

Case No. SCSL-2004-15-T
THE PROSECUTOR OF

THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

TUESDAY, 26 JUNE 2007
9.40 A.M.
TRIAL

TRIAL CHAMBER I

Before the Judges:	Bankole Thompson, Presiding Pierre Boutet Benjamin Mutanga Itoe
For Chambers:	Mr Matteo Crippa
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Peter Harrison Mr Charles Hardaway Mr Vincent Wagona
For the Principal Defender:	Ms Haddijatou Kah-Jallow
For the accused Issa Sesay:	Mr Wayne Jordash Mr Jared Kneitel Mr Tobias Berkman
For the accused Morris Kallon:	Mr Shekou Touray Mr Melron Nicol-Wilson
For the accused Augustine Gbao:	Mr Julius Cuffie (legal assistant)

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1	[RUF26JUN07A - MC]
2	Tuesday, 26 June 2007
3	[Open session]
4	[The accused present]

09:25:39 5 [The witness entered court]

6 [Upon commencing at 9.40 a.m.]

7 PRESIDING JUDGE: Good morning, counsel. The trial is

8 resumed. Mr Jordash, the Bench is informed or advised that

there

9 are two witnesses, very short witnesses, standing by whom we

can

09:49:40 10 conveniently take and conclude within the imposed timetable

that

11 we have spelt out for the Court. In short, we're assuming

that

12 these witnesses can be examined, cross-examined and re-

examined

13 within the framework to get us out of here by Thursday, 5.30

p.m.

14 MR JORDASH: Thursday at 5.00 p.m. probably only one

09:50:14 15 witness.

16 PRESIDING JUDGE: Right. Well, let's try. Let's see

how

17 far we can get. But the Bench is disposed to work on another

18 witness if that is possible to fill in the time but not to go

19 beyond our target for Friday afternoon.

09:50:30 20 MR JORDASH: Certainly. They're both ready.

21 PRESIDING JUDGE: Very well.

22 MR JORDASH: And certainly they'll both be short.

23 PRESIDING JUDGE: Well, with that assurance, we will ask

24 the Prosecution to continue the cross-examination of this

09:50:42 25 witness. Miss Jalloh, I recognise your presence.

26 MS KAH-JALLOW: Thank you, Your Honours. With me is

Julius

27 Cuffie. I am representing Mr Gbao.

28 PRESIDING JUDGE: Yeah. You are also recognised, Mr

29 Cuffie. We will now proceed, Mr Prosecutor.

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1 WITNESS: ISSA HASSAN SESAY [Continued]

2 [The witness answered through interpreter]

3 CROSS-EXAMINED BY MR HARRISON: [Continued]

4 MR HARRISON: I ask if Exhibit 35 could be given to the
09:51:32 5 witness.

6 Q. Witness, first of all, is the interpretation being
7 communicated to you, witness?

8 A. Yes, yes.

9 Q. Exhibit 35 in this trial is a document that's titled
09:52:00 10 "Revolutionary United Front of Sierra Leone, Defence
11 leader headquarters," dated 26 September 1999, addressed to the
12 of the revolution, from Major General Sam Bockarie; subject,
13 salute report. Have you even that document before?

14 A. I did not know about this except in court here.

09:52:36 15 PRESIDING JUDGE: Mr Harrison, could you give the
exhibit

16 number again? It's an exhibit?

17 MR HARRISON: Exhibit 35.

18 PRESIDING JUDGE: 35; thanks. What is your answer,

19 Mr Sesay?

09:52:48 20 THE WITNESS: My Lord, I said I came to know about this
21 document in the Court.

22 PRESIDING JUDGE: Thank you.

23 THE WITNESS: I did not make this document.

24 MR HARRISON:

09:52:59 25 Q. Yes. Just so it's clear: The Prosecution's position is
26 that this was a document signed by Sam Bockarie; do you
27 understand that? If you don't understand that's fine. At any
28 rate, if I could you turn to page 2363. And the first full
29 paragraph on 2363 is referring to events immediately after the

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1 intervention in February 1998.

2 A. You said page what?

3 Q. 2363.

4 A. Yes. I would answer questions pertaining to this
document

09:54:16 5 when I was not the one that made it?

6 JUDGE ITOE: Mr Sesay, would you please wait for the
7 questions.

8 MR HARRISON:

9 Q. Sir, I'm going to put certain questions to you and the
09:54:29 10 context of this first full paragraph on 2363 is that it is
events
11 after the intervention in February 1998, and the paragraph
says:
12 "I immediately set about establishing a Defence
13 headquarters in Kailahun. It was from this DHQ that I
14 intended to organise a stance and a counter-offensive
and
09:55:08 15 from where command and control would be maintained."
16 Is that statement true?
17 A. Well, that was what Sam Bockarie said, and that was what
18 happened and it was Buedu that was the Defence headquarters.
19 Q. Then it goes on to say:
09:55:30 20 "Later, when JP Koroma arrived in Kailahun, he appointed
me
Chief 21 to take over command for both the RUF and the SLA as
22 of Defence Staff With the rank of brigadier general."
23 Is that statement true?
24 A. Yes, that was how it happened.
09:55:54 25 Q. Then it goes on to say:
26 "In order to motivate the most senior officers I took it
27 upon myself to appoint Brigadier Issa as battlefield
28 commander and Colonel Mingo as battle-group commander."
29 Is that statement true?

1 A. Yes, I feel that I told you that before.

2 Q. Then it goes on to say:

3 "All this was done especially to encourage Colonel Mingo
4 and ensure smooth operation."

09:56:33 5 Is that statement true?

6 A. Yes, that was what he said.

7 Q. Then it says:

8 "After our Freetown invasion in January 1999, I was
again
9 promoted by JP Koroma to the rank of major general."

09:56:52 10 Is that statement true?

11 A. Well, I was not in Buedu when they gave these positions;
I
12 was in Makeni.

13 THE INTERPRETER: Your Honours, would the witness go
over
14 his, the last bit of his testimony, and would he speak a
little

09:57:08 15 bit louder?

16 PRESIDING JUDGE: Mr Sesay, did you hear the
interpreters?

17 To go over the last part of your testimony and to be a little
18 more audible. Speak up a bit.

19 THE WITNESS: Okay. It was JP.

09:57:26 20 MR HARRISON:

21 Q. All right. Just to make it clear, what it says is:

22 "After our Freetown invasion in January 1999 I was again

23 promoted by JP Koroma to the rank of major general."

24 Is that statement true?

09:57:45 25 A. That statement is not true, because Bockarie had been
26 claiming those who came to attack Freetown did not take orders
27 from Bockarie and he did not give them any supplies. It was a
28 different group that came and attacked Freetown and even when
the
29 attack had taken place in Freetown, he had been talking over
BBC,

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control 1 VOA, RFI, he had been claiming that he did not have the
2 of the men that were on the ground in Freetown.

3 Q. Then it goes on to say --

the 4 JUDGE ITOE: Excuse me, that does not appear to answer

09:58:28 5 question. Learned counsel Harrison said, in reading this
6 document, Exhibit 35, that "After our Freetown invasion in
7 January I was again promoted by JP Koroma to the rank of major
8 general." Is that true or false? It's not a question of his
9 having control over the forces, or whether there were any

09:58:54 10 complaints against him. Is it true that he was appointed by
11 Johnny Paul Koroma to the rank of major general in January
1999?

12 MR JORDASH: Sorry to leap up, Your Honour, I don't mean
to
13 interrupt but I would respectfully submit there is some -- a
lack
14 of clarity in the question and if Mr Sesay were to answer
"Yes,
09:59:16 15 it's true," meaning there was these promotions, then later on,
is
16 when the transcript is looked at, it looks as though Mr Sesay
be
17 saying "Yes, it's true, it was our Freetown invasion" so, to
that
18 fair to Mr Sesay, there are two questions which arise from
19 proposition.

09:59:35 20 JUDGE ITOE: I don't see two questions arising from
that.
21 I mean, if he says he was not promoted to the rank of major
22 general by Johnny Paul Koroma, fine. But was he, in fact,
does
23 he have any explanation to offer as far as that particular
24 statement is concerned?

09:59:54 25 MR JORDASH: I think Mr Sesay had answered the first
part,
26 whether it was "our" invasion; whether that was correct. And
27 what Mr Sesay appeared to be saying was: Well, no, it's not.
28 Mr Bockarie just kept claiming it was, or words to that
effect.
29 So could I just respectfully ask that the Prosecution to say
what

of 1 it is they're asking is true: Whether it is the RUF invasion
2 Freetown which they're focusing on, or whether it's the
3 promotions that they're focusing on?

invasion, 4 JUDGE ITOE: In any event, whether there was an
10:00:28 5 and Bockarie was part of the movement, so even if he says it
is 6 our invasion, is he wrong to say it is our invasion, talking
of 7 the group invading, Mr Jordash?

8 MR JORDASH: Very well. Because it is our case that
9 Mr Bockarie claimed over the radio that it was his troops
within 10 Freetown but in fact it wasn't his troops within Freetown.
11 JUDGE ITOE: Well, he was part of the area. Are we

12 disputing the fact that there was some RUF troops in Freetown
13 also?

14 MR JORDASH: Swallowed into the command structure of the
10:01:06 15 AFRC.

get 16 JUDGE ITOE: Well, anyway, those are -- I don't want to
17 into all of that.

18 JUDGE BOUTET: Well, I think the witness is capable of
19 answering these questions easily. I understand that there are
10:01:15 20 nuances that may have to be brought in the answer but they are
21 part of the answer that are quite clear. I mean, the first

part

by 22 is -- may be subject to, but the question, as has been focused
23 my learned brother Justice Itoe, I don't think you need a big
24 explanation for that. Was he or was he not promoted? I
10:01:37 25 understand the question contains more information than that is
26 only part but I think he can answer those and then --
27 MR JORDASH: Which is why I didn't object to the
question
28 because I thought Mr Sesay could answer it as he saw it but
when
29 he answered it as he saw it, and I would submit in a
legitimate

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1 way, focusing on one aspect of the proposition, there was a
2 suggestion that perhaps he wasn't answering the question. I
was
3 simply saying: Well, yes, he is, but the Prosecution's asked
two
4 questions.

10:02:08 5 JUDGE BOUTET: I think the question was a single
question.

6 He was asked if this sentence is accurate or not. If it is
not
7 accurate he only has to say it's not accurate.

8 MR JORDASH: Which he did in relation to one part. But

9 then was criticised for not answering the other part.

10:02:31 10 PRESIDING JUDGE: Proceed, counsel.

11 MR HARRISON:

12 Q. You can see in that partial sentence that we have been
13 talking about, part of it says: "I was again promoted by
14 JP Koroma to the rank of major general." Is that true?

10:02:52 15 A. Yes. JP Koroma appointed Bockarie to the rank of major
16 general in December 1998 before I left, before the attack in
17 Kono.

18 Q. Then it goes on to say: "Issa was promoted to brigadier
19 and Mike to the rank of brigadier." Is that part of the
sentence
10:03:20 20 true?

21 A. Yes, that was in February; Mike, Issa and others, Isaac,
22 and other people.

23 Q. And just so that the entire sentence is dealt with on
the
24 record, it concludes by saying: "And other SLA officers were
10:03:44 25 also promoted." Is that true?

26 A. Well, I, the men that were in Freetown, what happened as
to
27 later, they promoted themselves.

28 Q. Now, if you turn over to the next page, which would be
29 2364, at the top. If you go down 15 lines, which is about one

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1 third of the way down that page, you will see a new paragraph
2 beginning with the words, "Prior to this." And the context of
3 this is during the time after the intervention, and
specifically

4 to the time when diamonds are allegedly lost by you, and the
10:04:58 5 passage reads: "Prior to this diamonds mined from Kono were
6 given to Brigadier Issa in order for him to make contact and
7 delivery to a business associate of yours." Is that sentence
8 true?

9 A. Yes, I feel that I said so. I said that Bockarie gave
me

10:05:29 10 these diamonds but they were not diamonds that were mined in
11 Kono. They were diamonds that were taken from JP and these
were
12 the diamonds that he gave me to give Ibrahim Bah so that we
can
13 meet Foday Sankoh's business partners in Burkina Faso and that
14 was the time that these -- I lost these diamonds, in Monrovia,
10:05:55 15 but they were not diamonds that were mined in Kono, because
the
16 time was too short.

17 Q. And then it goes on -- I am sorry, I think I cut off the
18 interpretation.

19 JUDGE BOUTET: I think the witness said the time was too
10:06:13 20 short but --

21 MR HARRISON:

22 Q. It then goes on to say --

23 A. I want to explain.

24 PRESIDING JUDGE: Did you want to explain something?

10:06:22 25 THE WITNESS: Yes, sir.

26 PRESIDING JUDGE: Go ahead.

27 THE WITNESS: Because what I meant by I said that the
time
28 was too short, sir, we retreated from Kono in February, and it
29 was in late March that Bockarie sent me, late March to early

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in 1 April, so there was not enough time for diamonds to be mined
2 Kono during that time.

in 3 JUDGE BOUTET: What did you say, Mr Sesay, that happened
4 February?

10:06:49 5 THE WITNESS: I said in February, sir, that was the time
in 6 that we withdrew from Kono with JPK and went to Kailahun. So
sent 7 late March to early April, that was the time that Bockarie
so 8 me with these diamonds, to go and meet Ibrahim Bah in Monrovia
missing. 9 that we could go to Burkina Faso. But the diamonds got

10:07:10 10 And I said from February, late February, when we came from
Kono,

That 11 it was too short so that diamonds could be mined in Kono.

12 was what I was saying, sir.

13 JUDGE BOUTET: I don't understand what you mean by this,
14 why you say time was too short when you came from Kono.

10:07:26 15 THE WITNESS: Yes, because this paragraph which Mr
Harrison
16 is talking about that the diamonds which Bockarie gave me were
17 diamonds that were mined in Kono, that was why I said that the
18 time was too short for diamonds to be mined in Kono during
that
19 time.

10:07:43 20 JUDGE BOUTET: Why?

21 THE WITNESS: Well, My Lord, the time was short. We
left
22 Kono in late February, and there were not -- no people in Kono
23 before we retreated in Kono, so the time was too short for
mining
24 to have gone on during that time.

10:08:04 25 PRESIDING JUDGE: So what are you answering to the
passage
26 that Mr Harrison has read to you? What is your answer: Is it
27 true?

28 THE WITNESS: Well, it was not true. The diamonds,
these
29 were not diamonds that were mined in Kono. They were diamonds

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1 that Mosquito took from JP.

2 PRESIDING JUDGE: I see; so that's your answer. Right.

3 JUDGE ITOE: But if Mosquito took them from JP, you do
not
were
10:08:37 5 taken from JPK; do you know the origin? Do you know where JPK
6 got them from?

7 THE WITNESS: Yes, My Lord. It was in Kono and Tongo.
8 Those are the areas that they had been mining during the time
of
They
10:08:56 10 were under AFRC mining.

11 JUDGE BOUTET: But this is not the question, Mr Sesay.
I
12 mean, the question is not whether these diamonds were coming
from
13 AFRC or junta or elsewhere; the question -- the statement is
14 diamonds mined from Kono, not necessarily by you. The
statement
10:09:10 15 is a very broad statement. Now you're saying that, according
to
16 what you know, they were from Kono.

17 MR JORDASH: Or Tongo, Your Honour, sorry.

18 JUDGE BOUTET: Or Tongo -- well. Mr Sesay, try to
answer
19 the question, please. You're going on all sorts of
explanations
10:09:30 20 and your answers are getting confused.

21 PRESIDING JUDGE: Mr Harrison, perhaps you should put
that

probably 22 question again. He may well not have understood it or
23 again once more because of his encyclopaedic knowledge about
24 these events, these ideas just come, and he wants to make sure
10:09:52 25 that the Court understands the entire picture. But I think,
as 26 we've all been endeavouring to do, we need focused answers to
27 focused questions. Let's put it again.

28 MR HARRISON:

"Prior 29 Q. The passage that was put to you is the following:

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in 1 to this diamonds mined from Kono were given to Brigadier Issa
2 order for him to make contact and delivery to a business
3 associate of yours." Is that statement true?

4 A. Yes, part of it is true, and I would like to explain.

10:10:45 5 PRESIDING JUDGE: But keep your explanation very short;
all 6 right?

7 THE WITNESS: Yes, sir, My Lord.

8 PRESIDING JUDGE: All right; go ahead.

9 THE WITNESS: My Lord, I had explained. I said the

10:11:10 10 paragraph, part of it is true and what I had explained, sir.

11 PRESIDING JUDGE: You don't want to give us the benefit
of

12 your explanation now that you say part of it is true?

13 THE WITNESS: Well, My Lord, My Lord, when I answer some
of

14 these questions I have to look at the indictment, the
timeframe

10:11:37 15 of the first man in Kono, so if I answer, and you said that I
did

16 not answer the questions, then -- then I doubt a little
because

17 this, the way the sentence is formed, it's as though the
diamond

18 mining which Bockarie organised in Kono, and these were the
19 diamonds that were given to me. That was how I look at the
10:12:02 20 paragraph. That is why I tried to explain that they were
21 diamonds that were taken from JP, these were the diamonds that
22 were given to me sir.

23 PRESIDING JUDGE: That's perfectly legitimate. It's
just

24 that when you said part is true, the implication is that the
10:12:18 25 other part is not true, and you want to say why; that's all I
was

26 trying to probe. That's all.

27 THE WITNESS: Yes, sir, because there is an allegation
28 because they said there was forced labour in 1998 in Kono, so
29 this --

asked 1 THE INTERPRETER: Your Honours, would the witness be
2 to slow down.

3 PRESIDING JUDGE: Slowly, slowly, Mr Sesay. Take your
4 time, Mr Sesay, and assist the interpreters.

10:12:42 5 THE WITNESS: Yes, sir, My Lord.

6 PRESIDING JUDGE: Don't outpace them. Go ahead.

allegation 7 THE WITNESS: My Lord, I said that there was an
8 in the indictment that in 1998 there was forced labour in
Kono.

9 So if Bockarie just wrote a paragraph, a report which said
10:13:02 10 diamond mining from Kono, those are the diamonds that were
given

11 to me, and this was in 1998, that was why I felt that it was
12 necessary for me to explain when, so that you could understand
13 that this paragraph which I answered to say yes, these
diamonds
14 were not diamonds that were mined in '98 in Kono, but these
were

10:13:21 15 diamonds that had been mined in '97, which JPK had got from
Kono
16 and Tongo. This was what I was trying to explain, sir.

17 PRESIDING JUDGE: Continue, Mr Harrison.

18 MR HARRISON:

19 Q. How is it you know these particular diamonds were mined
in
10:13:36 20 1997?

Kono. 21 A. Well, Mr Harris, it was in January the CDF attacked
22 There was fighting from January to February, before we arrived
23 there, so how would you have been able to mine in Kono when
24 was fighting?
10:13:57 25 Q. And if we just continue on in the same paragraph. It
says:
Brigadier 26 "At his transit point, whilst awaiting General Ibrahim,
27 Issa reports that he had gone to a nearby tea shop and on his
way
28 back to the hotel he realised that the diamonds were missing
from
29 his pocket." Is that sentence true?

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1 A. Yes.
2 Q. Then it goes on to say: "His claims of the diamonds
3 dropping from his pockets were substantiated by live
broadcasts
4 over radio announcing that diamonds had been found on the
streets
10:14:47 5 of the city." Is that statement true?
6 A. Yes, that was true, because that was what saved me.
7 Because they heard that, sir, on the radio.

and
surrounding
10:15:12
continue
10:15:49
attorney
It
10:16:08
of
and
10:16:32
orders

8 Q. Then it says: "Colonel Jungle was with Brigadier Issa
9 are both in a position to better explain the events
10 the loss of the diamonds." Is that statement true?
11 A. Yes, that was true.
12 Q. Now, if you skip seven sentences or, sorry, seven lines,
13 you will see a sentence beginning -- actually, I'll just
14 on from where I left off. "I was discouraged at the loss as I
15 had planned against revenues generated from the proceeds."
16 THE INTERPRETER: Your Honours, would the learned
17 be asked to repeat.
18 MR HARRISON:
19 Q. Just continuing on from the point where I had left off.
20 says:
21 "I was discouraged at the loss as I had planned against
22 revenues generated from the proceeds. However, in light
23 the confirmed radio broadcast on the loss of diamonds a
24 short distance from where Brigadier Issa's hotel was,
25 the fact of the situation on the ground, was such that a
26 firm grip had to be taken of the situation and the
27 brigadier was a very able commander. In fact, the most
28 cooperative and effective in implementing military
29 and duties."

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1 Is that statement true?

2 A. Yes, at the end. Yes, I would agree with the end part
that

3 I was an able commander and I had been implementing my duties,
4 that I would agree with, because when I was at Pendembu, when
I

10:17:25 5 was a commander, you see, I was the one that went and attacked
6 Kono, December '98, and we were able to capture Kono from the
7 ECOMOG. But to say that he was trying to raise revenue from
the

8 proceeds of the diamonds that I lost, I was --

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

10:17:51 10 to repeat the last bit.

11 PRESIDING JUDGE: Mr Sesay, repeat the last portion of
your

12 testimony.

13 THE WITNESS: Yes, My Lord. I said that the end part of
14 the paragraph I do accept it, that I was an able commander,
and

10:18:10 15 that I was the man who had been implementing. I had been
16 carrying out military orders. Yes, I do agree because,
because I

17 was the commander who attacked Kono in December '98 and I was
in

that 18 Pendembu as commander in '98, so there I accept. But to say
19 he, the Bockarie, at this time, he was the one that was --
10:18:34 20 Bockarie was the one that was trying to guard this diamond
that I
21 lost to raise revenue, I'm saying that these diamonds were
22 diamonds that were taken from JP, sir.

23 PRESIDING JUDGE: So you're qualifying your answer?

24 THE WITNESS: Yes, sir.

10:18:58 25 JUDGE BOUTET: I would like to understand what you mean
by
26 this. I really don't understand what you're saying. I
27 understand the last part, where you say: I was a very able
28 commander and effective in implementing. You see, you rebut
the
29 first part, when it deals with revenues, you say -- what is it

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1 you're saying?

If 2 THE WITNESS: Well, My Lord, the paragraph is so long.

3 he could read one sentence so that I could respond, that would

be

4 better, you see, because where Bockarie had been talking about

--

10:19:39 5 he would have been trying to raise revenue for the revolution
--

6 JUDGE BOUTET: That's not what he's saying. Read it
7 carefully.

8 THE WITNESS: My Lord, like what he was saying here,
that
9 he was trying to raise revenue to generate which would come
from

10:20:07 10 the diamonds, and this was not true, because these were not
11 diamonds that were got from the mining that I lost. This was
12 what I was saying.

13 JUDGE BOUTET: That's okay. Thank you.

14 THE WITNESS: Thank you, sir.

10:20:25 15 MR HARRISON:

16 Q. And just for the completeness of putting the entire
17 sentence onto the record, it continues on saying: "I decided
to
18 refer the matter to you on your arrival whilst assigning him"
and
19 in parentheses I should indicate that's referring to Brigadier
10:20:52 20 Issa, "to the frontline at a time when the enemy --

21 THE INTERPRETER: Your Honours, would the learned
attorney
22 be asked to repeat what he just said.

23 MR HARRISON: I'm continuing on with the passage where
it
24 says: "I decided to refer the matter to you on your arrival

10:21:16 25 whilst assigning him to the frontline at a time when the enemy
26 were bent on flushing us out of even our Kailahun base."

27 Is that statement true?

28 A. Yes, that statement is true, because Bockarie posted me
to
29 Pendembu from Buedu, where I was from April to November 1998.

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now
of
that
10:22:38
to
10:23:16
got
side,
a
Jui
10:24:05

1 Q. If you turn over to the next page, which is 2365, and
2 the time period has moved up to December of 1998, and January
3 1999, and the last paragraph reads: "Meanwhile, the troops
4 entered Freetown had been cut off from the rear and were being
5 encircled, leaving them no way out." Is that sentence true?
6 A. Yes, that sentence is true, because the troops that came
7 Freetown, ECOMOG was deployed in Waterloo, Mile 38, Masiaka,
8 while the attackers were in Freetown.
9 Q. And it continues on, stating:
10 "I was able to coordinate their operations over set and
11 them to combine their forces and bulldozed from the
12 accessing them to the mountains, through which they took
13 bypass to join our troops at Benguema and Waterloo as
14 was occupied by ECOMOG."
15 Is that sentence true?
16 A. Well, yes, because that was what happened. The others

17 withdrew from Freetown to the mountains to Waterloo. But I
did
18 not know the discussion that they had, when they were in
19 Freetown, because I had not been discussing with the men in
10:24:34 20 Freetown.

21 Q. And that same paragraph continues on: "This is how the
22 troops that entered Freetown were able to retreat." Is that
23 sentence true?

24 A. Yes, it was through the mountains that they retreated.

10:25:04 25 Q. And the same paragraph continues: "Still they sustained
26 heavy casualties including Steve Bio, the SLPP chairman,
27 Manakpaka and many others." Is that sentence true?

28 A. Well, I heard about Steve Bio but I did not know about
the
29 others because I did not come to Freetown. You see, it was
not I

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1 that was coordinating. It was not I that had been
coordinating
2 anything between the attackers and us.

3 Q. Then I'm going to take you to a different topic but it's
on
4 the same page, so we're now still on 2366, that being the
Court

10:25:55 5 Management page number, and now the timeframe has moved to
6 somewhere between late January to April 1999.

7 JUDGE ITOE: What page is that again, Mr Harrison?

8 MR HARRISON: It's the same page we were on, the Court
9 Management page number in the top right corner is 2366.

10:26:34 10 JUDGE ITOE: Thank you.

11 MR HARRISON: And I'm counting 12 lines up from the
bottom

12 on that page, and the topic is, "Disputes ongoing between
13 Brigadier Issa, Superman and Gibril."

14 Q. And the passage reads:

10:27:12 15 "I dispatched a team headed by Colonel Isaac, Major
Benda,

16 Lieutenant-Colonel Moriba, Major Jackson, your bodyguard
17 commander, and Lieutenant-Colonel Sam Kpulleh with
explicit

18 instructions to go and investigate the issue and ensure
19 that they contain the situation and report back to me at

10:27:56 20 DHQ."

21 Is that sentence true?

22 A. Yes, that sentence is true, but some of these people who
23 were sent by Sam Bockarie, they came to Makeni, they did not
go
24 back. Some of them joined Superman.

10:28:17 25 Q. And that may be indicated in the next sentence: "I was
26 later informed that the delegation had not been given an
27 opportunity to investigate and were under serious armed threat

by

28 both Gibril and Superman." Is that sentence true?

29 A. Yes, because Superman did not accept so that we could
sit

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1 and investigate the matter.

2 Q. Then it says: "In time, Lieutenant-Colonel Moriba and

three

3 Lieutenant-Colonel Kpulleh returned to DHQ whilst the other

4 stayed behind and also began to put up acts of insubordination

10:29:18 5 against the High Command." Is that statement true?

6 A. Yes, because Bockarie sent them, and did not come back.

7 They went and joined Superman instead.

Major

8 Q. And those three being referred to are Colonel Isaac,

9 Benda and Major Jackson; correct?

10:29:43 10 A. Yes. Brigadier Isaac, Colonel Benda, and Major Jackson,

11 yes.

12 Q. What is Major Jackson's full name?

13 A. Jackson Swaray; he was the bodyguard commander for -- to

14 Foday Sankoh.

10:30:08 15 Q. And the bodyguard commander, that would be the commander of

16 the Black Guards?

17 A. Yes, you are right.

18 Q. I'm going to take you to page 2368 of the same document.

we
10:30:48 19 It's the bottom paragraph on page 2368, and it reads: "When
20 first retreated from Freetown, I contacted the government of
the
21 Ivory Coast and, in particular, the foreign minister, Mr Amara
22 Essy." Is that statement true?
23 A. Yes. When I went to Buedu that was what I heard. That
was
24 what Bockarie told me but I was not there when he had been
making
10:31:17 25 the contact, but I feared that, when we -- I even testified to
26 that, that they had given the number, so that Bockarie could
27 contact Amara Essy, who was the foreign minister for Ivory
Coast.
28 Q. Then the document states: "I also contacted the
guarantors
29 of the Abidjan peace accord to impress on them the fact that
our

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government
1 leader was still illegally being held by the Nigerian
2 and that a negotiated settlement was the only way in which
peace
3 and security could return to Sierra Leone." Is that sentence
4 true?
10:32:15 5 A. Yes. This was a sentence, this was made by Sam Bockarie

6 and this was what he did, but look at my own case; it's the
same
7 situation. Foday Sankoh was still under arrest but I went
ahead
8 with the peace process. I went with -- I went for the
9 disarmament.

10:32:45 10 Q. Then the passage continues on: "I even contacted the
11 government of Tejan Kabbah in Freetown to convince them to
12 release you and to threaten that if they continued to exercise
13 the military option, we, the RUF, would push for total
military
14 victory and would escalate the war to a point beyond
10:33:26 15 imagination." Is that sentence true?

16 A. Well, I was not in Buedu on a daily basis when Bockarie
was
17 getting telephone contact from Freetown.

18 Q. Then it goes on to say: "All this talk fell on deaf
ears
19 as even the international media refused our calls." Is that
10:34:00 20 sentence true?

21 A. Well, that was what he said.

22 Q. Then it says: "With our capture of Kono, and the
raising
23 of four mechanised battalions of the Nigerian ECOMOG force,
our
24 phones began to ring with calls from the world's elite press
and
10:34:34 25 the very people who only a few weeks back were ignoring our
26 calls" --

27 THE INTERPRETER: Your Honours, would learn attorney be
28 asked to go over what he said.

29 THE WITNESS: Mr Harris [sic], I was the one that went
to

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so
he
1 Kono. I was the one that Bockarie sent to go and attack Kono
2 I would not be able to confirm the telephone conversation that
3 had been getting in Buedu because I was not there.

4 MR HARRISON:

10:35:03 5 Q. I'll just put the sentence again. "With our capture of
6 Kono, and the raising of four mechanised battalions of the
7 Nigerian ECOMOG force, our phones began to ring with calls
from
8 the world's elite press and the very people who only a few
weeks
9 back were ignoring our calls, assuming that we were going to
be
10:35:44 10 flushed as Tejan Kabbah had vowed, were now virtually begging
to
11 talk." Is that sentence true?

12 A. Well, the first part about the capture of Kono, and the
13 capture the Nigerian equipment, tanks, that was true. As I
said
14 so in court, I was the commander who took up that attack,
where
10:36:22 15 we captured 12 Nigerian soldiers, but I would not be able to

16 comment on the telephone conversations which Bockarie had been
17 getting in Buedu, see, when at this particular time I was in
18 Kono.

19 Q. And just going to the next line: "The salute reports
10:36:48 20 states our attack of Freetown put Kabbah in a position where
he
21 was forced to talk as I had earlier promised he would." Is
that
22 sentence true?

23 A. Well, that sentence to me is not correct because he had
24 been claiming that he was not the individual that did the
things.

10:37:15 25 It was not the RUF that did the attack.

26 JUDGE ITOE: Mr Harrison, Mr Sesay would not be in
27 Bockarie's mind when he's making some of these assertions.

28 MR HARRISON: Yes, that's true; he would not, but he may
29 have information.

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there
1 JUDGE ITOE: Would it be fair, you know, to take him
2 to say what Bockarie meant or what Bockarie was saying in that
3 report? To certain portions?

4 MR HARRISON: Well, the Prosecution takes the view that
it

10:37:46 5 is fair that information can be communicated between people
and

6 that it can then be repeated in court.

7 JUDGE ITOE: Anyway, you are in cross-examination.

8 MR HARRISON: That's right.

9 JUDGE ITOE: You may proceed.

10:38:00 10 MR HARRISON: Thank you.

11 JUDGE ITOE: But, please, you should try to address your
12 mind to issues of relevance as well.

13 MR HARRISON: Thank you.

14 Q. And the passage continues on, if you were to go down
nine

10:38:19 15 lines from where I left off, in the middle of the line you
will

16 see a sentence that reads: "This brought to a screeching halt
17 the SLPP political stance during our Freetown attack and
18 occupation." Is that statement true?

19 A. Mr Harrison, I have said the RUF commanders did not take
10:38:54 20 part in the attack in Freetown, not at all. I did not send
21 anybody, I did not order someone on the attack. Even my
22 witnesses had come to say that there were three junior.

23 THE INTERPRETER: Your Honours, can the witness take
24 that --

10:39:18 25 PRESIDING JUDGE: Repeat that part of your testimony,
26 Mr Sesay. The interpreters did not get that part.

27 THE WITNESS: My Lord, I said Mr Harrison's witness that
28 came on the Freetown invasion had said in court that there

were

29 about three to four junior men who were among the 1500 AFRC
men

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1 who attacked Freetown. So the attack on Freetown was purely
2 on -- was purely done by the army and not the RUF.

3 MR HARRISON:

4 Q. And if you turn to the next page 2370?

10:40:03 5 A. And Mr Harris, I want to bring something to your notice
6 because this is a document from Bockarie. You have got to
some
7 paragraphs in which Bockarie said "I decide"; this is proving
8 that Bockarie had the last say in '98, '99 in the RUF. What
he
9 said was final and that was what we would all go by.

10:40:31 10 Q. And if you turn to 2370, the third line from the top
says:

11 "We successfully took the war from Kailahun to Freetown,
12 military pressure on the SLPP government and the international
13 community to effect your release."

14 Is that statement true.

10:41:02 15 MR JORDASH: Can I object please?

16 PRESIDING JUDGE: Grounds, counsel?

17 MR JORDASH: It's -- the objection is this: That the
18 question, as posed, is so unclear that there are a number of

19 questions asked as one. And my fear is that an answer will be
10:41:27 20 given which is designed by the Prosecution to implicate the
RUF
21 in the Freetown invasion, but is done by the back door by
asking
22 questions in the form presently posed.
23 Let me make myself clearer. The question which the
24 Prosecution asked concerned the three-line sentence which
10:41:53 25 contains at least four different questions. Is it true, asked
26 the Prosecution, is it true that the RUF took the war from
27 Kailahun to Freetown? Is it true that the war, which was
taken
28 from Kailahun to Freetown, was successful? Is it true that
the
29 war, if successful, put military pressure on the SLPP
government?

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1 The same question goes: Did it put that military pressure on
the
2 international community? And, finally, was it all done to
effect
3 Foday Sankoh's arrest? Sorry, Foday Sankoh's release.
4 So there are at least five questions there and it ought
to
10:42:46 5 be put, in my respectful submission, in a way which elicits an

6 answer to one of those questions, rather than elicit an answer
7 which is global, which the Prosecution will later use to say,
8 look, there you go, the RUF were involved in the Freetown
attack.

9 PRESIDING JUDGE: In other words, you have five distinct
10:43:02 10 questions that could be put disjunctively?

11 MR JORDASH: Yes.

12 PRESIDING JUDGE: And, in fact, an answer elicited in
13 respect of all that.

14 MR JORDASH: And what we'd have elicited is, perhaps,
fact.

10:43:11 15 PRESIDING JUDGE: Yes.

16 MR JORDASH: Rather than some nebulous answer which --

17 PRESIDING JUDGE: So the question, as put now, can
confuse
18 the Tribunal itself, if the answer is given in a global way?

19 MR JORDASH: Yes. Because what the Prosecution are
trying

10:43:28 20 to do is elicit evidence to support the joint criminal
21 enterprise --

22 PRESIDING JUDGE: Right.

23 MR JORDASH: -- in relation to an attack on Freetown,
and
24 answers which deal with this issue globally will be used and
be

10:43:42 25 interpreted [overlapping speakers] --

26 PRESIDING JUDGE: Well, let's not be --

27 MR JORDASH: -- the Prosecution's case.

28 PRESIDING JUDGE: Let's ask whether Mr Harrison agrees
that
29 these -- that this is a rolled-up set of questions that could
be

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1 put disjunctively and answers elicited in respect of each
2 question to assist the Tribunal appreciate the whole thrust of
3 this particular aspect of your cross-examination. Do you
agree
4 that there are five different questions rolled up in an
10:44:14 5 aggregation, more or less a package.

6 MR HARRISON: Frankly, I don't agree.

7 PRESIDING JUDGE: But if, clearly, let's speak here with
8 candour. If these questions can be answered separately and
9 disjunctively, isn't it helpful to the Tribunal to get the
10:44:33 10 answers separately, than for the Tribunal to have a global
answer

11 to a question that, again, is possibly open to interpretation,
as
12 to whether it's a rolled-up question or these are separate
13 disjuncts linked together. That's all I'm asking. It's
entirely

14 your judgment call. But, I mean, if, really, the way the
10:45:01 15 question is put requires an answer, in a global sense,
speaking

16 for myself, I will not be able to understand the purport of
that
17 kind of answer, if I'm evaluating the evidence.

18 JUDGE BOUTET: What's your answer, if any?

19 MR HARRISON: My answer?

10:45:24 20 JUDGE BOUTET: Yes.

21 MR HARRISON: I'm prepared to parcel this out into as
many
22 different topics as the Court deems appropriate.

23 JUDGE BOUTET: I personally thought that you're quoting
24 from this document, this is not a question that you're just
10:45:40 25 picking up from the air. You're quoting from a document. The
26 witness says, they say, I agree, disagree, I agree in part.
He
27 makes it plain. I mean, the witness is quite capable of
28 explaining and he has done that quite successfully up to now.
So
29 I don't see any difficulty with that particular question, but
if

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1 that's your view --

2 PRESIDING JUDGE: But my position clearly is that these
3 are -- first of all, there is, also, and I would say that is
the
4 position I would take, he is a witness who has virtually said
all

10:46:11 5 along that: I'm not the author of this particular document,
even

6 though I may know about this, even though I may have some
7 knowledge about this, but I can't read the mind of whoever was
8 the author. And, speaking for myself, it would assist me, as
a
9 member of the Tribunal, to understand the evidence and the
10:46:30 10 response of this witness in terms of what he knows or what he
11 does not know if those questions are put separately. Because
12 I'm, in fact, saying that if the Prosecution feels that, in
its
13 judgment, it is better to put them in an aggregation and
somehow
14 confusion emerges, my approach would be that the Prosecution
will
10:46:56 15 take the disadvantage of the confusion in the answer, as I
speak
16 for myself.

17 MR HARRISON: Right.

18 PRESIDING JUDGE: Because, I mean, I don't see any
19 difficulty in asking for a greater degree of clarity in terms
of
10:47:14 20 answers to questions, and I'm not here in the realm of
21 technicality. Technically, it may be right. But remember,
this
22 Tribunal also tries to minimise technicalities as much as
23 possible. We've got to evaluate these things at the end of
the
24 day as factual matters. And if there's a rolled-up answer, I
10:47:35 25 would give notice that I may not be able to decipher the
answers
26 with clarity.

27 MR HARRISON:

28 Q. This is the same sentence of roughly about 18 words.
First

to

29 of all it says: "We successfully took the war from Kailahun

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was

it

added

go

says:

1 Freetown?" Is that phrase true?

2 A. That's not true. That's not true.

3 Q. The second phrase adds: "By putting, or that military
4 pressure was put on the SLPP government." Is that true?

10:48:39 5 A. Yes, putting pressure on the SLPP government, yes.

6 Because, why I would accept that side, it was the SLPP that

7 in control of Kono and Makeni. So if RUF had taken over, then

8 was pressure on the SLPP government.

9 Q. And continuing on with the same sentence, they have

10:49:14 10 four words: That pressure was also put "on the international

11 community." Was that true?

12 A. Well, I don't know. I don't understand what kind of

13 pressure you are saying that we put on the international

14 community. I don't understand that side.

10:49:36 15 Q. Well, I think the only way you can understand it is if I

16 back to the beginning of the sentence for the context. It

17 "We successfully took the war from Kailahun to Freetown,
18 putting military pressure on the SLPP government and the
19 international community."

10:50:06 20 Is that true?

if 21 A. Putting pressure on the international community, because

later 22 you are saying taking the war to Freetown, I came to know

23 on about the destructions that took place in Freetown, the
24 burning of the UN house. So, that part, I would say it was
not

10:50:34 25 the RUF who did that, especially in Freetown. So, as I had
said

26 earlier on, it was a claim so that he would present himself as
27 powerful to Foday Sankoh. But when you look at what was
actually

28 obtaining on the ground, it was two complete -- two whole
groups,

29 and the ones who came to Freetown said they were coming to

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1 reinstate themselves to the army. And the RUF was not part of
2 the army.

3 Q. And the final question which comes out of that one
sentence

being 4 is that all of this was done to effect your release, that

10:51:32 5 Foday Sankoh; is that true?

6 A. Are you referring to the final sentence on the same

7 paragraph?

8 Q. No. You see, there is only one sentence. And the last

9 four words of that sentence are, "to effect your release." Is

it

10:52:04 10 true that the pressure was put on to effect the release of

Foday

11 Sankoh?

12 A. Yes. It was during the fighting. It was during the

13 fighting from Kono to Makeni that RUF was involved in, and

that

14 put pressure on the attack on Freetown by the army. That was

why

10:52:34 15 Foday Sankoh was taken to Lome.

16 Q. Now, you have told us this morning about your role as

the

17 commander of the attack on Freetown, sorry, the attack on

Koidu;

18 do you recall that?

19 A. Yes.

10:53:04 20 Q. And you were the commander of that attack?

21 A. Yes.

22 Q. You were deputised by Morris and Kallon?

23 A. Yes. I came with him from Kailahun and we went to Kono.

24 Q. And Boston Flomo, Rambo at that time, he was the second

10:53:32 25 brigade commander?

26 A. Yes.

27 Q. Peter Vandi was the second brigade adviser?

28 A. Yes.

29 Q. Lieutenant Colonel Akim Turay was the first battalion

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1 commander?

2 A. Yes, he was a battalion commander.

3 Q. Lieutenant Colonel Kailondo S Banya was the third
battalion

4 commander?

10:54:11 5 A. Kailondo, yes.

6 Q. And both Akim Turay and Kailondo Banya were ex-SLA's who
7 had been part of the AFRC and joined up with the RUF?

8 A. Yes.

9 Q. And Major Amara Salia, he was the second brigade
10:54:38 10 operational commander?

11 A. Captain Amara Salia, when I went to Kono in December
'98,

12 he was at the headquarters. I did not know -- I did not know
by

13 then his actual assignment.

14 Q. And for the mission to attack Koidu, Amara Salia was
given

10:55:23 15 the appointment of reinforcement commander?

16 A. Well, we had no reinforcement commander on that attack.

to 17 Because the group was divided. All the different groups went
18 the various targets. So we had no base of reinforcement.
19 Q. I'm going to show you a document and I'll ask Court
10:55:52 20 Management to give you a copy, and there are enough copies for
document 21 each counsel and for the Court. You will see this is a
22 with the subject "Forum minute," and it's dated 11th December
23 1998. And it lists as the chairman, Colonel Issa H Sesay,
24 battlefield commander. And it says that the forum was
commenced
10:57:05 25 on 11th December 1998 at around 11.00 a.m.. Do you remember
26 recognise that document?
27 A. Well, this document and the date --- the date is wrong.
28 I've seen what the document contains, but the date is not
29 correct.

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on 1 Q. And at what date do you say it should be?
2 A. Well, I left Buedu on the 12th, so it was not possible
3 that -- to leave Buedu on the 12th and go to Superman Ground
4 the 11th when I left on the 12th.
10:57:54 5 PRESIDING JUDGE: What date do you say should be on the

6 document? You say it is not 11 December 1998. It's not the
7 circumstances. What date should be on it or should it be
8 undated? You said that date is wrong. What is the correct
date?

9 THE WITNESS: Yes, sir, My Lord. This should be on the
10:58:21 10 14th. It was on the 14th that I --

11 PRESIDING JUDGE: Well, that's it. I mean, here we're
12 going on a whole excursion into some other territory, which --
13 you say it should be 14th not 11th, December; is that correct?

14 THE WITNESS: My Lord, that was the time I knew that
there
10:58:41 15 was a meeting in Kono before the attack on the 14th.

16 PRESIDING JUDGE: No, there's no difficulty. All I'm
17 saying, you attack the date as being wrong. I put the burden
on
18 you to say what is the correct date, that's all. Just not to
19 waste time.

10:58:56 20 THE WITNESS: Yes, sir, My Lord.

21 PRESIDING JUDGE: It's 14th.

22 THE WITNESS: Yes.

23 PRESIDING JUDGE: 14 December.

24 THE WITNESS: Yes.

10:59:00 25 PRESIDING JUDGE: 1998.

26 THE WITNESS: Yes, sir.

27 PRESIDING JUDGE: All right. Continue, counsel.

28 MR HARRISON:

29 Q. So at this forum, there was an introduction of the
incoming

are

1 officers by Major Samuel Jabba, and you and Morrison Kallon

2 the first two people introduced to the forum; is that right?

3 A. Yes.

10:59:36

4 Q. Then on the same page, the first page, there is an
5 introduction of host officers?

6 A. Yes.

7 Q. And you will see that the first one of those is Colonel
8 Boston Flomo, second brigade commander?

9 A. Yeah.

10:59:50
officers

10 Q. And the person listed as number 9 amongst the host

11 is Major Amara Salia, second brigade operational commander;

12 that's true isn't it?

to

13 A. Well, I said, I cannot recall his assignment when I came

14 Kono, but he was not a major.

11:00:20

15 Q. Then if you go to the third and final page of that
16 document.

17 PRESIDING JUDGE: Yes, Mr Nicol-Wilson.

the

18 MR NICOL-WILSON: Mr Kallon would like to step out of

19 courtroom for a moment.

11:00:50

20 PRESIDING JUDGE: Leave is granted.

21 MR HARRISON:

22 Q. On the third and final page there is a heading
"Suggestions
23 from the forum." Do you see that?
24 A. Yes, I've seen it.
11:01:09 25 Q. The first suggestion is "No looting until the mission is
26 accomplished." Do you see that?
27 A. Yes, I've seen it.
28 Q. And you accept that that was the practice of the RUF:
That
29 it was only after a mission was accomplished that fighters
were

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1 allowed to go looting; is that right?
2 A. No. The orders I gave, I said no looting, and I gave
3 several orders. That was not the only one.
4 Q. Then you will see under the next heading "Appointments,"
11:01:59 5 firstly, that Kailondo S Banyas a mission commander; that's
6 correct?
7 A. Kailondo?
8 Q. If you look under the heading "Appointments," the first
9 name listed is Lieutenant Colonel Kailondo S Banyas, as mission
11:02:28 10 commander; that's correct, isn't it?

the 11 A. No. The mission commander was Boston Flomo. That was
12 brigade commander.

that 13 Q. Then if you look down at the eighth name, you will see
that's 14 Major Amara Salia was appointed reinforcement commander;
11:02:56 15 correct, isn't it?

divided 16 A. Mr Harrison, I said there was no reinforcement. We
17 the group and we launched the attack. There was no base for
18 reinforcements to go to the front line, no.

document 19 MR HARRISON: The Prosecution's applying for this
11:03:14 20 to become the next exhibit in the trial.

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

22 MR JORDASH: No objections.

23 PRESIDING JUDGE: Ms Jallow, any objection?

24 MS KAH-JALLOW: No objection.

11:03:32 25 PRESIDING JUDGE: Mr Touray, any objection?

26 MR NICOL-WILSON: No objection, Your Honour.

evidence 27 PRESIDING JUDGE: The document will be admitted in
28 and marked exhibit?

29 MR GEORGE: 225, Your Honour.

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1 PRESIDING JUDGE: Thank you. You're sure?

2 MR GEORGE: 225, Your Honour.

3 PRESIDING JUDGE: Very well.

4 [Exhibit No. 225 was admitted]

11:03:55 5 MR HARRISON: I ask if the witness could be given
Exhibit

6 156.

7 PRESIDING JUDGE: Mr Courtroom Officer, will you assist

8 please? Mr Courtroom Officer, please make sure that you

9 ascertain the exact numbering of this exhibit. We did have a

11:04:45 10 numbering discrepancy some time last week.

11 MR GEORGE: Yes, sir.

12 PRESIDING JUDGE: Very well.

13 MR HARRISON:

14 Q. Witness, Exhibit 156 is titled "Meeting between the
special

11:05:04 15 representative of the UN Secretary-General to Sierra Leone and

16 the delegation of the Revolutionary United Front, Abidjan, 19-
21

17 February 1999" with the heading "Joint communiqué." Are you

18 familiar with this document?

19 A. I'm not familiar with this document. At this time in

11:05:49 20 February, I was in Makeni and Bockarie was in Buedu. I'm not

21 familiar with this.

22 Q. If you turn to the very last page of Exhibit 156, you
will

23 see that it's signed by representatives of the RUF and
officials

24 of the United Nations. The representatives of the RUF are

11:06:18 25 Mr Omrie Michael Golley, legal representative of the
26 Revolutionary United Front, and General Ibrahim Bah, senior
27 military adviser of the Revolutionary United Front. And you
know
28 that both of those individuals were authorised representatives
of
29 the RUF; correct?

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1 A. Yes, it was Bockarie.
2 Q. And if you look at paragraph 9, which is on Court
3 Management page 19100. It's the second page of the document
and
4 paragraph 9 states: "The RUF delegation stated that the RUF
and

11:07:32 5 the AFRC constituted a single unified structure." That
statement
6 is true?

7 A. In '97, yes, but in '98 this statement was not correct.
8 '98/'99 up to 2000, it's not correct, because --

9 Q. This joint communiqué is dated 19 to 21 February 1999.

11:08:16 10 A. Yeah, Mr Harris, but you -- you haven't seen anybody
from
11 the RUF that signed the -- this communiqué. It was only -- it
12 was only meant from the AFRC.

13 THE INTERPRETER: Your Honours, can the witness repeat
that

14 statement?

11:08:31 15 THE WITNESS: I said, only from the RUF. No one from
the

16 AFRC was part of this communiqué. So, as I said earlier on,
17 Bockarie was claiming or claimed the AFRC in '99 and the
people

18 were not operating on common plan. So the document is saying
19 that the AFRC was the -- were the only ones that were part of
it

11:09:25 20 and not the RUF.

21 Q. Now, I'm going to ask you some questions, some more
22 questions, about the attack you led on Koidu and I'm
suggesting

23 to you that it's in fact on 6 December 1998 that you left
Buedu

24 to travel to Koidu for the attack; do you accept that?

11:10:03 25 A. No. I disagree. On the 6th, I was in Buedu.

26 Q. And that on December 7th, you crossed to Sengema, where
27 materials and items were handed over to the commander in
charge

28 there; do you accept that?

29 A. No, I do not accept. In charge of where?

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1 Q. You crossed to Sengema, S-E-N-G-A-M-A [sic]?

2 A. Sengema. Sengema.

3 Q. Is that true; that you crossed on 7 December?

4 A. No.

11:11:09 5 Q. And then on December 9 you arrived at Guinea Highway; is
6 that true?

7 A. No, that was not true.

8 Q. And on the 11th, a general forum was called; is that
true?

9 A. No.

11:11:32 10 Q. I'm going to ask that Court Management show you a
document,
11 and there are enough copies for Defence counsel and for the
12 Court. This is a document addressed to Major General Sam
13 Bockarie, Chief of Defence Staff, from Brigadier Issa Sesay,
14 battlefield commander. It has the title "Comprehensive
Report"

11:12:48 15 and it's dated January, and I think the number is 24, 1999.
And
16 have you seen this document before?

17 A. No, I'm not familiar with this, no. I sent a message to
18 Bockarie, a radio message, when I captured Kono.

19 Q. And at any rate, the first line is that on 6 December
1998

11:13:31 20 you left the Defence headquarters; do you see that?

21 A. Yes, I've seen it. Continue reading.

22 Q. And just below that it lists all of the materials that
you
23 were given for your attack on Koidu; do you see that?

24 A. Yes, I'm looking at it.

11:13:59 25 Q. And that's an accurate list of the arms and ammunition
that

26 you used on the attack on Koidu?

27 A. No, no, no.

28 Q. And what's inaccurate about the list?

29 A. Well, the list here says AK rounds, 30 boxes. And this

is

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1 a big lie.

2 Q. And it's a big lie in what sense?

3 A. Yes. Because the ammunition Bockarie gave to me, the AK

and

4 round was not up to that amount. The AK rounds were 15 boxes

11:14:52 5 not 30 boxes.

of

6 Q. And if you turn to the second page, right at the middle

"included

7 the page, there is a list of the members of delegation,

8 myself as head"; do you see that?

9 A. Yeah, I've seen it.

11:15:19 10 Q. And it includes Colonel Morrison Kallon, Lieutenant-
Colonel

11 Foday Lansana.

at

12 JUDGE ITOE: Mr Harrison, I would like to ensure myself

13 this stage that we are not dealing -- we are dealing with

get 14 Morrison Kallon or we dealing with Morris Kallon? I want to
11:15:42 15 this very clear because we are saying this name a second time
16 now. Which Colonel Morrison Kallon?
17 MR HARRISON: The concern of the Court is the use of the
18 name Morrison Kallon; is that --
19 JUDGE ITOE: Because we have had in this -- in the
course
11:16:04 20 of this case, you know, a contention by the Defence that there
21 were very many Kallons involved in the strife. And I think we
22 have taken note of that. So I think we need to be clarified
on
23 who we are dealing with on this document.
24 MR HARRISON:
11:16:25 25 Q. Where you see the name Colonel Morrison Kallon; is that
the
26 same as Colonel Morris Kallon?
27 A. Yes. It was -- it was Morris Kallon that was present
28 during this time of the attack in Kono.
29 Q. And is Morris Kallon, to some people, referred to by the

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1 name Morris -- Morrison Kallon?

2 MR TOURAY: Objection.

3 PRESIDING JUDGE: Grounds?

4 MR TOURAY: Like the witness has said, he cannot say
11:17:06 5 anything about the authorship of this document. Whatever he
says
6 now is opinion -- giving opinion evidence, which would not be
7 relevant to these proceedings. That is my objection.

8 PRESIDING JUDGE: Mr Harrison?

9 MR HARRISON: The Prosecution doesn't see it that way.
11:17:25 10 It's not an opinion. If the witness knows a name, that's his
11 knowledge, it's not his opinion. He's stating a fact.

12 PRESIDING JUDGE: In other words, his answer that, in
this
13 document, the name Morrison Kallon is the same as Morris
Kallon,
14 that's his first answer. And you want to know whether this
11:17:46 15 Morrison Kallon is otherwise referred to sometimes as Morris
16 Kallon; is that what you're saying?

17 MR HARRISON: Frankly, I think the Prosecution's content
18 just to leave the record as it stands.

19 PRESIDING JUDGE: Well, I mean, I really don't see any
11:18:03 20 difficulty. If this witness knows that, Mr Touray, that this
21 Morrison Kallon that he is referring to in this document is
22 sometimes otherwise known as Morris Kallon. Why would that be
an
23 opinion question?

24 MR TOURAY: With respect, My Lord, I don't think that is
11:18:18 25 what the witness said. He said, during this time --

26 PRESIDING JUDGE: No, I'm talking about the answer --
I'm
27 talking about the question.

28 MR TOURAY: The question?

question, 29 PRESIDING JUDGE: Yes. The objection was to the

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1 wasn't it?

He's 2 MR TOURAY: What I'm saying is it still is opinion.

Kallon 3 asking the witness to give an opinion as to who Morrison

4 was, and he is not the author of these documents.

11:18:39 5 PRESIDING JUDGE: Yeah. Well, we've left -- we've left
6 the -- who is not the author of this document?

of 7 MR TOURAY: Issa Sesay, the witness, is not the author

8 this document.

9 PRESIDING JUDGE: Is that so?

11:18:50 10 MR TOURAY: This is what he said. He says he doesn't

know

11 about it.

12 PRESIDING JUDGE: But what about the document itself?

13 MR TOURAY: This is what he says.

14 PRESIDING JUDGE: Sorry?

11:18:55 15 MR TOURAY: He has no idea about this document.

16 JUDGE ITOE: He didn't even sign it.

said.

17 MR TOURAY: He didn't even sign it. This is what he

us?

18 PRESIDING JUDGE: Yes. So you say that is binding on

19 MR TOURAY: It's binding. That's his evidence. That is
11:19:10 20 his evidence to the Court.

21 PRESIDING JUDGE: Yes, so there's -- it's a question of
22 weight.

23 MR TOURAY: As Your Lordship pleases.

24 PRESIDING JUDGE: But, clearly, why should that be an
11:19:19 25 opinion question if he knows, out of his own knowledge, that
26 sometimes the name -- the person called Morrison Kallon,
within
27 the context of his own knowledge, is also called Morris
Kallon.

28 MR TOURAY: With respect, My Lord, the witness has said
29 during this time it was Morris Kallon that was around. He has

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1 not said Morris Kallon is the same as Morrison Kallon.

2 PRESIDING JUDGE: That's okay. We're not going into
that.

3 That's not what I'm trying to say. Mr Harrison, you said you
4 will leave the record as it is. I think we better move on.

11:20:04 5 MR HARRISON:

if 6 Q. And if you were to go to the top of the third page. And
16th 7 you go down to the third full paragraph, it says: "December
that 8 1998, the mission was carried out as rescheduled by me." Is
9 correct?

11:20:32 10 A. Yes, that's correct. And I feel that that was what I
said 11 so. When my lawyer was leading me, I said, we captured Kono
on 12 the 16th.

13 Q. And it goes on to say:
14 "It was carried out successfully and there was
11:20:48 15 understanding among the officers and other ranks. On
the 16 17th December 1998, the town was under complete
control."
17 Is that statement true?

18 A. It was on the 16th, during the night that we captured
the 19 town. So by the 17th, it was under our control.

11:21:17 20 Q. And if you turn over to the next page, page 4, it says
go 21 that: "Sewafe was also" -- I'm sorry, I'm reading -- if you
22 to the number 2 on the left, and just below the letter E, it
23 says: "Sewafe was also captured by the ambush team and same
team 24 advanced to attack Gold Town on the highway leading to
Makeni."

11:21:55 25 Is that statement true?
26 A. Well, that's not true. Because it was not Sewafe that
was 27 attacked.

28 Q. And did the ambush team advance to attack Gold Town?

29 A. Well, the ambush was at Gold Town, between Gold Town and

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1 Maseteleh, towards Masingbi. There the ambush was.

2 Q. And do you agree that Morris Kallon was the commander of
3 the ambush team?

4 A. Yes, I do agree.

11:22:44 5 Q. And if you go down to the next paragraph, it says:

6 "December 22, 1998, Masingbi was attacked and captured
7 after the second brigade commander, Colonel Boston

Flomo,

8 advanced with the troops."

9 That statement is true?

11:23:17 10 A. Well, I did not know the exact date that Masingbi was

11 captured.

asked

12 THE INTERPRETER: Your Honours, would the witness be

13 to repeat the last segment of his testimony.

testimony,

14 PRESIDING JUDGE: Repeat the last part of your

11:23:34 15 Mr Sesay.

16 THE WITNESS: Yes, sir, My Lord. I said, I did not know
17 the date again on December. I said, but after we had captured

and
it
11:23:59 narrated
those
fighting,
11:24:27 CDFs.

18 Kono, Boston Flomo came and joined the group in the ambush,
19 he came to Masingbi and he captured Masingbi. I said, and if
20 was I who wrote this message, this report, I should have
21 all that happened at Masingbi. These kind of ammunition which
22 they said we captured was not true, which we captured in
23 Masingbi. Four hundred to 500 CDF, that we captured, all
24 ones were not here. And from the time that we had been
25 that was the first time that we captured a large group of

26 MR HARRISON:
27 Q. And if you turn over to the next page, that paragraph
says:
28 "The following day, on the 23rd December 1998, Magburaka was
29 captured." Is that statement true?

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Magburaka.

1 A. Yes. It was on the 23rd that our men reached Magburaka.
2 And on the 24th, no. Yes, the 23rd, our men were at
3 Q. And then it continues on:
4 "Not much was captured, however, in this town, as its

11:25:37 5 military strength was not much. On the 24th of December
6 1998, Makeni was captured."
7 Is that statement true?
8 A. Well, Makeni, it was not -- they arrived in Makeni --
they
9 arrived in Makeni on the 23rd. It was on the 24th that they
11:26:04 10 captured Makeni. So, Magburaka, they captured Magburaka on
the
11 22nd. On the 23rd they arrived in Makeni. The 24th, finally
our
12 men captured Teko Barracks from the ECOMOG.
13 Q. Now, if you turn back to page three of that same
document,
14 the top line, it says:
11:26:33 15 "At 11.00 a.m. the forum commenced and mostly
centralised
16 on the mission given to me by you to attack and capture
17 Koidu, including Yengema and the airfield, for quick
18 transportation of our materials by air."
19 Is that statement true?
11:27:05 20 A. No. That's a statement that's not true.
the
21 Q. And, in fact, the reason why you emphasised capturing
22 airfield for quick transportation, was so that arms and
23 ammunition could be flown to you for the ongoing attack to
24 Freetown; isn't that right?
11:27:31 25 A. That is not correct, Mr Harris. Let me just explain a
26 little to you. If that airfield was functioning, Yengema
27 airfield had been functioning in 1997, then there wouldn't
have
28 been any need for Johnny Paul to have made an airfield in

this

29 Magburaka. Yengema airfield had not been functioning during

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1 time at all.

2 MR HARRISON: The Prosecution applies for this to become
3 the next exhibit in the trial.

4 PRESIDING JUDGE: Mr Jordash, your response?

11:28:09 5 MR JORDASH: No objections.

6 PRESIDING JUDGE: And Mr Nicol-Wilson, your response?

7 MR NICOL-WILSON: No objection, Your Honour.

8 PRESIDING JUDGE: And Ms Jallow, your response?

9 MRS KAH-JALLOW: No objection, Your Honour.

11:28:22 10 PRESIDING JUDGE: The document is admitted in evidence
and

11 marked exhibit?

12 MR GEORGE: 225, Your Honour.

13 PRESIDING JUDGE: Oh, you should be very careful.

14 JUDGE BOUTET: It should be 226.

11:28:28 15 PRESIDING JUDGE: 226. I told you that there had been
some

16 numbering discrepancies.

17 MR GEORGE: 226. Sorry, Your Honour.

18 [Exhibit No. 226 was admitted]

19 PRESIDING JUDGE: Are you about to open up a new area?

11:29:14 20
Court

MR HARRISON: I just had my eye on the Court -- the

doing

21 Management officer. I wasn't sure if he was occupied with

22 something. I do have another document I was going to use. I

23 could do it now or after the break, whatever is the Court's

24 preference. I anticipate another 35 to 45 minutes.

11:29:30 25

PRESIDING JUDGE: That's okay. Yeah, quite. I think at

26 this juncture we'll take the morning break.

27 [Break taken at 11.30 a.m.]

28 [RUF26JUN07B - MD]

29 [Upon resuming at 12.12 p.m.]

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1 PRESIDING JUDGE: The Prosecution will continue, please.

2 MR HARRISON:

3 Q. Witness, you know that Raymond Kartewu was a Black Guard

4 adjutant in 1999?

12:13:28 5
attorney

THE INTERPRETER: Your Honours, would the learned

6 repeat the name. Raymond, we did not get the last name.

7 PRESIDING JUDGE: You will repeat the name.

8 MR HARRISON:

9 Q. The spelling of the name is K-A-R-T-E-W-U and I tried
12:13:49 10 pronouncing it as Kartewu.

11 A. What is the name of the person? He was what?

12 Q. That he was the Black Guard adjutant in 1999.

13 A. Well, I don't know because Black Guards, they are not in
a
14 single area.

12:14:32 15 Q. And it's right that you know that Major Christ Mana, was
16 the overall IO commander in January 1999?

17 A. Yes. He died in February.

18 Q. And I'm putting it to you that, in January 1999, those
two
in
19 men sent you a report about what had taken place in Freetown

12:15:09 20 January 1999?

21 A. I disagree, because it was not possible. Ibrahim was in
22 Makeni, for them to report about an invasion in Freetown. He
23 came from Kono and he came from Kono and he went to Makeni.

24 MR HARRISON: I've already given to the Court Management
12:15:36 25 officer copies of a document. There's sufficient copies for
the
26 Court, Defence counsel and the witness.

27 Q. This is a document that has a heading "Revolutionary
United
28 Front of Sierra Leone."

29 MR JORDASH: Sorry to stand up. Can I just check with
the

1 Prosecution whether we've been served this before, please?

2 MR HARRISON: On 1 May 2007.

3 PRESIDING JUDGE: Please continue.

4 MR HARRISON:

12:16:34 5 Front

Q. The heading of the document is, "Revolutionary United

Bombali

6 of Sierra Leone. Second Infantry Brigade Headquarters,

21

7 District, Revolution Intelligent Office." And it has a date,

Sesay).

8 January 1999. It's addressed to "The BFC (Brigadier I H

Guard

9 From: The overall intelligent officer commander and Black

12:17:23 10

adjutant. Subject: Report." Are you familiar with this

11 document?

was

12 A. Well, I am not familiar with this document because it

13 in February that Bockarie promoted me to brigadier, with other

14 commanders.

12:17:46 15

Q. So the document says in the first paragraph:

16 "Upon hearing the confirmed report that the strike force

17 commander, Brigadier Goodial entered Freetown with his

18 troops, Colonel Boston Flomo (alias Van Damme) was

January

19 instructed to meet with him with his troops, date 5

12:18:28 20

1999?"

21 Is that statement true?
22 A. This statement isn't true.
23 Q. It then says:
24 "We launched a serious attack on Masiaka around 5.55 in
the
12:18:51 25 morning. The enemies were not able to withstand or
26 confront us."
27 I suggest that that statement is true; do you agree?
28 A. Well, Superman and Rambo attacked Masiaka. When ECOMOG
29 came, they were the ones that were --

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asked 1 THE INTERPRETER: Your Honours, would the witness be
2 to go slow.
3 MR HARRISON:
4 Q. Witness, the interpreters are asking you to go slower.
12:19:31 5 A. Yes. I said, I do agree that Superman and Rambo
attacked 6 Masiaka and they captured Masiaka from the ECOMOG and the CDF.
7 But, during this time, the people, the army, had attacked
8 Freetown, they were already in Freetown.
9 Q. And if you continue on to where the heading is
"Casualty,"

12:20:02 10 the next paragraph down on the same page, it says:
11 "Two wounded in action (WIA). With that zeal, we
advanced
12 to RDF, but no enemy confronted us. Straightaway we
headed
13 for Waterloo."
14 Is that statement true?
12:20:34 15 A. Yes. From Masiaka they had to go to Waterloo, but they
and
16 fought at -- they fought at Mile 38. After that, they came
17 fought two weeks in Waterloo with the Guinean contingent; two
18 weeks fighting before they were able to capture Waterloo.
19 Q. And then continuing on in the same paragraph it says:
12:21:12 20 "With confidence" --
21 A. The next page?
22 Q. Continuing on, in the same paragraph.
23 A. You mean the next page?
24 Q. The paragraph on the same page, the same paragraph I was
12:21:34 25 reading from, which starts with the word "Casualty"?
26 A. Okay.
27 Q. Continuing on from where I left off, it says:
28 "With confidence that Waterloo may be out of enemy
control.
29 Unfortunately, we got in the midst of Guinean troops.
We

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1 fight for the whole day unto the night."

2 Is that statement true?

3 A. No, that isn't true. This fighting was for two weeks
4 between the Guineans and Superman and Rambo.

12:22:16 5 Q. And if you continue to the next paragraph it says:

6 "Date: 06 January 1999." It says:

7 "In the noon, whilst resting at Waterloo, displaced and
8 refugees' camp, the deployed soldiers sent some

civilians

9 to us from the Guineans, saying that they want to go to

12:22:50 10 Guinea."

11 Is that statement true?

12 A. Well, what I heard, after one week fighting, the
Guineans

13 sent civilians. They sent somebody to Rambo and Superman,
that

14 they wanted to go to Port Loko and that they were to be given
a

12:23:14 15 way. So Rambo and Superman said, in turn, that if they wanted
to

16 go, they were to leave all their armament and they would give

17 them a way to pass. So the Guineans did not accept that, so
the

18 fighting continued.

19 Q. And if you continue on in the next paragraph, it says:

12:23:39 20 "Date: 07 January 1999. 0300 hours. We launched
attack

21 on their position at Peninsular Secondary School,

22 Waterloo."

23 Is that statement true?
24 A. Well, they said they were based at the secondary school.
12:24:06 25 There, the Guinean contingent was based.
26 Q. And if you just drop down one line, the sentence says:
27 "In the afternoon, the enemies communicated with us
through
28 letter that they don't want to fight any longer with us.
29 Colonel Boston Flomo replied this letter to their high

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1 command."
2 Is that statement true?
3 A. Yes. They sent information. That was what I just
4 explained, that the Guineans sent them, saying they were tired
of
12:24:53 5 fighting and that they wanted to retreat to Port Loko. Then
6 Superman and Rambo themselves said they were to lead their
7 armament, tanks, 40 barrel, they leave everything. And the
8 Guineans did not accept that.
9 Q. Then if you look at the next paragraph:
12:25:09 10 "Date: 08 January 1999. 1300 hours. We attacked them
11 again. In the noon, 1500 hours, heavy and thick enemy
12 Jet
convoy left from Port Loko, bombarding whilst the Alpha

13 was flying over as special escort."

14 Is that statement true?

12:25:48 15 A. Well, during the two weeks, troops came from Guinea and
16 they came and joined the others at Waterloo, and the whole
17 troop -- the whole troops pulled out. That was in late
January.

18 Q. And then it continues on:

19 "1545 hours: The convoy including the deployed enemies
12:26:22 20 that were at Waterloo evacuated Waterloo back towards
Port

21 Loko access."

22 Is that statement true?

23 A. Yes, they withdrew. The whole troop withdrew to Port
Loko.

24 It was during that time that they had to capture the 40
barrel,

12:26:47 25 around the Guinea bridge.

26 Q. And you will see that, if you continue on, it says:
27 "We embarrassed them and with the panic in them, because
we

28 tried them everywhere, they left behind some logistics,
29 120mm mortar gun, 40 barrel missile with some assorted

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1 rounds of AK rounds."

2 Is that statement true?

3 A. Yes. They captured these items when they had been
4 retreating and they were pursuing them. That is the time that
12:27:40 5 they captured the 40 barrel missile, at Gberi Bridge, and they
6 captured other ammunition from them.

7 Q. And then if you look at the next paragraph, it says:
8 "Date: 09 January 1999. We deployed at Hastings. We
9 discovered enemies at Jui and Kossoh Town. Earlier on
12:28:10 10 their number was not much. From this said date unto
now,
11 we, every day, attack the guys."

12 Is that statement true?
13 A. Well, I did not know about the RUF being at Hastings.
RUF
14 were at Waterloo and the ECOMOG were at Jui and Hastings
areas.

12:28:42 15 That was what I understood.

16 Q. That same paragraph continues on:
17 "But the air raid is desperate on, and we attacked Jui
and
18 Kossoh Town. However, the helicopter which landed every
19 day at the point had reinforced the enemies with both
12:29:11 20 armament and man power."

21 Is that statement true?

22 A. Well, I was not at Jui to confirm that.

23 Q. And then if you turn to the next page, it says:
24 "Date: 15 January 1999. It was agreed that the men in
12:29:40 25 Freetown and the men at our point were to do joint
26 operation on Jui and Kossoh Town."

27 Is that statement true?
28 A. Well, that was not to my knowledge.
29 Q. And it continues on:

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attack 1 "The Freetown men scheduled to attack Jui and we to
the 2 Kossoh Town. That night we attacked Kossoh Town, clear
3 enemies but the Freetown men never turn up."
4 Is that statement true?
12:30:28 5 A. Well, I said that I did not know because I did not take
6 part in any of these.
7 Q. Same passage continues on:
8 "Therefore, the enemies with the support of the Alfa Jet
9 drove us from Kossoh Town."
12:30:51 10 Is that statement true?
11 A. Well, I did not know of anything concerning Kossoh Town.
12 Q. And if you look at the next paragraph, it says the date
18
13 January 1999:
14 "The Guinean troops from Port Loko entered vehemently at
12:31:24 15 Waterloo with sporadic shelling and firing."
16 Is that statement true?

17 A. No, I did not know about this.

18 Q. And if you go to the next heading it says, "Problems."
It
19 says, "For the main, well, the only problems there at the
front
12:31:56 20 line are: One. We have not yet connected physically with our
21 brothers in Freetown." I suggest to you that that's true?

22 A. Well, I feel that that was what I said to Mr Jordash,
that
23 the RUF stopped at Waterloo. The men, the army, they attacked
24 Freetown and they retreated and they came and met the RUF at
12:32:32 25 Waterloo.

26 Q. And the second point there is, "Manpower indeed to be
27 engaged on this urban warfare." I suggest to you that that
28 statement's true?

29 A. Well, the urban warfare was like city attack and the RUF

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1 did not come to Freetown, which was the urban fighting.

2 Q. And the third point is, "The strategic positions of the
3 enemies, namely, Port Loko, Lungi, Jui, Kabala are delaying
our
4 progress. These problems are to be looked into kindly and to
12:33:31 5 find fast solution." I suggest to you that was why this

fast 6 communication was sent directly to you to have you find the
7 solution?
sent 8 A. Well, if, according to what you said this was what was
any 9 to me, so that I could find a solution, then I did not find
12:33:59 10 solution because Port Loko remained in the hands of the SLPP;
Jui 11 Lungi remained in their hand; Kabala remained in their hand;
12 remained in their hand.
13 Q. And if you continue on, under the heading "Suggestion",
it 14 says: "We suggested that as we are on urban guerrilla warfare
12:34:25 15 that we use mainly artillery weapons." Do you recall
receiving 16 that suggestion?
17 A. Well, I've told you about the date of this document and,
if 18 a suggestion such as this met me, I did not act on that
because 19 those who were under my control did not come to Freetown,
because 20 urban guerrilla warfare, see, was the city attack and we did
not 21 come to the city, so as to start telling our men about urban
22 guerrilla warfare.
23 Q. And the second suggestion is that, "We speedily recruit
24 abled and gallant men as population matters." That's true,
isn't 25 it?
12:35:27 26 A. Well, we, we did not train anybody to come to Freetown.
27 When the men retreated, that was the end of it.

units
like

28 Q. And the next point is, as a suggestion, is that, "All
29 to be active especially at the front line, especially units

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you,

12:36:31
the

Amara

1 IDU, G5, G4 and S4." That statement's true?

2 A. Well, G5 isn't true. It wasn't in the front line.

3 Q. And finally, if you go down to the recommendation, this
4 document that the Prosecution says was delivered directly to

5 states: "Anyway, the morale of the soldiers, especially to

6 point I have visited, is high. Bravo to Colonel Boston Flomo,

7 Major Papa, Lieutenant-Colonel Victor, Lieutenant-Colonel

8 Salia (alias Peleto) and all Black Guards," that statement is

9 true and it was conveyed to you, wasn't it?

12:37:10

10 A. Well, the names that you've called Boston Flomo, Major
11 Bakarr, Lieutenant Victor, Amara Salia, all of them came to
12 Waterloo with Rambo.

13 Q. And all of them went there, in order to make it possible

14 for the AFRC in Freetown to have an escape route so that they

12:37:46

15 could get out; right?

in

that

12:38:08
but

12:38:32

16 A. No. Well, that was not the plan. We were fighting the
17 war; the seat of the government which we had been fighting was
18 Freetown, so that didn't mean that coming to Waterloo meant
19 they were there to rescue the attackers because RUF had been
20 fighting all along. It was not to get Kenema, Bo or Makeni,
21 the target of the war was Freetown, which was the seat of
22 government.

23 JUDGE BOUTET: Can you explain what you mean by that,
24 Mr Sesay; I am not sure I understand.

25 THE WITNESS: Yes, sir, My Lord.

26 JUDGE BOUTET: You were saying that you were not in
27 Waterloo to prepare an escape route but they were there for
28 another purpose; is that what you are saying? I just want to
29 make sure I understand clearly what you are stating now.

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He

1 THE WITNESS: My Lord, sir, I responded to Mr Harrison.

2 said that these names which are on this paper, they came to

3 Waterloo so that the AFRC could have an escape route from

4 Freetown. I said, I said that was not so because RUF had been

12:39:05 5 fighting to come to Freetown because Freetown was the seat of
6 government, which RUF had been fighting the war for.

7 JUDGE BOUTET: Thank you.

8 THE WITNESS: Thank you, sir.

9 MR HARRISON: The Prosecution applies that that document
10 become the next exhibit in the trial.

11 PRESIDING JUDGE: Mr Jordash, your disposition?

12 MR JORDASH: We object.

13 PRESIDING JUDGE: You object to the document?

14 MR JORDASH: Yes, we do.

12:39:35 15 PRESIDING JUDGE: Grounds?

16 MR JORDASH: Late service of the document. It was
served,

17 as Your Honour has heard, by the Prosecution on 1 May 2007.
The

18 evidence in this case ought to have been served by, I think it
19 was 26 April 2004, which was the date set by this Court for
the

12:39:58 20 service of Rule 66 material. The whole of the Prosecution
case

21 has passed without this document being given to the Defence.

22 There are a number of Prosecution witnesses the Defence would
23 have liked to put this document to, both witnesses from the
RUF

24 and witnesses from the SLAs, some of whom admitted to entering
12:40:33 25 Freetown.

26 It's bad enough, we would submit, to be served with Rule
68
27 material after the close of the Prosecution case, and I am
28 referring now to, and particularly to the radio log book which
I
29 took Mr Sesay through which demonstrated clearly, in our view,

1 that UNAMSIL were not quite as passive as the Prosecution have
2 led this Court to believe. We asked in relation to that
exhibit
3 that the Trial Chamber take a view on weight, given that we
have
4 been denied the opportunity to put that to Prosecution
witnesses.

12:41:16 5 We didn't object to that because, overall, we regarded that
6 exhibit as exculpatory, although we had been denied the full
7 extent of the benefit because of its late service but, in
8 relation to this document, the Prosecution use it to support
9 their latest theory on the attack and the contribution as
alleged

12:41:42 10 by the RUF in relation to the attack on Freetown. They use it
11 purely as inculpatory, and there is little on it which, in the
12 face of the Prosecution's late theory about the RUF being
present
13 to assist the retreat, it's primarily inculpatory and ought
not
14 to have been served at this stage and then used in the way it
has
12:42:15 15 been used.

16 The Prosecution will then, as soon as it has been
17 exhibited, attempt to use it on each and every one of our

Defence 18 significant insider witnesses, a privilege denied to the
19 because the Prosecution didn't serve it until 1 May 2007.
12:42:33 20 Those are my submissions.
or 21 PRESIDING JUDGE: Before you sit down, is late service
22 late disclosure of a document itself, by itself, a ground of
23 inadmissibility or exclusion of evidence under our regime of
24 rules of admissibility?
12:43:05 25 MR JORDASH: Well, it would depend upon Your Honour
looking 26 at Rule 89.
27 PRESIDING JUDGE: Yes.
provide 28 MR JORDASH: And the obligation on the Chamber to
the 29 Rules of Evidence which best favour a fair determination of

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with 1 matter before it. We would say an inculpatory exhibit, served
2 after the close of the Prosecution case, by the Prosecution,
the 3 the attendant denial of cross-examination opportunities but
4 provision of cross-examination material to the Prosecution

12:43:47 5 couldn't represent a fair way of proceeding with this exhibit.

6 PRESIDING JUDGE: Even if the document is relevant?

7 MR JORDASH: It's no doubt relevant, we don't submit
it's

8 not relevant.

9 PRESIDING JUDGE: Yes; go ahead.

12:44:03 10 MR JORDASH: But the Prosecution can benefit now from
this

11 document, putting it to witnesses and we can't, through no
fault

12 of our own but through the fault of the Prosecution.

13 PRESIDING JUDGE: But even if we say that the prejudice,
14 any presumed prejudice to your side would be a matter which
the

12:44:23 15 Court might want to allude to, or take into consideration,
when

16 it comes to attach whatever probative value, if any, such a
17 document is entitled to, in the context of the totality of the
18 evidence, at the appropriate stage?

19 MR JORDASH: Well, if Your Honours were to attach any
12:44:46 20 weight to it, it's effectively providing the Prosecution with
21 what the Defence have been deprived of; the opportunity to
deal

22 with it in the best way possible.

23 PRESIDING JUDGE: Okay. Mr Touray, do you have any
24 objection to the statement, this document being received in
12:45:09 25 evidence?

26 MR TOURAY: Your Honour, we associate with the points
27 raised by my learned friend, and we think that the Prosecution
28 ought not to be allowed to split their case. They've closed
29 their case and this is entirely new material which is very

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1 inculpatory and which ought to have been presented at the
2 beginning, when they were presenting their case. It is too
late 3 at this stage to put it forward now.

4 PRESIDING JUDGE: Thank you. Ms Jallow?

12:45:38 5 MS JALLOW: Your Honours, we object to the admission of
6 this document and adopt the arguments of both Mr Touray and
7 Mr Wayne Jordash.

8 PRESIDING JUDGE: Thank you. Mr Prosecutor?

9 MR HARRISON: We don't share the views expressed. The
Rule

12:45:56 10 89(C), as the Court knows, was drafted to be an inclusive rule
11 and a comprehensive rule, which presents as its criteria one
of 12 whether or not the exhibit is relevant. It then falls to the
13 task of the Chamber, with respect to any exhibit, to attach
the 14 amount of weight that ought to be granted to it.

12:46:22 15 This document is no different from any other document
16 before the Court. It is, on its face, a relevant document;
17 through the evidence it's a relevant document. It's therefore

the 18 admissible. The Prosecution leaves it to the Court to make
19 determination as to what weight ought to attach to it.

12:46:42 20 PRESIDING JUDGE: Thank you.

21 MR JORDASH: Could I just add one thing, Your Honours,
22 sorry?

23 PRESIDING JUDGE: Yes, Mr Jordash, go ahead.

24 MR JORDASH: If Your Honours take the view that the
timing

12:46:52 25 of the service does go to weight, then we would respectfully
26 submit the Prosecution have to explain why it has been served
at
27 this time. Then Your Honours can attach the proper weight to
the
28 document, bearing in mind when the Prosecution received it,
when
29 it was served in relation to that receipt and any explanation

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1 which might be given for the lateness of service. Then Your
2 Honours can weigh the important considerations as to loss of
3 opportunity to the Defence, benefit to the Prosecution and the
4 reasons thereto.

12:47:32 5 JUDGE ITOE: But, Mr Jordash, does the issue of the

relevancy,

6 lateness in service water down the considerations of
7 which has part down in Rule 89, as far as admissibility of
8 documents of evidence, which is relevant, is concerned?

9 MR JORDASH: Well, it does in a sense.

12:47:56 10

 JUDGE ITOE: Because the operative in this, in the
11 admission of evidence, is on its relevancy to the proceedings.

12 MR JORDASH: Yes.

13 JUDGE ITOE: Would you think that late service, as such,

14 waters down the predominant element of relevancy? That is the

12:48:15 15

16 main requisite in the process of admissibility, in determining
17 the admissibility of evidence?

18 MR JORDASH: Well, if one looks at relevancy in a wider
19 context, if, for example, ten Prosecution witnesses had had
20 the

21 opportunity to comment on the document and were able to
22 advance

12:48:44 20

21 Your Honours' understanding of it, in relation to the charges,
22 then one could surmise it is -- this document has become more

23 relevant because of that evidence. And so looking at the
24 reasons

25 why Prosecution witnesses have not been able to comment on it
26 therefore does go to relevancy.

12:49:06 25

26 The relevancy which one sees, just by looking at the
27 document, is the relevancy which one sees through witnesses
28 talking about the document and the Prosecution's late
29 disclosure

30 has led to this document potentially being less relevant than
31 it

32 would have been if we'd had the opportunity to ask some of the

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1 Prosecution witnesses about it.

2 PRESIDING JUDGE: The difficulty for me is why the
3 disclosure allegation here, if at all is substantiated, should
4 not be a function of weight or probative value and should be a
12:49:44 5 function of admissibility, having regard to Rule 89; that's my
6 difficulty.

7 MR JORDASH: Well, I think it depends on the prejudice.
If
8 the prejudice cannot be, if the prejudice is extensive and
9 substantial, and cannot be remedied, then it must become an
issue
12:50:06 10 of admissibility because Your Honours have to hold the scales
of
11 fairness. If Your Honours come to the conclusion that there
is
12 little unfairness arising, or no unfairness, but,
nevertheless,
13 the Defence ought to have had an opportunity to cross-examine
14 Prosecution witnesses on it, then it's an issue of weight.

12:50:28 15 PRESIDING JUDGE: But if it's forcefully canvassed in
some
16 address, that the issue of lateness is so much of such gravity
17 that it should, in fact, affect the probative value of this
piece
18 of document, why shouldn't not the Court see it, and quite

19 properly and logically as a matter of weight, they say, well,
12:50:55 20 because the admissibility thing comes up against the test of
21 relevancy, and once that hurdle or once that threshold is
22 established then, unless there is some compelling reason
which,
23 in the Court's discretion, should preclude the admission of
the
24 document, it should in fact be admitted and all other
challenges,
12:51:26 25 in respect of its unreliability, or the way that it may well
have
26 come to the process should be factored into the probative
value
27 assessment.
28 That's my difficulty really, whether we are in a
situation
29 of the chicken and the egg kind of thing because there are
times

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1 when we confusingly say that reliability is a function of
2 admissibility; it's also a function of probative value. But I
3 think the practice of this Court has been to adopt a flexible
4 philosophy, in respect of admissibility, and to let some of
those

12:52:06 5 factors which may well invalidate, or detract from the weight
of

6 a document, be considered when we are assessing the probative
7 value.

8 MR JORDASH: But we are not just talking about the
weight
9 to be attached to the document; we are talking about the
weight

12:52:29 10 which ought to be attached to any evidence which the
Prosecution
11 managed to adduce as a consequence of the document and what
the

12 Prosecution will say, having denied the Defence the same
13 opportunity, is: Well, even if you attach insignificant
weight

14 to this document, and even if you attach insignificant weight
to

12:52:47 15 the answers of Mr Sesay in relation to the document, and even
if

16 you attach insignificant weight to any subsequent evidence,
when

17 you look at it in the round can be satisfied, so you are sure
18 that the RUF aided and abetted the SLAs in Freetown by
assisting

19 their retreat.

12:53:06 20 So, that, I suspect, is the Prosecution's approach. It
is

21 to say: Well, it doesn't matter. It's all corroborated. So
22 attach little weight to each piece of evidence but, overall,
23 we've got what we wanted. So it's not just a simple issue of
24 what weight to attach to this document.

12:53:25 25 PRESIDING JUDGE: Yes, I take that point.

26 MR JORDASH: It might be.

mind

27 PRESIDING JUDGE: It's just that my judicial frame of
28 is that the approach that we have taken consistently here is
29 be very flexible on the admissibility issue and to factor

to

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in

1 complaints as to unreliability or other invalidating factors
2 the weight scale; that is all.

served

3 MR JORDASH: Yes, but I don't think we have ever had a
4 piece of evidence which is, on the face of it, inculpatory

admissibility

12:53:55 5 after the close of the Prosecution case and used during the
6 Defence case. And of course we do have extensive

--

to

7 rules, but they are always subject to ensuring a fair
8 determination of the matter before it. Is it, I would submit

to

12:54:15 10 be used to incriminate an accused but only to have been given
11 the Defence after the Prosecution case has closed, and I would
12 submit the answer to that must be clear.

13 PRESIDING JUDGE: Thank you, Mr Jordash. We have

14 deliberated very briefly and the position is that we will
12:55:06 15 overrule the objection and admit the document pursuant to our
16 general practice of the flexibility of admissibility
questions,
17 and we will determine what weight, if any, will be attached to
18 this document and any consequential evidence emanating from
it.

19 The document is therefore received in evidence and marked
12:55:35 20 exhibit?

21 MR GEORGE: 227, Your Honour.

22 PRESIDING JUDGE: 227?

23 MR GEORGE: Yes, Your Honour.

24 [Exhibit No. 227 was admitted]

12:55:44 25 PRESIDING JUDGE: Continue, Prosecution.

26 MR HARRISON: If the witness could be given Exhibit 36.
27 Q. Exhibit 36 is a document we looked at briefly on Friday,
28 and the Prosecution says that this is a salute report from you
to
29 the leader of the revolution, dated 27 September 1999. And
I'd

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1 ask you to turn to page 2352 of Exhibit 36, and it's the first
2 full paragraph on 2352 that I'm going to draw to your
attention.

to 3 The paragraph states: "I instructed Brigadier Kallon to move
4 Gold Town and cut off the enemy."

12:57:29 5 JUDGE ITOE: Mr Harrison, what page again please?

it's 6 MR HARRISON: It's in the Court Management numbering
7 2352, the top right corner.

8 JUDGE ITOE: 52. Thank you, I have seen it.

9 MR HARRISON:

12:57:47 10 Q. I think the context is probably clear to you, witness,
but 11 it's referring to the attack on Koidu, in December 1998, and
12 events immediately thereafter. So the first sentence reads:

"I 13 instructed Brigadier Kallon to move to Gold Town and cut off
the 14 enemy." That statement's true?

12:58:15 15 A. Yes.

16 Q. The Prosecution says that you then stated, "I led the
17 troops in the attack of Koidu Town, attacking the enemy at
0600 18 hours." Do you agree with me that that statement's true?

19 A. Yes.

12:58:42 20 Q. Then it goes on to state: "They put up a strong
resistance 21 using their four mechanised battalions deployed to defend Kono
22 and its diamonds." You agree with me that that's true?

23 A. I will not just be answering "It's true, it's true." I
24 made a comment about that yesterday, about this document.

12:59:13 25 Q. I will put the question again; I'm not sure what the
Court 26 prefers?

repeat

27 PRESIDING JUDGE: Yes, you will -- Mr Sesay, you can
28 your answer yesterday, if you thought it's linked with the
29 question that you've been asked, but we would not all remember

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Of

no,

them,

12:59:52

1 what you said yesterday. So, if you can just give an answer.
2 course you are not supposed to give a rote answer, "Yes, yes,
3 no." Think carefully about the questions before answering
4 but just listen carefully, and we will get through this as
5 expeditiously as we can. Put the question again and see if he
6 can.

7 MR HARRISON:

13:00:07
diamonds."

8 Q. The sentence the Prosecution is putting to you is the
9 following: "They put up a strong resistance using their four
10 mechanised battalions deployed to defend Kono and its

11 I suggest to you that statement is true?

my

12 A. Well, I told you yesterday, that the signature was not
13 mine; it was not I that signed. And, two, in September 1999,

at

14 adjutant was not with me. I was at Buedu and my adjutant was

13:00:40 15 Magburaka during that time, so, I do not, sir, recall that I sent

16 a salute report to Foday Sankoh in September 1999.

17 JUDGE BOUTET: Mr Sesay, this is not the question that is

18 asked of you. You are not being asked if you sent this report.

19 You are being asked if you agree with the statement that has been

13:01:01 20 put to you; "yes" or "no"? We know this explanation you said

21 yesterday and we have noted your comments yesterday but this is

22 not the question. The question is what has been read to you in

23 this paragraph, is it true or not? That's the question.

24 THE WITNESS: My Lord, the question that the ECOMOG made a

13:01:27 25 strong resistance, that is a fact, but I cannot confirm whether

26 it was four battalions that were in Kono and, see, I wouldn't say

27 that it was for diamonds that they went to defend Kono. They

28 deployed in Kono, but I did not write any report saying that it

29 was for diamonds that they went to Kono. Although when we went

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people
Foday
1 there, we found that they had already been mining and even
2 said that, but I did not send a salute report where -- to
3 Sankoh where I mentioned such things.

4 MR HARRISON:

13:02:01 5 Q. And I will just continue on with the next sentence. It
6 states:

7 "Our troops proved too aggressive for them and after 14
8 hours of heated combat, we captured Koidu Town."

9 Excuse me, the word written is Koindu Town. Is that
10 statement true?

11 A. Well, I had told you that it was not my signature. Let
12 the document talk --

13 THE INTERPRETER: Your Honours, would the witness be
14 asked to go slow so that the interpreter could keep up with him.

13:02:44 15 PRESIDING JUDGE: Mr Sesay, please repeat the last part
16 of your testimony, and do so slowly.

17 THE WITNESS: My Lord, sir, I said this was not my
18 signature and I was conscious that I did not send any salute
19 report to Foday Sankoh in September. And, My Lord, please, I
20 am

13:03:04 21 appealing. Let me just say something for two minutes. In
22 September, Foday Sankoh himself was not in Lome; he had moved.
23 He went to Libya. He went to other countries before he came
in
means
October when he arrived in Freetown. So I did not have any

24 to send any salute report and he did not ask me about salute
13:03:27 25 report. That was why when I saw -- when Mr Harrison that I
26 should confirm --

27 PRESIDING JUDGE: Pause. Pause a little here. Go
ahead.

28 THE WITNESS: When Mr Harrison said that I should
confirm

29 the town, K-O-I-N-D-U, let me confirm that, to Koindu, I said

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1 that I was not able to confirm that, because it was not my
confirm.
2 signature and it was not I that wrote for me to come and

3 MR HARRISON:

4 Q. Witness, I'm just trying to focus your mind and ask you
if

13:04:02 5 the statement is true, and I'll put it to you again:

6 "Our troops proved too aggressive for them and after 14
7 hours of heated combat we captured Koindu town."

8 Is that statement true?

9 A. K-O-I-N-D-U, Koindu. Koindu is on the border. Koindu
and

13:04:36 10 Sefadu, it's in Kono District. But this, Mr Harrison, towards
11 the town's name doesn't allow the document to talk about
itself,

Town. 12 but the aggressiveness of the troops that attacked Koindu
13 There was good conduct because we captured 12 Nigerian
soldiers 14 who were prisoners of war. We captured them. We did not kill
13:05:01 15 them.
16 Q. Let me read the next sentence for you: "The Nigerians
17 retreated to Bumpe." Is that statement true?
18 A. Yes. They retreated to Bumpe. Then Masingbi, Makeni.
19 PRESIDING JUDGE: Mr Harrison, I think we'll have to
13:05:30 20 continue in the afternoon. Before we take our lunch recess,
I'd 21 like to find out -- do sit down -- Mr Jordash, perhaps we
should 22 get some indication of how we are proceeding this afternoon,
in 23 case Mr Harrison concludes the cross-examination in the next,
24 say, first 30 minutes of the afternoon session.
13:06:01 25 We, the Bench, can settle tentatively for one witness
from 26 the Defence, even if it means that that witness will testify
27 through until Wednesday morning, of course remembering that
28 Wednesday is just one session. And if we have some indication
29 that the second witness will conclude by the end of the
afternoon

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a
1 session on Thursday, then it would be our inclination to take
2 second witness. But if the realities are that we can only
take
3 one witness more and keep within the time schedule of this
Court,
4 I think we better just settle realistically for that, rather
than
13:07:01 5 ambitiously think of a second witness. But we are entirely in
6 your hands.

7 MR JORDASH: My view is we should, if Mr Harrison
finishes
8 within 30 minutes of the afternoon session, be able to
complete
9 two witnesses. The first two are quite short.

13:07:18 10 PRESIDING JUDGE: All right. Okay. Thank you. We will
11 now recess for lunch. We will resume at 2.35 p.m.

12 [Luncheon recess taken at 1.06 p.m.]

13 [RUF26JUNE2007C - MC]

14 [Upon resuming at 2.50 p.m.]

14:45:32 15 PRESIDING JUDGE: Let's continue, Mr Harrison.

16 MR HARRISON: Could the witness be given Exhibit 36?

17 JUDGE ITOE: Mr Harrison, you say it is Exhibit 36, do
you?

18 MR HARRISON: Yes. It's the one we were dealing with
just
19 before the break.

14:46:22 20 JUDGE ITOE: Just before the break.

21 MR HARRISON:

22 Q. If you could turn to page 2352, the page where we were
at

paragraph 23 just before the lunch break. And it's the first full

24 on that page, the one we were looking at.

14:47:01 25 JUDGE ITOE: What page?

26 MR HARRISON: 2352.

27 Q. And just in the middle of paragraph, we'll continue on.

28 The paragraph states:

positions, 29 "Very early the next morning we attacked their

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from 1 (referring to the Nigerians), at Bumpe and raised them

2 the town."

3 Is that statement true?

4 A. That statement is not correct because, when we attacked

14:47:45 5 Koidu Town, the ECOMOG retreated immediately to Bumpe.

6 Q. Just continuing on, it states:

leading 7 "The enemy were forced to retreat through the road

8 to Masingbi where they fell in Kallon's ambush."

9 Is that statement true?

14:48:18 10 A. Well, it's not too correct because one group went by

11 Nimikoro when they went to Tongo and the other group went by

12 Sewafe, then they used the road to Boama Konta.

13 Q. It continues on:

14 "All in all, the enemy lost four war tanks, armoured
cars
14:48:48 15 and a multitude of heavy artillery pieces, personal
rifles
16 and huge amounts of ammunition."
17 Is that statement true?

18 A. It's true it's not correct because the tanks, the
armoured
19 tanks were two. The one that completed it to three had some
14:49:16 20 problems.

21 Q. And continuing on:

22 "They also suffered heavy casualties, the likes of which
23 they have never experienced in the history of ECOMOG."
24 Is that statement true?

14:49:43 25 A. Well, that statement is not correct because not one of
them
26 died. The entire group retreated, and those whom we captured,
we
27 did not kill.

28 Q. Now, if you look into the next paragraph, and if you go
29 down eight lines in the next paragraph. The sentence begins:

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1 "The general explained that though Superman had earlier
2 refused his orders, he, Mosquito, was man enough to put
it
3 behind him and accept Superman back, referring to him as
a
4 brother in arms."

14:50:24 5 Is that statement true?

6 A. Yes. Because, that one, I had said it before, that
7 Superman broke away in '98 and he did the same thing in '99.

8 Q. The next sentence reads:

9 "Rambo proceeded to a village beyond Binkolo, where
14:50:47 10 Superman had been in hiding and brought him to Makeni."

11 Is that statement true?

12 A. No, that's not correct.

13 Q. And the next statement reads: "That morning, the two of
us
14 met and had polite discussions." Is that statement true?

14:51:14 15 A. Well, General Bropleh made me meet with Superman, where
we
16 spoke in Makeni.

17 Q. And the next statement reads: "Together, we attacked
the
18 barracks and captured it." Do you agree with me that it's
true

19 that you and Superman captured Teko Barracks?

14:51:39 20 A. Yes. The group from Superman and the group from Kono
21 captured the barracks.

22 Q. Now, if you go down to the bottom line on that page. It
23 states, in the sentence beginning at the very end of the
bottom

24 line:

14:52:02 25 "I asked that Superman present the materials so as to

26 ensure proper accountability."

27 Is that statement true?

28 A. Well, I had said that Superman took ammunition from Teko
29 Barracks after the capture, but I was unable to retrieve them

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1 from him.

2 Q. Then if you read the next sentence it says:

3 "Superman led Kallon and I into the house and showed us
4 where he had kept the materials. I instructed that it

be

14:52:53 5 moved and reported to the G4."

6 Is that statement true?

7 A. That statement is not correct.

8 Q. And the next line states: "Two days later General

Mosquito

9 again asked for understanding and allowed Superman to rejoin

the

14:53:15 10 operations." Is that statement true?

11 A. Yes. I had told the Court that it was Bockarie who

spoke

12 to Superman before we met in Makeni.

13 Q. And then we're still on page 2353. If you go down about

a

14 third of the page, there is a paragraph that begins with the
14:53:49 15 words, "At this time our forces." And that paragraph reads:
"At
16 this time our forces, Freetown, were under enemy cut-off from
the
17 rear and were in danger of being boxed in and either captured
18 alive or killed." Is that statement true?
19 A. That statement is not correct.
14:54:27 20 Q. And the next statement reads: "Rambo was withdrawn from
his
21 operation in Port Loko and instructed to open a through-way to
22 connect with our men in Freetown." Is that statement true?
23 A. Well, I had told the Court that Rambo and Superman
attacked
24 Port Loko and from there Bockarie said they should leave Port
14:55:01 25 Loko because they were unable to capture there. They should
use
26 the road to come to Freetown. They came and stopped at
Waterloo.
27 Q. Yes. And the statement says something in addition. It
28 says: "Rambo was withdrawn from his operation at Port Loko
and
29 instructed to open a through-way to connect with our men in

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1 Freetown." Is that statement true?

in 2 A. Well, we were not coordinating to connect with the men
3 Freetown.
4 Q. And the next statement reads: "Rambo then attacked and
14:55:44 5 captured Masiaka, advanced and captured RDF and attacked the
6 Guineans at Waterloo, engaging them in combat for four days
and 7 four nights." Is that statement true?
8 A. Well, the four days is what is not true but the fighting
9 took place for two weeks.
14:56:13 10 Q. And the next passage reads: "The Guineans wrote us a
11 letter asking for their safe passage back to Guinea, saying
that 12 they were taking their hands out of the war. I replied,
denying 13 their request." Is that statement true?
14 A. That statement is not correct. It was Superman and
others 15 who denied -- who refused that they would not accept that.
14:56:51 16 Q. And again, this is what the Prosecution says is your
salute 17 report to Foday Sankoh. It states: "I told them that if they
18 wanted safe passage they should leave behind all their
military 19 equipment." Is that statement true?
14:57:24 20 A. I said it was the commanders, who were there Rambo and
21 Superman, who had received the information from the Guineans.
22 They were the ones who told them that they should leave their
23 armaments behind.
24 Q. And you agree with me, Mr Sesay, that you were the
person 25 in charge of the attack on Koidu in December 1998?
14:57:36

26 A. Kono District in December '98, yes. I was the commander
27 for that attack.

28 Q. And you would agree with me that in 1997 you were the
29 battle-group commander?

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I

and

1 A. Yes, I was the battle-group commander from March '97 but
2 hadn't control of other areas. I hadn't control over Isaac
3 Superman, Kangari Hills and the Western Jungle.

14:58:24

4 Q. And you agree with me that during the junta you were a
5 member of the Supreme Council?

6 A. Well, I would disagree with that. I was a member of the
7 AFRC Council.

14:58:54

you

8 Q. Well, it so happens that in your summary of expected
9 testimony, what it says, Mr Sesay, is: "Mr Sesay will testify
10 about how the Supreme Council worked and who were its members.
11 And that's the truth, isn't it? You told your counsel that
12 knew about the Supreme Council and how it worked; correct?

said

13 A. No, that's not correct. I told my lawyer about the AFRC
14 Council but the lawyer himself can -- can make mistake but I

14:59:22 15 AFRC Council.

16 Q. And you were -- you became the battlefield commander in
17 early 1998; correct?

18 A. Yes, I agree that I had the title of battlefield
commander
19 in '98, but I hadn't control of certain areas. For the whole
of

14:59:48 20 Kono I had no control in '98 until December.

21 Q. And by virtue of your position as battle-group commander
22 and battlefield commander the only person you reported to was
Sam
23 Bockarie; correct?

24 A. Yes, it was Sam Bockarie I reported to as battlefield
15:00:07 25 commander on the areas where I was operating, where I had
26 control.

27 Q. Because of your assignments you are the commander
28 responsible for the killing of civilians in Sierra Leone;
29 correct?

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I
1 A. On that one I disagree with, because if you look at me,
2 was in Pendembu from April to November 1998 and the Prosecutor
3 hadn't any witness to come and talk about killing civilians in

4 Pendembu.

15:00:42 5 Q. And you are the commander responsible for child
soldiers,

6 their abduction, their use, and training as combatants in
Sierra

7 Leone; correct?

8 A. That's not correct. Because all the areas where I lived
9 children did not take part in the war and they did not commit
15:01:06 10 crime there.

11 Q. And by virtue of your assignments and positions in the
RUF,

12 you are the commander responsible for the abduction and raping
of

13 women in Sierra Leone; correct?

14 A. No, no. That's -- I disagree with that. Because where
I

15:01:22 15 was in control of, where I was, those things did not happen
16 there. They were not raping women there. Because if you look
at

17 where I fought and controlled, from Kono to Makeni, December
'98,

18 you wouldn't have a woman who would say they raped her or she
was

19 forced in Makali or Masingbi.

15:01:52 20 MR HARRISON: That concludes the questions.

21 PRESIDING JUDGE: Thank you. Mr Jordash, re-
examination?

22 MR JORDASH: Yes. Could I just raise two things. The
23 first is this: That I might, before I finish, just have to
ask

24 for a five-minute adjournment. There are some issues which
arose

15:02:12 25 from the Exhibit 227 which we are just checking in the
evidence,

26 so I might need five minutes just to avail myself of those
facts.

27 PRESIDING JUDGE: Okay. We'll hear you when you come to
28 that point.

29 MR JORDASH: The second is this: Could I just request

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1 through the Court that Exhibit 227 be properly -- let me
rephrase

2 that. I would like an exhibit please, or a statement
indicating

3 where this document came from, simply because it is quite
clear

4 that we, Mr Sesay disputes its authenticity, and unless we
15:02:57 5 receive a statement explaining its chain of custody, we are
not

6 able to make that challenge effectively, or as effective as we
7 like.

8 PRESIDING JUDGE: So how do you propose we proceed on
that?

9 MR JORDASH: Well, I suppose I can just ask at this
stage

10 through the Court so the Prosecution can hear. If they
15:03:14 decline,

11 I can return to the Court.

12 PRESIDING JUDGE: Very well.

13 MR JORDASH: And ask for an order to that effect. Thank
14 you.

15:03:25 15 PRESIDING JUDGE: Yes.

16 RE-EXAMINATION BY MR JORDASH:

17 MR JORDASH: Thank you.

18 Q. Just a few questions, Mr Sesay. Could I ask, please,
that

19 Mr Sesay be given Exhibit 226? Could you turn please to the
last

15:04:43 20 page and have a look at the signature and the title, "Adjutant
21 BFC's office." Do you recognise the signature?

22 A. No.

23 Q. And who was your adjutant at this point in time?

24 A. My adjutant was Samuel Jabba.

15:05:12 25 Q. Let me ask you this: Turn, please, if you would, to
page

26 1, and it says -- before I ask you that, do you -- are you
aware

27 of whether Mr Bockarie received this report signed by the
28 adjutant or by an adjutant; do you know?

29 A. I don't believe that Bockarie received this report
because

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1 the report, if it was from me to Bockarie, I would have signed
2 it.

3 Q. You pointed out some inaccuracies in this report but I
want
4 to ask if other aspects are accurate or not. The first
sentence:

15:06:22 5 "Sir, on 6 December 1998 I left the Defence headquarters on
your
6 instruction for assignment and mission to attack Koidu, the
2nd
7 RUFSL axis." Exactly what was your assignment and mission
when
8 you left Buedu?

9 A. I left Buedu for Kono on 12 December and the instruction
10 was to attack the ECOMOG in Koidu. That was the instruction
15:06:54 that
11 Bockarie gave me and he planned how to carry out the attack.

12 Q. And just turning to page 2. There is reference on page
2
13 and page 3 to attacks on Koidu Town, Kimberlite, Sewafe, Gold
14 Town, Masingbi and then, on the third page, Magburaka and
Makeni.

15:07:43 15 And the date of the report, it seems, is January 24th, 1999.
16 There's no mention of Freetown in this report. Do you know
when
17 it was you first discussed with Bockarie, if at all, any
concrete
18 attack on Freetown, following your instructions to attack
Koidu?

19 A. Well, from Buedu, the only orders, instruction, that I
15:08:32 20 received from Bockarie was to attack Koidu Town. Then when we
21 captured Koidu Town, it was he, Bockarie, who gave the
22 instruction that one group should follow the ECOMOG towards
23 Makeni while the other group should follow them towards Tongo

24 Field.

15:08:53 25
after

Q. Did you discuss with Bockarie, Freetown, at any stage

26
discuss

those initial orders, or when was the first time you did

27 any concrete plans?

28 A. Well, I -- the first time that -- at that time, fighting

29 was going on in Freetown. They had attacked Freetown when

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1 Bockarie sent the instruction to me for Rambo, for him to come

2 from Port Loko, to use the highway towards Waterloo. And

3 Bockarie instructed Superman to let him and Rambo take the

4 Waterloo route. At that time they had attacked Freetown, in

15:09:41 5

January.

6 Q. Well, where were you when you received notification of

7 those instructions?

8 A. I was in Makeni.

9 Q. Do you know what date that was, approximately?

15:10:00 10

A. It could be around -- around the second week of January.

I

11 think the first -- the second week.

12 Q. Staying with that document a moment, there's reference

on

13 page 2 of the document -- sorry, page 3 of the document -- to
14 materials, ammunition and weapons seized at Koidu Town, and
then
15:10:38 15 it goes on to list materials seized in other places. Again,
no
16 reference to materials seized in Freetown. Are you aware of
17 whether material was seized in these places, listed?
18 A. Masiaka and Waterloo, you mean?
19 Q. Look at the report, Mr Sesay. Page 3 lists materials
15:11:22 20 seized, captured in Koidu Town. Over the page lists materials
21 seized at Kimberlite, Gold Town, Masingbi, and then over the
situation 22 page, Magburaka and Makeni. There's reference to the
23 as regards materials captured. I'm just asking now if -- not
24 whether this report is correct in its detail of what was
15:11:59 25 captured, but whether ammunition and arms were captured in
these
26 places.
27 A. No. It was the -- it was the ammunition dump in Koidu
Town
28 at Five-Five that we captured. But we did not capture
different
29 ammunition at Kimberlite and others areas. Like Masingbi, no

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1 ammunition was captured there. It's the same for Magburaka.

about

2 Q. As regards ammunition and arms, were there any orders
3 what happened to -- to them, if they were seized from the
4 enemies?

15:13:03 5 A. Well, you mean the ammunition that we captured, what the
6 orders were?

concerning

7 Q. Yes, ammunition and arms. Were there any orders
8 what should happen if they were seized on the attack on Koidu
9 Town and thereafter?

15:13:22 10 A. Well, the orders from Bockarie were to pack them, the
11 ammunition, and they were: We use them to fight.

12 MR JORDASH: Could I ask Mr Sesay to be given a copy of
13 Exhibit 225?

15:13:59 14 Q. Before you receive that exhibit, can I ask you this,
15 Mr Sesay, based on 226, the last paragraph:

i.e.

were

knowledge,

16 "Sir, some of these materials were used for operation
17 defensive, etc. And, as events unfolded, our troops
18 able to capture some Nigerian soldiers. To my
19 some Kamajors were surrendering too."

15:14:27 20 Could

24

21 Now this looks as though it's dated 24 January 1999.
22 you explain to the Court, please, what you're knowledge was on
23 January 1999 concerning who had been captured? Take yourself
24 back to 24 January 1999. What did you know about who had been
captured?

15:14:56 25
Buedu

26 A. Well, I know about the Nigerians who I myself sent to
27 from Makeni. That was around the 24th of December 1998 and I
28 know about the Kamajors who surrendered in Masingbi, which was
29 that same December, yeah. I know all those. And all these
events, I used to send radio messages to Bockarie to inform
him.

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1 And the very moment that we captured the Nigerians in Kono, on
2 the very week that we captured the CDF when they surrendered
3 us in Kono and Masingbi, I informed Sam Bockarie.

4 Q. Just remind the Court, what was the date in which you
held

15:15:52 5 a meeting with the CDF in Makeni, please?

6 A. The CDF in Makeni, that was when I told the CDF that
7 they should assemble at the police station?

8 Q. Yes. Approximately.

9 A. Yes, that was between late December.

15:16:25 10 Q. Thank you.

11 MR JORDASH: Could I now ask that Mr Sesay be given 225.

12 I'm sorry to just stop the Court management so abruptly.

13 Q. Just so we're clear: What was the date in which you
14 informed Mr Bockarie about the capture of prisoners of war?

15:16:58 15 MR HARRISON: The Prosecution objects. The last several
16 questions was evidence heard in direct examination, and I
think
17 the Court's rulings in the past about reply evidence have been
18 very circumscribed as to what is properly before the Court.

As
19 part of replying, the Prosecution says that this is not an
15:17:22 20 opportunity to simply revisit information that was canvassed
in
21 direct evidence.

as
22 PRESIDING JUDGE: How do you respond to that objection
23 to the scope of re-examination?

24 MR JORDASH: I think its fair in relation to the last
15:17:36 25 question about the date of --

26 PRESIDING JUDGE: Yes.

27 MR JORDASH: -- the meeting with the CDF at the police
28 station.

29 PRESIDING JUDGE: Yes.

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1 MR JORDASH: I don't think it's fair in terms of the
date

the 2 in which Bockarie learnt from Mr Sesay about the capture of

3 prisoners of war. I don't think we have heard --

4 PRESIDING JUDGE: So you concede it in respect of the
15:18:00 5 last --

6 MR JORDASH: Yes.

7 PRESIDING JUDGE: -- question. In respect of the other
8 two, you do not concede. Well, of course, you need to satisfy
9 the Court that those questions are clearly within the scope of
10 re-examination. To wit: One, to seek to reconcile
15:18:10 10 discrepancies

11 between examination-in-chief, issues raised in
12 examination-in-chief and the cross-examination; and two, to
13 clarify any ambiguities or to seek to eliminate
inconsistencies,
14 of course the comparative compass being between evidence-in-
chief

15:18:36 15 and cross-examination.

16 MR JORDASH: I'm fairly sure, and I stand to be
corrected,
17 there isn't a date on record --

18 PRESIDING JUDGE: I see.

19 MR JORDASH: -- when Mr Sesay informed Bockarie
concerning

15:18:50 20 who and how many prisoners of war there were resulting from
the

21 attack on Koidu. I might be wrong about that, but I don't
22 remember asking Mr Sesay about that because I didn't know the
23 Prosecution were going to use this, and I didn't know they

were

24 going to suggest that this was the way Mr Bockarie received
the

15:19:12 25 information.

assume 26 PRESIDING JUDGE: In the sense, of course, I would

27 that any question that you put in re-examination, would be
28 designed to rehabilitate, so to speak, the evidence, in
29 examination-in-chief which has been undermined. What
prejudice

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witness? 1 was there -- is there if this question is not put to the

2 MR JORDASH: Well --

3 PRESIDING JUDGE: In other words, what are you seeking
to

4 repair, in a sense; what discrepancies are you seeking to
15:19:50 5 reconcile?

6 MR JORDASH: Well, the Prosecution will say that this
7 document -- have said it: This document emanated from Mr
Sesay.

8 PRESIDING JUDGE: Yes.

9 MR JORDASH: And was sent to Mr Bockarie. On the --

15:20:03 10 PRESIDING JUDGE: What was Mr Sesay's reply?

11 MR JORDASH: This document wasn't sent from him and,
12 clearly, if Mr Sesay's informing Mr Bockarie in greater detail
of

Honours 13 the contents of this document on a far earlier date, Your
for 14 would be able to decide whether, in fact, there was any need
15:20:26 15 Mr Sesay to send this document so late in the day.
16 JUDGE BOUTET: Yeah, but you do recall, Mr Jordash, the
17 ruling of this Court about re-examination. I mean, you have a
18 firm proponent that it should be very much circumscribed and
it 19 was the Prosecution as such, and we stood by you on this
issue, 20 to say that the Prosecution could not be allowed, in
15:20:48 21 re-examination, to perfect their case. It was only to clarify
22 matters that may have come out or were a new matter. What
you're 23 saying at this particular moment is not, to that extent,
24 convinced me that you're coming within the ambit of what we
had 25 ruled would be admissible and permissible re-examination. It
15:21:05 26 is not there to try to perfect your case in chief. It is there
to 27 clarify some issues or new matter that may have come out.
28 Communication between Mr Sesay and Bockarie has been
29 extensively canvassed by you in chief, not necessarily on
this, I

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1 concede not on this piece of evidence, but your witness has
2 said -- your accused has said here that it's not true this
means
3 that he would correspond with Bockarie but by messages every
day.

4 So I think this matter is, I would say to that extent, it is
more
15:21:44 5 than we would have allowed and should be allowing in
6 re-examination.

7 MR JORDASH: Well, this report --

8 JUDGE BOUTET: I know, this report was not there and
that's
9 why we have not intervened until -- but now you're pushing
that
15:21:58 10 limit much further.

11 MR JORDASH: Well, this report is brand new. The
12 suggestion that Sesay informed Bockarie about prisoners of war
in
13 this document is new. We ought to be allowed to ask Mr Sesay
14 how, in fact, he did inform Mr Bockarie about prisoners of
war.

15:22:23 15 JUDGE BOUTET: I mean, I have difficulty to follow you.
16 Because on the one hand, presumably, you will try and say it's
17 not my report.

18 PRESIDING JUDGE: Yes, that's my difficulty.

19 JUDGE BOUTET: [Overlapping speakers] --

15:22:31 20 PRESIDING JUDGE: In the light of his answer, that this
is
21 not his deed, non est factum, so to speak: I didn't offer it.

22 MR JORDASH: Yes, not his deed because there was no need
23 for the deed because the deed had already been done.

24 PRESIDING JUDGE: That's my own difficulty because he is
15:22:50 25 now repudiating that document as not his. He is not the
author
26 of it and, therefore, I'm asking myself what are you seeking
to
27 reconcile, where your client has categorically said: This is
not
28 my deed. I didn't write this. What is the discrepancy that
we
29 are trying to resolve?

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1 MR JORDASH: There is evidence which supports his
2 contention that it isn't his document and the evidence is that
he
3 informed Bockarie on a different date much earlier than this
and
4 in greater detail. Your Honours would be, I submit, closer to
15:23:36 5 having all the facts if Your Honours heard when it was he
6 informed Bockarie and how it was and why this report was
7 unnecessary because of that.

8 PRESIDING JUDGE: Would it not take us close to the
witness
9 approbating and reprobating at the same time? Because if you
say
15:24:03 10 this is not my deed, in fact then he disputes it in certain

11 matters contained in the document, giving his own version of
12 them, then what is there to reconcile? You see, I don't take
13 responsibility for the inaccuracies here but I know from my
own
14 knowledge that so-and-so-and-so did not happen. So what's
this
15:24:30 15 difficulty that you face?
16 MR JORDASH: Well, the difficulty is that the Court is
not
17 aware of the date when Mr Sesay informed Mr Bockarie of the
18 details of the prisoners of war in far greater detail than is
19 contained in this report. A date is all I was seeking to
adduce
15:24:55 20 from Mr Sesay. So Your Honours can say, if you accept Mr
Sesay
21 was in touch with Mr Bockarie on a regular basis by radio, if
22 what Mr Sesay says is correct, that prisoners of war were on
23 their way to Buedu, prior to the writing of this report, if
Your
24 Honours accept that the CDF and the Kamajors had been arrested
15:25:22 25 and were being handled through the police, the meeting at the
26 police station in Makeni in early January, then Your Honours
will
27 have all the information to know that this report and its
28 authenticity is unlikely. Why send a report three weeks later
in
29 such vague details when all had been communicated much earlier

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1 and in greater detail?

2 PRESIDING JUDGE: So the date will resolve the mystery?

3 MR JORDASH: That's it.

4 PRESIDING JUDGE: Well, Mr Jordash, we're minded to give
15:26:48 5 you some liberty provided this matter doesn't really go beyond
6 what is precisely necessary for you to clarify a presumed
7 discrepancy, because the Bench is allowing you that kind of
8 latitude.

9 JUDGE ITOE: In fact, it is very much a borderline case.

10 PRESIDING JUDGE: Yes; quite.

11 JUDGE ITOE: It's just because of the largesse of the
Bench
12 that we are allowing that question to be taken and to be put
to
13 the witness.

14 MR JORDASH: I'm grateful.

15 JUDGE ITOE: The rules of re-examination are very clear
and

16 I think we should adhere to them.

17 PRESIDING JUDGE: Right.

18 MR JORDASH: Can I also at the same time, Your Honours,
19 make the same request to the Prosecution that we have a
statement

15:27:39 20 produced noting the chain of custody of this document?

21 JUDGE BOUTET: I'm really puzzled by these sort of
22 requests, I must say, Mr Jordash. I mean, if there is no
chain

23 of custody presumably then this is something that has been

24 disputed. It is not something that you can put forward as
15:27:58 25 argument and the Court will then determine what weight, if
any,
26 it attaches to this. Why should we get involved in ordering
27 people to establish what may or may not be required? Maybe
you
28 can convince me of that but I'm a bit, as I say, puzzled by
these
29 kind of requests. We seem to be dragged into the arena, to

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it 1 dictate how the case is to be done or not done, or how much of
2 is to be required. That's the best way I can describe it. I
am 3 puzzled by this kind of suggestion to the Bench.

15:28:33 4 MR JORDASH: Because Your Honours might yourselves be
to 5 interested in whether this is -- there is available evidence
6 prove one way or another the authenticity.

it. 7 JUDGE BOUTET: If they don't have it, they don't have
8 I mean, we will deal with it the way it is but --

9 PRESIDING JUDGE: I join my learned colleague here that
15:28:49 10 perhaps the -- one goes back to these old rules and see
whether

that 11 they have -- the chain of custody would have been a matter
is 12 could have been raised at the admissibility level. But if it
has 13 raised now, and there's some doubt as to whether the document
subject 14 come from proper custody, ought that not to be properly a
15:29:16 15 for address, so that it goes back at the appropriate time to
the
16 issue of weight? Because I remember in my own learning about
question 17 chain of custody, they usually come up on the threshold
18 of admissibility. In other words, would be one of the -- but
19 we've gone past that stage now. The document is in evidence.
15:29:42 20 Why not address us at some point in time that this is
something
21 that we need to factor, significantly, into the probative
value
22 equation?
23 MR JORDASH: I'll leave it there and I will just ask my
24 question, if I may [Overlapping speakers] --
15:29:58 25 JUDGE ITOE: Indeed, I think you should because having
questioning 26 admitted it under 89 we cannot now come back to start
27 where it has come from. [Indiscernible] the weight, the more
28 capital consideration is the weight we will attach to all
these 29 documents that have been admitted through the international

of
which
15:30:42
in
are
the

1 criminal or principle of the opined reception on admissibility
2 evidence which at times appears to me to be limitless, but
3 I think we should try to bring it up on stage [undiscernible].
4 Otherwise, it becomes an unruly horse and will drive us to
5 certain illegalities to admit through the back door evidence
6 which ordinarily should not be admitted. This was my position
7 the Moinina Fofana case which went on appeal and the results
8 what they are.

9 PRESIDING JUDGE: And added to that, I don't think if
10 chain of custody issue becomes a live issue then the question
11 also would be: What is proper custody and what is not proper
12 custody? And I don't think those matters should engage us at
13 this point in time.

14 MR JORDASH: Well, I'm not going to pursue it but, of
15 course, all those matters go to weight, where it comes from.

16 JUDGE BOUTET: That's what we suggested, Mr Jordash. It
17 goes to weight in the end.

18 MR JORDASH: Yes. But sometimes --

19 JUDGE BOUTET: And you will have all the time you need
20 argue that in due course.

21 MR JORDASH: But sometimes what I find is that by

22 understanding more about where it's come from it's easier to
23 attack it.

24 appreciate

PRESIDING JUDGE: Yes. Well, of course, we also

15:31:39

25 that you do the best you can for your client.

26 doing

JUDGE ITOE: It is good to attack it, indeed, you are

27 defence

just what is right in the defence, you know, the supreme

28 Jordash.

of your counsel. Nobody blames you for that at all, Mr

29 I think, like the French say it, all means are possible, are

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1 permissible. [French spoken]

2 MR JORDASH: Sounds better in French. Right. I'll move

3 on.

4 PRESIDING JUDGE: Okay.

15:32:10

5 MR JORDASH:

6 and

Q. So the question is this, Mr Sesay: Can you recall when

7 if you reported to Bockarie concerning the situation about

8 prisoners of war?

9 captured

A. Well, the very day that we attacked Koidu Town and

15:32:47 10 these prisoners of war, it was almost at night, around 7.00.
It

11 was the next morning that I sent the report to Bockarie, how
many
12 Nigerians -- 12 of them with their names -- with their
materials
13 and armoured cars that we captured, everything that we
captured
14 in Kono, down to medicine from ECOMOG.

15:33:01 15 Q. And the situation with the Kamajors and CDF prisoners of
16 war; same question?

17 A. It was the same way. The same way.

18 JUDGE ITOE: Mr Sesay, did you say you sent the prisoner
19 and everything you captured to Buedu? What discussion?
Because

15:33:21 20 you had earlier said that you received instructions that the
21 materials you captured should be used for purposes of
prosecuting
22 the war.

23 THE WITNESS: Yes, sir, My Lord.

24 JUDGE ITOE: What did you say you sent to Buedu after
you

15:33:40 25 had reported to Bockarie, the following day after the capture
of
26 the prisoners of war?

27 THE WITNESS: My Lord, it was the prisoners of war
28 themselves that I sent to Buedu when I was leaving for Makeni.
29 But Bockarie had known from the radio message that I sent the

materials 1 following day that we captured Koidu Town, with all the
2 that we captured, including medicines and the armoured cars.

3 JUDGE ITOE: What happened to these medicines and the
4 armoured cars; you kept them in Koidu?

15:34:19 5 THE WITNESS: Yes, sir. Yes, sir. It was only the
6 prisoners of war that I sent to Buedu.

7 JUDGE ITOE: Okay, thank you.

8 THE WITNESS: Yes, sir.

9 MR JORDASH:

15:34:39 10 Q. I just want you to be clear, Mr Sesay. When I'm talking
11 talking prisoners of war, I'm not just talking of Nigerians. I'm
12 about the CDF and the Kamajors as well.

13 A. Yes, yes.

14 JUDGE BOUTET: I thought you had canvassed that,
15 15:34:49 Mr Jordash. I mean --

16 THE WITNESS: I sent the message about the prisoners of
17 in war, the Nigerians, the CDF, and ammunition that we captured
18 Koidu Town, including the tanks. I cannot -- I cannot capture
19 Kono without sending a report and all that have been captured,
20 15:35:10 including the prisoners of war, before I could go ahead. It
was

21 the message that I sent that Bockarie gave me instructions to
22 chase the ECOMOG towards Makeni.

23 MR JORDASH:

24 Q. Now, let me ask you to have a look at Exhibit 225,
please.

15:35:33 25 And as I understand -- well, as I understand your evidence,
you

26 dispute some of the details of this document; is that right?

27 JUDGE ITOE: Mr Jordash, is it 225?

28 MR JORDASH: 225, I hope, is the "Subject: Forum" --

29 JUDGE ITOE: Forum minute, yes.

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1 MR JORDASH:

2 Q. Let me ask you about page 3, please, and suggestions
from

3 the forum:

4 "No looting until the mission is accomplished. All
15:36:18 5 government properties should be reported to the mission
6 commander. Three ammunitions are to be used on main
7 targets and that we should use our guerilla tactics
8 (bypasses)."

9 Now, cast your mind back to what was said, if anything,
at

15:36:38 10 the forum, about government properties and looting. Can you
cast

11 any light on this suggestion?

12 A. Yes. What I mean to say, government property must be
13 reported like arms, ammunition, medicine.

14 Q. And to what did the looting refer to?

15 A. Well, the instruction that I gave was that they
shouldn't
--
16 loot. They shouldn't loot from the civilians. But if ECOMOG

17 and the ECOMOG base is captured, this -- these that were the
18 government properties that I requested for the arms, the
19 ammunition, the medicines and rice.

20 Q. When did you say that should take place?

21 A. Well, I said that was after we'd have captured Koidu
Town.

22 Q. Thank you. Finally --

23 A. And, also --

24 THE INTERPRETER: Your Honours, can the witness kindly
take
25 that last portion and more audibly?

26 MR JORDASH:

27 Q. Can we have the answer again? And raise your voice
28 slightly, please?

29 A. I said, that is here that the materials should be used
on

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should

1 targets. I said, that at the meeting that the ammunition
2 be used on targets, meaning they should shoot. From where
3 shooting was coming from, they shouldn't shoot where civilians
4 were. It was only the ECOMOG and the CDF that were in arms
5 are targets.

that

6 JUDGE BOUTET: I would like some clarification. In one
7 answer you say you gave instruction not to loot from the
8 civilians. Then you went on to talk about ECOMOG and CDF. So
9 does that mean that they were allowed to loot ECOMOG and CDF?

We

10 THE WITNESS: Well, My Lord, we were fighting the war.
11 had the idea that the CDF -- that when we were fighting and we
12 captured them, then capture their dump, whatever was there,
13 take. Because they, too, when they were fighting against us,
14 whatever they captured against us, they would take. They were
15 the government troops.

we'll

16 MR JORDASH:

to

17 Q. Okay. Let's have a look, please, at Exhibit 227. Turn
18 the last -- the second page, please. Just some clarity,
19 as to your relationship with Major Mana in January 1999.

please,

20 A. Major Mana was the IO commander, and when we captured
21 Makeni, he didn't go anywhere. He was staying in Makeni until
22 was involved in an accident with his car, and he died in
23 February.

he

24 Q. And your relationship with Kartewu, if any, in January.

25 THE INTERPETER: Can learned counsel please take that
26 question. The name was not very clear.

27 MR JORDASH:

28 Q. One second, sorry. The question again is: Your
29 relationship with Kartewu, K-A-R-T-E-W-U, in January 1999.

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1 A. No, this was not somebody I had a working relationship
2 with.

3 Q. Do you know where he was?

4 A. Raymond was in -- Raymond was in Kono. Raymond was a
5 Guard. He was in Kono. He was in Kono in -- in the whole --
6 the whole of '99.

7 Q. Now, as to the contents of this report, could I ask you
8 look at the first page of 6 January 1999? Do you know where
9 your
10 date?

10 A. This group?

11 Q. Your group from Kono.

12 A. Well, as I have told you earlier, I said, when we
captured

13 Makeni, the group that I was commanding attacked Bumbuna at
14 first. It was in the first week of January. It was from
there
15 that they left and attacked Port Loko.

16 Q. There's reference there on the 8th January entry to an
17 attack on the troops at Waterloo, and it's suggested there --

18 JUDGE ITOE: Mr Jordash, which January is this? We have
19 6th January, we have 7th January, we have 8th January.

20 MR JORDASH: Sorry, I'm just --

21 JUDGE ITOE: 9th January, so.

22 MR JORDASH: It's 8th January I'm looking at, Your
Honour.
23 I've got the wrong date.

24 Q. And -- well, if one looks, Mr Sesay, at the 7th January
and
25 the 8th January together, there's a suggestion that there's an
26 attack on Waterloo which only lasted about a day.

27 A. No. That was why I said today that these dates are not
28 correct. The 7th January, we did not even attack -- we had
not
29 even attacked Port Loko. It was after the attack on Port Loko

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1 that we were using the road to come to Waterloo.

Waterloo, 2 Q. So to be clear then, how long was the attack at
3 once it started?
4 A. The attack where?
5 Q. Waterloo, against the Guineans.
6 A. Well, I said, Rambo, Superman arrived in Waterloo in the
7 second week in January. And the fighting took place for two
8 weeks before the Guineans could leave Waterloo to Port Loko.
reference 9 Q. Right. Just go over the page, please. There's
10 there at the top, 15 January 1999, of an agreement between men
in 11 Freetown and men at the point -- at some point, it's unclear,
12 were to do a joint operation on Jui and Kossoh Town.
13 "The Freetown men were scheduled to attack Jui and we to
14 attack Kossoh Town. That night we attacked Kossoh Town.
15 We cleared the enemies. But the Freetown men never turn
16 up. Therefore the enemies, with the support of the
Alpha 17 Jets, drove us from Kossoh Town."
18 What was at Kossoh Town, Mr Sesay? Do you know, at this
19 point?
16:58:39 20 A. Kossoh Town is around Jui, towards Allen Town.
21 Q. And who was there?
22 A. ECOMOG was at Jui and Kossoh Town during those times.
And 23 during the 15 years, the fighting was between us when they
ended 24 with the Guineans at Waterloo until 8 January.
16:59:04 25 Q. There's reference -- well, are you aware if, aside from
26 ECOMOG, there were any other people at Jui or Kossoh Town at
that

27 point in time?

28 A. Well, anywhere that ECOMOG was, the CDF will be based.

29 They were fighting alongside with them.

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1 Q. What about civilians?

2 A. The ECOMOG was at Jui? No, at this time I can't say
3 anything. I was not around.

4 Q. And there's reference a bit lower down to the problems.

16:59:49 5 "We have not yet connected physically with our brothers in
6 Freetown." And it would appear that that is a reference to --
7 the date of the document, 21 January 1999. At that stage, the
8 document is claiming that the RUF has not made contact with

the

9 SLA. Do you know if that's true or not?

17:00:25 10 A. Well, I know until late January, there was no contact
11 between the men at Waterloo and those in Freetown.

12 Q. The recommendation at the bottom, "Anyway, the morale of
13 the soldiers, especially to the point I have visited, is high.

14 Bravo to Colonel Boston Flomo, Major Barkar,

17:01:25 15 Lieutenant-Colonel Victor --

16 THE INTERPRETER: Please, learned counsel. Your

Honours,

17 can he go over?

18 MR JORDASH: Sorry.

19 Q. "Anyway, the morale of the soldiers, especially to the
17:01:51 20 point I have visited, is high. Bravo to Colonel Boston Flomo,
21 Major Barkar," B-A-R-K-A-R, "Lieutenant-Colonel Victor,
22 Lieutenant-Colonel Amara Salia, alias Peleto, and all Black
23 Guards." This is a document, as we've said, on 21 January
1999.

24 Do you know where Peleto was at that point?

17:02:33 25 A. Yes. At that time, Peleto was with Rambo at -- they
were
26 fighting with the Guineans.

27 Q. Whereabouts?

28 A. At Waterloo. It was late in January that the Guineans
29 withdrew from Waterloo.

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1 Q. Do you know anything about any RUF movement past
2 Waterloo, January 1999?

3 PRESIDING JUDGE: Yes, Mr Harrison.

4 MR HARRISON: The Prosecution objects. We say that,
again,

17:05:38 5 this is a topic that was dealt with during direct examination.

can 6 The mere fact a document is presented doesn't mean the topic
7 be revisited in re-examination.
8 PRESIDING JUDGE: Mr Jordash, response? Concede? You
9 must. We uphold the objection.
17:06:25 10 MR JORDASH: My most powerful argument yet. If I can
just
11 briefly take -- consult with my --
12 PRESIDING JUDGE: Leave granted.
13 MR JORDASH: I think I've almost finished.
14 PRESIDING JUDGE: Leave granted.
17:06:58 15 MR JORDASH: Thank you. I've got no further questions,
16 thank you.
17 PRESIDING JUDGE: Thank you, Mr Jordash. I will now ask
18 you to call your next witness.
19 MR JORDASH: Can Mr Sesay return to the --
17:07:56 20 PRESIDING JUDGE: Yes. Mr Sesay.
21 [Accused Sesay returned to the dock]
22 PRESIDING JUDGE: Do you think you need a short break to
23 consult and get your witness ready?
24 MR JORDASH: To be honest, I'd like to have five
minutes,
17:08:08 25 because I haven't --
26 PRESIDING JUDGE: Very well.
27 MR JORDASH: -- seen the witness for several days.
28 PRESIDING JUDGE: Right. Yes. Do you want ten or five?
29 MR JORDASH: Ten would be safe.

1 PRESIDING JUDGE: Right. We'll stand --

2 MR JORDASH: But [overlapping speakers] is the maximum I
3 need.

4 PRESIDING JUDGE: Stand the Court down for ten minutes.

17:09:05 5 MR JORDASH: Thank you.

6 [Break taken at 3.53 p.m.]

7 [Upon resuming at 4.20 p.m.]

8 PRESIDING JUDGE: Mr Courtroom Officer, please let the
9 witness be sworn. She's already sworn?

16:21:07 10 MR JORDASH: No, I don't think so. It is 302, Your
11 Honours. And the witness --

12 PRESIDING JUDGE: Testifying in what language?

13 MR JORDASH: In Mende and she is a Christian.

14 PRESIDING JUDGE: Thank you.

16:21:32 15 WITNESS: DIS-302 [Sworn]

16 [Witness answered through interpreter]

17 EXAMINED BY MR JORDASH:

18 PRESIDING JUDGE: Let us proceed, Mr Jordash.

19 MR JORDASH: Thank you.

16:22:27 20 Q. Madam Witness, I am going to ask you some questions and
21 then other people --

22 A. Ask me.

23 Q. So if there's any part of my question you don't
understand,

24 please ask me to explain again.
16:22:54 25 A. Okay. I will do that.
26 Q. And please make sure you don't say anything which would
27 reveal your identity; okay?
28 A. Okay.
29 Q. Can you tell the Court your age, please?

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1 A. Yes.
2 Q. Are you 54?
3 A. Yes.
4 Q. And where were you born?
16:23:51 5 A. You asking me, I was born?
6 Q. Where were you born?
7 A. I was born around Kailahun Town.
8 Q. Do you read and write English?
9 A. I am not educated.
16:24:24 10 Q. What languages do you speak?
11 A. I am a Mende.
12 Q. What is your job?
13 A. I am a birth attendant.

14 Q. Were you a birth attendant before the war?
16:24:49 15 A. Yes.
16 Q. Where were you when you met the war?
17 A. I was in Kailahun.
18 Q. When you say "Kailahun," do you mean the town or the
19 district?
16:25:18 20 A. Kailahun District, I'm talking about.
21 Q. And where were you living in Kailahun?
22 A. I was at my house.
23 Q. And whereabouts in the district was that at the time you
24 met the war?
16:25:52 25 A. I was in Kailahun District.
26 Q. What was the name of the town you were in when the war
met
27 you?
28 A. Kailahun.
29 Q. Okay. And what did you observe when the war came?

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1 A. When the war came, I was in Kailahun when the war
started.
2 I was sitting under a mango tree. It was close to the evening
3 hours. I had a little baby. It was then we heard a gunshot.

my 4 Upon hearing the gunshot I got up and went into the house with
16:27:21 5 children, and the rest of my family members. We were there
6 throughout the night. Throughout the night there were heavy
7 firing going on. In the morning hours, being a young mother,
8 suckling mother, as I heard the gunshots I started bleeding.
Then 9 I went out of that town with my children, but I didn't go into
16:28:05 10 the bushes. I went straight with the main road, on to a
village 11 called Nyandehun.
12 Q. Pause there. Nyandehun, is that -- I think this is
13 N-Y-A-H-E-U-N [sic]. Do you know the chiefdom where you went?
14 A. It was in the Luawa Chiefdom.
16:28:52 15 Q. And who did you go there with?
16 A. I went there with my children.
17 Q. How many children did you go there with?
18 A. At that time, inclusive myself and my children.
19 Q. How many?
16:29:17 20 A. I had 14 children at that time.
21 Q. Did anyone else go to Nyandehun?
22 PRESIDING JUDGE: Yes, counsel.
23 MR HARDAWAY: Yes, Your Honour. Just for clarification
was 24 that four or 14? I didn't hear that.
16:29:42 25 PRESIDING JUDGE: Yes, let's hear it again.
26 MR JORDASH: Certainly.
27 Q. Could you just repeat your answer about how many
children? 28 It was a bit unclear when it came through to us.
29 A. Yes, I will. The children I had at home at that time,
they

1 were 14 in number.

you

2 Q. You went to Nyandehun; did anyone else go there besides

3 and your family?

4 A. Yes; so many people went there.

16:30:33 5 Q. These other people, where were they coming from?

6 A. They were coming from Kailahun Town.

7 Q. Do you know why?

8 A. Yes.

9 Q. Why were they coming?

16:31:00 10 A. Heavy firing was going on, so we were afraid of it.

11 Q. How long did you stay in Nyandehun?

12 A. When I went there, I spent three days there.

13 Q. Where did you stay?

14 A. I was in the town; in that same town.

16:31:35 15 Q. What happened after the three days?

16 A. After the three days my husband came to me.

17 Q. Where did he come from?

18 A. He came from Kailahun.

19 Q. What happened when he came?

16:32:02 20 A. He told me to return back to Kailahun.
21 Q. Did he explain what was happening in Kailahun and why
you
22 should return?
23 A. Yes, yes. When he came, he told me to return back to
24 Kailahun with him. Then I asked him: Since there is war
already
16:32:29 25 in Kailahun why we going back to Kailahun? He said, "These
26 people who have come, they have come to protect us, so let's
go
27 back to Kailahun." Then we went back.
28 Q. Did he explain what he meant by these people having come
to
29 protect you? Or did you find out later what he meant?

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1 A. When he said they are here to protect us, I asked him:
2 What do you mean by that? He said, "They have come to relieve
us
3 from the problems. They have not come for we, the poor
people."
4 Q. So what happened after he'd come to fetch you; what did
you
16:33:34 5 do?
6 A. Then we went back; we went to Kailahun.

7 Q. And what did you find in Kailahun; what was happening?

8 A. When we got to Kailahun, he said these people who first
9 came, they are not bad people.

16:34:04 10 PRESIDING JUDGE: Yes, counsel? Just a minute, Mr
Jordash.

11 MR HARDAWAY: I was going to object on the basis that
the

12 question was leading, Your Honour, but the witness has already
13 answered.

14 PRESIDING JUDGE: Yes. Are these contentious matters
also?

16:34:17 15 Are we still on preliminaries, Mr Jordash? Are we on
preliminary

16 matters, background and all that?

17 MR JORDASH: I don't know how much of it is or not --

18 PRESIDING JUDGE: How much of it is -- yes, because we
were

19 going to uphold the objection if it was contentious. Do you
16:34:36 20 think it's contentious?

21 MR HARDAWAY: I don't know. It may be leading into that
22 area, Your Honour. Before Your Honour --

23 PRESIDING JUDGE: Well, be on guard anyway.

24 MR HARDAWAY: Understood, Your Honours. Thank you.

16:34:43 25 PRESIDING JUDGE: Let's proceed. We can go ahead, yeah.

26 MR JORDASH: Thank you.

27 Q. What were you going to say then?

28 PRESIDING JUDGE: She said when they returned to
Kailahun.

29 Yes, let her take it from there.

1 MR JORDASH:

2 Q. So when you returned to Kailahun, what did you find?

3 A. When I got back to Kailahun, I saw that there were
plenty
4 people with guns and they were firing guns.

16:35:25 5 Q. Did you see them?

6 A. I saw them with my eyes.

7 Q. Did you see who they were or where they were from?

8 A. They told us that they were from Burkina Faso.

9 Q. Did you know whether that was true or not?

16:36:04 10 A. I had no reason to deny what they said because I didn't
11 come along with them.

12 Q. Do you know where they were staying?

13 A. They were in Kailahun.

14 Q. Did you stay in Kailahun?

16:36:43 15 A. Yes, I was in Kailahun.

16 Q. Were there other people in Kailahun besides you and
these
17 men from Burkina Faso?

18 A. Yes, there were other people.

19 Q. Who were the other people?

16:37:20 20 A. The people with whom we were in Kailahun, there were
plenty
21 of civilians.

other

22 Q. Did you come to know the men from Burkina Faso by any

23 name?

24 A. Yes.

16:37:41 25 Q. What was the name?

26 A. We used to call them the Gio people.

27 Q. And what were the Gio people like? How did they treat
you?

28 A. The Gio people with whom we lived in Kailahun, they were

29 very bad people. They looted our properties; took our food
from

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1 us and they raped our children and they beat us up as well.

2 Q. Do you know how long the Gio people stayed in Kailahun?

3 A. For me, I said it the last time. I cannot state the
exact

4 time but the one -- the things that I saw I can explain but
the

16:38:52 5 durations within which these things happened, I cannot tell.

6 Q. Do you know what happened to the Gio people?

7 A. Yes.

8 Q. What happened?

9 A. What happened to them, after the whole problems they
have

16:39:16 10 caused, the man said, he said -- he asked our children whether
we
11 would be able to fight our battles for ourselves.
12 Q. Who was the man who asked that question?
13 A. Kenny Sankoh was his name.
14 Q. And who was he? Did you know who he was?
16:39:50 15 A. As we saw things, he was the head of the war.
16 Q. And do you know what he meant when he asked that
question?
17 Did you learn what he meant?
18 A. As what?
19 Q. Just repeat the question that he asked, please.
16:40:28 20 A. When he said if we were able to fight our battles.
21 Q. Do you know what he meant by that?
22 A. What I thought was, I thought that since those people
were
23 being so wicked with us, if we are fighting for ourselves, our
24 children, our men will not behave to us in such a manner.
That
16:41:02 25 was why --
26 PRESIDING JUDGE: Interpreters, tell her to slow down.
27 MR JORDASH: Certainly.
28 Q. Madam Witness, it's my fault. I should have told you
29 that --

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1 A. I will speak slowly now.

2 Q. There's somebody translating so that people like me who
3 speak English only can understand you; okay?

4 A. Okay. I will speak slowly now.

16:41:31 5 Q. So, just going over that last answer, please speak
again.

6 A. What do you want me to say again?

7 Q. Just the last two things you said, the last two
sentences?

8 A. When that man said if we are able to fight our battle, I
9 thought since those people were so bad to us, if it were our
16:42:12 10 children or our men or our brothers, if they are fighting for
us,

11 they will not treat us so badly. That was what I thought.

12 Q. And did anything happen after this man, Sankoh, had said
13 that?

14 A. Yes.

16:42:41 15 Q. What happened?

16 A. So our brothers decided to join and to take up the
fight.

17 Q. And when they took up the fight, what happened?

18 A. They chased the Gio people away.

19 Q. Can you remember where you were when that happened?

16:43:21 20 A. When they drove the Gio people away, you mean?

21 Q. Yes, where were you?

22 A. I was in Kailahun.

23 Q. Do you remember the day or the night when it happened?

24 A. I can't remember the day but I know exactly what
happened.

16:43:51 25 Q. Do you remember exactly where you were in Kailahun when
it
26 happened?
27 A. Yes.
28 Q. Where were you?
29 A. I was in Kailahun still.

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1 Q. And what happened after the Gios had gone?
2 A. After our brothers had driven the Gios away?
3 Q. What happened after your brothers had driven the Gios
away?
4 A. After they have driven them away, there were certain
rules
16:44:59 5 and regulation laid down.
6 Q. Before I ask you about the rules and regulations, so
that
7 we are clear: Who were your brothers?
8 A. I am talking about our brothers, like your husband or
even
9 your son or even your very self.
16:45:22 10 Q. So what nationality were the brothers?
11 A. My brothers, you mean?
12 Q. Yes. Where did they come from? Where did they live?

Kailahun 13 A. We were all born of Kailahun. We were all born of
14 Districts and surroundings.

16:46:02 15 Q. Now, what laws were passed after the Gios had gone?

16 A. The first law was nobody should rape. They said nobody
17 should take anything from anybody forcibly. They said you
18 shouldn't kill a civilian who is ignorant. They said you
19 shouldn't kill a civilian who is innocent. Those were the
laws.

16:47:09 20 Q. And what was Kailahun Town like after the Gios had gone?

21 A. After the Gios had left it was better off. We were all
22 together and we lived as one.

23 Q. Were there any soldiers in the town, after the Gios had
24 gone?

16:47:43 25 A. Which soldiers are you asking about?

26 Q. I'm just asking if, once the Gios had been pushed out,
27 whether there were any other men with guns who --

28 A. All the Gios went, so it was just our sisters, brothers
who
29 were around, who were called rebels. We were living together.

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1 Q. And so that it's clear: What was the relationship like

2 between the rebels and the civilians in Kailahun?

3 A. We were living in peace with the rebels. We had no
4 problems. They treated us well. We treated them well too.

16:48:46 5 Q. Were there any officers in Kailahun?

6 A. Yes.

7 Q. Did they have any names?

8 A. Yes.

9 Q. What were the names?

16:49:02 10 A. There was G2.

11 Q. And tell us about the G2. What did the G2 do?

12 A. The work of the G2 was like the chiefs. If anyone
13 wrongs you, you go to that office and report the issue. That was
14 their duty.

16:49:32 15 Q. Which people were in the G2 office?

16 A. The Mende people.

17 Q. Do you know who was in control of the G2 office?

18 A. What do you mean; those in charge?

19 Q. Do you know if there was a boss of the G2 office; top
man?

16:50:18 20 A. Yes.

21 Q. Who was that?

22 A. I know him. He was called Mamadi Sallay.

23 Q. Where was he from?

24 A. We were all living in Kailahun; Kailahun area.

16:50:47 25 Q. You mentioned things being reported to the G2. What
kind
26 of things would be reported?

27 A. As I'm seated here, if a rebel came and took this my

to 28 handkerchief from me, I had no quarrels with him. I would go
29 that office and report him.

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1 Q. Do you know if anything would happen, if you reported
2 somebody taking your handkerchief?

3 A. Yes. If a rebel or soldier took my handkerchief from
him,
4 and then he has been reported to the G2, he would be removed
from

16:51:49 5 the G2 and they would send him to their own MP office, where
they
6 make their own reports.

7 Q. So tell us then about the MP offices -- office. What
8 happened at the MP office?

9 A. In the MP office, if a soldier wrongs you and you make
that

16:52:22 10 report there, they will investigate. If the soldier seized
11 advantage over you, he would be laid down in front of you and
be
12 flogged. If he take something from you, they will take the
thing

13 from him and return it to you. That was how they operated.

14 Q. Can you explain to the Court what the difference was

16:52:45 15 between the G2 office and the MP office?

16 A. Yes, I will explain the difference.

17 Q. Go ahead.

18 A. We are the civilians, because of their issues was
19 different.

16:53:23 20 Q. Just start that again but slowly; okay? So the
21 difference --

22 A. Okay. The difference is, the difference is if a soldier
23 does something to a civilian you go to G2. When you go there,
if

24 they know he is a soldier, they will send you to MP. The MP
16:54:05 25 office investigates that issue and they will investigate it to
26 your satisfaction.

27 Q. Did you ever -- did you go to the G2 office, you
28 personally, at any stage?

29 A. Yes, I went there.

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1 Q. What did you go for?

2 A. They took my meat from me.

3 Q. Who took your meat from you?

4 A. It was a soldier who took my meat from me.

16:54:55 5 Q. What happened when you went to the G2 office?

soldier,
done

6 A. When I went there and they found out that he was a
7 they sent us to MP. We went there. The investigation was
8 and they found out that really he took the meat from me. They
9 took the meat from him and gave it back to me. And then he
16:55:28 10 was -- he was beaten in my presence and I was happy over that.
11 Q. Do you know Issa Sesay?
12 A. Issa Sesay, I know him. When we were in Kailahun I know
13 him. But it's quite some time I have not seen him. But I
know
14 him. We are staying together.
16:56:06 15 Q. Do you know, approximately, when you first met him?
16 A. Yes.
17 Q. Are you able to say when it was?
18 A. I can't remember the year but what happened or what I
did
19 that we had to meet, I will explain.
16:56:40 20 Q. Let me ask you this: Did you meet him before or after
the
21 Gios had gone?
22 A. After the Gios have left, that was the time we met.
23 Q. And how did you meet; do you remember?
24 A. Yes.
16:57:17 25 Q. How was it?
26 A. We met at Giema.
27 Q. Did you go -- let me ask you this question: Did you go
28 anywhere after Kailahun Town?
29 A. Yes.

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1 Q. Where did you go?

2 A. We went to Giema.

3 Q. Why did you go to Giema?

4 A. Other fighters came and removed us from Kailahun. Then
we

16:58:09 5 went to Giema but I went to Gandorhun by Mababu.

6 Q. Mababu, I think, is M-A-B-A-B-U. Who did you go to
Giema

7 with?

8 A. There were so many people who went to Giema. We went to
9 seek refuge.

16:58:46 10 Q. Was it civilians or fighters, or both, who went to
Giema?

11 A. They were all our brothers with whom we were about. We

12 went together. To whatever place, we went together. So we
went

13 to Giema with them as well.

14 Q. When you went to Giema with the rebels, what was the
16:59:19 15 relationship like between the civilians and the rebels?

16 A. When we were at Giema with the rebels, our relationship
was

17 very good. Because when they hear that the fighting was
coming,

18 they would take us out of the town and they would protect us.

there 19 They will take us to a place in safe keeping. I would be

16:59:54 20 with them together.

21 Q. Where would they take you?

22 A. The place where we were, we'd call the Joe Bush.

23 Q. And was there a top man of the rebels in Giema?

24 A. Yes.

17:00:25 25 Q. Who was that?

26 A. Like Issa Sesay, we were there together.

are 27 Q. Do you know how long this was after the Gios had gone,

28 you able to approximate?

because 29 A. While you are talking, please talk a little louder,

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you 1 one of my ears is not good. So speak louder a little. What

2 said, I did not hear.

the 3 MR JORDASH: Perhaps the volume could be turned up on

4 witness's microphone.

17:01:11 5 PRESIDING JUDGE: Mr Courtroom Officer, can you please
6 assist?

7 MR JORDASH:

8 Q. We are just going to turn up the volume. Okay, can you
9 hear?

17:01:46 10 A. Yes, I can hear.

11 Q. So Mr Sesay was the top man. And did you see him in
Giema
12 after you moved there?

13 A. Yes.

14 Q. How often would you see him?

17:02:36 15 A. He's someone -- we were working at the hospital. He
liked
16 going to the hospital. He used to go to us to the hospital at
17 all times, many times. That's where I knew him.

18 Q. Tell us about the hospital. What were you doing there?

19 A. I have told a moment ago that I was a birth attendant.
I
17:03:07 20 was assisting people to give birth.

21 Q. And where were you working, what kind of place?

22 A. That very Giema where we were, that's where we were
23 working.

24 Q. Were you working alone or with other people?

17:03:30 25 A. We were working with other people. At that time, when I
go
26 alone to the Joe Bush, I would walk there alone.

27 Q. What other people were you working with, what other kind
of
28 jobs were they doing?

29 A. Some of them were educated. They used to administer

1 injection. They would administer medicines to people and they
2 would explain to us exactly how to go about attending to
people
3 who were giving birth.

4 Q. Which people were coming to receive treatment?

17:04:25 5 A. At that hospital?

6 Q. Yes.

7 A. Civilians used to come there. Soldiers, rebels. Rebel
8 soldiers also used to come there. All of them, we used to
treat
9 them.

17:04:44 10 Q. And you said Mr Issa Sesay used to come. What did he
come
11 for?

12 A. He was a big man. He was a big man, so wherever workers
13 were, he would go there in order to know if the work was
14 progressing.

17:05:07 15 Q. How did he behave?

16 A. At that time when I saw him, I did not see him doing any
17 bad thing. He used to do good things for thy soul.

18 Q. What kind of things did he do?

19 A. For instance, he would take care of the medicines. He
17:05:35 20 would ensure that we had medicines at the hospital, that we
used
21 to treat civilians and the soldiers.

22 Q. Were there ever any meetings in Giema?

23 A. Yes.

24 Q. What kind of meetings?

17:06:07 25 A. Like, after they would have come from the warfront, our
brought 26 chiefs who were there, if they had captured civilians and
27 them, they would call them and hand them over to them. After
and 28 they had been handed over to them, we would all be summoned
29 told. That was what we used to do.

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1 Q. What would they be told?

we've 2 A. They would tell us that these are your brothers that
3 brought. And we, too, when we're going there, we would be
very 4 happy because they have brought our brothers.

17:07:14 5 Q. Where were they coming from?

6 A. When they were going to the warfront and they were
7 capturing them, they brought them to Giema.

8 THE INTERPRETER: They would bring them to Giema.
Sorry,

9 Your Honours.

17:07:30 10 MR JORDASH:

11 Q. What did these people do in Giema?

12 A. Those people who were bringing them?

13 Q. The people who were brought to Giema, what did they do
when

14 they came?

17:07:44 15 A. At first when they come, they would be very unhappy, but
tell

16 who are the ones who would go to them and talk to them and

17 them not to be unhappy. That we were their brothers and
sisters

18 and they were our brothers and sisters. Whoever wanted those

19 people, you would say, "I want this person," even if you
wanted

17:08:28 20 two of them.

21 Q. Wanted them for what?

22 A. If you said you wanted them, they will give them to you.

23 Then they would in turn tell you that these people who we've

24 given to you, they are not your slaves. They are your
brothers

17:08:55 25 or sisters. If you had asked for an older man and he were
taken

26 to your house, they would tell you that this person that we've

27 taken along, you should look after him carefully. Wherever
you

28 are going, you should go with that person.

29 Q. Why were they brought from the warfront?

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1 A. Just so that they wouldn't die there. Where we were, it
2 was a safe area. That was why they were bringing them to us.

3 Q. Can you recall the name of any who came in that way?

4 A. Like what name?

17:10:26 5 Q. Well, did you meet any who came from the warfront so
you 6 they -- because it was safe in Giema? Did you meet any that
7 can tell us about?

8 A. Repeat it one more time.

9 Q. Well, you've told us that people were brought from the
17:10:56 10 warfront so that they wouldn't die there. And I'm asking --

11 A. Yes.

12 Q. And I'm asking whether you recall the name of any,
whether 13 you had anything to do with any?

14 A. Yes. I myself had a loved one among them.

17:11:18 15 Q. And who was that?

16 A. It was a lady.

17 THE INTERPRETER: Correction, interpreter: I had a
friend 18 among them instead of a loved one.

19 MR JORDASH:

17:11:30 20 Q. Don't mention the name. We can deal with that in a
21 different way. Did that person -- where did that person stay
22 when they came to Giema?

23 A. We were together where I was.

24 Q. When you say you were together where you were, what does

17:11:57 25 that mean in terms of where that person lived?

26 A. For instance, if it was Giema and they had brought them
to
27 you, we will be there together; not so? I am talking about my
28 own house. We were there together and we were moving about.
29 Q. Okay. You mentioned that the people in Giema were told

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1 that these people brought were not to be like slaves? How did
2 they --

3 A. Yes.

4 Q. How did they live in Giema? How were they treated?

17:12:42 5 A. Those people, they wouldn't even allow you to cause any
6 difficulty for anybody. If you did anything bad to anybody,
if
7 that person report you, they would also treat you badly
because
8 they wouldn't allow you to treat anybody badly.

9 Q. Were there any offices in Giema?

17:13:06 10 A. Yes.

11 Q. What offices do you recall?

12 A. There was an MP office in Giema. The G2 office that was
in
13 Giema. There was a G5 office in Giema. Those are the offices

14 that were there. And the office for the educated people.

17:13:41 15 Q. Okay. So the G2 office, just briefly, what did the G2
16 office do?

17 A. The G2 office I had explained a while ago. They were
18 chiefs to whom you would report issues. That was the office,
19 just like our Mende chiefs were.

17:14:16 20 Q. And the MP office, what did that do?

21 A. That MP office?

22 Q. Yes.

23 A. It was just there for the soldiers.

24 Q. To do what, for or with the soldiers?

17:14:40 25 A. If you, a civilian, and a soldier does something wrong
to
26 you, you will report to them and they were the people who
would
27 see to that matter. They were the people who knew how to
treat
28 their colleagues.

29 Q. And the G5 office, what did that do?

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1 A. The G5 office, they would issue passes to us. If you
2 wanted to, for instance, if I was at that house and I wanted
to

that 3 go to another house, I would go to that office and tell them

4 I was going and I would ask them --

17:15:19 5 Q. Sorry, you speak very fast, but --

6 A. Well, just wait for me to drink some water.

7 Q. Okay.

8 PRESIDING JUDGE: That part of your examination-in-
chief,

9 is it something that you can wind up in another five minutes?
Or

17:16:08 10 is it you will explore that further tomorrow? Well, reach a
11 convenient point.

12 THE WITNESS: That G5 --

13 PRESIDING JUDGE: Tell her I wasn't engaging her in any
14 dialogue.

17:16:28 15 MR JORDASH: Just a moment, Madam Witness.

16 PRESIDING JUDGE: Reach some convenient point and then
17 signal to us.

18 MR JORDASH: I will, thank you.

19 Q. Tell us, slowly, about the G5, Madam Witness. The first
17:16:39 20 question is this: Where was the G5 office?

21 A. It was in Giema.

22 Q. Who worked in the G5 office?

23 A. There were many people who were working in there. I
know
24 the name of one of them. He was called Christopher.

17:17:04 25 Q. Was he a civilian or a rebel?

26 A. He was a civilian.

27 Q. And what did the G5 do?

28 A. The G5, their own work was [indiscernible] whatever,

29 wherever you were going --

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1 PRESIDING JUDGE: Could you hold on, please. Yes,
please,
2 counsel?

3 MR HARDAWAY: Your Honour, objection. It has already
been
4 asked and answered as to what the G5 does. She mentioned
issuing
17:17:40 5 passes and she gave an example.

6 JUDGE ITOE: But she may have more. But perhaps she has
7 more about the work of the G5.

8 PRESIDING JUDGE: Yes.

9 MR JORDASH:

17:17:52 10 Q. Go on, Madam Witness, please continue.

11 A. About G5?

12 Q. Yes. You've told us that they issued passes. So let's
13 just -- let me ask you about that. What were the passes for?

14 A. The passes that were issued?

17:18:12 15 Q. Yes.

16 A. In order for them to know where you were going, they
would

were 17 write it on paper and give it to you. If, for instance, you
search 18 going to Kenema, you would say you were going to Kenema in
they 19 of food. If you were going to spend three days, that's what
17:18:42 20 will put on that paper. That was their own job.

21 Q. And who could have the passes?

22 A. Those passes were given to civilians.

23 Q. Did the G5 do anything else?

24 A. These G5s, their own job was to issue passes in addition
17:19:14 25 to -- there were intermediaries between the civilians and the
26 soldiers.

27 Q. Are you able to explain further what you mean by
28 intermediaries?

29 A. Those passes which are issued by G5, if you were going
on

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G5 1 the way and a soldier sees you and says that that pass is not
2 genuine, and takes it from you, you would return to that same
among 3 and explain to them. They would be able to investigate it
4 one another. If they had done something wrong, they would say

17:20:09 5 yes, they were the one who wrote the paper, just so that it
6 wouldn't be just between us. That was what they were doing.

7 MR JORDASH: That would be convenient.

8 PRESIDING JUDGE: We'll adjourn the trial to tomorrow,
9 Wednesday, 27 June 2007 at 9.30 a.m.

17:20:56 10 MR JORDASH: Thank you.

11 [Whereupon the hearing adjourned at 5.20
p.m.,

12 to be reconvened on Wednesday, the 27th day
13 of June, 2007, at 9.30 a.m.]

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EXHIBITS:

33 Exhibit No. 225

42 Exhibit No. 226

59 Exhibit No. 227

WITNESSES FOR THE DEFENCE:

WITNESS: ISSA HASSAN SESAY 3

CROSS-EXAMINED BY MR HARRISON 3

71 RE-EXAMINATION BY MR JORDASH

91 WITNESS: DIS-302

91 EXAMINED BY MR JORDASH