

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL-2004-15-T
TRIAL CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
V ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

MONDAY, 25 OCTOBER 2004
9.43 A.M.
TRIAL

Before the Judges:

Benjamin Mutanga Itoe, Presiding
Bankole Thompson
Pierre Boutet

For Chambers:

Ms Candice Welsh
Mr Matteo Crippa

For the Registry:

Ms Maureen Edmonds
Mr Geoff Walker

For the Prosecution:

Mr Peter Harrison
Mr Alain Werner
Mr Bobby Gboyor (Case Manager)

For the Principal Defender:

Ms Haddijatou Kah-Jallow

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Shekou Touray
Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr Andreas O'Shea
Mr John Cammegh

1 Monday, 25 October 2004
2 [Open session]
3 [Accused Kallon and Sesay entered Court]
4 [Accused Gbao not present]
09:38:52 5 [Upon commencing at 9.43 a.m.]
6 PRESIDING JUDGE: Good morning, learned counsel. We are
7 resuming our session, and we are in open session for now.
8 Before we proceed, I am sure we are all aware of the
9 sudden and unexpected death of one of our very, very
09:43:02 10 close collaborators, Bob Parnell, who was, until his
11 death, the Chief of Security for the Special Court, and
12 who indeed passed away in the Choithram Hospital in
13 Freetown on 22 October at 6.20. He was hail and hearty
14 that morning and he came to the office looking as brisk
09:43:33 15 as he always was, but at 1.00 o'clock he was rushed to
16 the hospital and, to our greatest surprise and dismay, he
17 died at around 4.00 p.m.
18 Bob Parnell was born on 8 August 1946 in North
19 Carolina, and he was married to Rosemary. Indeed, they
09:44:08 20 had just celebrated their 38th wedding anniversary. Bob
21 and Rosemary have two children, Robert Junior and Kelly.
22 Bob Parnell had a long career, which was very
23 distinguished indeed. He served in the United States
24 Marine Corps for 24 years, during which time he rose to
09:44:49 25 the rank of Lieutenant Colonel. He served in the United
26 States, in Asia, in Africa, and in Europe.
27 Upon leaving the Marine Corps in 1995, he began work
28 with the United States Department of State. He joined
29 UNICEF in 1999 and was on loan to the Special Court from

1 that organisation when he joined us in September 2002.

2 At the Special Court, where he was very well known
3 I'm sure by all of you, he was responsible for
4 establishing and maintaining all security systems. He
09:45:45 5 had a long association and a very strong dedication to
6 Sierra Leone and to its people. This sentiment was also
7 shared by his wife to the people of Sierra Leone.

8 The staff of the Special Court described Bob Parnell
9 as strong, faithful, protective, and a committed
09:46:26 10 colleague who was incredibly dedicated to his wife. His
11 sudden departure has created great sadness amongst all
12 those who knew him.

13 May his soul rest in perfect peace, and it is
14 announced that Bob's body will be repatriated to the
09:46:53 15 United States for burial. In these very sad
16 circumstances, I am inviting learned counsel and all
17 those who are here present to please rise so that we can
18 observe a minute of silence for this very dignified
19 departed soul of ours. May we rise, please.

09:48:33 20 [A minute of silence was observed
21 in remembrance of BOB PARNELL]

22 PRESIDING JUDGE: I would like to say here that the judges of
23 this Chamber are particularly touched by the sudden death
24 of Bob Parnell, and that we are all very sad and, indeed,
09:49:24 25 saddened by the announcement, because Bob served these
26 three judges very, very faithfully and very dedicatedly.
27 We really will miss him and we do again, as a Chamber,
28 extend to Rosemary and the children our very heart-felt
29 condolences. I think we would now proceed to our closed

1 session for us to continue our proceedings. Mr Walker?
2 MR WALKER: It will just take a few moments, Your Honour.
3 [At this point in the proceedings, a portion of the
4 transcript pages 4 to 26, was extracted and sealed under
09:51:21 5 separate cover, as the session was heard in camera]
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1 PRESIDING JUDGE: Are there any members of the public -- I'm
2 talking to the security officer in the gallery -- could
3 you please inform any members of the public who are out
4 there that we are now in open session.

11:04:20 5 JUDGE THOMPSON: For the records, the Trial Chamber is now
6 back in open session, having been in closed session for
7 some period of time, and I wish to mention that the Court
8 adopted this extraordinary procedure, consistent with the
9 interests of justice, including particularly the need to
11:04:47 10 give full effect to the protective measures in respect of
11 victims and witnesses. We will now ask the Prosecution
12 to proceed.

13 MR WERNER: Thank you, Your Honour.

14 Q. Sir, you told this Court about what happened in Wonedu.
11:05:17 15 How long did you stay in Wonedu?

16 A. I stayed in Wonedu for some time. Then we were moved to
17 Morigbedu.

18 Q. Could you spell for the Court --

19 A. Morigbedu, M-O-R-I-G-B-E-D-U -- in the Gbense chiefdom.

11:05:39 20 PRESIDING JUDGE: Moig --

21 THE WITNESS: M-O-I-G-B-E-D-U [sic], Morigbedu. In the Gbense
22 chiefdom, G-B-E-N-S-E.

23 MR WERNER:

24 Q. Do you know the distance --

11:06:01 25 PRESIDING JUDGE: For about how long were you in Wonedu?

26 THE WITNESS: We were there for about three weeks. Then
27 Captain Rocky ordered us to move with him to Wonedu --
28 I mean, to Morigbedu, because he had received orders from
29 his bosses that Wonedu was too close to the

1 battlefield -- that's Koidu Town.

2 MR WERNER:

3 Q. Do you know the distance in miles?

4 A. About three to four miles.

11:06:37 5 Q. From Wonedu?

6 A. From Wonedu to Morigbedu.

7 Q. And what happened when you arrived in Morigbedu?

8 A. I beg your pardon?

9 Q. What happened when you arrived in Morigbedu?

11:06:57 10 A. We were at Morigbedu for about four days.

11 Q. You described how the civilians were treated in Kaidu.

12 Were the civilians treated the same way in Morigbedu than

13 in Kaidu?

14 A. Yeah, the same way -- we were only in Kaidu for a short

11:07:24 15 time, about four days. Then our commander, called

16 Captain Rocky, informed us that he had received an order

17 to report at headquarters for further assignments.

18 Q. Where was the headquarters?

19 A. Meiyor, M-E-I-Y-O-R on the Guinea Highway.

11:08:03 20 Q. Which chiefdom?

21 A. Gbense chiefdom, My Lord.

22 Q. Did anyone succeed to Captain Rocky as your commander at

23 that point -- commander of the camp?

24 A. Well, we were not in camp at that time. We were just

11:08:24 25 moving from one place to another. By then that camp at

26 Kunduma had not been established, but what happened, some

27 civilians opted to go to Gbukuma, because Rocky said he

28 was not going with any civilians.

29 JUDGE THOMPSON: Could he spell that for us?

1 THE WITNESS: Gbukuma, G-B-U-K-U-M-A -- G-B-U-K-U-M-A, My
2 Lord.
3 MR WERNER:
4 Q. When you said they decided to go, were they free to move
11:09:03 5 by themselves?
6 A. No, we went under escort. We that opted to go to
7 different places were escorted by his men.
8 Q. And where did you go?
9 A. I went with my own group, opted to go to Masundu.
11:09:28 10 Q. Could you spell it?
11 A. M-A-S-U-N-D-U, Masundu, in the same place, Gbense
12 chiefdom.
13 Q. Do you know the distance in miles?
14 A. About seven to eight miles from Morigbedu to Masundu.
11:09:47 15 Q. What happened in Masundu?
16 A. Well, we went and reported --
17 JUDGE THOMPSON: Can we clear this up? You didn't go to
18 Gbukuma?
19 THE WITNESS: I didn't go to Gbukuma, but others went.
11:10:07 20 JUDGE THOMPSON: Others, went. I see, thank you.
21 THE WITNESS: We went to Masundu and we were handed over by
22 the escorts to one G5.
23 MR WERNER:
24 Q. Do you know his name?
11:10:21 25 A. He was Moriba -- I didn't know his rank, but it was
26 Moriba.
27 Q. How many civilians were in Masundu?
28 A. We were many -- about 200 to 300.
29 Q. And were the civilians treated the same way as they were

1 in Koidu and Morigbedu?

2 A. In Koidu, Morigbedu, Wonedu, we were treated the same
3 way.

4 Q. Maybe you said this and I didn't get you, but how long
11:11:24 5 did you stay in Masundu?

6 A. Masundu, we stayed there for a very short time. Then we
7 were moved again.

8 Q. Where?

9 A. The G5 told us that he had received orders to remove all
11:11:39 10 the civilians from that particular area to Madina again.

11 Q. The distance in miles between Masundu and Madina?

12 A. About seven miles.

13 Q. And how many civilians were in Madina?

14 A. About 200.

11:12:09 15 Q. Was a commander in charge of the civilians or G5 in
16 Madina?

17 A. There was no G5. We had a commander there.

18 Q. Could you tell the Court the name of the commander?

19 A. He was called Lieutenant Kobla.

11:12:41 20 Q. Could you spell it?

21 A. K-O-B-L-A.

22 Q. In Madina were the civilians treated the same way as in
23 the other places?

24 A. The same way as the other places.

11:13:12 25 Q. Now, when you were in Madina, do you know if bush mining
26 was going on in Kono?

27 A. In Madina, no, I didn't know about that in Madina.

28 Q. How long did you stay in Madina?

29 A. We got to Madina around July from Masundu, and I was

1 there -- we were there up to October the same year.

2 Q. So you stayed several months?

3 A. Yeah.

4 Q. And then what happened, where did you go after Madina?

11:14:21 5 A. After Madina we went to Kunduma on the order of the
6 battalion G5 commander that all civilians now should camp
7 at Kunduma -- all the civilians in that area.

8 Q. Sorry to interrupt you, sir. Could you tell the Court in
9 which chiefdom is Kunduma?

11:14:45 10 A. Kunduma is in the Fiama chiefdom, F-I-A-M-A.

11 Q. Could you tell the Court, if you know, the distance in
12 miles between Madina and Kunduma?

13 A. From Madina to Kunduma, it was about 10 miles.

14 Q. Could you tell this Court how many civilians were in
11:15:24 15 Kunduma?

16 A. Civilians in Kunduma, we were about 1,000, but every day
17 they were carrying civilians there from other areas.

18 Q. Was Kunduma a camp?

19 A. Kunduma was labour camp -- Target Q they called it in
11:15:51 20 their own military language -- Target Q.

21 PRESIDING JUDGE: Target Q.

22 A. Target Q. That meant a labour camp for civilians.

23 MR WERNER:

24 Q. So were soldiers living as well in Kunduma, or only
11:16:08 25 civilians?

26 A. Soldiers were living with us. Civilians could not have
27 lived without soldiers during the war behind the rebel
28 lines -- in the war.

29 Q. Could you describe the life in Kunduma?

- 1 A. Well, the life was the same bush life. We live on
2 fruits, green bananas, potato, cassava and cocoyan and
3 anything we laid our hand on for survival.
- 4 Q. Now, in Kunduma, did the civilians -- you explained just
11:17:07 5 now to this Court what were the food. My question is did
6 the civilians at the time have enough to eat?
- 7 A. I cannot say they -- we had enough to eat, because that
8 was a war situation. I was just fighting to get one
9 survivor. That was not a situation for enough food.
- 11:13:55 10 [HS251004B 11.18 a.m.]
- 11 Q. So did some people suffer from malnutrition?
- 12 A. Some people suffered of malnutrition; that is common.
13 That was common there.
- 14 Q. What were the consequences of malnutrition?
- 11:15:06 15 A. Well, some died of malaria, pneumonia. So many people
16 died there.
- 17 Q. When you say "so many", could you just try to be a little
18 bit more precise?
- 19 A. About -- we go -- we are there for October, November,
11:15:23 20 December. We move out to Koidu. About 15 people died
21 there including children.
- 22 PRESIDING JUDGE: They died through illnesses?
- 23 THE WITNESS: Through illness, My Lord.
- 24 MR WERNER:
- 11:16:00 25 Q. And what did the civilians do during these three months
26 in Kunduma?
- 27 A. Well, attend -- the young men and women were used to go
28 on food-finding mission with the combatants. Then, when
29 the headquarter wanted labour, they called upon Kunduma

1 to supply the labour. The G5 would go and then collect
2 the labourers and took them to headquarter at Meiyor.
3 Q. To do what?
4 A. To do the work they were wanted for.
11:16:55 5 Q. Could you give examples?
6 A. Well, some were called to convey produce, like cocoa,
7 coffee to Buedu.
8 Q. In which district?
9 A. Buedu in the Kailahun District.
11:17:17 10 Q. How did you know that?
11 A. Well, the labourers that went, they returned and told me
12 they went to Buedu.
13 Q. Were they escorted?
14 PRESIDING JUDGE: Can you spell Buedu for us, please?
11:17:33 15 THE WITNESS: B-U-E-D-U, My Lord.
16 PRESIDING JUDGE: B-U --
17 THE WITNESS: E-D-U.
18 PRESIDING JUDGE: Buedu.
19 THE WITNESS: Buedu.
11:17:43 20 MR WERNER:
21 Q. In Kailahun, right?
22 A. Kailahun District.
23 Q. Do you know which route they took to --
24 A. They took bush paths to enter to Buedu. I did not go
11:17:57 25 with them. But they did not go with the highway. They
26 had their own way to move on -- to move with.
27 MR JORDASH: Your Honour, I would respectfully ask my learned
28 friend to ask the questions strictly. The question, in
29 my respectful submission, should have been did those

1 people tell you the route; not what route did they take?
2 I don't want to get overly technical, but I do think it
3 is important that the evidence is adduced as the hearsay
4 evidence that it is.

11:18:39 5 MR WERNER: I accept.
6 JUDGE THOMPSON: Point is taken, yeah, quite.
7 MR WERNER: I accept.

8 Q. You talked about coffee and cocoa. Did the civilians
9 bring anything else?

11:18:55 10 A. Yes, they brought salts, Maggi.
11 PRESIDING JUDGE: Brought to where?
12 THE WITNESS: To the military headquarter.
13 PRESIDING JUDGE: Where?
14 THE WITNESS: At Meiyor, the 2nd Battalion.

11:19:14 15 MR WERNER:
16 Q. So let me ask you -- it is confusing. Let me ask you the
17 question again. You told this Court that civilians were
18 bringing coffee and cocoa from Kono District to Kailahun
19 District.
20 A. To Kailahun District.

21 Q. So my question to you is, as far as you know, did the
22 civilians bring anything else from Kono District to
23 Kailahun District or not?
24 A. No.

11:19:41 25 PRESIDING JUDGE: Take -- take. Did they take anything else?
26 THE WITNESS: Nothing else other than that, My Lord.
27 MR WERNER:
28 Q. Now, on their way back from Kailahun to Kono, did they
29 take anything with them, the civilians -- did they bring

1 anything?

2 A. Yes, they brought some items like bags of salts, cartons
3 of Maggi and cigarettes.

4 Q. Anything else?

11:20:48 5 A. Not to my memory.

6 Q. Now, you told this Court about food-finding mission, you
7 told this Court about mission outside the district.

8 PRESIDING JUDGE: That is, they brought these things back to
9 Madina?

11:21:01 10 THE WITNESS: Not to Madina. To the military headquarters,
11 2nd Battalion.

12 PRESIDING JUDGE: The military headquarters in which town?

13 THE WITNESS: Meiyor.

14 PRESIDING JUDGE: Meiyor.

11:21:14 15 MR WERNER:

16 Q. So where was Meiyor? Could you describe about where was
17 Meiyor to the --

18 A. Meiyor was -- Meiyor is the town on the Guinea highway
19 from Koidu -- from Koidu.

11:21:34 20 Q. Now, during these three months in Kunduma, did the
21 civilians do anything else except what you just described
22 in the few minutes?

23 A. Not -- not at all. They all -- just the men who just
24 went there to do the manual jobs there. The civilians
11:21:55 25 were invited to the G5 commander to go and do the jobs.

26 Q. At that time do you know if bush mining was going on?

27 A. No, I did not know. But I frequently visited military
28 headquarter at Meiyor, and at times I used to pass
29 through the mining Zobush. There was a mine at Zobush,

1 but I did not see them mining. But it was destined for
2 the -- or located for the miners.

3 JUDGE THOMPSON: So the answer is that you never -- you don't
4 know whether bush mining was going on?

11:22:41 5 THE WITNESS: I do not know whether it was going on. I saw
6 the mining camp.

7 JUDGE THOMPSON: Yeah, but actual -- the question was whether
8 the bush mining was going on.

9 MR WERNER:

11:22:49 10 Q. You saw mining camps?

11 A. No -- no, I did not.

12 JUDGE THOMPSON: He said he did not know. He didn't know
13 whether any bush mining was going on at the time.

14 MR WERNER:

11:22:59 15 Q. And you just said -- you just talked about Zobush mining,
16 right -- Zobush camps, is what you just said?

17 A. Yes, My Lord.

18 Q. So my question is --

19 MR JORDASH: Sorry, "camp", not "camps".

11:23:16 20 THE WITNESS: Camp.

21 MR WERNER: Sorry, it's my --

22 Q. Now, did you see this camp?

23 A. I went there twice or twice.

24 Q. And where was this camp exactly?

11:23:27 25 A. Camp was off the Guinea highway, between Bombodu -
26 Bombodu, B-O-M-B-O-D-U; and Tuiyor, T-U-I-Y-O-R. Between
27 Bombodu and Tuiyor, off the Guinea highway.

28 Q. Was anybody in charge of this camp?

29 A. Certainly officers were there in charge of the camp.

1 Q. Do you know their names?
2 A. I can remember vividly one was one Captain Kennedy. I
3 mean, Colonel Kennedy.
4 Q. Could you spell the name?
11:24:14 5 A. Colonel Kennedy.
6 Q. And how do you know he was in charge of this camp?
7 A. One thing I want the Court to know is that from the 18th
8 of March, when I was captured, I live with the RUF up to
9 the last day disarmed -- up to the last day they
11:24:42 10 disarmed. I used to visit the camp to meet some
11 civilians there on my way to military headquarter.
12 Q. Now, in this camp was anybody -- anybody in this camp --
13 in the mining camp you just described, was anybody in?
14 A. People were there.
11:25:09 15 Q. Civilians?
16 A. They were there with civilians.
17 Q. How many civilians?
18 A. I cannot tell the number because I was not located to
19 that camp, I was not in there. It was a big camp.
11:25:25 20 Q. And were they guarded? Were there checkpoints around the
21 camp?
22 A. Everywhere RUF/AFRC settlements were checkpoints were
23 around.
24 Q. Now, do you remember, sir, December 1998?
11:25:53 25 A. December --
26 PRESIDING JUDGE: I want to get a certain point clear. Is the
27 witness saying that he visited these camps in these areas
28 and that he didn't see any mining -- any bush mining
29 going on?

1 THE WITNESS: Yes, My Lord.
2 PRESIDING JUDGE: That is what you've said?
3 THE WITNESS: Yes, My Lord.
4 PRESIDING JUDGE: Right.
11:26:12 5 MR WERNER:
6 Q. Now, what happened -- you said that you were for three
7 months in Kunduma. Now what happened after?
8 A. Well, after that three months, the AFRC/RUF removed
9 ECOMOG forces in Koidu Town.
11:26:36 10 MR CAMMEGH: Before we go on, could we please clarify the year
11 that we've just been dealing with, because it might be my
12 fault, but I was quite sure that earlier on we were told
13 by this witness that it was in January of 2000 --
14 THE WITNESS: No, no.
11:26:52 15 MR CAMMEGH: -- that he was appointed xxxxxx --
16 [Overlapping speakers]
17 JUDGE BOUTET: Please, please, be careful about what you're
18 going to be stating.
19 MR CAMMEGH: I'm sorry.
11:27:02 20 JUDGE BOUTET: But Kunduma in his evidence was 1998, if you're
21 talking Kunduma.
22 MR CAMMEGH: No.
23 JUDGE BOUTET: But you were about to refer to some evidence
24 that was in closed session. [Overlapping speakers]
11:27:13 25 MR CAMMEGH: Yes, yes, I was. Forgive me. It was my
26 confusion, I'm afraid, got the better of me. Can we just
27 confirm, please, the year that we've just been dealing
28 with in relation to travelling to Madina, Kunduma and
29 following on from there?

1 JUDGE THOMPSON: Yes, carry on counsel. Do you want to
2 clarify those?
3 MR WERNER: Sure, sure.
4 Q. So you talked about Morigbedu, Masundu, Madina and
11:27:49 5 Kunduma. Which year?
6 A. That was in 1998.
7 Q. Thank you. You said that you were in Kunduma for three
8 months, and I'm asking you again what happened after
9 these three months -- what happened to you?
11:28:15 10 A. Well, after the three months, the ECOMOG forces were
11 removed from Koidu Town.
12 Q. Do you know when?
13 A. That was December 16th.
14 Q. Let me stop you at that point just for a while. Did
11:28:38 15 anything happen around that date, December 15, 16?
16 A. December 16 ECOMOG forces were removed by the AFRC, which
17 was -- [Overlapping speakers]
18 PRESIDING JUDGE: [Overlapping speakers]
19 JUDGE THOMPSON: Which year was that?
11:28:54 20 PRESIDING JUDGE: [Overlapping speakers] mention the year. At
21 all times we would like the year -- [Overlapping
22 speakers]
23 THE WITNESS: 1998, My Lord.
24 MR WERNER: Carry on.
11:29:32 25 JUDGE THOMPSON: Continue counsel.
26 MR WERNER: Yes.
27 THE WITNESS: 1998 -- December 16, 1998.
28 MR WERNER:
29 Q. So you are talking about December 16. What happened on

1 December 16?
2 A. 1998 -- December 16, 1998.
3 Q. Yes, sir.
4 A. The AFRC/RUF forces remove ECOMOG forces from Koidu Town,
11:29:51 5 and all the combatants moved with civilians -- with
6 plenty civilians into Koidu Town.
7 Q. Before this move on December 15 or December 16, did you
8 go to Meiyor, the headquarter?
9 A. Yeah, I went to Meiyor.
11:30:21 10 Q. And what did you see?
11 A. Well, I saw so many things. Unless you specify what.
12 PRESIDING JUDGE: Can we share those things you saw with you?
13 MR WERNER:
14 Q. Could you tell the Court what did you see?
11:30:45 15 A. Well, that was the first time I saw Mr Issa Sesay in the
16 Kono District. I was introduced to him by the battalion
17 G5 commander Mr -- Colonel Hindo Koroma.
18 Q. Why?
19 A. He introduce me as the xxxx of all the xxxxxxxx that
11:31:42 20 were in xxxxxxxxxx at Kunduma.
21 Q. Did he tell you anything?
22 A. Yes, he took me again to one Colonel Vandi to receive
23 some items for the civilians in the Kunduma camp.
24 PRESIDING JUDGE: Who took you?
11:32:11 25 THE WITNESS: Colonel Hindo Koroma.
26 MR WERNER:
27 Q. So let me ask you the question again. Before we leave
28 this meeting you had with Issa Sesay, did Issa Sesay tell
29 you anything?

1 A. Not at all, he did not tell me anything. He was busy
2 with his military arrangements.

3 Q. Which military arrangements?

4 JUDGE THOMPSON: Just a minute. Are we leaving him -- 'cause
11:32:36 5 you say Colonel Koroma took you to Colonel Vandi, is it?

6 THE WITNESS: Yeah.

7 JUDGE THOMPSON: Are we leaving that? Are we abandoning that?

8 MR WERNER: No, I'm --

9 JUDGE THOMPSON: We are coming back to that?

11:32:47 10 MR WERNER: Yes, sure, sure.

11 JUDGE THOMPSON: Okay.

12 MR WERNER: Firstly, the meeting with Issa Sesay and then --

13 JUDGE THOMPSON: It's all right. The meeting you said he said
14 nothing to you.

11:32:57 15 MR WERNER: Because he was busy with military affairs.

16 Q. So which kind of military affairs?

17 A. My Lord, the AFRC/RUF military arrangements.

18 Q. Do you know anything about this arrangement or you just
19 knew that it was arrangement?

11:33:22 20 A. No, it was arrangement. I did not know what about --
21 what it was about, because I was not privy to military
22 secrets.

23 Q. And then what happened when you left Issa Sesay, when you
24 left the meeting -- exactly what happened?

11:33:39 25 A. Hindo Koroma took me to Colonel Vandi to receive some
26 items. These items were 20 bags of salt, one carton of
27 Ransom cigarettes, two cartons of Maggi. All these to be
28 taken to the civilians at Kunduma.

29 Q. What is Maggi?

1 A. Maggi. It is a condiment you cook with.
2 PRESIDING JUDGE: Two cartons of what?
3 THE WITNESS: Ransom cigarettes, My Lord. Cigarettes,
4 My Lord.
11:34:42 5 MR WERNER:
6 Q. And did you know where --
7 PRESIDING JUDGE: And Maggi, how many?
8 THE WITNESS: Two cartons, My Lord.
9 MR WERNER:
11:34:54 10 Q. Do you know where all these items were coming from?
11 JUDGE THOMPSON: Let him tell us where it will be taken,
12 because we left at -- we just said to be taken to
13 civilians.
14 THE WITNESS: At Kunduma.
11:35:09 15 JUDGE THOMPSON: Yeah, we didn't get that.
16 THE WITNESS: Target Q. Kunduma civilian labour camp.
17 JUDGE THOMPSON: Thank you.
18 MR WERNER:
19 Q. So did you take these items?
11:35:27 20 A. Yeah, the G5 went and brought some --
21 PRESIDING JUDGE: Please, let me get this clear. How many
22 bags of salt, did you say?
23 THE WITNESS: Twenty bags of salt, My Lord.
24 PRESIDING JUDGE: Okay.
11:35:38 25 MR WERNER:
26 Q. So what happened with these items?
27 A. Well, the G5 sent radio message to Kunduma to bring the
28 deliveries -- to convey them to Kunduma camp.
29 Q. And then what happened?

- 1 A. They came and collected them, took them to Kunduma.
- 2 Q. Now, do you know where these items were coming from?
- 3 A. The items came from Buedu.
- 4 Q. In which district?
- 11:36:49 5 A. Kailahun district.
- 6 PRESIDING JUDGE: Mr Werner, how much longer do you have with
7 this witness?
- 8 MR WERNER: I would say 40 minutes.
- 9 PRESIDING JUDGE: Forty minutes.
- 11:37:14 10 MR WERNER: Half an hour, 40 minutes.
- 11 PRESIDING JUDGE: Okay.
- 12 MR WERNER:
- 13 Q. When you were in Meiyor, and when you received these
14 items, did you see anything else in Meiyor?
- 11:37:32 15 A. I saw soldiers around, AFRC/RUF men around, I saw
16 ammunition around.
- 17 Q. How much ammunition?
- 18 A. Well, there are several ammunition dumps, but the one I
19 saw and I had opportunity to visit, I had -- I saw
11:38:01 20 quantum of ammunition. I cannot definitely tell you the
21 numbers.
- 22 Q. Could you just tell this Court which kind of ammunitions?
- 23 A. AK47, AK58, RPG tubes and the bombs. Those were the only
24 ammunitions I saw, My Lord.
- 11:38:42 25 Q. Do you know where these ammunitions were coming from?
- 26 A. The ammunitions were coming from Buedu. Buedu was the
27 military headquarter, My Lord, in the Kailahun District.
- 28 Q. How do you know the ammunitions were coming from Buedu?
- 29 A. Everything pertaining the war -- the RUF/AFRC war in the

- 1 Kono District were coming from Buedu.
- 2 Q. Why?
- 3 A. I don't know. There the general was based, General
4 Mosquito.
- 11:39:23 5 Q. You said that you were transferred to Koidu?
- 6 A. Yes, My Lord.
- 7 Q. When?
- 8 A. Around December 20, 1998.
- 9 Q. And what happened?
- 11:40:01 10 A. We are all there now.
- 11 Q. Where, to -- in Koidu?
- 12 A. In Koidu Town. All we, the civilians -- all, even those
13 that were in other villages, were advised to come to
14 Koidu Town for protection.
- 11:40:19 15 Q. Were checkpoints around Koidu Town?
- 16 A. Checkpoints were from Koidu Town, right down to Makeni
17 and other parts of the country. And even the district we
18 had kept [inaudible] all the areas we are living, from
19 Koidu Town right to Guinea border, we had checkpoints.
- 11:40:58 20 Q. So were you in Koidu Town in 1999 -- beginning of 1999?
- 21 A. I was in Koidu Town at the beginning of 1999, My Lord.
- 22 Q. Was it possible for the civilians to go freely outside
23 Koidu Town or not?
- 24 A. Civilians were not, My Lord -- we are not allowed to go
11:41:18 25 out freely without any pass from the G5 commanders.
- 26 Q. Did you see anything in Koidu Town at that point of time?
- 27 A. I saw two incidents.
- 28 Q. Could you tell this Court which incidents did you see?
- 29 A. The first incident I saw, or I witnessed, was the

1 execution of a soldier -- AFRC/RUF soldier for committing
2 rape against a civilian woman.

3 Q. Where?

4 A. In one village -- in Gbukuma, G-B-U-K-U-M-A.

11:42:29 5 Q. Who was responsible for the execution?

6 A. I beg your pardon?

7 Q. Who was the commander -- did you see any commander at
8 that [overlapping speakers] execution?

9 A. At that time, the commander I vividly could remember was
11:42:57 10 one Martin George.

11 Q. How about the second incident?

12 A. The second execution was as a result of AFRC/RUF soldier
13 killing a town chief for his chicken.

14 Q. Who was the town chief?

11:43:30 15 A. I don't know, I cannot remember his name, but he was the
16 town chief at Kpegoro.

17 Q. Could you spell it?

18 A. Kpegoro, K-P-E-K-O-R [sic], in the Nimikoro Chiefdom.

19 PRESIDING JUDGE: So the soldier did to the chief?

11:43:53 20 THE WITNESS: I beg your pardon?

21 MR WERNER:

22 Q. What did the soldier do to the Chief?

23 A. He refuse to give -- they met on the road. He refuse to
24 give him a chicken. That was all.

11:44:05 25 Q. And what happened?

26 A. At first he refuse to give the soldier his chicken. He
27 the town chief --

28 Q. What did the soldier do?

29 A. Well, they said the soldier executed him, killed him

1 there. Then he was brought to military headquarter for
2 investigation. At Koidu now, not Meiyor again.

3 Q. You said you were, from January 1999, in Koidu with
4 civilians. Now, my question to you is were the civilians
11:44:54 5 compelled to do anything in Koidu at that time in 1999?

6 A. My Lord, we were -- as long as we are captured as a
7 civilian, you are forced to do anything until you regain
8 your freedom.

9 Q. So were they compelled to do the same thing which you
11:45:17 10 describe they were compelled to do in Kunduma?

11 A. Yes, of course, My Lord.

12 Q. In which chiefdom is Koidu?

13 A. Koidu is in the Gbense Chiefdom.

14 Q. Were civilians in other chiefdoms?

11:45:38 15 A. Civilians were in other chiefdoms.

16 Q. And were they compelled to do the same thing that they
17 were compelled to do in Gbense Chiefdom?

18 MR JORDASH: Objection. In my respectful submission, it's
19 wholly wrong for this witness to be asked questions of
11:46:03 20 that type. My learned friend could simply read from the
21 indictment if he wishes to adduce evidence in that way,
22 asking whether particular crimes were committed in each
23 paragraph and that might be a very convenient way for the
24 Prosecution to get the evidence they so wish. But, in my
11:46:22 25 respectful submission, it's entirely leading to adduce
26 evidence in that way, and entirely leading on extremely
27 difficult areas. That's my objection.

28 MR WERNER: I'm ready to accept.

29 Q. Sir, was mining going on in Koidu at that time?

1 A. My Lord, before -- when we arrive at Koidu, we found so
2 many piles of gravel there along the main Kainkordu Road,
3 opposite Mortar Theatre, and then in Tankoro part of the
4 town Ndomina Street in the Tankoro section. So, I mean,
11:47:15 5 not really. Diamond is something everybody was looking
6 out for. The gravels were washed. People were -- people
7 from the mining section -- mining town in the Koidu -- in
8 Koakoyima were ordered to wash the gravel. We met those
9 piles there during the time of --

11:47:45 10 PRESIDING JUDGE: The simple answer is that there was mining
11 going on?

12 THE WITNESS: Yes, sir, mining was going on.

13 MR WERNER: By civilians.

14 THE WITNESS: By civilians.

11:47:55 15 JUDGE THOMPSON: Did you actually see mining going on or are
16 you drawing inferences from your close knowledge about
17 mining?

18 THE WITNESS: Mining was going on.

19 JUDGE THOMPSON: At the time.

11:48:06 20 THE WITNESS: At the time when we got to Koidu Town.

21 JUDGE THOMPSON: All right, thank you.

22 MR WERNER:

23 Q. Now, sir, as far as you know, did the civilians
24 representing the other civilians in Kono at that time
11:48:36 25 receive report of violation?

26 A. I beg your pardon? Go over that again.

27 MR O'SHEA: [Overlapping speakers]

28 PRESIDING JUDGE: [Overlapping speakers] -- don't understand
29 your question. Before Mr O'Shea gets up, I don't

1 understand your question at all.

2 JUDGE THOMPSON: [Overlapping speakers] sounds extremely
3 confusing. Probably not intended to be, but let's hear
4 it again.

11:49:02 5 MR WERNER:
6 Q. Were people -- can I confer just for one second?
7 PRESIDING JUDGE: Please.
8 JUDGE THOMPSON: [Microphone not activated]
9 MR WERNER:

11:49:40 10 Q. Sir, did civilians report about their conditions to
11 anyone?
12 MR O'SHEA: I'm sorry, but -- I don't want to labour this
13 point, but I think my learned friend needs to rephrase
14 the question again.

11:50:06 15 PRESIDING JUDGE: Yes, that's true [overlapping speakers]
16 JUDGE THOMPSON: Objection is sustained.
17 MR WERNER:
18 Q. Are you aware of any reports by civilians made at that
19 time?

11:50:30 20 MR CAMMEGH: Your Honour, can I object. How about did he hear
21 anybody saying anything.
22 JUDGE THOMPSON: Thank you. Thank you, learned counsel.
23 MR WERNER: I thank you for your help.
24 Q. Did anybody hear anyone saying anything?

11:50:59 25 A. No, I can't tell -- I can't remember.
26 MR WERNER: I'll move forward.
27 PRESIDING JUDGE: Too many roadblocks and checkpoints from the
28 Defence.
29 MR WERNER: [Overlapping speakers]

1 PRESIDING JUDGE: You better find a way of hurdling over the
2 barrier in your way. Yes, you can proceed.
3 MR WERNER:
4 Q. How old were the soldiers you saw in Koidu in 1999?
11:51:34 5 A. My Lord, I cannot give that number. These were soldiers.
6 I was not a military commander; I was a civilian. The
7 only thing I was part and parcel of the system on the
8 civilian side because of a long stay with them.
9 JUDGE THOMPSON: A precise answer would be what?
11:51:57 10 THE WITNESS: I don't know.
11 JUDGE THOMPSON: How many --
12 THE WITNESS: How many soldiers were in Koidu Town.
13 JUDGE THOMPSON: Thank you.
14 MR WERNER:
11:52:13 15 Q. Were there child soldiers in Kono in 1999?
16 A. I beg your pardon?
17 Q. Were there child soldiers in Kono in 1999?
18 MR O'SHEA: Can my learned friend rephrase that question as
19 well, please.
11:52:29 20 PRESIDING JUDGE: Yes, yes, sustained.
21 JUDGE THOMPSON: Yes, objection sustained.
22 MR WERNER:
23 Q. Did you see any child soldiers in Kono in 1999?
24 A. Well, I don't know --
11:52:38 25 MR O'SHEA: Again.
26 PRESIDING JUDGE: Even then, even then.
27 JUDGE THOMPSON: Objection sustained.
28 PRESIDING JUDGE: Yes.
29 MR CAMMEGH: How old were the soldiers?

1 MR WERNER: Yes, but I already ask that question. I'm going
2 to ask the question again then.

3 Q. How old were the soldiers you saw in Kono in 1999?
4 A. Well, there were youths, there were some middle age,
11:53:02 5 there are young men.

6 Q. But how old?
7 JUDGE THOMPSON: Just a minute. Let's have that.

8 THE WITNESS: I cannot tell you their age.
9 JUDGE THOMPSON: 'The soldiers I saw were youths'.
11:53:05 10 THE WITNESS: Were youths.

11 JUDGE THOMPSON: Were young men. Yes?
12 THE WITNESS: And middle aged commanders.

13 JUDGE THOMPSON: Middle aged commanders. And you said further
14 that you could not specify ages. Did you say that?
11:53:39 15 THE WITNESS: Yes, My Lord.

16 PRESIDING JUDGE: Even from the experience, you know, that
17 your age gives you, you couldn't estimate -- you can't
18 estimate the age of some of those children?
19 THE WITNESS: Well, some of --
11:53:59 20 JUDGE THOMPSON: He said -- the answer was they were youths.

21 THE WITNESS: Yeah.
22 PRESIDING JUDGE: Yes, they were youths.

23 JUDGE THOMPSON: Young men and middle aged --
24 PRESIDING JUDGE: Yes, I'm asking --
11:54:07 25 JUDGE THOMPSON: -- commanders. Three categories of soldiers.

26 PRESIDING JUDGE: Yes. I'm asking him a question which is
27 understood -- all that is understood. I'm asking him
28 whether from his age, you know, as a senior citizen --
29 THE WITNESS: Yeah.

1 PRESIDING JUDGE: -- you couldn't estimate the age of any of
2 these category of people.

3 THE WITNESS: Some were from their 15th -- from their 15th --
4 in their 15th to 18, 25 right up to 30. There were
11:55:01 5 senior commanders above those ages, My Lord.

6 MR WERNER:

7 Q. On the 7th of July 1999 the Lome Peace Accord was signed.
8 Do you remember that time in July 1999 in Kono?

9 A. Yes, I do, My Lord.

11:55:49 10 Q. Were you in Kono?

11 A. I was in Kono, Koidu Town by then.

12 Q. Did the Lome Peace Accord have any impact for the
13 civilians in Kono?

14 A. Yes, My Lord.

11:56:07 15 Q. Could you tell this Court which impact?

16 A. Well, the living condition of the civilians was changed
17 from worse to bad. Understanding started developing
18 between the civilians and the AFRC/RUF juntas -- RUF
19 juntas, and the G5s were very active to protect the
11:56:50 20 civilians against harassment, intimidation and
21 molestation.

22 JUDGE BOUTET: Who was active in protecting civilians against
23 that?

24 MR WERNER: The G5s.

11:57:09 25 THE WITNESS: The G5s.

26 JUDGE BOUTET: Oh, the G5s.

27 THE WITNESS: Yeah, they were a sort of welfare officers.

28 JUDGE BOUTET: And before that you had stated that as a result
29 of the impact of the Lome Peace Accord on civilians in

1 Koidu Town, was from bad to worse?

2 MR WERNER: No, from worse to bad.

3 [Overlapping speakers]

4 JUDGE BOUTET: In what sense would you describe that?

11:57:40 5 THE WITNESS: Well, when I said worse, civilians were always

6 -- were always used at random by any armed man. Used to

7 go and look for food, used for go and tap palm wine, used

8 to go -- so many other works. But when the Lome Peace

9 Accord was signed, and we came down to Koidu, and the

11:58:11 10 military high command in Koidu Town had a meeting with

11 the G5 officers, to warn them that they should try to

12 protect the rights of the civilians. At that time

13 civilians were not now forced to go and do jobs.

14 JUDGE BOUTET: There was less forced labour then?

11:58:37 15 THE WITNESS: Less forced labour.

16 JUDGE BOUTET: But still forced labour?

17 THE WITNESS: Less forced labour, My Lord.

18 MR WERNER:

19 Q. Did the convoy to Buedu continue after that time or not?

11:59:22 20 A. No, My Lord, not to my knowledge.

21 Q. And were civilians still required to mine?

22 A. Mining was going on.

23 MR JORDASH: Objection.

24 MR WERNER: I accept.

11:59:48 25 PRESIDING JUDGE: The reply the witness has given to that

26 question is out of the record. It should be deleted, you

27 know, from the record, that particular question.

28 MR HARRISON: Just as a point of concern of the Prosecution,

29 is it the Court's wish that items will be deleted from

1 the record in future?

2 PRESIDING JUDGE: If it comes --

3 MR HARRISON: Normally --

4 PRESIDING JUDGE: If it comes to that, 'cause if the objection
12:00:24 5 comes -- look at the scenario. He asks the question,
6 counsel is on his feet, and he gives a reply. In those
7 circumstances, you know, it will be for the Court to
8 determine what will happen.

9 MR HARRISON: I accept that, but normally the practice is
12:00:44 10 whatever is stated remains in the transcript. The Court
11 disabuses its mind of whatever that information is.

12 PRESIDING JUDGE: That is what we are saying. We want to
13 disabuse our minds of that by saying that it should be
14 removed, because the reply was to an improperly put
12:01:05 15 question.

16 MR HARRISON: I'm not questioning the sustaining of the
17 objection. It's a point of whether it's the Court wish
18 that matters will actually be deleted from the
19 transcript. If that's the Court's wish we'll make a note
12:01:16 20 of that so that --

21 PRESIDING JUDGE: If the objection comes before the reply is
22 given, you would notice that there would be no record of
23 any reply from the witness.

24 MR HARRISON: Thank you.

12:01:32 25 PRESIDING JUDGE: Mr Werner, you may proceed.

26 MR WERNER: Thank you, Your Honour.

27 Q. Now, you said before that there was less forced labour.
28 That's what you said. Meaning that there was still
29 forced labour, but less. So now my question to you is

- 1 which kind of forced labour was still going on in Kono at
2 that time?
- 3 A. Well, still food-finding labour was going on, but at that
4 time now for both the civilians and the combatants.
- 12:02:14 5 Q. Anything else?
- 6 A. Palm wine tapping was there, but not by compulsory. We
7 had the commanders outside, the station -- the Chiefdom
8 commanders. They willingly were now supplying palm wine
9 to the combatants. Not by force.
- 12:02:38 10 Q. Anything else?
- 11 A. That is all I can remember. I want to go to toilet.
- 12 MR WERNER: Sure. Your Honour, the witness --
- 13 PRESIDING JUDGE: The Court will rise, please. Five minutes.
- 14 [Break taken at 12.06 p.m.]
- 12:14:45 15 [Upon resuming at 12.20 p.m.]
- 16 PRESIDING JUDGE: Yes, Mr Werner, you may proceed, please.
- 17 MR WERNER: Thank you, Your Honour.
- 18 Q. Sir, you told this Court what happened in Kono in 1999
19 before and after the Lome Peace Accord. I would like
12:17:49 20 just to focus one more time on one part of 1999, which is
21 December. Where were you in December 1999?
- 22 A. December 1999 I was in Koidu Town, My Lord.
- 23 Q. Did anything specific happen in Koidu Town in December
24 1999?
- 12:18:19 25 A. Such as, My Lord?
- 26 Q. I'm just asking you the question.
- 27 A. I don't know anything -- that anything happened.
- 28 Q. Don't you remember anything?
- 29 A. No.

1 Q. Sir, do you know if Morris Kallon was in Kono throughout
2 1999?
3 MR TOURAY: May I object to that question. It's a very
4 leading question on a very sensitive issue. Do you know
12:18:54 5 whether Morris Kallon was in Kono at that particular
6 time?
7 PRESIDING JUDGE: Objection is sustained.
8 MR TOURAY: As Your Lordship pleases.
9 MR WERNER:
12:19:17 10 Q. Sir, were there RUF commanders in Kono in 1999?
11 MR O'SHEA: Again, Your Honours.
12 MR WERNER:
13 Q. So, sir, who was in Kono in 1999?
14 A. People were in Kono in 1989 [sic]. Many people were
12:19:51 15 there including I, myself.
16 Q. Any commander?
17 A. Commanders were there, but I could not remember all of
18 them.
19 Q. Which commanders do you remember being in Kono at that
12:20:12 20 time?
21 A. Well, the brigadier commanders were there with --
22 Q. Who were they?
23 A. But during the time we are there Brigadier Commander
24 Martin George was there. Later other brigadier
12:20:27 25 commanders came, like Colonel Banya, Colonel The Big - he
26 was Lansana Conteh. I vividly knew the three of them.
27 Q. And who was their boss?
28 MR JORDASH: I don't think this witness has said they had a
29 boss.

1 MR WERNER: Thank you, I accept.

2 Q. Did they have a boss?

3 A. Of course. Any organisation they must have a boss. They
4 had boss or bosses.

12:21:04 5 Q. Who was their boss?

6 A. I did not remember their boss, because the headquarter
7 was at Buedu at that time. We were going in and out.
8 But the ground commanders were those that I knew. The
9 Big, Colonel Banya, Colonel Martin George.

12:21:23 10 Q. Do you know anybody else?

11 A. Not to my knowledge, My Lord.

12 PRESIDING JUDGE: I think you'll let that question rest there.
13 The witness has exhausted his memory as to --

14 MR WERNER: I was not going to pursue it.

12:21:42 15 PRESIDING JUDGE: Yes, and it's quite a sticky point between
16 you and the Defence and the Defence is right.

17 MR WERNER: I understand.

18 PRESIDING JUDGE: Yes.

19 MR WERNER: I have no further questions for this witness.

12:24:24 20 PRESIDING JUDGE: Yes, Mr Jordash, we would like to start with
21 the cross-examination, even if it is for 30 minutes.

22 MR JORDASH: Certainly.

23 PRESIDING JUDGE: At least let's get to somewhere before we
24 adjourn to some time in the afternoon.

12:24:40 25 MR JORDASH: Your Honour, yes. Could I just ask for the
26 assistance of Court Management to provide a lectern,
27 please.

28 PRESIDING JUDGE: A lectern, yes.

29 CROSS-EXAMINED BY MR JORDASH:

1 MR JORDASH:
2 Q. Mr Witness --
3 A. Yes, My Lord.
4 Q. -- just so you know who I am, my name is Wayne Jordash
12:25:39 5 and I represent Mr Issa Sesay.
6 A. Yes, My Lord.
7 Q. I want to take you back to the beginning of your account,
8 if I can, and dealing with your initial stay with the
9 RUF/AFRC. Now, at that time food was in short supply,
12:26:11 10 would you agree?
11 A. Yes, My Lord.
12 Q. The war was in full force?
13 A. Yes, My Lord.
14 Q. And it was difficult to be a civilian in those times?
12:26:32 15 A. Yes, My Lord.
16 Q. In terms of food and shelter and basic necessities of
17 life?
18 A. Yes, My Lord.
19 Q. And, of course, given that it was a war, in terms of the
12:27:20 20 basic protection of civilians that, too, was very
21 difficult for civilians at that time?
22 A. Yes, My Lord.
23 Q. Especially in Kono, given that the war had, in February
24 1998, very much entered Kono?
12:27:45 25 A. Yes, My Lord.
26 Q. And your account really begins with you trying to find
27 somewhere safe for you and your family to go?
28 A. Yes, My Lord.
29 Q. Would you agree with this - that the options which were

- 1 open to you at that time were few?
- 2 A. Very few indeed, My Lord.
- 3 Q. Your initial impulse was to head to Guinea?
- 4 A. Yes, My Lord.
- 12:28:24 5 Q. As was many other civilians' impulse?
- 6 A. Yes, My Lord.
- 7 Q. I suppose another option would have been to try to find a
8 major camp of ECOMOG -- that would have been an option,
9 would it?
- 12:28:59 10 A. That would have been an option, but it was not found
11 possible.
- 12 Q. Right. And staying in the bush was perhaps an option as
13 well, but not a very good option?
- 14 A. Yes, My Lord.
- 12:29:36 15 Q. And you, yourself, have told this Court how, whilst
16 trying to remain in the bush, you were caught by a group
17 of rebels who beat you all badly and stole your
18 belongings?
- 19 A. Yes, My Lord.
- 12:30:08 20 Q. And the criminal behaviour of that group was somewhat
21 contrasted with the next group of rebels you met, who
22 appeared to have had your interests at heart when
23 advising you to go and find Captain Rocky?
- 24 A. Yes, My Lord.
- 12:30:49 25 Q. And those rebels, I think you said, strongly warned you
26 to, in effect, seek the protection of Captain Rocky?
- 27 A. Yes, My Lord.
- 28 Q. And you've also given evidence about the difficulties in
29 identifying --

1 JUDGE THOMPSON: Could we go a little slower?
2 MR JORDASH: I'm sorry.
3 Q. And you've given a little evidence about the difficulty
4 in identifying the different types of, if you like,
12:32:24 5 combatants in the war. Do you understand my question?
6 A. Yes, I do.
7 Q. You appeared to make -- is this correct? I don't want to
8 put words in your mouth. But you made the distinction
9 between those without arms and those with arms, and that
12:32:44 10 was the distinction which was important to you?
11 A. I don't remember making such.
12 Q. Okay. You couldn't identify really between the AFRC and
13 the RUF?
14 A. I cannot.
12:32:55 15 Q. Would it be fair to say, as well, that you couldn't
16 distinguish between the RUF/AFRC and simply those who
17 were criminals acting under the cover of war?
18 A. Well, I cannot say so because I don't know the
19 different --
12:33:38 20 PRESIDING JUDGE: Is there any evidence before the Court that
21 there were criminals.
22 THE WITNESS: I don't know.
23 PRESIDING JUDGE: Or you're suggesting to him that --
24 MR JORDASH: I'm just --
12:33:43 25 PRESIDING JUDGE: We don't have any evidence that they are
26 criminals who had been operating. So far, I mean to say.
27 Maybe you will have evidence to that effect.
28 MR JORDASH: Well, if I can put it in a different way.
29 PRESIDING JUDGE: Okay.

- 1 MR JORDASH:
- 2 Q. The civilians who -- I beg your pardon. The rebels you
3 came across who warned you to seek the protection of
4 Captain Rocky, you aren't able to say whether they were
12:34:28 5 RUF or AFRC?
- 6 A. I can't say so, because I did not differentiate them. I
7 was not able to differentiate. They had no ability to
8 differentiate them.
- 9 Q. Right. Would you agree that in the time you spent in the
12:35:11 10 various camps and in your various tasks, you came across
11 some men -- groups of men whose interests were simply
12 criminal?
- 13 A. I cannot say that, because I took them all to be soldiers
14 - AFRC/RUF, and I didn't know who was criminal, who was
12:35:43 15 not criminal.
- 16 Q. Just so that you're clear what I'm suggesting, I'm
17 suggesting that there were groups of men who were
18 basically vigilantes, who were using the cover of war to
19 further their criminal aims?
- 12:36:07 20 A. I don't remember.
- 21 Q. Okay.
- 22 A. That was a confused situation.
- 23 Q. Would you also agree that it was not an easy thing to
24 distinguish Kamajors from the RUF or the AFRC?
- 12:37:11 25 A. Well, in that case Kamajors were wearing their own
26 military attire, so I could distinguish them by their
27 attire if I saw them.
- 28 Q. The rebels who warned you to seek the protection of
29 Captain Rocky, did they appear to you to have a genuine

1 concern that civilians in the bush might be mistaken for
2 Kamajors?
3 A. That was in the night. They did not disclose anything
4 like that to me.
12:38:11 5 Q. Did they not warn you --
6 JUDGE THOMPSON: Just a minute, counsel. Let's have --
7 MR JORDASH: Sorry, sorry.
8 JUDGE THOMPSON: So that you say that, again, those rebels did
9 not tell you that there might be civilians who are
12:38:59 10 Kamajors.
11 THE WITNESS: Not at all, My Lord.
12 MR JORDASH:
13 Q. They did -- those rebels who warned you did warn you that
14 it was dangerous in the bush because other groups might
12:39:13 15 take you to be Kamajors and kill you?
16 A. Yes, My Lord.
17 Q. And so you heeded that advice and found Captain Rocky,
18 and was able to, through Mr Kallon, have your whole group
19 brought within the protection of the camp?
12:40:13 20 A. Yes, My Lord.
21 Q. It's right to say that in that camp a great deal of the
22 people in there - several hundred - had also sought the
23 protection of the camp?
24 A. Yes, My Lord.
12:41:25 25 Q. There was this -- I want to just ask you a little bit
26 about G5, the link between the civilians and the
27 military.
28 A. Yes, My Lord.
29 Q. This was in effect - is this right - some time -- well, I

- 1 think you referred to them as social welfare officers?
- 2 A. Yes, My Lord.
- 3 Q. And this was the way in which the concerns of the
4 civilians were passed on to the various commanders?
- 12:42:38 5 A. Yes, My Lord.
- 6 Q. So, in a camp such as the one at Kiedu [sic] --
- 7 A. Kaidu.
- 8 Q. Kaidu, I beg your pardon, sorry. In Kaidu, where there
9 was 200 to 300 civilians, it would have been the duty of
12:43:27 10 the G5s to report their concerns to the commanders?
- 11 A. Yes, My Lord.
- 12 Q. It would have been quite a task for the commanders to
13 have to go around and speak to each and every civilian,
14 so the G5 were able to fill in that important gap?
- 12:43:50 15 A. Well, the G5 had assistants. He was assisted by other
16 officers that were in the camp. And, in fact, Kaidu was
17 not a camp, but a township which was captured by the
18 RUF/AFRC combatants, and there maybe -- I want to believe
19 that they sent messages around in the bushes that any
12:44:11 20 civilian who knew that he was not a Kamajor should report
21 to them for protection.
- 22 Q. Just so that we're specific on time, when are you
23 referring to?
- 24 A. Yes.
- 12:44:22 25 Q. What date -- around what date are you referring to?
- 26 A. Well, around March.
- 27 Q. '98?
- 28 A. March '98, My Lord.
- 29 Q. Would you agree that assistance such as that provided to

- 1 you by Mr Kallon was also provided to other civilians?
- 2 A. Indeed, it was provided to other civilians who met him.
- 3 Q. Tamba John was a G5 commander at Kunduma?
- 4 A. Yes, at Kunduma camp.
- 12:45:50 5 Q. At Kunduma. Excuse my pronunciation, please.
- 6 A. Yeah.
- 7 Q. Now, he was a very helpful G5 who protected civilians
- 8 from much abuse?
- 9 A. Yes, My Lord.
- 12:46:05 10 Q. Would you agree that the G5 commanders were generally
- 11 chosen, like Tamba John, as people who would have concern
- 12 over civilians?
- 13 A. Yes, My Lord.
- 14 Q. These were not just random sections of any old person,
- 12:47:02 15 but selected for their personality which would lend
- 16 itself to that type of job?
- 17 A. Yes, My Lord.
- 18 Q. I'm not interested what your job was, but you were -- and
- 19 please don't mention what your job was -- but you were
- 12:48:02 20 also selected -- or do you think you were also selected
- 21 because the type of man you are would lend itself to the
- 22 job that was required -- or the type of tasks that were
- 23 required in your job?
- 24 A. Yes, My Lord.
- 12:48:25 25 Q. I'll come back to that, but in a closed session so that
- 26 you can speak freely. The G5 would, on a daily basis,
- 27 speak to the civilians; is that correct?
- 28 A. Daily -- yes, My Lord.
- 29 Q. How did this system work? Did they write reports and

1 take them to the commanders or --

2 A. I don't know that, My Lord.

3 Q. Do you know how they remembered their various

4 conversations with civilians?

12:49:45 5 A. Well, at time they call civilians, they address them.

6 Q. As a group?

7 A. As a group, not individually. That was on every morning

8 basis.

9 Q. Every morning?

12:50:00 10 A. Every morning basis.

11 Q. And besides that would they come into the various camps

12 and speak to individuals?

13 A. They went around individuals to talk to them. To talk to

14 us, one, not to attempt to escape. Number two, on

12:50:35 15 various topics.

16 Q. Various topics which included the rules of the camp?

17 A. The rules of the camp.

18 Q. And the complaints of the civilians?

19 A. And the complaints of the civilians.

12:50:48 20 Q. Did the G5 have assistants?

21 A. They had assistants in Kunduma. They had many assistants

22 because the camp was very large, but he was the head of

23 the camp.

24 Q. Right. Are we talking about Kunduma?

12:51:22 25 A. Kunduma.

26 Q. Kunduma?

27 A. Yes, My Lord.

28 Q. The atmosphere in -- I think you were referring to the

29 camp at Wonedu when you said that there was a friendly

1 atmosphere?

2 A. Yes, My Lord.

3 Q. Was that the same for the previous camp?

4 A. Yes, My Lord.

12:52:19 5 Q. And the rule -- I just want to deal with the two rules to
6 start with. The rules of the camp not to rape or steal
7 applied both to the civilians and to the combatants?

8 A. Yes, My Lord.

9 PRESIDING JUDGE: Mr Jordash, may we have that question again,
12:52:54 10 please?

11 MR JORDASH: The two rules -- just dealing with two of the
12 rules this witness mentioned, not to steal and not to
13 rape, were rules which applied to both civilians and to
14 the combatants.

12:53:56 15 Q. Were the civilians given food in Kaidu and Kunduma?

16 A. I beg your pardon?

17 Q. Were they given food?

18 A. They were not given food, but they are allowed to go
19 under escort to go and look for themselves.

12:54:14 20 Q. Right.

21 A. Not all of them, though.

22 Q. Sorry, sir?

23 A. Not all of them at -- at -- at a group at a given time.

24 Q. Right. There was a genuine concern amongst the
12:55:04 25 commanders of the camps that civilians might leave the
26 camp and give away their position to the enemy; is that
27 right?

28 A. Yes, My Lord.

29 Q. So when you say that -- I think you said in relation to

- 1 the Wondedu camp that the guards were there to protect
2 and prevent escape. Protect is easy. Escape: Escape
3 and give away the enemy positions. Is that what that was
4 about?
- 12:55:51 5 A. Yes, My Lord.
- 6 Q. Thank you. And again, when young men were sent out to go
7 fishing under escort, it's protection and to prevent
8 escape, giving away the position to the enemy?
- 9 A. One, to prevent escape. Two, if they go -- they went by
12:56:14 10 themselves, they might have fallen in the hands of other
11 forces that would not recognise them as being under the
12 protection of the camp -- of the military camp.
- 13 Q. I see. And the work, such as going fishing -- those that
14 sought protection in the camps, were they willing to do
12:56:50 15 that work in return?
- 16 A. They are willing to do that work, because they are under
17 the protection; we felt we were safe.
- 18 Q. And that was the same in Kaidu, Wondedu and Kunduma?
- 19 A. That the same Kaidu and other areas.
- 12:57:22 20 Q. Would you agree, from what you saw, the various
21 checkpoints in the various camps and around the camps,
22 similar kind of reasoning. Prevent the civilians coming
23 to harm and to prevent them giving away the enemy
24 position?
- 12:57:51 25 A. One, for civilians giving away to enemy positions; and,
26 two, for enemies that were to come to attack the civilian
27 person together with the combatants themselves. That's
28 for protection for all of us.
- 29 MR JORDASH: Thank you. I'm about to move to another subject

1 and I notice the time, Your Honours.

2 PRESIDING JUDGE: The Chamber will rise for the lunch break.

3 We will resume sitting at 3.00 p.m., please. At

4 3.00 p.m. today. The Court will rise, please.

13:00:45 5 [Luncheon break taken at 1.05 p.m.]

6 [On resuming at 3.10 p.m.]

7 [HS251004C]

8 PRESIDING JUDGE: Good afternoon, learned counsel.

9 Mr Witness, good afternoon.

15:10:34 10 THE WITNESS: Good afternoon.

11 PRESIDING JUDGE: How are you this afternoon?

12 THE WITNESS: Not too bad.

13 PRESIDING JUDGE: You're all right?

14 THE WITNESS: I'm all right.

15:10:43 15 PRESIDING JUDGE: Good. We shall continue with the

16 cross-examination.

17 THE WITNESS: Yes, My Lord.

18 PRESIDING JUDGE: Please answer the questions as best you can.

19 THE WITNESS: Yes, My Lord.

15:10:52 20 PRESIDING JUDGE: Where you cannot, there's no miracle about

21 it. Where you do not know, there's no miracle about it;

22 you say you do not know, okay?

23 THE WITNESS: Yes, My Lord.

24 PRESIDING JUDGE: All right. Mr Jordash, you may proceed,

15:11:05 25 please.

26 MR JORDASH: Thank you, Your Honour.

27 PRESIDING JUDGE: And At any time you feel pressed, please let

28 us know.

29 THE WITNESS: Yes, My Lord.

1 PRESIDING JUDGE: We'll rise, okay?

2 THE WITNESS: Yes, My Lord.

3 MR JORDASH:

4 Q. Good afternoon, Mr Witness.

15:11:16 5 A. Good afternoon, sir.

6 Q. Just to continue, you've spoken of a reverend. I'm not
7 interested in his name at this stage, but you told us
8 about the reverend being brought to the camp at Wonedu.

9 A. Yes, My Lord.

15:11:48 10 Q. Brought and asked to conduct Christian services every
11 morning?

12 A. Yes, My Lord.

13 Q. Did the reverend remain at the camp?

14 A. Yes, My Lord, he was there with us until we were
15:12:12 15 separated to different parts of the camp -- of the --
16 different parts of the RUF-controlled areas.

17 Q. Thank you. So you parted company with him when you
18 yourself moved to Kunduma?

19 A. When we went to Morigbedu, from Morigbedu to Masundu.
15:12:40 20 From then I only saw him when we all met in Koidu Town
21 after the ECOMOG had removed.

22 Q. From what you've told us, he was brought there against
23 his will.

24 A. I cannot tell that.

15:13:00 25 Q. You can't say that?

26 A. No.

27 Q. Would it be right to say that he remained within the
28 protection of the camp?

29 A. Yes, My Lord.

- 1 Q. And was, despite the way he'd been brought to the camp,
2 content to remain within the camp thereafter?
- 3 A. Yes, My Lord.
- 4 Q. He didn't seek, as far as you know, through the G5 to
15:13:51 5 complain about his remaining in the camp?
- 6 A. No, My Lord.
- 7 PRESIDING JUDGE: Mr Jordash, you say he didn't complain to
8 the G5?
- 9 MR JORDASH: He did not complain to the G5 about his remaining
15:14:13 10 in the camp, Your Honour.
- 11 PRESIDING JUDGE: About his remaining in the camp.
- 12 THE WITNESS: In Wonedu.
- 13 MR JORDASH: In Wonedu. Thank you, Mr Witness.
- 14 Q. Captain Rocky, from what you've told us, was responsible
15:15:03 15 for those two acts against the Nigerian lady.
- 16 A. Yes, My Lord.
- 17 Q. And the reverend.
- 18 A. Weapons?
- 19 Q. The reverend, sorry.
- 15:15:23 20 A. Oh, yes, My Lord.
- 21 Q. Apart from that, was his general conduct one of ensuring
22 the smooth running of the camp?
- 23 A. Yes, My Lord.
- 24 Q. When I say "apart from that" I don't mean to suggest that
15:16:08 25 those events were unimportant, but I say it to suggest
26 that, unless you were there and had contact with him or
27 those who'd been affected by that, one wouldn't have
28 known about Captain Rocky's bad behaviour.
- 29 A. Not at all, My Lord.

- 1 Q. And just moving on, if I can, to Morigbedu -- is that the
2 way you say it?
- 3 A. Morigbedu.
- 4 Q. You made mention then, and I'm seeking just a little
15:17:29 5 clarification -- you made mention of being there for four
6 days, and then moving, but some civilians opting to go to
7 Gbukuma?
- 8 A. Yes, My Lord.
- 9 Q. What did you mean by "opting to go" -- opted to go to
15:17:48 10 Gbukuma?
- 11 A. When they asked all of us where we wanted to go, because
12 Captain Rocky was leaving us, so some opted to go to
13 Gbukuma, because food was not a problem there. We had a
14 lot of cassavas, bananas, potatoes, yams, et cetera,
15:18:15 15 et cetera. Anyway, food was not a problem at Gbukuma, so
16 some people opted to go there.
- 17 Q. Right, thank you. You've described the movement then
18 that you made to end up in Kunduma?
- 19 A. Kunduma, yes, My Lord.
- 15:18:46 20 Q. And we've heard about 15 people dying from malnutrition.
21 A. Sickness.
- 22 Q. Sickness. From your knowledge of this area in Sierra
23 Leone and your knowledge of Sierra Leone, it's not all
24 together unknown for people to die of malnutrition,
15:19:17 25 unfortunately; would you agree?
- 26 A. I do.
- 27 Q. Wartime or --
- 28 A. Wartime, normal time, I do.
- 29 JUDGE BOUTET: But, in this case, your evidence is not that

1 they died of malnutrition but they died of disease.
2 THE WITNESS: Disease.
3 MR JORDASH: Sorry, I'm misrepresenting the evidence.
4 Q. So they're dying from malaria?
15:19:43 5 A. Malaria, pneumonia, dysentery, water-borne diseases.
6 Q. Diseases, which again unfortunately, are not uncommon in
7 Sierra Leone?
8 A. Yes, My Lord.
9 Q. Wartime or no wartime?
15:20:02 10 A. Wartime or no wartime, water-borne diseases, they are
11 common in this country.
12 PRESIDING JUDGE: That's a contentious point, but you may
13 proceed.
14 MR JORDASH: Your Honour, thank you. Your Honours, I would
15:20:38 15 have wished to apply to go into a closed session.
16 I apologise to the public, but I do want to deal with
17 specific aspects of what the witness said in closed
18 session earlier when my learned friend was examining him.
19 I anticipate I can move fairly swiftly, perhaps
15:20:59 20 20 minutes to half an hour -- at the most, half an hour.
21 PRESIDING JUDGE: Let me ask you this: is it not possible to
22 go -- I mean for a closed session could you not -- if
23 it's difficult, let me know, but we would certainly take
24 a break at a certain point in time, and when we come back
15:21:23 25 from the break we could go into a closed session.
26 I mean, this is to allow the gallery --
27 MR JORDASH: Your Honour, if I can just then proceed and try
28 to couch my questions, I might be able to do so without
29 going into closed session. I'll try.

1 PRESIDING JUDGE: No, but if you need it -- if you really need
2 it, it is your right to have it. When you start couching
3 your questions, you might not have the replies you need,
4 so I don't know.

15:21:59 5 MR JORDASH: To be frank, I would prefer it -- I simply for
6 this witness to feel as though he can answer the
7 questions as fully as possible.

8 JUDGE BOUTET: Mr Jordash, are you, with that, at the end of
9 your cross-examination, or do you have some other areas
15:22:14 10 that you wish to cover?

11 MR JORDASH: There is a section after this, which would take
12 probably about -- actually, I'm not sure how long it will
13 take, but it could take up to an hour.

14 JUDGE BOUTET: If it does not cause havoc in your
15:22:31 15 cross-examination, would it be possible or feasible to go
16 to that last portion and then come back to this area and
17 then deal with that then?

18 MR JORDASH: Yes, I can do that. It is out of chronology in
19 terms of the years.

15:22:54 20 JUDGE BOUTET: We'll try to do the adjustment with you as
21 well.

22 PRESIDING JUDGE: Please try.

23 MR JORDASH:

24 Q. I want to jump forward, Mr Witness, in time to the Lome
15:23:31 25 Accord. You've told us that things got a bit better
26 after that Accord?

27 A. Yes, My Lord.

28 Q. G5s were very active in protecting civilians?

29 A. Yes, My Lord.

1 Q. You've also told us that six months before that, around
2 December -- well, in December 1998 Mr Sesay arrived in
3 Koidu Town.
4 A. Yes, My Lord.

15:24:09 5 MR WERNER: I object, Your Honour. He did not say Mr Sesay
6 arrived in Koidu Town; he said that he saw Mr Sesay in
7 Koidu Town for the first time, which is not the same
8 thing.

9 MR JORDASH: I'm content with the adjustment, absolutely
15:24:24 10 content.

11 Q. So that was the first time you had seen Mr Sesay in Koidu
12 Town in December of 1998?
13 A. December -- not the first -- I first saw him in the
14 military headquarters in December 1998, and then in Koidu
15:24:40 15 after the removal of the ECOMOGs in late January.

16 JUDGE BOUTET: Late January of 19 --
17 THE WITNESS: 1999, My Lord, I'm sorry.

18 PRESIDING JUDGE: You saw him in the military headquarters
19 first when?

15:24:58 20 THE WITNESS: That was in December 1998.

21 PRESIDING JUDGE: Where?
22 THE WITNESS: At the 2nd Battalion headquarters at Meiyor.
23 PRESIDING JUDGE: At Meiyor?
24 THE WITNESS: At Meiyor, yes, My Lord.

15:25:17 25 PRESIDING JUDGE: And then later?
26 THE WITNESS: In January at Koidu -- January 2000.
27 MR JORDASH:
28 Q. Late January 2000?
29 A. Late January 2000.

1 Q. Just so we're clear, was that the second time you saw
2 him?

3 A. That was the second time I saw him.

4 JUDGE BOUTET: When I asked you the question shortly before,
15:25:40 5 you said January 1999, but you meant January 2000.

6 JUDGE THOMPSON: Can you resolve that, because I had 1999.

7 JUDGE BOUTET: Is it 2000 or 1999?

8 THE WITNESS: Late January 2000.

9 PRESIDING JUDGE: That is when you saw him for the second
15:25:58 10 time?

11 THE WITNESS: For the second time. Then I was seeing him now
12 frequently there.

13 PRESIDING JUDGE: But you first saw him in December 1998?

14 THE WITNESS: And the second in the middle of January 2000.

15:26:14 15 JUDGE THOMPSON: Where was that?

16 THE WITNESS: In Koidu Town.

17 PRESIDING JUDGE: And you say that thereafter you were seeing
18 him frequently?

19 THE WITNESS: Yes, My Lord.

15:26:48 20 MR JORDASH:

21 Q. Now, just dealing with the first time -- the first time
22 he was preparing to move towards Makeni; is that correct?

23 A. Yes, My Lord.

24 Q. You told us about this time Vandi taking salt,
15:28:20 25 cigarettes, and two cartons of Maggi to civilians.

26 A. Yes, My Lord.

27 Q. And this food had come from Buedu along with Mr Sesay?

28 A. I don't know whether they came along with Mr Sesay.

29 PRESIDING JUDGE: But did the food arrive at about the same

1 time that you saw Sesay?

2 THE WITNESS: The very morning, I came on the invitation of
3 the G5 with whom I was staying. He told me that there
4 were food items for Kunduma, so he wanted me to go with
15:29:33 5 him. We went there. That was the time I saw Issa Sesay.
6 I don't know whether the food had arrived before he
7 arrived.

8 PRESIDING JUDGE: Or whether he brought it?

9 THE WITNESS: Or whether he brought it, or whether they were
15:29:48 10 there in store before he came.

11 MR JORDASH:

12 Q. Mr Witness, I know this was a long time ago, but I would
13 like you, if you would, just to think carefully about
14 whether you interacted with Mr Sesay on this occasion.
15:30:32 15 I'm suggesting you met Mr Sesay on this occasion.

16 A. On the first occasion?

17 Q. Yes, and spoke to him?

18 A. I was introduced to him. He shook hands with me. We had
19 interaction later, but not at that moment.

15:30:51 20 Q. Do you recall speaking to him in your official capacity
21 as part of your job? I don't want to know the job, but
22 you met him because it was part of your job to meet him?

23 A. Yeah, I do.

24 PRESIDING JUDGE: As part of which job?

15:31:33 25 MR JORDASH: That's what I was trying to --

26 JUDGE BOUTET: But if --

27 MR JORDASH: I was going to that.

28 PRESIDING JUDGE: You were going to that, all right.

29 JUDGE BOUTET: Because that part of the evidence was in closed

1 session. That's the kind of --

2 PRESIDING JUDGE: Okay. That will come later, I suppose.

3 MR JORDASH: Yes, Your Honour.

4 Q. Koidu Town was captured soon after by troops led by
15:32:07 5 Mr Sesay; are you aware of that?

6 A. I was not aware of that. We heard that Koidu Town had
7 been captured. I don't know whether it was Mr Issa Sesay
8 that led the troops.

9 Q. Okay. But it was soon after - a matter of days - after
15:32:30 10 you had seen Mr Sesay preparing for some type of battle?

11 A. That was in December.

12 Q. Yes, 1998.

13 A. 1998.

14 PRESIDING JUDGE: I --

15:32:43 15 MR JORDASH: Did I jump -- I think I know what Your Honour is
16 going to say.

17 JUDGE BOUTET: I think you're leading evidence quite heavily
18 here. The evidence that we heard -- examination-in-chief
19 is not in accord entirely with what you're saying, but
15:32:59 20 "preparing for battle", I don't think the witness has
21 ever talked about in any capacity, but --

22 PRESIDING JUDGE: The Prosecution is indifferent --
23 surprisingly indifferent.

24 MR JORDASH: I don't know. I'll go back over that. It is my
15:33:17 25 mistake, Mr Witness, I'm trying to run along too quickly.

26 Q. Were you aware that Mr Sesay was preparing for some kind
27 of attack in December of 1998?

28 A. I saw Mr Issa Sesay in December 1998 on the 13th of that
29 month, but I was not able to know whether he was

1 preparing for a war. That was a military secret to which
2 I was not privy.

3 Q. Mr Sesay was there with a number of troops, can you
4 confirm that?

15:34:29 5 A. I beg your pardon?

6 Q. Mr Sesay was there, and so were a number of troops?

7 A. Where, My Lord?

8 Q. In Meiyor.

9 A. Yes, My Lord.

15:34:41 10 Q. And you also saw, during that time, ammunition and
11 weapons --

12 A. We did.

13 Q. -- around and about?

14 A. They were fighting a war; they had their own ammunitions.

15:34:54 15 They were fighting war. They had enemies all around
16 them. That was not the war that was fought with rubber
17 fax [sic].

18 Q. Quite. Koidu Town was occupied, as you learnt later --
19 several days later by RUF rebel troops?

15:35:21 20 A. Yes, My Lord.

21 Q. As you've told us, Mr Sesay -- as you told us, the next
22 time you see Mr Sesay is 2000.

23 A. 2000, mid January.

24 Q. Thank you. Following the time when you learned that
15:36:16 25 Koidu Town had been reoccupied by the RUF, the civilians
26 were moved, including yourself, from the bush?

27 A. Yes, My Lord.

28 Q. Into Koidu Town?

29 A. Yes, My Lord.

- 1 Q. Koidu Town was empty, because ECOMOG and the forces
2 fighting with ECOMOG had been driven out; is that
3 correct?
- 4 A. Yes, My Lord.
- 15:37:24 5 Q. Is it right that Koidu Town had been in the hands of
6 ECOMOG from around April 1998 until December of 1998?
- 7 A. Yes, My Lord.
- 8 PRESIDING JUDGE: From April to --
- 9 MR JORDASH: April to December of 1998, Your Honour.
- 15:38:52 10 Q. Was that December 16th of 1998; do you remember,
11 Mr Witness?
- 12 A. December 16th, 1998, My Lord.
- 13 Q. Yes, thank you. Do you remember when it was you and the
14 other civilians moved into Koidu Town?
- 15:39:20 15 A. Well, we moved in Koidu Town in various dates or various
16 dates -- some immediately went, but I went later, because
17 I was sick and hospitalised in the bush.
- 18 Q. You were sick and --
- 19 A. And hospitalised at Meiyor headquarters -- battalion
15:39:39 20 headquarters. I followed -- I joined the other civilians
21 later on.
- 22 Q. I see.
- 23 A. Well, in the same month of December 1998.
- 24 Q. Thank you. Were you aware of a commander called Superman
15:41:02 25 who was in control, I suggest, of Kono until April of
26 1998?
- 27 A. Yes, My Lord. I did not see him, but I heard of him.
- 28 Q. Heard about him?
- 29 A. In fact, Meiyor was called Superman ground.

1 Q. Superman's ground?
2 A. Yeah.
3 Q. That was Meiyor?
4 A. Meiyor, at battalion headquarters.
15:41:37 5 Q. From what you've said at that time, you were able to --
6 you were in hospital; is that correct?
7 A. Yes, in December of 1998 I was sick at Kunduma, then
8 moved down to hospital at Superman's ground.
9 PRESIDING JUDGE: That's Superman route?
15:42:21 10 THE WITNESS: Superman's ground, G-R-O-U-N-D.
11 MR JORDASH: Ground.
12 PRESIDING JUDGE: Okay.
13 MR JORDASH:
14 Q. Did you hear anything about Superman burning Koidu Town
15:43:05 15 as he was pushed out by ECOMOG?
16 A. I was in the bush. I don't know. I didn't know he had
17 that -- we only see smoke going up from Koidu Town, but
18 nobody told me who burnt Koidu Town.
19 Q. But the smoke was in April of 1998?
15:43:25 20 A. Not April 199 -- April 1998.
21 Q. Yes, that was when you saw the smoke coming out from
22 Koidu Town?
23 A. That was when we were in the bush, we saw the smoke going
24 up. Even my own houses were burnt down.
15:43:42 25 Q. Do you recall, Mr Witness, after moving into Koidu Town,
26 becoming aware of 17 Nigerian prisoners of war?
27 A. Yes, I saw them.
28 Q. They'd been captured during the attack on Koidu and kept
29 safe?

- 1 A. Yes, My Lord.
- 2 JUDGE BOUTET: Mr Jordash, we're still talking about the
3 attack in April 1998?
- 4 MR JORDASH: Sorry, I jumped forward to the attack which we
15:45:30 5 say was led by Mr Sesay in December of 1998. It was a
6 re-taking of Koidu Town from ECOMOG who had been there
7 from April to December.
- 8 Q. Did you follow that, Mr Witness? I'm right when I
9 say we're talking about December 1998, you and the
15:45:48 10 civilians coming into Koidu Town, that's when you became
11 aware of these 17 Nigerian PoWs?
- 12 A. Yes, My Lord.
- 13 Q. And they were released as part of the disarmament process
14 following the Lome accord; can you confirm that?
- 15:46:20 15 A. No, My Lord. I heard they were taken to Buedu to General
16 Mosquito. There, they were released.
- 17 Q. Thank you. Do you recall a forum held in the first weeks
18 after the capture of Koidu in December of 1998 where
19 soldiers were told that acts of harassment against
15:47:36 20 civilians would not be tolerated?
- 21 A. Yes, I do.
- 22 Q. And it was after this time that you were -- or became
23 aware of an RUF combatant being executed for rape?
- 24 A. Yes, My Lord.
- 15:48:46 25 Q. And you've spoken about the execution of -- I beg your
26 pardon, the investigation of an RUF combatant for killing
27 a chief?
- 28 A. An investigation into -- that was a combatant - I cannot
29 differentiate whether the combatant was RUF or AFRC -

1 where a combatant was executed for killing a chief.
2 Q. And this was a chief in Gbeko?
3 A. Gbeko.
4 Q. Was that the Chiefdom Nimikoro?
15:50:10 5 A. Nimikoro chiefdom.
6 Q. Do you recall that being in 2001?
7 A. I can't remember the date now, but it did happen.
8 JUDGE BOUTET: Mr Jordash, what would have been 2001 - the
9 execution of the combatant, or the killing of the chief?
15:50:37 10 MR JORDASH: I think both.
11 Q. Do you recall, Mr Witness - I'm just going to take some
12 instructions on that -- but do you recall, Mr Witness,
13 Mr Sesay coming to Kono around the time that this took
14 place?
15:51:06 15 A. I don't remember.
16 Q. I want to try to remind you, if I can. Do you recall
17 going to Mr Sesay's house in Kono in 2001?
18 MR WERNER: I object, Your Honour. The witness said that he
19 saw Mr Sesay twice -- one at the end of 1998 and one at
15:51:39 20 the beginning of 2000. He said that twice.
21 JUDGE THOMPSON: Let me ask: why is he restricted to that
22 question alone under the rules of cross-examination? Why
23 is he restricted in scope? I thought he could still
24 elicit new material. He's not stating that the witness
15:52:06 25 said he went to that house; he's asking whether he
26 recalls. Is he not entitled to ask that on the
27 cross-examination? What rule has he violated?
28 MR WERNER: My understanding was that he was eliciting from
29 the witness that he saw Issa Sesay at that time when the

1 witness had already said --

2 JUDGE THOMPSON: Not necessarily. I would have thought that

3 that our practice so far has been that, when you are

4 cross-examining, you can cross-examine on matters that

15:52:38 5 may not have necessarily come out of

6 examination-in-chief.

7 MR WERNER: Absolute, but --

8 JUDGE THOMPSON: The open system as opposed to the closed

9 system.

15:52:48 10 MR WERNER: But my understanding was that the witness already

11 answered the question. If that's not the case --

12 JUDGE THOMPSON: That's not how I understood it. Mr Jordash?

13 MR JORDASH: Your Honour --

14 PRESIDING JUDGE: Mr Jordash, you may proceed please. Ask

15:53:01 15 your question, please. Please proceed. The objection is

16 overruled.

17 MR JORDASH:

18 Q. You saw Mr Sesay many times in 2001?

19 A. Yes, My Lord.

15:53:09 20 Q. In your official capacity you saw him?

21 A. Frequently, My Lord.

22 Q. He came and effectively, in early 2001, was based in Kono

23 for some time?

24 A. Yes, My Lord.

15:53:24 25 Q. And as the man in charge at that time in Kono, you would

26 see him to report issues of your job to him?

27 A. Yes, My Lord.

28 Q. I just want to see -- if you cannot remember, Mr Witness,

29 of course it's no problem, but I just want --

1 A. The incident took place maybe the G5 went to report --
2 and reported a matter to him, but I did not go on that
3 particular matter to him -- for that particular matter.
4 I can't remember doing that.

15:54:09 5 Q. Okay. Do you remember this happening at around the time
6 Mr Sesay is in or resident in Kono?

7 A. Well, yes, My Lord, during the time of Mr Sesay's
8 residence in Kono, he was every day protecting the rights
9 of the civilians, including myself.

15:54:37 10 Q. Thank you, Mr Witness.

11 A. He was against --

12 JUDGE THOMPSON: Slowly, slowly.

13 PRESIDING JUDGE: Slowly. You say every time Issa Sesay was
14 in Kono he was all the time engaged in protecting the
15:54:58 15 lives of civilians --

16 THE WITNESS: Of the civilians, including myself.

17 PRESIDING JUDGE: Including yourself.

18 THE WITNESS: He was against the excesses of some of his
19 men on the --

15:55:06 20 JUDGE THOMPSON: Slowly, slowly, please. Some of the
21 civilians, including mine, you said --

22 THE WITNESS: Including I myself, My Lord -- we were all
23 civilians under him.

24 PRESIDING JUDGE: Did you say some -- all of the
15:55:35 25 civilians protecting the --

26 THE WITNESS: All the civilians, including his own men on the
27 ground.

28 PRESIDING JUDGE: Including you yourself?

29 THE WITNESS: I myself, but mostly he was concerned with the

1 welfare of the civilians.

2 PRESIDING JUDGE: Against the excesses of --

3 THE WITNESS: Of some of his men on the ground -- his fighting
4 men on the ground.

15:56:51 5 MR JORDASH:

6 Q. And was against such things as looting of civilians?

7 A. Yes, My Lord, from Koidu right down to Makeni, Magburaka,
8 he put that under control, as far as I could remember.

9 Q. Thank you.

15:57:25 10 PRESIDING JUDGE: He put such things under control.

11 JUDGE THOMPSON: From where?

12 THE WITNESS: From Koidu right to the area they had captured,
13 Magburaka, Makeni -- those looting system was put under
14 control when he was in charge.

15:58:37 15 JUDGE THOMPSON: Lest I misinterpret your evidence - I may
16 have got it wrong - but you say that the looting system
17 was put under control when he was in charge, that is,
18 from Koidu down to Makeni?

19 THE WITNESS: Yes.

15:58:52 20 JUDGE THOMPSON: Can you help me? I'm not sure -- the looting
21 system was put under control?

22 THE WITNESS: Lootings was put under control.

23 JUDGE THOMPSON: Looting?

24 THE WITNESS: Looting.

15:59:05 25 JUDGE THOMPSON: It's the word "system" that troubles me.

26 THE WITNESS: Looting -- looting was put under control.

27 JUDGE THOMPSON: Thank you.

28 MR JORDASH:

29 Q. In other words, he did what he could to stop it?

1 A. Yes, My Lord.
2 JUDGE THOMPSON: Thank you very much.
3 MR JORDASH:
4 Q. And you worked closely with him to try to achieve that
16:00:18 5 aim?
6 A. Yes, to try to achieve their political end.
7 Q. Just sticking with Mr Sesay's attempts to stop the
8 looting, you worked with him as part of that --
9 A. Yes, My Lord.
16:00:35 10 Q. Would you agree that it wasn't just looting he was
11 stopping, or trying to stop; it was --
12 PRESIDING JUDGE: Please don't put that question to him that
13 way. Don't tell him what he has to say. Ask him what
14 else he did -- what else did he do. Don't tell him what
16:01:21 15 he has to say. These are the things -- we want some
16 checks and balances. Reframe the question, Mr Jordash,
17 please -- try to reframe the question.
18 MR JORDASH:
19 Q. Was Mr Sesay against the killing of civilians?
16:01:37 20 A. Strongly, My Lord.
21 Q. Was he against the raping of civilians?
22 A. Yes, My Lord.
23 Q. Did he want civilians to live peacefully within the
24 RUF-controlled zones?
16:02:47 25 A. Yes, My Lord. Civilians, ourselves, were pleased to
26 live --
27 JUDGE THOMPSON: Just a minute -- let's have the first bit --
28 the answer -- he wanted civilians to live peacefully in
29 RUF zones; is that what you said?

1 THE WITNESS: Yes, My Lord.
2 JUDGE THOMPSON: And what else --
3 MR JORDASH:
4 Q. You were about to say something, Mr Witness.
16:03:23 5 PRESIDING JUDGE: He said he wanted civilians to --
6 JUDGE THOMPSON: Live peacefully in RUF zones.
7 THE WITNESS: In the RUF-controlled areas.
8 JUDGE THOMPSON: You called it zones?
9 THE WITNESS: Zones, yes, My Lord.
16:03:37 10 JUDGE THOMPSON: And what else you said?
11 MR JORDASH:
12 Q. You were saying something about the civilians' reactions.
13 A. The civilians were very pleased with him, because he was
14 a young man, and he was very nice with civilians. He was
16:03:50 15 against most of the bad things that were going on, such
16 as molestations, intimidation, harassment of civilians.
17 MR JORDASH: Just pause there a minute, Mr Witness. The
18 honourable judges have to take a note.
19 [HS251004D 4.10 p.m.]
16:05:01 20 Q. And he was willing to punish, and did punish, his men?
21 A. Yes, My Lord.
22 PRESIDING JUDGE: Should we say punish his men for all actions
23 against civilians?
24 THE WITNESS: Yes, My Lord.
16:05:34 25 MR JORDASH:
26 Q. For actions -- for crimes against civilians?
27 A. Crimes against -- offences against civilians.
28 Q. Do you agree that what you've told us about Mr Sesay
29 applied to his activities in Masingbi?

1 A. Masingbi, Magburaka, Makeni.
2 Q. Makala?
3 JUDGE THOMPSON: Slowly, Mr Witness.
4 MR JORDASH:
16:06:22 5 Q. Masingbi?
6 A. Yes, My Lord.
7 JUDGE BOUTET: Can you spell that out, please?
8 THE WITNESS: M-A-S-I-N-G-B-I.
9 JUDGE BOUTET: After that?
16:06:50 10 MR JORDASH: Masingbi, Magburaka.
11 THE WITNESS: Magburaka.
12 MR JORDASH:
13 Q. Can you spell that as well, Mr Witness?
14 A. M-A-G-B-U-R-A-K-A, Magburaka?
16:06:59 15 JUDGE THOMPSON: And where else you said?
16 THE WITNESS: Makeni, and all over the RUF areas that were
17 under his control.
18 MR JORDASH: Thank you.
19 Q. And you got to know him quite well in that time, 2001?
16:07:36 20 A. Round 2001 up to the last day disarmament took place, I
21 knew him.
22 Q. And that applies -- you got to know him, as well, in the
23 year 2000 too?
24 A. 2002 -- 2000 --
16:08:15 25 Q. Sorry, 2000 and 2001 up until disarmament was when you
26 got to know Mr Sesay?
27 A. Yes, My Lord.
28 JUDGE BOUTET: Mr Jordash, I missed part of what you just
29 said. I understood his evidence to have been that since

1 2001, when Sesay took control of Kono, at that time, from
2 that moment on he's met him on a regular basis, but you
3 mentioned something before that.

4 MR JORDASH: I should have moved backwards. I will deal with
16:08:58 5 that and make it more clear, Your Honour.

6 JUDGE BOUTET: Okay.

7 MR JORDASH:

8 Q. Mr Sesay arrived, effectively, in Kono early 2000; is
9 that right?

16:09:11 10 A. Yes, My Lord; 2000.

11 Q. Go on, sorry.

12 A. He arrive in Kono, I said, in December 1998.

13 Q. Yes. And then you saw him in 2000?

14 A. 2000 -- early in January, 2000.

16:09:29 15 Q. And from that time he was either based in Kono --
16 A. He was now based in Kono.

17 Q. He moved and was based for a time in Makeni too; is that
18 right?

19 A. Yes, he moved from time to Makeni to Buedu.

16:10:04 20 Q. And effectively, from 2000, was the man you dealt with as
21 being in control of Kono?

22 A. Yes, My Lord.

23 Q. And what you've told us about his approach to civilians,
24 applies from year 2000, from what you know, onwards?

16:10:49 25 A. From year 2000 onwards.

26 Q. From what you observed?

27 A. That was my observation.

28 Q. Thank you. And if there was an investigation into a
29 soldier's or a rebel's behaviour, it would have been an

1 investigation during those times, which would have been
2 ordered by Mr Sesay?
3 A. Yes, My Lord.
4 PRESIDING JUDGE: The witness is very clear. He said Sesay
16:11:41 5 investigated these crimes against his people -- committed
6 against civilians, and he took action against them. So I
7 think --
8 MR JORDASH: I will be able to move on, but Your Honour will
9 appreciate it is an extremely important area for the
16:11:57 10 Defence.
11 PRESIDING JUDGE: Well, we appreciate that.
12 MR JORDASH:
13 Q. Were you aware, Mr Witness, that his approach to
14 civilians brought him into conflict with some commanders?
16:12:10 15 A. Yes, My Lord.
16 Q. And you may remember, but --
17 PRESIDING JUDGE: Some RUF commanders?
18 THE WITNESS: Some RUF commanders.
19 MR JORDASH:
16:12:48 20 Q. Including Superman?
21 A. Including Superman.
22 Q. And Gibril Massaquoi?
23 A. Yes, My Lord.
24 Q. Do you know anything -- have you heard -- did you hear
16:13:32 25 from Mr Sesay during those times about Superman's attempt
26 to kill him?
27 A. Yes, My Lord. Superman attempted to execute him in
28 Makeni, and he escape to Koidu, had a meeting there --
29 PRESIDING JUDGE: Please wait, wait, wait.

- 1 Q. You heard of what?
- 2 A. Superman attempting to execute him in Makeni. He escape
3 to Koidu.
- 4 Q. That's Issa?
- 16:14:17 5 A. Issa escaped to Koidu.
- 6 Q. So when he heard of this assassination plot, he escaped
7 to Koidu?
- 8 A. He escape to Koidu.
- 9 Q. And then what happened thereafter?
- 16:14:45 10 A. Well, I visited him; he explained the whole story to me.
- 11 Q. You visited him in Koidu?
- 12 A. Visited him in Koidu.
- 13 MR JORDASH:
- 14 Q. And did you hear, at that time, that Superman and Gibril
16:15:17 15 Massaquoi took the opportunity of his absence from Makeni
16 to loot Makeni?
- 17 A. I heard of that, My Lord.
- 18 JUDGE BOUTET: When you say took advantage of that, you mean
19 of being away in Makeni?
- 16:15:58 20 MR JORDASH: Being away in Koidu.
- 21 THE WITNESS: To Koidu.
- 22 JUDGE BOUTET: To Koidu.
- 23 MR JORDASH:
- 24 Q. Effectively, Mr Sesay had to flee from Makeni; is that
16:16:10 25 right?
- 26 A. To Koidu.
- 27 Q. And Superman and Gibril Massaquoi remained in Makeni and
28 looted it?
- 29 A. Yes, My Lord.

1 JUDGE BOUTET: So the looting is taking place in Makeni, not
2 Koidu?
3 THE WITNESS: Makeni.
4 MR JORDASH: Makeni, yes.
16:16:23 5 JUDGE BOUTET: But at that time Sesay was based in Makeni. He
6 escaped obviously to Koidu --
7 MR JORDASH: Yes.
8 JUDGE BOUTET: -- but before his escape to Koidu, he was also
9 stationed or living in Makeni at that time?
16:16:37 10 THE WITNESS: Yeah.
11 JUDGE THOMPSON: So the looting allegedly took place in
12 Makeni; is that what it is?
13 MR JORDASH: Yes, sir.
14 JUDGE BOUTET: Yes.
16:16:48 15 JUDGE THOMPSON: And it was the result of the absence of
16 Mr Sesay from --
17 MR JORDASH: From Makeni.
18 JUDGE THOMPSON: From Makeni?
19 THE WITNESS: Yes, My Lord.
16:17:05 20 JUDGE THOMPSON: I wanted to get that.
21 JUDGE BOUTET:
22 Q. And his absence was caused by his trying to escape
23 execution by Superman?
24 A. By Superman.
16:17:47 25 Q. And one more question, Mr Witness. In this respect you'd
26 said that you had visited Mr Sesay and he told you about
27 the attempted execution against him?
28 A. Yes, My Lord.
29 Q. And is it at that time that he also told you about

1 Massaquoi and so on, or it's a different event?

2 A. No, he did not tell me about Massaquoi and Superman.

3 People that were coming from Makeni said they were afraid

4 of the looting that was going on there. They didn't want

16:18:19 5 Issa Sesay to go and made a report before them. So

6 there's plenty of soldiers escape to Koidu to follow Issa

7 Sesay.

8 PRESIDING JUDGE: Anyway, you were only told all this?

9 THE WITNESS: I was told this; I was not in Makeni.

16:18:53 10 JUDGE THOMPSON:

11 Q. But, Mr Witness, you heard the alleged assassination

12 story from Mr Sesay himself?

13 A. Yes, My Lord.

14 Q. Is that what you say?

16:19:06 15 A. Yes, My Lord.

16 Q. So that was not told to you by somebody?

17 A. By somebody. By Issa Sesay himself.

18 Q. Right, thank you.

19 A. And that very night there was a threat that made some of

16:19:14 20 us were trying to move back into the bush. They said

21 Superman was coming with troop to come and fight Issa

22 Sesay in Koidu Town, and that could have led loss of so

23 many lives.

24 MR JORDASH:

16:20:27 25 Q. And these things you heard from other people -- from

26 soldiers coming from Makeni; is that correct?

27 A. Yes, soldiers that were loyal to Issa Sesay followed him.

28 Q. And they told you?

29 A. They told me what was going on in Makeni.

1 Q. Is that a number of people told you?
2 A. Number of soldiers that came from Makeni told me. I
3 mean, it was -- I mean, the news that was spread all over
4 Koidu Town, because Issa Sesay, too, had a very large
16:21:30 5 loyalist combatants behind him. So they all moved from
6 Makeni and came to follow him to Koidu.
7 Q. Thank you. From January 2000 you worked with Mr Sesay --
8 sorry, just one point I can pick up on, if I can.
9 Mr Sesay, at that stage, moved from Koidu to Kailahun due
16:22:19 10 to the threat Superman was posing; do you recall that?
11 PRESIDING JUDGE: That again has implied that way of examining
12 the witness. You are giving the evidence.
13 MR JORDASH: Well, Your Honour, this is --
14 PRESIDING JUDGE: Please. Reframe your questions, please.
16:22:31 15 You see, we have to be very careful in a proceeding like
16 this. We have to be very, very careful the way, you
17 know, we illicit the evidence. We must be fair. We must
18 remain within the domain, you know, of fairness. When
19 you recite and recite and recite, the witness will just
16:22:51 20 say yes, yes, yes. Please, you know, professionally
21 reframe your questions, you know, in a way that they
22 would be acceptable, even if it is granted that you were
23 in the process of cross-examination.
24 MR JORDASH: Your Honour, this is my case. This is what we
16:23:07 25 say happened.
26 PRESIDING JUDGE: Yes, but put it -- I'm not saying the
27 contrary, but you should not assume the mantle, you know,
28 of leading -- of giving evidence yourself. See, this is
29 where the problem is. You can elicit anything from this

1 witness, but adopting, you know, acceptable procedures to
2 do this. I'm not questioning the fact that your defence
3 lies on the answers you want out of this witness on
4 particular issues. No. It's the means that is adopted,
16:23:37 5 you know, which we are drawing our attention to.

6 MR JORDASH: Your Honour, I will move on, but this is an
7 intelligent and knowledgeable witness, and --

8 PRESIDING JUDGE: Even if he is intelligent, it is not for you
9 to give evidence in his place. That is what we are
16:23:54 10 saying.

11 MR JORDASH:
12 Q. Are you able to give any evidence, Mr Witness, about how
13 Mr Sesay -- or why Mr Sesay arrived in Kono in January
14 2000? Do you recall him speaking to you about an
16:24:15 15 argument with Foday Sankoh?

16 A. I don't remember that.

17 Q. Okay. Do you recall September 2000, when Mr Sesay became
18 interim leader of the RUF?

19 A. Yes. Yes, I do.

16:24:51 20 Q. Were the civilians you knew happy about that?

21 A. We were happy about it, because we liked him and he was
22 always in our interest. He was always operating in our
23 interests.

24 MR JORDASH: Thank you. The remaining portion - and it's a
16:25:52 25 very short, maybe 20 minutes, portion - I would
26 respectfully invite the Court to move into closed
27 session.

28 JUDGE THOMPSON: And that would conclude your --

29 MR JORDASH: That would conclude my cross-examination.

1 JUDGE THOMPSON: -- cross-examination. So that would not
2 necessitate coming back into open session for your
3 cross-examination.

4 MR JORDASH: Could I just confer with my learned colleague?

16:26:21 5 JUDGE THOMPSON: Yes, okay.

6 MR JORDASH: Just one question, which I forgot to re-put after
7 the Honourable President's intervention.

8 Q. You've talked of a fear that Superman was coming to Koidu
9 Town?

16:26:44 10 A. Yes, My Lord.

11 Q. Did Mr Sesay leave Koidu Town and go to --

12 A. Yes. When he heard the news, he left Koidu Town and went
13 further a bit, about three, four miles from Koidu Town
14 with his own security.

16:27:00 15 PRESIDING JUDGE: Sorry, let me get this right. Superman from
16 Makeni now moves to Koidu Town?

17 MR JORDASH: No, that was fear.

18 THE WITNESS: It was -- [Overlapping speakers]

19 PRESIDING JUDGE: That was fear.

16:27:09 20 [Overlapping speakers]

21 THE WITNESS: Yeah, it was fear.

22 PRESIDING JUDGE: Okay.

23 THE WITNESS: It was rumoured that he was coming down to Koidu
24 Town and there was fear.

16:27:42 25 JUDGE THOMPSON: And so what happened?

26 THE WITNESS: Issa Sesay moved from Koidu Town. He too in
27 fear. He was not fearing for himself, but the civilians,
28 because if there be any confrontation --

29 JUDGE THOMPSON: Slowly. Issa Sesay moved from Koidu Town.

1 THE WITNESS: To Mangadu area.
2 JUDGE THOMPSON: Could you spell that for us?
3 THE WITNESS: M-A-N-G-A-D-U.
4 PRESIDING JUDGE: M-A-N --
16:28:17 5 THE WITNESS: G-A-D-U -- G-A-D-U, My Lord.
6 PRESIDING JUDGE: K-A --
7 THE WITNESS: G-A-D-U, Mangadu. That's in the Tankoro
8 Chiefdom.
9 JUDGE THOMPSON: Yeah.
16:28:40 10 THE WITNESS: Because he feared that if any confrontation had
11 taken place with Superman, the civilians -- with the
12 civilians, we are going to perish.
13 JUDGE BOUTET: So when is all of this taking place, if I may
14 ask you? What's the timeframe?
16:29:11 15 THE WITNESS: The time Issa Sesay left in Makeni, I think that
16 was around September -- September -- August, September in
17 2000 -- in the year 2000.
18 MR JORDASH: Thank you.
19 JUDGE BOUTET:
16:29:36 20 Q. I'm just trying to follow the sequence of events here?
21 A. Yes, My Lord.
22 Q. Sesay comes back, because he's attempting to escape
23 execution by Superman?
24 A. Yes, My Lord.
16:29:47 25 Q. And therefore moves out of Makeni back to Koidu?
26 A. Yes, My Lord.
27 Q. Once in Koidu, he moves out of Koidu to three miles
28 outside?
29 A. Yeah, My Lord.

- 1 Q. When I say "he", that's not obviously himself alone. How
2 is he --
- 3 A. He went with his own security -- his own men that were
4 loyal to him.
- 16:30:10 5 Q. Okay. But in Koidu, when he comes back, what does he
6 have in Koidu? Is it a battalion headquarter? What's in
7 Koidu at that time?
- 8 A. It's a battalion -- more than one battalion.
- 9 Q. A battalion?
- 16:30:24 10 A. Yes, My Lord.
- 11 Q. So that's where he goes back to when he gets back to
12 Koidu?
- 13 A. Yes, My Lord.
- 14 Q. To this battalion headquarter?
- 16:30:33 15 A. Yes, My Lord.
- 16 Q. How long does he stay in Koidu?
- 17 A. He stayed there for only a night, and still the rumour
18 was coming that Superman was on his way.
- 19 Q. Okay, so it's just an overnight?
- 16:30:40 20 A. Overnight, yeah.
- 21 Q. He comes in, there's a rumour, and then moves out to hide
22 outside?
- 23 A. Yes, My Lord.
- 24 MR JORDASH: Can I just take instructions briefly,
16:31:25 25 Your Honours? Thank you. With Your Honours' leave, I
26 would invite you to move into a closed session, just to
27 deal with issues which might reveal the identity of this
28 witness.
- 29 PRESIDING JUDGE: My learned brother Judge Thompson, you know,

1 expressed some concerns. Can you reply to those
2 concerns? I mean, are we still coming back with you?
3 JUDGE THOMPSON: Are we going to come back.
4 MR JORDASH: No.
16:32:23 5 JUDGE THOMPSON: In other words, once we get into closed
6 session, then you will draw the curtain, so to speak, on
7 your cross-examination?
8 MR JORDASH: Unless something occurs to me.
9 JUDGE THOMPSON: Yes.
16:32:33 10 MR JORDASH: At this time in the afternoon it rarely does and
11 I should be finished.
12 JUDGE THOMPSON: In other words, if we advise the public --
13 members of the gallery to leave now, because the
14 interests of justice so dictate, when would we ask them
16:32:55 15 to come back? Usually we sit until 5.30 these days. How
16 long would you take?
17 MR JORDASH: I would have thought 20 minutes, but half an hour
18 at the very, very most.
19 JUDGE THOMPSON: So should we be realistic and say 30 minutes.
16:33:15 20 MR JORDASH: To be safe, but I'm sure I can finish in 20
21 minutes.
22 JUDGE THOMPSON: Well, it's just to err on the side of
23 caution; that's all.
24 MR JORDASH: Certainly. Half an hour, I think, would be safe.
16:33:29 25 JUDGE THOMPSON: Yeah.
26 PRESIDING JUDGE: Well, the Court will be moving into a closed
27 session on the application of Mr Jordash, counsel for the
28 first accused, for purposes of protecting the identity of
29 this witness, and --

1 MR WERNER: Your Honour, I think the witness needs, in
2 addition, to go to the bathroom.
3 PRESIDING JUDGE: Okay, thank you, I will just finish. To
4 protect the identity of this witness, and in view of the
16:33:57 5 protected measures we have accorded to him. So we shall
6 rise, allow him to ease himself, and then we shall resume
7 in a closed session. I think the gallery can see us
8 tomorrow. The Court will rise, please.

9 [Break taken at 4.35 p.m.]

16:41:36 10 [At this point in the proceedings, a portion of the
11 transcript, pages 100 to 116, was extracted and sealed
12 under separate cover, as the session was heard in camera]

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C E R T I F I C A T E

We, Maureen P Dunn and Ella K Drury, Official Court Reporters for the Special Court for Sierra Leone, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (machine writer) and thereafter transcribed by computer, that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Maureen P Dunn

Ella K Drury

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