

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

WEDNESDAY, 27 JUNE 2007  
9.50 A.M.  
TRIAL

TRIAL CHAMBER I

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

For the accused Augustine Gbao: Ms Lee Kulinowski (legal assistant)

Page 2

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 [RUF27JUN07A - MC]

2 Wednesday, 27 June 2007

3 [Open session]

4 [The accused present]

5 [The witness entered court]

6 [Upon commencing at 9.50 a.m.]

7 WITNESS: DIS-302 [Continued]

8 [The witness answered through interpreter]

9 PRESIDING JUDGE: Good morning, counsel. The trial is  
09:57:11 10 resumed. Mr Jordash, please continue with the  
11 examination-in-chief of your witness.

12 MR JORDASH: Thank you, Your Honour.

13 EXAMINED BY MR JORDASH: [Continued]

14 Q. Good morning, Madam Witness. Let's -- good morning  
09:57:40 15 Madam Witness?

16 A. Good morning, sir.

17 Q. Let's continue from where we arrived yesterday. You  
were

18 discussing G5s and G5s issuing passes for civilians to travel;  
do

19 you remember that?

09:58:08 20 A. Yes.

21 Q. Did you travel anywhere during your time in Giema?

22 A. What did you say?  
23 Q. I said did you personally travel anywhere from Giema?  
24 A. Yes, I went to other places.  
09:58:44 25 Q. Just to give us an idea, where did you go?  
26 A. I went to search for food in the bushes.  
27 Q. Have you ever been to Daru?  
28 A. Yes.  
29 Q. When did you go to Daru?

SCSL - TRIAL CHAMBER I

Page 3

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. I went to Daru when the chairman called.  
2 Q. When was that?  
3 A. I can't remember the time.  
4 Q. Did you ever go to the G5 for a pass?  
09:59:40 5 JUDGE ITOE: Mr Jordash, what chairman is this? I went  
6 to -- I don't know "when the chairman called."  
7 MR JORDASH:  
8 Q. Who is the chairman, Madam Witness?  
9 A. That was how we used to call it.  
10:00:20 10 Q. Used to call what? Is that a person, the chairman?  
11 A. We used to say "chairman," call him. That was how we  
12 called it.

13 Q. What was it; can you describe it?  
14 A. Yes, I'll explain a bit of it. Can I talk?  
10:00:41 15 Q. Go ahead.  
16 A. They asked the rebels to come out of the bushes. During  
17 that time we went to Daru.  
18 Q. Who was in power in Freetown then; do you know?  
19 A. Here we are sitting?  
10:01:11 20 Q. Yes. Do you know who was president?  
21 A. Yeah.  
22 Q. At the time you went to Daru?  
23 A. We heard that it was Tejan Kabbah; he was the head at  
that  
24 time.  
10:01:32 25 Q. Okay. When you were living in Giema, did you go to Daru  
26 then?  
27 A. No.  
28 Q. Did you, yourself, ever go to the G5?  
29 A. Yes.

SCSL - TRIAL CHAMBER I

Page 4

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 Q. What did you go to the G5 for?  
2 A. I went there so that I can get a pass in order for me to  
go

3 and search for food.

4 Q. And where would you search for food when you were living  
in

10:02:16 5 Giema?

6 A. I went into the bushes around, fetched some yam, some  
7 snail.

8 Q. Did you go alone or with other people?

9 A. In that situation in the morning everybody goes out to  
10:02:41 10 search for food.

11 Q. Now, would you tell the Court a bit more about your  
nurse

12 duties? Did you have a uniform?

13 JUDGE BOUTET: Did she say she was a nurse?

14 MR JORDASH: Sorry. I am sorry.

10:03:05 15 Q. Could you tell the Court about your birthing attendant  
16 duties? Did you wear any particular uniform?

17 JUDGE ITOE: Mr Jordash, if we may be, she may know, was  
18 she a nurse or a midwife? I imagine she must have been a  
midwife

19 because she was more involved in that. But let's have that  
10:03:38 20 cleared up.

21 MR JORDASH:

22 Q. Madam Witness, did you hear the Honourable Judge?  
23 Yesterday, you told us you were a birthing attendant; do you  
24 remember that?

10:03:52 25 A. Yes.

26 Q. Did you do anything else besides helping deliver babies?  
27 Did you have any other duties?

28 A. That was just my duty. Delivery, birth attendant and  
29 gardening woman. I do some gardening.

SCSL - TRIAL CHAMBER I

Page 5

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 Q. Okay. Let's just concentrate on your birthing attendant  
2 duties when you were in Giema. Firstly, did you wear any type  
of  
3 uniform?

4 A. We had no uniforms.

10:04:40 5 Q. Did you wear anything to indicate you were a birthing  
6 attendant?

7 A. Yes, but not so dress.

8 Q. What was it?

9 A. It was something made of white. It has red  
10 something that -- we had a white dress and a red cross  
11 indicating  
12 that you are a nurse.

13 Q. Thank you. And did you travel anywhere during your  
duties?

14 A. Yes.

15 Q. Where did you travel during your duties?

10:05:39 16 A. We left Giema and went into the Joe bushes and to do  
some  
17 things.

18 Q. What things did you go to do in the Joe Bush?

in 18 A. We went there to treat our brothers and sisters who were  
19 the bushes.  
10:06:03 20 Q. Were your brothers and sisters civilians or rebels?  
21 A. They were civilians.  
22 Q. Did you have a supervisor or a boss; did you have  
someone 23 who you reported to?  
24 A. Yes.  
10:06:31 25 Q. Who was that?  
26 A. The person is there.  
27 Q. Are you able to say the name?  
28 A. Yes, if you want me to.  
29 Q. Let me ask you this question before I ask you the name:

SCSL - TRIAL CHAMBER I

Page 6

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 How many birthing attendants were there in Giema at that time?  
2 A. We were so many who were birth attendants, as far as  
3 wherever the RUF people were. As long as people live there,  
we 4 are around.  
10:07:33 5 Q. Could you tell us, then, who was the boss; the name of  
the 6 person?

7 A. Yes. She was called XXXX; she was our boss.

8 Q. XXXXXX  
. What did she do then? What were her duties?

9 A. She worked somewhere and she is the head and she knows  
10:08:25 10 better than you. She gives explanation to us as to how we  
should  
11 run our duties. That was her work.

12 Q. Were there any farms in Giema?

13 A. Yes. We were farmers. We made farms.

14 Q. Did you have a farm?

10:09:04 15 A. Yes, I had a farm at one time.

16 Q. At the time you had a farm, did you see Mr Sesay?

17 A. Yes, I saw him.

18 Q. Did you see him do anything?

19 A. Yes. I saw him doing so many things.

10:10:00 20 Q. Did other people have farms, besides you?

21 A. Yes. They were making farms, combined forces.

22 Q. Who were making farms?

23 A. Civilians.

24 Q. And where were the farms?

10:10:34 25 A. We were in Giema, there was a farm. We were making  
farms.

26 Q. Did anyone besides civilians have farms?

27 A. Yes. Even the fighters, they, too, were making farms.

28 Q. Did the fighters --

29 A. Yes.



1 Q. -- was there a name for any farms? Did any of the farms  
2 have names?

3 A. The only names they had, we used to say this is the  
4 government's farm.

10:11:43 5 Q. And what was the government farm; can you describe it to  
6 us?

7 A. Yes.

8 Q. Who was the boss of the government farm?

9 A. Mr Issa Sesay was the head of that farm.

10:12:07 10 Q. How do you know he was the head of the farm?

11 A. If you are on a job and someone -- there's someone who  
12 provides food and everything for you to carry out that  
farming,

13 he's the head of the farm.

14 Q. So you're suggesting he was providing food; is that what  
10:12:38 15 you said?

16 A. Yes, he gave food.

17 Q. Who did he give food to?

18 A. Those who worked on the farm; he provides food for the  
19 workers.

10:13:03 20 Q. Who worked on the farm?

21 A. There were men, women, they were working there as well.

22 Q. Which men and women?

23 A. Civilian women and men as well, they were working on the  
24 farm.

10:13:32 25 Q. I see. How were they treated on the farm?  
26 A. As they were working on the farms it was good; they  
worked  
27 in peace. Because I, my very self, when it was time for the  
28 women to go to work on the farm, I went there as well. So  
that  
29 the food provided by Issa, when it is cooked and the workers  
are

SCSL - TRIAL CHAMBER I

Page 8

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 ready to eat, I can eat too and then go back to the farm. But  
2 we, it wasn't by force for us go and work at any time, because  
we  
3 were the ones helping people to deliver children. That was  
how  
4 it operated.

10:14:33 5 Q. Do you know how it was decided who would work on the  
farm?

6 A. What way?

7 Q. Well, you've told us how you went to work on the farm  
and  
8 received food. How were people chosen or how did they go to  
the  
9 farm?

10:15:10 10 A. If it was time to weed, the chief among the women, like  
in

going 11 Giema Town, she would tell the women that, "Tomorrow we are  
the 12 to weed." In the morning tomorrow you will all assemble at  
13 office and they will provided food so that we can go to work.  
14 Q. Did you see this?  
10:15:52 15 A. Yes, I saw it with my own eyes, as I sit here.  
16 Q. And how did the gathered workers appear to you?  
or 17 A. As we were assembled, it wasn't under any form of stress  
18 under guns. They were not beating. No one was forced to go  
there, 19 there. It wasn't like that. But if anybody wanted to go  
10:16:30 20 you would go there happily. Women, in fact, when they were  
21 going, they went along singing happily. That was how it went  
on.  
farms? 22 Q. And do you know if any of the rebels had their own  
23 A. Yes.  
were? 24 Q. Do you know any rebels who had them; what their names  
10:17:32 25 A. Yes.  
26 Q. Can you tell us now, please?  
27 A. Can I tell you the rebels who were farming?  
28 Q. Yes.  
29 A. In Giema, the leaders themselves had farms.

SCSL - TRIAL CHAMBER I

1 Q. What about Mr Sesay?

2 A. Mr Sesay had his own farm. He did not depend only on  
the  
3 government farm because that was a farm for a purpose.

4 Q. What was the purpose of Mr Sesay's farm?

10:18:26 5 A. His own farm was for his family. He is a married man.  
He  
6 has children. He had dependants.

7 Q. Who worked on the farm?

8 A. His family and his dependants.

9 Q. What did your husband at the time do; what was his job?

10:19:12 10 A. When we were in Giema, my husband worked at G2.

11 Q. Did anyone go to school in Giema?

12 A. Yes, there was school going on in Giema.

13 Q. Who went to the school?

14 A. Our children went to the schools.

10:19:53 15 Q. What age of children went to the schools?

16 A. From five years of age upwards, they went to that  
school,  
17 and it was compulsory that you send your children to school.

18 Q. Do you know if there were schools anywhere else besides  
19 Giema, at that time?

10:20:25 20 A. Yes.

21 Q. Do you know where?

22 A. Yes.

23 Q. Can you tell the Court, please?

24 A. Yes.

10:20:47 25 Q. Go ahead, please.

26 A. As far as the Court's they were, as long as you had --  
27 THE INTERPRETER: Your Honours, the witness is speaking  
28 very fast.  
29 MR JORDASH:

SCSL - TRIAL CHAMBER I

Page 10

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 Q. I think you're warming up this morning. Just take that  
2 answer again a bit more slowly, please.

3 A. I will explain where the schools were.

4 Q. Yes. Go ahead.

10:21:25  
and

5 A. There was school in Giema, Kailahun, Bandajuma, Sandia,  
6 its environs, there were schools.

7 Q. Who were the schools run by at that time?

were

8 A. There were teachers. They looked out for teachers who  
9 working there, and the educated ones were there. Those that

were

10:22:05

10 educated and who had no work during the war, they were there.

such

11 Q. Do you know if there were any fighters in those places  
12 as Bandajuma, the places where the schools were?

13 A. I did not get you quite clearly. That is why I'm not  
14 saying anything.

10:22:46 15 Q. Okay. Well, you've told us about Giema and we know that  
16 there is rebels there under the control of Mr Sesay. And I'm  
17 just asking about the other towns where you've mentioned the  
18 schools; do you know who was in control?

19 A. That, I cannot explain much about, but we knew children  
10:23:14 20 were going to those schools.

21 Q. Okay. Now, let me just ask you a couple more questions  
22 about farming. You've told us that people were happy to go  
23 there. Were there any men with guns on the farms?

24 JUDGE ITOE: She has answered that question. She said  
10:23:41 25 there were no guns.

26 MR JORDASH: Sorry, I missed that. I beg your pardon.

27 Q. Forget that question, Madam Witness.

28 JUDGE ITOE: But maybe she may want to answer that  
again.

29 There is no problem.

SCSL - TRIAL CHAMBER I

Page 11

SESAY ET AL

27 JUNE 2007

OPEN SESSION

women

1 JUDGE BOUTET: But I think the answer was where the

about

2 assembled there was no guns. I don't think she testified

3 farming in the farms.

question. 4 JUDGE ITOE: Yes, that is true. You may put the

10:24:11 5 MR JORDASH: Thank you.

6 Q. Were there any men with guns on the farms where the  
7 civilians were working?

8 A. The place where men were going to work?

9 Q. The farms [microphone not activated] were going to work.

10:24:33 10 A. Yes. When they were going to that work place, some  
gunmen  
11 would go there to oversee them.

12 Q. How old were those men with guns?

13 A. I cannot -- I cannot tell that because I did not give  
birth  
14 to them.

10:25:30 15 Q. Are you able to say, approximately, the youngest?

16 MR HARDAWAY: Objection, Your Honour. Leading.

17 PRESIDING JUDGE: Yes, counsel.

18 MR JORDASH: Are you able to say approximately the  
19 youngest?

10:25:44 20 MR HARDAWAY: She says she can't tell the age generally,  
21 Your Honour, and she, in absence of any specificity I believe  
22 that's leading.

23 MR JORDASH: I haven't asked --

24 PRESIDING JUDGE: What was the answer to the previous  
10:25:55 25 question? "I cannot tell how many."

26 MR JORDASH: "I cannot tell, I didn't give birth to  
them."

27 PRESIDING JUDGE: Yes.

28 MR JORDASH: To which I followed up with: Can you say  
29 approximately. So we went from the specific to the --

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 PRESIDING JUDGE: To the general. Is that leading? You  
2 concede? Can't he probe that?

3 MR HARDAWAY: Very well, Your Honour.

4 PRESIDING JUDGE: Yes. She said, "I cannot tell because

I

10:26:20 5 didn't give birth to them." Go ahead, yeah.

6 MR JORDASH: Thank you.

7 Q. So you cannot tell because you didn't give birth to  
them.

8 Can you give us any approximate age of the youngest men with  
9 guns, approximate?

10:26:42 10 A. Those who were carrying the gun to go, who were  
overseeing

11 the workers, they were big people and they were -- they were  
12 tall, tall but I cannot tell their ages.

13 Q. Okay, thank you.

14 MR JORDASH: Can I just take brief instructions, please?

10:27:07 15 PRESIDING JUDGE: Leave granted.

16 MR JORDASH: I have a request from Mr Sesay that the  
lady

17 translator translate to this lady because the lady translator  
is

18 translating Mende in a way which is certainly better as they



19 provide it a different way. Mr Sesay says the lady translates  
10:27:50 20 better and he would like the lady to translate to the lady  
21 because the questions are coming through clearer.  
22 PRESIDING JUDGE: Are we in a position to accommodate  
that  
23 application, having regard to the fact that this unit has put  
24 their resources at the disposal of the Court, based on certain  
10:28:12 25 criteria in terms of their proficiency. And remember these  
26 translators are interpreters sworn to interpret faithfully.  
If  
27 we entertain that application, speaking for myself, it can  
28 complicate the process.  
29 JUDGE BOUTET: I support the Presiding Judge on this.

SCSL - TRIAL CHAMBER I

Page 13

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 MR JORDASH: Perhaps Mr Sesay can just be alert and  
2 indicate if he feels --  
3 PRESIDING JUDGE: Precisely, yes. Otherwise, we might  
in  
4 fact here be setting a dangerous precedent.  
10:28:44 5 MR JORDASH: Yes.  
6 JUDGE BOUTET: I don't think it is appropriate to make,  
7 from this side, a selection of who is and who is not a good  
8 interpreter. I mean women, men or not.

9 MR JORDASH: Well, I'll just ask Mr Sesay to --

10:28:57 10 PRESIDING JUDGE: We don't have an expert here in

11 linguistics, or Mende linguistics, to say whether Mr Sesay's

12 statement is correct or not.

13 MR JORDASH: I'll just ask Mr Sesay to be alert.

14 PRESIDING JUDGE: Yes.

10:29:09 15 MR JORDASH: If he feels something has been

mistranslated.

16 PRESIDING JUDGE: Thank you. Let's proceed.

17 MR JORDASH: I've nearly finished in any event.

18 Q. The men, sorry, the people you saw with guns in Giema

19 during your time there, are you able to give an approximate

age

10:29:35 20 to them?

21 A. They were adults; there were no children.

22 Q. Did you stay in Giema or did there come a time when you

23 left?

24 A. Yes.

10:30:16 25 Q. Where did you go?

26 A. I returned to Kailahun.

27 Q. Just one last subject: Were there any religious

services

28 in Giema when you were there?

29 A. That is very big, yes.

SCSL - TRIAL CHAMBER I

SESAY ET AL

1 Q. Which ones?

2 A. Like Muslims were there, like church people were there.

3 Muslims will go for Juma prayers on Fridays. When they were

4 going for those prayers Mr Issa Sesay would provide food.

They

10:31:33 5 will cook it for the Muslims. When they come from prayers,  
they

6 will go there and eat it. Even myself, where I was, it was

short

7 to where they were eating the food. Because I am gluttonous,

so

8 I used to go there to eat that food. When we eat it we will

just

9 disperse. We go to church also.

10:32:22 10 Q. Okay. One last question from me and then there will be

11 some questions from other lawyers. Overall, how would you say

12 life was in Giema with Mr Sesay as the boss man?

13 A. As I saw it, we were happy. Not I alone, all of us, we

14 were happy.

10:32:58 15 Q. Thank you. I've got nothing further at this stage, so  
just

16 wait for some more questions.

17 PRESIDING JUDGE: You have completed your

18 examination-in-chief?

19 MR JORDASH: Your Honour, yes, I have.

10:33:08 20 PRESIDING JUDGE: Thank you. Counsel for the second

21 accused?

22 CROSS-EXAMINED BY MR TOURAY:

23 MR TOURAY: Thank you, Your Honour.  
24 Q. Good morning, Madam Witness?  
10:33:30 25 A. Hello, sir.  
to 26 Q. I'm going to ask you some few questions. Now, according  
27 your evidence, you came from the Kailahun District?  
28 A. Yes, I came from there.  
you 29 Q. And you were there from the beginning of this war, that

SCSL - TRIAL CHAMBER I

Page 15

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 spoke about, up to the end of the war?  
2 A. Yes.  
3 Q. And according to your evidence you had cause to move  
4 location from Kailahun to Nyandehun, Luawa Chiefdom?  
10:35:03 5 A. Yes.  
6 Q. And from Nyandehun, you came back to Kailahun?  
7 A. Yes.  
to 8 Q. And when Kailahun was attacked by the enemies you moved  
9 Giema?  
10:35:20 10 A. Yes.  
11 Q. And then you finally came to Kailahun again?

12 A. Yes.

13 Q. Now, you were never trained as a fighter by the rebels?

14 A. No.

10:36:00 15 Q. That goes too for your husband, who was a G2, a  
civilian;

16 he was never trained as well?

17 A. No.

18 Q. Your family life was never disrupted by the rebels,  
rebel

19 activities at all?

10:36:26 20 A. The rebels did not destroy anything about me. It was  
God

21 that destroyed me.

22 Q. I mean your family life was never disrupted at all by  
rebel

23 activities?

24 A. I'm still saying it. I will only give glory to God. It

10:36:57 25 was God that killed my children because they did not kill them

26 with gun.

27 Q. Thank you.

28 A. Thank you.

29 Q. It's true, is it not, that the Kallons come from various

SCSL - TRIAL CHAMBER I

1 areas in the Kailahun District?

2 A. What are you saying?

3 Q. People called Kallon. Kallon, Kallon. Kallon is a  
common

4 name in the Kailahun District?

10:37:59 5 JUDGE BOUTET: Are you asking the witness the question  
or

6 you're making a statement?

7 MR TOURAY: I'm asking a question. Well, I'll put it in  
8 the form of a question, Your Honour.

9 Q. Is Kallon a common name in the Kailahun District?

10:38:22 10 A. I don't know.

11 Q. Do you know the Jawie Chiefdom in the Kailahun District?

12 A. I usually hear people talking about it.

13 Q. The paramount chief who used to be there, or the ruling  
14 house, the Kallons have the ruling house from that chiefdom;  
not

10:38:56 15 so?

16 A. Kailahun Town?

17 Q. Jawie Chiefdom, Kailahun District.

18 A. I not talk about there.

19 Q. Thank you. Now, did you ever hear of the name Morris  
10:39:20 20 Kallon?

21 A. I've heard about his name.

22 Q. Did you ever come across him whilst you were in the  
23 Kailahun District throughout?

24 A. I were not having any dealing with him.

10:39:42 25 Q. You had nothing to do with him?

26 A. No.

27 Q. And he had nothing to do with your birth attendant  
delivery

28 business?

29 A. No.

SCSL - TRIAL CHAMBER I

Page 17

SESAY ET AL

27 JUNE 2007

OPEN SESSION

the 1 Q. And he had nothing to do with your family business in

2 Kailahun District?

3 A. No.

4 Q. And he had nothing to do about bringing people from the  
10:40:21 5 front line to your own location, whether it was Giema or the  
zoo

6 bush?

7 A. I don't know that.

8 Q. Now, I want to ask you about some evidence in this  
Court.

9 As a birth attendant, you were with your people. More or  
less,

10:41:07 10 you moved with your people, pregnant women?

11 A. Yes.

12 Q. Now, throughout your stay during this war in the  
Kailahun

13 District, did you ever hear about the sacrifice of seven  
pregnant

14 women?

10:41:43 15 A. I did not hear about that.

the  
by  
16 Q. You never heard about that at all during your stay in  
17 Kailahun District, that seven pregnant women were sacrificed  
18 the RUF? They never did it? Never heard about it?

19 A. I did not hear about that.

10:42:05 20 MR TOURAY: My Lord, I'm referring to the evidence of  
093,

I 21 that was the sixth trial session. 093, sixth trial session.

22 think it is page 91 of the transcript of 29 November 2005.

23 Q. Now, if something like that had happened, you would have  
24 known?

10:42:48 25 A. Yes, I would have known it.

26 MR TOURAY: No further questions.

27 PRESIDING JUDGE: Thank you. Counsel for the third  
28 accused.

29 CROSS-EXAMINED BY MS KAH-JALLOW:

SCSL - TRIAL CHAMBER I

Page 18

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 Q. Good morning, madam witness. How are you?

2 A. I'm fine.

3 Q. I'm going to ask you a few questions. In your  
responses,



4 if there is anything that you think may identify you, please  
10:43:20 5 don't mention it. Madam Witness, in your testimony to this  
6 Court, you did state that, at one period, you were in Giema;

is

7 that correct?

8 A. Yes.

9 Q. And that while you were in Giema there were G5s?

10:43:46 10 A. Yes.

11 Q. Madam Witness, can you recall who was the local G5  
12 commander in Giema, the one who was engaging civilians in  
13 farming?

14 A. Yes.

10:44:07 15 Q. Can you please name the person, please?

16 A. If you want it.

17 Q. Yes, please.

18 A. His name is Christopher.

19 Q. Christopher. Thank you, Madam Witness. And can you  
recall

10:44:40 20 who was the overall G5 commander in 1996?

21 A. That I would not be able to show.

22 Q. But can you tell the Court whether Augustine Gbao was a  
23 member of the G5?

24 A. Augustine Gbao, I usually heard his name, but I don't  
know

10:45:18 25 the work he was doing.

26 Q. So you cannot confirm with a certainty that he was a  
member  
27 of the G5; is that correct?

28 A. I don't know.

29 MS KAH-JALLOW: Thank you, no further questions.

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1           PRESIDING JUDGE: Thank you, counsel. Counsel for the  
2 Prosecution.

3           MR HARDAWAY: Thank you, Your Honours.

4                           CROSS-EXAMINED BY MR HARDAWAY:

10:45:53 5       Q.     Madam Witness, good morning.

6       A.     Good morning.

7       Q.     I have some questions for you, ma'am. I hope to be very  
8 brief. A lot of the times the questions can be answered yes,  
no,  
9 or I don't know. Do you understand?

10:46:11 10     A.     Yes.

11     Q.     If I need an explanation from you, Madam Witness, I will  
12 ask one of you, okay?

13     A.     Yes.

14     Q.     Right. I want to take you back to the beginning of your  
15 evidence, Madam Witness. You said it was the Gio that had  
16 committed the crimes in Kailahun Town; is that correct?

17     A.     Yes.

18     Q.     And that it was your brothers that had pushed the Gio  
out  
19 of Kailahun; is that also correct?

10:47:02 20     A.     Yes.

Gio 21 Q. You would agree with me, Madam Witness, that after the  
22 had been pushed out by your brothers, that you then went to  
23 Giema; isn't that so?  
24 A. Yes.  
10:47:22 25 Q. It was around November 1996 that your brothers had  
pushed  
26 the Gio away, isn't it?  
27 A. I can't tell the year.  
1996 28 Q. Madam Witness, I put it to you that it was by November  
you 29 that the Gio had been pushed away by your brothers and then

SCSL - TRIAL CHAMBER I

Page 20

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 moved to Giema; do you agree, disagree or don't know?  
2 A. You've told the date. I'll agree.  
3 Q. I'll move on, Madam Witness.  
4 MR JORDASH: Sorry, could I --  
10:48:06 5 PRESIDING JUDGE: Counsel, what is your --  
6 MR JORDASH: I'm just troubled by the question and the  
7 suggestion which appears to come from counsel's notepad but  
not

8 from any evidence we've heard so far.

9 PRESIDING JUDGE: But this is cross-examination, isn't  
it?

10:48:21 10 And which rule of impermissibility has he infringed? Do sit  
down

11 and let's hear the objection. Which rule of impermissibility  
has

12 he infringed in respect of cross-examination? Because if you

13 have an objection, one would like to see -- hear the rule,  
unless

14 the question is so loaded or argumentative or hypothetical

10:48:49 15 that -- but which rule? Remember, this is cross-examination,  
not

16 examination-in-chief, and he can cross-examine as to issues,  
or

17 credit, or both. But if you give me a rule of  
impermissibility,

18 we'll rule on it.

19 JUDGE BOUTET: I would suggest to you, Mr Jordash, that  
you

10:49:10 20 have done that. Not the same question, but the same type of

21 question with many witnesses in cross-examination. I mean,  
you

22 can put to the witness any question and ask him: Will you  
agree

23 with me or not? When you've asked that kind of question, the

24 witness may disagree and say, "I don't know."

10:49:24 25 MR JORDASH: A party is supposed to advance their case  
and

26 they're supposed to advance propositions to witnesses which  
are

27 consistent with their case. There has not been a single shred  
of

28 evidence to say that the Gios were pushed out --

29 JUDGE BOUTET: Well [overlapping speakers] to the  
witness.

SCSL - TRIAL CHAMBER I

Page 21

SESAY ET AL

27 JUNE 2007

OPEN SESSION

he

1           PRESIDING JUDGE: Clearly, the point is, why shouldn't  
2 explore this under cross-examination if he can -- if it's  
3 important for his -- for their own case? What specific rule  
4 he now violating or contravening?

10:49:57

5           MR JORDASH: One of consistency.

6           PRESIDING JUDGE: Consistency in respect of what?

evidence.

7           MR JORDASH: In respect of their evidence. Their

8           PRESIDING JUDGE: No. But this is your witness.

9           MR JORDASH: I'll leave my objection --

10:50:07

10          PRESIDING JUDGE: He is eliciting --

out

11          MR JORDASH: But it seems to me somewhat curious that a

12 whole case can be run on the basis that the Gios were pushed

up

13 at a particular time. And then the prosecuting counsel stands

14 and cross-examines on a completely different basis.

10:50:25  
new

15          PRESIDING JUDGE: But counsel is also allowed to bring

examine.

16 matter here and you will, of course, be entitled to re-

17 Remember, this is open ground. When it comes to  
18 cross-examination, the rules are not as rigid.

19 MR JORDASH: In the same way, I cannot cross-examine a  
10:50:45 20 witness on matters which are not consistent with my  
instructions.

21 There ought to be a --

22 PRESIDING JUDGE: Well, we don't know this.

23 MR JORDASH: Well, I'll leave it at that.

24 PRESIDING JUDGE: We don't know this. This is the  
quantum  
10:50:54 25 leap that you want us to make.

26 MR JORDASH: But we do, because the Prosecution have led  
27 evidence consistent with the Gios being pushed out at a  
different  
28 time. So to advance a proposition like that --

29 PRESIDING JUDGE: This could be a matter for address.

SCSL - TRIAL CHAMBER I

Page 22  
SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 MR JORDASH: To advance a proposition like that to a  
2 witness, the witness says, "Well, I don't know, but I'll agree  
3 with you," we now have evidence on the record which says the  
Gios  
4 were pushed out in 1996, which comes from nowhere and is based  
on  
10:51:24 5 nothing, but at the consent of a witness who doesn't know.

the 6 JUDGE BOUTET: Well, they can test the credibility of  
7 witness through various forms. I mean, this is not unfair nor  
8 improper.  
9 PRESIDING JUDGE: The objection --  
10:51:35 10 JUDGE BOUTET: If the accused is upside down as you say,  
11 Mr Jordash, that's their problem.  
12 PRESIDING JUDGE: That's their problem. Yes. Quite. I  
13 mean, it's a matter for address, in fact.  
14 MR JORDASH: I'll leave it there.  
10:51:45 15 PRESIDING JUDGE: I mean, the Prosecution, they stand or  
16 fall by what they do.  
17 MR JORDASH: I'll leave it there.  
18 JUDGE ITOE: Mr Jordash, what is important, I think, is  
19 that your witnesses reply to counsel's question. It's noted.  
It  
10:51:55 20 is you who have suggested the date. If it is what you are  
21 saying, well, let us say that. I think it goes to the  
22 examination of the weight, you know, that we shall attach to  
that  
23 type of evidence.  
24 MR JORDASH: I'll leave it there.  
10:52:12 25 PRESIDING JUDGE: Right. Counsel, continue. The  
objection  
26 is overruled. It's withdrawn, is it?  
27 MR HARDAWAY: Thank you, Your Honour.  
28 PRESIDING JUDGE: It's overruled.  
29 MR HARDAWAY: It's laid on the table, Your Honours. I

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 understand.

2 PRESIDING JUDGE: Continue.

3 MR HARDAWAY: Thank you.

4 Q. Madam Witness, I want to now take you to your time in

10:52:30 5 Giema, okay?

6 A. Yes.

7 Q. In Giema, is it your evidence that Issa Sesay was the  
big

8 man, the man in charge?

9 A. Yes.

10:52:49 10 Q. And you had also testified that the rebels would bring  
back

11 captured civilians from the front line and bring them to  
Giema;

12 is that correct?

13 A. Yes.

14 JUDGE ITOE: Did she use the word "captured"?

10:53:08 15 MR HARDAWAY: Yes, she did, Your Honour.

16 JUDGE BOUTET: Yes, she did. I do recall that.

17 JUDGE ITOE: All right.

18 MR HARDAWAY:

19 Q. And these rebels were under the command of the big man,  
10:53:19 20 Issa Sesay, weren't they?

21 A. Yes.



were 22 Q. And you also testified that these captured civilians  
23 very unhappy when they arrived, weren't they?  
24 A. Yes.  
10:53:30 25 Q. Now, among these captured civilians included men, women  
and 26 children, didn't they?  
27 A. Yes.  
28 Q. Now, Madam Witness, you had also said that, once in  
Giema, 29 the captured civilians would be handed over to people who  
wanted

SCSL - TRIAL CHAMBER I

Page 24

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 them; do you remember that?  
2 A. Yes.  
3 Q. It was the G5 that was responsible for handing over  
4 civilians to people who wanted them; is that correct?  
10:54:22 5 A. Yes.  
6 Q. Madam Witness, what happened to those captured civilians  
7 who were not handed over to people who wanted them?  
8 A. I have not understood properly.  
9 Q. All right. I will try and make it clearer. You  
testified

10:54:49 10 that civilians would be handed over to people -- captured  
11 civilians would be handed over to people who wanted them;  
12 correct?  
13 A. Yes.  
14 Q. My question is: What happened to those captured  
civilians  
10:55:06 15 who were not handed over -- who weren't wanted by anybody?  
What  
16 happened to them?  
17 A. They would stay with the chiefs.  
18 Q. All right. Madam Witness, the captured civilians who  
were  
19 handed over to people, they had to do work for the people who  
10:55:43 20 took them in, didn't they?  
21 A. They were not the only ones who worked.  
22 Q. But they had to do work, didn't they, the captured  
23 civilians?  
24 A. Yes, together with them.  
10:56:06 25 Q. And the captured civilians who stayed with the chiefs,  
they  
26 also had to work, didn't they?  
27 A. Yes.  
28 Q. Now, Madam Witness, could any of the captured civilians  
29 refuse to do any work for either the chiefs or the people who

SCSL - TRIAL CHAMBER I

1 took them in? Could they say --

2 PRESIDING JUDGE: Why not take them separate?

3 MR HARDAWAY: I understand, Your Honour. I apologise.

4 Q. I'll make it simple, Madam Witness. The captured  
civilians

10:56:48 5 who were with people who took them in, could they refuse to do  
6 any work?

7 A. No.

8 Q. What would happen to them if they refused to do work?

9 A. They wouldn't do anything to them.

10:57:21 10 Q. I put it to you, Madam Witness, that the civilians who  
were

11 with people who took them in, if they refused to work, that  
they

12 would be threatened with beatings and death; do you agree,  
13 disagree, or do not know?

14 A. Go over it again, please.

10:57:46 15 Q. I put to you, Madam Witness, that --

16 JUDGE ITOE: Learned counsel, why don't you let her  
answer

17 the question, instead of saying do you agree, disagree or do  
not

18 know? That helps to confuse her. Put the question to her as  
19 clearly as you can and then we wait for the answer and see how

10:58:05 20 she answers it.

21 MR HARDAWAY: I understand, Your Honour.

22 JUDGE ITOE: Because when you go with those three  
23 components, you compound it and she could get confused.

24 MR HARDAWAY: So not my prior questions, but the last

10:58:15 25 question, just break it down into each separate component; is

26 that what the Court wishes? I can do so.

27 PRESIDING JUDGE: Yes. Just leave those parts. Just  
put

28 the question and let her have a response.

29 MR HARDAWAY: Very well.

SCSL - TRIAL CHAMBER I

Page 26

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 PRESIDING JUDGE: She might in fact come out with a much  
2 clearer answer that you're probably anticipating.

3 MR HARDAWAY: Very well.

4 Q. Madam Witness, I put to you that the captured civilians  
who

10:58:39 5 were forced to work for people that they were handed over to,  
if

6 they refused to work, they would be punished; do you agree?

7 A. No.

8 Q. You disagree?

9 A. No.

10:59:12 10 Q. I'll move on. Madam Witness, the captured civilians who  
would

11 were staying with the chiefs, if they refused to work, they

12 be punished, wouldn't they?

13 A. No.

civilians 14 Q. I put it to you, Madam Witness, that the captured  
10:59:39 15 who stayed with the chiefs, would be punished if they refused  
to 16 work; do you agree?  
17 A. No.  
18 Q. Madam Witness, the captured civilians, they were not  
free 19 to go back to their original villages, were they?  
11:00:14 20 A. Some of them went back.  
21 Q. I put it to you, Madam Witness, that the civilians  
captured 22 by rebels under the command of Issa Sesay were not allowed to  
go 23 back to their villages after they were captured; do you agree?  
24 A. No.  
11:00:43 25 Q. Now, you have testified in your evidence that the G5 was  
26 responsible for handing out passes to civilians who wanted to  
27 travel; is that correct?  
28 A. Yes.  
29 Q. And you had also mentioned that, when they gave the  
pass,

SCSL - TRIAL CHAMBER I

Page 27

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 they wanted to know where you were going and for how long you

2 were going; is that correct?

3 A. Yes.

4 Q. Now, you had also mentioned that you needed a pass just  
to

11:01:23 5 go out and search for food; do you remember that?

6 A. Yes.

7 Q. And you also needed a pass to go to Kenema as well; is  
that

8 correct?

9 A. No.

11:01:43 10 Q. If you wanted to travel to Kenema, you could just go and  
11 travel without letting the G5 know?

12 A. No.

13 Q. If you wanted to travel to Kono, you went to the G5 to  
get

14 a pass, didn't you?

11:02:06 15 A. I didn't quite get you.

16 Q. If you wanted -- if, while you were in Giema, during  
that

17 time, if you wanted to travel to Kono, you would have to go to  
18 the G5 office to get a pass; is that correct?

19 A. Yes.

11:02:34 20 Q. And if, for whatever reason, you wanted to go to  
Freetown

21 from Giema during that time, you also needed to go to the G5  
to

22 get a pass; is that correct?

23 THE INTERPRETER: Your Honour, please can counsel go  
over

24 the question again?

11:02:50 25 MR HARDAWAY: My apologies to the interpreter.

26 Q. Madam Witness, if you wanted to go to Freetown while you

to 27 were in Giema during the time of your evidence, you would have  
28 go to the G5 to get a pass; correct?  
29 A. No.

SCSL - TRIAL CHAMBER I

Page 28 SESAY ET AL  
27 JUNE 2007 OPEN SESSION

on 1 Q. So if you wanted to go to Freetown, you could just leave  
2 your own and tell nobody in the G5 or even the G2; is that  
3 correct?

4 A. During the war?  
11:03:37 5 Q. During the war, yes.  
6 A. You can't even imagine that.

7 Q. I don't believe that was an answer to my question, Madam  
8 Witness. Madam, what my question is: You testified just now  
9 that while you were in Giema, if you wanted to travel to  
11:04:01 10 Freetown, for example, that you did not need a pass from the  
G5;  
11 is that correct?

12 A. Please go over it again.  
13 Q. I'll rephrase the -- I'll rephrase the subject,  
14 Madam Witness. During the time you were in Giema, during the

11:04:35 15 war, if you wanted to go anywhere in the country of Sierra  
Leone,  
16 you needed a pass from the G5; that's correct, isn't it?  
17 A. No.  
18 Q. Where could you travel in Sierra Leone without getting a  
19 pass from the G5?  
11:05:06 20 A. Except within the areas where the rebels were.  
control; 21 Q. So you needed a pass for where the rebels were in  
22 is that correct?  
23 A. Yes.  
24 Q. So if you wanted to go to Freetown, which was not under  
11:05:30 25 rebel control, would the rebels let you go? "Yes," "no" or "I  
26 don't know"?  
27 A. I don't know for that.  
28 Q. Madam Witness, what would happen to any civilians if  
they 29 were travelling in rebel territory without a pass from the G5?

SCSL - TRIAL CHAMBER I

Page 29

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. You wouldn't bother to go, as long as you don't have a  
2 pass.  
3 Q. Have you heard of any instances during your time in  
Giema



from 4 of any civilian travelling in rebel territory without a pass

11:06:27 5 the G5?

6 A. What did you say?

7 Q. During your time in Giema, during the war, did you ever  
8 hear of any civilian travelling in rebel territory without a  
pass

9 from the G5?

11:06:59 10 A. I don't know about that. I didn't hear of that.

11 Q. I put it to you, Madam Witness, that any civilians  
12 travelling in rebel territory, without a pass from the G5,  
would

13 be punished; do you agree?

14 A. You wouldn't go anywhere as long as you don't have a  
pass.

11:07:31 15 Q. I now want to take you to the time, Madam Witness, when  
you  
16 were working in the hospitals?

17 JUDGE ITOE: Does that answer the question, learned  
18 counsel?

19 MR HARDAWAY: I'll rephrase. I'll ask it again. Thank  
11:07:44 20 you, Your Honours.

21 Q. So, Madam Witness, I put to you that any civilians,  
22 travelling in rebel territory without a pass from the G5,  
would

23 be punished; do you not know?

24 A. I am telling you that no civilians would bother go  
anywhere

11:08:12 25 if you don't have a pass.

26 Q. Madam Witness that wasn't the answer to my question.

27 MR JORDASH: I respectfully submit it was.

situation

28 PRESIDING JUDGE: I think actually here we have a  
29 where the witness doesn't --

SCSL - TRIAL CHAMBER I

Page 30

SESAY ET AL

27 JUNE 2007

OPEN SESSION

she

1 JUDGE ITOE: She doesn't want to go any further.

2 PRESIDING JUDGE: -- want to go any further than what

seem

3 has said. That she probably, I don't know, I mean, we, and I  
4 don't think we are entitled to speculate here, she doesn't

11:08:39

5 to take in the concept of whether punishment would be meted or  
6 not, if there was an infringement of this rule about a pass.

But

7 it is entirely up to you. If you think you need to pursue it  
8 further --

on,

9 MR HARDAWAY: I may need to pursue it a little further

11:09:00

10 if nothing else, then I will pursue it in final submissions.

would

11 PRESIDING JUDGE: I mean, she has virtually said you

12 not even venture to do it.

question.

13 MR JORDASH: I would submit she has answered the

14 PRESIDING JUDGE: You mean by what, implication?

11:09:12

15 JUDGE ITOE: By what?

16 MR JORDASH: By saying --  
17 JUDGE ITOE: You would not answer by saying --  
18 PRESIDING JUDGE: We disagree with you. This is what  
I'm  
19 saying: This is a matter which can be subject to  
interpretation.  
11:09:21 20 We can all hear, argue ad infinitum whether she has answered  
it  
21 or whether she has not. I think the answer for me, from a  
purely  
22 factual point of view, does not actually go to the issue of  
23 punishment. It merely says, you don't even dare to do it.  
24 That's what it says. If you want to say by implication, that  
is  
11:09:44 25 a different question.  
26 MR JORDASH: Yes. What I was going to say was that it  
is  
27 this witness's experience that civilians didn't travel without  
28 passes.  
29 PRESIDING JUDGE: Well, that's all she's talking about.

SCSL - TRIAL CHAMBER I

Page 31

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 And she doesn't want to travel outside her experience.

2 MR JORDASH: Well, I don't think she can.

3 PRESIDING JUDGE: Well, that's not the question. That's  
4 what we're saying but counsel is entitled to explore that if  
his  
11:10:08 5 instructions are this witness may know something about whether  
6 such violators, or alleged violators, would be punished.

7 MR JORDASH: But she has been asked the question twice.  
8 She has answered it in the same way twice, indicating that her  
9 experience is one way, indicating that she doesn't know of  
11:10:26 10 civilians.

11 PRESIDING JUDGE: No, I'm not disagreeing with you.  
What  
12 I'm not agreeing with you is that having answered it that way,  
by  
13 implication, she has answered that question.

14 JUDGE ITOE: She obviously has not answered the  
question.

11:10:42 15 MR HARDAWAY: May I, Your Honours?

16 PRESIDING JUDGE: Go ahead. Proceed.

17 MR HARDAWAY:

18 Q. Madam Witness, you had just said that civilians would  
not  
19 dare travel without a pass from the G5; correct?

11:11:13 20 A. Yes.

21 Q. Why would civilians not dare to travel without a pass  
from  
22 the G5?

23 A. It would be for your own very life.

24 Q. Could you repeat that? I didn't hear the first part,  
11:11:27 25 Madam.

26 A. Which one?

27 Q. Could you repeat the first part of your answer? I did  
not

28 hear the first part. I just heard the words "your very life."

29 A. Which question are you asking me?

SCSL - TRIAL CHAMBER I

Page 32

SESAY ET AL

27 JUNE 2007

OPEN SESSION

civilians 1 Q. My last question, Madam Witness, was: Why would

2 not dare to travel without a pass from the G5?

3 A. It's not the nice for you to do it.

4 Q. What do you mean by "not nice to do it," Madam Witness?

11:12:33 5 A. As long as you are civilian, when you want to travel you  
6 should go to the G5 so that they can issue you a pass.

travel 7 Q. Madam Witness, you said that it would not be nice to

be 8 without a pass from the G5. My question is: Why would it not

9 nice to travel without a pass from the G5?

11:13:05 10 A. If you have a pass, any soldier who miss you on the way,  
11 you show it to him that -- and he knows that you are coming  
from

12 this point to this point. That is why the pass is good.

13 Q. But, Madam Witness, why would it not be nice if you  
14 travelled without a pass from the G5; what would happen to  
you?

11:13:35 15 A. What will happen to you? If you are coming from Giema  
to

16 Kailahun, and when you get to Bandajuma, and you have no pass,  
17 you will be returned back to Giema to get a pass before you  
come  
18 back. If that happens then you will be get -- you get bored.  
19 Q. You get bored?  
11:13:56 20 A. And there will be a delay in your travel.  
21 Q. Would they do anything else to you, if you were caught  
22 without a pass and you were travelling?  
23 A. Yes, they will arrest you and take you back to where you  
24 were coming from.  
11:14:21 25 Q. And what would they do when they arrested you; when they  
26 would arrest you?  
27 A. They would warn you. Whenever you're going anywhere you  
28 should take a pass. Don't ever bother to go such a way  
without a  
29 pass. I want to drink some water.

SCSL - TRIAL CHAMBER I

Page 33

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 PRESIDING JUDGE: Go ahead, Madam Witness.  
2 MR HARDAWAY:  
3 Q. Are you all right, Madam Witness?  
4 A. Yes.  
11:15:33 5 Q. I put it to you, Madam Witness, that if civilians were

6 caught travelling without a pass from the G5, they would be  
7 severely punished and that would include beatings; do you  
agree?

8 A. No, I disagree.

9 Q. Now, you had testified, Madam Witness, as a nurse you  
would

11:16:04 10 travel to the Joe Bush to treat civilians. You called them  
your

11 brothers and sisters; is that correct?

12 A. Yes.

13 Q. You needed a pass to go to the Joe Bush to treat your  
14 brothers and sisters, didn't you?

11:16:21 15 A. I told you our own, that our own paths was made and it  
was

16 stick to our -- stick to our clothes. We don't go for the  
pass.

17 Q. But you had a pass that allowed you, in your  
professional

18 duty, to go to the Joe Bush to treat civilians; yes?

19 A. I had the paper for that which my head gave to me.

11:17:00 20 Q. Okay. And the G5 would know what times you were going  
to

21 the Joe Bush, because your head would tell them; yes?

22 A. No, no. We just go to our head.

23 Q. Do you know if your head went to the G5 to say: "On  
this

24 day my team are going to the Joe Bush to treat civilians"?

11:17:45 25 A. I don't know.

26 Q. I want to focus on your time as a nurse and as a  
birthing

27 attendant, Madam Witness; okay?

28 A. Okay.

29 Q. Now, when you were in the hospital, Madam Witness, you  
saw

1 rebels who were injured in battle coming to the hospital,  
didn't 2 you?

3 A. Yes.

4 Q. And you also saw civilians who were injured in the  
battles 5 as well. They came to the hospital, didn't they?  
11:18:25

6 A. I did not see a civilian.

7 Q. You did not -- the hospital that you were at did not  
treat 8 any civilians that were captured from the rebels?

9 A. Please go over the question again.

10 Q. In the hospital that you were at, when the rebels  
11:18:56 captured 11 civilians from their battles, did they ever bring any of the

12 civilians to the hospital where you were at?

13 A. Yes.

14 Q. And these civilians were injured, weren't they?

11:19:31 15 A. No, I didn't see any of them wounded.

16 Q. I put it to you, Madam Witness, that the civilians who  
came 17 to your hospital were, in fact, severely injured and it was



18 committed by the rebels; do you agree?

19 A. No.

11:20:00 20 Q. Now, during your time as a birthing attendant, how many  
--  
birthing 21 scratch that. You helped deliver a lot of babies as a

22 attendant in Giema, didn't you?

23 A. Yes.

24 Q. And some of the pregnant women who you took care of were  
11:20:30 25 very young, weren't they?

26 A. Yes.

27 Q. Did these women, these young women, ever tell you who  
the 28 fathers of their babies were?

29 A. Some of their fathers were the fighters and some of them

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 35

27 JUNE 2007

OPEN SESSION

1 were civilians.

2 Q. Did any of the young women whose babies' fathers were  
the 3 fighters, did they tell you how they came to be with them?

4 A. I did not ask them.

11:21:33 5 Q. I put it to you, Madam Witness, that these young women  
who 6 gave birth, whose fathers were the fighters, were forced?

7 THE INTERPRETER: Your Honours, can learned counsel  
please  
8 repeat the question.  
9 MR HARDAWAY: Very well.  
11:21:51 10 Q. Madam Witness, I put to you that the young women who you  
children  
11 took care of, those young women, whose father of their  
12 were the fighters, do you understand me so far?  
13 A. During the war?  
14 Q. During the war, yes, ma'am.  
11:22:18 15 A. Yes.  
forced  
16 Q. I put it to you that those women were captured and  
17 to be with those men who were the father of their children; do  
18 you agree?  
19 A. No.  
11:22:52 20 MR HARDAWAY: If I may have the Court's indulgence for  
one  
21 moment, please?  
22 PRESIDING JUDGE: Leave granted.  
23 MR HARDAWAY: I thank the Court.  
24 Q. I want to take you now, Madam Witness, to the issue of  
11:23:14 25 farming, that you had discussed earlier; okay?  
26 A. As what?  
27 Q. You had mentioned that it would be the chiefs who would  
be  
28 responsible for getting the people together to work on the  
29 government farm; do you remember that?

1 A. Yes.

2 Q. What would happen to those civilians who did not want to  
3 work on the government farm?

4 A. If you say you don't want to go and work they wouldn't  
tie  
11:24:12 5 you, they wouldn't beat you. They just leave you.

6 Q. I put it to you, Madam Witness, that civilians were  
forced  
7 to work on the government farm and if they refused they would  
be  
8 punished by the rebels; do you agree?

9 A. No.

11:24:37 10 Q. Now, you had mentioned that at the government farm, Issa  
11 Sesay was the boss man; correct?

12 A. Yes.

13 Q. And that he would provide food to the workers at the  
14 government farm; is that also correct?

11:24:57 15 A. Yes.

16 Q. We have evidence in this Court, Madam Witness, that no  
food  
17 was provided to any of the workers at the government farm?  
I'm  
18 referring to witness TF1-118, Your Honours. Do you agree?

19 A. And they were not provided food?

11:25:29 20 Q. Yes.

21 A. I say they gave them food. I saw it.

do 22 Q. Now, Madam Witness, the people who you said guarding --

government 23 you remember your testimony about people guarding the

24 farm?

11:25:52 25 MR JORDASH: Overseeing, I think she said.

I 26 MR HARDAWAY: If it's all the same, I'll use that term.

27 apologise.

28 PRESIDING JUDGE: Yeah, go ahead.

29 MR HARDAWAY:

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 37

27 JUNE 2007

OPEN SESSION

as 1 Q. Do you remember your evidence, Madam Witness, testifying

2 to gunmen overseeing the government farm?

farm. 3 A. What I said, I was not saying they were securing the

4 They were securing those working on the farm.

11:26:27 5 Q. Why were they securing those working on the farm, if  
6 everyone there was willing and happy to go?

7 JUDGE ITOE: Is that a fair question to this witness?

8 MR HARDAWAY: I would submit it is, Your Honour, because

9 the witness testified that the people one, they volunteered.  
11:26:50 10 Two, they were singing on their way to work. If it's -- if  
11 they're happy to farm, if they're happy to go to the  
government  
12 farm, especially if they are being fed as alleged by the  
witness,  
13 then why the need to be overseen by armed gunmen?

14 JUDGE ITOE: Are those not issues, you know, relating to  
11:27:09 15 the question you have asked? Are those not issues which  
relate  
16 to any addresses that you may wish to make thereafter.

17 MR HARDAWAY: It may. I'm just putting it to her. If  
she  
18 doesn't know, then she doesn't know and we will make the  
19 appropriate submissions at the appropriate time.

11:27:25 20 JUDGE ITOE: Learned counsel, you may proceed.

21 MR HARDAWAY: Thank you, Your Honour.

22 Q. Madam Witness, it is your evidence that the people who  
23 worked at the government farm were happy to do so; is that  
24 correct?

11:27:36 25 A. That was what I said.

26 Q. If they were happy to work at the government farm, do  
you  
27 know why they would need to be overseen by big men with guns?

28 A. I will explain.

29 Q. Please.

was  
1 A. Those who went to work were happy. But, you know, it  
2 during the course of the war, sometimes people come from  
3 different areas to come and fight, but if they were fighters  
4 securing or if they see these people coming, they will move  
them  
11:28:28 5 from that place and bring them to the town. So that was the  
6 reason why they were around.

7 Q. I put it to you, Madam Witness, that the men there with  
8 guns were there to make sure that you didn't steal any of the  
9 rice from the government farm; do you agree?

11:28:46 10 A. No, they had no problem with the rice. No business with  
11 the rice.

men  
12 Q. I also put it to you, Madam Witness, the men, the big  
13 with the guns, were also there to prevent you, to prevent the  
14 civilians from escaping because they were forced to work on  
the  
11:29:03 15 government farm; do you agree?

16 A. They were not forced to work on the farm.

17 Q. Now, Madam Witness, you said that during the time in  
18 Giema,  
19 civilians also had their own farms; is that correct?

19 A. Yes.

11:29:27 20 Q. The rebels would take the products from the civilian  
farms  
21 for themselves, wouldn't they?

22 A. No, they had it for themselves.

products 23 Q. Civilians had to provide certain amounts of farm  
24 to the rebels, didn't they?  
11:29:54 25 A. Go over it again, please.  
number 26 Q. The civilians were required to hand over a certain  
27 of farm products; rice, palm oil, et cetera, to the RUF,  
didn't 28 they?  
29 A. I did not see that happen. Except the government farm  
they

SCSL - TRIAL CHAMBER I

Page 39

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 were making.  
2 PRESIDING JUDGE: Learned counsel, assuming that you  
have 3 quite a big chunk of that to explore further, I think we'll  
take 4 the morning break now.  
11:30:39 5 MR HARDAWAY: Very well, Your Honour.  
6 [Break taken at 11.30 a.m.]  
7 [RUF27JUN07B - CR]  
8 [Upon resuming at 12.10 p.m.]  
9 PRESIDING JUDGE: The Prosecution will continue.  
12:11:52 10 MR HARDAWAY: Thank you, Your Honours.

11 Q. Madam Witness, before the break, we were talking about  
12 farms; do you remember?

13 A. Yes.

14 Q. I want to go back to the government farm. Now, you had  
12:12:15 15 said that there were civilians working on that farm; is that  
16 correct?

17 A. Yes.

18 Q. There were children also working on that government  
farm,  
19 weren't there?

12:12:30 20 A. No. Adults were working on the farm.

21 Q. I put it to you, Madam Witness, that children were  
forced  
22 to work on the government farm in Giema; do you agree?

23 A. No.

24 Q. There were also children with guns guarding the  
government  
12:13:01 25 farm in Giema, weren't there?

26 A. No.

27 Q. I put it to you, Madam Witness, that there were children  
28 with guns guarding the government farm at Giema; do you agree?

29 A. No.

SCSL - TRIAL CHAMBER I



in 1 Q. Now, you had also said that Issa Sesay had his own farm

2 Giema; is that correct?

3 A. Yes.

4 Q. Civilians were forced to work on Issa Sesay's personal

12:13:46 5 farm, weren't they?

6 A. No.

7 Q. I put it to you, Madam Witness, that civilians were

forced 8 to work on Issa Sesay's personal farm; do you agree?

9 A. No.

12:14:02 10 Q. Now, Madam Witness, you had stated that Issa Sesay

provided 11 food to people who worked on his farm; is that correct?

12 A. Yes.

13 Q. And you also said that he provided food for civilians

14 attending religious ceremonies; is that also correct?

12:14:30 15 A. Yes.

16 Q. So would you say, Madam Witness, that generally, Issa

Sesay 17 provided food to any civilian who needed it or wanted it?

18 A. As long as you met him for that.

19 Q. As long as you met him. So if a person asked, he would

12:14:56 20 provide; is that correct?

21 A. Yes.

22 Q. Thank you, Madam Witness. Now, you had mentioned in

your 23 evidence about the G5; is that correct?

24 A. Yes.

12:15:14 25 Q. And you were asked a question concerning the overall

26 commander of the G5; do you remember that?

27 A. Yes.

28 Q. Augustine Gbao was the head of -- the overall head of  
the

29 G5, wasn't he?

SCSL - TRIAL CHAMBER I

Page 41

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. I don't know.

2 Q. I put it to you, Madam Witness, that Augustine Gbao was  
the

3 overall head of the G5 during your time in Giema; do you agree  
or

4 don't know?

12:15:53 5 A. I don't know.

6 Q. Thank you.

7 A. Okay.

8 Q. Now, Madam Witness, you saw Issa Sesay a lot during your  
9 time in Giema, didn't you?

12:16:14 10 A. Yes.

11 Q. And he would have bodyguards with him when he travelled  
12 around, didn't he?

13 A. Yes.

14 Q. Some of those bodyguards were actually children with  
12:16:33 15 weapons, weren't they?

16 A. No.

17 Q. I put it to you, Madam Witness, that Issa Sesay had  
18 children and young people armed with weapons serving as his  
19 personal bodyguard; do you agree?

12:16:54 20 A. I don't know. I did not see that.

21 MR HARDAWAY: May I take instructions for one minute,  
22 Your Honour?

23 PRESIDING JUDGE: Leave granted.

24 MR HARDAWAY: Thank you, Your Honours.

12:17:23 25 Q. Madam Witness, I have no more questions for you. Thank  
you  
26 for your time and evidence today.

27 MR HARDAWAY: Your Honours, this completes my  
28 cross-examination.

29 PRESIDING JUDGE: Thank you, counsel. Mr Jordash, do  
you

SCSL - TRIAL CHAMBER I

Page 42

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 have any re-examination?

2 MR JORDASH: Yes, please.

3 RE-EXAMINED BY MR JORDASH:

4 Q. I have just a few questions, and then you'll be  
finished.

12:18:03 5 You told us yesterday that civilians were captured at the war  
6 front so they wouldn't die there; do you remember saying that?

7 A. Yes.

8 Q. Now, can you try to explain what you mean by --

9 PRESIDING JUDGE: Yes, counsel.

12:18:46 10 MR HARDAWAY: Objection, Your Honour. Any explanation -

11 there was nothing in cross-examination as related to any  
12 explanation as to civilians being captured at the war front.

I

13 just mentioned it in a broad general term. I did not ask her

to

14 go into detail about that. It's not subject to -- it was not

12:19:04 15 part of the cross-examination.

16 PRESIDING JUDGE: Did she not answer a question about  
17 civilians being captured at the war front?

18 MR HARDAWAY: That was in direct examination, Your  
Honour.

19 PRESIDING JUDGE: Yes.

12:19:12 20 MR HARDAWAY: In cross-examination, I said --

21 PRESIDING JUDGE: Then in cross-examination --

22 MR HARDAWAY: -- I said captured civilians. I did not  
23 specify from the war front. I just said captured civilians.

And

24 even to that point, I did not ask her to go into detail as to

12:19:27 25 what my learned friend is trying to elicit from her on the

was

26 redirect, which is, what does she mean by that. My question

27 very specific as to capture. I did not ask for an explanation

28 and I would respectfully submit that it is not subject to

29 redirect examination.

hear 1 PRESIDING JUDGE: My difficulty is that I did not even  
ask. 2 what the question -- what question Mr Jordash was going to

3 But we will not at this point rule on the objection. What was  
4 the question you were asking? You laid the foundation by  
12:19:59 5 referring to what she said?

bring 6 MR JORDASH: Yes. What I was going to do was try to  
7 some clarity to the term "captured."

8 PRESIDING JUDGE: Yes. But, of course, the context in  
9 which you raised it, she might have answered something under  
12:20:12 10 examination-in-chief, and then counsel on this side, or one of  
11 your colleagues, might have put something to her in  
12 cross-examination. Now, what we're seeking to do is that --

and 13 the presumption is that you're trying to reconcile some  
presumed 14 discrepancy between her answer in examination-in-chief and her  
12:20:38 15 answer under cross-examination.

16 MR JORDASH: Yes. It was --

17 PRESIDING JUDGE: That's the context.

18 MR JORDASH: Yes. Which left in direct as captured

19 civilians being brought for a particular reason --

12:20:54 20 PRESIDING JUDGE: Exactly what did she say as to that?

21 MR JORDASH: So that they wouldn't die at the war front.

22 PRESIDING JUDGE: They would?

23 MR JORDASH: Would not die at the war front.

24 PRESIDING JUDGE: Die at the war front. And what did

12:21:04 25 counsel --

26 MR JORDASH: Then counsel for the Prosecution advanced  
the  
27 proposition that --

28 PRESIDING JUDGE: Put to her --

29 MR JORDASH: -- in effect, that meant they came to be  
under

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 44

27 JUNE 2007

OPEN SESSION

1 some kind of enslavement.

2 PRESIDING JUDGE: All right. What was her answer to  
that?

3 MR JORDASH: Her answer to that was --

4 PRESIDING JUDGE: Because the two answers we're now  
12:21:21 5 comparing to see whether you're entitled to clarify anything  
or

6 to reconcile on the late discrepancy.

7 MR JORDASH: Her answer to that was that they hadn't  
been  
8 under any duress in terms of work, although they had to work  
like  
9 everyone else. But the general tenor of her answer left  
unclear,  
12:21:46 10 in my submission, what "captured" meant. And I know that the  
11 Prosecution will say, in due course, "captured" means "X."  
12 JUDGE BOUTET: Or maybe before you carry on we should  
ask  
13 the witness to remove her --  
14 PRESIDING JUDGE: Earphones, yes. Quite.  
12:22:05 15 JUDGE BOUTET: Because I think that --  
16 PRESIDING JUDGE: I think she should do that.  
17 MR JORDASH:  
18 Q. Madam Witness, could you just remove your earphones for  
a  
19 moment so that we --  
12:22:10 20 PRESIDING JUDGE: Would the -- Mr Courtroom Officer,  
please  
21 assist in doing that, in case she needs some help or guidance.  
22 All right.  
23 MR JORDASH: Yes. So --  
24 PRESIDING JUDGE: So where now lies the discrepancy, the  
12:22:25 25 ambiguity, or the matter that requires clarification? Is it  
the  
26 word "capture," you say?  
27 MR JORDASH: Yes.  
28 PRESIDING JUDGE: And that term, when you say you're  
29 seeking to have it clarified, in what context? In its  
ordinary

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 meaning or probably some extended legal meaning?

2 MR JORDASH: No.

3 PRESIDING JUDGE: I would have thought it would be a  
matter

4 for address.

12:22:52 5 MR JORDASH: No, it's not. And the reason it's not is  
for

6 this reason: That the Prosecution have misconstrued,  
throughout

7 their case, what "captured" in fact means. This is our case.

8 "Captured," as we discovered, through talking to our  
witnesses,

9 means something quite different to the notion of captured as

12:23:13 10 hostages. It in fact means something akin to an area being

11 captured, civilians within that area being secured, thereafter

12 going about their business within the context of RUF  
territory.

13 That's why this witness used the term "captured" from the war

14 front, but then said well, it's for their benefit.

12:23:39 15 What the Prosecution are attempting to do by preventing  
the

16 clarification is, in due course, during submissions say,  
"Look,

17 this witness said the word "captured," therefore, they were

18 captured --



if 19 PRESIDING JUDGE: But in its ordinary literal sense, and  
12:23:53 20 we go back to the Oxford Dictionary or the Cambridge  
Dictionary  
21 or whatever, the word "capture" means "seize." Literally,  
that's  
22 what it means.  
23 MR JORDASH: And these witnesses who use it are not  
24 schooled in that dictionary, so their meaning may well be  
12:24:14 25 different.  
26 JUDGE BOUTET: Yes, but it was for you to clarify that  
in  
27 examination-in-chief. Why are you -- I mean, this is not a  
new  
28 area that was opened by the Prosecution on this. You're  
saying  
29 that when she has used that word it may have meant something

SCSL - TRIAL CHAMBER I

Page 46

SESAY ET AL

27 JUNE 2007

OPEN SESSION

is 1 different. Well, it was for you to explore that. Why, now,  
2 it permissible in re-examination to explore that to complete  
what  
3 you should have done in examination-in-chief? I'd like to  
know  
4 how re-examination allows that to happen. I'm not disputing  
what

12:24:41 5 your position may be on this, Mr Jordash. It's just to  
determine  
6 whether or not you should be allowed to re-examine the witness  
7 for the witness to expand on that notion. This is not an  
issue  
8 that was new, absolutely new raised by the Defence. You  
raised  
9 it first, and then they only alluded to it. In fact, I  
checked  
12:24:58 10 in my notes, too, they didn't allude to the fact that they  
were  
11 captured at the war front. They just referred to the fact  
12 captured. And after that, what happened to them, this is an  
area  
13 that you have explored at length with the witness, as to who  
was  
14 working, under what condition and how much and so on. I don't  
12:25:13 15 see anything new there that would justify you to go and ask  
that  
16 question.  
17 PRESIDING JUDGE: Let me raise another dimension, a  
related  
18 dimension of it, of this issue. Remember we have a  
translation  
19 unit. Evidently, she must have used in Mende some word which  
the  
12:25:32 20 translators or interpreters gave as "captured." And who are  
we  
21 now to want to get away from that translation? I'm sure they  
are  
22 trained linguistically to help us to capture her own rendition  
of  
23 the evidence, using her own native language, and then  
translate  
24 it into the English language. So it would seem to me,  
applying

12:26:05 25 the presumption of regularity, that unless they made a mistake  
26 they must have translated some word that she used that  
resulted  
27 in our own "captured." So why do we want to explore the  
meaning  
28 of "capture" and to ask her, "What do you mean by capture?"  
29 MR JORDASH: Because --

SCSL - TRIAL CHAMBER I

Page 47 SESAY ET AL  
27 JUNE 2007 OPEN SESSION

1 PRESIDING JUDGE: Why is it necessary?  
2 MR JORDASH: Because, the word "captured" as led in  
direct  
3 was clear that it was done in order to secure their lives at  
the  
4 war front.  
12:26:36 5 PRESIDING JUDGE: But that's not the meaning of  
"capture."  
6 The meaning of "capture" in the ordinary English dictionary is  
7 "seize." It doesn't include the purpose for which it is done.  
8 "Seize," and it comes from the Latin capio, I take, or I  
seize.  
9 But it's never, never, in my understanding of the English  
12:27:05 10 language, ever ever included in its literal sense the purpose  
for  
11 which it is done. It's like the word "detain."  
12 MR JORDASH: Well, Your Honour --

need 13 PRESIDING JUDGE: That's how I understand it. I don't  
14 to go back to basics or first principles in terms of language.

12:27:21 15 MR JORDASH: If that is Your Honour's understanding,  
then I 16 am content to leave this subject. What I was not content to  
17 leave is the suggestion that "captured" carries, in this  
context,  
18 a pejorative term and the one which the Prosecution rely upon.

19 PRESIDING JUDGE: That would be a matter for address.  
In  
12:27:35 20 fact, you can take us through all the technical meanings,  
legal  
21 meanings of "capture." And "capture," of course, has an  
extended  
22 legal meaning, beyond its ordinary legal meaning, if you want  
to  
23 push us that way when you are addressing. That's a different  
24 kind of issue.

12:27:50 25 JUDGE ITOE: Mr Jordash, if I may add, we are all, we  
are  
26 faced with this word "captured." I missed out on it. Now I'm  
27 reminded that it's on the record. If you got the word  
"captured"  
28 I think you had all the time to, during your direct  
examination,  
29 to visit this and to ask the witness to explain, you know,  
what

and  
of  
done  
12:28:34

1 she meant by the word "captured" in order to remove the Court  
2 everybody from the ordinary understanding of what the meaning  
3 what the word, you know, "captured" means. If this was not  
4 at that time, wouldn't you think that it would be an  
5 infringement, you know, of the rules of re-examination, if you  
6 were allowed to explore the meaning of the word "captured," or  
7 what the witness wanted to say or meant in using the word  
8 "captured" at this stage?

the  
12:28:53

9 MR JORDASH: I'm not suggesting there was ambiguity at  
10 time I finished. I was content to leave it at that.

11 PRESIDING JUDGE: Yes.

of  
created  
12:29:07

12 MR JORDASH: But I'd assumed that the meaning was clear  
13 from the attachment of the word "captured" to the description  
14 why it was done. But then Mr Hardaway cross-examined and  
15 some ambiguity, as is his job. What I'd like to do is clarify  
16 further to ensure that any ambiguity is left -- is resolved.

I  
17 was content --

18 PRESIDING JUDGE: The difficulty, of course, I have with  
19 this is that even if this witness were allowed to tell us what  
12:29:25 20 "capture" means, and it goes on record what she takes it to  
mean,

which

21 I don't know how this Court would be bound by any meaning

22 probably deviates from the ordinary meaning of "capture."

was

23 MR JORDASH: I wasn't asking her to define the word. I

24 asking her to explain what it is she observed in terms of the

12:29:49  
brought

25 reason why these witnesses were, or these civilians were

26 from the war front, which would have, in my submission, if the

27 witness had answered as I'd expect her to, would have resolved

28 the ambiguity in favour of the Defence.

29 PRESIDING JUDGE: We uphold the objection.

SCSL - TRIAL CHAMBER I

Page 49

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 MR JORDASH: Well --

2 PRESIDING JUDGE: Continue with the re-examination.

3 MR JORDASH: Well, can I put on record, that if the  
4 Prosecution rely upon that word then we have been estopped --

12:30:22  
Jordash.

5 JUDGE BOUTET: I thought [Indiscernible] names, Mr

6 Why is it all the time that you're trying to ask this Court to  
7 change its ruling or argue about the ruling?

8 MR JORDASH: It's not all the time at all.

9 PRESIDING JUDGE: Well, it's on record, Mr Jordash, that

12:30:34 10 indeed you've raised the point about "captured," and that you see

11 an ambiguity. The Court does not see it, and the ruling stands.

12 Let's proceed with your re-examination.

13 JUDGE ITOE: You can revisit that during your submissions,

14 Mr Jordash, your addressing the Court on this issue and from the

12:30:55 15 evidence of this particular witness.

16 PRESIDING JUDGE: Yes, it can be taken up as a point for address. Next question.

18 MR JORDASH: Could the Court Management please put the -

19 JUDGE ITOE: That is as another aspect of her reply, where

12:31:20 20 she says that they were brought so they do not die there, at the

21 war front. I mean, those are things which you may wish to exploit during your re-examination or, rather, during your submissions. These are small niceties, you know, which I think

24 the Chamber would like to be treated to in the course of your submissions, Mr Jordash.

12:31:43 25

26 MR JORDASH:

27 Q. Just one small subject. It was unclear to me what exactly

28 you meant when you explained why soldiers or men with guns were

29 overseeing the farming. I think you said something like,

1 "Sometimes people came from different areas to fight. If they  
2 were fighters then people would be removed from the town." Do  
3 you recall that evidence?

4 A. As I said, is that what you want me to explain again?

12:32:59 5 Q. Would you just try to put it a different way so we  
6 understand why you say men with guns were overseeing the  
farming.

7 A. That was what I said. When the people were going to  
work

8 on the farm, the women, it was in the course of the war.  
Women

9 have no -- and they need to protect themselves, so the  
soldiers

12:33:32 10 would be around to secure them. Maybe whilst on the farm,  
there

11 would be some attack. If there's any attack, they would be  
able

12 to rescue the women and remove them from the farm so that they  
13 will not be hurt.

14 Q. Thank you very much for the explanation. I have got  
12:33:53 15 nothing further.

16 MR JORDASH: Do Your Honours have any questions?

17 THE PRESIDING JUDGE: Thank you. That's the end of  
18 re-examination?

19 MR JORDASH: Your Honour, yes.

12:34:00 20 PRESIDING JUDGE: Thank you very much. We don't have  
any



21 questions for the witness.

22 Madam Witness, thank you for your testimony. You're  
23 released. Could somebody escort the witness?

24 THE WITNESS: I'm saying thanks to you.

12:34:34 25 [The witness withdrew]

26 PRESIDING JUDGE: Counsel, you have a second witness for  
27 the Court, and we have your reassurance that this witness will  
28 span only the rest of today's session, tomorrow morning and  
29 tomorrow afternoon? Is that your --

SCSL - TRIAL CHAMBER I

Page 51

SESAY ET AL

27 JUNE 2007

OPEN SESSION

the

1 MR JORDASH: If the Prosecution are going to be about  
2 same time, yes.

12:36:11  
timeframe

3 PRESIDING JUDGE: Yes, quite. Do we have some rough  
4 indication that the rest of this session this morning, and the  
5 two sessions tomorrow up to 5.30, will be a reasonable  
6 within which to proceed?

7 MR WAGONA: I hope so, Your Honour.

8 PRESIDING JUDGE: Right. Okay. With that reassurance,  
9 we'll continue. Let's have the next witness.

12:36:30 10 MR JORDASH: This witness is witness DIS-301.

11 JUDGE BOUTET: Mr Jordash, you said 301?

12 MR JORDASH: 301, Your Honour, yes.

13 PRESIDING JUDGE: In what language is she testifying,  
14 counsel?

12:37:50 15 MR JORDASH: Sorry. Mende.

16 WITNESS: DIS-301 [Sworn]

17 [The witness answered through interpreter]

18 PRESIDING JUDGE: Yes, Mr Jordash. Your witness.

19 EXAMINED BY MR JORDASH:

12:37:04 20 Q. Madam Witness, I'm going to ask you some questions now.  
21 Then you'll be asked some questions by other lawyers in the  
room;

22 okay?

23 A. Okay.

24 Q. Be careful not to say anything which would reveal your  
12:38:53 25 identity; okay?

26 A. Okay.

27 PRESIDING JUDGE: We might remind her about the  
obligation

28 to speak at a moderate pace so that she doesn't outpace the  
29 interpreters.

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 52

27 JUNE 2007

OPEN SESSION

1 MR JORDASH: Certainly.

2 Q. What you say, madam, is being interpreted to people like  
me

3 who don't speak your language.

4 A. Okay.

12:39:18 5 Q. So make sure you speak at a fairly slow pace so the  
6 interpreters can keep up. If there's anything that you don't  
7 understand when I ask the question, please ask me to repeat  
the

8 question; okay?

9 A. Okay.

12:39:47 10 Q. Where were you born?

11 A. I was born in Kailahun District.

12 Q. Do you know how old you are?

13 A. I am about 35.

14 Q. Do you speak any other language besides Mende?

12:40:17 15 A. No, just Mende.

16 Q. And when did you stop going to school?

17 A. I've left school long since.

18 Q. Do you know what age you were when you left school?

19 A. I can't remember.

12:40:45 20 Q. Do you know where you were in 1991?

21 A. Yes.

22 Q. Where were you?

23 A. I was around Kailahun.

24 Q. Which place in Kailahun were you living?

12:41:22 25 A. I was in one of the village around Kailahun.

26 Q. What was the name of the village?

27 A. Can I call the name of the town?

it

28 Q. Perhaps I can write it down. Would you be able to read  
29 if I wrote it down in English?

SCSL - TRIAL CHAMBER I

Page 53

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. Okay.

2 Q. Is that where you lived at the time of the --

3 A. Yes.

4 Q. Thank you.

12:43:26  
please,

5 MR JORDASH: Could I ask for that to be exhibited,  
6 under seal?

7 PRESIDING JUDGE: Mr Touray, any objection?

8 MR TOURAY: None, Your Honour.

9 PRESIDING JUDGE: Ms Kah-Jallow, any objection?

12:43:38

10 MS KAH-JALLOW: None, Your Honour.

11 PRESIDING JUDGE: Prosecution, any objection?

12 MR WAGONA: None, Your Honour.

marked

13 PRESIDING JUDGE: Then it's received in evidence and  
14 exhibit?

12:43:48

15 MR GEORGE: 228, Your Honour.

16 PRESIDING JUDGE: And also it will be under seal.

17 [Exhibit No. 228 was admitted]

18 PRESIDING JUDGE: Continue, learned counsel.

19 MR JORDASH:

12:44:00 20 Q. Did anything happen in your town in 1991?

21 A. When the war came to us?

22 Q. What happened when the war came to you?

23 A. When the war came, we were in that town. Then we went  
to

24 the bushes. We were there for up to a week and we came back  
to

12:44:28 25 the town, and they asked us to come to the town and we came in

26 the town.

27 Q. Who asked you to come to the town?

28 A. The rebels who came, the Gios. They asked to come from  
the

29 bushes to the town, as they were not there for us. So we came  
to

SCSL - TRIAL CHAMBER I

SESAY ET AL

Page 54

27 JUNE 2007

OPEN SESSION

1 the town.

2 Q. Where were the Gios from?

3 A. They came with the war. They came from Liberia.

4 Q. What happened when you came from the town? Sorry, came  
12:45:16 5 back to the town?

6 A. Please go over it again.

7 Q. What happened when you came back to the town?

8 A. When we came to the town, we were in the town, and they

9 said they are not here for us. They've come to give us our

12:45:43 10 rights, so they're not here for us. That was what they told

us.

11 So we were in the town, and the women went through the town on

to

12 Pendembu.

13 Q. What did the Gios do in the town?

14 A. They started doing so many bad things to us.

12:46:15 15 Q. What kind of bad things?

16 A. They raped; they took our food from us; they were

capturing

17 people; those were some of the evil things they did to us.

They

18 did so many things.

19 Q. Did anything happen to the Gios?

12:46:56 20 A. When they started doing those bad things, and continued

21 doing them, something happened to them. They said they should

go

22 away.

23 Q. Who said they should go away?

24 A. The man who brought the war. He made a report against

them

12:47:24 25 that these Gio who had come, they started doing the bad

things.

26 What they had come for --

27 THE INTERPRETER: Your Honour, the witness is speaking

very

28 fast.

29 MR JORDASH:

1 Q. Madam Witness, please remember to speak slowly. Just go  
2 over your answer, please.

3 A. The person who brought them, the person who brought the  
4 war, the person whom they came with, the person who was  
leading  
12:47:51 5 them, he was the one who said, he went and said it in Liberia.  
6 The people with whom they were in the war together, he said  
they  
7 should come and remove them from among us, because when  
they've  
8 come, they started killing people, they've started raping  
people.  
9 He said they should be removed from among us.

12:48:14 10 Q. And who was that person; do you know his name?

11 A. Mr Sankoh who brought the war; he was the one who said  
12 that.

13 Q. How do you know he said that?

14 A. He called a meeting; then he explained.

12:48:37 15 Q. Do you remember where the meeting was?

16 A. They held a meeting in Kailahun.

17 Q. And describe what happened after the meeting with the  
Gios.  
18 A. What happened to the Gios? When the Gios -- when they  
were

brothers, 19 told that, they started chasing our brothers. Then our  
12:49:14 20 too, said that if that is what the condition is, we, too, will  
21 join them. When we join, because they are harassing our  
people,  
22 so we are going to join them so that, together, we would fight  
--

23 THE INTERPRETER: Your Honours, the witness has used an  
24 expression which is ambiguous. Can she be asked to clarify.

12:49:35 25 PRESIDING JUDGE: Mr Jordash, please help.

26 MR JORDASH:

and 27 Q. Can you go over the last two sentences you've just said  
28 describe what you said in a different way, please.  
29 A. Repeat it.

SCSL - TRIAL CHAMBER I

Page 56

SESAY ET AL

27 JUNE 2007

OPEN SESSION

describe 1 Q. Okay. Let's go over that answer again. Can you  
2 what happened to the Gios after the meeting?

house 3 A. After the meeting, everybody returned to his or her  
4 where he or she had come from.

12:50:18 5 Q. And did anything happen after that as a result of the  
6 meeting?



they 7 A. Nothing happened after that, except that our brothers,  
8 were training them.

9 Q. Who was training the brothers?

12:50:43 10 A. They were capturing them and training them, and they  
were 11 moving up and down together.

12 Q. Who was capturing?

13 A. Those same people. Those people with whom they had  
come, 14 they were moving up and down with our brothers.

12:51:07 15 Q. Just tell us who the brothers were; describe who the  
16 brothers were.

17 A. The adults, the adults. They were the ones who joined  
18 them, and they were moving up and down, and they were being  
19 trained.

12:51:30 20 Q. Where were the adults from who were being trained?

the 21 A. Some of them, where the war had met them, some of them,  
maybe 22 war met them and came. Because the war met you somewhere,  
if 23 in your home town, you would leave and go somewhere else. So  
24 you were being there if --

12:51:51 25 THE INTERPRETER: Your Honours, the witness is speaking  
26 very fast.

again. 27 PRESIDING JUDGE: Madam Witness, not so fast. Try  
28 Repeat the last part of your testimony, slowly.

29 THE WITNESS: Those brothers were not saying they were -

-

Page 57

SESAY ET AL

27 JUNE 2007

OPEN SESSION

they  
those  
When  
12:52:27  
where  
12:53:05  
captured,  
them

1 I'm not saying they are blood brothers. Those Mende people,  
2 were many. They would be in those towns and other towns they  
3 would join them. They would join them in those towns. So  
4 are the people I am talking about, they were my brothers.  
5 they went and met us there.  
6 MR JORDASH:  
7 Q. Okay. Remember to take a pause after two or three  
8 sentences, okay?  
9 A. Okay.  
10 Q. Which towns and villages? Can you give examples of  
11 these brothers came from?  
12 A. Even in Kailahun, people joined. People went there and  
13 they joined. People were coming from Nyandehun and they were  
14 joining them. In Giehun, people left there and they joined.  
15 Those people in those towns, those areas where they had  
16 people were joining in.  
17 Q. Did you see people joining?  
18 A. We used to know people who were joining. We would see  
19 after then.

12:53:28 20 Q. Did you see why they were joining or how they were  
joining?  
21 A. The way they were treating us forcefully, that was why  
our  
22 brothers joined them; just so that they would not maltreat us.  
23 Q. Did anything change when they joined you?  
24 A. When they joined them, they were moving up and down with  
12:54:01 25 them, yes.  
26 Q. Did they continue to move up and down with them?  
27 A. When they joined us, yes. At first, they were moving  
28 together. And later, they turned against them.  
29 Q. Who turned against who?

SCSL - TRIAL CHAMBER I

Page 58

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. Those Gio people, they started killing our brothers.  
2 Q. Did anything happen when the Gios had started killing  
your  
3 brothers?  
4 A. Yes.  
12:54:38 5 Q. What happened?  
6 A. What happened was that it became too much for us, and  
they  
7 attacked us in the town and we entered into the bush. So  
those

8 brothers who were being killed, some of those started hiding,  
9 escaping, and they said -- they brought a word that they were  
12:54:58 10 saying, called Tap 20. That is what they were calling it, Tap  
11 20. So when they called and say Tap 20, it would be an  
attack,  
12 they would attack us. They know to hide in the bushes, and  
they  
13 would fight against them.

14 Q. Okay. So Tap 20 was who fighting who?

12:55:22 15 A. Those Gios who were fighting against our brothers, if  
you  
16 were there and you were attacked -- if you were not hiding  
away,  
17 they found you, they would kill you, or they would commit  
crimes  
18 against you.

19 Q. Did the brothers do anything in return?

12:55:41 20 A. Against us? They did not do anything bad -- they did  
not  
21 do anything bad to us.

22 Q. Did they do anything against the Gios?

23 A. What I saw was when they said they should drag them away  
24 from out of this country. And, indeed, they did drive them  
away.

12:56:05 25 Q. Do you know when that was, Madam Witness?

26 A. I can't recall the time, but they drove them away.

27 Q. Do you know why they drove them away?

28 A. Yes.

29 Q. Why?

were 1 A. The crimes they were committing against us, and they  
2 killing people, that was why they drove them away.

3 Q. And who was left when they drove them away?

had 4 A. The senior commanders and the Vanguards with whom they  
12:56:42 5 come; they were the ones who stayed.

6 Q. Which commandos. Could you say that again, please?

7 A. Repeat it.

8 Q. You mentioned commandos. What kind of commandos did you  
9 say?

12:57:06 10 A. I said the Vanguards. The Vanguards came. So those  
11 Vanguards who came to fight the war, and our brothers, they  
were 12 the ones who were fighting the war, the junior commandos.

13 Q. Right. So you said junior commandos.

like 14 THE INTERPRETER: Your Honours, the interpreter would  
12:57:34 15 to make a correction. My colleagues are just intimating to me  
16 she didn't say senior commandos, but junior commandos.

17 MR JORDASH: Thank you.

18 Q. What did the junior commandos and the Vanguards do where  
19 you were after the Gios had gone?

12:58:01 20 A. They were moving together. They were fighting the war  
21 together. Wherever they were going, they would go there

going

22 together. So they made an arrangement, whenever they were

23 to the front line.

24 Q. What was the arrangement?

12:58:26 25  
them

A. All of them would not go to the front line. Some of

26 would stay. Where -- whichever town people were, the junior

27 commandos would stay. Some junior commandos would stay.

28 Q. Were there any junior commandos in your town?

29 A. Repeat it.

SCSL - TRIAL CHAMBER I

Page 60

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 Q. Were there any junior commandos in your town?

2 A. Where we were, yes, they were there.

3 Q. What were they doing in your town?

4 A. They were just there. They had their own job that they

12:59:11 5  
to

were doing. They were protecting us. When they were leaving

6 go and fend for food --

7 THE INTERPRETER: Your Honours, the witness is speaking  
8 very fast.

9 MR JORDASH:

12:59:20 10  
it's

Q. Madam Witness, remember to keep it slow, okay. I know

11 tricky to remember sometimes.

12 A. Okay.

13 Q. Just give us that answer again, please.

14 A. Okay.

12:59:42 15 Q. You said that the junior commandos were there protecting  
What 16 you and when you would go for food, something would happen.  
17 would happen when you went for food?

18 A. When you are going to fend for food, sometimes you would  
go 19 together, you would have to take a pass, then you'd go with  
them.

13:00:06 20 Q. You said that they were protecting you. Can you explain  
21 more what you mean by that?

22 A. Yes.

23 Q. Go ahead, please.

24 A. The way they were protecting us, if you are going to  
search 25 for food.

13:00:32 26 Q. Is there any other way they were protecting you?

27 A. Yes.

28 Q. Can you give us some examples?

29 A. Yes.

SCSL - TRIAL CHAMBER I

1 Q. Go ahead.

2 A. If enemies were coming towards us, they were the people  
who  
3 would accompany us. They would accompany us to a place where  
4 they would settle us and they'd return. They would leave some  
by  
13:01:16 5 us, to look after us.

6 Q. What was the relationship like between the junior  
commandos  
7 and the civilians where you lived?

8 A. We had the G5s between us and the town commander.

9 MR JORDASH: I note the time. I'm happy to continue.

13:02:04 10 PRESIDING JUDGE: It's our disposition to go on till  
1.15,  
11 if that can add to some useful extra work.

12 MR JORDASH: Certainly.

13 Q. Tell us what you know then about the G5 in your town?

14 A. What I knew about the G5 is that the G5 --

13:02:45 15 Q. What did the G5 do?

16 A. They were the ones who prepared -- who settled disputes  
17 between us and the soldiers, and wherever we went.

18 Q. Did you see that yourself, this happening?

19 A. Yes.

13:03:09 20 Q. How did they go about --

21 THE INTERPRETER: Your Honours, the interpreters have  
just  
22 confirmed the witness used an expression which actually meant  
23 that the G5 prepared a paper between them and the soldiers,  
not  
24 settled disputes between them and the soldiers.

13:03:31 25 PRESIDING JUDGE: So that's an amendment?



26 THE INTERPRETER: Yes, Your Honour.

27 MR JORDASH:

28 Q. Madam Witness, you said that the G5 prepared a paper.

29 Could you describe what you mean by preparing a paper?

SCSL - TRIAL CHAMBER I

Page 62

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. Yes. If you were staying in Giehun and you wanted to go  
to  
2 Kailahun, they would prepare a pass and give it to you. So  
3 wherever you went, they would know that you had come from  
Giehun.

4 Q. Do you recall if the G5 did anything else in your town?

13:04:16 5 A. Yes.

6 Q. What else did they do?

7 A. If they captured people and brought them, if they  
captured  
8 people from the front line and brought them, they would hand  
them  
9 over to the MP, and they would send for the MP --

13:04:34 10 THE INTERPRETER: They would send for the G5. Sorry.

11 MR JORDASH:

12 Q. What would the G5 do?

13 A. They would send for the town commanders as well.

14 Q. And what did the G5 and the town commander do?

13:04:52 15 A. When they came, they would hand over those people to  
them,  
16 if they were civilians.  
17 Q. And what would happen to those civilians?  
18 A. When they would have been handed over to them, they  
would  
19 be at MP, and they will be feeding them there. If you wanted  
13:05:12 20 them, you'd go there.  
21 Q. Did you see civilians coming from the front line?  
22 A. Yes.  
23 Q. Did you see why they were coming from the front line?  
24 A. The civilians?  
13:05:42 25 Q. Yes.  
26 A. Yes.  
27 Q. Can you explain, please?  
28 A. Yes.  
29 Q. Go ahead.

SCSL - TRIAL CHAMBER I

Page 63

SESAY ET AL

27 JUNE 2007

OPEN SESSION

1 A. The civilians, when they went to the war front, they  
2 wouldn't leave them there to suffer in the bushes, they would  
3 bring them. So whichever time they captured, if they found  
them

4 there, they would bring them so they wouldn't stay there and  
13:06:15 5 suffer. Because if other people met them there, they would  
kill

6 them. They would say that they were bad people, so they would  
7 bring them.

8 Q. Did you speak to any civilians who had been brought from  
9 the war front so they weren't killed?

13:06:33 10 A. Yes.

11 Q. Did you --

12 A. What I mean is not what you're talking about.

13 Q. Sorry. Explain again.

14 A. Where they would go to the fighting, if they found them,  
13:06:59 15 they would kill them, not to us.

16 Q. What you said, I think, is clear, madam. The civilians  
17 would be brought to the town away from the war front; that's  
what

18 you're saying, isn't it?

19 A. Yes.

13:07:20 20 Q. And what would happen with those civilians who were  
21 captured at the war front and brought to town?

22 A. When they would have captured the town, if there were  
23 people there, those people who were there, they would bring  
them.

24 They would remove them and bring them to where we were. Where  
we

13:07:51 25 were, they would bring them there.

26 Q. And where you were --

27 A. I was in my own village.

28 Q. Was there any war in your village at that time?

29 A. At that time, the war had gone beyond a point.

1 Q. Were there -- besides the G5, what else were junior  
2 commandos doing in your town?

3 A. The junior commandos, they were looking after us.

4 Q. And -- sorry. Go on.

13:08:47 5 A. Whatever bad thing that was happening, they would tell  
us.

6 Q. What do you mean? What kind of bad things would they  
tell  
7 you?

8 A. If enemies were coming towards us, they would tell us.  
9 That's the bad thing. It's one of the bad things. It's one  
of

13:09:10 10 the ways they looked after us.

11 Q. The civilians who'd been brought from the war front,  
where  
12 would they live when they came to the town?

13 A. At first, when they brought them, they would take them  
to  
14 the MP.

13:09:28 15 Q. What happened when they were taken to the MP?

16 A. When they were taken to the MP, they would send for the  
MP  
17 there.

the 18 THE INTERPRETER: Sorry, Your Honours. They would call

19 G5 to come there.

13:09:50 20 MR JORDASH:

21 Q. And what would happen then?

22 A. The G5, too, would call the town commander, and he too  
23 would come.

24 Q. What would happen then?

13:10:01 25 A. Order the people to come there, in order that maybe they  
26 would know that person. If you don't know him or her, maybe  
you

27 would just look at the person and like him or her.

28 MR JORDASH: Could I just very briefly take  
instructions?

29 PRESIDING JUDGE: Leave granted.

SCSL - TRIAL CHAMBER I

Page 65

SESAY ET AL

27 JUNE 2007

OPEN SESSION

bathroom? 1 MR JORDASH: Thank you. Could Mr Sesay use the

2 PRESIDING JUDGE: Leave granted.

3 MR JORDASH: Thank you.

4 Q. You just said if you didn't know that person, maybe you  
13:11:29 5 would just like that person. Could you explain that a bit  
6 further?

7 A. Can I continue?

8 Q. Yes, please.

9 A. You're not going there because you know that person and  
you  
13:11:44 10 bring that person to the house. The person has come and you  
pity  
11 that person.

12 Q. So what would you do when you pitied the person?

13 A. If you have food, you would take it to him or her and  
you  
14 would be giving that food to the person for up to three days,  
13:12:06 15 even. And you can go there and ask for the person.

16 Q. Where would these people then live?

17 A. When they were brought initially, they would be at the  
MP.  
18 Q. Would they live at the MP?

19 A. They were normally going together. They would give them  
a  
13:12:30 20 house. They would prepare a place and give it to them.  
That's  
21 where they would be staying. That's where they would be  
22 sleeping. They would give them a place to sleep.

23 Q. Were people working in your town, Madam Witness?

24 A. Repeat it.

13:12:53 25 Q. Were people working in your town?

26 A. The town where I was, if people were working there? The  
27 town where I was, yes, I myself, I was working there.

28 Q. Why were you working, madam?

29 A. I was working for myself.

were

1 Q. The civilians who'd been brought from the war front,  
2 they working?

3 A. No. All we had as work was to find food.

you

4 Q. Could you explain to the Court, please, how it was for  
13:13:53 5 to try to find food during this time? Talk us through what  
6 happened for you and other civilians.

go,

7 A. The junior commandos were the ones who led us. When we  
8 we would find yam and uproot them, because there was no other  
9 food at that time. There was no food. We would go and uproot  
13:14:31 10 yam and we would bring them. And snails as well.

I

11 Q. Did you stay in [redacted] -- did you stay in your town?  
12 beg your pardon. Madam Witness?

13 A. Yes.

14 Q. Did there come a time when you moved anywhere?

13:15:23 15 A. Yes.

16 Q. Do you know where you went?

17 A. Yes.

18 Q. Would you prefer if I wrote it down where you went?

understand,

19 A. If you write it, it's not everything that I can

13:15:58 20 but I'll look at it and see. Yes.

21 Q. And do you remember what year it was you went to that  
22 place?  
23 A. I can't recall. We just left suddenly that year.  
24 Q. Why did you leave your town and go to this other place?  
13:17:48 25 A. The enemies were approaching.  
26 Q. Who did you leave with?  
27 A. Those of us civilians who were in that town. When the  
28 enemies were approaching, all of us would go.  
29 Q. Did anyone else besides the civilians go?

SCSL - TRIAL CHAMBER I

Page 67

SESAY ET AL

27 JUNE 2007

OPEN SESSION

paper? 1 JUDGE ITOE: Mr Jordash, what are you doing with the  
2 MR JORDASH: Could I exhibit it, please, under seal.  
3 PRESIDING JUDGE: Mr Touray, any objection?  
4 MR TOURAY: None, Your Honour.  
13:18:40 5 PRESIDING JUDGE: Ms Kah-Jallow, any objection?  
6 MS KAH-JALLOW: None, Your Honour.  
7 PRESIDING JUDGE: Prosecution, any objection?  
8 MR WAGONA: None, Your Honour.  
9 PRESIDING JUDGE: Received into evidence and marked 229?  
13:18:52 10 MR GEORGE: Yes, Your Honour.



11 [Exhibit No. 229 was admitted]

12 PRESIDING JUDGE: Mr Jordash, perhaps that's a  
convenient

13 point at which we should bring this trial for today to a  
close.

14 We adjourn the trial to tomorrow, Thursday, 28 June 2007 at  
13:19:16 15 9.30 a.m..

16 [Whereupon the hearing adjourned at 1.19  
p.m.,

17 to be reconvened on Thursday, the 28th day  
of

18 June 2007, at 9.30 a.m.]

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EXHIBITS:

53 Exhibit No. 228

67 Exhibit No. 229

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-302 2

EXAMINED BY MR JORDASH 2

14 CROSS-EXAMINED BY MR TOURAY

17 CROSS-EXAMINED BY MS KAH-JALLOW

19 CROSS-EXAMINED BY MR HARDAWAY

42 RE-EXAMINED BY MR JORDASH

51 WITNESS: DIS-301

51 EXAMINED BY MR JORDASH