

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

FRIDAY, 5 OCTOBER 2007
9.45 A.M.
TRIAL

TRIAL CHAMBER I

Presiding	Before the Judges:	Benjamin Mutanga Itoe, Bankole Thompson, Presiding Pierre Boutet
For Chambers:	Mr Matteo Crippa	Ms Erica Bussey Ms Peace Malleni
	For the Registry:	Mr Thomas George
	For the Prosecution:	Mr Charles Hardaway Mr Vincent Wagona Mr Reginald Fynn
	For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
	For the accused Morris Kallon:	Mr Shekou Touray
	For the accused Augustine Gbao:	Mr John Cammegh

1 [RUF5OCT07A - JS]
2 Friday, 5 October 2007
3 [The accused present]
4 [The witness entered court]
5 [Open session]
6 [Upon commencing at 9.45 a.m.]

7 PRESIDING JUDGE: Good morning, learned counsel. We are
8 resuming our proceedings. Yes, Mr Hardaway?

9 MR HARDAWAY: Yes, Your Honour, I don't know if this
would
09:49:54 10 be an appropriate time to finally deal with the matter of the
11 exhibit from yesterday. It would be very, very brief.

12 PRESIDING JUDGE: Yes. You are may proceed, Mr
Hardaway.

13 MR HARDAWAY: Thank you, Your Honour. First off good
14 morning, Your Honours.

09:50:07 15 PRESIDING JUDGE: I hope it is fully in order now.

16 MR HARDAWAY: It is in order. By way of explanation,
Your
17 Honour, the documents which were submitted to the Court
yesterday
18 were the documents that the Prosecution received from the
19 evidence unit. It's true as Mr Cammegh stated that the last
page
09:50:21 20 is a duplicate of one of the other pages but that had nothing
to
21 do with the Prosecution. That is what was received from the

we 22 evidence unit known as SEAPA so it is that complete work that
23 would submit to the Court as the replacement and how the Court
the 24 would deem to use that extra page. It could ignore it, be at
09:50:41 25 discretion of the Court.

any 26 JUDGE BOUTET: Can you enlighten me? I don't know of
27 organisation called the evidence unit, where all the exhibits,
28 whatever it is, is it something within your own organisation?
29 I'm not familiar with it.

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OTP, 1 MR HARDAWAY: Well, it's physically located within the
with 2 Your Honour, but it's where the documents that were stamped
retrieved 3 the ERN numbers and that is where -- that is where we
it 4 it from. We don't have any say of when it was submitted, and
09:51:14 5 was stamped by that organisation. We had no say in what was
found 6 stamped or even what was submitted. As a courtesy, when we
ask 7 out that it was incomplete, we went to the evidence unit to

8 for the complete packet and this is what they handed to us.

9 JUDGE BOUTET: So by evidence unit you mean this is the
09:51:31 10 evidence unit of the Special Court? We're not talking here of
11 something under the control of the OTP?

12 MR HARDAWAY: To my understanding, Your Honour, that's
13 correct.

14 JUDGE BOUTET: Okay. Now I'm just trying to understand
--

09:51:43 15 PRESIDING JUDGE: I'm not aware that Court has an
evidence
16 unit.

17 MR HARDAWAY: Well, that's the term --

18 PRESIDING JUDGE: I wonder if the evidence unit will be
19 taking possession and be controlling an exhibit for the
09:51:54 20 Prosecution or for the Defence. I'm not aware of it.

21 JUDGE BOUTET: Or maybe it is some organisation that is
22 under the control of the Court Management. I don't know. I'm
23 just trying to see what this means this morning. But --
sorry.

24 PRESIDING JUDGE: Yes, Mr Jordash?

09:52:08 25 MR JORDASH: Can I go into that?

26 PRESIDING JUDGE: Yes.

27 MR JORDASH: It is not a part of the Prosecution, I'd
love

28 to see inside it because I've never had access to it and have
29 always presumed it was part of the Prosecution. But it would
be

1 great to see inside.

2 PRESIDING JUDGE: You mean you want the veil lifted
again?

3 MR JORDASH: Yes, please.

4 PRESIDING JUDGE: You want the veil lifted again?

09:52:32 5 MR JORDASH: Yes, please.

6 JUDGE THOMPSON: My curiosity is of what relevance would
7 that be, in terms of the custody from which the document is
8 coming? Were there not the proper foundation laid for its
9 admissibility? And the conditions for --

09:52:47 10 MR HARDAWAY: This was, I understand this was originally
a
11 Defence exhibit, Your Honour.

12 JUDGE THOMPSON: Yes.

13 MR HARDAWAY: And it was submitted. It became known
that
14 it was incomplete.

09:52:58 15 JUDGE THOMPSON: Yes.

16 MR HARDAWAY: And for the issue of completeness we had -

-
17 JUDGE THOMPSON: But it passed the muster of
admissibility.

18 MR HARDAWAY: Apparently it did on 15 May 2007 --

19 JUDGE THOMPSON: So why is the custody from which it was
09:53:09 20 originally now in issue? I would have thought that in
national

also 21 jurisdictions perhaps, custody from which documents come can
have 22 become an issue in the admissibility equation. I think we
document, 23 passed that stage. All we need to do is to admit this
24 if it has already been --

09:53:25 25 MR HARDAWAY: That is the reason why [overlapping
26 speakers].

27 JUDGE BOUTET: My question had nothing to do with
28 admissibility.

merely 29 JUDGE THOMPSON: I was not addressing that. I was

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red 1 raising it because I thought this seems to be, to me, a legal
2 herring at this stage.

admissibility, 3 MR HARDAWAY: It's not actually in terms of
4 Your Honour. It's an issue for completeness.

09:53:43 5 JUDGE THOMPSON: Yes, of course.

6 MR HARDAWAY: That's the only reason we're submitting it
7 and --

8 PRESIDING JUDGE: But there shouldn't be superfluity, in

9 its completeness. Why should you be tendering to this Court a
09:53:55 10 document with two pages which are of the same identity? Why
11 don't you put that exhibit in order and just tender what you
12 require to complete the exhibits that are already on the
record?

13 MR HARDAWAY: Your Honour, originally it was a Defence
14 exhibit. Out of courtesy we found that it was -- my
09:54:14 15 understanding was --

16 MR JORDASH: We exhibited it but we received it from the
17 Prosecution, I understand. I think the solution, if I can
18 suggest, is for the evidence unit, which is a part of the
19 Prosecution, to say where they got it from and how they
received

09:54:32 20 it and what state it was in when they received it because I'm
21 presuming the Prosecution have taken a note of the chain of
22 custody of the exhibits within the evidence unit and within
their
23 own organisation.

24 JUDGE THOMPSON: That's my difficulty. Haven't we
passed
09:54:45 25 that stage now? What I think counsel is trying to do is to
seek
26 to correct some omission here whereby some document was
tendered
27 as an exhibit, but in an incomplete form and the practice has
28 always been to have the documents in their complete form
29 exhibited as indicated. So if we are going to go back to the

1 so-called evidence unit, are we going to reopen the issue of
2 proper custody and I make the point. I'm just asking.

09:55:29
was

3 MR JORDASH: Well, I suppose if the evidence unit said,
4 "Actually, we do have the last two pages," Your Honours might
5 take the view that it's better to have the full document as

may

6 received by the evidence unit in evidence. But Your Honour

there

7 well be right, that we have passed that point and it should be
8 exhibited as it is. But I would respectfully suggest, if

09:55:49

9 is any light which can be shed on this issue by the evidence
10 unit, then the evidence unit should shed that light.

asked

11 JUDGE THOMPSON: I take back my position. I merely

12 out of judicial curiosity but I don't intend to complicate the
13 process.

the

09:56:10
Do

14 PRESIDING JUDGE: Well, I think -- do we have a copy of

we

15 exhibit that is already on record? Do we have it in court?

not

16 you perchance have it here? Court Management? The one which

to

17 admitted, is it here? The one which we admitted and marked,

18 the one which is in the Judges' records. That is what I want

19 see. Mr Hardaway.

09:57:00
20

MR HARDAWAY: Yes, Your Honour.

21 PRESIDING JUDGE: I'm afraid, let us just hang on. They
22 will bring to us what is already before the Court.

23 MR HARDAWAY: I understand.

24 PRESIDING JUDGE: And we'll be able to make an informed
09:57:12 25 decision on it in this.

26 MR HARDAWAY: The whole purpose of submitting this is in
27 the issue of completeness, Your Honour.

28 PRESIDING JUDGE: No, no, we understand, but we are just
29 asking Court Management to get -- to produce what we already
have

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1 so that we can see how to treat this document before I admit
it.

2 Right. I suppose there is no other issue? Mr Touray, may we
3 turn to you for your cross-examination of this witness?

4 MR TOURAY: Thank you, Your Honours. Good morning.

09:58:04 5 PRESIDING JUDGE: Good morning, Mr Touray.

6 WITNESS: DIS-177 [Continued]

7 [The witness answered through interpreter]

8 CROSS-EXAMINED BY MR TOURAY:

9 MR TOURAY:

09:58:12 10 Q. Good morning, Mr Witness.

11 A. Good morning, sir.

12 Q. Now, yesterday in your evidence you spoke about palm oil
border 13 being harvested and that palm oil was taken to the Guinean
14 and exchanged for salt; do you remember?

09:58:46 15 A. Yes.

16 Q. And you said one Saleem was the intermediary in
effecting 17 this process?

18 A. Yes.

19 Q. Now, the palm oil that was sent for exchange, was it --
did 20 it belong to the civilians or to the RUF movement?

09:59:11 21 A. We would do the processing; it belonged to us.

22 Q. Thank you. And you are not aware of any palm oil being
the 23 used as subscription by the civilians to the RUF movement for
24 war effort?

10:00:08 25 THE INTERPRETER: Your Honours, can learned counsel
repeat 26 the question, please.

27 MR TOURAY:

28 Q. You were not aware of any contributions or subscription
in 29 made by civilians in the form of palm oil to the RUF movement

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1 support of the war; that did not happen?

2 A. No. The palm oil we processed, it was just for our own
3 use, that we had to exchange it for salt. We did not process
it
4 and give it to RUF for the war. It was for us, the civilians.

10:01:20 5 Q. You're also not aware of any contribution of cacao by
the
6 civilians to the RUF movement in support of the war as your
own
7 subscription whilst in Giema?

8 A. I did not see that happen. If it happened, I didn't see
9 it.

10:01:47 10 Q. And you yourself made no contribution of produce
personally
11 to the RUF in support of the war, whilst in Giema?

12 A. No. I worked for myself and my family, and supported my
13 family.

14 PRESIDING JUDGE: Is learned counsel limiting it only to
10:02:41 15 Giema?

16 MR TOURAY: Yes, Giema.

17 PRESIDING JUDGE: Only to Giema?

18 MR TOURAY: Yes, Giema. That is the evidence.

19 PRESIDING JUDGE: So the response which is on record is
10:02:51 20 that he never made any contribution to support the war effort
in
21 Giema?

22 MR TOURAY: In respect of produce.

23 PRESIDING JUDGE: In respect of produce.

24 MR TOURAY: Yes.

10:03:31 25 Q. Whilst you were in Giema, or Kumbala, which is a village
26 now in Giema, or perhaps in the zoo bush, no one approached
you
27 to make any contribution of produce in support of the war? No
28 one approached you?
29 A. No. No. In my own bush, it's my family. Nobody did
not

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1 ask me for that.
2 Q. And did you see that happen to anybody whilst in Giema?
3 A. Like what?
4 Q. Like people being asked to contribute produce in support
of
10:04:43 5 the war. Did you see at that happen?
6 A. I did not see it happen. I was in the bush.
7 THE INTERPRETER: Your Honours, the interpreter would
like
8 to make a correction.
9 PRESIDING JUDGE: Yes, please.
10:05:13 10 THE INTERPRETER: The response given before this one,
the
11 interpreter had said, "Nobody did not ask me for that." It
12 should have actually been, "Nobody approached me for that."

13 MR TOURAY: Thank you.

14 PRESIDING JUDGE: Is it, "Nobody approached me for
that,"

10:05:38 15 or, "Nobody asked me for that"?

16 THE INTERPRETER: "Nobody approached me for that."

17 PRESIDING JUDGE: Thank you. Yes, Mr Touray?

18 MR TOURAY:

19 Q. Yesterday you mentioned that the civilian commander, the
10:05:59 20 chief, was one Sellu?

21 A. Yes.

22 Q. Did he have a deputy?

23 A. Yes.

24 Q. What was his name?

10:06:25 25 A. He was named -- called Mr Aruna.

26 Q. Aruna, what, Gbondo?

27 A. I don't know his surname. I just know the Aruna name
which

28 we used to call him.

29 Q. Whilst in Giema, did you meet a gentleman by the name of

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1 Brima Aruna?

2 A. Brima Aruna? No. If even he was there, I did not see
him.

3 Q. What about Aruna Fatoma?

4 A. Well, I could not quite remember his own issue. We were
in
10:07:37 5 different areas.

6 Q. Yes, but did you hear about the name Aruna Fatoma?

7 A. There were many Fatoma people. But the only Fatoma, I
did
8 not recognise.

9 Q. Aruna Gbondo; did you hear the name Aruna Gbondo around?

10:08:28 10 A. I heard of that. I heard of that Aruna Gbondo, but I
did
11 not see him.

12 MR TOURAY: Thanks very much. No further questions.

13 PRESIDING JUDGE: Yes, Mr Cammegh?

14 CAMMEGH: I've got no questions, thank you.

10:08:54 15 PRESIDING JUDGE: Thank you, Mr Cammegh. Yes, Mr
Wagona,
16 you may proceed.

17 MR WAGONA: Thank you, Your Honour.

18 CROSS-EXAMINED BY MR WAGONA:

19 Q. Good morning, Mr Witness?

10:09:19 20 A. Good morning, sir.

21 Q. I also have some questions for you.

22 A. Ask them.

23 Q. And we will start from the time of the start of the war
24 when you were in Pendembu. Now, the commanders you saw in
10:09:46 25 Pendembu were Mohamed Tarawallie and Issa Sesay; is that
right?

26 A. No. Mohamed Tarawallie was the commander at that time.
27 Issa had no appointment at that time.

28 Q. Okay. But while you were hiding in the bush at Yendema,

29 the gunmen who found you in the bush told you that it was

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Do 1 Issa Sesay who had sent them to call you to go back to town.
2 you remember saying that?

3 A. Yes.

not 4 Q. So Issa Sesay had come with those gunmen to Pendembu,
10:10:51 5 so?

there, 6 A. I don't know whether he was the one who brought them
7 but he was the one who sent them to remove us from the bushes.

8 Q. And these are the gunmen who started harassing you, the
9 civilians, not so?

10:11:22 10 A. Those who went to remove us from the bushes did not
harass 11 us.

of 12 Q. But those who harassed you were part of the same group
13 these strange gunmen speaking strange languages, not so?

14 A. Yes.

10:11:50 15 Q. And you said it was Sankoh who said they should leave,
not

16 so?

17 A. Yes.

18 Q. And when they left, when they were driven out, you said
it

19 was the freedom fighters who stayed behind?

10:12:22 20 A. Yes. That was what they used to call them.

21 Q. So the freedom fighters had come to Pendembu with the
group

22 that was later driven out; is that right?

23 A. They all came together, but they are not part of the
war.

24 Q. And so before the group that was driven out left, the
10:13:09 25 civilians could not tell who belonged to the freedom fighters
and

26 who belonged to the other group, not so?

27 A. Go over the question again.

28 Q. Is it right to say that before the other group were
driven

29 out, the civilians could not tell who was a freedom fighter
and

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1 who belonged to the other group that was later driven out?

2 A. No.

3 Q. And the freedom fighters --

"no"? 4 JUDGE BOUTET: Mr Prosecutor, could you clarify the

10:14:15 5 I'm not sure if the no is no, he could not or -- often when
you 6 have this kind of question, it's a very unclear answer.

7 MR WAGONA: Thank you, Your Honour, I will clarify that.
8 Q. By saying, "No," do you mean that it is true that the
9 civilians could not tell the difference between who was a
freedom

10:14:41 10 fighter and who belonged to the group that was later driven
out?

11 A. We did not know the difference. Except when they are
12 driven and when they went away, that was then we knew the
13 difference.

14 Q. Now, we will come to your time in Giema. You said you
10:15:28 15 lived in Giema for two years; do you remember?

16 A. That is correct.

17 Q. And during your stay in Giema for two years, the RUF
used
18 to allow civilians to go and look for bush food; is that
right?

19 A. Go over the question again. I did not get the question
10:16:02 20 clearly.

21 Q. I said, during your stay in Giema for two years, the RUF
22 used to allow civilians to go and look for bush food, not so?

23 A. No. The food we went in search for, it was for us, for
24 ourselves.

10:16:29 25 Q. Yes, I understand that. But my question is: Did the
RUF
26 allow the civilians to go and look for this bush food which
you

27 say was for yourselves during the two years when you were in

28 Giema?

29 A. The food which we went and searched for, they sent
soldiers

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1 to accompany us to search for the food, and when they came
with
2 it, everyone had to take it to his or her own house.

3 Q. Thank you. I understand that. Did this continue for
the
4 two years when you were there?

10:17:15 5 A. Yes.

6 Q. Now we will come to the community farm in Giema. Is it
7 right that Sesay wanted civilians to make the community farm?

8 A. No, it was not Sesay. We, the civilians, our leader,
said
9 so, and then we took it on to Sesay.

10:18:09 10 Q. So, is it your evidence that the civilians initiated the
11 idea and took the idea to Issa Sesay?

12 A. Yes.

13 Q. And did Issa Sesay support the idea?

14 A. Yes, we depended on him to help us, so he accepted.

10:18:41 15 Q. And so, did he used to visit the community farm?

16 A. Most times when we went to work, the community farm
which

was
am
17 we cultivated, he was not there. I said that yesterday. He
18 in Kono at that time. For the community farm, that's what I
19 talking about.

10:19:14 20 Q. Issa Sesay was the boss of the freedom fighters at that
21 time in Giema, not so?

22 A. Yes.

23 Q. You actually said he was there protecting you; do you
24 remember that?

10:19:35 25 A. Yes.

taken
26 Q. And some of the food from the community farm would be
27 to the freedom fighters at the front line, not so?

the
almost
28 A. No, we did not send it to the front. We did not. At
29 time when we made that, cultivated that farm, the war was

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to
1 ended. We ate it ourselves.
2 Q. So it's not your evidence that some of the food was sent
3 the front line?

4 A. Go over the question again.

10:20:29 5 Q. Is it your evidence or not that some of the food from
the
6 community farm was taken to the front line?
7 A. I did not say so. The one I said is there, I was still
8 explaining at this moment so that you will understand me, if
you
9 can allow me.

10:21:01 10 PRESIDING JUDGE: He's allowing you. Go ahead and
explain.
11 Explain.

12 THE WITNESS: The farm which we cultivated, at that time
it
13 was still during the war. We have not disarmed yet. We
14 cultivated that farm so that if there was food we can send it
to
10:21:22 15 the front line and if strangers came we will feed them. But
we
16 did not harvest the rice. And then the war ended, so we ate
the
17 rice. We shared it among ourselves and we ate it.

18 Q. And you're saying that by that time you had not been
19 disarmed?

10:21:50 20 A. I was a civilian.

21 Q. And it was the RUF that sent the food to the front line,
22 not so?
23 A. Well, that food, we just store it, sometimes Issa would
24 send some people to take food for those people, but we didn't
10:22:18 25 know where they were getting the food from.

26 Q. And you said some of the food was used to feed
strangers?
27 A. At that time, when the food was there, when strangers
come,

28
responsibility

we would give them, and their feeding was Issa's

29 and ours.

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1 Q. And these strangers were visitors of Issa Sesay, not so?

2 A. Well, whichever senior man that went, would go to him.

3 Even if the person went to us, we would take that person to
him.

4 Q. And apart from civilians, some RUF -- some freedom

10:23:18 5 fighters, as you called them -- also worked on the community
6 farm, not so?

7 THE INTERPRETER: Can learned counsel repeat the
question,

8 please?

9 MR WAGONA:

10:23:31 10 Q. It's right, isn't it --

11 MR JORDASH: Sorry to interrupt. The witness is just
12 taking a glass --

13 PRESIDING JUDGE: Drinking some water.

14 MR WAGONA: Certainly.

10:24:04 15 THE WITNESS: Let's proceed.

16 MR WAGONA: Okay.

17 Q. It's right, isn't it, that some freedom fighters also

18 worked with you, the civilians, on the community farm, not so?
19 A. I have not understood that question properly. Repeat
the
10:24:30 20 question.
21 Q. The question is: That some of the freedom fighters also
22 worked on the community farm with the civilians, not so?
23 A. They were working there, but it was your choice. It was
24 not forcefully. All that was their responsibility was to go
to
10:24:55 25 the front line. That work was not their responsibility.
26 Q. Some of them were guarding the community farm; is that
27 right?
28 A. Oh, yes, they were looking after the farm, because that
was
29 where all of us were having delicious food from.

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1 Q. And they were carrying guns, not so?
2 A. No, they were not carrying guns.
3 Q. They were also supervising the farm work, not so?
4 A. Yes. Sometimes when we went, sometimes they would take
10:25:44 5 their own cutlasses for us all to work.
6 Q. And the civilians did not refuse to work on the
community

7 farm, not so?

8 A. We were happy to do that work. We were the people who
did

9 the work.

10:26:13 10 Q. I suggest to you that the civilians could not refuse to
11 work on the farm; what do you say?

12 A. Well, they were not saying that if you didn't go there
they

13 would do something to you. But we were very happy about it
14 because when we went there we had all sorts of entertainment
10:26:40 15 there. So even that made us happy to go there.

16 Q. And you said it was Chief Sellu who organised the
civilians

17 to go to the community farm; do you remember?

18 A. Yes.

19 Q. So is it right that Chief Sellu would tell you, the
10:27:09 20 civilians, when to report for work?

21 A. At that time, when work time is approaching, he would
tell

22 us --

23 THE INTERPRETER: Your Honours, can he kindly repeat the
24 last bit of his testimony?

10:27:34 25 MR WAGONA:

26 Q. Please repeat your answer, Mr Witness.

27 A. At that time, when work time was approaching, whatever
we

28 were going to do for a week he would let us all know. They
would

29 have a meeting and they would say, they would express a desire

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would 1 for that work to be done at a particular time and everybody
2 know about it.

excused 3 MR TOURAY: Sorry, Your Honour, could Mr Kallon be
4 out of the room for a few minutes?

10:28:00 5 PRESIDING JUDGE: It's all right. Leave granted.

6 MR WAGONA:
7 Q. So when the civilians reported for work, they would stay
on 8 the farm and leave at the end of the day after the work; is
that 9 so?

10:28:31 10 A. Well, at whatever time that you would want to leave, you
11 would leave. There was no particular time. If we worked and
we 12 get tired, we would leave. They would tell us to leave.

13 Q. And that would be at the end of the day; is that right?

14 A. Whatever time. There was no time for us to leave.
10:28:52 15 Whenever we get tired, we would leave. That was the end of
our 16 day. When we were tired.

17 Q. Witness, I suggest to you that the RUF who were on the
farm 18 were armed with guns; do you accept?

19 A. No, I did not see any gunmen there. There was nobody
10:29:19 20 carrying gun that went there with us.

21 Q. I put it to you that they were there to ensure that the
22 civilians did the work; what do you have to say?

23 A. That was so, but we, all of us did the work. They were
24 carrying cutlasses, they were working as well. We were there.
10:29:44 25 We were all working.

26 Q. I also put it to you that those who refused to work were
27 beaten; what do you have to say?

28 A. I did not see them beat anybody for that work because we
29 were happy to do it. Not a day did they beat anybody.

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1 Q. And so after work the civilians would go and look for
food;

2 not so?

3 A. Sometimes we would leave but they would give us food and
we

4 would go home. At that time that Issa was in Kono, he sent
some

10:30:29 5 food. When we'd leave, they will give us some food.
Sometimes

6 if this town don't give you ten cups, and when you go home,

7 that's what you would use to eat.

do 8 Q. And you said white people were bringing food to Giema;

9 you remember?

10:30:50 10 A. Yes.

11 Q. So this is the food that you were getting, not so?

12 A. Yes.

13 Q. Now we will move to Issa Sesay's farm. Issa Sesay used
to

14 visit the farm when the civilians were working there, not so?

10:31:32 15 A. That community farm?

16 Q. No, I told you that we are now talking about Sesay's
farm.

17 A. Oh, okay.

18 Q. Is it right that he would visit the farm when the
civilians

19 were working on the farm?

10:31:57 20 A. Oh, he used to go there. Whatever we needed he would go
and

21 there and distribute it to us. He would distribute it to us

22 after that he would return home.

23 Q. And you said it was the civilians' responsibility to
work

24 on Issa Sesay's farm; do you remember?

10:32:21 25 A. We ourselves decided that we were going to cultivate a
farm

26 for him. We ourselves said it. Issa, he wasn't the one who
said

27 it.

28 Q. Did the freedom fighters also work on Issa Sesay's farm?

29 A. Some people, they used to go there, the soldiers, just
for

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1 them to go and eat, for them to get fed.

2 Q. Were some of them guarding his farm?

the

3 A. No, it was the civilians' responsibility. It was not

was

4 responsibility of the soldiers. There was a person -- there

10:33:11

5 an extra person. There was one man who was in charge of that

6 farm.

7 Q. Was it that man who was guarding the farm, or it was the

8 freedom fighters guarding the farm?

9 A. No soldier had any business with we the civilians. That

10:33:34

10 man was a civilian.

on

11 Q. Witness, I suggest to you that there were armed RUF men

12 Issa Sesay's farm; what do you say about that?

because

13 A. Well, even if it happened, I did not see it happen

guns

14 we were working there. But I did not see anybody carrying

10:34:01

15 walking up and down. Or whilst people were working he was

16 supervising them, no. I did not see it, never.

17 Q. And they were forcing civilians to work on Issa Sesay's

18 farm; what do you say about that?

19 A. No, nobody forced a civilian. That work, there was no

10:34:25

20 force. It was you who would decide to go there with joy.

21 Q. And you said you had a personal farm in Giema. Do you
22 remember?

23 MR JORDASH: Sorry to jump up. May Mr Sesay use the
24 bathroom, please?

10:34:51 25 PRESIDING JUDGE: Yes, he can.

26 MR JORDASH: Thank you.

27 MR WAGONA:

28 Q. You said you had a personal farm; do you remember?

29 A. Yes, I had my personal farm. I cultivated my personal

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1 farm.

2 Q. Did other civilians have personal farms?

3 A. Many, yes.

4 Q. I suggest to you that this cultivation was on a very
small
10:35:42 5 scale; it could not provide sufficient food; do you agree?

6 A. Repeat it.

7 Q. I suggest to you that this cultivation by civilians was
on
you
8 a very small scale; it could not provide sufficient food; do
9 agree?

10:36:11 10 A. No, we were cultivating the farm. I cultivated the farm.

11 There was three bushels in that year.

12 Q. Did you give some of the food to the freedom fighters?

13 A. No. I, who did the work together with my family members,

14 we eat that rice.

10:36:41 15 Q. Witness, I suggest to you that the freedom fighters came you

16 for all the food from the civilians' private farms; what do

17 have to say?

18 A. No, that did not happen for me to see. That did not happen

19 to me. There was no harassment at that time. Nobody was

10:37:07 20 harassing the civilian.

21 Q. The palm oil that was taken to the border, the freedom

22 fighters escorted the civilians to the border, not so?

23 A. Yes.

24 Q. And the civilians came back with commodities, not so?

10:38:03 25 A. Repeat the question.

26 Q. You have said that palm oil was taken to the border. And I

27 am now saying that the civilians would come back carrying

28 commodities, not so?

29 A. Yes, we will take them to our homes. Only when you -- if

1 you took something along, if they bought it, what you get was
for 2 you.

3 Q. I suggest to you, witness, that what was obtained in
4 exchange for the palm oil was meant for the RUF and would be
10:38:42 5 taken by the RUF; what do you have to say?

6 A. My own, I did not give mine to RUF. We ate it
ourselves.
7 And Issa did not accept -- did not allow any soldier to take
8 anything away from any civilian. He did not allow that at
all.

9 Q. And I also suggest to you that this palm oil would have
10:39:18 10 been subscribed to the RUF by the civilians; what do you have
to
11 say about that?

12 A. We were not subscribing. When you have a state of your
oil
13 palm and you processed it, you would keep it. And when the
time
14 comes, you would take it there.

10:39:39 15 Q. And I also suggest to you that the cocoa that you spoke
16 about was subscribed to the RUF; what do you have to say about
17 that?

18 A. I did not subscribe cocoa, not a day.

19 Q. You remember talking about RUF school?

10:40:11 20 A. Yes.

21 JUDGE BOUTET: Did the witness talk about RUF school?
Did

22 he use that?

23 MR WAGONA: Maybe not but --

24 JUDGE BOUTET: He did talk of schools, no doubt in my
mind.

10:40:22 25 MR WAGONA: School, yes.

26 JUDGE BOUTET: Schools and hospitals and so on. But
27 whether or not he testified that these were RUF schools or --

I

28 don't remember his evidence to be at all making reference or
29 using the words "RUF" but maybe I am missing something.

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1 MR WAGONA: Much obliged, Your Honour. I will avoid the
2 RUF --

3 JUDGE BOUTET: As I said, I may be mistaken on this, but
4 it's my recollection, that.

10:40:47 5 MR WAGONA: I will stick with "school" only.

6 Q. Witness, the school you spoke about existed even before
you

7 and the freedom fighters came to Giema; do you agree?

8 A. Well, at that time the school was there, but when the
war

9 came, the school was closed. They left until we went, we

10:41:21 10 returned. When we returned and we were there, that was the
time
11 the school reopened.
12 Q. And when it reopened, children of freedom fighters were
13 attending it, not so?
14 A. Oh, no, that school, well, Issa made a law that whoever
had
10:41:44 15 a child should send that child to that school, as long as he
16 was -- the child was grown up. Because there was -- in fact,
17 there was no school fees.
18 PRESIDING JUDGE: That does not answer the question,
19 Mr Witness. Just listen to the questions properly. Can you
put
10:41:59 20 the question again.
21 THE WITNESS: Okay.
22 MR WAGONA: Much obliged.
23 Q. Witness, the question is: It is right, is it not, that
24 when the school reopened, then children of RUF, freedom
fighters,
10:42:14 25 were attending it, not so?
26 A. No. Whoever had a child went to that school, yes.
27 Civilians, soldiers, our children. They were all going to
that
28 school when it was reopened.
29 PRESIDING JUDGE: Witness, answer the question directly.

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1 The question is specific. It has been put to you. It is not
2 everybody. Did the soldiers, the children of the soldiers,
did 3 they attend that school?

4 THE WITNESS: Yes.

10:42:48 5 MR WAGONA:

6 Q. Thank you.

7 A. Welcome.

8 PRESIDING JUDGE: And what you're saying is that in
9 addition to, Mr Witness, what you're saying is that in

10:43:10 10 to the children of the soldiers, all other children were
allowed 11 to attend the school?

12 THE WITNESS: Yes. I, myself, my child was going there.

13 MR WAGONA:

14 Q. You also mentioned a hospital in Giema; do you remember?

10:43:35 15 A. Yes.

16 Q. And wounded freedom fighters from the front line were
being 17 taken to that hospital, not so?

18 A. They used to take them there. There was no
discrimination.

19 It was for everybody. If you were ill, you would go there.

10:44:00 20 PRESIDING JUDGE: Answer the question directly. Do you
21 understand? Answer the question directly.

22 THE WITNESS: Repeat the question.

23 MR WAGONA:

24 Q. Is it true that wounded freedom fighters from the front

10:44:19 25 line would be taken to that hospital?

26 A. Yes.

27 Q. Now, you spoke about --

28 PRESIDING JUDGE: And then what you're saying is these
29 wounded freedom fighters were taken there, but all of you were

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1 treated in that hospital?

2 THE WITNESS: Yes.

3 MR WAGONA:

4 Q. Now, you spoke about people who were killed in Kailahun;
do
10:45:08 5 you remember?

6 A. Yes.

7 Q. And you heard that those people were civilians, didn't
you?

8 A. Mm.

9 Q. What do you mean by that?

10 PRESIDING JUDGE: "Mm" means what, Mr Interpreter? Is
that
11 a translation?

12 THE INTERPRETER: Your Honours, it is ambiguous. That
is
13 why I gave it as --

I 14 PRESIDING JUDGE: Your will have to seek clarification.

10:45:44 15 know within our context in this country we have "mm" and "mmm"

16 and things like that. You never know whether the meaning is

17 "yes" or "no."

18 MR WAGONA:

19 Q. Witness, do you mean "yes" or "no"? Do you mean "yes"

or

10:46:03 20 "no"?

21 A. Those people, they were not civilians, from what they

said.

22 Q. You were not present when they were killed, were you?

23 A. I was not there. At the time I was not there.

24 Q. Did you hear --

10:46:42 25 A. Yes.

26 Q. -- did you hear that at the time -- by the time they

were

27 killed, Johnny Paul Koroma had come to Kailahun; did you hear

28 that, Mr Witness?

29 A. Repeat the question, the question that you asked.

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1 Q. The question is: Did you hear that by the time those

2 people were killed, Johnny Paul Koroma had come to Kailahun?

3 A. Oh, no. He was not around that part.

4 Q. Now, you said that in Pendembu you had no food and Sesay
10:48:09 5 gave you food; remember that?

6 A. Yes.

7 Q. And you also said that, in Giema, you, the civilians,
lived
8 with him and they fed you; remember that?

9 A. Yes.

10:48:36 10 Q. So you were one of the civilians living with him, not
so?

11 A. Yes.

12 Q. And you also said Issa Sesay is the one who took you to
13 Kono; you remember?

14 A. I explained about that a little yesterday. I met him on
10:49:03 15 the way going; when I was going to Kono.

16 Q. Yes, that is correct, and then you said he really showed
17 you that he knew you; remember?

18 A. Yes.

19 Q. How did he show you that he knew you?

10:49:24 20 A. When we left Kailahun on our way to Kono to my child, we
21 met him in one village. He had come from Kono to visit in
that
22 village with a vehicle. That was where we met him.

23 Q. And so you went and lived with him in Kono?

24 A. No, I went to my child. We just went and he dropped me
off
10:49:51 25 and I said, "Goodbye," and I told him I was going to my child
and
26 he agreed and I went.

27 Q. And, witness, I suggest to you it's for these reasons
that

28 you have come to testify for him; not so?

29 A. Yes.

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1 MR WAGONA: That's all, Your Honours.

2 PRESIDING JUDGE: Any re-examination?

was

3 MR JORDASH: Just if I may on the last question, which

4 ambiguous to me, and the answer was ambiguous.

10:50:41

5 RE-EXAMINED BY MR JORDASH:

said

6 Q. The man who has just asked you questions, Mr Witness,

7 to you --

ambiguity.

8 PRESIDING JUDGE: Mr Jordash, you said there was

with

9 You want to re-examine and you said there was an ambiguity

10:51:51

10 the last question.

evidence

11 MR JORDASH: Well, I -- the Prosecution suggested to the

12 witness that these are the reasons you've come to give

13 and I, for myself, did not understand what reasons my learned

14 friend was referring to, and therefore I didn't understand and

10:52:11
to.

15 perhaps the witness didn't understand, what he was agreeing

16 Perhaps it could be dealt with by the Prosecution.

17 PRESIDING JUDGE: Can you remove his earphones, please?

18 Yes. Yes. You said that was ambiguity.

19 MR JORDASH: Perhaps the Prosecution can explain and
then
10:52:43 20 this may sort it out for my purposes.

21 PRESIDING JUDGE: You see, what happened was this:
There
22 was a trend, you know, of questioning. The witness was asked,
23 "You said that, in Giema, civilians lived with Sesay," or he
24 started with Pendembu, in Pendembu he had no food. "Sesay
gave
10:53:16 25 you food and fed you." He said, "Yes," and he brought him to
I
26 Giema, in Giema as civilians lived with Sesay and he fed them.
27 He said, "Yes," and he asked him, "You were one of those
28 civilians who lived with him?" He said, "Yes." Then he
29 continued and said, "He took you to Kono?" And the man said,

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1 "No, he did not take me to Kono. We met ourselves on the way,
2 and so when he dropped me off, I went to see my child and that
3 was it." And then the question, you know, came up and he
said,

have

4 "Your Honour," [indiscernible] by saying, "This is why you

10:54:03

5 come to give evidence in his favour." And the witness said,

6 "Yes." What is the ambiguity?

7 MR JORDASH: The ambiguity is --

8 PRESIDING JUDGE: Am I right in my narration?

9 MR JORDASH: Perfect recollection, as far as I can tell.

10:54:18

10 PRESIDING JUDGE: Right.

asked

11 MR JORDASH: The ambiguity is this: I suspect if one

evidence,

12 everyone in this room why this witness has come to give

all

13 from that narration of the evidence and his answer, we would

14 come to slightly different answers. Has this witness come to

10:54:40

15 give evidence because he lived with Mr Sesay in Giema in his

16 house, or because he lived with him as part of a community in

on

17 Giema? Has he come to give evidence because he met Mr Sesay

Sesay

18 the way to Kono? Has he come to give evidence because Mr

19 assisted him in Kono? Has he come to give evidence because

10:55:00

20 Mr Sesay helped him in Pendembu?

an

21 When that transcript is looked at in due course, it is

22 answer which is open to far too much interpretation, in my

questions

23 submission. It can be clarified by a short sequence of

24 as to why this witness came to give evidence in relation to --

10:55:26

25 sorry, on behalf of the Defence.

I

26 If Your Honours feel as though the answer is clear, then

27 am not going to press the point. I don't think my learned

was 28 friend's question was very clear. I think my learned friend
29 trying to suggest, "Well, you were one of the few civilians

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with 1 Mr Sesay helped. Somehow you had an intimate relationship
2 Mr Sesay above and beyond the other civilians." And I'm sure
3 that's the way the Prosecution will seek to interpret it in
due 4 course, but --

10:55:55 5 PRESIDING JUDGE: And you are seeking to interpret it
6 otherwise.

solution, 7 MR JORDASH: And yet we could have a much better
8 which is for the witness to tell us why.

9 PRESIDING JUDGE: I think if that was the purpose of the
10:56:15 10 re-examination, like you've suggested yourself, maybe we might
11 just let the matter rest there.

12 MR JORDASH: I'll leave it. It may at some point --

13 PRESIDING JUDGE: See how it goes.

14 MR JORDASH: Your Honour, yes.

10:56:27 15 PRESIDING JUDGE: You've made your point. Thank you.
For

16 the records, at least you've made your point. Okay.

17 MR JORDASH: I've got nothing, Your Honour.

18 PRESIDING JUDGE: Okay. Thank you.

19 Well, Mr Witness, we thank you for coming. We thank you
10:56:59 20 for coming and we wish you a safe trip back. I hope you are
21 still in your two professions of farming and the other one.
We
22 wish you a safe journey back and thank you for coming to
assist
23 us. You are now discharged by the Court and you may leave.
They
24 will come and assist you. Okay?

10:57:37 25 THE WITNESS: Okay. Thank you, too.

26 [The witness withdrew]

27 PRESIDING JUDGE: Yes, Mr Jordash?

28 MR JORDASH: Two things, Your Honour. Firstly, can I
call
29 our sixth witness, DIS-080. The second is I'd like, if I may,

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1 apply to go into a closed session for the first ten or 15
2 minutes, please. The witness has a particular position now
which
3 is relevant to some of the suggestions which have been put to
4 witnesses by the Prosecution and may provide a useful insight

10:59:39 5 into the correctness or otherwise of those suggestions.

6 PRESIDING JUDGE: Just wait. You make application in

7 closed session --

8 MR JORDASH: Certainly.

9 PRESIDING JUDGE: -- when we resume. Let the witness
come

10:59:54 10 in first, and we will follow up with --

11 MR JORDASH: Well, Your Honour, Your Honour might want
to

12 do it in the absence of the witness because I wouldn't want
there

13 to be a suggestion later that my application and why I want to

14 deal with his role now tipped off the witness in any way.

11:00:11 15 PRESIDING JUDGE: All right, fair enough. Okay. Can
you

16 please -- can the Court Management take the necessary steps
for

17 us to go into a closed session, so that the application is so

18 made. And Mr Jordash, this will be the sixth witness?

19 MR JORDASH: The sixth witness, yes.

11:01:00 20 [The witness entered court]

21 PRESIDING JUDGE: Now, excuse me. Witness protection,
take

22 him out for now. Take him out for now and bring him in when
we call you.

23 [The witness stood down]

24 PRESIDING JUDGE: Court Management will advise us, will

11:01:55 25 advise the Chamber when we are entirely in a closed session

26 already.

27 [At this point in the proceedings, a portion of the

28 transcript, pages 30 to 58, was extracted and sealed under

29 separate cover, as the proceeding was heard in a closed
session]

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1 [Open Session]

2 PRESIDING JUDGE: Yes, on the closed session, this is
the

3 ruling of the Court. Now that we are in open session, we are
4 resuming in a public session, and this is the ruling of the
Court

12:49:05 5 in respect of application by learned counsel for the first
6 accused, Mr Jordash.

7 Consistent with the general requirements that criminal
8 proceedings that are considered in public as enjoined by Rule
78

9 of the Rules of Procedure and Evidence of this Court, and
taking

12:49:24 10 into consideration Article 17.2 of the Statute of the Court,
but

11 exceptionally as authorised by Rule 79(A)(ii) of the said
Rules

12 and the need to protect witnesses as provided for in Rule 75,

13 this Chamber, on the application of counsel for the first
accused

14 for a certain portion of the testimony of witness DIS-080 to
be

12:49:54 15 heard in closed session did, by way of an exceptional
procedure,

16 grant the said application for the reasons advanced in support
17 thereof.

18 We will now proceed with the further examination of this
19 witness in the public session. Mr Jordash, you may proceed,
12:50:21 20 please.

21 MR JORDASH: Thank you.

22 Q. We are back in a public session, so just be careful
about
23 mentioning anything which would identify you. Just indicate
if
24 the answer you want to give would identify you. Do you follow
12:50:41 25 me?

26 A. Yes, I have understood that.

27 Q. Where were you when the war came?

28 A. I was in my village.

29 Q. And do you remember the date or approximate date?

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1 A. The war started in 1991.

2 Q. And what did you see in your village when the war came?

3 A. When the war came, it surrounded us and we were caught
in
4 it.

12:52:02 5 Q. What were you doing as a job when the war came?

when
6 A. When the war came, I used to farm. I was in the farm
7 the war entered.
8 Q. Were you with your family in that village?
9 A. Yes, I was together with my family in that town.
12:52:42 10 Q. Who were the first soldiers you saw?
11 PRESIDING JUDGE: Mr Jordash, again, again we're back to
12 the same question of the temporal jurisdiction of this Court.
13 You might say it's introductory, but I just want to remind you
14 that the evidence he is giving now is focused on the beginning
of
12:53:02 15 the war in 1991, which is well before 30 November 1996, which
is
16 a temporal jurisdiction of this Court. I just wanted to
remind
17 you. You may proceed, you know. I take it as introductory.
I
18 hope we will not be there for too long.
19 MR JORDASH: Well, most of this witness's evidence
relates
12:53:29 20 to up until 1996, and the reason for that is, one, the
21 Prosecution led a huge amount of evidence relating to that
22 period --
23 PRESIDING JUDGE: We're prepared to go, you know, to
this
24 in terms of the introduction into it. I just am reminding
you,
12:53:54 25 you know, of what we said. Whilst overruling the objection,
we
26 are mindful of the relevance of the evidence that was going to
27 come, particularly in relation to the temporal jurisdiction of
28 the Court, the time frame on issues on which he was supposed
to

see 29 or he is supposed to be testifying on. So let us proceed and

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1 how we go. I just wanted to situate you on the ruling that we
2 made this morning in your favour.

well 3 MR JORDASH: The difficulty is that for the next two -
4 certainly for the next week, we will be dealing with this
period,

12:54:46 5 for a very good reason, which is that it is this period and
the 6 Liberians who have, we say --

7 JUDGE BOUTET: Your witness is listening to what you are
8 saying. I think it would be better if you were at least to
9 remove his headphones.

12:55:09 10 MR JORDASH: I agree.

11 PRESIDING JUDGE: Mr Witness, remove your headphones,
12 please. I know you understand some English, a lot of English,
in 13 fact.

14 MR JORDASH: I'm content if Your Honours would prefer
the 15 witness to leave.
12:55:19

16 PRESIDING JUDGE: No. We are not there yet.

17 MR JORDASH: I don't want, obviously, to be difficult or
to
18 waste time, but it's our case that this conflict in Kailahun
has
19 been much misunderstood and the misunderstanding of what
happened
12:55:47 20 in Kailahun has arisen because of the atrocities committed by
the
21 Liberians. And from that, and those atrocities, including the
22 use of child soldiers, the Prosecution, NGOs, human rights
groups
23 have effectively misunderstood what happened in Kailahun. It
is
24 the fundamental basis of my client's case that that
12:56:17 25 misunderstanding has led to a misunderstanding of what the RUF
26 was about.

27 It is only through taking Your Honours through this part
of
28 the war and calling the only people, really, who can explain
what
29 happened in Kailahun, the civilians, it is only through taking

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1 Your Honours through that, that Your Honours will see, we
submit,
2 that there has been a misunderstanding, both about what
happened

3 in Kailahun and both about -- and also the RUF.

4 PRESIDING JUDGE: We have tolerated a historical
approach,

12:57:05 5 a testimonial approach from most witnesses who have testified
6 here it started from 1991, but they have not lasted there for
too

7 long, just introductory. I just reminded you. I just sounded
8 the alarm that -- well, it depends on how far you're going to
go,

9 but as an introductory approach to your case, and the core
issues

12:57:35 10 that are alleged in the indictment. You may, tell your
witness

11 if these are issues that occurred prior to the temporal
12 jurisdiction, you know, of this Court, which has been fixed at
a

13 date which you know, so --

14 MR JORDASH: This bit of evidence relates to whether the
15 Prosecution can prove that crimes were widespread or
12:57:54 systematic

16 in Kailahun, at all. And so it is highly relevant to the
17 indictment period, especially in light of Your Honour's ruling
in

18 the CDF case that crimes were widespread and systematic within
19 the whole of Sierra Leone. We would say that is not correct
as

12:58:15 20 regards Kailahun. This evidence, through the eyes of
21 civilians --

22 PRESIDING JUDGE: I am sure when we have that
23 [indiscernible], we are referring to the period that was
covered

24 by the indictment. When we have that [indiscernible], our
ruling

12:58:32 25 was not based on the period, you know, that preceded the

26 indictment. Certainly not.

27 MR JORDASH: But this is key because this explains the
28 relationship between the RUF and civilians in Kailahun from

1991

29 all the way to the end of the war.

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1 PRESIDING JUDGE: We know, you know, they were the first
2 people to be visited by the rebellion.

3 MR JORDASH: And they were the first people to take the
4 rebellion and work with the RUF. That's the point.

12:59:00 5 Now, what happened in Kono and elsewhere is a different

6 story. We'll lead evidence on that to show it is a different

7 story, and not consistent, perhaps, with what happened in

relates

8 Kailahun. It is telling, and this is what the evidence

base

9 to, is the Prosecution's failure to be able to prove a crime

12:59:20 10 in Kailahun through civilians. Their crime base, if it is
that,

11 is sought to be proven through insiders. There is a very good

that

12 reason for that, and it is these civilians who will explain

Prosecution 13 reason, because it didn't exist, and the only way the
14 can demonstrate it is through insiders, not civilians. These
are
12:59:39 15 the civilians who lived there, who will say from the time the
16 Liberians were pushed out, until the end of the war, but for
the
17 Mosquito-led atrocity on the alleged Kamajors, crimes were not
18 being committed. Not only were they not being committed, but
19 there was a very strong judicial system which operated
13:00:03 20 effectively.

right, 21 JUDGE BOUTET: But all of this area, if I hear you
evidence 22 Mr Jordash, is directed to Kailahun District. So this
or 23 that you are calling now, and will be calling in the next days
call 24 weeks will be Kailahun directed. Are you saying you need to
13:00:28 25 that many witnesses just for Kailahun?

bit 26 MR JORDASH: By about mid next week, or perhaps a tiny
our 27 later, we will call our first insider. The first section of
when 28 case is directed to saying the Prosecution have got it wrong
it 29 it comes to up to 1996 and, specifically, they have also got

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1 wrong about Mr Sesay having a farm where civilians were being
2 forced to farm.

3 At that stage, we'll call some ex-rebels who will also
deal
4 with that period but go much further and put Kailahun within
the
13:01:06 5 context of the whole conflict and the other regions. And the
6 other regions, it is much more complicated, but the starting
7 point is were the RUF an organisation hell-bent on criminal
8 behaviour? The Kailahun will prove it was not. Did the RUF
or
9 did members of the RUF commit crimes elsewhere? Yes, they
did.

13:01:29 10 Were they part of a policy? No. And Kailahun proves that.

11 JUDGE BOUTET: I look at the summary you have provided
12 about this witness, and he's supposed to be giving evidence
about
13 counts 1 to 14, and it is not specified necessarily for
Kailahun,
14 but 1 to 14 is quite large, and it says counts 3, 4, 5 and 13
13:01:50 15 more particularly. But we seem to be going not necessarily in
16 that direction.

17 MR JORDASH: This witness's evidence can, first of all,
18 deal with count 1 and count 2 very effectively. Were the RUF
19 engaged in a joint criminal enterprise to terrorise and to
13:02:09 20 collectively punish the civilians of Kailahun? Most certainly
21 not.

22 JUDGE BOUTET: I'm not asking you to argue your case,
23 Mr Jordash. I am just trying to see. As you can see from our

really

13:02:28
is

if

actually,

24 question, we are concerned about relevancy. And if it is
25 not relevant, why should we hear this? Especially since this
26 a long trial, as such. If we are to hear evidence about whose
27 relevancy is, I would say, arguable, why should we hear this,
28 it is not absolutely necessary?

29 MR JORDASH: This witness, and all the witnesses,

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because

but

myself

13:03:01
about

1 who we have called so far, and will call relating to Kailahun,
2 their evidence will be centred around the Giema events,
3 that's where the specific allegations against Mr Sesay arise,
4 all of them remained in Kailahun, and can be questioned by
5 and the other Defence counsel, but also by the Prosecution
6 events through the indictment period. They will know whether
7 crimes were being committed against civilians throughout the
8 indictment period, and I would invite the Prosecution to
9 cross-examine them on that material.

13:03:20 10

We, at the moment, are just trying to prove that the RUF

practice 11 was not, by its - in its origins, in its genesis, in its
the 12 in Kailahun, a criminal organisation. In fact, conversely,
the 13 average Kailahun civilian will say life was better, but for
is 14 war. Medication, health, schooling, et cetera, all free. It
13:03:47 15 a dramatic claim, and we have been surprised by it, too, but
only 16 through the civilians will Your Honours be able to see that
to 17 however counterintuitive it may seem, it is correct, according
18 civilians.
19 JUDGE BOUTET: I'm still failing to understand this very
13:04:03 20 last line of argument, Mr Jordash, that life was better. How
is 21 this relevant to me? They are not being charged here for
having 22 disturbed the life necessarily, they are charged with specific
now, 23 crimes, as such, for a period of time. That life is better
to 24 or was better at this particular time is not really of concern
13:04:25 25 me at this particular moment, given the charges they are
facing. 26
politically 27 So I'm trying to see what -- I mean, whether or not
to 28 it was better or worse, or it could be better is not really,
indictment 29 my way of thinking, of much importance, concerning the
that these accused are facing.

1 MR JORDASH: In light of the Prosecution's suggestions
that
2 Kailahun was a huge brutal labour camp, the issue of whether
3 civilians found life better than they do now, I would submit,
is
4 exactly the point. Because it couldn't possibly have been
what
13:05:13 5 the Prosecution are trying to suggest if they found life
6 better --
7 PRESIDING JUDGE: We are not yet there, anyway.
8 MR JORDASH: No, but I make the point: It is very
9 significant that civilians will say --
13:05:21 10 PRESIDING JUDGE: We are not yet there.
11 MR JORDASH: -- life was better than it is now.
12 JUDGE THOMPSON: So your strategy then would seem to be
if
13 that analysis is valid, that you're seeking to rebut the
14 Prosecution's case, and, at the same time, put forward an
13:05:36 15 alternative version --
16 MR JORDASH: Yes.
17 JUDGE THOMPSON: Of what really happened.
18 MR JORDASH: Completely different.
19 JUDGE THOMPSON: Something like what they do in a civil
13:05:46 20 court, a defence and a counterclaim.
21 MR JORDASH: Yes. The Prosecution have to prove a crime

there
through
13:06:06 submit,
but

22 base in Kailahun. If the crimes being committed there, if
23 are crimes being committed there, they have to be judged
24 whether they are sufficiently grave to amount to war crimes.
25 Therefore, a comparison between life now and life then, I
26 might assist Your Honours to decide what is or isn't grave.
27 JUDGE THOMPSON: Virtually, you are saying that if your
28 strategy is sufficiently operationalised, you are asking the
29 Court to say, at the end of the day, disbelieve their story,

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1 accept our alternative thesis?
2 MR JORDASH: Yes.
3 JUDGE THOMPSON: I mean, I'm just putting it in a very
4 short form.
13:06:39 understand
it
5 MR JORDASH: Yes, I agree. In some ways, I can
6 the caution of looking at what is happening now and comparing
7 to what was happening then. In a way, it's not the point. I
8 take Your Honour's position on that, but it is an interesting

9 opinion held by civilian witnesses, in light of what the
13:07:00 10 Prosecution have to prove, and the theory they've advanced.
The
11 theory they've advanced is not, "Well, it was okay in
Kailahun,
12 but there were crimes being committed and these crimes ought
to
13 be judged as war crimes or crimes against humanity." That is
not
14 their case. Their case is the whole of Kailahun is a labour
camp
13:07:22 15 and the civilians have been terrorised --
16 PRESIDING JUDGE: And your case is that the only crimes
17 which were committed were committed by Bockarie?
18 MR JORDASH: Well, no. I'm not suggesting there were no
19 crimes being committed.
13:07:34 20 PRESIDING JUDGE: I mean the murders in Kailahun.
21 MR JORDASH: That was by far and away the worse.
22 PRESIDING JUDGE: The killings.
23 MR JORDASH: There may have been other crimes committed,
24 but crimes are committed in any society, and especially during
13:07:48 25 war, but that they were punished effectively, and the RUF did
judicial 26 what it could to prevent those crimes and had a working
27 system in Kailahun. Elsewhere, it may have broken down, not
28 Kailahun.
29 PRESIDING JUDGE: Well, this issue was raised by the

on
1 Chamber. Mr Hardaway, would you have a contribution to make
2 the remark that precipitated this debate with Mr Jordash?

Honour,
3 MR HARDAWAY: The only comment I would make, Your
4 is how the Defence want to present their case is obviously
their
5 business, but I would just submit that he could easily make a
6 claim and counterclaim, as Your Honour stated, but keep it
within
7 the relevant period of the indictment short of an introductory
8 history, as the Chair has already stated.

9 PRESIDING JUDGE: Not the Chair.

10 MR HARDAWAY: I apologise. The Presiding Judge. Excuse
11 me.

12 PRESIDING JUDGE: Thank you.

13 MR JORDASH: Can I just say to the Prosecution this:
14 TF1-366, TF1-168, TF1-045, TF1-371, TF1-008, TF1-300. I can
go

15 on and go on and go on.

16 PRESIDING JUDGE: You can stop the enumeration.

17 MR JORDASH: Exactly. That is the Prosecution case with
18 huge focus on the early years.

19 PRESIDING JUDGE: I have said we are not ruling out the
13:09:23 20 introductory approach to the indictment period. We are not
21 ruling it out, but it depends on the content, you know, of
that
22 period.

23 MR JORDASH: Can I reassure -- sorry.

24 PRESIDING JUDGE: Yes.

13:09:37 25 MR JORDASH: Can I reassure the Court I'm trying to get
26 establish through the early years as quickly as possible, just to
27 doubt that crimes were being committed and particularly that
28 Mr Sesay was committing crimes in Giema, and within a short
29 period, by the middle or end of next week, I hope Your Honours

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1 will be satisfied.

want 2 PRESIDING JUDGE: We are concerned at all times. We
3 to gain time at all times, you know. We don't want to wait
until 4 next week before we start gaining time. So this is it.

13:10:07 5 JUDGE BOUTET: Mr Jordash, I can tell you, I appreciate
6 your comments, because I'm trying to understand what it is. I
7 mean, as I say, my concern is not what happened in 1991,
because 8 this is not -- obviously, if it has an impact, if it allows
9 Bench and this Court to understand, you would agree with me,
that

13:10:25 10 it is very important that we do understand clearly what your

11 position is, what you're trying to achieve through this
12 questioning. If we don't follow you, it's of little purpose.
13 This is what is of importance. It's not the question -- it
has
14 to be relevant, and to be able to determine the relevancy of
13:10:45 15 that, we need to understand a little bit more of what it is
16 you're trying to achieve. As I say, to me, whether life is
17 better now than it was at that time seems to me to be of
little
18 relevance. But having said that, I'm still patient and we
will
19 see where you go.

13:11:02 20 MR JORDASH: Well, if it would assist Your Honours, we
21 could consider drafting a Defence statement to indicate where
we
22 want to go with our defence.

23 PRESIDING JUDGE: We don't want to go that way. Proceed
24 and if it becomes necessary, maybe we will ask for that.

13:11:19 25 MR JORDASH: Certainly. We do have a strategy.

26 PRESIDING JUDGE: I know you have a strategy. Of
course,
27 nobody goes to a war without a strategy.

28 MR JORDASH: Oh, I don't know.

29 PRESIDING JUDGE: I think we shall take a well-merited

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1 lunch break. We will rise and resume at 2.30.

2 [Luncheon recess taken at 1.08 p.m.]

3 [RUF05OCT07C - MD]

4 [Upon resuming at 2.47 p.m.]

14:52:27 5 PRESIDING JUDGE: Good afternoon, learned counsel. We
are

6 resuming the proceedings and, Mr Jordash, may we?

7 MR JORDASH: Yes, please. Thank you.

8 Q. Good afternoon, Mr Witness.

9 A. Good afternoon.

14:52:47 10 Q. Are your headphones secure? Okay. Comfortable?

11 A. Yes, I can hear now.

12 Q. I think where we'd left off was the Liberians who came
into
13 the town where you were maybe?

14 MR HARDAWAY: Objection, Your Honour. There was no
mention

14:53:35 15 of Liberians in any of his testimony in open session.

16 PRESIDING JUDGE: Mr Jordash, if I may refresh your
memory?

17 MR JORDASH: Please.

18 PRESIDING JUDGE: You remember you were at the stage
where

19 he was in [REDACTED], his home town, and there the war met him

14:54:02 20 and these people came and surrounded him. He said this was in

21 1991, when the war started, and he was trying to narrate the

22 episode of what happened to them. That is when I interjected
and

23 said, "What about the time frame. Be careful, be careful,"
and I

24 think -- yes, I think that's where we were.

14:54:28 25 MR JORDASH: Your Honour, thank you. Could I ask though
26 that the name of his home town be redacted.

27 PRESIDING JUDGE: Obviously.

28 MR JORDASH: Can I just reassure the witness that the
only
there
29 person in the public gallery is a member of the Court, so

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1 is no member of the public who knows your town. It's an easy
2 mistake, Your Honour.

3 Q. So we will refer to your town as your town without the
4 name. Okay? Do you understand?

14:55:00 5 A. Yes, I understand. Yes, I have understood.

6 Q. Nothing to fear. So who came into your town when the
war
7 came?

8 A. They were Gios.

9 Q. Did they speak to you?

14:55:33 10 A. Yes, they used to talk to me.

11 Q. When they first came, did they speak to you? And what
did
12 they say?

13 A. They came. They asked for the elders in that town.

14 Q. Were you --

14:55:59 15 A. Then we left. Then we came and presented ourself. They
16 said they wanted to eat.

17 Q. Were you one of the elders?

18 A. We were all there in that town, when they entered.

19 PRESIDING JUDGE: Were you one of the elders?

14:56:35 20 THE WITNESS: Well, I was -- I was a strongman but the
21 elders were there.

22 MR JORDASH:

23 Q. And did they say why they came?

24 A. Yes. They said they've come to free us from trouble.

14:57:05 25 Q. What happened after they greeted you and made that
26 statement?

27 A. Well, they insisted on food. If there were food for
them
28 and we told them that we were not prepared.

29 Q. What happened then?

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1 A. After that, they sat down for a while and then they
2 returned back to our big town, Pendembu.

3 Q. Did any of them remain in your town at that time?

4 A. No, they did not stay there.

14:57:42 5 Q. And what happened next?

6 A. So, we were there now up to six months.

7 Q. And did the Gios come back to your town during that six

8 months?

9 A. They used to come and go back. They used to come and go

14:58:16 10 back.

11 Q. How did they behave when they came?

12 A. So, at first, we had some food, but the time when the

food

13 was finished, they were there now --

14 THE INTERPRETER: Your Honours, can the witness take

that

14:58:38 15 last bit of his statement?

16 MR JORDASH:

17 Q. Could you repeat the last bit of your statement,

18 Mr Witness, please?

19 A. After the six months, the food was finished. They used

to

14:58:51 20 come. We were feeding them, but when the food was finished,

they

21 were forcing us now for food.

22 Q. And when they left your town, they went to where?

23 A. So, any time they came, after that, they would turn back

to

24 the headquarter, the big town, in Pendembu.

14:59:21 25 Q. Did you go to Pendembu during this first six months or

so?

26 A. Yes, I used to go there and come back.

27 Q. And did you know the names of any of the Gios or the

28 soldiers in Pendembu?

29 A. Yes, I know some of them.

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1 Q. Could you just name some briefly, please?

2 A. There is one, I know him. He was called --

Your

3 THE INTERPRETER: Can the witness take the name again,

4 Honours, please?

15:00:06 5 MR JORDASH:

6 Q. Repeat the name, please, Mr Witness?

7 A. Konsi Tuah.

8 Q. Konsi Tuah. Did Mr Konsi Tuah have another first name?

him,

9 A. Well, that was the only name I know they were calling

15:00:32 10 Konsi Tuah.

11 Q. And was he -- where was he from?

12 A. He came from Liberia.

13 Q. Do you know any other names from that time?

14 A. Well, I know the other one. He was called Prince.

15:00:54 15 THE INTERPRETER: Your Honours, can he repeat the
surname

16 of the witness?

17 MR JORDASH:

18 Q. Could you say the name again, please, Mr Witness?

19 A. Prince.

15:01:10 20 Q. And were there any Sierra Leoneans amongst them?

21 PRESIDING JUDGE: Is the only name Prince. I thought he
22 was going to call another name. Prince that was all?

23 THE WITNESS: Well, that is the name, Prince. Prince
24 Legbeh.

15:01:29 25 MR JORDASH:

26 Q. Is that a -- where was he from?

27 A. Prince, this Prince Legbeh, the same Prince Legbeh came
28 from Liberia.

29 Q. Were there any Sierra Leoneans amongst their number?

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1 A. Well, I know some Sierra Leoneans.

2 Q. Was there a top boss Sierra Leonean?

3 THE INTERPRETER: Correction, interpreter. I saw some
4 Sierra Leoneans.

15:02:15 5 MR JORDASH:

6 Q. Was there a top man amongst the Sierra Leoneans?

7 A. Well, at that time, the person I saw, I did not know
8 whether he was a leader. He was there. He was a popular man.

9 Q. What was his name?

15:02:32 10 A. He was called CO Mohamed.

11 Q. And did these Gios that you've described do anything
else

12 to you?

13 A. Well, they did a lot of bad things.

14 Q. How old were the youngest soldiers? Did you see the age
of

15:03:14 15 their fighters?

16 A. So, where I was, where we were, they used to -- some of
17 them, they used to come there. Their ages were about nine
years.

18 Q. And were these younger Gios armed?

19 A. Yes, I saw guns with them.

15:03:49 20 Q. And did you, the civilians, do anything about the Gios?

21 A. Yes. We were giving them food and they were eating.

22 Q. Did you make any complaint to anyone?

23 A. Those people, whether they did something to you bad, you
24 just have to accept it, but if you take any complaint to

15:04:22 25 anywhere, they will do you more harm.

26 Q. Did you know at this time anyone called Foday Sankoh?

27 A. Yes, I know him.

28 Q. Did you have any, did you, the civilians from your town,
29 have anything to say or do with him, or to him?

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1 A. Well, in that town, where we were, it was not that only
2 town. All, all of us, we, the civilians that were arrested,
we
3 explained to him that they were harassing us.

4 Q. And what was his response to your complaint?

15:05:12 5 A. So, he thanked us and told us that he -- he did not
bring
6 the war in bad faith. Let us just leave him. He knew the
time
7 when he was going to push the men out.

8 Q. And did there come a time when this happened?

9 A. Well, go over that again.

15:05:46 10 Q. Did there come a time when he pushed the people out?

11 A. Yes, there was a time. They were, they left the place
12 quietly.

13 Q. How did they leave, and why?

14 A. So he himself, he tried to put up bases, three places.

15:06:15 15 Q. Who tried to put up bases?

16 A. He, Mr Foday Sankoh, told CO Mohamed to open bases.

17 Q. Where were the bases?

18 A. It was in Kailahun, Pendembu, Baiwala.

19 Q. What happened on the bases?

15:06:48 20 A. So they started --

21 THE INTERPRETER: Your Honours, can the witness explain
22 that further? There is ambiguity there.

23 MR JORDASH:

24 Q. Could you repeat your answer, Mr Witness?

15:07:03 25 A. When they set the bases, they started arresting people,
in
26 order to join.
27 Q. And who went to the bases?
28 THE INTERPRETER: Learned counsel, can the witness
explain:
29 Is it capture or arrest?

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1 PRESIDING JUDGE: And when he said "they," who?
2 [Indiscernible] specific as to who was doing the capturing or
3 arrests.
4 THE WITNESS: I said, the Sierra Leoneans, our siblings
who
15:07:38 5 were at that part of the Kailahun District, all of them, they
6 capture or arrest them and they started joining.
7 MR JORDASH:
8 Q. So did people -- sorry, did the Sierra Leoneans go to
the
9 base on their own or not on their own?
15:07:54 10 A. Well, at that time, they were not going there
voluntarily,
11 but there was a time they were going there voluntarily.
12 Q. And what happened to the people who went to the base?
13 A. They underwent training, soldier training. They were

14 practising soldier training, soldier exercises and we were
seeing
15:08:32 15 it.
16 JUDGE BOUTET: Mr Jordash, so to avoid any ambiguity,
your
17 witness said they arrested Sierra Leoneans and they started
18 joining. He said at the beginning they were not joining
19 voluntarily and they were arrested and taken to the base. So
ask
15:08:50 20 your question and then you ask another question that later
they
21 volunteer, but your question, is it for the later part or the
22 first part?
23 MR JORDASH: I will clarify.
24 JUDGE BOUTET: It's not clear from your questions and
the
15:09:05 25 answer, if I may.
26 MR JORDASH: Certainly.
27 Q. At what time were the people being taken against their
will
28 to the base?
29 A. This base started in 1991. They were capturing people
by

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1 force, joining.

2 Q. And who was capturing the people by force?

3 A. Well, these Gios, the commanders, who went there. All
of
4 them went there and they asked us that they should open bases
so
15:09:48 5 that they could take these people to these bases.

6 Q. And at what time did the people, the Sierra Leoneans,
start
7 to go there voluntarily?

8 A. Well, in '92, the other base they open at Manowa,
Manowa,
9 Bunumbu, all those people were willing.

15:10:22 10 Q. Why, if you know the answer, did those people go
willingly
11 to the base?

12 A. These Gio children, they used to come and flog them.
They
13 were asking them: Why are you not going to fight for your
14 country, so they were fed up with that and they started going
15:10:48 15 there.

16 Q. And when these Sierra Leoneans went to the base
17 voluntarily, what did they do when they came from the base?

18 A. Well, they started going to war front and began to
fight.

19 Q. And who were they fighting?

15:11:08 20 A. Well, they were fighting against the government troop.

21 Q. And just so we can be clear: Did the Gios leave Sierra
22 Leone voluntarily?

23 A. Well, the deal they were doing, that we became fed up
of,
24 so the man, the time they finished training the children, he
15:12:07 25 armed the Sierra Leoneans. He started giving them materials.

Gios

26 Q. Who's he?

27 A. Foday Sankoh. Foday Sankoh. So, after that, so these

28 were not receiving materials.

29 Q. Why were they not receiving materials?

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he

1 A. So this of their wickedness, that were reporting to him,

2 became fed up of it and told us that he was going to push them

3 out.

4 Q. Who was it that pushed them out?

15:12:42
now

5 A. Well, he, Foday Sankoh, they had no bullets. The time

has

6 he said, so he said, "Go back. The work that you've come for

from

7 come to an end." So they -- so they captured all the roads

8 them. So anybody who was to come to that gate, you would be

9 disarmed, so all of them went.

15:13:32

10 Q. Who disarmed the Gios at the gate?

11 A. These people who joined, our siblings, the freedom

12 fighters.

13 Q. And when the Gios had left, who remained?

14 A. They, those that I have just named. Foday Sankoh named
15:14:02 15 them freedom fighters.

16 Q. And where were the freedom fighters' families at this
time?

17 A. They were Sierra Leoneans.

18 Q. Sierra Leoneans from which district?

19 A. They were from Kailahun District and Kono districts.

15:14:31 20 Q. And did you observe what their relationship were, was,
with

21 the civilians of Kailahun?

22 A. Well, there was a very strong law between us and them.
23 They should not take any food from us, nor did they do any
harm

24 to us. Then, you can not leave war front and come to us,
where

15:15:08 25 we were staying as a free zone, you could not come there. If
you

26 wanted to come there you could obtain a pass.

27 Q. So, just to be clear: Did the freedom fighters live
28 separately from the civilians?

29 A. Their own settlement was different.

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1 Q. And who did they obtain a pass from, before they could
go

2 to the zones where the civilians were?

we

3 A. Well, what happened, we came to know because some of us,

4 used to see some letters, and so target commander was to give

15:16:09

5 somebody pass. So when they brought it to us, where we the

then

6 civilians were staying, so if the MPs could set eyes on it

7 you are a free man.

8 Q. What did the MPs do?

9 A. They were between us, so that they could not come. They

15:16:41

10 could not accept at all. They could not accept any soldier to

11 come to us. Then, for our property, and our lives.

12 Q. Was there any laws about property and your lives?

13 A. Yes.

14 Q. What were the laws?

15:17:15

15 A. Whosoever took a civilian's property, if you, be you a

for

16 soldier, you would be -- a big portion of work would be cut

you

17 you. Then you would be driven to go back to war front. If

18 steal, you will be beaten mercilessly.

19 Q. Were there any other laws?

15:17:54

20 A. So, the only law that one cannot take advantage of, from

21 your fellow man, any, all those type of law were laid down.

22 Q. Were there any laws about women?

23 A. No adultery.

24 Q. And do you know the term "safety zone", Mr Witness?

15:18:31

25 A. Yes.

26 Q. What does it mean to you?

27 A. Well, to my own understanding, the place where there is

28 calm. They've captured that place and there is no war.

29 Q. And who lived there?

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1 A. We, the civilians.

2 Q. And after the Gios left, where was -- can you remember
3 this -- the front line where the fighting was?

4 A. When the Gios left?

15:19:19 5 Q. Yes.

6 A. So, we used to see our siblings staying at Baima.

7 THE INTERPRETER: Your Honours, can the witness be
audible,
8 please?

9 MR JORDASH:

15:19:39 10 Q. Mr Witness, just sit forward a little bit so that you
can

11 speak to the microphone more easily. Repeat your last answer,
12 please.

13 A. Well, they were at Baima, they were at Tantewar, here,

14 Nyandehun Junction. They were at Gehoma, by Manowa, coming to
--

15:20:15 15 THE INTERPRETER: Your Honours, can the witness take
that

16 last name of the town?

17 MR JORDASH:

18 Q. What was the last town you mentioned, Mr Witness?

19 A. You asked me the places where they were staying. I said
15:20:34 20 Baima, Nyandehun Junction. Bunumbu.

21 Q. Do you know if there were civilians at the towns you've
22 just mentioned?

23 A. The places I have named?

24 Q. Yes.

15:21:03 25 A. Civilians could not stay there.

26 Q. Do you know what would happen to the civilians that were
27 there?

28 A. Well, the other warriors used to come and meet these and
29 these other warriors would be able to fight them back. That
was

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1 the reason they asked that it was not good for any civilian to
2 stay in their midst.

3 Q. And do you know the age of the freedom fighters, what
the
4 youngest freedom fighters --

15:22:00 5 A. Yes, I know.

6 Q. What were they?

7 A. From 20 years to 40 years.

8 Q. Now, where were you living after the Gios left?

9 A. Those Gios, when they went, I was staying here in the
15:22:37 10 village.

11 PRESIDING JUDGE: Yes, Mr Hardaway?

12 MR HARDAWAY: Yes, Your Honour. The Prosecution would
13 object on the grounds of relevance. It is outside the
indictment

14 period and even taking the ruling from the Bench the
Prosecution

15:22:51 15 would submit that we have gone far beyond introductory
material.

16 MR JORDASH: Well, are we, the Defence, simply going to
17 allow all the Prosecution evidence of these years to remain
18 unchallenged, or are we going to be given - and I ask the
19 question to the Prosecution - an ample opportunity to correct
the

15:23:22 20 state of the evidence? It's a bit late in the day for my
learned

21 friend to be jumping up and down when they've spent weeks, if
not
22 months, adducing evidence of --

23 PRESIDING JUDGE: Mr Hardaway, he is on his feet. Can
you

24 sit down, please.

15:23:41 25 MR JORDASH: -- adducing evidence of crimes in these
early

26 years, supposedly committed at the hands of the RUF led by,
27 amongst others, Mr Sesay.

28 I would have preferred not to have to focus on this area
29 but this is where we are at now, and I could complete the list
of

I'm

overrule

for

may

1 witnesses who have dealt with that, this time period. And it
2 would be the vast proportion of the Prosecution's insiders.

3 not sure that this is a situation of the Defence's making.

4 PRESIDING JUDGE: We would, and we've decided to

15:26:00

5 the objection, but to come back to the Defence, and to remind
6 them, you know, that we are not going to remain on background
7 material forever, for too long, because what interests us is

8 the hard core issues in this matter which are relevant to the
9 indictment to be addressed, and time is of the essence of

15:26:26

10 whatever we are doing here. So, Mr Jordash, with this, you

11 proceed.

12 MR JORDASH: Thank you.

13 Q. Where were you living when the Gios were pushed out,

14 Mr Witness?

15:26:50

15 A. I was staying in my village.

16 Q. Did there come a time when you left your village?

17 A. Yes, all of us, we were pushed. The government troops
18 pushed us.

19 Q. Where did you go?

15:27:19 20 A. We went to Giema.
21 Q. Do you know what year it was when you went to Giema?
22 A. Yes, I know.
23 Q. What was it?
24 A. It was in '93 that we left.
15:27:43 25 Q. Where did you go to in Giema?
26 THE INTERPRETER: Your Honours, can the counsel take the
27 question again?
28 MR JORDASH:
29 Q. Where did you go to, in Giema?

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we
1 A. Giema, the bush around Giema, we prepared that place and
2 were calling it Joe Bush.
3 Q. And who did you go there with?
4 A. Together with all my family. And even the elders of the
15:28:27 5 town I was staying, together with them; a good number of them.
6 Q. How many wives did you have at that time, Mr Witness?
7 A. I had two wives at the time.
8 Q. And when you, the civilians, left to go to Giema, did
9 anyone else come with you?

15:28:54 10 A. Like, which other person?
11 Q. Let me ask a different question: What did the freedom
12 fighters do when you went to Giema?
13 A. When we went to Giema, they surrounded us so that enemy
14 could not come to us. Our security was very strong.

15:29:38 15 Q. Did you know a man called O'Jalley, around this time?
16 A. Yes, I know O'Jalley.
17 Q. Did he have a job?
18 A. Yes, he had a job.
19 Q. What was his job?

15:30:02 20 A. Just as I have stated; he was an MP commander.
21 Q. Did you see him working?
22 A. He worked very seriously.
23 Q. Where did he work very seriously?
24 A. Firstly, he tried very hard, so that the civilians could
15:30:33 25 leave, could push out where we were staying.
26 Q. Sorry, could you repeat that?
27 THE INTERPRETER: Correction, interpreter. He said he
28 tried very hard, so that the soldiers would be moved from
where
29 we were staying.

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1 MR JORDASH:

2 Q. Did he do anything else?

3 A. Then, he made gates and deployed all the MPs to that
gate.

4 Q. What did they do at the gates?

15:31:12 5 A. Any soldier from front line, coming to the civilian
zone,
he

6 until you have a valid pass, so that was one of the major work
7 was doing.

8 Q. Which towns did he work in, in these years?

9 A. Well, I saw him in Pendembu. Then he also worked in
Giema.

15:31:55 10 Q. How long were you in Giema, Mr Witness; from 1993 to
when?

11 A. Well, up to '97 overthrow, all of us left and went to
our

12 homes.

13 Q. Okay. Well, then I want to deal with the period 1993 to
14 1997; okay. If you're able to specify --

15:32:33 15 A. Okay.

16 Q. -- more specifically the year between those dates, do.
If

17 not, then we're talking about '93 to '97 --

18 A. Okay.

19 Q. Okay?

15:32:48 20 A. Okay.

21 Q. Were there any offices in Giema from 1993 to 1997?

22 A. Yes, I know some of the offices.

23 Q. First of all, who was in control of Giema in this
period?

24 A. At the time, CO Mosquito was in charge of Giema.

15:33:35 25 Q. Do you know Issa Sesay?
26 A. Yes, I know him.
27 Q. When did you first meet him?
28 A. So, I used to get --
29 THE INTERPRETER: Your Honours, can the witness clarify

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1 that word?
2 MR JORDASH:
3 Q. One moment, Mr Witness. Let me just ask the question
4 again: Well, first of all, when did you first meet him?
15:34:26 5 A. I know Issa in Giema.
in 6 Q. Do you know the year that you first met him or knew him
7 Giema?
8 A. From 1995 until '97, when the overthrow took place.
9 Q. And what role did, or what post or title did Mr Sesay
have, 10 when you knew him from '95 to '97?
11 A. Issa, at that time he was hurt. He was not a commander.
12 Q. What role did he play in Giema, if any?
13 A. When the bullet hit him, he came now. He was sitting --
14 THE INTERPRETER: Your Honours, can the witness take the

15:35:36 15 name of that village?

16 MR JORDASH:

17 Q. One moment, Mr Witness. Sorry, what was the name of the
18 village you just mentioned?

19 A. Kambama.

15:35:49 20 Q. K-A-M-B-A-M-A. Let's try approaching this in a slightly
21 different way, Mr Witness. When you arrived in Giema and you
22 were staying in the bushes, did you go into the town, Giema?

23 A. I used to leave the Joe Bush and come to the town.

24 Q. And when you got to the town, did you see any freedom
15:36:30 25 fighters when you visited?

26 A. Those who had assignments in that town, they were
staying
27 there.

28 Q. And can you name some of them now?

29 A. Yes, I can show some of their names, those that I know.

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1 Q. What about Issa Sesay?

2 A. Issa Soso [as interpreted], I know him very well.

3 Q. Was he in the town?

4 A. Yes, he was in Kambama. It was in that same town but
they

15:37:27 5 also called that place Kambama.

6 Q. Is that in Giema or out of Giema?

7 A. It was in the very Giema.

8 Q. And did you see any offices in Giema when you visited?

9 A. Yes, I saw MP office.

15:37:59 10 Q. Was there a top MP there?

11 A. Yes. It was this O'Jalley that we just mentioned.

12 Q. And between 1993 and 1997 did you see him working in
Giema?

13 A. He was working very hard.

14 [RUF05OCT07C - JS]

15:38:31 15 Q. What did you see him doing?

16 A. Just like I have said. They were not allowing any
soldier

17 to leave front -- war front. Then they could not allow
anybody

18 to take anything from us.

19 Q. And what was O'Jalley's relationship like with the
civilians?

15:38:57 20 civilians?

21 A. Well, I saw it was very fine for us. Because somebody
was

22 protecting your property, he's not a bad person.

23 Q. Did he have any other MPs?

24 A. There were a good number of them sitting at the gates.

15:39:31 25 Q. Did you speak to O'Jalley or any of the MPs?

26 A. Well, they did not do bad to me which caused me to go
and

27 make a complaint, or I went and sit by them.

28 Q. Did anyone else make complaint to them, that you
observed?

29 A. Well, there were some complaints, that they were making

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1 some complaints but I never witnessed any.

2 Q. Were there any other offices in Giema from 1993 to 1997?

3 A. G5 office.

4 Q. What did the G5 office do in Giema, 1993 to 1997?

15:40:36 5 A. They were working with the civilians.

6 Q. How were they working with the civilians?

7 A. So first our siblings, when they -- if they had gone and
8 captured people.

9 Q. Yes?

15:41:00 10 A. They will come and hand them over to G5.

11 Q. And what would happen when they were handed over to G5?

12 A. So they too --

13 PRESIDING JUDGE: After who has captured people? Who
would

14 capture before handing over to G5?

15:41:26 15 THE WITNESS: They were freedom fighters.

16 MR JORDASH:

17 Q. Where did they capture them from, Mr Witness?

18 A. When they were going to war front.

19 Q. And what would happen when they went to the G5?

15:41:47 20 A. So G5 could find a place and ask that civilian the place
21 where he could stay so that there would not be any problem, so
22 that nobody could force him.

23 Q. Why were they brought from the front line, Mr Witness?

24 A. So if they had fought there and there was no family to
take
15:42:22 25 care of the others, instead of leaving them there to perish.

26 PRESIDING JUDGE: Thank you. Yes, go ahead now, gently.

27 THE WITNESS: Instead they leave them there in an
abandoned
28 village so they too could bring them so that their lives could
be
29 saved.

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1 Q. Thank you. And what age of people were brought from the
2 front line so that their lives could be saved?

3 A. Well, there were children among them, and the adults
were
4 also among them.

15:43:22 5 Q. And where did the children live when they were brought?

6 A. When they brought some of them?

7 Q. Yes?

fighters. 8 A. So they will be staying with the wives of those

9 Q. What did they do when they stayed --

15:43:53 10 A. So they would be working in the houses of those wives.

11 Q. Thank you.

12 A. So they would be working for their daily livelihood.

13 THE INTERPRETER: Correction, interpreter. They would
be

14 doing domestic work.

15:44:24 15 MR JORDASH:

16 Q. Did you see this, Mr Witness?

17 A. Yes, I saw this, the same way as I am explaining to you.

18 Q. And how did civilians in the zoo bush find food?

19 A. Well, we used to go into the bushes to get bush yams
there;

15:45:09 20 looking for cassava.

21 Q. Why were the civilians living in the zoo bush and not
the

22 town?

23 A. Well, it was just like enemies used to come to Giema and
24 attack. So they, too, that was the reason they asked us, all
of

15:45:52 25 us who were civilians, to leave from their midst.

26 Q. Was this '93 to '97?

27 A. Yes. That was the way it was happening.

28 Q. And who were the enemies and who were they fighting?

29 A. The Kamajors and the government troops.

1 Q. Did you ever see an Alpha Jet during '93 to '97?

2 A. Yes, I saw it.

3 Q. What did it do when you saw it?

4 A. It came and left bomb and dropped it down in Giema Town.

15:47:08 5
and

These were the reasons that they asked us to leave the town

6 stay in Joe Bushes, so that they can protect our lives.

bushes

7 Q. And how many people do you think was living in zoo

8 during this period?

thousands.

9 A. Those Joe Bushes were more than -- were in their

15:47:48 10
during

Q. And what did you observe Issa Sesay doing in Giema

11 these years?

came.

12 A. Well, there was a time he called CO Mosquito, and he

13 He said there was difficulty in getting medicine. There was

14 difficulty for food. They said, "Let us try to open the

15:48:29 15
to

waterside so that we can get the food and medicine." So they

16 opened that waterside. We used to take our palm oil. We used

17 buy seed rice and warings and medicines. So he did that.

18 Q. And who did those?

19 A. CO Issa, CO Issa.

15:49:14 20
again?

PRESIDING JUDGE: What did he do? Can you take that

21 "We used to, we used to." What did he do? What happened?
22 THE WITNESS: He facilitated --
23 PRESIDING JUDGE: CO Issa called Bockarie and complained
to
24 him that there was no food, there were no medicines, and so
on.
15:49:35 25 Did Mosquito come? Did he come to Giema?
26 THE WITNESS: Yes, he came.
27 PRESIDING JUDGE: Yes. Then what happened? You're
saying
28 CO Issa did certain things. What did he do?
29 THE WITNESS: When he came, they agreed that the
riverside

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1 could be opened. The riverside was opened. We were doing
2 trading.
3 MR JORDASH:
4 Q. Who was doing trading?
15:50:08 5 PRESIDING JUDGE: Where was this riverside?
6 THE WITNESS: So they took one --
7 PRESIDING JUDGE: Where was the riverside?
8 THE WITNESS: -- civilian, I said. This riverside here,
9 Tedu, Pumaru, those are the riverside that they opened.

15:50:38 10 MR JORDASH:

11 Q. Is that the border with Guinea, Mr Witness?

12 A. Between Guinea and Sierra Leone.

13 Q. Now, from 1993 to 1997, was there any medical care in
14 Giema?

15:51:05 15 A. Yes.

16 Q. Can you describe it, please?

17 A. Yes, I can describe.

18 Q. Please do slowly, though.

19 A. Well, those who were ahead of the treatment, Gina, Gina

15:51:37 20 doctor.

21 Q. Dr Gina, is that?

22 A. Dr Gina.

23 Q. Who else?

24 A. Kolloh Banda.

15:51:46 25 Q. K-O-L-L-O-H Banda. Is that right? Is that the spelling
or

26 am I spelling it --

27 A. Well, I don't know. I don't know now what you have
28 written.

29 PRESIDING JUDGE: That was right. It is pronounced
Kolloh

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1 Banda. Kolloh Banda, is that not it.

2 THE WITNESS: Kolloh Banda.

3 MR JORDASH:

4 Q. Did you know Susan Lahai?

15:52:28 5 A. Know Susan? I know her.

6 Q. Where did she work?

7 A. She was in the big Joe Bush.

8 Q. Where did she get her medicines from?

9 A. There was a time by Baima, there was medicine coming
from

15:53:06 10 there, so along the waterside, they could get medicine from
11 there.

12 Q. So you trade?

13 A. Yes, we were doing trading very well.

14 Q. Thank you. Do you know Saleem?

15:53:31 15 A. Saleem? He was the person I was talking about. He was
the

16 one that was appointed as leader for that trading.

17 Q. Do you know anyone called Dr Fobai?

18 A. Dr Fobai? Yes, I know him.

19 Q. Where does he work?

15:53:55 20 A. He worked in Giema.

21 Q. Who was treated by the medicine people or the medical
22 personnel in Giema?

23 A. Any civilian who had some problem, you will be treated
24 for -- you will be treated without paying anything. Even a
15:54:27 25 soldier, when you are wounded, you will be treated.

26 Q. Were there any schools in the area?

27 A. They opened school at Giema.

28 Q. Who went to the school?
29 A. Those children that we had in the Joe Bushes.

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1 Q. Were there any marriage ceremonies during 1993 to 1997?

2 A. Yes, there were marriages.

3 Q. Who was marrying who?

4 A. Well, I told you few minutes ago that the G5 was between

15:55:43 5 the civilians. There were some other people whose parents
were

6 not there, so he could make the -- he could facilitate so that

7 you can take care of that child up to the time they could find

8 the child's parents.

9 Q. Maybe there was a difficulty in translation. I was
asking

15:56:20 10 whether there was any marriage ceremonies between 1993 and
1997

11 around Giema?

12 A. That is what I have just explained. There was a G5 who
was

13 arranging things for us.

14 Q. Are you aware of any freedom fighters getting married?

15:57:01 15 A. Well, they had wives.

16 Q. Did they have wives from before the war or after, or

17 during?

18 A. So some of them had wives. Some of them got those wives
19 during the war.

15:57:32 20 Q. Did you observe any getting wives during the war?

21 A. Well, some of them, women were falling in love with
them.

22 They could say, "This is the particular person we want." But
at

23 that time there was no money, except that -- so they all were
--

24 they were waiting for to know that you are looking after that
15:58:19 25 person.

26 Q. So were there ceremonies or not between these people?

27 A. That is what I have said. There was poverty. We don't
28 have anything. You are eating bush yam. How can you prepare
29 that for a ceremony?

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1 Q. Right. So you're saying there was marriages, but no
2 ceremonies because of the money?

3 A. Poverty was everywhere. There was no money. There was
no
4 spending of money.

15:59:08 5 Q. But there were marriages; is that what you're saying?

6 A. Yes. They were falling in love with each other.

7 Q. Did you come to know Mr Sesay during this time?

8 A. Yes. That was the time I came to know Mr Sesay.

9 Q. Did you have any personal dealings with Mr Sesay?

15:59:43 10 A. Well, he was -- he did a very good thing to me. There
was
wanted

11 a day I did not have salt, so he gave it to me. Even if I

12 cigarette, he could provide it for me.

13 Q. Was it just you he assisted in that way?

14 A. Anybody; we, the civilians. You that God has given you

16:00:22 15 that luck for that day, while you are meeting, he will do it
very

16 quickly. There was no discrimination on his side.

17 Q. Thank you. Do you know where Mr Sesay lived?

18 A. He was in Kambama, Giema Town.

19 Q. Do you know who he lived with?

16:00:51 20 A. Yes. I know the people who were staying with him.

21 Q. Who was staying with him?

22 A. As he was hurt, those freedom fighters were staying with

23 him because he was hurt.

24 Q. Because he was hurt. Was anyone else staying with him

16:01:16 25 besides --

26 A. Yes.

27 Q. Who else?

28 A. Well, he had a wife at that time.

29 Q. Do you know a man called Boy George?

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1 A. Bob George and others and springs [as interpreted] --
2 strangers were all staying with him.

3 Q. And did you know how old Boy George was, approximately,
at
4 that time?

16:02:01 5 A. Bob George was about 20 years.

6 PRESIDING JUDGE: Yes.

7 MR HARDAWAY: Yes, Your Honour. Can we get an
8 approximation as to what time? We have just been dealing
9 generally between '93 --

16:02:15 10 PRESIDING JUDGE: And '97.

11 MR HARDAWAY -- and '97, and it's a wide gap.

12 PRESIDING JUDGE: Yes. I think we need that precision.

13 MR JORDASH:

14 Q. When was Mr Sesay living in Kambama during 1993 and
1997,
16:02:29 15 as best you can, Mr Witness?

16 A. Kambama, the only house that was situated along that
road,
17 he was staying in that house.

18 Q. When was he associating with Boy George during this
period;
19 can you remember the year?

16:03:03 20 A. Well, I saw them staying with him, but I cannot tell you

21 now the time they were staying with him.

22 PRESIDING JUDGE: You said he was staying in Kambama.

23 Essentially, it is the same question anyway. Can you remember

24 the time when he was staying in Kambama, where you said he was

16:03:31 25 staying with some of these fighters, do you know the year?
Can

26 you remember the year when he was staying with these fighters
in

27 Kambama? Kambama is a quarter in Giema? Is Kambama a quarter
in

28 Giema?

29 THE WITNESS: It is a very small quarter.

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1 PRESIDING JUDGE: Giema.

2 THE WITNESS: In Giema, so it is not a very far
distance.

3 It is just like between me and you.

4 PRESIDING JUDGE: It's very close. Yes, you have not

16:04:12 5 answered my question. Do you know the year when Issa Sesay,
he

6 gave you salt, he gave you cigarettes. He gave others as
well,

7 you know. Take your mind back. Do you know the year when
this

8 happened, when all this happened?

9 THE WITNESS: I cannot think of that. It was in '95 he
did

16:04:43 10 those good things to me.

11 MR JORDASH:

12 Q. And after he had done those good things to you in 1995,
do

13 you remember him doing anything else in 1996, to you or other

14 people?

16:05:06 15 A. As for me, I try in my own way so that he could like me,
so

16 I was doing my own good to him also. He continued to do good

17 things to me until the time he left Kono; he left for Kono.

18 Q. And what about to other civilians until he left for
Kono;

19 how was he?

16:05:43 20 A. I did not receive any complaint about him.

21 Q. Did you receive any information about him in '96 or '97?

22 A. Those times that you were mentioning, I did not hear any

23 bad information about him.

24 Q. What about good information?

16:06:21 25 A. The good things, yes, but I did not hear any bad ones,
he

26 did it to anybody.

27 Q. Try and be as detailed as you can about the types of
good

28 things you heard he did in 1996 and 1997; what you've heard or

29 what you saw?

Maggi 1 A. I explained to you that he used to give me salt, and
2 and cigarettes.
3 Q. What about other people, though?
4 A. Well, if he had rice, he gave it to me.
16:07:12 5 Q. And other people?
6 A. I think so. He was doing that too as he was doing it to
me
7 because I did not hear any bad thing about him.
8 Q. And did you remain living with these thousands of
civilians
9 in the Joe Bush during this period?
16:07:36 10 A. It was not one Joe Bush. There were a lot of Joe
Bushes.
11 Q. And did you move around the Joe Bushes talking to other
12 civilians?
13 A. No.
14 Q. Did you talk to any of the civilians?
16:08:01 15 A. If we were to talk, except when we were going to the
16 riverside to do our trading.
17 Q. Was there any farming in Giema in 1993 to 1997?
18 A. Even myself, I cultivated a very big farm.
19 Q. Who was this farm for that you cultivated?
16:08:34 20 A. Even for myself and the families and my dependants.
21 Q. Did you give the products to anyone else besides you and

22 your dependants?
23 A. Whosoever that was my dependants, we were eating it.
24 Q. Did you have a farm in 1996?
16:09:01 25 A. Yes, I cultivated a very big farm.
26 Q. And in 1997?
27 A. In 1997, well, I cultivated it in my village.
28 Q. What did you do with the produce from 1996 and 1997?
29 A. Well, I prepared all of them. I threshed all of them
and

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1 transported them.
2 Q. You transported them to where?
3 A. To my village.
4 Q. For who?
16:09:39 5 A. For myself and my families.
6 Q. Were you the only civilian with a farm, or were there
other
7 farms?
8 A. As I cultivated that farm, all other civilians
cultivated
9 farms in that year.
16:10:03 10 Q. In 1996 and 1997, is that--
11 A. Yes, during that time we cultivated very big farms.

12 Q. What happened to the other harvests from the other
13 civilians' farms in 1996 and 1997?
14 A. They, too, those produce there for their families and
they
16:10:33 15 too.
16 Q. Did you see that?
17 A. Yes, I saw it the same way as I am explaining it to you.
18 Q. Now, besides your personal farms, were there any other
19 farms in 1996 and 1997?
16:11:02 20 A. I have said we, the civilians, we all cultivated a good
21 number of farms in all the villages we are staying.
22 Q. Besides the individual farms, was there any other farm
in
23 1996 and 1997?
24 A. Well, where I can explain further, for example, now we
have
16:11:35 25 peace. Now, like the community farms we are cultivating --
26 PRESIDING JUDGE: Counsel, now that we have peace, go
back
27 to --
28 THE WITNESS: So we did not cultivate farm at that time.
29 MR JORDASH:

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1 Q. Do you know a place called Tukpagbehun, Mr Witness?

2 A. Yes, I know Tukpagbehun.

3 Q. In 1996 or 1997 was anything there?

4 A. No.

16:12:12 5 JUDGE BOUTET: Can you spell that for me, Mr Jordash?

6 MR JORDASH: I can, I think. It is T-U-K-P-A-G-B-E-H-U-
N.

7 JUDGE BOUTET: Thank you.

8 MR JORDASH:

9 Q. You've mentioned peace time and community farm; do you
16:12:50 10 recall that?

11 A. Yes, I can remember.

12 Q. Just think, Mr Witness, about the question. I will ask
13 again: Tukpagbehun, was anything there?

14 PRESIDING JUDGE: Yes, Mr Hardaway?

16:13:15 15 MR HARDAWAY: Objection, Your Honour, the question has
been

16 asked and answered. He said, "No."

17 MR JORDASH: I think it --

18 PRESIDING JUDGE: Because if I got the record right, I'm
19 not very sure, he said that besides the individual, that in
1996

16:13:36 20 and 1997 he had his individual farm; all the villages had
their

21 individual farms, and that beside that he didn't cultivate any
22 other farms in 1996 and 1997. I imagine -- yes?

23 MR HARDAWAY: Also, Your Honour, counsel asked that
24 question specifically for the same location and the witness
16:14:03 25 clearly stated, "No". There was no equivocation as to that
26 answer.

27 MR JORDASH: I'm not sure there is a rule which says one
28 cannot try again.

29 PRESIDING JUDGE: Well, the question has been answered.

We

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1 can't be going forwards and coming back. Let's proceed,
please.

2 We have to proceed.

3 MR JORDASH: Well --

4 PRESIDING JUDGE: Mr Jordash, may we proceed, please?

16:14:26 5 MR JORDASH:

6 Q. When did you start having a community farm, Mr Witness?

7 A. Well, I will explain that to you. In 1997 that we went,

8 that was not the time we cultivated that farm in Tukpagbehun.

9 There was fighting at that time. ECOWAS came to fight back.

It

16:15:26 10 was in 1998 that that farm was cultivated at that -- at

11 Tukpagbehun.

12 Q. Who cultivated that farm?

13 A. So we, the civilians.

14 Q. Why?

16:15:49 15 A. Well, we said the war was going to an end.

16 Q. And who worked on the farm?

17 A. We, the elders of that district.
18 Q. Were there any freedom fighters on the farm?
19 A. It was not a freedom fighter farm.
16:16:23 20 Q. How were people treated on the farm?
21 A. They were not forcing anybody. We were doing it
happily.
22 Even myself sitting down here, I worked there for two years.
23 Nobody threatened me.
24 Q. How often did you work on that farm, Mr Witness?
16:16:51 25 A. There were a good number of people. We only worked
there
26 for two days. We brushed for one day.
27 Q. You worked for two days out of how many days?
28 PRESIDING JUDGE: Did I get him saying that he himself
29 worked in that farm for about two years or so?

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1 MR JORDASH: Yes, Your Honour.
2 THE WITNESS: For two days I worked there.
3 MR JORDASH:
4 Q. How many days? Do you say two days out of two years or
two
16:17:28 5 days out of --

I 6 A. For two days. It is not years. I said two days. Days.
7 said two days.
8 Q. Okay. And why did you only work for two days on the
farm?
9 A. That day we went and brushed and completed the brushing.
16:17:52 10 Q. And what happened to the harvest on that farm?
11 A. That rice, we decided that we could keep it at the
chiefdom
12 headquarters. If there was any meeting, that was the food we
13 could eat.
14 Q. Who's "we"?
16:18:28 15 A. We who were in the community; we, the chiefdom people.
16 Q. Did Issa Sesay have a farm?
17 A. At that time Issa Sesay was not there.
18 Q. When Issa Sesay was there, did he have a farm?
19 A. In '98 he was not there.
16:18:59 20 Q. In 1996 or 1997 did he have a farm?
21 A. He was having a small farm at Kambama, just like they
22 cultivated a farm, and they said, "This is for this big man."
23 Q. And, sorry, just so that I'm clear, what year was that?
24 A. I think it's around '94.
16:19:40 25 Q. Who worked on the farm?
26 A. His own family, those soldiers.
27 Q. Were there any schools in '96 and '97 in the area?
28 A. Well, there were schools, what I know, because we left
29 there, it was in '95 that I noticed that the school was

1 functioning.

and 2 Q. And did this -- was there a functioning school in '96
3 '97 and 1998?

all 4 A. That distance I have explained. 1995 and 1996 and '97,
16:21:04 5 of us left there and went back to our villages.

you 6 Q. So when you returned to your village, Mr Witness, did
7 stay there until the end of the war?

today. 8 A. I was there until the time now you have seen me here

9 Q. And in 1998, were there freedom fighters in your town or
16:21:35 10 around your town?

11 A. In '95?

there 12 Q. No, in 1990 -- when you returned to your town, were
13 freedom fighters near your town or in your town in 1998 and
1999?

other 14 A. Well, they did not stay there. All of them came this
16:22:14 15 side.

16 Q. Which other side?

17 A. They came towards Freetown.

18 Q. In 1998 and 1999, what were you doing in your town?

19 A. I was doing that of my own work, farming.

16:22:36 20 PRESIDING JUDGE: Is he then saying that, between 1998
and

21 1999, there were no freedom fighters in his village?

22 THE WITNESS: So they, all of them, as they saw that all
of

23 them were coming towards this side, the time they were pushed
by

24 war, again then they went back to us.

16:23:08 25 PRESIDING JUDGE: I don't understand that.

26 MR JORDASH: I can clarify it.

27 PRESIDING JUDGE: Please do.

28 MR JORDASH:

29 Q. What year was it when they were pushed back to you?

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1 A. In 1997, when the overthrow took place. All the
soldiers

2 came to here, this Freetown. At that time now they were mixed

3 with government troops. The time now they began to fight with

4 ECOWAS. That was the time some of them went to that side.
Some

16:23:56 5 of them stayed at Kono; some of them stayed at Tongo.

6 Q. And you mentioned when they came back to you; when did
the

7 freedom fighters come back to you?

8 A. When the overthrow took place in '97, when they were
9 fighting against the ECOWAS, that was the time they went back
10 towards us.
16:24:25

11 Q. And when they came back towards you, did they come to
your
12 town?
13 A. Yes. Those whose towns were, yes, some of them came.
They
14 went back to their towns.
16:24:51

15 Q. Some of the freedom fighters came back to their towns.
16 When you say, "Came back to their towns," what did they come
back
17 to do?
18 A. Well, I saw that. They were pushed backwards.
19 Q. Where did they live when they came back to their towns?
16:25:17

20 A. Well, the side where we were staying, they stopped at
21 Baima.
22 Q. And what did they do when they came back?
23 A. When they went back, they started to fight again, and
then
24 they started pushing them back.
16:25:38

25 Q. What was the relationship with the civilians and the
26 freedom fighters when they came back to the towns?
27 A. There was no bad thing between us, even at that time.
28 There was a person, he, that person could take an underwear,
29 underpants for that person's child. It was not bad.

any 1 Q. Were there, in 1998, after they'd come back, were there
2 offices in any of the towns?

3 A. There was office in Pendembu. It was in Pendembu that
4 there was office.

16:26:31 5 Q. What was the office in Pendembu?

6 A. There was MP office; even brigade office was there.

7 Q. Do you know -- sorry, continue, Mr Witness.

8 A. There was G5 office.

9 Q. And were the MP -- was the MP office and the G5 office
16:26:58 10 there doing anything different to what they'd done in Giema?

11 A. It was the same. The same way they were protecting us
12 there, it was the same thing they continued.

13 Q. Do you know where O'Jalley was in 1998?

14 A. Well, I heard that he has gone towards Kono.

16:27:37 15 Q. Do you know where he was before he went to Kono?

16 A. Well, I saw him -- he was in Pendembu where I was seeing
17 him.

18 Q. In 1998, before going to Kono?

19 A. It was in '98 that he went to Kono. When in '97, after
16:28:10 20 they overthrow that we've come back, he went towards Kono. In
21 1998 now he was --

22 THE INTERPRETER: Your Honours, can the witness explain
23 that again.

24 MR JORDASH:

16:28:20 25 Q. Could you explain that? Before you explain it again,
26 Mr Witness, you mentioned Pendembu and you mentioned Kono;
when
27 do you think he was in Pendembu?
28 A. Pendembu, after they overthrow, all of us landed in
29 Pendembu.

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1 Q. Did you see O'Jalley working in Pendembu?
2 A. I saw him; he used to work there.
3 Q. How was he working with civilians?
4 A. I said it was fine. They were not doing us any bad
thing.

16:29:06 5 Q. Did you see Mr Sesay in 1998?
6 A. Yes, he was not with us now. At that time he had gone
7 towards Kono.
8 Q. Now, did you move from your town at all in 1998 anywhere
9 else in Kailahun District?

16:29:41 10 A. Well, the same place I have said today that when I left
my
11 village --
12 THE INTERPRETER: Your Honours, can the witness slow
down
13 and take that last bit again?

14 MR JORDASH:

16:29:51 15 Q. Take it easy, Mr Witness. I know you've got a lot of
16 information but take it easy. Repeat your answer, please.

I 17 A. I left -- I left -- I left my village, I went to Giema.
18 left Giema, I came to my village.

19 Q. And were you able to travel in Kailahun after coming to
16:30:22 20 your village?

21 A. Yes.

22 Q. Which places did you travel to?

23 A. Well, where I said I stopped, that was the place that I
24 came to settle. I was not just moving here and there.

16:31:05 25 Q. I've nearly finished, Mr Witness. I just want to turn,
if
26 I may, to your time in Giema and ask you some last few
questions.

27 You told us earlier, when we were in a closed session, that
you
28 had gone to the bush in Talia; is that right?

29 A. I went to my siblings.

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1 Q. Did you ever hear, at the time you went --

2 PRESIDING JUDGE: Not to Talia, the Joe Bush in Talia.

3 THE WITNESS: Talia, Joe Bush in Talia.

4 PRESIDING JUDGE: That's where he went to.

16:31:56 5 MR JORDASH:

6 Q. How far is the Joe Bush from Talia, Mr Witness?

7 A. So it is about one mile between them.

8 Q. How far is Giema from Talia?

9 A. Two miles.

16:32:23 10 Q. Do you know whether the civilians, including your
siblings,

11 in the Joe Bush at Talia, ever went into the town?

12 THE INTERPRETER: Your Honours, can the counsel take
that

13 question again?

14 PRESIDING JUDGE: The distance to Talia he says is two

16:32:45 15 miles?

16 THE WITNESS: Yes, two miles.

17 MR JORDASH:

18 Q. Let me just try to ask you a simpler question: Which
year

19 do you think you went to visit your siblings? Was it one year
or

16:32:59 20 more than one year you went to visit them?

21 A. All of us who went into the Joe Bushes, that year, at
last

22 it was after two years that I was able to get on to them.

23 Q. Did you visit them in 1997 or 1996?

24 A. In '96, yes, I went to them.

16:33:37 25 Q. Did you visit them in 1997?

26 A. It was in 1997 that all of us went back.

27 Q. Did your siblings go back?

28 A. All of us went back to our village.

of 29 Q. And did you speak -- let me put it differently. Did any

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1 your siblings ever report to you then or since then of any bad
2 things happening to them while they were in the Joe Bush at
3 Talia?

4 A. Well, I did not receive any complaints bad about those
16:34:31 5 freedom fighters.

6 JUDGE BOUTET: Mr Jordash, when you're talking Talia,
this

7 is Talia in Kailahun District presumably?

8 MR JORDASH: Your Honour, yes.

9 JUDGE BOUTET: I know there is other Talias. I just
want

16:34:50 10 to make sure that this is what we're talking about. So this
is

11 Talia in and around the Giema, and in that particular area.

12 MR JORDASH: Your Honour, yes.

13 Q. Did your siblings return to your town or did they live
in a

14 different town?

16:35:10 15 A. All of us went back to our village.

16 Q. Have you seen other people, other civilians, who were in

17 the zoo bushes at Talia since peace has come?

18 A. There were many.

19 Q. And you've spoken to them since that date, since the war
16:35:58 20 has ended?

21 A. Yes, others, those who were from Baiwala.

22 Q. Any reports given to you of any misbehaviour by the
freedom
23 fighters?

24 PRESIDING JUDGE: Mr Jordash, can you take that again,
16:36:21 25 please.

26 MR JORDASH: Sorry, Your Honour, yes. I asked the
27 witness -- let me start it again because I think I've got lost
as
28 well.

29 Q. The war came to an end, and have you seen civilians who

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1 were in the zoo bush at Talia since the war came to an end?

2 A. Even up till now we are still in contact.

3 Q. And the Luawa Chiefdom, which towns are in that
chiefdom?

4 A. Many a time we could see each other.

16:37:14 5 Q. Let me ask you specifics. Is this -- there shouldn't
be

Sorry, 6 any dispute about this -- is Talia in the Luawa Chiefdom?

7 is that in the Luawa Chiefdom?

8 A. Talia is in Luawa Chiefdom.

9 Q. Is Sembehun in that chiefdom?

16:37:51 10 A. Sembehun is in that same Luawa.

from 11 Q. Do you know people from Talia? Do you know civilians

12 Talia?

13 A. Joe Bush in Talia. It was at the Joe Bush that I know

14 people. That was the place my siblings were staying.

16:38:27 15 Q. Do you know people from Sembehun?

16 A. I can't quite remember.

17 Q. Do you know people from Pendembu?

18 A. So many of them.

19 Q. Do you know -- sorry, I've lost the list of towns; I

need 20 it. But let me do this, Mr Witness. Talia, Sembehun are two

21 towns in the Luawa Chiefdom. Can you name some other towns,

22 please, in that chiefdom?

23 A. There is Dkema.

24 Q. D-K-E-M-A. Any other towns in that chiefdom?

16:39:47 25 A. Lalehun.

26 Q. L-A-L-E-H-U-N. Any other towns?

27 A. Yandhun.

28 Q. Y-A-N-D-H-U-N. Yandhun. What was the second name?

29 Translation, please? Translation, please. Could you repeat

the

1 name, please, Mr Witness?

2 A. Mambaba.

3 Q. M-A-M-B-A-B-A. And then you mentioned Tikonko; is that
4 right?

16:40:38 5 PRESIDING JUDGE: Mr Jordash, we thought you were coming
to

6 a close. How much more time do you --

7 MR JORDASH: I'm coming to an end, The last bit.

8 PRESIDING JUDGE: Okay. All right. Okay.

9 MR JORDASH:

16:40:50 10 Q. Tikonko, okay. Any other towns?

11 A. Batoma is there.

12 Q. Do you know people in these towns to this day, Mr
Witness?

13 A. Yes, I know. I can call the names of people who are
there.

14 Q. And have you heard any complaints from them about the
16:41:27 15 behaviour of the freedom fighters from 1993 to the end of the
16 war?

17 A. I did not get any complaint.

18 Q. No more questions, thank you. There will be some more
19 questions, but I have finished for now, Mr Witness. Thank
you.

16:42:09 20 PRESIDING JUDGE: Some more questions from you?

21 MR JORDASH: Not from me.

22 PRESIDING JUDGE: So he says he has received no
complaints
23 from all these people in those -- in these enumerated
locations
24 against the freedom fighters.
16:42:45 25 MR JORDASH: Yes.
26 Q. Sorry, Mr Witness?
27 A. I did not get any complaints from that end.
28 PRESIDING JUDGE: Right. We would recess for a few
minutes
29 and we will resume to start with the cross-examination, and

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1 Mr Touray is put on notice. May we rise, please.
2 [Break taken at 4.40 p.m.]
3 [RUF05OCT07E - CR]
4 [Upon resuming at 5.08 p.m.]
17:11:36 5 PRESIDING JUDGE: We are resuming this session. Mr
Touray.
6 MR TOURAY: Just two questions, Your Honour.
7 PRESIDING JUDGE: Thank you.
8 CROSS-EXAMINED BY MR TOURAY:
9 Q. Mr Witness.
17:11:51 10 A. Yes, sir.

11 Q. You were at the zoo bush in Giema, or around Giema;
12 remember saying so?
13 A. Yes, I was in Joe Bush in Giema.
14 Q. Now, was there a civilian head over you there?
17:12:21 15 A. In that Joe Bush, there was no chief.
of 16 Q. Did you know of any civilian commander who was in charge
17 that zoo bush?
some 18 A. In Joe Bushes, there was no elected commanders, except
19 of us who were in control of our families.
17:13:08 20 Q. Now, did you know any civilian commander even out of the
21 zoo bush, maybe in Giema Town?
22 A. I know one of the civilian commanders, he was in Semabu.
23 There is Semabu near Giema.
24 Q. What was his name?
17:13:58 25 A. He was called Fodon, Saffa Fodon.
26 Q. Does the name Aruna Fatoma ring a bell to you?
him. 27 A. Aruna Fatoma? Well, I cannot explain something about
28 Q. Was he a civilian commander during that time when you
were 29 at the zoo bush?

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1 A. That man, I cannot explain anything about him.

2 Q. Are you saying you don't know anything about him?

3 A. That Aruna person, I don't know anything about him.

4 Q. Are you also saying you had no business with him?

17:15:15 5 A. Well, nobody was tormenting us there.

6 PRESIDING JUDGE: Nobody has asked you about torments.

7 MR TOURAY:

8 Q. Did you have any business with Aruna Fatoma? Are you

9 saying you had no business with Aruna Fatoma?

17:15:38 10 A. That is what I want to tell you.

11 Q. What about Aruna Bunda, or Gbondo? Does it ring a bell?

12 A. Aruna Gbondo. That, I do not know him.

13 Q. And you had no business with a man called Aruna Gbondo?

14 A. No.

17:16:11 15 MR TOURAY: No further questions.

16 PRESIDING JUDGE: Yes, Mr Cammegh.

17 MR CAMMEGH: Just a few questions, please.

18 CROSS-EXAMINED BY MR CAMMEGH:

19 Q. I just want to get this clear please, Mr Witness. Did
you,

17:16:50 20 in 1996, ever hear of a civilian commander in Giema called
Aruna

21 Fatoma?

22 A. Aruna Fatoma, I don't know anything about him. I don't

23 know him.

24 Q. Okay. You've told us that there was a G5 office in
Giema.

17:17:26 25 I want to ask you: Does the name Foray Mansaray mean anything
to

26 you?
27 A. I know about that Foray Mansaray name. And even
himself,
28 too, I know him.
29 Q. Okay. Is it true that he was the G5 commander in Giema
in

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1 1995 to 1996?
2 A. He was a G5 commander, just the same way as I am
explaining
3 and you are seeing me.
4 Q. I just want to get it clear. Can you confirm that he
was
17:18:23 5 G5 commander in Giema in 1995 and 1996?
6 A. Well --
7 THE INTERPRETER: Your Honours, can the witness take
that
8 again, and slow down?
9 MR CAMMEGH:
17:18:48 10 Q. I will put the question again in a different way: I'm
11 suggesting that the G5 commander in Giema, in 1995 and 1996,
was
12 Foray Mansaray; am I right?
13 A. Foray was the G5 commander at that time, throughout.

14 Q. In Giema?

17:19:27 15 A. Yes, in Giema.

16 Q. Now, you've --

17 PRESIDING JUDGE: What's the time frame again? 1995?

18 MR CAMMEGH: And six.

19 PRESIDING JUDGE: 1995 and 1996.

17:19:38 20 MR CAMMEGH: Yes.

21 PRESIDING JUDGE: Thank you.

22 MR CAMMEGH:

23 Q. You've spent some time this morning telling us about
your

24 duties as a town commander, and you spent some time --

17:19:54 25 JUDGE BOUTET: We were in a closed session. I just want
to

26 remind you of that.

27 MR CAMMEGH: Hopefully there is no harm done. I
apologise.

28 JUDGE BOUTET: But there is no need to apologise. As
you

29 know, it may be broadcast on the TV within the Special Court.

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1 Anyway, you are warned.

2 MR CAMMEGH: Thank you, Your Honour.

3 PRESIDING JUDGE: He's taken it back.

4 MR CAMMEGH:

17:20:17 5 Q. You spent some time this morning, Mr Witness, telling us
6 indicating about the nature of your job, and you spent some time
7 to us your links with the communities around where you live.

I
8 want to ask you this, please: Did you ever receive, or have
9 you ever received any complaints about people being forced to hand
17:21:04 10 over subscriptions of palm oil, or cocoa, or other commodities
11 to freedom fighters?

12 A. Well, I did not see that, because we were the civilians.
13 If there were any such subscriptions, we were to do that.

14 Q. Right. Is there any truth in the suggestion that those
15 who did the farming in the area where you were living in '95, '96,
16 17:21:33 15 '97 and '98 were not fed?

17 A. If it is a question, please go over again.

18 Q. Is there any truth in the suggestion that the civilians
19 fed? working on the farms between the years '95 and '98 were not

17:22:27 20 Was that true?

21 A. In our own farms?

22 Q. Yes, the farms that you were familiar with in your area,
23 Giema.

24 A. We were doing the farming for ourselves. We used to
25 cook 17:22:53 25 for ourself and we were eating.

26 Q. Were any civilians forced to farm or work at gunpoint?

27 A. That did not happen in my presence.

28 Q. Thank you. Did you ever hear any complaints about that
29 happening?

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1 A. That did not happen in my presence.

RUF

2 Q. Have you ever heard of any complaints by civilians of
3 fighters stealing food from their personal farms?

4 A. Well, there was a time that happened, and I heard of it.

17:24:04 5 Q. What happened to the people who stole food? Were they
6 disciplined?

7 A. Yes. When the enemies came to Giema on their way back,
8 some of the soldiers interfered with our food and CO Mosquito
9 beat them mercilessly.

17:24:36 10 Q. Have you ever heard of a man called Augustine Gbao?

11 A. Yes, I know him.

12 Q. Do you know where he lived in the years '95 to '98?

13 A. Well, I did not know any of a single place where he was
14 staying. They were coming from Giema, going to Kailahun, as
well

17:25:16 15 as over the river. There is not a single place where I can
say,

16 yes, I know.

forcing 17 Q. Did you ever hear any complaints that Mr Gbao was
Kailahun 18 civilians to carry palm oil and cocoa on their heads to
19 Town from the bush?
17:25:43 20 A. Well, that, I did not hear of that. I never heard of
that.
21 Q. Thank you. Would you agree that so far as the general
22 population of Kailahun District was concerned during those
years,
23 everybody was united in the war effort against the enemy?
Would 24 you agree with that?
17:26:25 25 A. Yes, I agreed with that.
26 Q. Can you remember if Augustine Gbao ever had a farm in
27 Giema?
28 A. Well, I cannot explain now where his farm was.
29 Q. Well, let me put it in a different way. I'm suggesting

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about 1 that Augustine Gbao never had a farm in Giema. Am I right
2 that, to your knowledge?
3 A. Those type of people, even if they cultivated a farm,
you 4 could not know, because one could send you to a --

17:27:32 5 PRESIDING JUDGE: Don't say that. Don't say that.
Don't

6 go into speculating. It is either you know or you do not know
7 whether Augustine Gbao had a farm.

8 THE WITNESS: I don't know. I don't know.

9 MR CAMMEGH:

17:27:49 10 Q. Were you aware of any mining in Giema?

11 A. I heard of that, but, at that time, all of us were not
12 there.

13 Q. Can I just suggest this: To your knowledge, Mr Witness,
14 there was never any forced mining. Civilians were never
forced

17:28:46 15 to do mining in Giema, were they?

16 A. I cannot explain anything about that, because I cannot
17 explain anything about that mining there.

18 Q. Right. The last point is this, please, Mr Witness, my
19 suggestion is this, and please tell me if you agree with me:

17:29:25 20 Mr Gbao never called civilian commanders or town commanders to
21 meetings in Kailahun Town where he ordered people to give
22 subscriptions of food. I'm right about that, aren't I?

23 A. I cannot explain anything about that. That's why I
don't

24 know anything about it.

17:30:03 25 Q. Did you ever hear from any members of the civilian
26 population, any complaint about Mr Gbao forcing civilians to
give

27 subscriptions?

28 A. I did not witness that, that type of complaint to the MP
29 office or G5's office. I did not witness that.

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1 Q. Okay. My final question is this: In about '95 or '96 -
2 in fact, at any time between '95 and '98, did you ever meet
3 Mr Gbao? Do you remember? Did you meet him in Giema?

4 A. In '98, we were not in Giema.

17:31:18
he

5 Q. Okay. Isn't it right that for a while during the war,
6 did stay in Giema? Isn't that right? I'm suggesting it is.

7 A. Well, I, for myself, I did not see him there.

8 MR CAMMEGH: Thank you, Mr Witness. That's all the
9 questions I have, Your Honour.

17:32:22

10 PRESIDING JUDGE: Learned counsel, I don't think --
11 Mr Hardaway, I don't think we'll take you on today.

12 MR HARDAWAY: Understood, Your Honour.

issues.

13 PRESIDING JUDGE: It is 5.30. I know we have two

exhibit.

14 We have an outstanding issue with you; the issue of your

17:32:38

15 MR HARDAWAY: Yes.

you

16 PRESIDING JUDGE: I did direct Court Management to show
17 what we already have in evidence.

18 MR HARDAWAY: That is correct, Your Honour.

19 PRESIDING JUDGE: So that you decide on how to organise
the
17:32:52 20 documents that you were intending to tender.

21 MR HARDAWAY: Yes, Your Honour.

22 PRESIDING JUDGE: I think we will visit all those issues
23 next week. This will be on Monday at 9.30.

24 For the information of learned counsel, the RUF case is
17:33:09 25 sitting on Monday. It is on Monday and also on Tuesday in the
26 morning, up to about 12.00 or 1.00, but not in the afternoon
on
27 Tuesday. Is that clear? Because we have an engagement with
the
28 CDF case on Tuesday in the afternoon.

29 So, on Monday, which is supposed to be an CDF day, we
are

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1 not keeping that appointment to the CDF. It shifted for the
2 reasons of calendar of counsel concerned to Tuesday at 3.00.
So
3 we are sitting on Monday and on Tuesday at the usual time
during
4 the morning, but not in the afternoon. Are we understood?

17:34:08 5 Right. Yes, Mr Jordash, you wanted to raise an issue?

6 MR JORDASH: Just a very quick one. We are not sitting

7 Tuesday afternoon.

8 PRESIDING JUDGE: Yes. You are happy about that, aren't
9 you?

17:34:23 10 JUDGE BOUTET: We are, but not in the RUF.

11 PRESIDING JUDGE: Yes.

12 MR JORDASH: Can I just update Your Honours as to
witness

13 orders, which we have informed the Prosecution about. We have
14 had to move the witness list slightly. So the next witness to

be

17:34:37 15 called will be DIS-007, followed by DIS-225, followed by DIS-
078,

16 followed by DIS-178.

17 PRESIDING JUDGE: Is the Prosecution apprised?

18 MR HARDAWAY: We are so apprised, Your Honour, yes.

19 PRESIDING JUDGE: So is there any other issue to be
raised

17:35:08 20 before we rise for a well-merited weekend, although some of us
21 don't have a weekend. The Court will rise, and we will resume
22 here at 9.30. Have a nice weekend.

23 [Whereupon the hearing adjourned at 5.32
p.m.,

24 to be reconvened on Monday, the 8th day of

17:35:55 25 October 2007, at 9.30 a.m.]

26

27

28

29

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-177

7

CROSS-EXAMINED BY MR TOURAY

7

CROSS-EXAMINED BY MR WAGONA

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RE-EXAMINED BY MR JORDASH

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WITNESS: DIS-080

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EXAMINED BY MR JORDASH

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CROSS-EXAMINED BY MR TOURAY

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CROSS-EXAMINED BY MR CAMMEGH

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