes, I recall.

11 Q. And at the same time you were promoted to battlefield
12 commander?

13 A. Yeah, but it was not on the same day. That day, it took
14 about a week when Bockarie did that. It was Bockarie who
16:05:04 15 promoted me.

16 Q. So you would have been made battlefield commander from
17 about April 1998?

18 A. Well, I can say in March, because it was in April that I
19 went to Pendembu.

16:05:23 20 Q. And I'm suggesting to you that this was shortly after
the
21 time when you committed the rape of Johnny Paul Koroma's wife?

22 A. That was a lie. That was a lie. I didn't rape Johnny
23 Paul's wife.

Kailahun 24 Q. And I'm suggesting to you that after you went to
16:05:48 25 District, you were with Bockarie when Bockarie found out that
26 Johnny Paul Koroma had some diamonds with him; is that right?
27 A. Well, I said it was Rambo who told Bockarie. That was
what
28 I said here. That because Johnny Paul, he and Bockarie, they
had
29 arranged at first, when Johnny Paul said he should go to Ghana
in

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and 1 order for him go and find ammunition. So, later, Rambo came
again. 2 told Bockarie that if Johnny Paul went, he wouldn't return
the 3 That was what brought the confusion when Bockarie asked for
4 diamonds.
16:06:36 5 Q. And what happened was that Bockarie ordered Johnny Paul
6 Koroma to hand over the diamonds?
7 A. Yes, yes. Because it was Rambo who told Bockarie that
8 Johnny Paul had diamonds and Bockarie ordered Johnny Paul to
hand
9 over the diamonds.

16:07:01 10 Q. And what I'm suggesting to you happened was that
Bockarie

11 was angered and he said to you, "You can take Johnny Paul
12 Koroma's wife if you want," and that's when you raped her; do
you

13 accept that?

14 A. No, you're not right. That was not true. Johnny Paul,
he

16:07:24 15 and his family and his wife, they were placed in a vehicle and
16 were taken to Kangama.

17 Q. And Kangama is where they, Johnny Paul Koroma and his
18 wife --

19 THE INTERPRETER: Your Honours, can counsel please go
over

16:07:40 20 his question again.

21 MR HARRISON:

22 Q. Kangama is where Johnny Paul Koroma and his wife and
family

23 were housed; is that right?

24 A. Yes, that was where they were.

16:07:54 25 Q. And it was at that point in time when Bockarie said that
he

26 should be the leader while the AFRC and the RUF were in the
bush;

27 correct?

28 A. Well, it was the idea that he had, but SAJ Musa and his
29 group, Brigadier Mani, they disagreed with that. They didn't

1 agree to accept orders from Bockarie.

2 Q. All of the other AFRC, they did accept that instruction
and
3 they took orders from Bockarie from then on; right?

4 A. Well, except the few who were in Kailahun, but the
majority
16:08:44 5 of the AFRC, those who were in Kono, all of them joined the
SAJ
6 Musa in Koinadugu. So all of them were not taking orders from
7 Bockarie.

8 Q. You certainly agree with me that Akim Turay was taking
9 orders from Bockarie?

16:09:05 10 A. Yes, I agree.

11 Q. Akim Turay, he had been a member of the AFRC?

12 A. Yes. I think Turay was an SLA.

13 A. Yes, Akim Turay was an SLA.

14 Q. And you agree with me that KS Banya was taking orders
from
16:09:24 15 Bockarie?

16 A. Yes. KS Banya, during the AFRC, he -- he was with the
RUF
17 in Kono in '98.

18 Q. And he had been a member of the AFRC and an ex-SLA?

19 THE INTERPRETER: Your Honours, can counsel please go
over
16:09:45 20 the question again.

21 MR HARRISON:

22 Q. KS Banya had been a member of the AFRC and an ex-SLA?

23 A. Yes.

24 Q. And a person named Leather Boot, he was taking
instructions
16:10:05 25 from the RUF?

26 A. Yes. He was in Buedu in '98. '99 they went to Lome.
He

27 was just in Buedu.

28 Q. And he was an ex-AFRC/SLA?

29 A. Yes.

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1 Q. And his real name is Idriss Kamara?

2 A. You're correct.

3 Q. And all of these people were senior members of the ex-
SLAs

4 who remained with the RUF?

16:10:40 5 A. Well, the only senior member was Idriss Kamara, who was
6 Leather Boot, but all the others were junior officers.

7 Q. Wasn't Akim Turay one of the senior commanders on the
8 attack on Kono in December 1998?

9 A. Yes. Akim Turay, I met him in Gandorhun as battalion
16:11:17 10 commander. He was on the attack in Kono, December '98.

11 Q. And Akim Turay was one of the senior commanders on that

12 attack?

13 A. Well, he was a battalion commander. He had people that
had

14 the same appointment with him.

16:11:39 15 Q. But the only person the battalion commander is going to
or

16 report to is a brigade commander or the battle group commander

17 you; isn't that right?

18 A. Yes, but he would report also to the adviser.

19 Q. Now, shortly after you arrived in Kailahun District, you

16:12:19 20 went to Daru Barracks with Gullit, Lamin and Bockarie, to tell

21 the soldiers to fight ECOMOG; right?

22 A. Well, yes. That was what Bockarie said.

23 Q. And so at that time Gullit was still working with the
RUF?

24 A. Well, I met Gullit in Kailahun. I met him with Bockarie
in

16:12:56 25 Kailahun.

26 Q. Now, with respect to events in Kailahun District, you'd

27 agree with me that after the RUF joined the AFRC in Freetown,

28 very few senior RUF remained in Kailahun District?

29 A. Yes, there were not many there.

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1 Q. And the most senior one in Kailahun District, during the
2 AFRC junta, was Augustine Gbao?

3 A. Well, I cannot say that because there were other men
there.

4 There was Denis Lansana, then there was Prince Taylor.

16:14:15 5 Q. And those are the only two you can think of?

6 A. Well, there were other Vanguardians in Pendembu. Like the
7 adviser to the brigade commander, who was Isaac Galamar.

8 Q. Now, during the time when Kono was held by the RUF,
you'd
9 agree with me that Savage was in Tombodu; right?

16:14:59 10 A. Well, I heard about it later, but I didn't know Savage
in
11 '98.

12 Q. And you would agree with me that there were -- there was
13 information that was communicated to you about killings that
were
14 taking place in Kono District?

16:15:26 15 A. That was a lie. I didn't -- I didn't get any reports
from
16 anyone in Kono and Savage was under the AFRC. That was what I
17 heard later because there was the AFRC group and the RUF group
in
18 Kono at that time.

19 Q. And in addition to Savage, I'm suggesting to you that
you
16:15:51 20 know, or knew, that Staff Alhaji was in Kono at that time?

21 A. Well, at that time I had not known Staff Alhaji. I came
to
22 know him, personally, in 2000, when I went to base in Kono.
From
23 February, that was when I came to know Staff Alhaji.

24 Q. Kono borders on Kailahun and there would have been a

16:16:21 25 movement of fighters, RUF fighters, between Kono and Kailahun;
26 right?
27 A. Well, there's movement, but it was restricted. If you'd
28 have a pass, if Superman did not give you a pass from Kono to
29 come to Kailahun, Sam Bockarie had MPs in the river, so you'd
not

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1 cross the Moa to go to Kailahun. You would have a document to
go
2 to -- from Superman.
3 Q. And I'm suggesting to you that there was constant
movement
4 of fighters between Kono and Kailahun, and you knew as a
result
16:17:04 5 of what was going on in Kono; do you accept that?
cannot
6 A. Well, I deny some and I couldn't deny some because I
I'm
7 say there wasn't movement between Kono and Kailahun, but what
walk
8 trying to clear here, I was in Pendembu. If someone would
He
9 going to Kono he would pass through Kailahun going to Buedu.
16:17:36 10 wouldn't go to Buedu, Pendembu.
11 Q. But it is the case, isn't it, that during this time you

12 were in Pendembu you're still able to make radio communication
13 with anyone you want; right?

14 A. Well, when the commander had advised me that I should
only
16:18:03 15 be responsible to supervise the three targets that I should
have
16 nothing to do with the other areas. So, and every day I
received
17 a message from my radio, and when my radio was on I would
receive
18 messages from the three to four targets. I wouldn't be able
to
19 monitor all the communications from Kono.

16:18:36 20 Q. Now, one of the missions that you told the Court about
was
21 one called the Fiti Fata mission; do you remember that?

22 A. Yes, that's what I heard.

23 Q. And you say you heard about this one. And what you
heard
24 was it was a failed attack on Koidu Town; right?

16:19:10 25 A. Yes, that was what I heard.

26 Q. And it was a failed attack that led -- that was led by
27 Superman; right?

28 A. Yes, that was what I heard.

29 Q. And that failed attack took place around May or June
1998;

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1 right?

2 A. No, no; I think it was in July. It was July. It wasn't
in

3 May or June.

4 Q. And, as a result of that attack failing, that's when
16:19:52 5 Bockarie told Superman to go north to join SAJ Musa; right?

6 A. Well, I cannot give the details because the arrangement,
7 the meetings that they held in Buedu, I wasn't there. They
8 didn't summon me for the meeting.

9 Q. You see, witness, we are suggesting that you in fact
were

16:20:25 10 part of that meeting; do you accept that?

11 A. No, no; I didn't go at the meeting. They didn't call
me.

12 I was -- one witness said it here saying that when they got to
13 Buedu Mosquito told him that he had posted me to Buedu and
that

14 was the --

16:20:46 15 THE INTERPRETER: Sorry, Your Honours, to Pendembu, and
16 that was the exact story.

17 MR HARRISON:

18 Q. At any rate, you knew that when Superman left Koidu,
that

19 Kallon was in charge of Kono; right?

16:21:01 20 A. No, I cannot confirm that because the same time Superman
report

21 left, it was the same time that Bockarie ordered Kallon to
22 to Buedu. He left. He said Isaac should be in charge.

23 Q. And it was certainly the case that there was constant
24 communication between people in the Northern Jungle, up at

16:21:41 25 Kabala, Koinadugu, Kono and Kailahun; right?

26 A. Well, nobody called me from the Northern Jungle, never.

27 And even Kono, I didn't get messages from Kono.

28 Q. It must have been a pretty lonely existence you were
living

29 out at Pendembu, was it?

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1 A. Well, Mosquito marginalised me because of the diamonds
that

2 I'd lost, so he said I should only be responsible for the --

3 Kuiva, Mobai, Baima and later, Ngiema, but I heard nothing
about

4 the Kono operations; I wasn't involved.

16:22:47 5 Q. But you'd certainly agree that throughout this time
nothing

6 changed about your assignment; you were still the battlefield
7 commander, right?

8 A. Well, it was just a name because I didn't have access to
9 the other areas.

16:23:14 10 Q. Now, I'm going to ask you some questions on a different
11 topic and area. You've talked about Gibril Massaquoi a fair
12 amount, and is it right that you know that Gibril Massaquoi

was

Kambia 13 involved in the capturing of a number of students around
14 and Port Loko?
16:23:52 15 A. Well, that was what I heard.
16 Q. And what you heard was that he had gone and captured a
17 large number of students and taken them into the bush; right?
18 A. Yes, that was what I heard. Because when I came to
Zogoda,
19 the woman Gibril Massaquoi had, Baby T. Baby T was a
schoolgirl
16:24:35 20 in Port Loko. When they captured Port Loko, that was when he
21 took her around carried her. At that time, I had not known
22 Gibril at that time. It was in 1996 that I came to know
Gibril,
23 and he too came to know me.
24 Q. And the capturing of girls by the RUF was something that
16:25:05 25 you would be aware of being widespread; right?
26 A. Well, I said, it was at Zogoda that I came to know this,
27 when I saw these ladies, and we are of the same tribe. So
when I
28 came there, they said this man who had come, he is a Temne.
So
29 they would come to me and they would talk to me, and I would
talk

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1 to them. So that was how I came to know.

2 Q. And of course they would be complaining to you about the
3 capture that they had suffered?

4 A. Well, they just told me that Gibril brought them from
the

16:25:46 5 Western Area -- to the Western Area and he was taking them to
6 Zogoda.

7 Q. And you knew that they had no chance of escape; right?

8 A. Well, I wasn't there when they were captured. It had
taken

9 almost a year when they had been captured when I met them in
16:26:12 10 Zogoda when I came to investigate.

11 Q. When you say you came to investigate, what do you mean
by
12 that?

13 A. I said, when I was under investigation, it was at Zogoda
14 that the panel was set up to investigate me and I was demoted
to

16:26:33 15 captain.

16 Q. Now, when the RUF would attack an area, it would have
been
17 the RUF practice to try to find recruits; right?

18 A. Well, it would -- it was up to the people's town --
whose
19 town they had captured.

16:27:17 20 THE INTERPRETER: Your Honours, can the witness please
go
21 over that again?

22 MR HARRISON:

23 Q. The interpreter is asking if you could go over that
again?

24 A. Yes. I said, it depended on the towns you would have

16:27:35 25 captured and you'd request for the people who would want to
join
26 the RUF. If they agreed, then they would be welcomed. Then
if
27 they disagreed, they wouldn't be forced. And I said, I would
28 speak about where I fought and what I saw with my eyes.
29 Q. What had happened is that these were people in villages
who

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village;
1 were confronted by the armed RUF who'd just captured the
2 right?

over
3 THE INTERPRETER: Your Honours, can counsel please go
4 the question again?

16:28:20 5 PRESIDING JUDGE: Counsel take the advice.

6 MR HARRISON:

7 Q. What was happening was these were civilians who were
8 confronted by armed RUF who had just captured their village;
9 right?

16:28:33 10 A. Well, for instance, let me tell you, for instance, about
captured 11 Masingbi in December '98. We attacked the town and we
Then 12 the town. Then the CDF who were there, they surrendered.

13 we advanced. The people stayed in their towns. So if we said
14 that you who want to join the RUF, you are welcome, then you
who
16:29:05 15 don't want to join them, you stay in your town. So that's
what
16 happened where I fought.
17 Q. You see, witness, the Prosecution is suggesting to you
that
18 there's simply no reason for a civilian to join the RUF after
19 they've just seen their village captured by you?
16:29:56 20 A. Mr Harrison, no. I would want you to repeat the
question
21 so that I would understand it properly.
22 Q. There's no reason for a civilian to want to join the
RUF,
23 after they've just seen their village captured by you?
24 A. No, there was a reason. When -- when the RUF --
16:30:25 25 THE INTERPRETER: Your Honours, can the witness please
go
26 over that again.
27 PRESIDING JUDGE: Yes. Please, go slowly. Repeat the
last
28 part again.
29 THE WITNESS: Yes, My Lord. I said, the civilians' sole

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1 reason for joining the RUF after we've captured the towns. I
2 said I could give an example, like, from Kono to Makeni, in
3 December in '98. But I can't deny what Mr Harrison is saying
4 about what Superman was doing in Koinadugu District in '98
16:31:08 5 because I had no communication with him and he was not taking
6 instructions from me. Even with Bockarie in '98, Superman
7 stopped. He was not taking instructions from him when he was
in
8 Koinadugu District. So if you ask a general question only, I
can
9 only explain where I saw and where I had control.

16:31:38 10 PRESIDING JUDGE: Mr Harrison might want to explore that
11 further after the afternoon break.

12 [Break taken at 4.30 p.m.]

13 [RUF22JUN07D - MC]

14 [Upon resuming at 5.10 p.m.]

17:11:17 15 PRESIDING JUDGE: The Prosecution will continue.

16 MR HARRISON: Could Exhibit 36 be given to the witness?

17 PRESIDING JUDGE: Have you been able to retrieve it?

18 JUDGE ITOE: You said Exhibit 36?

19 MR HARRISON: 36.

17:12:29 20 Q. Witness, this is a document which has a title
21 "Revolutionary United Front of Sierra Leone, Defence
22 headquarters" dated 27 September 1999. It says: "To the
leader
23 of the revolution from Brigadier Issa H Sesay, battlefield
24 commander, RUF S/L. Subject: Salute report." Do you have
that
17:13:05 25 document?

26 A. Yes, I've seen the document.

27 Q. Now, if you were to turn to using the numbers in the top
28 right corner, 2347?

29 A. I have something to say about this document in the first

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1 place.

2 PRESIDING JUDGE: All right. We'll hear you.

lawyer

3 THE WITNESS: Yes, sir, My Lord. This document, my

4 had been showing it to me for a long time now, but I told my

17:13:47
Sankoh.

5 lawyer that I -- I did not make a salute report to Foday

my

6 And this signature, I do not sign this way. I have informed

7 lawyer for a long time about this because, during this time,

to

8 during the Lome, it was only Bockarie who sent salute report

9 Foday Sankoh.

17:14:08

10 PRESIDING JUDGE: Well, what you've just said will

listen

11 definitely be reflected in the records, and you will now

12 to counsel's questions.

13 MR HARRISON: Well, let me just ask if you could also be

14 given Exhibit 39, please.

17:14:25 15
assist.

PRESIDING JUDGE: Madam Courtroom Officer, please

records.

16 Mr Sesay, what you've just said will be reflected on the

17 It is part of the records. It will be noted as a question --

18 whatever questions you answer.

19 THE WITNESS: Yes, sir.

17:14:48 20
what

PRESIDING JUDGE: Mr Harrison, the one you had before,

21 is the exhibit number there?

22 MR HARRISON: The first document was 36.

23 PRESIDING JUDGE: 36. And this --

24 MR HARRISON: And this one is 39.

17:15:01 25

PRESIDING JUDGE: 39. Okay. Thanks.

26 MR HARRISON:

this

27 Q. And witness, the reason I'm showing you 39 is because

the

28 was the document that was shown to you by your counsel during

29 direct examination?

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1 A. Yes. The one I'm holding?

2 Q. Yes. And you acknowledged that to be your document when

3 you were being asked questions in your direct examination?

4 A. Yes.

17:15:53
signature

5 Q. And I'm suggesting to you that if you look at the

are

6 on that page, document 39, and the one on document 36, those

7 very similar signatures; do you accept that?

8 A. Well, the similarity, no. This is different. The way I

9 sign the Y, and the way this Y is, they're two different --

17:16:22

10 they're different. I always sign the Y, and I put it at the

11 back, but I wouldn't put the Y in front when I sign.

Now,

12 Q. Now, if you could just go back to document number 36.

accept,

13 you've given some evidence about Sam Bockarie and you'd

14 don't you, that you had a very close relationship with Sam

17:16:57

15 Bockarie; right?

was

16 A. Well, I had a working relationship with Bockarie and he

apart

17 my commander, but there came a time when the two of us fell

18 because he didn't want to cooperate with the peace process.

19 Q. Now, I'm suggesting to you that, in fact, back in 1997,

17:17:24

20 1998, you had a close relationship with Bockarie and other RUF

21 members were aware of that; right?

22 A. Well, that does not seem correct because there were

allow

23 important issues in '98 in Buedu on which Bockarie did not

24 me to take part.

17:17:45

25 Q. If you could turn to page 2348, please, and I'll start

he

26 reading from the top line. It says: "Mr Bio then stated that

27 had come with a special mission and was seeking my support in

is 28 launching a coup." Now the timeframe for this, if I can add,
29 during the AFRC junta. I will continue on:

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1 "I listened as both he Gibril went into details of the
2 numerous grievances held against the AFRC. He said that
3 the AFRC had refused to share power with us and had even
4 marginalised us in the military. I told them that the
17:18:48 5 instructions that we had received from the leader called
on
6 us to join and take all orders from Chairman JP Koroma."

7 Now, what I read so far is all true, isn't it?

8 A. Well, this is the story which other people knew about.
9 Gibril knows about this story; other RUF's know about this
story.

17:19:22 10 Q. If you just listen to the question. The question was
quite
11 simply: What I had read up to that point was true?

12 A. Yes, that was what happened. That's what I was saying.
13 People were --

14 Q. I will read on. I will continue on:

17:19:44 15 "Steve Bio responded saying that I should disregard all
16 that as we were all young men and that this was an

17 operation that was necessary."

18 THE INTERPRETER: Can learned counsel take it slowly,
19 please?

17:19:59 20 MR HARRISON:

21 Q. "Steve Bio responded saying that I should disregard all
22 that as we were all young men and that this was an
23 operation that was necessary for the four of us; Gibril,
24 Steve, General Mosquito and myself, to undertake and

assume

17:20:25 25 command of the government and the State."

26 Now this incident happened, didn't it? This is
true,

27 what I read so far?

28 A. Well, something like this, something like this happened
in

29 Kenema, but all this that they're saying here that Gibril say
we

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1 were young men, no, that was not what he told me.

2 Q. And I'll just continue reading on:

3 "I asked them if they had already discussed this with

4 General Mosquito as they had just left him in Freetown.

17:21:05 5 Gibril replied that they had left the General in
Freetown
6 but that he was afraid of General Mosquito and could not
7 summon the courage to approach him on such an issue. In
8 fact, it was this very reason that had made it necessary
9 for them to search for me in Kenema, knowing that if I
10 could be convinced they were close to getting General
11 Mosquito's support."

12 That's all true, isn't it?

13 A. It did not happen like that. The way how it went, it's
not
14 the way that it's on this document, because they did not
leave,
15 they did not release Mosquito in Freetown. They left Bo to go
16 to

17 Kenema, while Mosquito travelled overnight to Freetown. So
18 they
19 were expecting that they would meet Mosquito in Kenema.

20 Q. But what you do agree with is that they came to you,
21 knowing that if you could be convinced, they would get
Mosquito

22 on board; right?

23 A. They went to tell Mosquito, when they did not find
Mosquito
24 in Kenema, they met me and that was what they told me.

25 Q. Yes. And the question again is: They knew that if they
26 convinced you they would be able to get Mosquito's support;
27 right?

28 A. That was not correct because they told me, and when I
told
29 Mosquito, Mosquito disagreed with that.

30 Q. And at page -- the next page 2349, at the top, this is
31 referring to an incident at the Iranian Embassy. This is where

Tamba
following
had
been
17:23:53
the
17:24:21
is
17:24:41

1 you say, "I accepted his gift in good faith," referring to
2 Gborie, I think, "only to be notified on SLBS radio the
3 day that I had looted the Iranian Embassy and, as a result, I
4 been removed from the Supreme Council and that my arrest had
5 ordered." That's all true, isn't it?
6 A. It's not true, because SAJ Musa approached me and JPK
7 called me later on the same day. It's not that I heard it on
8 SLBS the next day, no.
9 Q. All right. So the part that is true, then, is that you
10 agree that where it says, "I had been removed from the Supreme
11 Council," that that's true?
12 A. Well, I've told you that I did not write this document.
13 It's not my signature. I was in the AFRC Council, not the
14 Supreme Council.
15 Q. And if you go to the bottom paragraph on that page, this
16 referring to the time of the intervention, and it says:
17 "I retreated first to Waterloo and then to Masiaka. By

was 18 then the ECOMOG force had taken Bo and Kenema, and it
19 agreed that I should attack Bo and begin to organise to
17:25:18 20 move to attack Freetown. I was successful in capturing
Bo
21 but sustained an injury that forced me to retreat back
to
22 Mile 91 and then to Makeni, in search of good medical
23 treatment."

24 All that's true, isn't it?

17:25:43 25 A. No, no.

26 Q. And it's true that you attacked Bo and that you were
27 successful in capturing Bo; right?

28 A. Well, Bo was not under our control when I joined the
RUF.

29 How would I claim that we had captured Bo. It was during the

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time 1 attack that I was wounded, so I left there. It was at that
2 that the CDF were still in Bo Town.

3 Q. And in the next paragraph, it says:

4 "Whilst in Makeni, I went to visit JP Koroma, who was in
17:26:25 5 hiding in his village."

6 That's true, isn't it?

7 A. People saw me go to JPK's village, so that's not a
secret.

8 Q. It continues on:

9 "JP Koroma asked me to arrange and supervise the
movement
17:26:46 10 of his entire family to Kailahun as ECOMOG were
advancing
11 and the clandestine radio, 98.1 FM, had accounted that
he
12 was in hiding in his village."
13 That's all true, isn't it?

14 A. There's no truth in that because I was not the one who
17:27:21 15 moved JPK from his village to Kono. I was not the one. I was
16 not the one who was responsible to move with him, no.

17 Q. If you turn over to the next page, the top right corner
18 should now read 2350. It states:

19 "I contacted General Mosquito and the order was given to
17:27:44 20 escort the former head of State to our Kailahun base."
21 That's true, that you contacted General Mosquito?

22 A. Well, I -- before I arrived in JPK's village, I met
23 Mosquito and JPK had already been talking for all those days.
24 And, at that time, I was not that too fit to say that I
organised
17:28:10 25 the troops to go to Kono. It was when we reached Kono that
26 Mosquito sent a receiving team to pick us up from Gandorhun to
go
27 to Kailahun.

28 Q. Then if you go down 14 lines on that same page. It's a
new
29 paragraph that starts with the words, "JP Koroma." And it
says:

Defence 1 "JP Koroma appointed General Mosquito as Chief of
2 Staff with overall command over both the RUF and the SLA
3 and promoted him to the rank of Brigadier General."
4 And that's all true, isn't it?

17:29:08 5 A. I have told you before we had the break that SAJ Musa,
6 Brigadier Mani, General Bropleh, the heaviest group of the
AFRC,
7 never took orders from Bockarie. So how can I write that kind
of
8 report?

9 Q. Witness, I'm suggesting to you that you in fact did
write
17:29:29 10 this report. It's your signature and the question simply is:
11 What I read out to you, is true; correct?

12 A. That's a lie. It's not the truth because it never
13 happened.

14 JUDGE ITOE: Are you saying it's a lie that JP Koroma
did
17:29:48 15 not appoint Mosquito to Chief of Defence Staff, and that he
did
16 not --
17 THE WITNESS: My Lord --

the

18 JUDGE ITOE: Yes. And that he did not promote him to

19 rank of Brigadier General?

17:30:06
I

20 THE WITNESS: No, My Lord. I wouldn't say that's a lie.

groups

21 had said that it was JPK who appointed Bockarie to Chief of

22 Defence Staff, but SAJ Musa, Brigadier Mani, and all the

23 in Kono and Koinadugu were not taking orders from Bockarie, so

24 they did not recognise this appointment.

17:30:27
of

25 JUDGE ITOE: It is not a question of recognising the
26 appointment. Isn't it a question of whether Mani and the rest

or

27 them were taking orders from him? Was he appointed by Koroma

or

28 not? That's the question. The information here, is it true

29 not? That's a simple question.

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sentence,

1 THE WITNESS: But, My Lord, I had said that Johnny Paul
2 appointed Mosquito as Chief of Defence Staff, sir.

3 JUDGE BOUTET: Mr Sesay, as Justice Itoe just asked you,

4 that particular sentence has been read to you, the full

17:31:04 5 and you're being asked if it is true or not. There's more to
it.

question 6 You say, well, they were not accepting his command. The

7 is not whether they accepted his authority or command. The
8 question is simply what has been read to you, which is, in
part,

9 what Justice Itoe just read: Whether or not JP Koroma
appointed

17:31:27 10 Mosquito as Chief of Defence Staff, if this is true, with
overall

11 command of both the RUF and the SLA and promoted him to the
rank

12 of Brigadier General. You are not being asked if they agreed
13 with it or they disobeyed and they respected it. That's not
the

14 question. The question is, what is being read to you, is it
true

17:31:42 15 or not. That's all.

16 THE WITNESS: My Lord, sir, I had said today that Johnny
17 Paul appointed Mosquito. And that's a reality. That is what
18 happened.

19 JUDGE BOUTET: But there's more to that. It's not only
17:31:57 20 that, that's why I've added: With overall command of both the
21 RUF and the SLA.

22 THE WITNESS: Yes, but that did not work.

23 JUDGE BOUTET: That's not the question. The question is
24 not if it worked or not. Is it true what is being said there?

17:32:13 25 THE WITNESS: Yes, My Lord.

26 JUDGE BOUTET: Thank you.

27 PRESIDING JUDGE: Let me take up something falling from
28 your earlier statement. What is your final answer? Is that

not? 29 document -- are you the author of that document or are you

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1 THE WITNESS: My Lord, I was not the one who wrote that
2 document.

3 PRESIDING JUDGE: Thank you.

4 MR HARRISON:

17:32:41 5 Q. Now, if you go down towards the bottom of that same
page,

6 and it would be seven lines up from the bottom. This is
talking

7 about diamonds that were found on or with Johnny Paul Koroma.

8 And I'm suggesting to you that this is what you wrote and
signed.

9 It says:

17:33:13 10 "Accompanied by Brigadier Mike Lamin and the CSO to JP
11 Koroma, I asked the latter to present the diamonds for
the

12 use of the revolution. He complied and the matter was
13 settled."

14 Is that statement true?

17:33:38 15 A. Well, Johnny Paul gave the diamonds, but to say that
this

16 was my signature. That's what I disagree with. I did not
write

17 a report. These are general pieces of information that people
18 who were with us knew about this information that we have on
this
19 document.

17:33:56 20 Q. Okay. Listen to the question again. I'm asking you if
the
21 sentence is true, that:

22 "Accompanied by Brigadier Mike Lamin and the CSO to JP
23 Koroma, I asked the latter to present the diamonds for
the
24 use of the revolution."

17:34:18 25 Is that true?

26 A. I did not present the diamonds. It was Bockarie who
asked
27 JPK to give him the diamonds.

28 Q. Then on the next paragraph on that same page, it says
that:
29 "While in Buedu, Captain Michael Coomber of the mining
unit

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1 reported with a parcel of diamonds from Kono."

2 Is that statement true?

3 A. No. It was not Coomber who was in charge of the mining.

4 It was Kennedy.

17:35:00 5 Q. Well, it doesn't stay he's in charge. If you just
listen

6 to it. It says:

7 "While in Buedu, Captain Michael Coomber of the mining
unit

8 reported with a parcel of diamonds from Kono."

9 Is that true?

17:35:22 10 A. No. I was not there, but in '98, '99, Michael Coomber
was

11 working with the mining unit.

12 Q. And do you agree that he reported with a parcel of
diamonds

13 from Kono?

14 A. Yes. Some time in '99, Bockarie used to send him to go
--

17:35:53 15 no, Kennedy was sending him or another person to take diamonds
to

16 Bockarie in Buedu.

17 Q. If you just continue on. I'm saying to you that:

18 "The parcel was placed in my care by General Mosquito
with

19 the instructions to move with it to a transit point
where I

17:36:22 20 would be met by General Ibrahim, and together we were to

21 travel to a business associate of the leader for

22 arrangements and procurement of military equipment."

23 Is that statement true?

24 A. Well, Bockarie sent me to Monrovia to meet Ibrahim Bah.

17:37:00 25 That was in late March to early April '98. But the diamonds
that

26 Bockarie gave me, those are the diamonds he had taken from JP.

27 Q. So you would agree that in March and April, you went
with

28 diamonds to Monrovia; right?

29 A. Well, I was not going to Monrovia. It was in transit to

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told 1 Burkina Faso. But Ibrahim Bah, with whom I would have gone,

2 me that I should wait for him in Monrovia while he came to

3 collect me to go to Burkina Faso. It was while I was waiting

4 that the diamonds fell from my hands. So I had to return to

17:37:53 5 Buedu.

6 Q. And the reason why you were carrying those diamonds to

7 Monrovia was as your report states: You were to travel to a

procurement 8 business associate of the leader for arrangements and

9 of military equipment; that's true, isn't it?

17:38:21 10 A. Yes, but it was not in Monrovia. That could have
happened

the 11 in Burkina Faso. That was the purpose. But because I lost

12 diamonds, the entire thing was dissolved and I returned.

lines 13 Q. In fact, what the salute report goes on to state, 16

the 14 down from the top, which is about one third of the way down

17:39:03 15 page, is: "How could I ever look my commander in the eyes and

of 16 tell him that I, Issa, who could be trusted with the security
17 the nation, could not secure a small parcel of diamonds."

18 That's true, isn't it?

19 A. Well, I didn't write such reports like this, and not all
17:39:42 20 the commanders sent me. It was Bockarie who decided to send
me.

21 MR HARRISON: I'm in the Court's hands.

22 PRESIDING JUDGE: Well, we certainly can allow you to
23 pursue this further. I think the time has now come for us to
sit 24 adjourn to the next hearing day. But, before we do that, do

17:40:08 25 down.

26 MR HARRISON: I can give the Court a bit of guidance if
it 27 deems it appropriate. I will certainly finish on Tuesday.

28 PRESIDING JUDGE: That's okay. We don't want to rush
you 29 anyway. We have time structured out, you know, so -- but
before

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on 1 we adjourn the proceeding today, let me deliver a brief ruling
Chamber 2 a pending matter, and this is a unanimous ruling of the

3 on the application by the third accused not to be further
4 represented by Professor Andreas O'Shea as one of his
17:40:53 5 court-appointed counsel.

6 The Trial Chamber hereby grants the request of the third
7 accused for the Chamber to withdraw Mr Andreas O'Shea's
mandate
8 as one of his court-appointed counsel and consequently
releases

9 the said counsel from any further duties and obligations in
10 relation thereto. Confirms the appointment of Mr John
17:41:18 Cammegh,
11 as court-appointed counsel for the third accused and, further,
12 strongly recommends that he be appointed lead counsel of the
13 Defence team of the third accused. And further instructs the
14 Registrar, in consultation with the Principal Defender, to
take

17:41:46 15 the necessary measures to give effect to this decision and to
16 provide the necessary human and material resources, in
17 consultation with Mr Cammegh, to ensure that the trial
proceeds
18 without any delays. A written ruling will be published very
19 shortly.

17:42:13 20 The trial is adjourned to Tuesday, 26 June 2007 at
21 9.30 a.m.

22 [Whereupon the hearing adjourned at 5.30
p.m.,
23 to be reconvened on Tuesday, the 26th day of
24 June, 2007, at 9.30 a.m.]

25
26
27
28

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EXHIBITS:

Exhibit No. 224

51

WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY

5

CROSS-EXAMINED BY MR HARRISON

5