

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

TUESDAY, 16 OCTOBER 2007
9.50 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:	Benjamin Mutanga Itoe, Bankole Thompson Pierre Boutet
For Chambers:	Mr William Romans Ms Sandra Brown
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Vincent Wagona Mr Reginald Fynn
For the Principal Defender:	Mrs Haddijatou Kah-Jallow
Accused Issa Sesay:	Mr Wayne Jordash Ms Martha Sesay
For the accused Morris Kallon:	Mr Kennedy Ogeto Mr Lansana Dumbuya Mr Joseph Holmes
For the accused Augustine Gbao:	Mr John Cammegh Ms Marie Foucteau (intern)

1 [RUF16OCT07A - JS]
2 Tuesday, 16 October 2007
3 [The accused present]
4 [The witness entered court]
5 [Open session]
6 [Upon commencing at 9.50 a.m.]

I

7 PRESIDING JUDGE: Good morning, learned counsel.

8 hope you had an enjoyable apparently long weekend, and that we
9 can take off maybe more confidently and surely this morning.

09:55:41 10

Yes, I see Mr Cammegh?

11 MR CAMMEGH: Good morning, Your Honour.

that

12 PRESIDING JUDGE: I hope you are bringing some comfort

13 I was expecting from the intervention.

is

09:55:53 15

14 MR CAMMEGH: If only. Your Honour, can I begin this
15 morning by introducing an intern who sits behind me. Her name

16 Marie Foucteau.

17 PRESIDING JUDGE: F-A?

09:56:19 20

18 MR CAMMEGH: F-O-U-C-T-E-A-U. Miss Foucteau is from
19 France. She is an intern funding herself, which I'm sure Your
20 Honours will agree is very praiseworthy. She is to assist the
21 Gbao team -- hopefully for the next six months.

22 PRESIDING JUDGE: What's the other name? Miss Foucteau?

23 MR CAMMEGH: Marie.
24 PRESIDING JUDGE: Marie Foucteau.
09:56:34 25 MR CAMMEGH: Yes.
26 PRESIDING JUDGE: And you say she is an intern?
27 MR CAMMEGH: Yes.
28 PRESIDING JUDGE: In your Defence team --
29 MR CAMMEGH: Yes, in the Gbao Defence team, funding

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1 herself, yes.
2 PRESIDING JUDGE: Thank you.
3 MR CAMMEGH: Thank you, Your Honour.
4 MR OGETO: Good morning, My Lords.
09:56:48 5 PRESIDING JUDGE: Just a minute, please. Yes.
6 MR OGETO: Just to remind the Chamber, my name is Ogeto.
7 PRESIDING JUDGE: Yes, okay. Mr Ogeto, yes.
8 MR OGETO: Let me also take the cue from my colleague
9 Mr Cammegh and introduce my learned friend, Mr Dumbuya.
Dumbuya
09:57:22 10 is D-U-M-B-U-Y-A.
11 JUDGE BOUTET: We know him. He was with the, maybe he
12 still is, for the Principal Defender's Office. It is the same

13 person, I would imagine. We've seen him in court before.

14 PRESIDING JUDGE: Mr Dumbuya, maybe we didn't pronounce
09:57:44 15 your name properly. Mr Dumbuya. Okay.

16 MR OGETO: These names are difficult, My Lord.

17 PRESIDING JUDGE: They are. I must say we had the same
18 difficulties, as newcomers.

19 MR OGETO: Yes. Let me also take the opportunity to
09:57:55 20 apologise on behalf of our late counsel, Mr Touray.

21 PRESIDING JUDGE: So what is Mr Dumbuya's status in the
22 Defence team?

23 MR OGETO: He is a co-counsel.

24 PRESIDING JUDGE: He is co-counsel.

09:58:07 25 MR OGETO: He is a new co-counsel. He has previously
26 worked with our team in a different capacity but now he is
coming
27 as a co-counsel.

28 PRESIDING JUDGE: I thank you.

29 MR OGETO: So the next point is my apologies on behalf
of

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1 Mr Touray, our late counsel. He is unable to be with us here
2 this morning. He indicates that he is stuck somewhere, unable
to

3 get transport to Freetown, and he has asked me to express his
4 apologies to the Court. He will be joining us in due course.

09:58:43 5 Thank you, My Lords.

6 PRESIDING JUDGE: All right. Thank you. Miss Foucteau
and

7 Mr Dumbuya, you are very welcome to the proceedings. We hope
8 that you will contribute as much as you can in your way to
9 advance the process that assembles us here.

09:59:09 10 So, this said, I think we should be moving ahead and,
11 Mr Jordash, we have a witness in front of us. You raised
certain
12 issues about a witness. You took issues with the Prosecution
in

13 the way they were approaching that witness. We do not know
what
14 you intend to do because at the time we left, or when we

09:59:53 15 separated last week, we did order that the ex parte motion
that

16 had been filed, the request that had been filed by the
17 Prosecution, be converted, you know, to an inter partes
motion,

18 so this has been done, and I know you were very anxious that
the
19 Chamber gives a ruling on this immediately.

10:00:26 20 I do not know what your stand is on this issue now that
you

21 have read the -- because we want to at least determine this
22 preliminary issue before we proceed. I don't know how you
intend

23 to proceed, you know.

24 MR JORDASH: I intended to file a response, either today
or

10:00:48 25 first thing tomorrow morning, and invite Your Honours to
invoke
26 an independent investigation into the issue with a view, if
the
27 findings support that, to instigating contempt proceedings.
28 PRESIDING JUDGE: Well, let's wait for your response.
We
29 would not take any step that would further complicate the
issues

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determination 1 before we read your response and before we make a
necessity 2 on the matter following your response and maybe, if the
3 arises, the Prosecution will have to be given the right to
4 respond to your submissions on this.
10:01:44 5 MR JORDASH: Yes.
6 PRESIDING JUDGE: Yes.
7 JUDGE THOMPSON: To, Mr Jordash, to demystify the
process a
8 bit, from your perspective, are the circumstances such that it
is
9 not certain whether the person spoken to by -- allegedly
spoken
10:02:11 10 to by the Prosecution -- is the same person as the one
allegedly

would 11 identified by you as a Defence witness because this, to me,
12 seem to be the heart of the entire complaint and, I mean, am I
say 13 right in saying the circumstances now are such that we cannot
14 for certain whether the identity of the person, of the persons
10:02:43 15 allegedly spoken to by the Prosecution, is the same, from your
16 perspective?

two 17 MR JORDASH: We can say now that it is certain that the
18 are the same.

19 JUDGE THOMPSON: I see.

10:03:03 20 MR JORDASH: And it's the Prosecution --

21 JUDGE THOMPSON: I just wanted to clear that up.

replying 22 PRESIDING JUDGE: I don't know. I suppose you are
23 and that in your reply you will take into consideration the
24 question which Honourable Justice Thompson has put across and
10:03:18 25 which is equally the preoccupation of the Bench here.

I 26 JUDGE THOMPSON: Yes. I would definitely rest on that.
27 just wanted to know whether, since you made these allegations,
28 some light has been shed on this situation to demystify that
29 aspect of it. But if not, I would rest on that, just the

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1 question and then the answer that you give.

2 MR JORDASH: The issue between us is the Prosecution say
3 there was insufficient evidence from which they could have
4 inferred it was the same person. We say there was plenty of
10:04:00 5 evidence, and of course --

6 JUDGE THOMPSON: I see.

7 PRESIDING JUDGE: In any event, I think we will wait for
8 your reply on this because we don't need to open a debate on
this
9 now.

10:04:06 10 MR JORDASH: No. I was simply seeking to answer.

11 PRESIDING JUDGE: So may we now proceed to -- the Court
12 is -- we had resumed earlier in an open session, haven't we,
and
13 we would now proceed to continuing the examination-in-chief by
14 Mr Jordash in open session. Mr Jordash, you may proceed.

10:04:47 15 MR JORDASH: Thank you.

16 WITNESS: DIS-078 [Continued]

17 EXAMINED BY MR JORDASH: [Continued]

18 MR JORDASH:

19 Q. Good morning, Mr Witness.

10:05:41 20 A. Good morning.

21 Q. We left off on Thursday with a short discussion about
the
22 jet plane which caused the civilians to go to the bush. Do
you
23 recall that?

24 A. Yes.

10:05:41 25 Q. And do you recall when, from the commencement of the
war,
26 it became necessary for civilians of Kailahun to be moving
into
27 the bush as a result of the jet plane?
28 A. Yes, yes, that used to happen.
29 Q. Did that happen -- do you know when that started?

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1 A. Well, at the beginning of the war that happened only
once.
2 After that it did not happen again.
3 Q. Until when?
4 A. The first time it came, it killed people in Pendembu;
about
10:06:22 5 27 people.
6 Q. And then after that?
7 A. Then it took a very long time. It was not coming again.
8 Then later, it came again continuously. At that time we are
now
9 in the bushes. It used to come, dropping bombs, killing
people,
10:06:55 10 destroying towns and villages. That used to happen.
11 Q. And do you recall which year that started, in the way
12 you've described?

Sankoh 13 A. Well, the last one that happened, that was what Mr
14 term as crazy war. That one I cannot recall because all of us
10:07:20 15 were now in the bushes. I cannot remember that particular
year 16 very well.

17 Mr JORDASH: Can I ask please that the witness be given
18 this document. It's Defence Exhibit 264. Your Honours, page
19 30805. Mr George, could I just ask that you remove the top
sheet
10:07:58 20 of what you've given to the witness, please.

21 MR JORDASH:

22 Q. Please read that while the Honourable Judges receive
their
23 copies. Have you read that, Mr Witness?

24 A. Well --

10:09:24 25 Q. Have you read that, Mr Witness?

would 26 A. I have not -- you have to wait for me for a while. I
27 like the lawyer to read this letter so that I can hear.

28 Q. Okay. From the G2 command at Mandu --

29 MR FYNN: If I may, My Lord?

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1 PRESIDING JUDGE: Yes, Mr Fynn.

2 MR FYNN: My Lord, we wish to take an objection to this

3 document being put to this witness and tendered by him. My
Lord,

4 we make this objection in view of the following reasons:

10:10:54 5 Firstly, my learned friend has not established any

6 connection between this document and the witness. Secondly,
the

7 document, we cannot put it in context time-wise. It is not --
it

8 bears no date and My Lord, thirdly, we are faced with the
present

9 difficulty in which it seems the witness, through whom the
10:11:22 10 document is about to be tendered, cannot read the document.

So

11 we feel -- we are in a difficult place where we feel the
witness

12 does not know what he is about to tender and therefore it
cannot

13 properly be said to be his evidence because he doesn't know
what

14 this is. He is asking somebody else to read it for him. This
is

10:11:46 15 our objection, My Lord.

16 PRESIDING JUDGE: Yes, Mr Jordash?

17 MR JORDASH: Well, the nexus is clear. It's addressed
to a

18 title which the witness has already testified to having at
that

19 time. Two, there is a date; it is next to the signature,

10:12:09 20 23/8/92. Three, simply because the witness cannot read the

21 document or wants help to read the document doesn't mean to
say

22 he didn't receive it; it doesn't mean to say he didn't respond
to

23 it.

24 PRESIDING JUDGE: Are you suggesting that 23/8/92 is not
10:12:27 25 just a figure and that it is a date?

26 MR JORDASH: I'm suggesting it's a date, yes. But, in
any
27 event, even if it wasn't a date, my learned friend's objection
is
28 somewhat premature since one cannot establish a date until one
is
29 allowed to ask a question about it.

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1 JUDGE BOUTET: Assuming that this is a date how is it
2 relevant to our case? I mean, this is a document from,
according
3 to you, from August 1992.

4 MR JORDASH: Yes.

10:12:59 5 JUDGE BOUTET: Aren't we a bit a far distance from our
own
6 objective? We are talking of August 1992 here.

7 MR JORDASH: But the problem, and it always remains the
8 problem, is the Prosecution are alleging joint criminal
9 enterprise; a system which operated from 1991; a system
remained

10:13:23 10 the same; a system of brutalising the civilians of Kailahun
and

farm; 11 other places in Sierra Leone; a system which forced them to
12 a system which forced them to feed the war effort and any
13 evidence, therefore, which shows that the system from the
14 beginning was different is relevant and I don't intend to take
a
10:13:42 15 huge amount of time, I intend to move quickly through these
16 years, but we say the system was instigated at the beginning
of
17 the war. It remained the same in Kailahun throughout the war
and
18 was a system of civilians and RUF, Sierra Leonean RUF, working
19 together against the enemy, the government forces. I'm not
sure
10:14:06 20 how -- what more I can say to say that this is relevant, given
21 the Prosecution allegations.
22 JUDGE BOUTET: There is relevance and relevance. I
mean, I
23 don't know how -- and we have observed on that last week and
24 before -- we are in 1992. I would like to see what happens in
10:14:30 25 1996 and after.
26 I mean, you go into some background information. We
have
27 allowed the Prosecution to do that but we also reminded the
28 Prosecution that they should move on to what we were concerned
29 about as such and that these are the -- this is the indictment

1 and the counts contained in the indictment with the time frame
2 alleged. We are now, I mean, if we keep going that way, we
are
3 going to be here for quite a while and we are not interested,
4 except if you'd convince me that it is clearly relevant to
what
10:14:58 5 we are dealing with.

6 We have allowed you, again with this witness, the
previous
7 witnesses, to explore some activities that are taking place
prior
8 to 1996, but I think there's a limit to it. So I'm concerned
9 again because now you are bringing in evidence, or attempting
to,
10:15:21 10 exhibit about activities that are taking place in 1992, and
I'm
11 concerned.

12 MR JORDASH: When do the Prosecution say the system
13 started? They say it started in 1991. We say it didn't.

14 JUDGE BOUTET: Well, according to your own evidence as
10:15:35 15 such, when the Gios came in, it's in that time frame, 1991.
So,
16 I mean, it's not only the Prosecution, it's your case too.

17 MR JORDASH: No, it's not. It's not our case that the
18 Sierra Leonean RUF, which was the command group, the group
which
19 was -- which contained the first accused -- had anything to do

10:15:57 20 with the system of brutality, if there was a system of
brutality

21 led by the Gios.

22 JUDGE BOUTET: That's not what I said. I said this is
also

23 your case that the Gios came in 1991 into Sierra Leone.

24 MR JORDASH: Yes, but the point is this: That this
witness

10:16:13 25 is a Sierra Leonean and this witness will give evidence about
--

26 JUDGE BOUTET: Anyhow, you have heard my comments. I'm

27 still concerned about that and we will let you go but I just

28 wanted you to know that you are on notice that I am not
prepared

29 to hear that for a very, very long time.

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1 MR JORDASH: Well, I'm of course in Your Honour's hands.

2 JUDGE BOUTET: I am speaking for myself on this issue.

3 MR JORDASH: We, in the Defence, have been put into
almost

4 an impossible position.

10:16:45 5 JUDGE BOUTET: Mr Jordash, please proceed. I have not
said

6 this, not to be ruled inadmissible. Please proceed.

7 PRESIDING JUDGE: Mr Jordash, you may proceed.

8 MR JORDASH: Thank you.

9 PRESIDING JUDGE: And the document is addressed to the

10:17:02 10 [REDACTED]. This witness has said he was. So your objection
has

11 been recorded but it is overruled for now, on the issue of

12 particular document, and Mr Jordash may proceed.

13 MR FYNN: If I may, one of the grounds on which we did

14 object regarded --

10:17:23 15 PRESIDING JUDGE: Yes.

16 MR FYNN: -- with respect to the document not having a

17 date, which Mr Jordash has since furnished, and the concerns

18 which your learned brother Boutet has expressed --

19 PRESIDING JUDGE: My learned brother Boutet has
expressed

10:17:45 20 his concerns, and he has --

21 MR FYNN: That is an objection we would wish to take
too.

22 PRESIDING JUDGE: But he has said Mr Jordash can proceed

23 and we would proceed, Mr Fynn.

24 MR FYNN: I just wanted to --

10:17:56 25 PRESIDING JUDGE: I think we better let it -- we better
let

26 the matter rest there.

27 MR FYNN: If you had made a ruling regarding that point.

28 PRESIDING JUDGE: We have, and you can proceed, please.

29 MR FYNN: As My Lord pleases.

1 PRESIDING JUDGE: We have taken note of what you have
said

2 and learned Justice Boutet, who had concerns about that, has
said

3 Mr Jordash can continue. Mr Jordash, may you continue please.

4 JUDGE THOMPSON: And next time you address the Bench
10:18:19 5 properly.

6 MR FYNN: My Lord.

7 JUDGE THOMPSON: Next time you address the Bench
properly.

8 MR FYNN: My apologies, My Lord.

9 JUDGE THOMPSON: Right.

10:18:28 10 MR JORDASH: Can I request that Your Honour's comment
about

11 the title be redacted and that the --

12 PRESIDING JUDGE: Yes, it will be so redacted, you know,
13 it's just that it came --

14 MR JORDASH: No. It's -- we have all done it.

10:18:42 15 PRESIDING JUDGE: -- no harm was meant, you know. It
in

16 should be redacted because this was evidence that was adduced
17 closed session.

18 MR JORDASH: Could I ask that the journalist in the
public

19 gallery do not report that?

10:18:52 20 PRESIDING JUDGE: And let the journalist in the public

adduced 21 gallery not report this piece of evidence because it was
closed 22 during the closed session and matters which transpire in
23 sessions are not intended for public consumption.
24 MR JORDASH: Thank you.
10:19:10 25 PRESIDING JUDGE: They are given in total
confidentiality
26 so we don't want to see any publications on this in any news
27 media.
28 MR JORDASH: Thank you.
29 Q. Mr Witness, remember we are in a closed session and I
don't

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1 know if you heard --
2 JUDGE BOUTET: We are not in a closed session.
3 MR JORDASH: Sorry.
4 JUDGE BOUTET: We are in open session. We were. We are
10:19:30 5 not.
6 MR JORDASH:
7 Q. Sorry, we're in an open session. We're in an open
session
8 so there are people in the public gallery, so just be warned;
9 okay? Are you with me?

10:19:52 10 A. All right.

11 Q. We want to move through some exhibits which relate to
the
12 early years, but we want to do it very quickly so we can
arrive
13 in 1996 as quick as possible; okay?

14 A. All right.

10:20:10 15 Q. So let's proceed. You wanted me to quickly read the
16 document from the G2 commander to the post you held:
17 "I have heard that the group that went to receive SLUSH
to
18 this country left four days ago. You promised meeting me."
19 THE INTERPRETER: Your Honours, can the learned counsel
10:20:41 20 take that question again or speak slowly?
21 MR JORDASH:
22 Q. I'll start that again:
23 "I have heard that the group that went to receive SLUSH
to
24 this country left four days ago. You promised meeting me for
10:21:07 25 necessary arrangement with regards to the census of both
26 displaced and residents of towns and villages in Mandu."
27 A. I thank that man. I am telling him today from 1991 up
28 to --
29 THE INTERPRETER: Your Honours, can the witness speak

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1 slowly?

2 THE WITNESS: Okay. All right.

3 MR JORDASH:

4 Q. Mr Witness, take your time. Pause after two sentences.

10:21:53 5 A. There are certain documents, the way they typed it, that
is

6 the way I am now confused about, and my level of education

7 stopped at Class 3. Those people that left their villages,
they

8 were everywhere in the towns.

9 Q. Why did they leave their villages?

10:22:29 10 A. At that time there were attacks. We were not -- we were
11 restless. We were moving.

12 Q. Attacked by whom?

13 A. The government troops used to attack.

14 Q. And did you receive this letter?

10:22:50 15 A. Yes.

16 Q. And the arrangement it refers to, with regards to the
17 census of displaced and residents of towns and villages in

Mandu,

18 did or was there arrangements made?

19 A. Yes, we made the arrangement. All those people, we made

10:23:12 20 letters -- they gave those letters for me. They asked me to
take

21 their responsibility so they would be able to send them to
those

22 villages.

23 Q. To send what to those villages?

24 A. So that they would go and settle there because they were
10:23:32 25 dispersed. We used to take them from the bushes and bring
them

26 to the town.

27 MR JORDASH: Could I ask that that be exhibited, please.

28 PRESIDING JUDGE: It's your Defence Exhibit 264?

29 MR JORDASH: Yes, please.

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1 PRESIDING JUDGE: Yes, Mr Fynn, any objection?

2 MR JORDASH: None, My Lord.

3 PRESIDING JUDGE: Thank you.

4 MR JORDASH: Perhaps I should ask to be complete.

10:24:22 5 Q. Do you recall when you received this, Mr Witness?

6 PRESIDING JUDGE: Can we mark it first, please?

7 THE WITNESS: Well, the letter I received --

8 MR JORDASH:

9 Q. Mr Witness, my fault.

10:24:40 10 PRESIDING JUDGE: What's the exhibit, please, Court
11 Management?

12 MR GEORGE: 238, Your Honour.

13 PRESIDING JUDGE: 238?

14 MR GEORGE: Yes, Your Honour.

10:24:49 15

[Exhibit No. 238 was marked]

16 PRESIDING JUDGE: Yes, Mr Jordash, you may proceed.

17 MR JORDASH:

18 Q. Do you recall when you received this letter?

19 A. The time I received that letter, it was in 1991.

10:25:16 20

Q. Okay.

21 A. To 1992.

22 Q. Okay. Can you see the number at the bottom near the
23 signature? Does that ring any bells for you?

24 A. Well, I am seeing 23 and 88 and 2.

10:25:51 25
your

PRESIDING JUDGE: It is a signature they are drawing
26 attention to, not to the digits. The signature.

27 MR JORDASH: No, the digits, Your Honour.

28 PRESIDING JUDGE: Oh, is it the digits?

29 MR JORDASH: Yes. I was just wondering if the witness

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1 recognised the digits.

2 PRESIDING JUDGE: I see. Okay.

3 MR JORDASH:

4 Q. Does that assist you in any way with the date?

10:26:10 5 A. Which one?

6 Q. 23/8/92.

7 A. I said, starting from 1991 to 1992.

8 Q. Okay. Let's leave it at that then. Let's move on to --

9 could I ask, please, that the witness be given Defence Exhibit

10:26:38 10 241 and if the top sheet could be removed, please. Your
Honours,

11 page 30763. Now, Mr Witness, do you recognise the document?

12 A. Yes, this document, I recognised it.

13 Q. Did you receive it?

14 A. Yes, I received it.

10:27:56 15 Q. Did you receive it on the date stated, 18 August 1992?

16 A. Yes, that was the day I received it, in 1992.

17 Q. And did the civilians -- sorry, were the civilians
assisted

18 with brushing the farm in the way suggested?

19 A. Yes. We brushed a very big farm. We used to brush
farms.

10:28:37 20 Yes, we did cultivate a big farm in that 1992.

21 Q. And junior forces commander, was he Sierra Leonean or

22 Liberian or neither?

23 A. Well, the time the Gios started to push back, the Gios

24 starting from that 1992.

10:29:12 25 Q. Started to push back where?

26 A. The junior commandos, they took over now. The time the

27 Liberians started pushing back to Liberia.

28 MR JORDASH: Thank you. Could that document please be

29 exhibited?

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are 1 PRESIDING JUDGE: Are you seeking leave to tender it or

2 you just expressing your wish that it be exhibited?

an 3 MR JORDASH: I'm seeking leave to tender the document as

4 exhibit. Thank you.

10:29:45 5 PRESIDING JUDGE: Right. Yes, Mr Fynn?

6 MR FYNN: No objection, My Lord.

7 PRESIDING JUDGE: This would be exhibit 239, would it?

8 MR GEORGE: Yes, Your Honour.

marked 9 PRESIDING JUDGE: The document is admitted and it is

10:30:18 10 confidentially as Exhibit 239 because of the mention of the
11 location and title of the witness. And so also is Exhibit
238.

12 It should be marked confidentially, please.

13 [Exhibit No. 239 was admitted]

14 PRESIDING JUDGE: Yes, Mr Jordash. You may continue,
10:30:45 15 please.

given 16 MR JORDASH: Thank you. Could the witness please be

17 Defence Exhibit 252, which is, Your Honours, page 20784. Yes,

18 thank you.

19 PRESIDING JUDGE: On page what?

10:31:32 20 MR JORDASH: Sorry, 30784.

21 Q. Do you recognise that? Mr Witness, did you receive this
22 invitation on 16 December 1992, or thereabouts?

23 A. Well, my lawyer, I am explaining to you. Some of the
24 documents you give me, I would like to look at it and read it
10:32:36 25 very clearly because I would --

26 THE INTERPRETER: Your Honours, can the witness speak
27 slowly?

28 PRESIDING JUDGE: This witness, his education is only up
to
29 Class 3.

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1 THE WITNESS: The document, I would --

2 PRESIDING JUDGE: Can he really read this at this stage?
3 Unless he has some additional intellectual achievements --

4 THE WITNESS: I can --

10:32:59 5 PRESIDING JUDGE: -- because if he is taken for his
word, a

6 Class 3, I wonder if in Class 3 you would be able to make
7 anything out of a document like this?

8 MR JORDASH: Well, he received it.

9 THE WITNESS: Well, I want to tell this Court, I want to
10:33:17 10 tell the Court that the document in front of me cannot read in
a
11 haste. I can read. The letter, the document you've given to
me
12 I can read, but not in a haste.

13 MR JORDASH:

14 Q. Thank you, Mr Witness, for the explanation. Go ahead.

10:33:46 15 A. I have understood this document. The War Council
Chairman
16 wrote this letter to me.

17 Q. And did you attend the installation ceremony of the War
18 Council members?

19 A. No, I did not go there, but we sent them there.

10:34:14 20 Q. And do you know who was responsible for setting up the
War
21 Council?

22 A. Yes, it was Mr Foday Sankoh.

23 Q. And do you know what the purpose or objective of the War
24 Council was?

10:34:34 25 A. Mr Foday Sankoh created the War Council. I would like
you
26 to listen very keenly. He created that War Council so that in
27 every town, for example, we can call it a section, because in
28 every chiefdom, if you have --

29 THE INTERPRETER: Your Honours, can the witness speak

1 slowly?

2 MR JORDASH:

3 Q. Mr Witness, sorry, go back.

4 THE INTERPRETER: And take that last bit of his
statement.

10:35:08 5 MR JORDASH:

6 Q. Go back two sentences.

7 A. Every chiefdom, if there are four sections, you would
give

8 four people to be represented in the council, so that they
will

9 go and listen to the people in that meeting and so that they

10:35:50 10 would be able to explain to them the purpose or the reason for

11 that which the war came to this country. So whilst they were in

12 meeting, after the meeting they will come back to explain to
us,

13 so that they will be able to know the reason the war came into

14 this country, so that they will really know the reason for the

10:36:06 15 war. Secondly, if there was anything that was disturbing
people,

16 because the Gios were leaving this country finally, so, when
they

17 held that meeting, when they came back, they will be able to

18 explain to us, we, the chiefdom people.

19 Q. Okay.

10:36:33 20 A. This gave me the opportunity, the document you gave me

was 21 last, I have remembered now, that was -- the reason for that

22 to let people go back to their villages.

23 Q. Okay. I see. Thank you, Mr Witness. Could this be
24 exhibited, please? Could I tender this document as an
exhibit,

10:37:03 25 please?

26 PRESIDING JUDGE: I am not getting the translation any
27 more. I don't know what's happening. Is there a disconnect
28 somewhere? Are you getting the translation?

29 THE INTERPRETER: Yes, it has been translated. Are you

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1 getting the translation? The interpreter is speaking. Your
2 Honours, are you getting the interpretation?

3 PRESIDING JUDGE: Yes, let's get on.

4 MR JORDASH: May I tender this document as an exhibit,
10:38:20 5 please, Your Honour?

6 PRESIDING JUDGE: Mr Fynn?

7 MR FYNN: No objection, My Lord.

8 PRESIDING JUDGE: This is admitted and marked
9 confidentially as Exhibit 240.

10:39:04 10 MR GEORGE: 240, yes.

11 [Exhibit No. 240 was admitted]

12 MR JORDASH: Could the witness please be given Defence
13 Exhibit 248. Your Honours, page 30780.

14 PRESIDING JUDGE: 30780?

10:39:28 15 MR JORDASH: Your Honour, yes.

cut 16 Q. Mr Witness, this is a long letter and I want to try to
17 this short, if I can.

18 A. Okay.

19 Q. Let me just read some of the salient bits and see if you
10:39:52 20 recall this letter:

agricultural 21 "Dear Commander, I received on Monday from an

22 meeting which was held at Giehun Luawa Chiefdom on Sunday the
23 26th. I'm sure you were officially informed by the regional
24 secretary".

10:40:26 25 And then in the next paragraph it says:

26 "In lieu of this I have invited all the master farmers,
27 lady farmers and section farmers to meet me on Thursday, the
31st 28 of this month."

29 Does this small part of the letter remind you of the

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1 letter?

2 A. Yes.

3 Q. And I hope there's -- did you remember receiving the

4 letter?

10:41:03 5 A. Yes, I received that letter.

6 Q. And did it relate to the organisation of civilian

farming?

7 A. Yes. We had that meeting, in a very big meeting.

8 Q. And did this have anything to do with the RUF?

9 A. Well, concerning farming, the arrangement that we made

for

10:41:48 10 the farming, because they were head of the farming, the

11 agriculture.

12 Q. Who was the head of the agriculture?

13 A. Well, that's what I'm trying to -- you have to wait for

me

14 for a while so that I would talk something on that. Firstly,

one

10:42:12 15 was Mr Faya Musa, he was the head of everything. After, it

was

16 AA Vandii. Then Saleem Gama. They used to call him Saleem, A

17 Saleem.

18 Q. What were these people you just mentioned the head of?

19 A. For the agricultural unit. That was the unit they were

a

10:42:44 20 member of. We used to get rice from them.

21 Q. And how long did the agricultural unit operate during

the

22 war?

23 A. The time the Gios left the country, the agriculture work

24 started. It did not end until the end of the war.

10:43:12 25 Q. And what was the object and purpose of the agricultural

26 unit until the end of the war?
27 A. Well, Mr Sankoh said that even if you are fighting a
war,
28 you too will be eating because you are going to prepare food
for
29 your feeding, so that if you are eating this food now, you
will

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1 be happy.
2 Q. All right. Thank you.
3 A. So the farm -- okay.
4 Q. Don't let me cut you off. What were you going to say?
10:43:55 5 A. Well, the farming, whenever we went to hold the
6 agricultural meeting, we would eat there to our satisfaction.
7 MR JORDASH: Okay. May I tender that document as an
8 exhibit, please?
9 PRESIDING JUDGE: Mr Fynn?
10:44:28 10 MR FYNN: No objections, my Lord.
11 PRESIDING JUDGE: The document is admitted and marked
12 confidentially as Exhibit 241.
13 [Exhibit No. 241 was admitted]
14 MR JORDASH: May I ask that the witness please be given

10:45:01 15 Defence Exhibit 257. Your Honours, page 30792.

1993. 16 Q. Addressed to you. Subject: Information 28 February

to 17 From: The IDU commander, I think Momodu Momoh, and it appears

it 18 be a letter informing you about the establishment of an IDU

19 office at Lavuma and the second paragraph is interesting and

10:46:24 20 reads:

villages 21 "Secondly, we are also informing you about these

22 in the chiefdom, namely, Gorobu and Bondai, that people are

happen I 23 resettling in the two named villages. Before that could

I 24 would like you to inform the front-line commanders at Baima,"

10:46:56 25 think it says "Baima," "because these two villages are closer

to 26 the front line and please get any answer from anybody in

charge 27 before allowing them to settle."

28 Did you receive this letter?

I 29 A. Yes, yes, I received that letter. That letter, the time

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-

1 received it, the IDU, there was a time the civilians started -

2 THE INTERPRETER: Your Honours, can the witness take

that

3 statement again. Speak slowly.

4 MR JORDASH:

10:47:43 5 Q. Mr Witness, repeat your answer but slowly.

6 A. Okay. Okay.

7 Q. Repeat your answer.

8 A. The time the civilians got the power now, when the

junior

9 commandos started taking over, whatever you used to do, you

have

10:48:05 10 to explain it to the chiefs. If you did anything without the

11 approval of the chief you would not be allowed to continue.

The

12 IDUs came and said they wanted to open that office and explain

13 that matter to that chief. So they took a permission that

that

14 office must be opened at Lavuma. So they opened it there.

All

10:48:50 15 those towns in that chiefdom were listed down. They were

towns

16 very close to the front line but they did not allow it. They

did

17 not allow people to stay there. For example, Maniagoihun,

Jimmy

18 Ton, Bonde, Gorbu, they were very close to the target area.

19 Q. Thank you.

10:49:28 20 MR JORDASH: May I tender this document as an exhibit?

21 PRESIDING JUDGE: Mr Fynn?

22 MR FYNN: No objection, My Lord.

23 PRESIDING JUDGE: Admitted and marked confidentially as

24 Exhibit 242.

10:50:10 25 MR JORDASH: Thank you.

26 [Exhibit No. 242 was admitted]

27 MR JORDASH: If I may, just to save the Court time, I'd
28 like to put the remaining three exhibits from 1993 to the
29 witness, ask him to recognise it and then without comment move

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1 on, if that's going to help save some time.

2 PRESIDING JUDGE: It depends on what the attitude of the
3 Prosecution will be. I think if Mr Fynn is shown the
documents.

4 MR JORDASH: If I may, the first one is Defence
10:51:25 5 Exhibit 242. Your Honours, page 30765. The second one is
6 Exhibit 254, Your Honours, page 30788.

7 PRESIDING JUDGE: Let 30765 be shown to Mr Fynn for the
8 Prosecution.

9 MR JORDASH: Mr Fynn has got a copy. Could it be given
to
10:51:53 10 the witness, please?

11 Q. Mr Witness, I'm just going to ask you to recognise if
you
12 can the document and then that is all I will ask you about it.
13 If you recognise it, say so.

14 A. Yes, I recognise it.

10:52:20 15 Q. Thank you. It is, just for the record, memorandum from
--

16 PRESIDING JUDGE: Mr Fynn, what is your attitude to
this?

17 Are you --

18 MR FYNN: My Lord, I have no objections.

19 PRESIDING JUDGE: Yes, Mr Jordash, you are tendering it?

10:52:36 20 MR JORDASH: Yes, please. Could I, for the record, say
it

21 is a memorandum from the blacksmith chief, Mandu Chiefdom, to
the

22 witness. May I tender that as an exhibit? Could I also ask
that

23 the witness be given exhibit, Defence Exhibit 25 --

24 PRESIDING JUDGE: It is admitted and marked
confidentially

10:53:01 25 as Exhibit 242.

26 MR JORDASH: Thank you.

27 PRESIDING JUDGE: 243, I'm sorry. 243.

28 [Exhibit No. 243 was admitted]

29 MR JORDASH: And Defence Exhibit 254, if that could be

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1 given to the witness.

2 Q. The same procedure, Mr Witness, if you would.

3 A. Yes, I know that.

4 PRESIDING JUDGE: That is on what page?

10:53:20 5 MR JORDASH: Sorry, Your Honour, 30788.

6 PRESIDING JUDGE: It is Defence Exhibit 254?

7 MR JORDASH: 254, yes.

8 Q. Addressed to you again, Mr Witness. Subject: Price of
9 food items and dated 20 March 1993. Did you receive this
letter?

10:53:52 10 A. Yes, it reached me and all the chiefs, when the chiefs
came

11 together, and I attended to it and we were all very happy.

12 MR JORDASH: Thank you very much. May I tender that

13 document as an exhibit, please?

14 PRESIDING JUDGE: Mr Fynn?

10:54:07 15 MR FYNN: No objection, My Lord.

16 PRESIDING JUDGE: It is admitted and marked
confidentially

17 as Exhibit 244.

18 [Exhibit No. 244 was admitted]

19 What is the next exhibit, Mr Jordash. If we may get out
of

10:54:44 20 this zone.

21 MR JORDASH: Exhibit 251, which is, Your Honours, page

22 30782.

23 [RUF16OCT07B - MD]

24 Q. Same procedure, if I could, Mr Witness: Do you
recognise

10:55:08 25 the document?

26 A. Yes, I recognise this document very, very well.

27 Q. And does it contain --

28 PRESIDING JUDGE: Is that the document on page 30783?
29 MR JORDASH: Your Honour, yes. It's a list of names.

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1 Q. Is that a list of names for the agricultural
subcommittee?

2 Mr Witness?

3 A. Yes, I said I recognise this document.

4 Q. The agricultural subcommittee was responsible for what,
10:56:17 5 just briefly?

6 A. Well, at one time, I want to explain a little about this
7 document so that you'd understand. I cannot just say --

8 PRESIDING JUDGE: And I trust, if you want to tender it,
9 unless you get into other things hereafter; are you tendering
it,

10:56:42 10 Mr Jordash?

11 MR JORDASH: Yes, may I tender it please?

12 PRESIDING JUDGE: You are tendering it?

13 MR JORDASH: Yes.

14 PRESIDING JUDGE: Yes, Mr Fynn?

10:56:53 15 MR FYNN: My Lord, we wish to take an objection. We
16 firstly object that the document is not dated and cannot be

list

17 placed in time and, secondly, we would also submit that this
18 is not relevant to the offences charged. It doesn't, one way
19 the other, add or subtract to them. Those are our objections.

or

10:57:19 20

PRESIDING JUDGE: What if you are told, Mr Fynn, that we
21 have adopted a very open, and not to call it a too generous,
22 policy in the admissibility of documents and that we reserve
23 issues like this when we are looking at the probative value of
24 those documents.

10:57:40 25

issue

MR FYNN: Yes, My Lord, that would answer the question
26 regarding time but, then, we would still be left with the
27 of how relevant this is to the offences charged. This, as I
28 said --

29

PRESIDING JUDGE: Indeed. Indeed. When we talk of the

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all

1 probative value, we talk of the probative value in terms of
2 segments of the case; the relevance to the proceedings and the
3 relevance to the facts in issue, and what have you. This is

what

4 we are saying. When we admit, it does not necessarily mean,

you

10:58:19 5 know, that we are giving an immediate credit to the document;
no.

6 It has to be assessed and the issue of the probative value
will
7 be determined by the Chamber in due course.

8 MR FYNN: I stand guided by Your Lordship. Thank you,
Your
9 Honour.

10 PRESIDING JUDGE: Thank you. So you are withdrawing
your
11 objection, I suppose, because we don't want to say we are
12 overruling it.

13 So this document is admitted and marked confidentially
as
14 Exhibit 245.

10:59:02 15 MR GEORGE: Yes, Your Honour.

16 [Exhibit No. 245 was admitted]

17 MR JORDASH:

18 Q. Mr Witness, what did the agricultural subcommittee do?

19 A. We had cocoa. We harvested it and we placed them in
10:59:19 20 stores. At the time of the war nobody cared for them. And we
21 gathered all, and Mr Sankoh said we should hand it over to
him.

22 He went to Kailahun and sold it and bought salt, Maggi,
tobacco

23 and placed them in those stores. They were there. Whoever
came

24 with, for instance, if anybody came, for instance, with cocoa,
11:00:15 25 and he sold it, he would give you that tobacco. If you wanted

26 salt, they would give it to you, but the leaders that were
there

27 at that time, their names were placed on that list. This is
how

28 this list is.

29 Q. Thank you. And the AA Vandri on that list, is that the

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the 1 Vandri you mentioned earlier this morning as being the head of
2 agricultural unit?

3 THE INTERPRETER: Could learned counsel please speak
4 through the microphone?

11:00:57 5 MR JORDASH: Sorry.

of 6 Q. The AA Vandri, is that the same Vandri who became the head
7 the agricultural unit?

8 A. In our own section these were his subordinates who were
9 working. This man who is at the top, he was the chairman.

11:01:21 10 Q. And was it Saleem who took over from him?

time 11 A. Yes. That was the time Saleem took over but at that
12 they were all working together, but Saleem was the leader.

13 MR JORDASH: Thank you. Could I ask please, that the
14 witness be given Defence Exhibit 244. Your Honours, page
30771.

11:01:57 15 PRESIDING JUDGE: How many more of these exhibits do you
16 have, Mr Jordash?

17 MR JORDASH: Well, this is the second-to-last one of the
18 present and then we move on to 1996.

19 PRESIDING JUDGE: Yes, you may proceed.

11:02:38 20 MR JORDASH: Or certainly 1995.

21 PRESIDING JUDGE: The sooner we get to 1996 and
thereafter,

22 Mr Jordash, the better, for the purposes of relevance in these
23 proceedings. I am reechoing what my colleague and brother,
24 learned Justice Boutet said this morning, and I think that we
11:03:02 25 need to address that very very seriously, and to get to the
core
26 issues that concern us in this trial.

27 All these issues concern us, they will guide us in
arriving

28 at a determination, but I think we are more interested not
with a
29 lot of information in the background and leaving the core
issues

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1 properly unaddressed. These are concerns and we think we
should

2 draw your attention to this.

3 You may proceed, please.

take 4 MR JORDASH: Well, may I -- I don't want to obviously
11:03:44 5 time or be difficult, obviously, but it's our case that this
is 6 core because it goes to the heart of the way the RUF operated
in 7 Kailahun. I don't know any other way of proving that but by
hand 8 showing it year-by-year, that civilians were working hand-in-
9 with the RUF, and if I start at '96 or '97 then I --

11:04:16 10 PRESIDING JUDGE: That is historical. We say yes, you
within 11 could but, but, what matters to us is how the RUF operated
12 the time frame of the indictment that has been laid by the
us, 13 Prosecution. This is what we are saying. That is what, to
are 14 is more relevant, as far as these issues that you are raising
11:06:12 15 concerned. They provide a bridge, a historical bridge between
that 16 the birth of the rebellion, of the uprising, and the period
17 has been specified temporarily for the purposes of these
18 Prosecutions.

issues 19 But I think what we need to address more is the core
11:06:12 20 that come within the time frame of the indictment. This is
what 21 should pre-occupy us and you yourself, too, I would imagine.

was 22 MR JORDASH: And this is a civilian who will say how it
23 then at the beginning was how it was throughout. That is the
24 point. That he was doing --

11:06:14 25 PRESIDING JUDGE: Well, the sooner he can come to the
core

so

26 period and tell us that that was as it was in the beginning,
27 it was in the end, I think we would appreciate that. He has
28 given us a lot of background as to the agricultural setup; who
29 were the officers; there was an organisation. He said all
sorts

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the

1 of things.
2 Now, if he now moves to the period that is covered by
3 indictment, and says that what was happening before is what
4 happened during this period that is alleged by the Prosecution
in
11:06:14 5 the indictment -- I think that is what I am referring to as
the
6 core issues -- because they are related directly to the
7 allegations that are made against the accused person in the
8 indictment.

in

11:06:30
think

five

9 MR JORDASH: We've got through, I think, eight witnesses
10 five days. I am going as fast as I humanly can. I don't
11 there has been a time when eight witnesses have been done in
12 days. This pressure to keep moving is --

on 13 PRESIDING JUDGE: But we reserve our comments, you know,
14 what you are saying. We want to move forward.
11:07:47 15 MR JORDASH: But I can't go any faster. Eight witnesses
in 16 five days is unprecedented.
17 PRESIDING JUDGE: That is by your judgment, it is
18 unprecedented.
19 MR JORDASH: Well, I've -- the point is --
11:07:47 20 PRESIDING JUDGE: I say it is by your judgment. You say
21 it's unprecedented. It is your judgment.
22 MR JORDASH: Well, no one can say eight witnesses in
five 23 days is slow. No one can say that.
24 PRESIDING JUDGE: There was a day we did three witnesses
in 25 one day in your case; is that not true?
11:07:47 26 MR JORDASH: Yes.
27 PRESIDING JUDGE: Yes, we did three in one day.
28 MR JORDASH: But eight witnesses in five days is not
slow. 29 It's not slow.

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1 PRESIDING JUDGE: Mr Jordash, may you proceed please. I

Bench
conduct
these
11:07:51

2 think one gratitude you should owe to the Bench is for the
3 to -- to accept the hints that the Bench gives you in the
4 of your case, and I think we are duty bound to put across
5 things to you and to enable you to assess the evidence you are
6 adducing, in order to advance the process. That is why we are
7 here. I think we may proceed.

quality
would
11:08:22

8 MR CAMMEGH: Your Honour, it's no reflection on the
9 of the debate that we have just heard but I wonder if you
10 let me just leave the room for two minutes?

11 PRESIDING JUDGE: I beg your pardon, Mr Cammegh?

12 MR CAMMEGH: I'm just asking if I can leave the room for
13 two minutes with the assurance that it has no bearing on the
14 quality of the debate --

11:08:36
way

15 PRESIDING JUDGE: No, we never would interpret it that
16 at all, never.

17 MR CAMMEGH: Thank you.

of
18 PRESIDING JUDGE: You've always left when you've thought
19 leaving and then you have come back when you --

11:08:46
20 MR CAMMEGH: Thank you. It's only for 15 minutes.

would
21 PRESIDING JUDGE: -- have so there is no problem. We
22 not relate that to this at all. There is no incident at all
23 anyway. This is a normal dialogue between counsel and the
Court.
24 It is normal in a judicial process.

11:08:57
25 MR CAMMEGH: Of course. Your Honour, while I am on my

to 26 feet, Mr Sesay passed me a note just now asking if he could go
27 the bathroom?
28 PRESIDING JUDGE: Oh yes, he could. Why not? Yes,
29 Mr Jordash, sorry.

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this 1 MR JORDASH: Thank you. Just the last two, then, of
2 period. Defence Exhibit 244.

is 3 PRESIDING JUDGE: On page what, Mr Jordash? 244, that
4 30771? 30771, Defence Exhibit 244?

11:10:13 5 MR JORDASH: I think Your Honour is ahead of me,
actually.

6 30771, yes.

Witness? 7 Q. I think -- have you got that in front of you, Mr

8 A. Yes, that's the document in front of me.

9 Q. Would you just explain what that is very quickly,
please?

11:10:50 10 THE INTERPRETER: Can learned counsel please speak
through

11 the microphone? The interpreter did not get what you said.

12 MR JORDASH: Sorry.

13 Q. Could you just explain what that is, Mr Witness, very
14 quickly. Is that entitled: "Contributions for feeding the
11:11:25 15 counsellors, chiefdom commanders and town mothers"; do you see
16 that?
17 A. Yes, it's in this document. It came to a time when they
18 said that we should feed them but we said at the time that we
19 would hang heads, that it was Mr Sankoh who brought it. If it
is
11:11:48 20 in terms of food they should try and give it to him.
21 Q. But this appears to be contributions for feeding the
22 councillors and the chiefdom commanders and town mothers; is
that
23 right.
24 A. Yes.
11:12:05 25 Q. And it's noted in the document "Your contribution has
been
26 scheduled" --
27 A. Yes.
28 Q. -- "according to the availability of the commodity in
your
29 area." Is that how it went?

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1 A. Yes, that's exactly how it happened.

2 MR JORDASH: Could I tender this as an exhibit, please?

3 PRESIDING JUDGE: Mr Fynn?

4 MR FYNN: No objection, My Lord.

11:12:59 5 PRESIDING JUDGE: It is admitted and marked
confidentially

6 as Exhibit 245.

7 MR GEORGE: 246.

8 PRESIDING JUDGE: 246, I'm sorry.

9 [Exhibit No. 246 was admitted]

11:13:17 10 MR JORDASH: And could I ask that the witness be given

11 Defence Exhibit 246, please. Your Honours, page 30774.

12 Q. And do you recognise the document, Mr Witness, from the

13 office of the --

14 A. Yes, I recognise this document. I know something about

11:13:55 15 this document. This document, it was Mr Foday Sankoh who
wrote

16 it and sent it to all the chiefs. He said: Starting from

17 day that this letter has been received, everybody should know

18 that the feeding of soldiers is not their responsibility. All

19 chiefdom heads, you would come together in your own chiefdom
and

11:14:28 20 put it to the people, that the feeding of soldiers was not
their

21 responsibility, and, apart from them, the feeding of soldiers

22 was

23 not on anybody as an obligation. It was he, himself, who
signed

24 it; Mr Foday Sankoh. And, in return, he emphasised it.

was

11:14:57 25 Q. And do you know what year this was sent, or this order
passed?

26 A. This letter, in this letter it was in 1993. It was in
27 1993.

28 Q. And was there any implementation of this order, as you
saw
29 it?

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1 A. Yes, it was -- it worked out very very well. At that
time
2 the Gios had left completely. It was at the time that he
passed
3 this order and everybody was happy, and people were free to go
4 everywhere, searching for food. Whatever you wanted to do you
11:15:36 5 would do.

6 Q. And it notes that the person, the soldier caught
harassing
7 anyone for food in the liberated zones would be dealt with
8 militarily, according to our code --

9 PRESIDING JUDGE: If I may ask the witness if the
11:16:04 10 responsibility, in your position which you were, the
11 responsibility of feeding the soldiers, or providing food to
the
12 soldiers, was not that of the community's from Sankoh's
letter,
13 how did the soldiers feed?

14 THE WITNESS: The soldiers, there comes a time that he
11:16:32 15 would bring food for them. He would bring the food for them
in a
16 vehicle, in a truck. Sometimes he would bring the food in a
17 pick-up van. This commander, whose name is on this letter, he
18 would call him to assemble the civilians and collect the food
and
19 take it to the ground. That happened even twice and it
stopped
11:16:59 20 and he said it is the soldiers that should be taking the food
to
21 the ground. Or sometimes --
22 PRESIDING JUDGE: What stopped, Mr Witness? What
stopped?
23 That happened twice and it stopped; what stopped?
24 THE WITNESS: When we were taking the food, he said --
when
11:17:19 25 we were taking the food, he said -- he said no civilian should
26 take the food to the ground except soldiers, so they would go
to
27 the MPs, and they would provide manpower which would take the
28 food to the ground.
29 PRESIDING JUDGE: Taking the food to the ground; would
that

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1 mean off-loading the food from the pick-ups? I'm referring --
2 I'm putting the question to the interpreter, please. Taking
the
3 food to the ground; does that mean off-loading?

4 THE INTERPRETER: Your Honours, I have interpreted
exactly
11:18:03 5 what the witness said. I think the question should be
directed
6 to the witness.

7 PRESIDING JUDGE: Okay. Mr Witness, taking the food to
the
8 ground, what does that mean? Can you explain for us to know
what
9 you mean?

11:18:17 10 THE WITNESS: When he brought the food he would pack it
at
11 Pendembu, at the mansion. We would take it from the mansion
to
12 the ground, that food.

13 PRESIDING JUDGE: Anyway, you may proceed, Mr Jordash.

14 MR JORDASH: Thank you.

11:18:42 15 Q. Just finally on that document, do you know, or did you
come
16 to understand what Sankoh meant by dealing militarily
according
17 to the code of justice?

18 A. At that time that he made that law, that the soldiers,
19 whoever was harassing people for food, he said they should
bring

11:19:14 20 the report to him. According to their soldier, their soldier
21 rules, they would deal with that person properly. It did not
22 stop just at this letter. He called a meeting and put it to
23 everybody that, please, if you saw anybody harassing a person
for

24 food, don't give any food to him, to any soldier.

11:19:36 25 Q. And do you know who the civilians were able to report
to,

26 from 1993, in Kailahun and the liberated zones?

27 A. They were complaining to him. We, the civilians, would
28 complain to the G2, the G5. It became G5.

29 MR JORDASH: I don't know, I forget whether I've
exhibited

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1 that or asked for it to be exhibited. May I tender it as an
2 exhibit, please?

3 PRESIDING JUDGE: Yes, Mr Fynn?

4 MR FYNN: No objection, My Lord.

11:20:47 5 PRESIDING JUDGE: It is admitted confidential and marked
6 Exhibit 247.

7 MR GEORGE: Yes, Your Honour.

8 [Exhibit No. 247 was admitted]

9 MR JORDASH: Thank you.

11:21:05 10 Q. So, Mr Witness, just moving forward, after this
executive

11 command from Sankoh, that civilians should not be harassed for
12 food, was there any arrangement after this point between
13 civilians and soldiers about food?

14 A. He was the one that was providing food, just like I have
11:21:38 15 explained. When he said this, the soldiers, Mr Sankoh used to
16 provide food for the soldiers. He would bring food and send
it
17 to Pendembu. From Pendembu they would take the food to the
18 ground. But no civilian, except if they asked you for food,
and
19 if the person cares for food he would ask you for it and you
11:21:57 20 would give it to him but they were not harassing anybody for
food
21 or asking people for food.

22 Q. And after the Gios had left, how many of the RUF
soldiers
23 came from Kailahun; are you able to give an idea, from what
you
24 saw?

11:22:25 25 A. The RUF soldiers that left Kailahun to Pendembu?

26 Q. No. Let me -- the Gios left so the Liberians had gone,
27 leaving Sierra Leonean RUF. Where were the Sierra Leonean RUF
28 from? From which district were they natives?

29 A. Well -- well, after that, the first person that I saw at

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1 that time, that was a Sierra Leonean, was Mr Issa Sesay.

don't

2 Q. Well, just listen to the question: Presumably, and I

RUF

3 think there is any dispute about this, there were hundreds of

4 left in Kailahun after the Gios left; am I right?

11:36:46

5 A. Yes.

6 Q. Where did they come from? Where were their families?

7 A. All of them were in Kailahun.

led

8 Q. Thank you. And you've talked about this organisation

know

9 by Sankoh whereby food was brought for the soldiers: Do you

11:36:46

10 where the food came from?

some

11 A. Mr Sankoh, he used to come -- he used to leave us and

just

12 times go away, sometimes one week or two weeks and we would

which

13 see him appear with a vehicle and the food that he brought,

14 I saw, was European rice.

11:36:46

15 Q. Okay. Now, you talked about the agricultural unit; was

16 that unit involved in any trade?

handled

17 A. Yes, they had hands in it. It was he, himself, who

18 it very very well.

19 Q. And for how many years, from 1993, was it involved in

11:36:46

20 trade?

that

21 A. Well, in '94, from 1993 to 1994, there was one gun in

to

22 region and that gun, it was very very horrible and they used

23 call it HPG. That gun --

24 Q. Mr Witness, just --

11:36:47 25
answer?

THE INTERPRETER: Can the witness kindly repeat his

26 MR JORDASH:

27 Q. Repeat your answer, please.

28 A. I said that gun, that region, when that gun, when they
29 brought that gun they used to called it HPG; hungry powerful
gun

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1 and it touched almost everybody.

2 Q. I think you might have misunderstood my question. Let
me

3 move you from --

4 A. I understood the question. I want to explain to you
very

11:36:47 5 well. At that time, the food that we used to get was coming
from

6 the riverside.

7 Q. Is that the riverside at the Guinean border?

8 A. Yes, it was coming from the Guinea border. That's where
we

9 were doing business.

11:36:48 10 Q. Let me take you forward, then, to when you were living
in

11 the bushes at Sembahun and you told us on Thursday that you'd
12 arrived there around 1995; okay?

13 A. Yes, I reached there.

14 Q. And who is the head of the agricultural unit at that
point?

11:36:48 15 A. Saleem. A Saleem.

16 Q. And was Saleem involved in the trade at the waterside?

17 A. Yes, it was he, Saleem, who was heading whatever was
going

18 on at that riverside.

19 Q. And what about civilians; did they have any involvement?

11:36:48 20 A. Yes. Civilians, too, were there. We would take a lot
of

21 things there at the riverside and they would sell them. Salt,
22 Maggi, we would get them from the riverside.

23 Q. Just so we are clear: What would the civilians and the
24 agricultural unit take to the waterside from 1995 onwards?

11:36:48 25 A. We used to process palm oil. When we had the palm oil,
we

26 would give it -- we would tell the G5 and they would say --
they

27 would tell Mr Issa that we want to do business. He would call
28 Saleem and tell him. Saleem would say: "Okay, that's fine."
29 But before you could go to that waterside, Mr Issa Sesay would

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1 send soldiers. Sometimes three days they would stay there, so
2 that -- because there were government soldiers too, who were
3 doing business there, just so that we wouldn't meet there
4 together. When they found out that it was all clear, they
would

11:36:49 5 come and tell Mr Issa Sesay. After that, those of you who had
6 palm oil, would come to G5 and get a pass. If a soldier was
7 going, you would go to the MP to get a pass. Then they would
8 tell you that it was all clear, and you would move to the
9 waterside.

11:36:49 10 Q. And the palm oil that was taken, and other items, what
was
11 it exchanged for? What were they exchanged for?

12 A. The items, we used to take kola nut, cocoa and palm oil
and
13 we exchanged it for salt, Maggi and cigarettes, and tobacco
leaf.
14 We didn't care for money.

11:36:49 15 MR JORDASH: Apologies, Your Honour.

16 Q. So it was a barter system?

17 A. Yes, that's what we were doing.

18 Q. And can I just ask you this: Saleem and AA Vandii, were
19 they soldiers or civilians?

11:36:50 20 A. Saleem and AA Vandii, both of them were civilians.

21 Q. Thank you. And did the agricultural unit, and I want
you
22 to focus on the time we are talking about, from 1995 onwards,
so
23 1996, 1997, 1998 are particularly of interest. Did the
24 agricultural unit have any other job during that period,
during

11:36:51 25 these years?

26 A. They used to plant cassava and it would cultivate farms.

27 Q. And when you say it cultivated farms, can you explain
what
28 you mean by that or how that happened?

29 A. When we sold cocoa then, to Saleem, when he sold it,
there

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1 was a commission which we used to purchase rice and he would
2 bring that and hand it over to the agricultural unit.

3 town or whichever Joe Bush that farmed, you would come to the
4 agricultural unit and ask for rice, and it is that rice that
they

11:36:51 5 would give to you but, before they handed the rice over to
you,

6 they would first go and look at the farm to determine how many
7 bushels it would contain, and after they've looked at the farm
8 then they would give you that rice. And when you cultivated

that
9 farm you would return that rice.

11:36:51 10 Q. When you say the agricultural unit would give you rice
and

11 the rice would be returned after the harvest, who is the rice
12 being given to by the agricultural unit, in 1996, 1997 and
1998?

13 A. They will give the rice to the town chief, the town
14 commander. They were calling him town commander. When he
went,
11:36:52 15 when they would have gone through the farm and had given him
that
16 rice you would go and sow it in that farm. All the
townspeople
17 would come together and do that rice work. When you harvested
18 the rice you would just return that rice to the office and all
19 the rest would remain with you.

11:36:52 20 PRESIDING JUDGE: The Chamber will rise for the morning
21 break.

22 MR JORDASH: Thank you.

23 PRESIDING JUDGE: We will resume in the next couple of
24 minutes to try this case.

11:36:52 25 [Break taken at 11.30 a.m.]

26 [RUF16OCT07C - JS]

27 [Upon resuming at 12.03 p.m.]

28 PRESIDING JUDGE: Yes, Mr Jordash, you may proceed,
please.

29 MR JORDASH: All right. Thank you.

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1 Q. You've told us about Saleem and him being a civilian; do

2 you know what he is doing now, please?

works 3 A. Well, now, Saleem is a council now in Kailahun. He

4 in the council in Kailahun.

12:08:05 5 Q. Thank you. Did the G5 during your time in Sembehun give
6 any instructions to the civilians about farm work?

7 A. Yes, he told everybody to cultivate farm. He told us to
8 cultivate farms, if you have the chance.

9 Q. And do you know why that instruction was given?

12:08:39 10 A. Concerning food? So they would not have a shortage of
food

11 because at that time there was no food because they were -- we
12 were many in the bushes.

13 Q. Were there any meetings in Giema about this subject?

14 A. Yes, we had a meeting at Giema.

12:09:02 15 Q. And who attended the meeting?

lot 16 A. At that time there was an area commander. There were a
17 of chiefs.

18 Q. Who was the area commander?

19 A. At that time it was Peter Vandí who was the area
commander.

12:09:25 20 Q. And do you know which year this was when Peter Vandí was
21 the area commander?

22 A. I can't remember that very well now.

1995 23 Q. Well, you told us that you went to Sembehun bushes in
24 when you stayed there for four years?

12:09:52 25 A. Yes. Yes, I was in Sembehun up to four years complete.
I

I 26 can remember because I cultivated a farm, and that is the time

27 can remember.

28 Q. Well, just looking at the time frame when you go into
the

29 bushes at Sembehun, is this the time you're visiting Giema
from

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1 the time you moved to Sembehun bushes?

2 A. Yes. The time I was in Sembehun, that was the time I
used

3 to go to Giema.

4 Q. And in the four years you were in the Sembehun bushes,
can

12:10:41 5 you remember when Peter Vandi was the area commander; first,
6 second, third or fourth year of your time in Sembehun? If you
7 cannot remember, witness, it's perfectly acceptable to say so.

8 A. Well, at that time, when Peter Vandi was the commander,
I

9 cannot remember very well now, but he spent some time there.

12:11:08 10 Q. Do you know whether he was area commander before Issa
Sesay

11 was the top man in the area or after?

12 A. He was the first to become the area commander before
Issa

13 Sesay could become the area commander.

14 Q. You were telling us about a meeting at which Peter Vand
12:11:40 15 and the chiefs attended. Was this civilian chiefs or soldier
16 chiefs?
17 A. They were civilian chiefs.
18 Q. I don't know if there's going to be a dispute, but I'll
try
19 and see. Do you know Sellu Ensa?
12:12:12 20 A. I knew Sellu Ensa.
21 Q. Was he present at the meeting?
22 A. Yes.
23 Q. Did you know Foday Adamabama?
24 A. Foday Adabama, I know him.
12:12:38 25 Q. Who was he?
26 A. He is a civilian.
27 Q. Adamabama is Adam A-B-A-M-A. And was he at the meeting?
28 A. Yes, he was in that meeting.
29 Q. He is a civilian. Why was he at the meeting?

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1 A. Well, Pendembu is his home town, but we went to that
2 meeting in Sembahun but all of us went to that meeting. It
was a

3 very big meeting.

4 Q. What about -- do you know a man called Pa Ganawa?

12:13:25 5 A. Yes. He was the old paramount chief.

6 Q. Did he go to the meeting?

7 A. No, he could not go there; he could not walk.

8 Q. Vandi Brima, do you know him?

9 A. Vandi Brima, he was in that meeting.

12:13:52 10 Q. Who was he?

11 A. He was one of the leaders.

12 Q. Leaders of where, of who?

13 A. When we say -- when we are in the Joe Bush we used to
say

14 Joe Bush. He was one of the leaders of the Joe Bush when we
were

12:14:17 15 in the Joe Bush.

16 Q. Do you know someone called Karukpoto?

17 A. I know Karukpoto.

18 Q. K-A-R-U-K-P-O-T-O. Who was he at the time of this
meeting?

19 A. Karukpoto is one of the leaders. A lot of people went
to

12:15:05 20 that meeting.

21 Q. What was he one of the leaders of?

22 A. For the civilians.

23 Q. And these various chiefs and leaders, what was their
24 response to the instruction to have the civilians make farms?

12:15:36 25 A. Well, Mr Peter Vandi, as the area commander, he called
all

26 of us that we have now come here, it is better to get ready
for

27 farming. But that chiefdom, that chiefdom is called Luawa.
The

28 chief of that chiefdom was in that meeting, so we made
29 arrangement that -- and people were farming. Even myself, I

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1 cultivated a farm there.

2 Q. And were the civilians willing to farm or not?

3 A. All of them were happy to farm.

4 Q. Just to go back to my question about Peter Vandri being
area

12:16:42 5 commander, when he was the area commander --

6 PRESIDING JUDGE: The farming was now taking place in
7 Sembehun?

8 MR JORDASH: Let me clarify that, Your Honour.

9 PRESIDING JUDGE: Yes.

12:16:50 10 MR JORDASH:

11 Q. And following this meeting, where were farms cultivated?

12 A. They used to farm in Sembehun, in Giema, Bandajuma,
Talia,

13 Giema, a lot of other towns that they were farming.

14 Q. And what about the towns in the Mandu Chiefdom, were
they

12:17:19 15 farming there?

16 A. All of them were farming. Many towns were farming.

17 Q. And where did the farms obtain their husk rice from to

18 begin the farming?

19 A. Well, in that farm --

12:17:39 20 THE INTERPRETER: Your Honours, can the witness take
that

21 of his statement again?

22 MR JORDASH:

23 Q. Just repeat your answer please, Mr Witness.

24 A. Mr Issa helped us greatly for us to get seed rice.

12:18:00 25 Q. From where?

26 A. We used to get it from the riverside.

27 Q. Right. Let me ask you this: When Mr Peter Vandj was
the

28 area commander for Kailahun -- well, sorry, when Peter Vandj
was

29 the area commander, do you know where Issa Sesay was?

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1 A. Well, at that time Issa Sesay was not there; he was over
2 the river.

3 Q. Do you know specifically where he was?

4 A. Well, at that time, when we say "over the sea," we
cannot

12:18:44 5 locate the particular place because he was a soldier.
Sometimes

6 we can hear of him some other place, sometimes we can hear of
him

7 in the Tongo area.

8 Q. Did you hear of the Abidjan Peace Accord?

9 A. Yes, there was a time they explained that to us. Mr
Foday

12:19:14 10 Sankoh called us to explain that to us.

11 Q. Where did he call you to?

12 A. He called us up to three times but the first one was
held

13 at Kailahun.

14 Q. Where were you living at the time of this call by Foday

12:19:42 15 Sankoh?

16 A. I was in Sembahun.

17 Q. And do you know where Issa Sesay was at the time of
these

18 discussions and thereafter?

19 A. He was over the sea.

12:19:58 20 THE INTERPRETER: Correction, interpreter, he was over
the

21 river.

22 MR JORDASH:

23 Q. Okay. Did he come back at some point?

24 A. He, Issa Sesay, the time he came, when he was wounded he

12:20:10 25 came back to Giema. There, he became the commander.

26 Q. He came back with an injury and was the --

27 A. Yes, at that time, when he was wounded.

28 Q. Okay.

29 MR JORDASH: Okay. There is one more exhibit and I hope
to

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1 escape Your Honours' wrath. It's an exhibit from 1993, but --
2 PRESIDING JUDGE: Wrath? That's very hard. This Court
has
3 no wrath against -- anything against anybody. It only
expresses
4 its opinions on certain issues, and besides that judicial
12:21:14 5 dialogue, I don't think there is anything that should be
6 characterised here as the wrath of the Court. No, we don't
have
7 that. I don't think any one of us has that anyway.
8 MR JORDASH: I'm just a sensitive soul.
9 JUDGE THOMPSON: And I'm just as [indiscernible] the
12:21:31 10 Presiding Judge.
11 MR JORDASH: Could I ask that the witness be given 239.
12 It's relevant to the subject, Your Honours. I think you will
see
13 that it is relevant and I will ask the witness to confirm and
14 then move on very swiftly. Your Honours, page 30759,
12:21:50 15 Exhibit 239.
16 PRESIDING JUDGE: 30?
17 MR JORDASH: 30759, Your Honour. 239, and it's a
18 memorandum from the Agricultural Regional Secretary, Mandu

19 Chiefdom, and I just want to ask the witness whether he is
12:22:19 20 familiar with this document.

21 PRESIDING JUDGE: That is Defence Exhibit 239?

22 MR JORDASH: Your Honour, yes.

23 Q. Do you recognise the document?

24 A. Yes, I recognise it.

12:22:46 25 Q. And do you know if the order to contribute from the
farms

26 registered as abandoned farms was carried out?

27 THE INTERPRETER: Your Honours, can the learned counsel
28 take that question again?

29 MR JORDASH:

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1 Q. Do you know whether the order to contribute at least one
2 bush or husk rice from the farms registered as abandoned farms
to
3 help assist the chiefdom Upper Bambara with seed rice was
4 implemented?

12:23:21 5 A. Yes, they implemented that, but, yes, they implemented
this
6 thing, but this was implemented in 1993.

7 Q. Yes, I know.

8 MR JORDASH: Could I tender that as an exhibit, please?

9 PRESIDING JUDGE: Mr Fynn?

12:23:44 10 MR FYNN: No objection, My Lord.

11 PRESIDING JUDGE: Admitted and marked as exhibit,
12 confidential exhibit -- there is no necessity really to mark
it 13 confidentially but let's just continue because it mentions a
14 location. Exhibit 248, yes.

12:24:18 15 MR GEORGE: Yes, Your Honour.

16 [Exhibit No. 248 was admitted]

17 MR JORDASH: Thank you.

18 Q. Now, Mr Witness, we've arrived at a time when Issa Sesay
is 19 in Giema as the area commander. Did you, without giving away
12:24:45 20 your title, did you have anything official to do with Mr Sesay
21 when he was area commander?

22 A. Yes. He helped me once. The time xxxxxx, we went
23 there to look for food, together with my children and soldiers,
24 was a quarrel among them, a very big quarrel.

12:25:30 25 Q. A quarrel amongst whom?

26 A. The soldier and my xxxx, the quarrel was between them, a
27 taken heavy quarrel. So after that quarrel he was arrested and
28 to the base.

29 Q. Who was arrested?

1 A. It was my xxxxx that was arrested and taken to the base.
2 After his -- after that arrest, later I knew that. I went to
3 explain to Mr Issa. I told him that "Pa Issa, they've
arrested
4 and taken my xxxxx to the base." He said, "Who did that?" I
12:26:29 5 said, "They had a quarrel, he had a quarrel with the
soldiers."
6 He said, "What is your own opinion about that?" I said, "He
is
7 the only one who used to look food for me. If there is a
chance
8 I would like him to come back to me and be looking for food
for
9 me as he used to do." He gave the order to be released from
the
12:27:06 10 base and brought to me again. After that that very xxxxx+
went to
11 that base again by -- all by himself, but myself, I was now
12 ashamed of telling him again, so I allow him to continue.

13 Q. So was he trained?

14 A. Yes, he underwent training.

12:27:43 15 Q. After he'd been there -- after he'd gone there on his
own?

16 A. Yes, the time he went on his own.

17 Q. Thank you. Now, I want to ask you -- listen to the
18 question. I want to ask you about whether you associated with
19 Issa Sesay in your official capacity within the authorities of

12:28:14 20 your particular chiefdom. Did you have anything to do with
him,
21 Issa Sesay, in terms of your official job?
22 A. The work, like, for example, I used to pay a visit to
him.
23 That was the place I wanted to explain. I went to greet him.
24 There was a time when I planned to cultivate a very big farm.
He
12:29:21 25 gave me two xxxxx and-a-half.
26 Q. Who was the farm for?
27 A. For myself.
28 Q. What I'm asking you about, Mr Witness, is not your own
29 personal issue; I'm asking you about your official issues in
the

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1 job you did within the chiefdom, whether you, in that job, had
2 cause to associate with Issa Sesay. If you didn't, that's
fine,
3 but I'm looking at official post.
4 A. Well, something happened between he and I. Can you
allow
12:29:52 5 me to explain?
6 Q. I want you to answer the question, though, if you would,
7 Mr Witness, concerning your job and whether that involved in
any

8 way Issa Sesay when he was area commander. You can come on to
9 the rest later, but I'm interested in your job.

12:30:23 10 A. Yes, we used to do good to each other, and we used to
see
11 again.

12 Q. Mr Witness, were you working in your official title when
13 you were in the Sembehun bushes?

14 A. Well, I held that position but I was not working there.
12:30:46 15 The chiefdom was not mine.

16 Q. Okay.

17 A. But we used to hold meetings. If there were any
meetings,
18 they would call all the elders to meet there.

19 Q. Okay. In the zoo bush where you were, how many people
were
12:31:06 20 there?

21 A. We were many. The Joe Bush was headed by a family head.
22 People were stationed by sections.

23 Q. And you've told us that they were -- civilians were
farming
24 and trading; what were the children doing?

12:31:36 25 A. Well, at that time, there was a time now, the time Mr
Issa
26 took the position as the area commander, we opened the school.

27 Q. Do you know the school's name?

28 A. We used to call it free primary school for the poor.
There
29 was the result. My children also were attending that school.

1 Q. Who else was attending the school besides your children?

2 A. Very many people were attending that school.

3 Q. Civilians or soldiers' children?

4 A. Civilians were attending, as well as soldiers' children

12:32:57 5 were attending that school.

what

6 Q. Now, you've told us about personal farms. Do you know

7 a community farm is?

8 A. Yes.

there

9 Q. At the time that Issa Sesay was area commander, were

12:32:57 10 any community farms in Kailahun?

11 A. Yes, a lot.

12 Q. Whereabouts? What kind of towns?

13 A. Even myself, for example, I could leave from Sembehun to

14 Giema. There were a lot of farms. Apart from that, even

12:33:47 15 Sembehun people were farming there, Lalehun, Giehun,
Bandajuma,

16 Talia, even myself where my friend was staying, Aruna Bondu,

and

17 Giema. The towns were many and they were farming.

18 Q. And who was working on these community farms?

not

19 A. That farm, people were there, they call RUF, but it was

12:34:00 20 RUF farm. Even the time when there was no war we used to
farm;

it 21 we called it a community farm. When you cultivate that farm,

22 was for the town.

not 23 Q. And you said that they were called RUF but that it was

24 for the RUF; is that right?

12:34:32 25 A. Yes.

26 Q. Where did the husk rice come for the making of these
27 community farms during the time Issa Sesay was area commander?

to 28 A. Well, Issa Sesay said that when they took the palm oil

29 the riverside, the commission that was for the RUF they would

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When 1 come and buy the rice and store it and put it in a store.

2 they put it in the store, when you farm, you will come and
3 collect those rice and go and put it in your farm.

sorry 4 Q. Okay. And I don't know if you've answered this, and

12:35:27 5 if I repeat myself, but who worked on the farm, the community
6 farms?

7 A. The civilians used to work there.

Did 8 Q. Right. Now, I want to take you to around 1995, 1996.

9 you know of a man called Mohamed Tarawallie?

12:35:48 10 A. Yes, he was staying close to Mr Foday Sankoh. He was
11 deputising Mr Foday Sankoh.

12 Q. Do you know whether he had a farm?

13 A. Yes. That farm, he cultivated that farm. I was head of
14 that farm, and that was the very farm that was called the RUF

12:36:16 15 farm, because whatever produce they get from that farm, they
will

16 send it to the front line over the river.

17 Q. And this farm which was for the RUF soldiers at the
front

18 line, how was it implemented? How did it start?

19 A. That farm, Peter Vandi started it. He called all of us.

12:37:33 20 The area where you ask me concerning those people, that is the
the
21 area I'm now talking about. He said: We are going to farm,

22 man said we should farm. Mohamed Tarawallie. But that farm

23 should be cultivated in Sembehun. Mr George would be heading

24 that farm. He is not occupying any position but he is going
to

12:37:37 25 be the head of that farm.

26 Q. And did then you play a part in organising the way in
which

27 the farm worked?

28 A. Yes, yes, I was there.

29 Q. And how were the civilians organised?

1 A. We made an arrangement that the target commander who was
2 there, he and I were head of that farm. They used to take
3 civilians from the Joe Bushes. For example, if they say you
as
4 the G5 commander you will take -- you would bring ten people.
If
12:38:35 5 you could not bring that ten people you would be arrested and
put
6 into prison for five minutes. You will be released later.
You
7 will be taken out of the cell, then you will go and bring the
8 people. Then you will go and work. If you were 20 in number
you
9 would get 20 cups of rice. If you were 60 you will receive 30
12:39:14 10 cups of rice. There was something they call blended. We used
to
11 eat that one there too.

12 Q. How were the civilians treated on the farm?

13 A. Nobody would say civilians were maltreated on those
farms.
14 We would go to that work -- we would do that work in happiness
12:39:55 15 because at that time it was even at the end of the war, one
would
16 say because they used to sell palm wine. In fact, when
Augustine
17 Gbao goes there, whenever you went there you would meet him
18 sitting down there. His office was in his pocket. He would
19 lecture you up to some points that you would know him.

12:41:04 20 THE INTERPRETER: Your Honours, the interpreter would
like

21 to make a correction. 60 men would receive 60 cups of rice
22 instead of 30 cups, as it was originally interpreted.

23 MR JORDASH:

24 Q. Now, this was a farm which came into being when Peter
Vandi

12:41:04 25 was the area commander. Was there any other farm that you
were

26 aware of at that time which was for the RUF soldiers alone?

27 A. I cannot think of a farm like you've said, but the farm
28 that we cultivated, the rice that they used to send to the
front

29 line.

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1 Q. So this is the only farm you knew at that point in time
2 which --

3 A. Yes, but there was another farm.

4 Q. Where was the other farm?

12:41:33 5 A. For instance, Issa too farmed.

6 Q. Just listen to the question before answering. I'm
asking

7 if there was another farm which was harvested and the products
8 were for the RUF soldiers only and not civilians?

9 A. The rice that was harvested was just for the soldiers.

12:42:07 10 Q. And were there any other farms which were harvested
where

11 it was just for the soldiers at the time of Mohamed
Tarawallie's

12 farm?

13 A. That rice was just for the soldiers and they would come
and

14 collect that rice sometimes and take it to Giema. It's on
some

12:42:31 15 documents.

16 Q. Were there any other farms where the products were just
for

17 the RUF soldiers at the time this farm existed?

18 A. There were many farms. In fact, we were talking about -
-

19 we are talking about ordinary farms. We are talking about

12:43:34 20 ordinary farms. We used to work around those ordinary farms
and

21 we used to call them RUF farms, but they were ordinary farms
like

22 we, the Mende people, would say. We would say ordinary farms
but

23 we used to call them RUF farms.

24 Q. And the ordinary farms, who was the harvest for?

12:43:34 25 A. It was for the townspeople.

26 Q. Right. Okay. I think I'll leave that there. You spoke
27 about Issa Sesay's farm. When did Issa Sesay have a farm?

28 A. Well, at that time he was wounded and he was in Giema.

29 Q. And did you visit his farm?

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1 A. Yes, I went there once.

2 Q. And who was working on the farm?

3 A. Well, before he cultivated that farm, he told the town

4 chief that he would want the chief to give him a bush where he

12:44:09 5 would farm. Then the town chief gave him a bush close to the

work

6 town, but at one time when Issa Sesay's people are going to

7 in that farm, there would be a very large crowd. It came to a

8 time when he wanted people to brush. Those people who

9 volunteered to come and brush, there were so many. He himself

12:45:31 10 became angry, and he said, "Why -- do you know why -- did you

tell

11 know that there was going to be a large crowd and you didn't

by,

12 us to prepare food for them." Then they said, "CO, just sit

he

13 we will do the work." After the people had finished brushing,

14 thanked them and he apologised to them to forgive him.

12:45:31 15 Q. Why was there such a large crowd that gathered to work
on

16 Issa Sesay's farm?

17 A. I did not say apart from any other person but when Issa

18 wants work done there would be a very large crowd.

19 Q. Why?

12:45:48 20 A. The way he treats people, the way he treats people. If
you

21 are treating people well, I think he would handle you well.

22 Whatever he wanted done for him, you would do for him.

23 MR JORDASH: Could I ask, please, that the witness be
given

24 Defence Exhibit 62. Your Honours, page 30700.

12:46:43 25 PRESIDING JUDGE: Page what is that, 307?

26 MR JORDASH: 00.

27 Q. Do you recognise this document, Mr Witness?

28 A. Yes.

29 Q. Can you tell the Court what it is, in brief?

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1 A. Yes. The workers used to go to work, the manpower. The
2 first people who went, there were 86 in number. They cooked
3 cups of rice.

4 Q. Which farm did this relate to?

12:48:05 5 A. Lieutenant-Colonel Mohamed Tarawallie's farm.

6 Q. Okay. Whose record is this?

We

7 A. Lieutenant-Colonel Mohamed Tarawallie, he wrote this.

not 8 used to keep record. There was nothing that I did that was
9 recorded.

12:48:36 10 Q. Well, did you have anything to do with this document at
the 11 time?

12 PRESIDING JUDGE: Which is this document, 30702?

13 MR JORDASH: 30700.

14 PRESIDING JUDGE: Exhibit 62 and then the next thing is
a 12:49:00 15 [indiscernible] sport or so.

16 MR JORDASH: This is the document.

17 PRESIDING JUDGE: Somebody handling a football and it is
a 18 cartoon, sort of.

19 MR JORDASH: Is that -- do Your Honours only have the
one 12:49:09 20 page? Because the next page should be entitled --

21 JUDGE BOUTET: The next page is 30702, is it?

22 MR JORDASH: I think my page numbers have not been
23 recorded, but it should say at the top "The overall in charge
24 of."

12:49:35 25 JUDGE BOUTET: This won't work for [indiscernible].

26 MR JORDASH: Yes, that's the one.

27 Q. Did you write this document or did Mohamed Tarawallie?
28 It's a bit unclear.

29 A. I wrote it.

1 Q. Were you on the farm recording this information as it
2 happened?

3 A. After we had worked --

4 PRESIDING JUDGE: Is it 30702?

12:50:03 5
be

MR JORDASH: 30700 is the cover sheet. The next should

cartoon

6 30701 at the start of the document. 30701 should be the

7 which --

8 PRESIDING JUDGE: 701?

9 MR JORDASH: Yes.

12:50:21 10

PRESIDING JUDGE: That is a cartoon?

11 MR JORDASH: Yes.

whatever.

12 PRESIDING JUDGE: And then 30702 is the overall

the

13 MR JORDASH: Yes. I think the cartoon was the cover of

14 original.

12:50:34 15
Witness?

Q. Did you record these facts of feeding and work, Mr

all

16 PRESIDING JUDGE: Does he say he is the one who wrote

17 this?

18 MR JORDASH: Yes.

19 Q. Mr Witness, did you write this as it happened as a

12:50:59 20

contemporaneous note?

day

21 A. Yes, I wrote everything. The day that we worked, any

22 that we work I would write it on paper and keep it.

be

23 Q. I want to take you to 30707, Mr Witness, and it should

hand

24 entitled "Event" at the left-hand column, date on the right-

12:51:38

25 column; have you found that? Do you see that? I don't think

of

26 that's the one. It should say at the top of it, "First supply

27 food items by the International Committee of the Red Cross,

28 6 February 1996." Have you got that? I think it's the wrong

29 sheet. Yes, I think that might be it. Does it say, "First

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1 supply," at the top there, Mr Witness?

2 A. Okay, okay. Yes, yes. I've seen it.

3 Q. Did you make the note about the International Red Cross

4 supplying food items on 6 February 1996?

12:52:47

5 A. Yes, that was a wonderful day and I said I was going to

the

6 note it and keep it. I said: White people have come now to

7 rebel zone.

8 Q. And do you know where Issa Sesay was on that day?

9 A. Issa Sesay was still there. He was there.

12:53:04 10 Q. And do you see down the page: "Direct flight of ICRC
from

11 Freetown to Giema the second time." Same page, same page.

12 THE INTERPRETER: Can learned counsel take that again?

13 MR JORDASH:

14 Q. Mr Witness, look at the same page. Did you make the
note,

12:53:32 15 "Direct flight second time ICRC August 9th and 12th of 1996."

16 A. Yes.

17 Q. Where was Issa Sesay?

18 A. He was there.

19 Q. Where did -- what happened to the supplies? Who were
they

12:53:58 20 given to?

21 A. Well, on that supply, Issa Sesay made a law that these
22 supplies that have come were meant for civilians. He said, "I
23 have ordered the MP should not take -- nobody should take the
24 supplies on that day." If anybody quarrelled there, it
wouldn't

12:54:26 25 be good for him. But after we had collected the supplies, it
was

26 so much. When Issa returned home the soldiers put their guns
27 aside and they too started taking the supplies. But this
Fatoma

28 Kpoto that I was talking about, he was insistent that the
29 soldiers should not take the supplies, that we said to him,

1 "Young man, don't do that. This food has come for everybody."
2 Although Issa had said that, but wouldn't say that they should
3 return the food. We wouldn't sit by to see the food returned.

4 MR JORDASH: Okay.

12:55:16 5 JUDGE BOUTET: We are still talking here of the food
6 provided by the Red Cross, is it, Mr Witness?

7 THE WITNESS: Yes.

8 JUDGE BOUTET: So you are saying now that some of that
9 food
10 from the Red Cross went to the soldiers? This is what you're
11 saying?

12 THE WITNESS: After we had all got our supplies, we
13 didn't
14 care, but the soldiers were carrying guns.

15 MR JORDASH:

16 Q. Just stick on the same page; one more thing. It says
17 there, "Some civilians were captured around Pendembu. They
18 were
19 taken back to their master farmers by some authorities of the
20 RUF. The escorts returned two days later saying that they
21 well-received and treated well," and I think, although it's
22 crossed off on the photocopy, that's 20 June 1996; do you
23 recall
24 that entry?

25 A. Yes, that is what happened, yes.

26 Q. What does it mean "some civilians were captured around

23 Pendembu and returned to their master farmers."

24 JUDGE BOUTET: Is it farmers or former masters?

12:57:02 25 MR JORDASH: Oh, sorry, former masters. I beg your
pardon.

26 JUDGE BOUTET: Because I -- maybe you can read "farmer"
but

27 I can read "former", but whatever it is --

28 MR JORDASH: Let me check, if I can, with the witness.

29 Q. Does that say -- well, do you recall writing this?
"They

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1 were taken back to their former masters or their farmer
masters."

2 What do you recall?

3 A. Those who were working under the people, the people --
some

4 people started going there. We collected the civilians and
they

12:57:53 5 took them back there, although I was not in my own area.

6 Q. Sorry, some civilians started to go to Pendembu. Now,
what

7 was Pendembu at this time?

8 A. There was no problem there.

9 Q. So what was happening around Pendembu such that
civilians

12:57:59 10 were captured around there?

1998, 11 A. They didn't capture civilians there. First, in 1996,
12 it was all in happiness. People were moving freely. Not that
13 they captured civilians forcefully.

14 Q. What was happening then to make you write "some
12:58:25 15 civilians" --

16 PRESIDING JUDGE: Yes. Why did you write "captured,"
17 "some civilians were captured" if it was all a happy event?

18 MR JORDASH:

19 Q. Take your time and read the entry, refresh your memory.

12:58:37 20 PRESIDING JUDGE: It was you, you wrote this document,
you
21 say? You wrote the document, didn't you?

22 THE WITNESS: I wrote this letter. The civilians were
23 there. They were scattered at the time. During the time of
the
24 supplies, people were coming from there and collecting the
12:59:42 25 supplies. That is what happened.

26 THE INTERPRETER: Your Honours, the interpreter would
like
27 to make a correction after conferring with his colleagues.
The
28 word "captured" was not used by the witness. The word used by
29 the witness should have meant "treat". They didn't treat the

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1 civilians badly in those surroundings. They were free to move
2 about.

3 MR JORDASH:

4 Q. Mr Witness, please take your time. Just read the whole
12:59:42 5 entry and cast your mind back. We haven't referred to the
third
6 line there which says, "The escorts returned two days later
7 saying that they were received and treated well." So what
does
8 this mean?

9 A. This date that is written here --

13:00:17 10 THE INTERPRETER: Your Honours, can he repeat his
answer,
11 please?

12 MR JORDASH:

13 Q. Stop, Mr Witness. Just repeat your answer, please.

14 A. I said it is confusing me. You are taking me back in
13:00:33 15 relation to this thing.

16 Q. Well, let me try to help. Pendembu: Was this occupied
by
17 RUF? Was it a safety zone? Was it a front line? What was it
18 in June 1996?

19 A. People were in Pendembu, but they were not in the town
13:01:02 20 proper; they were in the surroundings.

21 Q. Do you remember who the escorts were who returned saying
22 that the civilians were received and treated well?

23 A. The G5s.

24 Q. And do you remember who they were taken to?

13:01:39 25 A. They were taken to their towns.
26 Q. And what does this "They were taken back to their" and
then
27 there's two words. What are those words?
28 A. They took them to their villages where they had come
from;
29 they returned there. We handed them over to the master
farmers

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1 so that they too would go and farm.
2 MR JORDASH: Right. I think that might be as far as we
can
3 take that.
4 JUDGE BOUTET: Mr Witness, just for my understanding, do
13:02:15 5 you speak English and you write English?
6 THE WITNESS: Are you talking to me?
7 JUDGE BOUTET: Yes.
8 THE WITNESS: I had my clerk. I can't write properly
9 because where I stopped schooling, but I can understand a
little.
13:02:36 10 JUDGE BOUTET: So when you say, "I wrote this," you mean
11 your clerk wrote this for you?
12 THE WITNESS: My clerk wrote this. My clerk.

13 JUDGE BOUTET: Thank you.

14 MR JORDASH: Okay. May I exhibit this document, please,
or
13:03:02 15 may I tender this exhibit?

16 JUDGE BOUTET: Mr Jordash, I would like to have a
17 clarification on this very last page 30707. In the second
entry,
18 involvement of veterans and so on, the first entry says
19 6 February 1996. At least that's the way I read it.

13:03:22 20 MR JORDASH: Yes.

21 JUDGE BOUTET: The second one says May 1992. Am I -- is
it
22 because of misspelling or is it '92? Then it seems to be
going
23 then '92, from there to '96. I'm just trying to see what is
and
24 what is not or if -- although I'm not sure that it is really -
-
13:03:45 25 well, I don't know if it's relevant or not.

26 MR JORDASH: I'll seek clarification.

27 Q. Mr Witness, pick up the same page again, please. Can
you
28 see the second entry there, "Involvement of veterans of the
29 Liberian civil war in our movement was curtailed in May 1992."

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1 Do you see that?

2 A. Yes, 1992.

3 Q. What is that a reference to, do you know?

4 A. Because this date -- this is a date that is confusing
me.

13:04:45 5 I don't know how this clerk did it, because we heard that the
everybody

6 ICRC were coming from Freetown to us for supplies, so

7 should go where you get the supplies from in Giema. He wrote

8 this letter that all those areas should come and get their

9 supplies. But I am seeing it here, they went and collected
the

13:05:13 10 supplies and returned. They ate, they cooked for them, and
they

11 ate and they were full. They treated them well.

12 Q. Mr Witness, let me stop you there. Just listen to the

13 question: Are you able to shed any understanding on the
second

14 entry, which says this: "Involvement of veterans of the
Liberian

13:06:17 15 civil war in our movement was curtailed in May 1992." Are you
16 able to shed any understanding on that?

17 A. I have still not understood this.

18 Q. Did you understand what I just read to you? Did you
hear

19 the words at least?

13:06:26 20 A. The way this clerk wrote this letter, if he was a clerk.

21 Q. Let me repeat so you've got another chance, "Involvement
of

22 veterans"?

23 A. Okay, okay. I've understood it. I've understood it.
I've

who 24 understood it. All right. I've understood it. Those people
13:06:58 25 were captured in Liberia and brought, the civilians, okay,
when
They 26 they came I wrote this note for them to receive supplies.
returned 27 came in 1992 and they collected their supplies and they
them 28 where they were settled. They got their supplies. G5 took
29 back to their towns. That was where they were. Okay.

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Maybe
13:08:07 5 you want to exhibit the -- is it 30707?
an
6 MR JORDASH: Yes. May I tender this whole document as
7 exhibit, please?
8 PRESIDING JUDGE: When you say "the whole document",
9 what --
13:08:17 10 MR JORDASH: From page 30701 to 30709.

report 11 JUDGE BOUTET: So this is what you called the dodgy
12 or something like that, whatever it is.
13 MR JORDASH: The doggy sport.
14 JUDGE BOUTET: This is the cover of the report?
13:08:49 15 MR JORDASH: Yes, Your Honour.
16 PRESIDING JUDGE: That is 301, 30701, to?
17 MR JORDASH: 30709. If it assists, I think I've got 15
18 minutes left, I think, for the witness.
19 PRESIDING JUDGE: Mr Fynn, pages 30701 up to 30709 are
13:09:47 20 tendered.
21 MR FYNN: I have no objection, My Lord.
22 PRESIDING JUDGE: Pages 30701 to 30709 are admitted
23 confidentially and marked as Exhibit 249; is that correct?
24 MR GEORGE: Yes, Your Honour.
13:10:42 25 PRESIDING JUDGE: 249.
26 [Exhibit No. 249 was admitted]
27 PRESIDING JUDGE: That of course would mean for the
record 28 that it is 701, 702, 703, 704, 705, 706, 707, 708 and 709,
they 29 are all individual pages, but they are going in as one

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at 1 exhibit for the record. I hope that is very clear. I think

resume 2 this stage the Chamber will recess for lunch and we will

3 sitting at 2.30. The Court will rise, please.

4 [Break taken at 1.08 p.m.]

14:54:00 5 [RUF16OCT07D - JS]

6 [Upon resuming at 2.56 p.m.]

are 7 PRESIDING JUDGE: Good afternoon, learned counsel. We

8 resuming the proceedings, please. Yes. Mr Ogeto.

permission 9 MR OGETO: Good afternoon, My Lords. With your

15:01:33 10 once again can I introduce another addition to the Kallon
team,

11 Mr Joseph Holmes, Holmes is H-O-L-M-E-S. Mr Holmes is joining

Thank 12 the Kallon team as an assistant. He comes from England.

13 you very much.

14 PRESIDING JUDGE: Yes, Mr Holmes, you're welcome. It is
15:02:46 15 H-O-L-M-E-S.

16 MR HOLMES: Yes, that's correct.

17 PRESIDING JUDGE: Yes, thank you. And you're Joseph

18 Holmes. Okay, thank you.

19 JUDGE THOMPSON: [Indiscernible].

15:02:46 20 PRESIDING JUDGE: You're welcome. Yes, Mr Jordash, you
may

21 proceed.

22 MR JORDASH: Thank you, Your Honour.

23 Q. Good afternoon, Mr Witness.

24 A. Good afternoon.

15:02:46 25 Q. I'm coming to the end, so just bear with me and listen
to
26 the question. When Issa Sesay was the area commander, where
was
27 his house? The area commander of Giema, where was his house?
28 A. The place was called Kambama.
29 Q. Did you visit the house?

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1 A. I went there two or three times.
2 Q. Did you see who was living at the house?
3 A. I used to see his bodyguards and his wife and children,
two
4 of them, and there were people who used to go and pay visits
15:04:03 5 there.
6 Q. Did you observe the age of his bodyguards?
7 A. Well, they were adults. Their ages, the way I used to
see
8 them, some of them were about 19 years or 20, 21 years.
9 Q. And did you observe the children at his house doing
15:04:40 10 anything?
11 A. There were children who used to fetch wood; some of them
12 would bring water.
13 Q. At the time -- sorry, had you finished, Mr Witness?

14 A. Yes.

15:05:11 15 Q. At the time when Peter Vandi was living in the area, did
he

16 have a farm?

17 A. Yes, Peter Vandi cultivated a farm at Giema.

18 Q. Do you know who worked at the farm?

19 A. In that farm, civilians used to work there. He used to
15:06:07 20 send them.

21 Q. Do you know what the conditions were for the civilians
at

22 the farm?

23 A. He used to send them voluntarily. It was not by force
to

24 go and work there. They used to work there.

15:06:07 25 PRESIDING JUDGE: Why do you anticipate questions,
26 Mr Witness? Wait for the questions to be put to you. Do you
27 understand? Wait for the questions to be put to you.

28 MR JORDASH: Can I ask that the witness please be given
29 Defence Exhibit 228, Your Honours, page 30736.

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1 PRESIDING JUDGE: Mr Jordash, what page is that, please?
2 MR JORDASH: 30736, Your Honour.

3 Q. This takes us forward, I think, Mr Witness, to 2 April
4 1997. Do you recognise this document?

15:07:44 5 A. Yes, I know something about this letter.

6 Q. Could you explain, please, what you know?

7 A. Well, this document, they wrote letter to me so that we
8 would go to a meeting at Buedu concerning court-martial,
9 concerning HI Deen Jalloh. Even the council chairman were
there.

15:08:28 10 Q. And did you attend the court-martial?

11 A. Yes, I went there, but I did not spend much time there.

12 Q. And from what you've indicated, this was a court-martial
13 then which involved both civilians and soldiers; is that
right?

14 JUDGE BOUTET: Did he testify to that?

15:08:55 15 MR JORDASH: Well, because the invitations from the RUF,
I
16 was sort of making a leap. Perhaps it was too big a leap.

17 JUDGE BOUTET: I would not but maybe, I don't know,
maybe
18 you should ask the witness.

19 MR JORDASH: Certainly.

15:10:11 20 JUDGE BOUTET: They may be invited because of -- they
are
21 part of the civilian community, or they may be invited because
--
22 - I don't know, a civilian has been a victim, or whatever it
may
23 be.

24 MR JORDASH: I definitely take your point, Your Honour.

15:10:11 25 Q. Why were the -- why were you invited or directed to come
to
26 sit on the court-martial?

27 A. Well, I was one of the leaders.
28 Q. And do you know what the constitution of the court-
martial
29 was? Was it civilians only?

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1 A. That court-martial, there were civilians and soldiers.
2 Q. Now, taking --
3 JUDGE BOUTET: What, do you mean by this, civilians and
4 soldiers as members of the court or as accused? What do you
15:10:28 5 mean?

6 THE WITNESS: They were not accused. There were
soldiers
7 on this other part listening, civilians on the other side
8 listening. Defence was at this other side and the Prosecution
9 was on the other side, in that court-martial.

10 Q. Do you know what Deen Jalloh was being court-martialed
15:10:59 for;
11 can you remember?

12 A. Well, Deen Jalloh, the time they brought them from
Guinea?

13 Q. Yes, do you know what it was alleged that he had done?

14 A. Well, the time the court started, I have explained to
you

15:11:29 15 that I was feeling cold, so I went back home.
16 Q. Okay. So you didn't take any further part; is that what
17 you are saying?
18 A. No, I was not there. I was at home. I was attacked by
19 heavy fever.
15:11:57 20 Q. Thank you.
21 MR JORDASH: Could I please tender this as an exhibit?
22 PRESIDING JUDGE: Yes, Mr Fynn?
23 MR FYNN: No objection, My Lord.
24 PRESIDING JUDGE: The document is admitted not
15:12:49 25 confidentially, it is an ordinary exhibit. It is admitted as
26 exhibit 250.
27 MR GEORGE: 250, yes.
28 [Exhibit No. 250 was admitted]
29 MR JORDASH: Thank you.

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you

1 Q. Now, keeping your mind on that date, 4 April 1997, do
2 know where Mr Sesay was at this time?
3 A. Well, at that time he was over the river.
4 Q. Who was the area commander?

15:13:30 5 A. The person was Mr Mosquito.

6 Q. Where was Peter Vandí?

7 A. Peter Vandí and others were at Giema. They sent for --

8 they sent for Mr Issa to come.

9 Q. Mr Witness, just so that we're clear, on 4 April 1997,
you
15:14:04 10 don't recall Issa Sesay being in command in Giema; is that
right?

11 A. At that time Issa Sesay was at Giema but the command --
he
12 was wounded. But the command was in -- Peter Vandí was in
charge
13 of the command. He was under his command.

14 Q. Thank you, Mr Witness. Do you remember soon after that
15:14:50 15 hearing about Johnny Paul Koroma taking over in Freetown?

16 A. I would like you to take that question again.

17 Q. Okay. Now, this is April 1997 when you say Peter Vandí
was
18 in command, and do you recall shortly after this hearing about
19 Johnny Paul Koroma taking over in Freetown as President?

15:15:34 20 A. Yes, I heard of that.

21 Q. Right. Now, taking this period, you've given detailed
22 evidence about farming, and the cooperation between the
23 agricultural unit at the RUF and the civilians. In terms of
the
24 farming, do you recall what was going on in Giema and the
Mandu
15:16:12 25 Chiefdom, at this time? Was there any difference in the
farming
26 arrangements?

27 A. We used to farm continuously.

28 Q. And did the agricultural unit work at this time when
Johnny

29 Paul Koroma took over?

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1 A. Very well. Very well. The work was going on very well.
2 Q. Was there trade?
3 A. Very well indeed. Johnny Paul Koroma, he -- they used
to
4 buy sugar for him, milk, bread; they used to bring those
things
15:16:58 5 for him.
6 Q. Who used to bring those things for him?
7 A. Well, Sam Bockarie used to send people to the riverside
to
8 buy and bring them.
9 Q. And what about civilians; were they working during the
time
15:17:17 10 of Johnny Paul Koroma's presidency?
11 A. Well, I did not see them work for him.
12 Q. Did they work generally for themselves?
13 A. Very well.
14 MR JORDASH: Can I just take instructions, please?
15:17:43 15 MR CAMMEGH: Sorry to jump to my feet. Your Honours,
would
16 you allow me please just to step outside so that I can make a

be
17 quick phone call to my legal assistant. I think I'm going to
18 cross-examining this afternoon and I would like someone to
take a
19 note.

15:17:53 20 PRESIDING JUDGE: That's okay, Mr Cammegh.

21 MR CAMMEGH: Thank you.

22 MR JORDASH:

23 Q. What I'm interested in, and I want you to listen
carefully,

24 Mr Witness, is whether, when Johnny Paul Koroma took over as

15:18:14 25 President, whether anything in Kailahun, in the Mandu
Chiefdom,

26 changed for civilians. That's what I'm trying to ask you
about.

27 Did anything change from what you've described about civilian

28 life during Johnny Paul Koroma's presidency?

29 A. Yeah, there was -- something changed. There were
meetings.

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1 Q. Which meetings?

2 A. There was a time they called us at Buedu.

3 Q. Yes.

4 A. We went there to that meeting. They said one man has
come,
15:19:12 5 he is called Johnny Paul Koroma. I saw him. There was
another
6 time they had a meeting in Buedu; a large crowd were there.
Some
7 people wanted to see him. At that time I was not well, but I
8 planned to go and see him too. I went to that meeting. I set
9 eyes on him.

15:19:56 10 Q. Mr Witness, sorry to interrupt you. What I'm trying to
ask
11 you about is civilian life in the Mandu Chiefdom; farming,
trade,
12 social activities. Was there a change? Did anything happen
or
13 did it continue as before during Johnny Paul Koroma's
presidency?

14 A. What we used to do is what we were doing. There was no
bad
15 thing.
15:20:40

16 Q. Okay. So during Johnny Paul Koroma's presidency did you
17 know where Issa Sesay was?

18 A. At that time he was over the river.

19 Q. Now, were you aware of Johnny Paul Koroma entering
Kailahun
15:21:03 20 after his presidency?

21 A. He went to Kailahun. At the time when they asked him to
22 come, at that time I was in Sembahun.

23 Q. And were you continuing in your job within the chiefdom
at
24 that time?

15:21:36 25 A. Yes, yes, I was in that position.

26 Q. And at that time, and in 1999, did you work with any
27 farming?

28 A. Yes.

what 29 Q. Can you just tell the Court in brief what your job or

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1 your activities were in 1998 and 1999 before you left Sembehun
2 and went back to your home town?

3 A. Well, I cultivated a farm. I used to farm. We put
4 people -- we took people into Bondu bush. Between Giema and
15:22:42 5 Kailahun there was a big dance. We used to farm. I used to
used 6 leave Sembehun to go to Kailahun. Then also go to Buedu. I
7 to come back to Mandu Tawahun.

8 Q. And were you aware of Mr Sesay coming back from across
the 9 river at some stage?

15:23:27 10 A. Well, he came, he was now based at Giema. He spent some
11 time at Giema. He was wounded. He was still in Giema.

12 Q. I'm talking about a time when Johnny Paul Koroma came to
13 Kailahun; do you know where Issa Sesay was?

14 A. He was in Giema.

15:24:08 15 Q. Okay. Did you ever hear of Issa Sesay having a farm any
16 other place in Kailahun but Giema?

17 A. Well, he cultivated a swamp.
18 Q. Where?
19 A. In Giema.
15:24:33 20 Q. Anywhere other than Giema did you ever hear of him?
21 A. No.
22 Q. I would like to ask you about another exhibit, it's
23 Exhibit 396, Defence Exhibit 396. Your Honours, page 30810.
Mr
24 Witness, did you receive that?
15:26:44 25 A. Yes, I received this xxxxx.
26 Q. So it's xxxx 1999. Is that an invitation to a War
Council
27 meeting?
28 MR FYNN: Pardon me, My Lord.
29 PRESIDING JUDGE: Mr Fynn?

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1 MR FYNN: My Lord, the Prosecution objects to this
2 exhibit being put to the witness because it has not been
3 disclosed in compliance with Your Lordships' scheduling order
4 concerning the preparation and commencement of the Defence
cases,

15:27:33 5 My Lord. My Lord, it is our submission that if my learned
friend
6 wishes to use this exhibit, he must first apply to this Court
and
7 show good cause why it should be added to the list of exhibits
8 which was earlier disclosed, My Lord.

9 PRESIDING JUDGE: Yes, Mr Jordash?

15:28:03 10 MR JORDASH: Well, I'll make the application. It wasn't
late
11 included in the scheduling. We received the exhibit quite
12 in the day from this particular witness who retrieved it from
13 Kailahun. Number one, I would say this: That whenever the
14 Prosecution introduced new exhibits, they did not meet any
15 objection from us and did not have to show a good cause.

15:28:48 15
Number
16 two, in any event, a good cause we would submit --

17 PRESIDING JUDGE: Are you now saying that because they
18 never did, they should not raise such an objection even if it
19 were founded?

15:28:48 20 MR JORDASH: Well, I'm not saying they shouldn't raise
the
21 objection, but I'm saying Your Honours should overrule it on
the
22 basis of equity between the parties as concerns the admission
of
23 new exhibits, and I do submit as a factor in that Your Honour
24 should take into account the position we adopted, which was to

15:29:07 25 say if it's a new exhibit, if we've had it disclosed before
the
26 witness comes to Court, then we will, providing there is no
27 prejudice, accept it, and we would submit there is no
prejudice

probably
don't

28 that can accrue from this exhibit. Number one, there's
29 no dispute about its contents. Two, there's no dispute, I

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the

15:29:46
we,

1 think, from the Prosecution, that the War Council existed, and
2 three, there's nothing in this exhibit which has caught the
3 Prosecution on the hop. And I would submit in any event there
4 should be a degree of latitude given to the Defence, and also

5 Prosecution, in terms of obtaining exhibits because obviously
6 as parties, rely upon witnesses retrieving exhibits which have
7 existed for sometimes over a decade from various nooks and
8 crannies within Sierra Leone, and we, as parties, rely upon
9 witnesses doing their very best to find them and bring them so

15:30:11
that's

the

10 that we may then assess and use them if appropriate, and
11 what's happened here, and it's happened countless times with
12 Prosecution and has met no objection from the Defence.

with

13 JUDGE BOUTET: But you say it happened countless times
14 the Prosecution and you never raised an objection. How do we

15:30:34 15 know that they were trying to introduce exhibits that were not
16 part of the order that we had issued at the time? I mean, if
you
17 had made, I'm not saying you should necessarily have made
18 objections; now, how are we to assess that?

19 I don't know, maybe you're right, Mr Jordash, but I have
no

15:30:48 20 way to make any assessment of what you are saying. I don't
know

21 if they have indeed introduced documents, exhibits, that were
not
22 part of the list of exhibits that they had prepared.

23 I'm in total loss to appreciate -- I'm just trying to
24 follow your argument in this respect because we are at a very
15:31:08 25 very difficult position to make an assessment of what you are
26 saying. Maybe they did that once over 500 exhibits or maybe
they
27 did that every second exhibit. We just -- I certainly have no
28 idea of what you are -- what is the substantive nature of your
29 comments here in this respect? I am unable to make any

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1 appreciation of that. Do you understand my concern?

2 MR JORDASH: Your Honour, yes. Well, I can give
examples.

3 I'm not sure it would take the point much further, but I can
4 think of TF1-366, and the exhibit which was the news report on
15:31:49 5 the death of Abacha in 1998. I can think of TF1-330 and TF1-
008
6 producing farming exhibits which have not been on the original
7 exhibits but the witnesses had clearly come to the Prosecution
at
8 the last minute with the exhibits and we had said: Fair
enough,
9 this is what happens, and we haven't been prejudiced because
we
15:32:12 10 can cross-examine the witness about them, and that's the
position
11 we take with this, and I think three other exhibits, none of
12 which are particularly controversial. The War Council existed
13 and I don't think the Prosecution will say differently.
14 PRESIDING JUDGE: Well, Mr Fynn, we have listened to
your
15:34:34 15 objection. It is a well-founded objection because I think the
16 Prosecution, like the Defence, is entitled to at least the
17 disclosure of the exhibits which the Chamber has ordered to be
18 disclosed to you by the Defence, and, indeed, we would urge
the
19 Defence to ensure that, you know, the exhibits are disclosed
to
15:35:06 20 the parties and not rely on past practices which may not have
21 been put in place, you know, with any -- on any sound legal
22 basis. Maybe the earlier is based on compromises and things
like
23 that. I don't think we should be working on compromises. We
are
24 here to work on strict principles of the law and to apply
them,
15:35:37 25 so you are right.

26 We urge the Defence to ensure that your aspirations are
27 met, but, for purposes of admitting this as a documentary
28 exhibit, I'm not saying that we're laying this as a rule for
any
29 future tenderings which the Defence is going to make. We
expect

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1 that they live by the procedures and the orders that have
2 emanated from this Court, so we would admit this but with this
3 observation: That the Defence lives up to its obligation and
not
4 to surprise the Prosecution which is entitled to notice to be
15:36:28 5 given to it for any exhibit that the Defence intends to file
in
6 the course of the proceedings. So, Mr Jordash, are you
tendering
7 this document?

8 MR JORDASH: Your Honour, yes. Could I just make one
9 clarification? It was disclosed, this and two other documents
15:36:49 10 which I had hoped to tender, were disclosed to the Prosecution
11 two days ago, after we had received them, which was about a
week
12 ago and assessed them and then served them as per the Court's

13 order. What we didn't do was put them into the filing in
April 14 because we didn't have them at the time.

15:37:06 15 PRESIDING JUDGE: But are you saying they were not
16 disclosed?

17 MR JORDASH: No, they were definitely disclosed two days
18 ago.

19 JUDGE BOUTET: But not in accordance with the order
which
15:37:14 20 was at the time?

21 MR JORDASH: Yes. Certainly. We disclosed them as soon
as
22 we'd made a decision to use them.

23 PRESIDING JUDGE: Please, make sure you make early
24 decisions as to what you want to use and comply with the
orders,
15:37:30 25 you know, of the Court. It's important. It all goes to
26 determine the credibility of the proceedings. I think we
should
27 do things the right way. In any event, you say you are
tendering
28 the document, are you?.

29 MR JORDASH: If I may, I'd like to ask the witness a
couple

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1 of questions on it.

2 Q. Could I just ask you to confirm, Mr Witness -- are you
3 okay? Are you feeling okay, Mr Witness?

4 A. I am well. There is nothing wrong with me, thank God.

15:38:17 5 Q. This was a message to you; is that correct?

6 A. Yes, that's correct. I was not alone.

7 Q. Okay. So were there other civilians on the council?

8 A. Well, I will explain to you now. All these numbers at
the
9 bottom of this document, these are chiefdoms.

15:38:46 10 Q. Okay. Let me ask you this, Mr Witness: What was the
11 object and purpose of this council in 1999; what was it doing?

12 A. Well, this council, they were responsible for
everything,
13 after the peace that Mr Sankoh could explain to the people,
that
14 they --

15:39:43 15 THE INTERPRETER: Your Honours, can the witness take
that
16 last bit of his statement?

17 MR JORDASH:

18 Q. Sorry, Mr Witness, the translator got lost. Can you
give
19 the last two sentences again, please?

15:39:43 20 A. It was Mr Foday Sankoh who arranged that council. He
used
21 to call it People's War Council. If there was anything, they
22 would be consulted. Whatever decision they were to take, they
23 would explain to him. All these chiefdoms whose name are on
this
24 list: Mandu Chiefdom, Bambara Chiefdom, Deya Chiefdom, Luawa
15:40:26 25 Chiefdom.

26 Q. Mr Witness, sorry to interrupt again. And what did it
27 arrange? What was it doing in 1999?

28 A. Whatever arrangement that was coming from him or coming
29 from the civilians, the War Council would talk on it.

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1 Q. Right. How often did it meet in 1999?

2 A. They were not -- they were not meeting frequently.
3 Sometimes after one or two months they would meet.

4 MR JORDASH: Okay. May I tender this as an exhibit,
15:41:19 5 please?

6 PRESIDING JUDGE: Well, I suppose we have disposed of
7 Mr Fynn's objection. The document is admitted as an ordinary
8 exhibit.

9 MR JORDASH: Thank you.

10 15:41:38 PRESIDING JUDGE: And it is marked Exhibit 251.

11 [Exhibit No. 251 was admitted]

12 MR JORDASH: And I've got a further exhibit which Mr
Fynn

13 may object to, but it is a similar argument. If I may refer
Your

14 Honour to Exhibit 399, page 30821. May the witness be given a
15:42:15 15 copy, please?

16 Q. If you would, if you recognise it, say so, and we all
17 just move on.

18 THE INTERPRETER: Your Honours, can the counsel please
19 speak through the mic?

15:43:15 20 MR JORDASH: Yes.

21 Q. Mr Witness, if you could just say whether you recognise
the
22 document and then that should be sufficient for my purposes.
Do
23 you recognise it?

24 A. [No interpretation].

15:43:18 25 MR JORDASH: [Overlapping speakers] no translation?

26 THE INTERPRETER: Your Honours, I think the mic is off
to
27 the witness.

28 MR JORDASH: Oh, the mic is off.

29 Q. Thank you, Mr Witness. Did you say something just then?

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1 A. Yes. This xxxxx was written to me by G5.

2 MR JORDASH: Thank you. Could that be tendered, please,
as
3 an exhibit?

4 PRESIDING JUDGE: Mr Fynn?

15:44:09 5 MR FYNN: My Lord, may I seek clarification as to the
6 exhibit number? I did not hear it clearly. Was it 399?

7 MR JORDASH: Yes.

8 PRESIDING JUDGE: Yes.

9 MR FYNN: No objection, My Lord, based on your earlier
15:45:27 10 ruling.

11 PRESIDING JUDGE: Thank you for your generosity to
12 Mr Jordash.

13 MR JORDASH: I will leave it there in terms of exhibits.

14 PRESIDING JUDGE: Just a minute, please. It is admitted
15:45:27 15 and marked as Exhibit 252.

16 [Exhibit No. 252 was admitted]

17 MR JORDASH: Thank you.

18 Q. Finally, Mr Witness, one subject left for me to deal
with
19 and then you will be asked questions by others. Did there
come a
15:45:27 20 time when you saw a man from the UN in Kailahun, a man with
21 Issa Sesay?

22 A. Yes, yes. I've recognised him.

23 Q. Do you remember which year this was? Let me ask this:
Was
24 it before or after the Lome peace agreement?

15:46:13 25 A. It was after the Lome Peace Accord.

26 Q. And when you saw Issa Sesay in Kailahun at this time,
did
27 he do anything or arrange anything?

28 A. Well, he had a lot of arrangements. He had a lot of
29 arrangements.

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1 Q. Such as?

2 A. Well, he used to talk to the soldiers as well as to the
3 civilians. But the person that we've just mentioned that
came,
4 there was a very big occasion in that town. The occasion was
15:46:58 5 very big. It was a happy moment that day. On that day masked
6 devils were out in the streets.

7 Q. Okay. Let me ask you this: Did Issa Sesay have
anything
8 to do with farming around this time in Kailahun?

9 A. No. At that time he was not farming. We only asked him
15:47:39 10 that favour.

11 Q. What favour?

12 A. Well, we asked him that we wanted to farm at
Tukpagbehun.

13 Q. And what happened?

14 A. Well, he helped us greatly.

15:47:59 15 Q. How did he help concerning the farm at Tukpagbehun?

16 A. Well, that particular one, I would like you to give me a
17 chance to explain more. Am I allowed to explain?

18 Q. Yes. I'm sorry to be rushing you along, but take your
time

19 and explain this in your own words, Mr Witness, and then I've

15:48:26 20 finished.

21 A. The time Issa came there were leaders who went to meet
him.

22 They greeted him happily. A large crowd were with him, but he
is

23 a man, the way I saw him, he had respect for elders. He said,
"I

24 have seen all of you have come, yes, that is okay, but there
are

15:49:09 25 elders also among you in this parlour." He said -- he said,
"All

26 of you should give me -- should excuse me so that I will be
able

27 to talk with the elders." So we were excused. Even at that,
28 people were still entering. We went into his room. He
thanked

29 us happily, with some amount of xxxxx happily. Then we told
him

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1 that we wanted to make a farm, but this farm we are going to
2 labour it as RUF farm. Since we are going to farm, we would
like

3 to continue this farming. But this farm was a family farm, so
4 that everybody in this chiefdom would be able to do it
together.

15:50:24 5 He said, "What will I do?" Then we said, "We wanted to make a

6 farm. We would like to know whether you would be in a
position
7 to help us." He said, "Yes, I have accepted. Whatever be the
8 case, whatever help I would be able to help you, I will do
it."
9 So all those elders had a consultation among them and asked:
10 "Where do we -- where do we farm? This is not a farm that we
15:50:55 are
11 going to do a -- that is not important. This farm is for
eight
12 chiefdoms." So the chief who was at Luawa, we asked him to
give
13 us bush. He said he had heard that. So then we went to him
and
14 said, "The time we are able to make this farm, we will let you
15:51:49 15 know." So we would ask him that, "You, the chief, where do
you
16 really think that this -- the place, where to make this farm,
17 where do you think that would be? Fine."
18 PRESIDING JUDGE: We have heard that. We have heard
that.
19 We have heard that. Please proceed. We have heard that. You
15:52:04 20 asked him for land, and where you make it, you agreed, yes.
21 Proceed.
22 THE WITNESS: Well, the land, the bush, he gave it to
us.
23 Then we wrote letter. We told the G5 that we are now ready to
24 work. "So please explain to the man that we are now ready to
15:52:33 25 work." So all these eight chiefdoms, we divided it into two,
26 Kissi Kama, Kissi Teng, Kissi Tongi, Luawa, they would give us
27 200 manpower: Bambara, Mandu, Deya, Malema, 200 people. Then
we
28 selected a date where we should farm.

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1 interpreter.

letter

2 THE WITNESS: Then that was the time we received a

packets

3 that they had sent food for us: Eight bags of rice, ten

That

4 of Maggi and three bags of salt, and fish or meat -- meat.

15:53:51
for

5 was what they sent for us. We were very happy. Then the day

was

6 the brushing, we all met together. The only person who was a

7 soldier in which we were all moving together was the G5. He

Then,

8 in Pendembu. That day we brushed. We brushed completely.

rice

9 after that, we continued with the work. We harvested that

15:54:42
village

10 completely. From Pendembu to that farm there is a small

we

11 that we stored that rice. We stored that rice there so that

12 would be able to arrange that rice, but it was Hutata who took

13 that -- all of that rice.

of

14 Q. Mr Witness, let me stop you there. So this is the story

15:55:22 15 the Tukpagbehun farm that you have told us about, am I
correct?

16 A. Yes.

17 Q. That's the true story.

18 PRESIDING JUDGE: You mentioned the name Hutata; who's
19 Hutata?

15:55:30 20 THE WITNESS: At that time there was an election. The
21 members of that election took all of that rice. The chief
went
22 and explained that to me.

23 MR JORDASH:

24 Q. Which political party did the people who took the rice
come
15:55:45 25 from?

26 A. It was SLPP party.

27 Q. Thank you. Sorry, I do have one last subject for you,
28 Mr Witness. Do you know anything about mining in Giema Town
29 in --

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ask
1 A. Well, this is all the more reason why at times when you

2 me I would like to sit down for a while so that I can think.

of 3 That one, if I can explain? Am I allowed to explain some part

4 it?

15:56:37 5 Q. Yes. Again, I apologise for rushing you. Go ahead and
do, 6 explain what you know about mining in Giema Town. Before you

7 though, what year are we talking about?

8 A. Well, at that time it is like --

9 Q. Let me ask you, where were you living when --

15:57:11 10 A. I was in Sembehun. I was in Sembehun.
your 11 Q. And do you remember if it was the first two years of

12 time in Sembehun or the second two years when this event
13 happened?

14 A. I think it is -- I think it is in '97 to '98.

15:57:44 15 Q. Okay. So tell us about what you know about mining in
Giema 16 around that time.

He 17 A. Well, at that time there was a man called Mr Patrick.
18 came from Pujehun. It was because of the war that he came.

19 Q. Do you know his last name?

15:58:15 20 A. It is only Patrick that I'm aware of, very well. He
21 brought his wife together with his children and one Shek. He
22 lied a big lie for us; ever since in my life I've never seen
such

23 a liar. There was just one time he said that --

24 Q. Stop. Stop. Just repeat your answer, please, Mr
Witness.

15:58:56 25 The translator didn't get it.

26 A. I said it was a very big lie that he lied to us. I've
27 never seen such a liar in my life.

28 Q. What lie did he tell to you?

29 A. Concerning that mining.

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1 Q. And what was the lie?

2 A. Well, he said there were xxxxxx in a particular place,
3 but that was a lie.

4 Q. And how do you know it was a lie?

15:59:37 5 A. Well, he told us to make a sacrifice with the xxxxxx.
6 Mosquito gave the sheep and the xxxxx was killed for
sacrifice.

7 The man had come, he had a xxxxxxxx in his pocket, like a
number

8 10. It was very small, too small. Then he made us go there.
He

9 said, "Master, there's a xxxxxxxx in this town. Let us make a
16:00:17 10 sacrifice."

11 Q. Who did he say that to?

12 A. He told Mosquito that.

13 Q. Was Patrick a civilian or a soldier?

14 A. He was a civilian. He came from Pujehun.

16:00:36 15 Q. So what had he done with the very small xxxxxxxx

16 A. It was just one. It was not many. It was just one.

17 Q. What did he do with it?

we
18 A. That xxxxxx the time he told us to work at that place,
19 all dug out gravels and packed them. Then he took that very
16:01:06 20 small xxxxxx and go and place it in one of the piles of the
21 gravel. That happened on a Thursday, like tomorrow would be
22 Friday to wash the gravel. All of us went there, a large
crowd.
23 They were cooking food for sale. They washed that gravel
until
24 they did not see anything. Then he went and told us that the
16:01:47 25 high xxxxx has told us to wait because there's another xxxxxx
26 to perform tomorrow. Then we performed that xxxxxxxx Then in
27 the morning the pile of gravel, where he went, was the first
28 place that he went and asked us to wash. As we washed that
29 gravel, then we saw that particular xxxxxxxx That one, nobody

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in
1 could believe it, it was a very big thing in that area. Then,
2 the morning, Mosquito sent a patrol, rice and salt, Maggi, and
3 said these things were for Mr Patrick. They, he and his
4 dependants, were living on that. We washed that gravel over
and
16:02:52 5 again. We did not see any other diamond other than that.
Then

6 people became fed up. Then Mr Patrick, one day I was moving
7 around Giema, and then I asked him to xxxxx at Sembehun. Then
8 he said, "Okay, xxxxx." I went there, I xxxxxx in that Joe
9 Bush and we xxxx. We talked a lot. Then I asked him that,
"High

16:03:34 10 Priest, this xxxxxx arrangement, how far have you gone?" I
11 said, "Let me explain these xxxxx to you. This, of my friend,
12 you, sitting down here now. Let it be a xxxxx between you and
13 I. Let it not be heard by any other person. There was no
14 xxxxx in that place. That xxxx was in my hand. How could

16:04:08 15 you expect me to have got food so that my children and I would
be
16 able to live on?" I said, "That was my own 15 that I had
17 played." I said, "You, if it was during the time of the Gios,
18 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx I said, "My
19 friend, let us stop there. Let us not mention this talk
again."

16:04:41 20 That was the end of that xxxxx business.

21 Q. So Patrick played a trick to obtain food, and did the --

22 A. Yes.

23 Q. And the trick was played on Mosquito?

24 A. Yes, and all of us who laboured in vain.

16:05:07 25 Q. And those who laboured in vain, did they labour in vain
26 voluntarily?

27 A. That everybody was happy for that work. At that time,
they
28 put down their guns.

29 Q. Thank you. Thank you very much for your explanation.

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1 Again, sorry to hurry you.

2 PRESIDING JUDGE: Everybody was happy and they put down
3 their guns?

4 THE WITNESS: Yes, concerning that work, they all put
aside

16:05:47 5 their guns. At that time it was not the business of guns.

6 Everybody put guns aside for that mining.

7 MR JORDASH:

8 Q. So who worked on the mining then, civilians and soldiers
or

9 civilians --

16:06:08 10 A. They were civilians only, but the soldiers went there
later

11 but there was no diamond. They were just working in vain.

12 MR JORDASH: Thank you. I've got nothing further, Your

13 Honours. I've got no more questions but there will be
questions

14 from others.

16:06:30 15 THE WITNESS: Okay.

16 PRESIDING JUDGE: Yes, Mr Ogeto?

17 MR OGETO: Yes, My Lords. We have a few questions to
ask

18 this witness in cross-examination. Can I proceed, My Lord?

19 PRESIDING JUDGE: Yes, please, you may.

16:07:30 20

CROSS-EXAMINED BY MR OGETO:

21 Q. Good afternoon, witness.

22 A. Good afternoon, sir.

23 Q. Perhaps I should start by introducing myself. My name

is

24 Ogeto. I am the Defence counsel for Mr Morris Kallon. I have

a

16:07:56 25 few questions for you. I'm sorry, you are tired, I'm sure,
but

26 please bear with me and please listen very carefully to my

27 questions. They are going to be very brief and I will request

28 that you try and make your answers equally brief. If I need

29 further particulars, I will try and get those from you. Are

we

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1 together?

2 A. Okay.

3 Q. You know the accused person in this case, Mr Morris
Kallon?

4 A. Yes.

16:09:08 5 Q. When did you first meet Mr Kallon?

6 A. It was in Pendembu.

7 Q. When was that?

8 A. At the beginning of the war.

9 Q. Would that be 1991?

16:09:22 10 A. It was in 1991.

11 Q. Very briefly, in what circumstances did you meet Mr
Kallon

12 in 1991?

13 A. Well, the soldiers called us to the court barri; we were
14 many. Then he came and told the town commander, they said, I
16:09:53 15 want all the civilians to go forward because the soldiers are
16 advancing. That was the time I knew him, I saw him there.

17 Q. Thank you. Did you subsequently meet Mr Kallon after
that

18 initial meeting?

19 A. Yes.

16:10:19 20 Q. When and where?

21 A. I saw him in Buedu, but I cannot remember that date.

22 Q. Did you meet Mr Kallon or did you see him in Kailahun
23 between end of 1996 and the year 2000?

24 A. No.

16:11:00 25 Q. Now, during your stay in Kailahun during the period end
of

26 1996 to 2000, did you hear of the presence of Mr Kallon in
27 Kailahun in the company of soldier bodyguards?

28 A. No.

29 Q. Sorry, of child bodyguards?

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1 A. No.

2 Q. Now, during the period end of 1996 to the year 2000, are
3 you aware of any recruitment of children as RUF soldiers?

4 A. No child was able to go to the base.

16:12:19 5 Q. But did you hear of any recruitment of child soldiers in
6 Kailahun during this period?

7 A. I did not hear that they were recruiting children but
8 people used to go to the base.

9 Q. Do you know if the accused person Morris Kallon, Morris
16:13:24 10 Kallon, had a farm in Kailahun during the period end of 1996
to
11 the year 2000?

12 A. I did not see a farm was -- I did not see Morris Kallon
13 owning a farm.

14 Q. You never received that information that he had a farm
in
16:13:24 15 Kailahun during that period?

16 A. I did not hear that.

17 Q. Did you ever receive information from anybody during
that
18 period that Morris Kallon was involved in any attempts to
force
19 civilians to make contributions of foodstuffs to the RUF. Did
16:13:59 20 you receive any such information?

21 A. Never did I hear that. In fact, you would not see
Morris
22 Kallon in the rear. He was always in the front line.

23 Q. Are you aware of any involvement of Morris Kallon in any

1996 24 attacks or any killings in Kailahun during the period end of

16:14:37 25 to the year 2000?

26 A. No.

27 Q. Now, during the period that you said you met Mr Morris

28 Kallon, can you very briefly explain to this Court, if you are

29 able, his relationship with civilians in Kailahun?

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1 A. Morris Kallon, if you want to say he was always in
2 Kailahun, no, except if he comes to look for soldiers. I only
3 became familiar with Morris Kallon at the time he took us to
4 Zagoda but to say that a civilian would come and say here that
it

16:15:29 5 took long with Morris Kallon up to ten minutes, no.

6 Q. My question is, witness, during the time you knew him,
the
7 time you met him in Kailahun, are you able to explain to the
8 Court the nature of Morris Kallon's relationship with the
9 civilians in Kailahun?

16:15:57 10 A. I did not see him in Kailahun Town.

11 Q. Are you aware or did you receive any information about
any

12 attempts by Mr Kallon to force women to marry RUF soldiers in

13 Kailahun?

14 A. Never did I hear that.

16:16:33 15 MR OGETO: My Lords, I have no further questions for
this

16 witness. Thank you very much.

17 PRESIDING JUDGE: Thank you, Mr Ogeto. Yes, Mr --

18 MR CAMMEGH: Your Honour, I'm going to be certainly
until

19 the end of the day. I'm in Your Honours' hands. I don't know

16:17:08 20 whether you would prefer to take an early break, so I can go

21 unbroken.

22 PRESIDING JUDGE: No, we want to continue until when it
is

23 time. I hope it suits you.

24 MR CAMMEGH: Very well. I'm perfectly happy to go on.

16:17:18 25 PRESIDING JUDGE: We have 20 minutes to go. Let's just
--

26 MR CAMMEGH: Yes.

27 CROSS-EXAMINED BY CAMMEGH:

28 Q. Good afternoon, Mr Witness.

29 A. Yes, good afternoon, Pa.

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1 Q. I represent Augustine Gbao, and I've got several
questions

2 to ask you. I want to remind you that we're in open session.

3 Please don't say anything that might give away your identity.

4 You're probably aware that the Prosecution have called various

16:18:00 5 witnesses in this trial against my client, and what I want to
do

6 is ask you a series of questions which are drawn from the

7 evidence that this Court has heard previously. So I hope you

and

8 Your Honours, in fact, will forgive me if from time to time I

9 jump around and I also hope that I don't duplicate any

questions

16:18:27 10 that Mr Jordash has asked. I will do my very best but Your
11 Honours will understand that an examination based on two large
12 witnesses takes a lot of planning and I will hope to remove
any

13 extraneous stuff, if I can. Mr Witness, I'd like to start,
14 please, with the overall picture, the overall conditions which

16:18:52 15 the people of Kailahun were living under from 1996 to the end
of

16 the war. Would it be fair for me to suggest that all the

17 inhabitants of Kailahun agreed that the enemy was the Kamajors

18 and ECOMOG?

19 A. I want you to repeat that question.

16:19:43 20 Q. Would it be fair for me to suggest that the population
of

21 Kailahun District were generally agreed that the enemy was the

22 Kamajor and ECOMOG forces?

23 A. Yes.

24 Q. In your position, you've already told the Court what

that

16:20:30 25 was, would it be fair for me to assume that you had a very

District 26 wide-spread knowledge of what was going on in Kailahun
27 during the war?
28 A. What I know is what I will explain.
as 29 Q. In your position, were you able to receive information

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1 to incidents taking place within Kailahun District during the
2 war?
3 A. Well, that's what I said to the lawyer. What I saw is
what
4 I will explain. What I heard I will explain. But if you
asked
16:21:34 5 me if I heard, I would explain, because the district is large.
6 Q. It's my fault for not expressing my question very well.
7 I'm going to try again. By virtue of the position that you
held,
8 were you in communication with other people within Kailahun
9 District?
16:22:05 10 A. Yes, I used to communicate with other people.
11 Q. And through that communication, did you often receive
news
12 about what was going on throughout the district?
13 A. No. I wouldn't know some things. Some things I would

14 know.

16:22:32 15 Q. But stories and rumours were -- let me put that
16 differently. Were you in a position to receive information
about
17 events taking place?

18 A. So I used to get some information.

19 Q. I am just going to ask you about some examples, if I
may.

16:23:04 20 Do you know the crossing point over the Moa River at Mende
Buima?

21 A. Yes.

22 Q. Did you hear about an incident there in November of 1996
23 where the Kamajors killed many Kailahun citizens?

24 A. Yes, I received that information.

16:23:40 25 Q. Yes. Did you also hear about an attack by Kamajors on
26 citizens in Giema at about the same time?

27 A. Yes. At that time I was in Sembehun.

28 Q. Okay. And I think it's right, Mr Witness, and please
29 correct me if I am wrong, that during that attack on Giema
rice

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Bushes 1 barns were burned down and the Giehun and the Sembehun Joe
2 were severely damaged; would you agree?

3 A. They burnt them, my own very barn.

4 Q. What I want to suggest to you is this: That when events
16:24:49 5 like that took place, the rumours and the stories circulated
very
6 quickly throughout the district; passed on from one senior man
to
7 another; would you agree?

8 A. Yes.

9 Q. I'm not sure about my geography of Kailahun District, so
16:25:21 10 you will correct me if I am wrong, please, but is it right
that
11 Talia is about 12 miles from the Mende Buima crossing point?

12 A. To go to Talia?

13 Q. From -- between Talia and Mende Buima crossing point, is
14 that about 12 miles?

16:25:51 15 A. Well, I know that from Talia to Kailahun it's seven
miles,
16 but from Mende Buima, I don't know.

17 Q. Again, Mr Witness, I'm sure you've been told already, if
18 you don't know the answer to any question, just say so and
I'll
19 move on.

16:26:15 20 A. Okay.

21 Q. I'm going to ask you more specific questions shortly,
but
22 again, I'm concentrating on the conditions that prevailed in
23 Kailahun District at this particular time, and I'm asking you
24 about things that you may have heard. Another thing that I'm
16:26:40 25 asking about is this: Had you or did you ever hear of anybody
the
26 living in Talia losing a relative in the war, being killed in
27 war?

28 A. No.

29 Q. Did you hear of a further attack by Kamajors on Giema

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just 1 in January of 1997 about two months after the attack you've
2 told us about?

3 A. That attack that they did, they did not do any other
4 attack. They did another attack at one time. That was the
time
16:27:41 5 they passed through our own place and burnt down rice barns.

6 Q. Okay. Was there another attack on Giema after that,
7 shortly after that?

8 A. No.

9 Q. Again on the subject of things you might have heard
about,

16:28:11 10 were you aware, in approximately February of 1998, so we're
11 moving on in time now, of an attack by ECOMOG and Kamajor
forces
12 on the town of Kenema?

13 A. Kenema?

14 Q. Yes.

16:28:37 15 A. I did not hear that.

suggesting

16 Q. Let me see if I can jog your memory. What I'm

17 happened in February of 1998 was that the ECOMOG and Kamajor

they

18 forces pushed, pushed eastwards towards Kailahun District;

burnt

19 took Kenema and, having taken Kenema, many civilians were

16:29:08
over

20 alive in Hangha Road, many of them having burning tyres put

21 their heads. Did that story reach you?

22 A. I heard that one.

you

23 Q. Similarly, Mr Witness, did you ever experience or did

District

24 ever hear about Alfa Jets bombing civilians in Kailahun

16:29:45

25 from early 1998 onwards?

26 A. Many.

until

27 Q. Many. Thank you. And having told us all of this, would

28 you agree with me that in the years late 1996, certainly up

war?

29 the beginning of 2000, Kailahun District was in a state of

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1 A. Pardon me?

2 Q. Would you agree with my suggestion that between late '96

3 and early 2000 Kailahun District was in a state of war?

4 A. Up until '99 that there was war there?

16:30:54 5 Q. Yes, that's my suggestion.

6 A. Yes.

7 Q. To put it more specifically, would it be fair for me to
say
8 this: That Kailahun was, in fact, under siege during that
period
9 of time, constantly under attack from ECOMOG and Kamajor
forces;
10 would you agree?
16:31:19 10

11 A. Yes, that happened many times.

12 Q. Okay. And because of that, and because of the answer
that
13 you gave me earlier, which is that everybody agreed that the
14 Kamajors and the ECOMOG were the enemy, would you agree with
me
15 that the population of Kailahun District had to have pulled
16 together in a voluntary, mutual war effort?
17 A. Not everybody agreed in order to fight the war.

18 Q. Which people did not agree?

19 A. Well, where we were, there were some people who did not
16:32:23 20 carry guns. They were civilians. But when they are attacked,
21 nobody was happy.

22 Q. Can I put the question in a different way: That the
23 citizens of Kailahun, and by "citizens," I don't just mean the
24 civilians, I mean the soldiers as well, were they united in a
war
25 effort against ECOMOG and the Kamajors?
16:32:50 25

26 A. No.

27 Q. Then which were the people who were not united?

28 A. In Kailahun District?

29 Q. Yes.

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are 1 A. They used to attack us mornings and night, and when you

2 attacked, you would not like that person. The guns do not
3 discriminate. You will die.

4 Q. I think we're talking at cross-purposes. My question's
16:33:41 5 very simple. Maybe it's my fault that I'm not expressing it
6 properly. I'm making a suggestion, and I'm just asking if you
7 would agree with me, my suggestion is very simple: That
8 everybody living in Kailahun District was on the same side,
that
9 there was unity amongst the population in Kailahun District.
I'm

16:34:07 10 not talking about the people that were attacking; I'm talking
11 about the inhabitants of Kailahun.

12 A. Yes, we were united.

13 Q. Thank you.

14 MR CAMMEGH: Would that be a convenient moment, Your
16:34:24 15 Honours, for the afternoon break?

16 PRESIDING JUDGE: Have you got anything else to follow?

Honour, 17 MR CAMMEGH: I've got plenty more questions, Your
going 18 but that finishes the opening salvo, if you like. I'm now
testimony 19 to move on to more specific questions pertaining to the
16:34:50 20 we've heard before.

21 PRESIDING JUDGE: Well, the Court will recess for a few
22 minutes. We will resume thereafter. The Court rises, please.

23 [Break taken at 4.31 p.m.]

24 [RUF16OCT07E - MD]

17:12:19 25 [Upon resuming at 5.09p.m.]

26 PRESIDING JUDGE: Yes, Mr Cammegh, you may proceed,
please.

27 MR CAMMEGH: May it please Your Honour.

28 Q. Good afternoon, Mr Witness.

29 A. Good afternoon.

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1 Q. You've already told the Court that you knew a man called
2 Aruna Bondu; correct?

3 A. Yes, I know him.

4 Q. Can I just ask you about his pronunciation because we've
17:13:53 5 heard him referred to as Bondu. I've just called him Bondu;

6 which is the correct pronunciation?

7 A. His name is Aruna Bondu.

8 Q. And you've told us that you knew him very well; yes?

9 A. Very well. I knew him very well.

17:14:24 10 Q. And I think you told us that you both became good
friends

11 after he became Deputy Chiefdom Commander in xxxxxx
Chiefdom; is

12 that right?

13 A. That is correct.

14 Q. Did you know -- and I'm referring to the years '96 to

17:14:53 15 '99 -- did you know Augustine Gbao?

16 A. I know Augustine Gbao.

17 Q. And I think you've told me earlier today that the
village

18 of Talia is about seven miles from Kailahun Town; was that
right?

19 A. Yes.

17:15:24 20 Q. It's been said by a witness in this trial that during
the

21 years I've just mentioned, '96 to '99, the citizens of
Kailahun

22 District --

23 PRESIDING JUDGE: Mr Cammegh, may we have reference of
that

24 witness? Is it possible for us to have a reference?

17:15:54 25 MR CAMMEGH: Certainly. I don't have a page or line
26 number, I am afraid.

27 PRESIDING JUDGE: The pseudonym.

28 MR CAMMEGH: Contained within the testimony in chief of
29 TF1-330.

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could 1 PRESIDING JUDGE: If, in making such references, we
2 be provided with a reference as we have always done. TF
3 so-so-so. That is okay. You may go on.

one 4 MR CAMMEGH: I am sorry about that, Your Honour. He is
17:16:20 5 of the witnesses who I am afraid I haven't prepared such a
6 precise summary of. I take Your Honour's point on board and I
7 will try to avoid such specific references.

8 PRESIDING JUDGE: That is okay.

9 MR CAMMEGH:

17:16:33 10 Q. If I can just complete that question though: It has
been

11 said in this room, during this trial, Mr Witness, that between
12 '96 and '99 the citizens of Kailahun District were living in
13 slavery; would you agree with that?

14 A. Yes. We --

17:17:02 15 THE INTERPRETER: Your Honours, can the counsel take
that
16 question again?

17 MR CAMMEGH: I will put it more simply.

18 Q. Were people living like slaves in Kailahun District
between

19 1996 and 1999 or not, to your knowledge?

17:17:26 20 A. We were in slavery in 1991 to 1992. We were in slavery.

21 In '96, '97 and '98 there was no slavery again.

22 Q. And just to finish off: What about 1999?

23 A. There was no slavery. At that time we are now buying
24 cocoa.

17:17:56 25 Q. Okay. So, is this your evidence: That while the Gios
were

26 in Kailahun District there was slavery, but when the RUF were
in

27 control in Kailahun, there was no slavery; is that what you're
28 saying?

29 A. Yes, that is what I want to explain that to you today;
that

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1 there was no slavery there at all. Yes, we fought the war but

2 there was no slavery. There was no slavery at all.

3 Q. Bearing that in mind, did you ever hear either Mosquito,
or

4 Issa Sesay, or Augustine Gbao, or Foday Sankoh, ever tell the

17:18:59 5 citizens of Kailahun that what they had was no longer theirs?

6 A. That did not happen.

7 Q. Did you ever hear it said that in the hierarchy of the
RUF,

8 Augustine Gbao was next after Mosquito and Issa Sesay?

9 A. I did not know about Augustine Gbao's position. It was
17:21:01 10 later that I knew. It was later I knew as IDU.

11 Q. Thank you. I accept, of course, that Augustine Gbao was
12 the commander of the IDU. To the best of your knowledge,
13 Mr Witness, what was his role or function as head of the IDU?

14 A. Well, the time the rebel -- G2 to IDU -- that was the
time
17:21:01 15 they gave that name as Internal Defence Unit.

16 Q. Are you all right, Mr Witness?

17 A. Well, they gave him that position that he was the big
18 commander, over all the IDU commanders.

19 Q. And tell us if you don't know this for sure, but do you
17:21:39 20 know what the IDU's function was within the Kailahun District?

21 A. Yes.

22 Q. Can you tell us what you know about that?

23 A. Well, the IDU, the way we heard about them, any soldier
who
24 did bad, they would write letter about you or, if we were
doing

17:22:21 25 anything that was not good they would write letter about you.

26 That was what we knew about them. There were places, if they
27 went there, one could not identify them as IDUs. As I used to
28 hear, they used to send some of them to the target areas, so,

if
29 there were anything happening there, they would send back

1 reports.

2 Q. Okay.

3 A. That's the role we ever observed they were doing.

between,

17:23:24 5 Q. Thank you. They weren't, in fact, acting as a go-
between RUF soldiers and civilians, were they? Do you agree?

6 A. Yes, that's the way it happened.

between

7 Q. Sorry, are you saying that they were a go-between,

8 RUF soldiers and civilians, or that you agree with me when I

9 suggest that they weren't?

17:23:51 10 A. Yes.

11 Q. Okay. I'll try that again. Was the IDU a go-between,
12 between RUF soldiers and civilians?

13 A. Yes.

14 Q. In what sense; can you describe?

17:24:37 15 A. They had a lot of agents. They used to go into the Joe
16 Bushes. As I understood, they were at the targets. Whosoever
17 was doing bad to a civilian, if they saw it, they would write
18 letter about you. Or if you are insulting them, they will

write

our

19 letter about you, because there was a time we were handling

17:25:24 20 own affairs with the civilians.

in

21 Q. Okay. Was it the IDU's job to tell civilians what to do

22 relation to labour?

23 A. It was not the job of the IDUs.
24 Q. Yes. See, if somebody was to suggest that it was
Augustine
17:26:12 25 Gbao who would tell Morie Fekai, who would then tell the
26 civilians what to do and where to work, if someone was to
suggest
27 that, what would you have to say?
28 A. I cannot believe that type of person, because Morie
Fekai
29 was a G5.

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Witness, 1 Q. Yes. Thank you. And on the subject of the G5, Mr
2 would you agree with me that one of the G5's main
3 responsibilities was for the distribution of all food supplies
4 within Kailahun District --

17:27:14 5 THE INTERPRETER: Your Honours, can the counsel take
that
6 question again?

7 MR CAMMEGH: Yes, certainly.
8 Q. Was one of the G5's main responsibilities to ensure
proper
9 distribution of the food supply within Kailahun District?

17:27:33 10 A. That was their -- one of their heaviest work.

11 Q. Thank you. And so far as you were aware, in the
position
12 that you held during that period, did Augustine Gbao ever have
13 anything to do with the distribution of food?
14 A. I did not see that.
17:28:28 15 Q. According to your knowledge, Mr Witness, was Augustine
Gbao
16 ever the senior commander of the RUF in Giema, at any time?
17 A. No, he did not occupy that position. At that time,
excuse
18 me, at that time he had his -- all of his offices in his
pocket.
19 Q. Yes, you mentioned that earlier on today. You said, in
17:29:10 20 response to a question from my learned friend, Mr Jordash,
21 Mr Gbao kept his office in his pocket; what did you mean by
that?
22 A. At that time, he had no position. All the areas they
used
23 to sell palm oil, you would meet him there.
24 THE INTERPRETER: Palm wine. Correction, interpreter.
17:29:36 25 THE WITNESS: Wherever they used to sell palm wine, you
26 would meet him there. He has a small book in his pocket, and
a
27 pen. He would read the dictionary at that place until he got
28 some palm wine. At that time he had an eye problem. All the
29 colleges in Africa he would mention them.

1 MR CAMMEGH:

2 Q. All the what, sorry?

3 A. All the colleges in Africa. I said, all the colleges in
4 Africa, he would name them.

17:30:22 5 Q. What did he write in his pocket book; did you ever
discover

6 that?

7 A. He did not write anything down. He would just take out
8 that piece of book and then touched it for a while and then
put

9 it back into the pocket.

17:30:42 10 Q. You mean the dictionary?

11 A. Whatever word he spoke in English, he would cut that
word
12 into the dictionary.

13 THE INTERPRETER: Correction, interpreter. He would
refer

14 that word to the dictionary.

17:31:04 15 MR CAMMEGH:

16 Q. Right. Did he enjoy palm wine?

17 A. Very well. Very much.

18 Q. And where did you see him drinking palm wine; was it
just
19 in Giema or elsewhere?

17:31:22 20 A. I saw him in Giema; I saw him in Bandajuma; I also saw
him

21 in Sembahun once, where I was staying. There were huts where
22 people used to sell palm wine in those bushes.

drinking 23 Q. At this particular time, the time when you saw him
get 24 palm wine in Bandajuma, in Giema and wherever else, did you
17:32:06 25 the impression that he was a highly respected figure within
the 26 RUF?
you 27 A. It was later, because whenever Mr Sankoh gave orders,
he 28 would be afraid of it. As soon as he gave him that order that
29 was the commander, he changed a little bit.

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would 1 Q. Right. Would you agree with me that he was given that
2 order by Sankoh in about February of 1996 at Camp Zagoda;
3 you agree with that?
4 A. Well, I heard about that, that he gave that order. That
17:33:01 5 one I heard about it, but I did not understand it very well.
6 Q. Was Mr Gbao popular amongst the civilians in places like
7 Giema and Bandajuma and Kailahun Town?
8 A. As long as you drink palm oil or smoke --
9 THE INTERPRETER: Correction, interpreter, palm wine or
you

17:33:31 10 smoke a cigarette, you would know him.

11 MR CAMMEGH:

12 Q. Would you describe him as a very sociable man at that
time?

13 A. Very well.

14 Q. He was someone who enjoyed the company of others?

17:33:54 15 A. Yes. As long as you were cracking jokes, he would enjoy
16 that.

17 Q. From what you knew of him, and I appreciate we're
talking
18 about his personality, would you describe him as a kind-
hearted
19 person, who was concerned about the condition of the people
17:34:21 20 around him?

21 A. Yes.

22 Q. Although, I think from time to time he was prone to get
a
23 bit cross, to get a bit annoyed with people, from time to
time;
24 would that be fair?

17:34:40 25 A. To be angry, you cannot talk of that. I did not see him
26 where he was very angry.

27 Q. Now, you've told us that he was never the senior
commander
28 in Giema. To your knowledge, Mr Witness, did he ever become
the
29 head commander in Kailahun Town?

1 A. As for me, except when he held that position of overall
2 commander, that was the time I knew.

3 Q. I just want to be clear about this: I accept your
evidence 4 that he became the overall commander of the IDU. What I do
17:35:36 5 suggest, though, is that he was never the head commander in
6 Kailahun Town. Do you agree with me?

7 A. I cannot believe that because the headquarter was in
visiting 8 Kailahun. He used to go to Kailahun and I was not just
9 Kailahun frequently.

10 Q. So is it your evidence that you don't believe that he
was 11 the head commander of Kailahun Town?

12 A. He became a commander. I said a big commander.

13 Q. I will just try this one more time.

14 THE INTERPRETER: Correction, interpreter. Senior
17:36:28 15 commander.

16 MR CAMMEGH:

17 Q. I agree, I accept that he was the senior commander of
the 18 IDU, but, separately from that, was he ever made the head
19 commander of Kailahun Town, the head RUF commander of Kailahun
17:36:55 20 Town? I'm suggesting he was not and I want to know if you
agree

21 with me.

22 A. Apart from IDU commander, I did not hear any other
position

23 for him.

24 Q. Thank you, Mr Witness. Again, speaking as a man in your
17:37:24 25 position, were you ever aware of civilians cultivating a farm
for
26 Augustine Gbao?

27 A. As for me, I did not hear that.

28 Q. I just want to briefly go back to something, and I am in
29 Your Honour's hands, if you want this to be my last question,
or

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1 I will carry on. I just note the time.

2 PRESIDING JUDGE: Yes, we were just getting ready to
rise
3 for the day.

4 MR CAMMEGH: Then if I can just ask this last question,
17:38:14 5 please, Your Honour?

6 PRESIDING JUDGE: Yes, you may.

7 MR CAMMEGH:

8 Q. Just to revisit the issue of Augustine Gbao's
personality
9 that you just raised just now, can I read back to you
something

17:38:27 10 you told Mr Jordash yesterday. This is at page 89 of the
draft,
11 so I imagine it's page 90 of the final transcript, at lines 2
to
12 5. You said this -- I'm going to read this to you and I just
13 want you to explain what you meant: "What I knew, that he
used
14 to talk a lot, he would give a lot of lectures. It was latter
17:38:51 15 that he had opposed. Latter. That was when he started
working."
16 What did you mean by that, where you said it was latter that
he
17 had opposed?
18 A. Well, at the time that I saw him, he had no post, except
19 wherever they met, he would say good things, that you would
hear
17:39:25 20 that this person is a commander, or that this person does
this.
21 In fact, at that time, his eye had a problem on the one side.
22 Q. I promise this really is my last question. When you
said
23 he would give a lot of lectures, what were the lectures about;
24 can you recall?
17:39:50 25 A. For instance, if you had a cigarette, he would come and
ask
26 you: "Big man, where are you from?" If you were a civilian,
if
27 you were a soldier, he would sweet-talk you. After you would
28 have finished, he would ask you to give him one and you would
29 give him one or two.

1 Q. Okay. He would use his charm, would he?

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

4 MR CAMMEGH: It was a comment and I'm not going to ask
it
17:40:40 5 again because it's not a proper question.

6 Your Honours, if that's a convenient moment?

7 PRESIDING JUDGE: So, if he has a cigarette, he comes
and
8 chats you up and you would end up maybe giving him one more,
or
9 two?

10 MR CAMMEGH: Or three, I think the answer was.

11 PRESIDING JUDGE: That's the answer, is it?

12 THE WITNESS: Yes.

13 PRESIDING JUDGE: Thank you, Mr Witness. Yes, Mr
Cammegh.
14 You had another question?

15 MR CAMMEGH: No, no, I don't. Just for Your Honours'
16 information, I would hope to be no more than one hour
tomorrow.

17 I think that's probably a --

18 PRESIDING JUDGE: Well, you know, we are happy to
receive

19 those assurances and we get a bit disturbed when they are not
20 respected. But it's okay, never mind.

planned

21 MR CAMMEGH: Well, I have the advantage of having
22 everything and I'm obviously --

it's

23 PRESIDING JUDGE: No, that's all right. Mr Cammegh,
24 just a comment, and it's a fair comment that the Chamber has
25 made.

26 JUDGE BOUTET: We are not sitting tomorrow.

27 MR CAMMEGH: You are quite right.

day

28 PRESIDING JUDGE: Well, the Chamber will rise for the
29 and we reconvene on Thursday, at 9.30. We will rise, please.

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p.m.,

1 [Whereupon the hearing adjourned at 5.35
2 to be reconvened on Thursday, the 18th day
3 October 2007 at 9.30 a.m.]
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EXHIBITS:

15 Exhibit No. 238
17 Exhibit No. 239
20 Exhibit No. 240
22 Exhibit No. 241
23 Exhibit No. 242
24 exhibit No. 243
25 Exhibit No. 244
27 Exhibit No. 245
33 Exhibit No. 246
36 Exhibit No. 247
47 Exhibit No. 248
63 Exhibit No. 249
67 Exhibit No. 250
77 Exhibit No. 251
78 Exhibit No. 252

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-078

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EXAMINED BY MR JORDASH

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CROSS-EXAMINED BY MR OGETO

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CROSS-EXAMINED BY CAMMEGH