

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

THURSDAY, 25 OCTOBER 2007
9.55 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,
Bankole Thompson
Pierre Boutet

For Chambers:

Mr Matteo Crippa
Ms Erica Bussey
Mr Felix Nkongho

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Peter Harrison
Mr Charles Hardaway
Mr Vincent Wagona
Mr Reginald Fynn

For the accused Issa Sesay:

Mr Wayne Jordash
Mr Kevin Hussey

For the accused Morris Kallon:

Mr Shekou Touray
Mr Kennedy Ogeto

For the accused Augustine Gbao:

Mr John Cammegh
Ms Prudence Acirokop

1 [RUF25OCT07A - JS]
2 Thursday, 25 October 2007
3 [The accused present]
4 [The witness entered court]
5 [Session]
6 [Upon commencing at 9.55 a.m.]

will

7 PRESIDING JUDGE: Good morning, learned counsel. We
8 resume the session and, yes, Mr Cammegh?

10:01:20 10
representative
up

9 MR CAMMEGH: Good morning, Your Honour. I'm sorry to be
10 the harbinger of doom, but I've been speaking to a
11 from the stenographers this morning and this is just to follow
12 comments I made the other day. I understand Mr Jordash's next
13 witness, DIS-188, is very lengthy and could take something
14 three days in-chief. I think he's one of the, if not the

like
longest

10:01:44 15
some
be

15 Sesay witness of all. I know having had a look at his summary
16 that I'm going to be engaged in cross-examination for quite
17 time with this witness, and I have no doubt Mr Hardaway will
18 as well, I have no doubt the Kallon team will need to too. In
19 order to do that properly, we are going to need transcript.

It's

10:02:05 20
three

going to be very difficult to write every single word for

21 days and we need accuracy of reference. My understanding is
22 that, despite their valiant efforts, the stenographer
situation
23 has deteriorated yet further since I last spoke to you. I
think
24 in particular it's clear that a lot of work which was done to
10:02:26 25 amended drafts from Friday, although saved on the system, was
not
26 saved, not because of any fault of the stenographer but
because
27 of the IT situation. Potentially, therefore, we are now up to
28 three days behind. I'm simply flagging this situation up now.
29 If the matter has not improved by the time I cross -- it's my

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1 turn to cross-examine, I'm going to have to ask for an
2 adjournment in order that I've got an accurate record of what
was
3 said in-chief. Now, this would be a severe drawback to the
4 administration of this Court. I'm sure everyone would agree
with
10:03:05 5 that. I understand a representative from the stenographers is
in
6 with a meeting with the Registrar this morning, but with the
best
7 will in the world, unless things dramatically improve I think

8 there's going to come a time next week when someone is going
to
9 be asking for an adjournment.

10:03:22 10 PRESIDING JUDGE: Mr Cammegh, all I can bring to your
11 attention or to your information is that I met the Registrar
12 fortuitously yesterday and I met him just around the corridors
13 and he said that he had received my instructions and that he
was
14 doing everything to ensure, you know, that things are in
order.

10:03:48 15 That is what he told me yesterday.

16 MR CAMMEGH: Yes, well I'm sure --

17 PRESIDING JUDGE: I didn't hold a meeting with him. I
met
18 him around the corridors and he acknowledged receipt of my
19 instructions and said that he was doing everything to ensure
that
10:04:00 20 things are okay.

21 MR CAMMEGH: Well, everybody at the Bar is grateful for
22 Your Honour's comments the other day, and I'm sure the
23 stenographers too, and I'm sure efforts are being made. All
I'm
24 doing is putting the Court on notice that regrettably there
may
10:04:13 25 come a time when I'm going to have to ask for an adjournment.
We
26 all hope that doesn't arise.

27 PRESIDING JUDGE: Well, we hope it doesn't arise and
that
28 the meeting that is ongoing now which you have announced may
29 produce the results we all expect, the possibilities we all

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1 expect.

2 MR CAMMEGH: I hope so.

3 PRESIDING JUDGE: For this witness who is going to be

4 testifying, as you say, over the next three days, certainly

10:04:38 5 everybody will need, every party, every Defence, every party
to

6 these proceedings, you know, would need some of the
transcripts

7 at a certain point in time to be able to cross-examine.

8 MR CAMMEGH: We are grateful for Your Honour's
intervention

9 on this point.

10:04:52 10 PRESIDING JUDGE: Yes. We are reinforcing our
11 instructions, you know, that for these -- for all the
witnesses,

12 particularly the next witness who will be testifying, maybe
for

13 three days, that the transcripts are made available every day
and

14 regularly until we are through with these proceedings. I do
not

10:05:09 15 need to be reminding people to be doing their job. I mean we
are

16 at court here. We are not the administrators of the Court.

17 Certainly it impacts on the proceedings, and that's why we
have

18 to come in. But I think everybody should know what he is
19 supposed to do. Nobody needs to be reminded as to what they
are
10:05:30 20 supposed to do, and I sympathise with the stenographers in
this
21 and I hope that the Registrar will find a solution to this
22 problem now once and for all because we need these
transcripts.
23 We ourselves as a Chamber would need the transcripts if
necessity
24 arises in order to use them and the information contained
therein
10:05:56 25 to arbitrate on issues that may arise amongst the parties. So
I
26 think that's where we stand and we may go on on this note on
the
27 [indiscernible] invitation to the Registrar that everything
will
28 be done for these transcripts to be made available regularly
to
29 all the parties that all steps be taken. This is important
for

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1 the fastness of the judicial process. We cannot be
complaining
2 of proceedings being slow when the mechanisms, the
administrative

3 mechanisms themselves are not properly in place and are
slowing 4 down the judicial process. This is what I have to say.

10:06:33 5 MR CAMMEGH: I'm grateful.

6 PRESIDING JUDGE: Yes. Mr Hardaway, how do we move this
7 morning?

8 MR HARDAWAY: Ready to proceed, Your Honour, with the
leave 9 of the Court.

10:06:53 10 PRESIDING JUDGE: We are here for you. You don't need
our 11 leave.

12 MR HARDAWAY: Thank you, Your Honour.

13 PRESIDING JUDGE: We are still in closed session, yes.

14 MR HARDAWAY: Closed session, that is correct, Your
Honour.

10:07:00 15 I was going to mention that. We're not? Okay.

16 PRESIDING JUDGE: We are.

17 JUDGE BOUTET: Apparently we're not.

18 PRESIDING JUDGE: But I told you that we were going to
19 resume today in closed session. You know, that is what should

10:07:12 20 have been done. We did indicate when we arose on Tuesday that
we 21 were going to continue in a closed session, so the Court
should 22 have been in closed session at this time.

23 [At this point in the proceedings, a portion of the
24 transcript, pages 6 to 9, was extracted and sealed under
separate

10:07:19 25 cover, as the proceeding was heard in a closed session]

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1 [Open session]

2 MR GEORGE: The Court is in open session now.

3 PRESIDING JUDGE: Yes.

4 MR HARDAWAY:

10:16:21 5 Q. Mr Witness, we are in open session now, so please do not
6 say anything that would reveal your identity, okay?

7 A. Okay.

8 Q. And if there is any question that I ask that you do not
9 understand, please ask me to repeat it, okay?

10:16:33 10 A. Okay.

Court

11 PRESIDING JUDGE: I would like to announce that the
12 reads a ruling, you know, that we are now at the open session.

13 MR HARDAWAY: I apologise, Your Honour.

10:16:49
wouldn't

14 PRESIDING JUDGE: When we are in the open session, you
15 know, you may proceed. It is a traditional ruling. I

16 go through it anymore, you know, so you may proceed. And I am

17 making this observation because we are now in the open
session.

18 MR HARDAWAY: Thank you, Your Honours.

19 PRESIDING JUDGE: And the ruling is supposed to be made,
so

10:17:00 20 you may proceed please.

21 MR HARDAWAY: Thank you, Your Honours.

22 Q. Now, Mr Witness, you had testified that two weeks
after

23 the war had came to you, you were briefed on the ideology and

24 that you had volunteered for the RUF; is that correct?

10:17:18 25 PRESIDING JUDGE: Mr Hardaway, please, you will go --
it's

26 not a 100 metre sprint.

27 MR HARDAWAY: I understand, Your Honour.

28 PRESIDING JUDGE: Yes, so take it slow.

29 MR HARDAWAY: I don't think I'm built for a sprint
anyway.

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1 I take the cue from the Bench.

2 PRESIDING JUDGE: Right.

3 MR HARDAWAY:

4 Q. Do you need me to repeat the question, Mr Witness?

10:17:43 5 A. Yes.

6 Q. You had testified that, after the war had come to you,
7 about two weeks later you had volunteered and you were briefed
on
8 the ideology of the RUF; is that correct?

9 A. Yes, I volunteered to go to the base when I got the
10:18:08 10 ideology.

11 Q. And it was the training base in Pendembu and you were
there
12 for six months; is that also correct?

13 A. Exactly.

14 Q. Now, you had also testified that most of the training at
10:18:22 15 the Pendembu base was ideology training; is that also correct?

16 A. Yes.

17 Q. And you had mentioned that the age of people from the
18 training base was from eight years old and up; is that also
19 correct?

10:18:41 20 A. No.

21 Q. What were the ages of the people at the training base,
sir,
22 when you were there?

23 A. I said --

24 PRESIDING JUDGE: I didn't hear him talk of eight years.

10:18:53 25 MR HARDAWAY: My mistake.

26 MR JORDASH: I think he said 18. That's to the best of
my
27 recollection.

28 MR HARDAWAY: I actually didn't hear it.

29 Q. What were the ages of the people at the base, sir?

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1 A. I said starting from 18 upwards.

2 Q. Okay. And everyone at the base received training; is
that
3 correct?

4 A. Yes.

10:19:19 5 Q. There was also military training at the base at Pendembu
as
6 well, wasn't it?

7 A. Yes.

8 Q. And what type of military training was taught at the
base
9 in Pendembu?

10:19:37 10 A. Well, to train how to fight and defend yourself.

11 Q. And were you taught how to use weapons such as
12 machine-guns?

13 A. Yes, they taught us.

14 Q. And everyone at the training base in Pendembu received
10:19:56 15 military training as well, didn't they?

16 A. Yes.

17 Q. Now, you had also mentioned that at the training base
you
18 were a platoon commander; do you remember?

19 A. I can remember, yes.

10:20:14 20 Q. How did you become a platoon commander?

knew

21 A. Well, among us who went, we were the first platoon. I
22 how to read and write, but I think it was based on that that I
23 was made platoon commander.

24 Q. And what were your duties as a platoon commander?

10:20:50 25 A. To look after the men who were under me, to ensure that
26 whatever assignment we were given, we did them correctly.

your

27 Q. And did you assist in the training of the people under
28 command?

29 A. No, because I too didn't have the idea.

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command,

1 Q. How many people were under your command, sir?

2 A. There were 64.

3 Q. Now, there were men, women and children under your
4 weren't there?

10:21:41 5 A. I didn't have children under my command.

6 Q. But you had women under your command?

7 A. At the time that we were training, they were all men.

8 Q. Okay. Now, you had testified that civilians were not
9 forced to come to the training base; do you remember that?

10:22:06 10 A. Yes.

11 Q. Now, you also said that you had spoken to some of the
12 people there and those people you spoke to said they came
because
13 of the ideology; is that correct?

14 A. Yes.

10:22:21 15 Q. Some of the other people at the training base were there
16 because they were forced to be there, weren't they, sir?

17 A. I don't have any idea about that.

18 Q. I put it to you, sir, that some of the people at the
19 Pendembu training base were there because they were forced to
be
10:22:39 20 there; how do you respond?

21 A. Well, not to my knowledge.

22 Q. Now, you had also testified that on the front lines when
23 you came across civilians and towns on the front line area,
that
24 you would send them back to the safe areas or the safety
zones;

10:23:04 25 do you remember that?

26 A. Yes, sir.

27 Q. And it would be correct to say that you would usually
come
28 across these civilians in the course of combat operations?

29 A. Yes. We would meet them in combat operations.

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safety,

1 Q. And before you sent the civilians to the rear for

2 did you instruct them in the ideology of the RUF or did they

3 receive instruction in the RUF ideology?

4 A. At the combat zone we hadn't any chance to tell them at

10:23:45 5 that moment.

6 Q. Could a civilian, at a town on the front line, refuse to

go 7 to the rear if they wanted to?

8 A. You wouldn't refuse because you too want to save your

life. 9 You too would want to save your life.

10:24:09 10 Q. Mr Witness, that wasn't the question. The question was:

11 If a civilian wanted to refuse, could they refuse?

12 A. If you also refuse, yes, it was up to you. You wouldn't

be 13 the first to go.

14 Q. Now, I want to talk to you about the civilians in the

10:24:33 15 safety zones. If a civilian from the rear wanted to go to an

16 area outside of the RUF control, would they be allowed to do

so? 17 A. He wouldn't be allowed to go.

18 Q. So if a civilian in Pendembu -- Pendembu was a safety

area; 19 is that correct?

10:25:05 20 A. Be specific because Pendembu used to fall and --

21 JUDGE BOUTET: What period of time are you talking

about? 22 MR HARDAWAY: I was going to rephrase, Your Honour. All

23 right.

family 24 Q. If a civilian in the safety zone during the war had
10:25:26 25 in Port Loko and they wanted to go to their family in Port
Loko,
26 would they be allowed to go?
27 A. They wouldn't be allowed to go.
28 Q. Now, you had testified that when civilians would be
brought
29 to the rear, they would be then handed over to the G5; is that

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1 correct?
2 A. Yes.
3 Q. And what would the G5 do to them -- do with them, excuse
4 me?
10:26:08 5 A. Well, the G5 would take care of them. The G5 would tell
them
6 them about the ideology, encourage them and try to resettle
7 among the other civilians whom they would meet.
8 MR HARDAWAY: If I may have a moment, Your Honour?
9 PRESIDING JUDGE: Yes.
10:27:01 10 MR HARDAWAY: I thank the Court.
11 PRESIDING JUDGE: Yes.
12 MR HARDAWAY:

13 Q. Mr Witness, you had also testified that you would find
14 children at the front line during combat operations; is that
10:27:15 15 correct?
16 A. Yes.
17 Q. And these children would have no parents to take care of
18 them; is that also correct?
19 A. Yes.
10:27:25 20 Q. Now, these children were taken back to the rear for
their
21 own safety and then go to the G5; is that also correct?
22 A. Yes.
23 Q. Now, do you know if any efforts were made by the G5 or
24 anyone in the RUF to locate family members of children found
at
10:27:53 25 the front during the course of the war?
26 A. At that time you wouldn't have had the chance.
27 Q. If a child at the front -- if a child who was brought
back
RUF
28 from the front lines said that they had family outside of the
29 zone, would there be any effort made by the RUF to get the
child

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1 to that family?

2 A. At that particular time we had no direct contact with
3 outside area zones, so we didn't have a chance to do that.

4 Q. Now, when they went back to the safety zones, did the
10:28:39 5 children go to the base also to be trained in the ideology?

6 A. Yes, they would train them in the ideology and they
would
7 open schools and they would return to the schools.

8 Q. And this ideology --

9 PRESIDING JUDGE: I don't have the answer yet. You're
10:28:56 10 going too fast.

11 MR HARDAWAY: I apologise, Your Honour.

12 PRESIDING JUDGE: Listen to the answers you're receiving
to
13 your questions, Mr Hardaway. Were the children taken to the
base
14 to be trained on the ideology?

10:29:08 15 MR HARDAWAY: Yes, sir.

16 PRESIDING JUDGE: It isn't clear. I haven't got it
clear
17 here.

18 MR HARDAWAY:

19 Q. Mr Witness, were the children taken to the base to be
10:29:15 20 trained in ideology?

21 A. Yes, they would give them the ideology.

22 PRESIDING JUDGE: After they came to the base?

23 THE WITNESS: Yes.

24 MR HARDAWAY:

10:29:39 25 Q. Now, Mr Witness, the children who would go to the base
for
26 ideology training, how old were they?

27 A. They would be around ten, 12 to 13 years.

28 Q. Now, you had mentioned that during a combat operation
you

29 found three boys in Koidu Town; is that correct?

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1 A. Exactly.

2 Q. And all three of these boys were under the age of 15; is
3 that also correct?

4 A. Yes.

10:30:19 5 Q. Were any of these boys named Junior or Lamina?

6 A. No.

7 Q. Now, these three boys that you found --

8 PRESIDING JUDGE: The boys were under the age of what?

9 MR HARDAWAY: They were ages between ten and 13, Your

10:30:39 10 Honour.

11 PRESIDING JUDGE: Thank you.

12 JUDGE BOUTET: But your question was under 15. You did
not
13 ask the witness if they were ten and 13.

14 MR HARDAWAY: I asked them their ages and that's the
answer

10:30:49 15 he gave, Your Honour. I can clarify.

16 JUDGE BOUTET: I thought you had asked him and he said,
17 yes, they were under 15.

18 MR HARDAWAY: I apologise, Your Honour.

19 JUDGE BOUTET: At least that's what I wrote down in my
10:30:59 20 notes.

21 MR HARDAWAY:

22 Q. How old were the boys, Mr Witness?

23 A. I said from ten up to 15.

24 Q. To 15?

10:31:10 25 A. Yeah.

26 Q. And these three boys also went to the training base and
27 were taught the ideology; is that correct?

28 A. Yes, sir.

29 Q. And after their training, they stayed with you
throughout

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1 the course of the war; is that also correct?

2 A. Yes, sir.

3 Q. And did you also testify that they went on food-finding
4 missions?

10:31:50 5 A. I said we went on food-finding missions. We. We.

what
that
6 PRESIDING JUDGE: They said they stayed with him up to
7 time, from after the training up to the end of the war; is
8 what he said?

9 MR HARDAWAY: That's what I heard.

10:32:02 10 THE WITNESS: What I said, yes, sir, until up to --
until
11 the end of the war.

12 MR HARDAWAY:

13 Q. Mr Witness, those three boys who stayed with you also
14 received military training at the base at Pendembu, didn't
they?

10:32:26 15 A. No, sir. It was not -- they were not even in Pendembu.

16 They didn't have military training.

17 Q. I put it to you, sir, that those boys, along with the
other
18 children, received military training and were then forced to
19 fight for the RUF; how do you respond?

10:32:43 20 A. It did not happen like that.

21 Q. I put it to you, sir, that the three boys who you
testified
22 to served as your personal bodyguards during the course of the
23 war; how do you respond?

24 A. No, sir. It did not happen like that.

10:32:59 25 Q. I put it to you, sir, that some of the children who were
--
26 who received the military training served as bodyguards for
other
27 leaders of the RUF, including Issa Sesay, Morris Kallon and
28 Augustine Gbao; how do you respond?

29 A. That is not how it happened.

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1 Q. Now, what training did the WACs receive?
2 A. The same ideology training.
3 Q. The WACs were also given military training, weren't
they?
4 A. I can't tell because I was not trained at the base with
10:33:52 5 WACs.
6 Q. Now, Mr Witness, you had mentioned in your testimony
that
7 during the disarmament the NGOs wanted to take the children
and
8 reunite them with their families, correct?
9 A. Yes, sir.
10:34:12 10 Q. You had also mentioned that you had heard that the NGOs
11 were calling some of the children child combatants; do you
12 remember that?
13 A. Yes, sir.
14 Q. Mr Witness, the NGOs were calling some of the children
10:34:33 15 child combatants because some of the children told them they
were
16 forced to fight for the RUF, weren't they -- was it?
17 A. That is not to my knowledge. Not to my knowledge, sir.
18 Q. Again, I reiterate, I put it to you that there were

19 children who were forced to fight for the RUF; how do you
10:35:02 20 respond?

21 A. No, sir. It did not happen like that.

22 Q. Now, I want to move to a different area. You had
23 testified, sir, that there was farming in Kailahun District
24 during the war; is that correct?

10:35:15 25 A. Yes, sir.

during 26 Q. And that civilians also had their individual farms
27 this time as well?

28 A. Yes, sir.

29 Q. And during this time did Issa Sesay have a farm?

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yes. 1 A. At the time that we were there, Issa Sesay had a farm,

2 Q. And there were civilians working on that farm --

3 PRESIDING JUDGE: And the time they were where?

4 MR HARDAWAY:

10:35:43 5 Q. Which time did Issa Sesay have a farm in Kailahun
District,

6 Mr Witness?

7 A. He had a farm in Kailahun District.

8 PRESIDING JUDGE: In Kailahun District?

9 THE WITNESS: I mean Giema, Kailahun District, sir, in
10:36:02 10 Giema. That was in 1994. Yeah, 1994.

11 MR HARDAWAY:

12 Q. And there were civilians who worked on Issa Sesay's farm
at
13 that time, wasn't it -- weren't there?

14 A. Those who were with him, yes. 'Those who stayed with
him.
10:36:28 15 Q. Civilians were forced to work on Issa Sesay's farm,
weren't
16 they?

17 PRESIDING JUDGE: How is that material, Mr Hardaway? It
is
18 1994. I don't think it concerns us. It's not the time frame
of
19 the indictment.

10:36:41 20 MR HARDAWAY: Very well, Your Honour.

21 THE WITNESS: Can I say?

22 MR HARDAWAY:

23 Q. No need, Mr Witness. Did Issa Sesay have a farm
anywhere
24 in Kailahun Distinct from 1996 to 2000; from November 30,
1996,
10:37:05 25 to 2000?

26 A. It was in 1998 that he had a swamp in Jaima.

27 Q. And were there civilians working on that farm?

28 A. When I went there I did not find civilians working
there,
29 no.

1 Q. Did you hear that there were civilians working on that
2 farm?

3 A. No, sir.

4 Q. I put it to you that civilians were forced to work on
the
10:37:44 5 swamp farm of Issa Sesay at that location; how do you respond?

6 PRESIDING JUDGE: How do you put it to him that way? He
7 says he never saw civilians. How would he answer whether they
8 were forced to work there or not? [Overlapping speakers]
He's
9 refused. He said he had -- he didn't see civilians there.

How
10:38:05 10 would he say that they were forced to work there?

11 MR HARDAWAY: Very well, Your Honour. I'll move on.

12 PRESIDING JUDGE: You're making a quantum leap.

13 MR HARDAWAY:

14 Q. Mr Witness, between 1996 and 2000, did you have a farm
in
10:38:21 15 Kailahun District?

16 A. I had a farm in 1996.

17 Q. And who worked on your farm?

18 A. I myself worked there, together with my families whom I
had
19 with me.

10:38:42 20 Q. You also forced civilians to work on your farm, didn't
you?

21 A. That is not how it happened. I myself worked there
22 together with my families.
23 Q. Did Augustine Gbao have a farm in Kailahun District
between
24 1996 and 2000?
10:39:04 25 A. I can't talk on that.
26 Q. Now, were there community farms in Kailahun District
27 between 1996 and 2000?
28 A. Yes.
29 PRESIDING JUDGE: Mr Witness, so you're saying that for

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1 that, your farm, only yourself, yourself and members of your
2 family worked on that farm; is that what you're saying?
3 THE WITNESS: Yes, sir. That's what I said.
4 PRESIDING JUDGE: But civilians did not?
10:39:43 5 THE WITNESS: No, sir.
6 PRESIDING JUDGE: Yes.
7 MR HARDAWAY:
8 Q. Were there community farms in Kailahun District between
9 1996 and 2000?
10:40:02 10 A. Yes, sir. They were there, sir.
11 Q. And you testified that it was the G5 that worked out the

12 details as it related to community farming; is that correct?
13 A. Together with the town commanders, sir.
14 Q. Do you know how they went about dealing with the
community
10:40:20 15 farms, the G5, along with the town commanders?
16 A. No, sir. I haven't an idea regarding that, sir.
17 Q. So if I put to you that civilians were forced to work on
you
18 community farms in Kailahun District between 1996 and 2000,
19 would have no idea of that; is that correct?
10:40:48 20 A. Yes, sir. I have no idea about that, sir.
21 Q. Now --
22 PRESIDING JUDGE: And where were you at that time?
23 THE WITNESS: In 1996 I was in Kailahun, sir.
24 PRESIDING JUDGE: And you say you had no idea as to
whether
10:41:06 25 civilians worked on those farms?
26 THE WITNESS: Not at all, sir. I hadn't an idea, sir.
27 MR HARDAWAY:
28 Q. Then did you not testify that rice from the community
farms
29 were kept by civilians?

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1 A. Yes, sir. I said that.

2 Q. But you don't know who worked on the community farms?

3 A. I did not know the people that were working in the
4 community farm because that was my area. Inasmuch as you are
10:41:44 5 not -- you did not have links to a unit, you wouldn't
interfere

6 into it. I only knew that the proceeds of the rice were kept
7 based on the report that we used to receive because we
provided
8 the seed rice and we gave it to the farmers.

9 Q. Maybe I didn't make the question clear, Mr Witness.

10:42:08 10 PRESIDING JUDGE: Mr Hardaway, let me get this clear.
We

11 are at what time frame, these community farms you are talking
12 about.

13 MR HARDAWAY: I said between 1996 and 2000, Your Honour.

14 PRESIDING JUDGE: 1996 and 2000?

10:42:25 15 MR HARDAWAY: Yes, sir.

16 Q. Mr Witness, I'm not asking you if you knew anybody
17 personally who worked on the community farms; I'm asking if
you

18 knew that civilians worked on the community farm.

19 A. They were the owners of the farm.

10:42:45 20 PRESIDING JUDGE: Make things easy for us. You
understand

21 the question. Can you answer it. If they owned the farms, it
22 does not mean that they necessarily worked on it. Did the
23 civilians work on those farms?

24 THE WITNESS: In the community farms they were working
10:43:05 25 there, sir.

26 MR HARDAWAY:

27 Q. And by "they" you mean the civilians, correct?
28 A. I did not get the question you've asked.
29 Q. You said that they work on the community farms. By
"they,"

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1 do you mean civilians?
2 A. Yes, sir.
3 Q. Do you know if civilians were forced to work on the
4 community farms?
10:43:51 5 A. No, sir. I don't know about that, sir.
6 Q. Now, going back to an earlier question that I had asked
7 you, you had said that the rice on the community farms were
kept
8 by the civilians; correct?
9 A. Yes, sir.
10:44:14 10 Q. And this would be on top of the products that the
civilians
11 grew on their own personal farms?
12 A. I did not understand what you are trying to say.
13 Q. All right. From 1996 to 2000, you had testified that
there
14 were community farms in Kailahun District; yes?
10:44:41 15 A. Yes, sir.

16 Q. From 1996 to 2000, did civilians have their own personal
17 farms in Kailahun District?

18 A. Yes, sir; they had their own personal farms.

19 Q. So the rice that they would get from the community farms
10:45:06 20 would be in addition to whatever they grew themselves on their
21 personal farms; is that correct?

22 A. That is not correct.

23 PRESIDING JUDGE: Mr Hardaway, what is not correct,
please?

24 MR HARDAWAY:

10:45:24 25 Q. What exactly is not -- what is not correct, Mr Witness?

26 A. Because the community farm, they would harvest the rice
and
27 gather it in one place. It was for themselves. Their
personal
28 farms, they were -- they did individual farming. The proceeds
29 from the farm, it was owned by the individual himself. So
they

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1 wouldn't take the community farm rice and add it to the
2 individual farm rice. That was why I said it did not obtain
that
3 way.

farms 4 Q. So you're saying that the civilians who had their own
10:46:22 5 did not get rice from the community farm; is that what you're
6 saying?
7 A. The community farm rice was not meant to be distributed.
8 They cultivated the farm; they had the seed rice. If there
were
9 civilians that needed seed rice, that would be given to them
so
10:46:56 10 that they will make -- cultivate farms the other year. That
was
11 the purpose of the community farm. That was why all of them
were
12 involved in cultivating the farm.
13 Q. Now, Mr Witness, from 1996 to 2000, civilians -- let me
14 withdraw that question for now. Now, you had testified
earlier
10:47:35 15 that, concerning the husk rice and seed rice, that you would
get
16 the rice for the community farms from the OSM asking the ICRC
and
17 from commissions; do you remember that?
18 A. That was not what I said.
19 Q. You did not testify earlier that you had gotten husk
rice
10:48:02 20 for the community farms from the commissions that you charged
and
21 for the OSM asking the ICRC for seed rice and tools?
22 A. Fine. The OSM asked for seed rice from the IRC, seed
rice
23 and tools, and we bought seed rice and gave it to them.
24 Q. And you bought the seed rice with commissions; is that
10:48:41 25 correct?
26 A. Yes. The commission we had from the trading site.

27 Q. Now, how did the commission -- what exactly were
28 commissions? What were commissions?

29 A. Well, when we talked about commissions, like it was a
sort

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1 of tax. You pay a minimum amount for the goods that you took
to
2 the waterside for exchange.

3 Q. And this was for civilians who wanted to trade at the
4 waterside; correct?

10:49:31 5 A. For everybody. Civilians and soldiers.

6 PRESIDING JUDGE: And you said they paid 15 per cent of
the
7 proceeds as their tax; is that not what you testified to
earlier
8 on? Was it 15 per cent? Am I recollecting your evidence
9 properly?

10:49:53 10 THE WITNESS: Yes, I said it was true, the cacao,
because
11 we weighed it, the cocoa and the coffee.

12 PRESIDING JUDGE: And you retained what percentage;
that's
13 what I'm --

14 THE WITNESS: The cocoa and coffee, 15 per cent out of

10:50:14 15 every 100 kilograms.

16 MR HARDAWAY: May I, Your Honour?

17 PRESIDING JUDGE: Yes, you may proceed. You may
continue.

18 MR HARDAWAY:

19 Q. Now, would it be right to say that another name for
10:50:35 20 commissions was subscriptions?

21 A. Well, I don't understand what you meant by
subscriptions.

22 Q. Right. Now, could anyone refuse to give commissions?

23 THE INTERPRETER: Can the attorney come again, please?

24 MR HARDAWAY:

10:51:07 25 Q. All right. If somebody who wanted to trade did not want
to
26 give a commission, what would happen to them?

27 A. He wouldn't sell his goods because it was something that
28 all of us sat together and agreed upon, and we stated that
that
29 was what to be given.

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1 Q. And it was the RUF command that made this decision;
2 correct?

3 A. No, it was the agricultural unit that made that
decision.

4 Q. Now, is it correct to say that the only way a civilian
10:51:57 5 would be allowed to trade is through the agricultural unit?
6 A. There was no barrier. There was no barrier posed on
7 civilians in terms of trading. In as much as you had your
goods,
8 you would be allowed to carry on with your trading.
9 Q. So they would not be forced to trade at the waterside
10:52:31 10 through the agricultural unit; is that what you're saying?
11 A. Not at all, sir.
12 Q. Do you know how many civilians actually did trade
without
13 paying commission?
14 A. I cannot say, sir. I don't know.
10:53:00 15 Q. I put it to you, Mr Witness, the reason that you would
not
16 know is because civilians were forced to trade through the
17 agricultural unit and forced to pay commission when they did
not
18 want to; how do you respond?
19 A. That was not the way it was, sir.
10:53:26 20 Q. Going back to farming, civilians were forced to give the
21 RUF products from their personal farms, weren't they?
22 A. No, sir, that was not the way it was.
23 Q. I put it to you, sir, that the RUF did force civilians
to
24 give them products from their own personal farms; how do you
10:53:57 25 respond?
26 A. My answer is no, that was not the way it was.
27 Q. I also put it to you, Mr Witness, that the rice on the
28 community farms was for the sole benefit of the RUF and not
the

29 civilians; how do you respond?

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1 A. That was not the way it was, sir.

2 Q. Now, during -- on the community farms, were there guards
3 there at the community farms?

4 A. I did not see any guards in the community farm.

10:54:55 5 MR HARDAWAY: Let me have a moment, Your Honour, please?

6 PRESIDING JUDGE: Yes.

7 MR HARDAWAY: Thank you. Thank you, Your Honours.

8 Q. Now, Mr Witness, going back to the issue of you trading
9 down by the waterside. You had testified that during some
10:55:44 10 trading there would be an armed escort for protection; do you
11 remember that?

12 A. Yes, I can recall.

13 Q. Those armed escorts were really there to keep civilians
14 from running away, weren't they?

10:56:01 15 A. That was not the way it was. The armed escort, at the
16 early stage around 1993, when we were in the bush, where we
went

17 for --

18 Q. I'm not asking about 1993, sir.

19 A. -- that was the only time we had an armed escort.

10:56:27 20 Q. I put it to you, sir, that between '96 and 2000 you had
21 armed escorts keeping civilians from running away while they
were
22 trading; how do you respond?

23 A. No, sir, we did not have any armed escort.

24 PRESIDING JUDGE: Mr Witness, are you saying that the
10:56:49 25 system of armed escorts for trading at the front years was
only
26 in 1993? It was only in 1993? Or what did you say? You said
27 that was the only time that you had armed escorts.

28 THE WITNESS: It was late 1993 to 1994, when we were in
29 that jungle. When we had the cause to travel through the
enemy

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1 territory, that was the time we had armed escort.

2 PRESIDING JUDGE: After that you never -- civilians were
3 never escorted by any arms for any trading?

4 THE WITNESS: No, sir, there was.

10:57:50 5 PRESIDING JUDGE: Up to the end of the war; is that what
6 you're saying?

7 THE WITNESS: Yes, sir, that's what I'm saying. Until
the
8 end of the war there was no more armed escort.

9 MR HARDAWAY: May I, Your Honour?

10:58:14 10 PRESIDING JUDGE: Yes, please. Continue.

11 MR HARDAWAY:

12 Q. Now, you testified also that you had bought ammunition
13 while you were trading as well; is that correct?

14 A. Yes.

10:58:27 15 Q. And this was also between 1996 and 2000?

16 A. We did it briefly in '96. We stopped -- it was only in
17 1996. In '97 we stopped.

18 Q. Now, you had mentioned that part of the money that was
used
19 to buy the ammunition came from civilians; is that correct?

10:59:00 20 A. No.

21 Q. So civilians were not forced to give money to the RUF to
22 buy ammunition?

23 A. Yeah, no, sir.

24 Q. Now, you had mentioned that the targets would be trading
10:59:21 25 palm oil for ammunition as well, correct?

26 A. They used to give help with palm oil.

27 Q. And you had testified that it was the soldiers that were
28 harvesting the palm oil, correct?

29 A. Yes, sir.

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1 Q. In reality, it was the civilians that were forced to
2 harvest the palm oil for the soldiers to trade, wasn't it?
3 A. That was not the way it was.
4 Q. I put it to you, sir, that that's exactly how it was;
that
11:00:08 5 it was the civilians who were forced to harvest the palm oil
for
6 the soldiers to trade for ammunition; how do you respond?
7 A. No, sir. That was not the way it was, sir.
8 Q. Now, you had also stated that in terms of trading
everybody
9 carried their own goods down to the waterside; is that
correct?
11:00:38 10 A. Yes, sir.
11 Q. In truth, Mr Witness, the civilians were forced to carry
12 all of the trading goods down to the waterside, weren't they?
13 A. No, sir, that was not the way it was.
14 Q. I put it to you, sir, that the civilians were forced to
11:00:59 15 carry goods for the RUF for trading down to the waterside; how
do
16 you respond?
17 A. No, sir, that was not the way it was.
18 Q. I want to fast-forward a bit now, Mr Witness, to the
junta
19 period, okay?
11:01:19 20 A. Okay.
Kallon 21 Q. You had testified earlier that you had seen Morris
22 in Bo some time in July/August of 1997; is that correct?
23 A. Yes, sir.

Kallon 24 Q. And you also stated that by the time you saw Morris
11:01:37 25 in Bo, the RUF were already there; is that also correct?
26 A. That was not what I said.
27 Q. So what did you say, Mr Witness?
28 A. I said I saw -- the time I saw Morris Kallon, that the
time 29 when Morris Kallon went there, that was the time the RUF was

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1 based there.
2 Q. Okay. So it would be then correct to say that the RUF
were 3 based in Bo in July/August 1997; is that correct?
4 A. Yes, sir. Yes, sir.
11:02:25 5 Q. Thank you?
6 A. Yes, sir.
7 Q. It was during the junta period that you had also started
8 mining in Cyborg pit; is that correct?
9 A. Yes, sir.
11:02:39 10 Q. And it's your evidence that the RUF and AFRC were
working 11 together as related to mining in Cyborg pit; is that also
12 correct?

13 A. Yes, sir.

14 Q. Now, you have given evidence concerning the three-pile
11:02:58 15 system as it related to the diamonds; do you remember that?

16 A. Yes, sir.

17 Q. And please correct me if I am wrong, you said that one
pile
18 were for the people who funded the mining, one was for the
19 workers, and one was for the RUF; is that correct?

11:03:22 20 A. RUF/AFRC.

21 Q. Now, it was the RUF that was funding the mining; is that
22 correct?

23 A. No. It was not the RUF funding the mining.

24 Q. Who was funding the mining?

11:03:50 25 A. You had private miners. They were funding.

26 Q. I put it to you, Mr Witness, that, in fact, it was the
RUF
27 that funded the mining at Cyborg pit; how do you respond?

28 A. That was not the way it was, sir.

29 Q. Now, this may be a silly question and I apologise but I

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1 have to ask it. It was civilians that did the work at Cyborg
2 pit; is that correct?

3 A. It is correct.

4 Q. Please slow down a little bit, Mr Witness. The
translator
11:04:41 5 still has to interpret.

6 A. Okay.

7 Q. Could you please go over your answer a little more
slowly,
8 please.

9 A. I said the civilians were working there and even the
11:04:53 10 civilians --

11 PRESIDING JUDGE: It was the civilians that did the
mining?

12 THE WITNESS: Yes. Yes, sir.

13 PRESIDING JUDGE: Yes.

14 THE WITNESS: They even funded the mining.

11:05:15 15 PRESIDING JUDGE: You mean those who were down in the
pit
16 in Cyborg, they were the ones also who were mining and funding
17 the mining at the same time?

18 THE WITNESS: No, sir. You had a civilian man who used
to
19 spend his money.

11:05:42 20 MR HARDAWAY:

21 Q. Now, I admit I'm a bit confused, Mr Witness. Civilians
22 were funding the mining or they were not?

23 A. They were mainly funding the mining.

24 Q. Okay. Now, some civilians were forced to work at Cyborg
11:06:09 25 pit, weren't they?

26 A. I don't know anything about that. I'm not aware of
that.

27 Q. So if I put it to you that civilians were forced to work
at

28 Cyborg pit, you would know nothing -- you know nothing about
29 that, correct? You have no response to that?

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1 A. Yes, sir.

2 Q. Okay. Now, you had testified earlier that you had not
3 heard of Morris Kallon ordering the killing of civilians at
4 Cyborg pit; correct?

11:06:48 5 A. Yes, sir.

6 Q. So if I put it to you that Morris Kallon did, in fact,
7 order the killing of civilians at Cyborg pit, you would have
no
8 response; is that correct?

9 A. Yes, sir. Yes, sir.

11:07:05 10 Q. Now, were there guards at Cyborg pit?

11 A. There were no guards there. It was free for everybody.

12 Q. I put it to you, sir, that there were armed guards at
13 Cyborg pit forcing civilians to work?

14 PRESIDING JUDGE: He said there were no guards. He
didn't

11:07:31 15 say there were no armed guards.

16 MR HARDAWAY: Okay. I'll rephrase, Your Honour.

17 Q. Were there armed guards at Cyborg pit?

18 A. No, sir. There were no armed guards there.

19 Q. I put it to you, sir, that there were, in fact, armed
11:07:45 20 guards at Cyborg pit who were forcing the civilians to work;
how

21 would you respond?

22 A. That was not the way it was, sir.

23 Q. So, if I put to you that some of the armed guards at
Cyborg

24 pit were children, you would have a negative response to that;
is

11:08:14 25 that correct?

26 A. No, sir. I did not see anything concerning that, sir.

27 Q. Now, and please help me with -- moving to another area,
I

28 need your help with the time, just -- the time period just to
be

29 sure.

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all 1 JUDGE BOUTET: Before you move to that area, is this,
2 your questioning about mining related to Cyborg pit?
3 MR HARDAWAY: Cyborg pit, Your Honour, yes.
4 JUDGE BOUTET: Only?
11:08:38 5 MR HARDAWAY: Only relating to Cyborg pit, yes, Your

6 Honour.

7 JUDGE BOUTET: Because I thought the evidence of this
8 witness was not necessarily to Cyborg pit but to Tongo.

9 MR HARDAWAY: I can also ask --

11:08:47 10 JUDGE BOUTET: I don't know if -- this is you
11 cross-examining.

12 MR HARDAWAY: I understand, Your Honour.

13 Q. Was there other mining going on in Tongo other than
Cyborg
14 pit during the junta period?

11:09:04 15 A. Yes, sir. There was mining all over Tongo, sir.

16 Q. And, to your knowledge, did those mines have armed
guards?

17 A. No, sir. They did not have any armed guards.

18 Q. So if I put to you that there were armed guards at
mining
19 pits in Tongo to keep civilians -- to force them to work, you
11:09:32 20 would respond negatively; is that correct?

21 A. Yes, sir, that was not how it was, sir.

22 PRESIDING JUDGE: But if they were mining -- if there
was
23 mining outside Cyborg and elsewhere in Tongo, who was
responsible

24 for that mining, before we get into the issue of armed guards?

11:09:55 25 THE WITNESS: It was the civilians who were there. They
26 had the places. They were mining there.

27 MR HARDAWAY:

28 Q. Mr Witness --

29 A. Yes, sir.

joint 1 Q. -- were those other mines, were they also under the
2 control of the RUF and AFRC?

civilians, 3 A. They were under the committee, the committee of
4 which was responsible for the mining.

11:10:42 5 Q. And did that committee report to a joint command of RUF
and 6 AFRC -- well, not command, supervisors, shall we say?

7 A. Yes, they reported to the supervisors.

AFRC; 8 Q. And those supervisors were a combination of RUF and
9 is that correct?

11:11:11 10 A. The committee reported directly to Sam Bockarie.

with 11 Q. Now, you're saying there is only one committee dealing
12 all of the mining in Tongo; is that your evidence?

that 13 PRESIDING JUDGE: Was Sam Bockarie the only member of
14 commission to whom they reported?

11:11:34 15 THE WITNESS: Yes. Sam Bockarie was the immediate
16 high-ranking officer who was based in Kenema. There was even
a

17 way, he even made the way for us to clear Tongo in order for
us

18 to capture there, so it was he who opened the mining there, so

19 all the proceeds were guarded by the civilians, the mining
11:12:16 20 committee.

21 PRESIDING JUDGE: All what? All --

22 THE WITNESS: All the proceeds, what they gathered from
the

23 different mining areas within Tongo, they kept it. When Sam
24 Bockarie came, they would hand over everything to him. That
was

11:12:47 25 the way it went. It was the procedure.

26 MR HARDAWAY:

27 Q. So on the committee, just the committee now, it was
28 strictly civilians; is that correct?

29 A. Yes, sir.

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1 Q. And then they reported solely and only to Sam Bockarie;
is
2 that also correct?

3 A. Yes, sir.

4 Q. Okay. Now, moving forward. You had mentioned that
there
11:13:22 5 was a training base in Kailahun; is that correct?

6 A. You're talking of Kailahun. Do you mean the town?
Let's

7 be specific.

8 Q. All right. There was a training base in Kailahun in
which

9 Monica Pearson was in command; was that correct?

11:13:44 10 PRESIDING JUDGE: You mentioned the town, you mentioned
the

11 place. The place is in the evidence there in the records.
She

12 was not the commandant of the base in Kailahun, you know.
It's

13 not what we have in the evidence. There's a specific place
where

14 she was a commandant.

11:14:06 15 MR HARDAWAY:

16 Q. Where was Monica Pearson a commander?

17 A. Monica Pearson was a commandant at the training base in
18 Bunumbu, in Kailahun District.

19 PRESIDING JUDGE: Precisely. That is where she was a
11:14:23 20 commander.

21 THE WITNESS: Yes, sir.

22 MR HARDAWAY:

23 Q. And was this during the junta period?

24 A. After we had retreated from Freetown and gone.

11:14:35 25 Q. But -- so it was after the Freetown retreat but before
26 2000; correct?

27 A. Yes, yes, before 2000.

28 Q. Now, there was military training taking place at this
base,

29 wasn't there?

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1 A. I did not visit there. I can't tell.

military

2 PRESIDING JUDGE: But did you hear that there was
3 training going there -- going on there?

11:15:11

4 THE WITNESS: Yes, sir, whichever base the training was
5 going on, or that the open, military training must take place
6 there. But I never visited there, so I can't tell physically.

answer

7 PRESIDING JUDGE: Mr Witness, try and assist us and
8 the questions.

9 MR HARDAWAY:

11:15:25
place

10 Q. So you heard that there was military training taking
11 at Monica Pearson's base; yes?

12 A. Yes, sir.

13 Q. Did you also hear that there were children receiving
14 military training at the base commanded by Monica Pearson?

11:15:46

15 A. I did not hear that.

base,

16 Q. So if I put it to you that there were children under the
17 age of 15, receiving military training at Monica Pearson's
18 you would have no response; is that correct?

19 A. Yes, sir.

11:16:03
Sesay,

20 Q. Now, Monica Pearson was reporting directly to Issa

21 wasn't she?

22 A. No, sir.

23 Q. I put it to you that, in fact, Monica Pearson was
reporting

24 directly to Issa Sesay; how do you respond?

11:16:25 25 A. That was not how it happened, sir.

26 Q. All right. Now, I want to move on to Pendembu; okay?

27 A. Okay, sir.

28 Q. Now, you were in Pendembu between -- you spent time in

29 Pendembu from between 1996 and 2000; is that correct?

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1 A. No, I did not spend any time in Pendembu between those
2 times.

3 PRESIDING JUDGE: If Monica Pearson was not reporting to
4 Sesay, I want to get my records right. She was reporting to
who

11:16:59 5 directly, to your knowledge? She was not reporting directly -
-
6 she was not reporting to Sesay; to who was she reporting, as
the
7 commandant of the Bunumbu military training base?

8 THE WITNESS: She was reporting to the G1, G1 Kosia,
sir,

9 who was in charge of the base.

11:17:28 10 MR HARDAWAY:

11 Q. Now, Mr Witness --

12 PRESIDING JUDGE: You say his name was what?

13 THE WITNESS: Kosia, K-O-S-I-A.

14 PRESIDING JUDGE: You say he was?

11:17:42 15 THE WITNESS: G1. G1.

16 PRESIDING JUDGE: G1.

17 THE WITNESS: Yes, sir.

18 PRESIDING JUDGE: And who was the next in hierarchy in
that

19 area? Who was the next in hierarchy? To who did Kosia report
11:17:52 20 to?

21 THE WITNESS: To Sam Bockarie.

22 JUDGE BOUTET: So which period of time are we talking
about

23 here? I'm talking to you, Mr Witness. You say that Pearson
was

24 reporting to G1 Kosia, who was reporting to Sam Bockarie.
What

11:18:20 25 in your -- according to you, what time frame are we talking
26 about, '93, '96, '98, 2000? Which period of time?

27 THE WITNESS: '98, sir. '98 to '99. After we had

28 retreated from Freetown, when we went, that was the base that
we

29 established.

1 JUDGE BOUTET: Thank you.

2 THE WITNESS: Yes, sir.

3 MR HARDAWAY:

4 Q. Now, Mr Witness, you had testified that while you were
in

11:18:57 5 Pendembu, based on your position, and I don't want you to
mention

6 it, one of your duties was to file monthly reports; is that

7 correct?

8 A. It's not correct because I was not in Pendembu.

9 Q. It's your evidence that you were never in Pendembu?

11:19:24 10 A. I was in Pendembu at the beginning of the war, but the
time

11 that you're talking about, I was not in Pendembu.

12 MR HARDAWAY: Right. May I have a moment, please, Your
13 Honour?

14 PRESIDING JUDGE: Yes.

11:20:16 15 MR HARDAWAY: Thank you, Your Honours.

16 Q. Mr Witness, you had testified that you never had direct
17 access to a radio; is that correct?

18 A. Yes, sir.

19 Q. And that you would have to use your influence every now
and

11:20:34 20 again to gain access just to speak with your family; is that
also

21 correct?

22 A. Yes, sir.

23 Q. Right. Now, you had mentioned that, in your testimony,
24 that while Issa Sesay was based in Pendembu, that there would
be
11:20:54 25 civilians coming from Sengema in Kono District to trade in
Baoma;
26 is that correct?

27 A. I did not talk about civilians.

28 Q. Okay. Were there civilians coming from Sengema in Kono
29 District to trade in Baoma?

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1 A. Sengema is in Kailahun District.
2 PRESIDING JUDGE: If I may be reminded, it's in the
3 records. What year was Mr Sesay the commander in Pendembu,
the
4 area commander in Pendembu? You had given this evidence
before.

11:21:33 5 What year was that, please?

6 THE WITNESS: That was in 1999.

7 PRESIDING JUDGE: That was when he was area commander in
8 Pendembu?

9 THE WITNESS: Yes, sir.

11:22:01 10 MR HARDAWAY: My apologies, Mr Witness.

11 PRESIDING JUDGE: Thank you.

12 MR HARDAWAY: My apologies, Mr Witness.

13 Q. So Sengema is on the road to Kono, but it is in Kailahun
14 District; is that correct?

11:22:15 15 A. Yes, sir.

16 Q. Okay. Now, did you hear of civilians coming from Kono
17 District to trade at Baoma?

18 A. No, sir, I did not hear that, sir.

19 Q. Now, the people who came from Sengema, they would pass
11:22:44 20 through Pendembu on their way to Baoma for trading; is that
also

21 true?

22 A. No, sir, they won't reach Pendembu.

23 Q. Right. Now I will fast-forward a little bit, Mr
Witness.

24 During the incident with the UN abduction in Makeni, it's
correct

11:23:12 25 that Issa Sesay was the overall commander of the RUF at that
26 time; true?

27 A. Yes, sir.

28 Q. And during that incident did Issa Sesay have a radio
with

29 him?

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1 A. There was a radio in Koidu, yes, sir.

2 Q. All right. Now, you had given a lot of evidence as it
3 relates to Augustine Gbao; do you remember that?

4 A. Yes, I remember that, sir.

11:23:48 5 Q. And you had also mentioned in your evidence the term
6 "overall security commander"; do you remember that?

7 A. Yes, sir.

8 Q. What were the duties of the overall security commander?

9 A. I heard those names but I didn't know what his duties
was.

11:24:17 10 I didn't actually know the contents of his duty, how he should
11 perform his duty, no, I don't know.

12 Q. I'm not asking you if you knew how he should perform his
13 duties; I'm asking do you know what the duties of the overall
14 security commander was?

11:24:39 15 A. No, sir. I don't know anything about that.

16 Q. And based on the positions that you held in the RUF, and
17 please don't mention them, would you have known what the
duties
18 of the overall security commander were?

19 A. No, sir, because I had a junior rank.

11:25:19 20 Q. Right. Now, Augustine Gbao was the overall security
21 commander; is that correct?

22 A. Yes, sir.

23 Q. And he was named to this post by Foday Sankoh; is that
also
24 correct?

11:25:39 25 A. Yes, sir.

26 Q. And you had mentioned that during the time Augustine
Gbao

27 was the overall security commander, that Sam Bockarie did not
28 like him because he thought he was lazy; is that also correct?
29 A. Yes, sir.

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1 Q. Now, during the time that Augustine Gbao was the overall
2 security commander, was there a time that Sam Bockarie was the
3 overall RUF commander?

4 A. Yes, sir.

11:26:17
and

5 Q. Now, please just listen to this next question carefully
6 just respond directly to the question. As the overall RUF
7 commander, Sam Bockarie had the power to remove Augustine Gbao
8 overall security commander; is that correct?

as

9 A. No.

11:26:49

10 Q. So the overall RUF commander did not have the power to
11 remove -- let me scratch that. Would -- overall security
12 commander is junior to overall RUF commander; is that correct?

13 A. Yes, sir.

just

14 Q. So, and I'm not talking about personalities here, I'm

11:27:17
RUF

15 talking, based on the position, is it your evidence that the

16 overall commander could not remove the overall security
17 commander?
18 A. Yes, sir.
19 Q. It's your evidence that it could not be done or is it
your
11:27:38 20 evidence that it could be done?
21 A. He wouldn't do it.
22 Q. I'm not asking if he wouldn't do it. Could he do it?
23 A. He's able to do it but he wouldn't do it.
24 Q. Thank you, Mr Witness. Now, the overall RUF commander
also
11:28:05 25 had the power to punish other commanders under him; is that
also
26 correct?
27 A. Yes, sir.
28 Q. Okay. Now, you had testified that Sam Bockarie --
29 PRESIDING JUDGE: Mr Hardaway --

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1 MR HARDAWAY: Yes, Your Honour.
2 PRESIDING JUDGE: -- Mr Witness.
3 THE WITNESS: Yes, sir.
4 PRESIDING JUDGE: Bockarie, as the overall RUF
commander,

11:28:34 5 you have said could remove the IDU commander but he wouldn't
do

6 it?

7 THE WITNESS: Yes, sir.

8 PRESIDING JUDGE: Why? Is it because of his connections
9 with Sankoh also or what are the other reasons, you know, that
10 you have?

11:28:57

11 THE WITNESS: The reason is that it was Pa Sankoh who
12 promoted the man so he wouldn't do it and it was Pa Sankoh who
13 was the leader of the movement.

14 PRESIDING JUDGE: Thank you.

11:29:08

15 THE WITNESS: Yes, sir.

16 MR HARDAWAY: Well, actually, Your Honour, that was
going

17 to be my next question.

18 PRESIDING JUDGE: I rescued you from asking it. You may
19 proceed from there.

11:29:22

20 MR HARDAWAY: Thank you.

21 PRESIDING JUDGE: I wanted to have a chain of follow-up,
22 you know.

23 MR HARDAWAY: Of course, Your Honour.

24 Q. So, Mr Witness, even if Sam Bockarie were afraid to
remove

11:29:40 25 Augustine Gbao, you have testified that he had -- you
testified

26 that you heard that Sam Bockarie had punished Augustine Gbao
for

27 being lazy; is that correct?

28 A. Yes, sir.

29 Q. Now, you have testified that you had heard about the

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1 killing of the Kamajors; is that also correct?

2 A. Yes, sir.

3 Q. Now, it's also correct that you have testified that

4 Augustine Gbao was not involved in the killing of the

Kamajors;

11:30:17 5 is that also correct?

6 A. I said I did not hear.

7 Q. So if I put it to you that Augustine Gbao was, in fact,

8 involved in the killing of the Kamajors, you would have no

9 response; is that also correct?

11:30:36 10 A. Yes, sir.

11 MR HARDAWAY: Your Honours, I'm looking at the time. I

12 have one section left that would take about ten to 15 minutes.

13 I'm at the Court's pleasure.

14 PRESIDING JUDGE: I do not know what the records have on

11:30:57 15 this issue of Kamajors. What have we been calling them on the

16 records? Are they Kamajors or alleged Kamajors, as it makes a

17 difference. I don't know.

18 MR HARDAWAY: I will put it both ways, Your Honour.

19 PRESIDING JUDGE: I see.

11:31:14 20 MR HARDAWAY:

21 Q. Forgive me, Mr Witness, I will ask the questions again.
22 You had heard about the killing of the alleged Kamajors,
correct?
23 A. Yes, sir.
24 Q. And you also testified that you did not hear that
Augustine
11:31:32 25 Gbao was involved in the killing of the alleged Kamajors;
26 correct?
27 A. Yes, sir.
28 Q. So if I put it to you that Augustine Gbao was, in fact,
29 involved in the killing of the alleged Kamajors, you would
have

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1 no response to that; is that also correct?
2 A. Yes, sir.
3 MR HARDAWAY: I thank the Court for its direction, and I
am
4 in the Court's hands.
11:32:09 5 PRESIDING JUDGE: Yes, you are in the Court's hands. We
6 will grant you -- since we only have three minutes, you have
ten
7 minutes for the next episode.
8 MR HARDAWAY: Yes.
9 PRESIDING JUDGE: We may take the break at this point in

11:32:22 10 time and resume within the next couple of minutes. The
Chamber
11 will recess for a few minutes and we will resume sitting
shortly.
12 [Break taken at 11.30 a.m.]
13 [RUF25OCT07B - MD]
14 [Upon resuming at 12.24 p.m.]
12:27:23 15 PRESIDING JUDGE: Yes, Mr Hardaway.
16 MR HARDAWAY: Thank you, Your Honour.
17 PRESIDING JUDGE: You may continue, please.
18 MR HARDAWAY: Thank you.
19 Q. Mr Witness, I only have a few more questions for you;
okay?
12:27:40 20 A. Yes, sir.
21 Q. Now, Mr Witness, without mentioning any names, do you
22 remember that you had spoken about a couple of individuals
23 concerning -- that you had spoken to a couple of individuals
who
24 you said received money from the Prosecution to come and
testify;
12:28:08 25 do you remember that?
26 A. Yes, sir.
27 Q. Do you know the difference, Mr Witness, between the
Office
28 of the Prosecutor, and the witness/victims section of the
Special
29 Court?

1 A. I don't know the difference.

2 PRESIDING JUDGE: He's an outsider; how would he even
know?

3 He's an outsider. Those are internal matters of internal
4 details. To a person from outside, you know, the money is
from

12:28:45 5 the Special Court.

6 MR HARDAWAY: One moment, Your Honour.

7 Q. Now, Mr Witness --

8 A. Yes, sir.

9 Q. -- you have some testified that you had not heard of any
12:29:19 10 women being raped, excuse me, being forced to marry RUF
soldiers

11 between 1996 and 2000; is that correct?

12 A. Yes, sir.

13 Q. So if I put it to you that women were forced to marry
RUF
14 soldiers throughout the entire conflict, from 1996 to 2000,
you

12:29:45 15 would have no response to that; is that also correct?

16 A. Yes, sir.

17 Q. Now, I want to take you back to 1992 just very briefly;
all
18 right?

19 A. Okay.

12:30:02 20 Q. Now, you had mentioned that in approximately 1992 you
were

21 an AWOL soldier; is that correct?

22 A. Repeat the question once again.
23 Q. In 1992, were you an AWOL soldier?
24 A. I used to AWOL but not all the time. I used to AWOL.
12:30:40 25 Q. Okay. Now, Mr Witness, during that time, what was the
26 punishment for being AWOL?
27 A. If you were captured, then you will be sent back to the
28 front line.
29 Q. That's the only punishment; you'd be sent back to the
front

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1 line?
2 A. Yes, sir.
3 Q. Now, you had testified that you were AWOL until Issa
Sesay
4 tracked you down; is that correct?
12:31:20 5 A. Yes, he met me where I was, yes.
6 Q. Now, when Issa Sesay found you, he did not punish you
for
7 being AWOL, did he?
8 A. He did not punish me.
9 Q. Okay. Now, Mr witness, you've given a lot of evidence
that
12:31:48 10 during the time in the RUF you held several very important

11 positions; is that correct?

12 A. Yes, I held some positions, sir.

13 Q. Okay. And were these positions considered fairly
14 important?

12:32:10 15 A. Well, not important as you are explaining.

16 Q. All right.

17 A. Yeah.

18 Q. Now, Issa Sesay appointed you to a lot of the positions
19 that you've held, didn't he?

12:32:40 20 A. It wasn't only Issa Sesay that appointed me to the
21 positions I held.

22 PRESIDING JUDGE: Mr Witness, please answer the
question.

23 Answer the question.

24 THE WITNESS: No, sir.

12:32:51 25 PRESIDING JUDGE: Put the question to him again, please.

26 MR HARDAWAY: Thank you.

27 Q. Issa Sesay had a hand in you obtaining --

28 PRESIDING JUDGE: That was not the question you put to
him,

29 unless you're changing it.

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1 MR HARDAWAY: I'll change the question, Your Honour.

2 PRESIDING JUDGE: All right. Okay.

3 MR HARDAWAY: Yes.

4 Q. Issa Sesay played a role in you getting the positions
that

12:33:17 5 you had; is that correct?

6 A. Some.

7 Q. And for the vast --

8 JUDGE BOUTET: Mr Prosecutor, I don't know what you are
9 going to be able to do with these kind of answers, as such.
If

12:33:35 10 you are satisfied with it, that is fine, but I don't know what
11 meaning this has.

12 MR HARDAWAY: All right.

13 JUDGE BOUTET: You are asking him the question that
seems

14 to be quite precise. The answer was "some." "Some," what
does

12:33:47 15 that mean? And the same with the previous question. You
asked

16 him very important? He said, well, I am not sure what the
answer

17 was, but he didn't answer that question.

18 MR HARDAWAY: Very well.

19 JUDGE BOUTET: So if you are asking these questions
12:33:59 20 presumably to get some answers, if you are satisfied with that

21 that is fine with me. But then don't ask him a question,
don't

22 ask the question if they are not important.

23 MR HARDAWAY: Understood, Your Honour.

24 Q. Now, Issa Sesay approved you being in the positions that
12:34:21 25 you held; is that correct?

approved 26 A. Yes, it is correct, but not in all positions. He
27 some of them.
28 Q. Okay. And would you say that he approved most of the
29 positions that you held?

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1 A. Yes.
2 Q. And when you held these positions, Issa Sesay was your
3 commander, wasn't he?
4 A. Yes, sir.
12:35:07 5 Q. Now, you have testified that you had felt closer to Issa
6 Sesay more than all the other commanders; do you remember
that?
7 A. Yes, sir.
1992 8 Q. And it would be correct to say that this started from
9 when he tracked you down being AWOL; correct?
12:35:34 10 A. No, sir.
11 Q. So when did you start feeling closer to Issa Sesay than
all
12 of the other commanders?
13 A. From the time the war began, when they met us in
Pendembu.

am 14 Q. Now, you had testified that, and please correct me if I
12:35:57 15 wrong, that Issa Sesay's wife is named Elsa [sic] Kaitonge; is
16 that correct?
17 A. Yes, sir. Elsie May Kaitonge, yes.
18 Q. I apologise if I got the name wrong and I thank you for
19 correcting me. Now, you also testified that you are related
to
12:36:20 20 her as well, aren't you?
21 A. Yes, sir.
22 Q. So it's true that you are also related to Issa Sesay;
true?
23 A. Yes, sir.
24 Q. And it would be correct to say that you are very loyal
to
12:36:40 25 Issa Sesay, aren't you?
26 A. No, sir. Not correct, sir.
27 Q. Okay. You are not loyal to Issa Sesay?
28 A. No, sir. I was loyal to the movement but not to Issa
Sesay
29 as an individual.

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1 Q. Are you still --

2 PRESIDING JUDGE: Just a minute, please. He says he was

3 loyal to the movement and not to Issa Sesay.

4 MR HARDAWAY: As an individual.

12:37:18 5 PRESIDING JUDGE: As an individual. Yes.

6 MR HARDAWAY:

7 Q. You are loyal to Issa Sesay as a member of your family,

8 aren't you?

9 A. Yes. I love Issa Sesay because he's a member of my
family.

12:37:41 10 Q. And it's true, Mr Witness, that the only reason you are

11 here testifying today is to protect your family member Issa

12 Sesay, isn't it?

13 A. I -- no. I came for -- I came to testify on what I
knew.

14 Q. For Issa Sesay; correct?

12:38:09 15 A. Yes, sir.

16 Q. Thank you. Mr Witness, I have no more questions of you.
I

17 thank you for your time.

18 Your Honours, this completes my cross-examination.

19 THE WITNESS: Thank you, sir.

12:38:32 20 PRESIDING JUDGE: I didn't get the last segment of that

21 answer. He said he has not -- he didn't come here to testify

in

22 order to protect a member of my family, but on what he knows

23 about Issa Sesay, how did he end it up? I don't know.

24 MR HARDAWAY:

12:38:50 25 Q. Please repeat the last answer, Mr Witness.

26 PRESIDING JUDGE: The last segment of your answer,
please.

know

27 THE WITNESS: I said, I came to testify about what I

28 of Issa Sesay.

29 PRESIDING JUDGE: Yes, thank you.

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1 THE WITNESS: Yes, sir.

2 PRESIDING JUDGE: Yes, Mr Jordash.

3 MR JORDASH: No re-examination, thank you.

4 PRESIDING JUDGE: No re-examination. Mr Witness --

12:40:13 5 THE WITNESS: Yes, sir.

6 PRESIDING JUDGE: -- you've come to the end of your

your

7 testimony. We thank you for coming and for obliging us with

decision

8 testimony, for assisting the Court to arrive at whatever

you

9 it will arrive at in this case. We thank you for coming and

12:40:36 10
pursuit

are discharged and we wish you a safe journey and a happy

11 of your occupations at this point in time. So we wish you all

12 the best.

13 THE WITNESS: Yes. Thank you very much, sir.

14 [The witness withdrew]

12:41:37 15 PRESIDING JUDGE: Yes, Mr Hardaway, you were looking at
me?

16 I thought you were springing on your feet again.

17 MR HARDAWAY: No.

18 PRESIDING JUDGE: Good.

19 MR HARDAWAY: It takes a lot of effort to spring on my
12:41:50 20 feet.

21 PRESIDING JUDGE: I didn't see you taking any efforts
22 springing on your feet. You've sprung on your feet very
smartly,

23 always. All the time. I'm even ready for the sprint.

24 Yes. May the Chamber be advised by Mr Jordash as to how
we

12:42:16 25 now proceed?

26 MR JORDASH: Well, the next witness is DIS-188. But,
27 before I call the witness --

28 PRESIDING JUDGE: DIS?

29 MR JORDASH: 188.

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1 PRESIDING JUDGE: Yes, Mr Jordash, is that the witness
who

2 Mr Cammegh announced might be testifying for about three days
or

3 so; is that the witness?

4 MR JORDASH: That's the one.

12:42:48 5 PRESIDING JUDGE: All right.

witness 6 MR JORDASH: I think almost certainly our longest

7 after the accused.

8 PRESIDING JUDGE: Okay. And he's an insider witness?

9 MR JORDASH: Yes.

12:43:01 10 PRESIDING JUDGE: Right, okay.

11 MR JORDASH: And I will be applying to have all the
12 evidence in a closed session.

13 PRESIDING JUDGE: In a closed session.

14 MR JORDASH: Yes. Could I just raise two issues before
12:43:12 15 that? Firstly, just for the record, to put on the record that
16 the Prosecution's case has changed in relation to the trade.

My
but
is
17 learned friend put to the witness that civilians were trading
18 were forced to pay commission to the agricultural unit, which
19 a substantial change of the Prosecution's case.

12:43:35 20 PRESIDING JUDGE: You leave that to us.

21 MR JORDASH: But I am putting that on the record.

wanting
22 PRESIDING JUDGE: You will leave that us. We will look
23 through the evidence. We knew when the Prosecution were
24 to assimilate these commissions with first contributions. We
12:43:53 25 noticed all that.

26 [The witness entered court]

27 MR JORDASH: Yes.

28 PRESIDING JUDGE: We will make the determinations at the

29 right time, Mr Jordash.

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1 MR JORDASH: Certainly, but I'm just --

2 PRESIDING JUDGE: You are not submitting now, on the
3 evidence, on what we should believe and what we should not.

4 MR JORDASH: No. I suppose what I am doing is just
saying
12:44:11 5 that we don't know what the Prosecution's case is on this.

6 PRESIDING JUDGE: That you will tell us in your final
7 submissions. They also will have the right to reply on this
at
8 the appropriate time.

9 MR JORDASH: I suppose also I was asking in a different
way
12:44:25 10 the Prosecution, inviting them to say what it is their case is
11 but --

12 PRESIDING JUDGE: It is their business. If they don't
13 prove, if they don't establish their case, well, the
consequences
14 are there. We will be telling them.

12:44:38 15 JUDGE BOUTET: Their case was closed when they closed
the
16 case for the Prosecution. At this stage I would imagine that
the

their 17 intent is not, when they are cross-examining, to complete
18 case, per se. But they may, they may still try to get some
19 additional evidence to support what they already have as a
12:44:56 20 position but I would imagine if their case was based on the
21 cross-examination of witnesses for the Defence they are in
22 serious trouble but, anyhow.

to 23 MR JORDASH: Well, I suppose that is a different issue
24 put to witnesses what their case was, rather than it changed
12:45:11 25 according to the witness that is being called, but I put it on
26 the record as much for myself, when I am reading the record, I
27 can --

record, 28 JUDGE BOUTET: You have achieved that. It's on the
29 I would imagine.

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1 MR JORDASH: Thank you.

2 And the second issue is the issue which was raised a few
3 days ago about -- well, actually it's probably better that the
4 witness is not in the Courtroom.

12:45:37 5 PRESIDING JUDGE: May he leave. You can escort him out.

6 You can take him out, you know.

7 [The witness left the court]

8 PRESIDING JUDGE: Yes, Mr Jordash.

9 MR JORDASH: I raised the concern a few days ago, which
our

10 insiders are expressing, which is the news that the
12:46:46 Prosecution

11 witnesses, insiders, are watching the testimony of our
witnesses

12 knowing -- having been told by the Prosecution who those
13 witnesses are. We put off an answer from the Prosecution
until

14 this present witness, DIS-069, had completed his testimony,
but I

15 believe the Prosecution have an answer to that inquiry, and I
12:47:17 would appreciate an answer because, depending what the answer
is,

17 I may have a duty to the victims and witness unit, and also to
18 this witness, to inform them as to the situation, inform him
as

19 to the situation, so that he can --

12:47:43 20 JUDGE BOUTET: Yes, but Mr Jordash, the evidence of this
21 witness, if you are talking of this witness, you've said is
22 likely to be in closed session in its entirety.

23 MR JORDASH: Yes.

24 JUDGE BOUTET: If your application is granted that would
be

12:47:56 25 the case. It can't be watched from the outside. I mean, they
26 either do it in the Courtroom but outside the Courtroom it's
not

27 available anywhere. So, I'm not talking about other
witnesses.

28 You were saying, you make this application at this moment
because

29 you have concern about this witness in particular.

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closed
nowhere

1 Well I can -- my understanding of the system, in a
2 session, the information is here, in this Courtroom and
3 else. It cannot be watched on TV or on the screen anywhere.

4 MR JORDASH: Transcripts can be given to Prosecution
12:48:27 5 witnesses and they can be sat down with Prosecutors and taken
6 through that evidence.

7 JUDGE BOUTET: Now you are moving into a different
8 direction. I'm saying -- I don't know. Your allegations were
9 they were watching it on TV. I am just saying that on closed
12:48:42 10 session they can't, but I am not saying they can't look at
11 transcripts; that is a different issue.

12 MR JORDASH: Well, the crux of my query is: Are the
13 Prosecution telling insiders who the Defence witnesses are in
14 order to assist them in their case preparation? Whether it's
12:49:00 15 having insiders in the OTP offices watching the proceedings or
16 having transcripts put before the witnesses, or having
17 discussions with the witnesses along the lines of: This
18 particular witness is now testifying for the Defence; can you

19 assist us as to whether this identified witness is or is not
12:49:26 20 telling the truth?

21 That is my query, and I do submit it's an important one
22 because it's an important one for the witness and victims unit
23 because it has security implications for them, and it's
important
24 for our witnesses to know whether the news of them testifying
in
12:49:48 25 this Chamber is being circulated to Prosecution witnesses.

26 If this Trial Chamber, if the Prosecution say this is
being
27 done or might be done, then I would submit the Chamber ought
to
28 be given the opportunity to decide whether, on balance, that
is a
29 legitimate forensic technique when balanced against the
security

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1 implications.
2 We certainly don't do it with Prosecution witnesses. We
3 try, when we are questioning our witnesses, not to disclose
who
4 has given evidence for the Prosecution. Sometimes, of course,
12:50:36 5 it's not easy, and sometimes it's not possible, and sometimes
of

6 course they know, but we do try not to.

7 JUDGE BOUTET: To my knowledge, the protective measures
8 that have been issued would not justify the release of
9 information to an insider witness. The Prosecution may have
10 other techniques, I don't know, but to release identification
11 a witness to a person which, on the face of it, would appear
12 be not entitled to it, they are not part of the Prosecution
13 they are not an investigator for the Prosecution --

14 MR JORDASH: Yes.

12:50:54 15 JUDGE BOUTET: -- but I don't know the various
16 techniques they use without divulging the identity. You are talking of
17 divulging the identity of the witness who is giving evidence
18 to their insiders.

19 MR JORDASH: Yes, but the suggestion is they, in fact,
20 have insider witnesses, or have had during the course of
21 proceedings, the AFRC proceedings particularly, watching the proceedings
22 from an office in the Prosecution.

23 JUDGE BOUTET: Well, I mean, whatever technique they may
24 use, if it's not in violation of orders as such, what you are
25 saying, you are changing your description of the facts,
26 Mr Jordash. If I may, you are -- watching it in the
27 Prosecutors' office or watching it in another office somewhere, where it's
28 on TV as such, and this is public in that sense as such, and
nothing

29 precludes them for watching that. What is, and would be

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1 reprehensible if they have -- they have or have been given
2 information as to the identity of that person, and that is not
in 3 the public domain.

4 MR JORDASH: That is my complaint.

12:52:22 5 JUDGE BOUTET: So that, I don't know.

6 MR JORDASH: It's my complaint which arises from the
7 information I have that the Prosecution witnesses are being
taken 8 to watch the proceedings in full knowledge of who the witness
is 9 and I'd seek an answer from the Prosecution.

12:53:07 10 PRESIDING JUDGE: Well, I remember that I made the
11 commitment, and we did mandate Mr Hardaway, who at that time
was 12 taken unawares, to cross-check this information and to report
to 13 the Court what his findings are.

14 Mr Hardaway, may we hear you on Mr Jordash's
allegations,

12:53:38 15 please.

16 MR HARDAWAY: Yes.

17 PRESIDING JUDGE: And what you are coming out with as a
18 conclusion, or your findings from the information you have
19 collected from the OTP.

12:53:52 20 MR HARDAWAY: Yes, Your Honour.

21 PRESIDING JUDGE: And from the victims and witness unit.

22 MR HARDAWAY: We, in this case, we do not disclose,
period.

23 We do not disclose the identifying data of any witness to
anyone,

24 even an insider, so we have not disclosed that. It has not

12:54:12 25 happened in this case. It has not happened in the AFRC case.

26 The protective measures are followed. We don't disclose the

27 identifying data to anyone who has no basis of knowing who is

28 going to be testifying. We do not disclose that.

29 PRESIDING JUDGE: So what you are saying, in effect, is

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1 that -- you are saying that you respect the measures, the
2 protective measures that are put in place by the orders of
this
3 Court?

4 MR HARDAWAY: Unequivocally and absolutely.

12:55:31 5 PRESIDING JUDGE: Mr Jordash, does that -- what do you
have

6 to say about that?

7 MR JORDASH: Well, I have to accept, if that is the
8 Prosecution position, then I can't go behind that.

9 PRESIDING JUDGE: Right. Thank you. All right. Are we
in
12:55:59 10 a closed session? No, we are not yet. Well, you were to make
11 the application?

12 MR JORDASH: Yes, please.

13 PRESIDING JUDGE: Court Management, are we, can they
bring
14 in the witness, please.

12:56:17 15 [The witness entered court]

16 [At this point in the proceedings, a portion of the
17 transcript, pages 59 to 112, was extracted and sealed under
18 separate cover, as the proceeding was heard in a closed
session]

19 [Whereupon the hearing adjourned at 5.35
p.m.,

20 to be reconvened on Friday, the 26th day of
21 October 2007 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 258

97

WITNESSES FOR THE DEFENCE:

WITNESS: DIS-069

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CROSS-EXAMINED BY MR HARDAWAY6

6

WITNESS: DIS-188

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EXAMINED BY MR JORDASH

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