

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

THURSDAY, 22 NOVEMBER 2007  
9.50 A.M.  
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:

Benjamin Mutanga Itoe,  
Pierre Boutet

For Chambers:

Ms Erica Bussey  
Mr Felix Nkongho

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Charles Hardaway  
Mr Reginald Fynn

For the accused Issa Sesay:

Mr Wayne Jordash

For the accused Morris Kallon:

Mr Kennedy Ogeto

For the accused Augustine Gbao:

Mr John Cammegh  
Ms Prudence Acirokop

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1 [RUF22NOV07A - JS]  
2 Thursday, 22 November 2007  
3 [The accused present]  
4 [The witness entered Court]  
5 [Open session]  
6 [Upon commencing at 9.50 a.m.]

7 PRESIDING JUDGE: Learned counsel, good morning. When  
we  
8 adjourned last time we placed our resumption of the sittings  
on  
9 certain parameters which, of course, we did not bring to the  
10 attention of learned counsel. But we are here this morning  
09:55:03 and,  
11 as you can see, the composition of the Court is still what it  
was  
12 on Tuesday and we are again ordering that, for the same  
reasons  
13 that we advanced on Tuesday, we order that we will continue to  
14 sit under Rule 16 and we will sit for the next four days  
because  
15 we already have sat for one day in conformity with those  
09:55:36 rules.

16 So, Mr Fynn, your will, by coincidence of certain  
17 circumstances, is done. Thank you. We will proceed, and as  
you  
18 must have noticed in the scheduling order that we've issued,  
or  
19 you will notice, I don't know whether it has been issued  
already,  
09:56:09 20 but you would receive one, that's right. We would sit until  
21 Tuesday at midday, or 1.00 at the latest. So my first  
22 observation would go to Mr Jordash for him to make a choice of

23 witnesses.

24 MR JORDASH: May I address you very briefly on Rule 16?

09:56:42 25 PRESIDING JUDGE: May I finish, please?

26 MR JORDASH: Sorry, Your Honour, yes.

27 PRESIDING JUDGE: Yes, let me please finish. You may  
sit

28 down, Mr Jordash. When we would have done the session up to  
12

29 or 1.00 at the latest with the number of witnesses which we

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1 have -- which we hope you will choose very carefully so that  
we

2 do not go beyond that period because we don't intend to sit  
3 beyond Tuesday. Then at 3.00 we shall have a status  
conference

4 at 3 in the afternoon on Tuesday. So we will have a status  
09:57:39 5 conference, and this status conference will principally be  
based

6 on the examination of witnesses that the Defence intends to  
call.

7 We intend to ensure or at least invite the Defence to cut down  
8 their list of witnesses because we consider at this stage that  
it

9 is -- the list is too long, and I think if we have to move  
09:58:07 10 expeditiously and efficiently, we need to address that issue.

we  
are  
11 That will be the principal point on the status conference, and  
12 thought we should put you on notice so that you know why we  
13 again -- we shall again reconvene at 3.00 on Tuesday.

attention  
14 So this is what I thought I should bring to your

09:58:53 15 and after -- on Tuesday we would be able to give you more  
16 information as to how we would proceed because we are still  
17 receiving filings on the motion that is before us of which you  
18 all know very well. It is only by then that we would be able

to  
the  
19 indicate to you how we shall move and what the programme of

09:59:01 20 scheduling of the Court sessions will be. So this is briefly  
21 what I wanted to bring to your attention. I don't know if --  
I  
22 don't know if Justice Boutet has something to add to that.

23 JUSTICE BOUTET: No. That's fine with me, Mr Presiding  
24 Judge.

09:59:21 25 PRESIDING JUDGE: Yes, Mr Jordash?

as  
after  
come  
session?  
26 MR JORDASH: Do I understand Your Honours to mean that,  
27 yet, Your Honours haven't decided whether we might continue  
28 Tuesday for this session, or have Your Honours decided that,  
29 what may, Tuesday will be the last day for sitting this

1           PRESIDING JUDGE: No, we have not said so. We would  
give  
2           you the indication on Tuesday. We are talking of Tuesday,  
3           because by Tuesday we would have sat for five days which is  
4           what -- to quite an extent, that to an acceptable extent, you  
10:00:05 5           know, what we think we should do now, to sit just for five  
days.  
6           I don't want to address my mind to the other sections, you  
know,  
7           to the other portions, you know, of the Rule. We intend to  
limit  
8           ourselves for now to then, to Tuesday, and then thereafter we  
9           will be able to, after proper consultation, we will be able to  
10:00:32 10          let you know how -- but we are not saying that Tuesday is the  
11          last day for the session, no.

12           MR JORDASH: Your Honour, I would welcome an opportunity  
to  
13          make submissions about Rule 16. As I indicated Tuesday last,  
we  
14          would like, if at all possible, to continue until the end of  
the  
10:01:02 15          trial session.

16           PRESIDING JUDGE: That is why I told you that we are not  
17          addressing our minds as yet to the rest of the provisions of  
that  
18          Rule. We are aware of what -- where you're coming from and  
19          that's why I made the comment earlier on that we are not yet  
10:01:20 20          addressing our minds to that. So I will say, you know, that I

know  
21 will wait until Tuesday and see how we move from there. We  
22 what you're going to say, I think, without saying anything at  
going  
23 all, I know -- we know what you are going to say. You're  
24 to tell us that, you know, two of us can sit until the end if  
10:01:37 25 only we can both agree to return a unanimous verdict. If we  
26 disagree, that becomes a problem.  
27 MR JORDASH: Well --  
28 PRESIDING JUDGE: At the end of it as it could well be.  
29 MR JORDASH: Well, the Rule is a bit unclear.

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1 JUDGE BOUTET: This is to put it mildly.  
2 PRESIDING JUDGE: To put it very mildly.  
3 MR JORDASH: I wasn't in the Plenary.  
4 JUDGE BOUTET: I was.  
10:02:09 5 MR JORDASH: But I would certainly submit, I don't know  
6 what my learned friends will say, and I -- we've begun  
7 communicating with the Prosecution about this, but certainly  
for  
8 the first accused we would be arguing that you could continue  
9 providing you agreed that it wouldn't affect the overall  
decision

10:02:33 10 or a particular decision which was under consideration. So,  
in  
11 short, if there was agreement amongst the parties, that you  
could  
12 continue, and Your Honours were satisfied that it wouldn't  
make  
13 any difference in the end to the decision under consideration  
or  
14 the final verdict. So there is a huge discretion, I would  
seek  
10:02:57 15 to argue.

16 PRESIDING JUDGE: But, you know, Mr Jordash, you know we  
17 are on very delicate grounds and I want to tread very, very  
implications,  
18 cautiously. I don't want to go too deeply into the  
19 you know, of what you're saying. We understand what you're  
10:03:19 20 saying and -- but we want to tread very cautiously.

21 MR JORDASH: Yes.

22 PRESIDING JUDGE: And to know what we are going to do  
after  
23 this, and I think like you would normally ask us to give you  
some  
24 time, you know, to do certain things or to make certain  
10:03:40 25 submissions, we are also asking you to please give us some  
time,  
26 to allow us some time to be able to look at this and to know  
27 where to come from. But one thing is certain, of course, you  
28 know, there has to be a decision on this motion at one stage  
or  
29 the other.

1 MR JORDASH: Yes, but my only concern is this: That if  
2 Your Honours would consider allowing submissions on this point  
3 this week, that would clarify the issue, perhaps, for Your  
4 Honours, and it would certainly help from our perspective  
because  
10:04:26 5 we have witnesses who are desperately wanting to know what is  
witnesses 6 going on. And we've -- on Tuesday we instructed some  
sit 7 to go home because it didn't look as though we were going to  
8 this week, and the present witness was about to go home and we  
9 fortunately were able to call him back. And we have witnesses  
10:04:38 10 who have been sitting and waiting since before the Plenary,  
one 11 of whom has a child in Makeni. So why I'm seeking -- I'm not  
12 seeking to in any way put Your Honours under any pressure, but  
witnesses 13 I'm seeking to have as much clarity as possible for the  
14 who are waiting in the witness house.  
10:04:58 15 For my part I'm here until the middle of December, so  
one 16 way or another it doesn't make much difference to my  
timetable, 17 but it makes a huge difference to our witnesses who are  
sitting 18 in the witness house. So if there's any possibility of we all  
in



16

19 this room, the parties, agreeing on an interpretation of Rule

10:05:18 20

which will then assist Your Honours in Your Honours'

21 deliberations, we may well all be much clearer much sooner.

I

22 JUDGE BOUTET: The "we" in this room include the Bench,

23 presume?

10:05:33 25

24 MR JORDASH: Your Honour, I'm considering the parties in

assisting Your Honours to come to the best interpretation of

26 Rule 16.

address

27 JUDGE BOUTET: Mr Jordash, the Presiding Judge will

28 you on your issue. As you know, well, you may not know, but I

29 don't have the exact dates for the recess, but I can tell you

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you

1 that I will not be here past 6 December, so if it can assist

to

2 in your planning as well. So whichever way things do happen

assist

3 shape up, I'm not here past 6 December, so that may also

4 you in the planning of -- with your witnesses.

10:06:39 5  
it,

MR JORDASH: Certainly. Whichever way that we look at

6 there's not that many Court days left.

7 JUDGE BOUTET: That's why I'm telling you this. So this  
8 is -- my tickets are already bought and so on, so it's --  
9 PRESIDING JUDGE: My Lord can afford a penalty for a few  
10:06:59 10 days, I suppose.  
11 JUDGE BOUTET: But it's for planning purposes, so you  
know,  
12 you said mid-December. I know the recess is around that time  
as  
13 well, so the Court recess, but I am flying before that date.  
14 MR JORDASH: Lucky you, Your Honour.  
10:07:16 15 JUDGE BOUTET: These are my plans.  
16 MR JORDASH: What that has reminded me of is that the  
next  
17 witness after the witness here, and I hope he excuses me for  
18 talking about him, this witness will probably take one to two  
19 days in total. The next witness is a relatively big witness  
who  
10:07:40 20 I anticipate will take a day-and-a-half, maybe even two, in  
21 direct, which again buttresses what I was trying to say about  
22 some certainty.  
23 PRESIDING JUDGE: Mr Jordash, let's get that clearly.  
24 There is this witness, there is another one.  
10:08:32 25 MR JORDASH: Yes.  
26 PRESIDING JUDGE: Who will take how much time?  
27 MR JORDASH: I would have thought no less than --  
28 PRESIDING JUDGE: No, let me put it this way: How many  
29 witnesses do you think you'd recommend that the Tribunal

1 accommodates up to midday on Tuesday, from your perspective?

2 MR JORDASH: Well, certainly --

3 PRESIDING JUDGE: That is this one inclusive, here.

4 MR JORDASH: Well, certainly there is little or no  
prospect

10:08:58 5 of finishing this witness and the next anticipated witness.  
We

6 do have a smaller witness we could probably -- well, we could  
7 definitely have ready to go on Monday morning who would take a  
8 day, a day-and-a-half at most. But certainly if we are rising  
--

9 PRESIDING JUDGE: With cross in your estimation?

10:09:22 10 MR JORDASH: Direct with this civilian would be no more  
11 than two-thirds of a day, cross the same at the most.

12 PRESIDING JUDGE: So can we settle for two witnesses  
then,

13 including this one?

14 MR JORDASH: As long as the Prosecution were prepared to  
10:09:35 15 allow this civilian witness to be bumped up the list, I  
wouldn't

16 anticipate there'd be a huge problem because he's not a -- she  
is

17 not a terribly complicated witness, but I'm in the  
Prosecution's

18 hands. But there's certainly no prospect, I would suggest, of  
19 starting the next witness and finishing everything by Tuesday

10:09:57 20 afternoon.

it 21 JUDGE BOUTET: Well, if that were the case, as you know,  
would 22 would be very difficult to stop the witness mid-stream. It  
23 be, at this particular stage, an unknown date of return.

24 MR JORDASH: Yes.

10:10:17 25 JUDGE BOUTET: Certainly the option of having this  
female 26 witness being your second witness, you can only ask the  
27 Prosecution to look into it very seriously so we can move  
ahead. 28 That seems to be a reasonable proposal, but I'm not trying at  
29 this stage to impose conditions on the Prosecution, but we can

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1 only suggest they look at it very seriously to see if they can  
2 accommodate this particular request, but I don't know if you  
know 3 which witness Mr Jordash is talking about, Mr Hardaway.

4 PRESIDING JUDGE: Mr Hardaway, we are going to come to  
you.

10:10:51 5 You know there are two issues on the table. We are coming  
back 6 to you. We are coming to you. Yes. Yes, Mr Jordash, are you  
--

7 MR JORDASH: I'd finished.

8 PRESIDING JUDGE: You've finished.

9 MR JORDASH: We haven't indicated to the Prosecution  
this

10:11:03 10 particular witness, although she is on the list, and I cannot  
11 remember for the life of me what her number is at the moment.  
12 But I can indicate to the Prosecution by the break what her  
13 number is and -- so that they can -- and I can indicate the  
14 thrust of what she will say also so that they will be able to  
10:11:27 15 make their minds up as to whether they are prepared for her or  
16 could be prepared for her.

17 PRESIDING JUDGE: Okay. All right. Well, Mr Hardaway,  
may  
18 we hear from the Prosecution first of all on the submissions  
19 which Mr Jordash --

10:11:42 20 MR CAMMEGH: I'm sorry to jump up, Your Honour. Can I  
just  
21 briefly, on the Defence side, just make one comment before the  
22 Prosecution reply?

23 PRESIDING JUDGE: Mr Ogeto, maybe, you know, you may  
also  
24 have -- if you have something you should feel free to make any  
10:11:57 25 comments, yes.

26 MR CAMMEGH: It's simply this: That in relation to the  
27 sitting for this session up until 6 December, I would  
certainly  
28 not object to any suggestion that we sit above five days with  
two  
29 Judges. I just want to put that on the record. It may be

1 hypothetical, but if that situation arises, there will be no  
2 objection from us. That's all I want to say.

3 PRESIDING JUDGE: Thank you. Mr Ogeto?

4 MR OGETO: I will leave this to, entirely, the Court,  
but I

10:12:36 5 wish to associate myself with Mr Cammegh that we have no  
6 objection to the Court sitting for the five days.

7 PRESIDING JUDGE: Right. Thank you. Yes. Of course,  
8 there is the issue, I don't know if he has associated himself.  
9 Mr Cammegh? Mr Hardaway, please. Mr Cammegh, you've -- what

10:13:05 10 about -- what's your position on submissions as to Rule 16?

11 MR CAMMEGH: They're very cloudy --

12 PRESIDING JUDGE: I didn't hear you associate yourself  
with  
13 learned counsel Jordash.

14 MR CAMMEGH: I didn't. I think it's premature to talk  
10:13:23 15 about -- well, it's hypothetical.

16 PRESIDING JUDGE: I mean, addressing us, he says he  
wants  
17 to address us so that, you know, he can edify us on how we may  
18 move from this situation. Wouldn't you want to edify us?

19 MR CAMMEGH: My position is this: That it remains  
10:13:49 20 hypothetical as to whether or not this Bench is going to be in  
21 a -- is going to be in a position where it has to make a  
decision

22 to continue with two or to bring in a third judge; it's a  
23 hypothetical situation, and I don't think it's one that I want  
to  
24 get drawn into right now.

10:14:10 25 PRESIDING JUDGE: Supposing that Mr Jordash's  
perspective  
26 is -- supposing the hypothesis of a third judge is completely  
put  
27 out, would you want to address us on --

28 MR CAMMEGH: Yes, I would. I can tell Your Honours  
right  
29 now that with the --

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1 PRESIDING JUDGE: Not right now. I'm just -- I'm asking  
2 the question, you know, we want to be very certain, you know.  
We  
3 do want you to address us.

4 MR CAMMEGH: I have a fixed -- I have a fixed view as to  
10:14:35 5 how this Court ought to proceed taking everything into  
account,  
6 and I would want to address you, yes --

7 PRESIDING JUDGE: Right.

8 MR CAMMEGH: When the time comes.

9 PRESIDING JUDGE: Okay.

10:14:42 10 MR CAMMEGH: If it comes.  
11 PRESIDING JUDGE: Thank you. Mr Ogeto?  
12 MR OGETO: My Lords, I think I may have misstated my  
13 position.  
14 PRESIDING JUDGE: Yes.  
10:14:48 15 MR OGETO: My position is that I support the view taken  
by  
16 Mr Cammegh that the Chamber can sit for more than five days,  
as  
17 constituted, the two judges. We support that position. We  
have  
18 no objection for more than five days.  
19 PRESIDING JUDGE: For more than five days.  
10:15:09 20 MR OGETO: Yes. I think that is the position.  
21 JUDGE BOUTET: I thought it was not Mr Cammegh's  
position.  
22 PRESIDING JUDGE: That is not Mr Cammegh's position.  
23 JUDGE BOUTET: Well, if that is --  
24 PRESIDING JUDGE: That is Mr Jordash's position.  
10:15:16 25 JUDGE BOUTET: Indeed, Mr Jordash, but --  
26 MR CAMMEGH: I think -- I think -- I'm sorry, this is  
all  
27 happening on the hoof. I don't want to misquote or  
misinterpret  
28 what Mr Kennedy is saying, but my position, and I think he  
29 understands it, more than five days for this session before

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1 6 December. That's what I was -- that's what I was saying.

2 PRESIDING JUDGE: But we cannot sit for more than five  
3 days.

4 MR CAMMEGH: I was saying that I would support any  
10:15:42 5 suggestion that this Chamber sits for more than five days  
until

6 6 December. Thereafter, as I've just said, it's premature to  
get  
7 into that argument.

8 PRESIDING JUDGE: Now I understand you. It's now that  
I'm  
9 really understanding your stand, because I was thinking that -  
-

10:15:56 10 now I have gotten you very clearly. Your position is getting  
11 very close to Mr Jordash's then.

12 MR CAMMEGH: Well, Your Honours, I don't mind saying  
here  
13 and now, I would be content for this Chamber to sit until  
14 conclusion with two judges. So there we are, the cat's out of  
10:16:13 15 the bag.

16 PRESIDING JUDGE: Well, that's it. We know. Yes,  
17 Mr Ogeto, would you want to -- to address us in the light of  
18 these developments?

19 MR OGETO: That is the position that I would also take -  
-

10:16:22 20 PRESIDING JUDGE: It's the position. All right.

21 MR OGETO: -- that I will have no objection up to the  
end  
22 of the session. After this session, then that will be a

23 different issue. I'm not in a position to address that at the  
24 present moment.

10:16:37 25 PRESIDING JUDGE: I see.

26 MR OGETO: But up to the end of the session, certainly I  
27 will have no objection, My Lords.

28 PRESIDING JUDGE: All right. Thank you.

29 JUDGE BOUTET: Mr Jordash, for your information, so you

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1 know, I just looked at a calendar and what is an issue here is  
2 four sitting days. This is the issue. I know that the Court  
3 order that we had issued for this particular session was to

end

4 on 6 December. So looking at it, it's four or five days, but

no

10:17:05 5 more than five sitting days in addition to those sitting days  
6 that we have. Now, in other words, the time running from next  
7 week, Wednesday we are not -- this is not normally a sitting

day,

8 so counting the Thursday on, Thursday next week is 29

November,

9 30 November, and then the week after is the Monday, the

Tuesday

10:17:29 10 and maybe the Thursday. So that's what we're talking about.

So

11 the issue here is a total of five sitting days.

12 MR JORDASH: Your Honour, yes.

13 PRESIDING JUDGE: Thanks. Mr Hardaway?

14 MR HARDAWAY: Mr Fynn, Your Honour will deal with the  
10:17:47 15 Rule 16 issue.

16 PRESIDING JUDGE: Right. Okay.

17 MR FYNN: My Lords, the Prosecution welcomes Your  
Lordships

18 return to avail yourselves of Rule 16(A), but at this stage we  
19 would agree with your indication that it is, indeed, premature  
to

10:18:06 20 look beyond the five days. We, as I speak, the Prosecution is  
21 considering the implications of using 16(B) and what its full  
22 extent and purposes are. But we would be very, very unwilling  
to

23 make submissions to this Court on Rule 16(B) as far as they  
would

24 assist Your Lordships to coming to a conclusion as to how we  
10:18:37 25 would proceed. This is all the Prosecution wishes to say on  
this

26 issue at this time.

27 PRESIDING JUDGE: Thank you very much.

28 MR FYNN: Thank you, My Lords.

29 PRESIDING JUDGE: If we may now lay that issue to rest,  
the

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1 Chamber -- you still want to address -- you're not on Rule 16,  
2 are you?

3 MR HARDAWAY: No, not Rule 16, Your Honour.

4 PRESIDING JUDGE: I see. Okay.

10:18:58 5 MR HARDAWAY: It is an issue brought up by Mr Jordash as  
to  
6 bringing up potential witnesses, and Mr Jordash stated he  
didn't  
7 know the number of the witness. I believe I may know, I don't  
8 know if this is correct, would this be DIS-176 that you would  
be  
9 considering bringing up?

10:19:13 10 MR JORDASH: Yes, that's the one.

11 MR HARDAWAY: All right.

12 PRESIDING JUDGE: If it is DIS-176, are we -- can we  
take  
13 her notwithstanding the fact that it is -- she is out of the  
14 Rule, you know, and [overlapping speakers] --

10:19:27 15 MR HARDAWAY: We'd be ready on DIS-176, Your Honour,  
again  
16 as it relates to whatever, I mean, time is always in flux, but  
if  
17 they were called, we would be ready on DIS-176.

18 PRESIDING JUDGE: Okay. Mr Jordash, I think that is  
19 certain now.

10:19:40 20 MR JORDASH: Certainly.

21 PRESIDING JUDGE: If we can take this and DIS-176.

22 MR JORDASH: I might have to ask towards the end of  
23 tomorrow for an adjournment to be ready for Monday morning  
24 because obviously she's being pushed behind three or four big

10:19:53 25 insiders. But we would definitely be ready with her by Monday  
26 morning.  
27 PRESIDING JUDGE: Monday morning, okay. That's all  
right.  
28 Having heard the application by Mr Jordash seeking leave to  
29 address the Chamber on the application of Rule 16 of the Rules  
of

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1 Procedure and Evidence, and particularly the application of  
2 Rule 16(B), and having heard the submissions of learned  
counsel  
3 Mr Cammegh and learned counsel Mr Ogeto for the third and  
second  
4 accused respectively, and having heard Mr Fynn for the  
10:20:44 5 Prosecution on this issue, the Court orders that the parties  
6 proceed by written submissions, first of all, that's our  
option,  
7 on why they feel or do not feel that the Court should proceed  
8 under the provisions of Rule 16(B) until the end of the  
9 proceedings.

10:21:17 10 We would expect this filing by tomorrow, unless you  
think  
11 that the time frame is very short. If, indeed, you do think  
that

is  
will  
of  
10:21:54  
be

12 it is, I would leave that open, but what is important for us  
13 to say that we have granted that motion and to say that you  
14 proceed by written submissions which should not be very long,  
15 course. We may -- we may at the end of the day take oral  
16 submissions on this as well on issues which -- on which we may  
17 wish to be clarified. But we think for the records it would  
18 necessary for us to grant this motion and also to have some  
19 filing in writing. Yes, Mr Cammegh?

10:22:16  
need

20 MR CAMMEGH: I can't speak for my learned friends, but I  
21 would welcome the opportunity to enter into an oral submission  
22 late this afternoon because I think that would obviate the  
23 for detailed written submissions.

24 PRESIDING JUDGE: No -- I'd -- we'd prefer --

10:22:32  
records  
and  
afternoon,

25 MR CAMMEGH: I appreciate Your Honour needs for the  
26 a written submission, but my point is this: A lot of work has  
27 been expended on written submissions over the last few days,  
28 if the oral submissions could be made succinctly this  
29 it may obviate the need for lengthy submissions to be prepared

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1 and filed immediately thereafter. They could be reduced to a  
2 mere summary of what was said in Court. I don't know if  
that's  
3 an attractive --

4 PRESIDING JUDGE: No, we understand oral submissions to  
10:23:04 5 come after written submissions have been filed. We would  
prefer  
6 to keep to these --

7 MR CAMMEGH: So Your Honour is saying that oral  
submissions  
8 perhaps should come on Monday?

9 PRESIDING JUDGE: That's right.

10:23:17 10 JUDGE BOUTET: Or by the end of the day tomorrow.

11 PRESIDING JUDGE: Or by the end of the day tomorrow if  
you  
12 so wish, yes.

13 JUDGE BOUTET: I could say, I haven't discussed that  
with  
14 the Presiding Judge. My preference would be to have that by  
the  
10:23:26 15 end of the day tomorrow.

16 PRESIDING JUDGE: Yes.

17 JUDGE BOUTET: That is, if -- the sooner we have your  
18 submission, as the Presiding Judge has mentioned, it could be  
19 just the essence of what you are to suggest is your position  
in

10:23:40 20 this respect, and we would complete that with oral submissions  
21 that we could entertain by the end of the day tomorrow.

22 MR JORDASH: Thank you.

23 JUDGE BOUTET: Something along these lines. Mr  
Presiding

24 Judge?

10:23:50 25  
The

PRESIDING JUDGE: Yes, that's okay. That's all right.

26 written submissions can be filed and then we do the oral  
27 submissions in the afternoon.

28 MR CAMMEGH: That's fine. Thank you very much.

29  
tomorrow.

PRESIDING JUDGE: That will be between today and

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Hardaway

1 So, there we are, and, of course, it is also agreed by the  
2 parties from the consultation between Mr Jordash and Mr  
3 that witness number DIS-179 or so, DIS-179.

4 MR HARDAWAY: 176, Your Honour.

10:24:21 5  
order

PRESIDING JUDGE: 176 would be taking out of turn in

think,

6 to accommodate the Defence, and that this will be done at the  
7 close of the testimony of this witness. Now, this said, I

8 Mr Jordash, we may proceed with this witness and --

10:24:45 10

9 MR JORDASH: Thank you. For Your Honours' information,  
it's DIS-124 who will be giving --

11 PRESIDING JUDGE: This would be the 16th?



12 MR JORDASH: 16th.

13 PRESIDING JUDGE: 16th witness.

14 MR JORDASH: Giving evidence in English.

10:25:02 15 PRESIDING JUDGE: DIS?

16 MR JORDASH: 124, Your Honour.

17 PRESIDING JUDGE: Yes, can you swear him in, please?  
You

18 say he will be testifying in English.

19 WITNESS: DIS-124 [Sworn]

10:25:52 20 MR JORDASH: Your Honours, I would like to, if I may,

21 invite Your Honours to go into a closed session to be able to

22 follow the same approach I've followed with some witnesses  
which

23 is to deal with some preliminaries and then be able to stay --

24 move back into an open session and not return to a closed

10:26:09 25 session. I anticipate, if Your Honours grant the application,  
I

26 would be in a closed session for no more than 20 minutes.

27 PRESIDING JUDGE: Yes, we move into a closed session and

28 you will make an application. Thank you.

29 MR CAMMEGH: I'm sorry to leap up again. Your Honour,  
I'm

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1 not anticipating that this witness is going to be terribly  
2 relevant to Mr Gbao. In view of the discussions that we've  
just  
3 had, I would welcome the opportunity to take some instructions  
4 outside the room from Mr Gbao for some -- well, for about 15  
10:26:49 5 minutes, if that's possible, and --

6 PRESIDING JUDGE: If Mr Gbao gives his -- stands up and  
7 says that he is excusing himself from attendance, you know, in  
8 the proceedings and that the proceedings can go, you know, on  
in  
9 his absence, if he can get up there and say so, we would like  
to  
10:27:09 10 have him on record.

11 JUDGE BOUTET: That he consents to be absent from the  
12 proceedings --

13 PRESIDING JUDGE: And that the proceedings can go on,  
you  
14 know, in his absence.

10:27:24 15 ACCUSED GBAO: Yes, My Lord, the proceedings can go on  
in  
16 my absence. My counsel and myself have some private  
discussions.

17 PRESIDING JUDGE: All right.

18 MR CAMMEGH: And finally this: I was intending to leave  
19 the room for much of the day to attend to some other urgent  
work.

10:27:37 20 If any other administrative matters are to be discussed, I  
would  
21 be very grateful if that could be communicated to Mr Jordash  
so  
22 he could warn me in good time so I could come back to Court  
say  
23 at a quarter to 1 or whenever the discussion is to take place.

24 PRESIDING JUDGE: That's all right, Mr Cammegh, that's  
10:27:54 25 okay. So, Mr Gbao, you are excused from attendance following  
26 your own request and, again, with your consent, and on your  
27 indication, we shall proceed. The proceedings will go on in  
your  
28 absence. Thank you.  
29 Yes, Mr Jordash. Oh, we are not yet in a closed  
session,

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1 I'm sorry. And incidentally, I would like to -- I would like  
to  
2 advise learned counsel on both sides on the submissions  
relating  
3 to the application of Rule 16(B). We would like your  
submissions  
4 to be very limited in scope only to the application, you know,  
of  
10:29:22 5 Rule 16(B). Just that, I mean, we don't want to go into the  
6 merits of this motion at all. We want the submissions to be  
7 limited strictly, very strictly limited to the application of  
8 Rule 16(B). That is all that concerns us. The rest we'd be  
able  
9 to determine what to do after listening and taking your  
10:29:50 10 submissions on that.

session]

11 [At this point in the proceedings, a portion of the  
12 transcript, pages 20 to 51, was extracted and sealed under  
13 separate cover, as the proceeding was heard in a closed

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1

[Open session]

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

3 PRESIDING JUDGE: Okay.

4 MR JORDASH:

11:26:55 5 Q. We're back in open session, Mr Witness, so do not say  
6 anything which would reveal your identity.

7 A. Okay.

8 Q. I just want to ask you about a few small issues in the  
9 overthrow?  
overthrow?

11:27:28 10 A. Okay.

11 Q. You told us when we were in a closed session that  
there'd  
12 been a mass retreat and you'd gone to Giema; this was at the  
end  
13 of 1991, or thereabouts?

14 A. Yes.

11:27:51 15 Q. What happened to the civilians on that retreat?

16 A. As from where?

17 Q. The civilians that had been in RUF territory in  
Kailahun?

18 A. Okay. Well, we are fighting for the civilians, the RUF  
is  
19 fighting in order to make sure that the civilians has their  
full

11:28:23 20 right, so it was our responsibility to make sure that we have  
21 protected them and secured their lives and property. We are  
22 taking great care of them during the pull-out, although it was  
a  
23 serious pull-out, but we will make sure that they are carried  
24 safely there to their various destinations where they wish to  
11:28:46 25 stay.

26 Q. Where was that during this retreat? Where was that

27 destination for the civilians?  
28 A. Well, everybody was running towards Kailahun. Kailahun  
was  
29 looked as area save, so everybody was going towards Kailahun  
way.

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1 Q. Is that Kailahun Town or Kailahun District?  
2 A. Kailahun District.  
3 Q. Do you know where Issa Sesay was at that point?  
4 A. During that retreat?  
11:29:20 5 Q. Yes. Do you know what he was doing?  
6 A. You mean before the overthrow?  
7 Q. I think we're --  
8 A. We are past that. Okay.  
9 Q. Probably me rather than you, I think, trying to move a  
bit  
11:29:37 10 too quickly. I'm talking about the time when you were  
retreating  
11 to Giema where you end up as -- you end up in Giema.  
12 A. Yes, I stop at Giema.  
13 Q. Yes. And there's a mass retreat and you've told us this  
14 was at the end of 1991?  
11:29:59 15 A. Yes.

16 Q. So I was asking you about whether the civilians did  
17 anything at that time?

18 A. They are -- they are secure.

19 Q. Right. Now --

11:30:16 20 JUDGE BOUTET: But I thought the question was more in  
the

21 -- I thought you said -- I'm totally confused now. I thought  
you

22 were talking of the overthrow period of time, so, you know,  
back

23 in 1991.

24 MR JORDASH: Yes.

11:30:30 25 JUDGE BOUTET: I thought your very first question was,  
26 well, you said there was the overthrow and massive retreat as  
27 such.

28 MR JORDASH: I think the witness also took that meaning.  
I

29 think it's certainly me who's being less than clear. I was

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1 talking about 1991, '92. I just wanted a quick answer on what  
2 happened to the civilians. I think the witness also took Your  
3 Honour's meaning. So if I can just --

retreat 4 JUDGE BOUTET: Yes, because he's talking of massive

11:31:00 5 to Kailahun and so on. So -- thank you.

6 MR JORDASH:

7 Q. Let me deal with this swiftly because it is not a big

8 point. I was talking about the end of 1991, 1992?

9 A. Okay.

11:31:16 10 Q. When there is a push of the RUF because of SLAs  
advancing?

11 A. Yes.

12 Q. Do you remember telling us about that in a closed  
session?

13 A. Yes.

14 Q. What I want to know just very briefly was what happened  
to

11:31:30 15 the civilians who were in RUF territory when there was a push  
16 towards Giema?

17 A. The ones who were pushed towards Giema, we'll make sure  
18 that we secure them. We put them into zoo bush where they  
19 are safe there.

11:31:48 20 Q. Right. Now, you then end up in Gievolau?

21 A. Yes.

22 Q. Yes? Where were the civilians at that point?

23 A. The civilians were in the zoo bush. Gievolau is a small  
24 village, and this was only meant for the combatants. The zoo  
11:32:13 25 bushes there where the civilians lived.

26 Q. Very briefly, again, why in the zoo bush?

27 A. We are fighting for these people, and if at all they are  
28 among us, then it happens that we receive a surprising attack.  
29 The possibility for us to protect them, you know, would be  
very



decided 1 limited. Instead not to harm the civilians, I think, we  
be 2 to keep them somewhere, so that when fighting comes, we will  
our 3 in a full frontal fight and make sure that they are put under  
4 control before ever the enemy will go and destroy them.

11:33:00 5 Q. Did there come a time when Issa Sesay had any command in  
6 Giema?

7 A. Yes.

8 Q. What was the command he had?

He 9 A. Well, at first he was -- he was not at first in Giema.

11:33:16 10 was all the way very close to the border at one of the  
villages

11 called Pomundu.

12 Q. Pomundu?

13 A. Yeah. It was only later when Issa came to Giema.

14 Q. And what was he at Giema when he came?

11:33:36 15 A. He came as a commander.

16 Q. Did he stay as commander in Giema?

bullet,

17 A. Yeah, he stay as commander until at one time he was  
18 he had a gunshot on his buttock, so he was on sick leave at  
19 Giema.

11:33:53 20 Q. Did anyone take over?

21 A. Pardon?

22 Q. Did anyone take over when he went on sick leave?

23 A. Yes, Peter Vandi took over.

24 Q. Are you familiar with Zogoda?

11:34:13 25 A. Pardon?

26 Q. Are you familiar with the name Zogoda? Zogoda?

27 A. Zogoda? Yes, I know Zogoda.

28 Q. And did there come a time when Zogoda was no more?

29 A. Yes.

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very

1 Q. Why did it stop?

2 A. Well, Zogoda was far in the Kenema District. It is a

3 big forest wherein Foday Sankoh selected the place to be

4 somewhere very safe, so he was there until he finally left for

11:34:57 5  
Zogoda

the peace talk. But before ever he went, people were in

when  
time  
CDF  
11:35:24

6 because I was not there. People were in Zogoda. But later  
7 CDF started attacking the position of the RUF, and at that  
8 the RUF has run out of ammunition, there is material. So the  
9 started attacking the position of the RUF and, finally, they  
10 succeeded in taking Zogoda.

11 Q. And you say that the RUF were out of ammunition. Did  
12 everyone have a gun at that point?

13 A. Yes, people were having guns, but they are not having  
14 anything -- bullet. They are not having any bullet.

11:35:39  
attacked?

15 Q. When Zogoda was attacked, were any other places

areas

16 A. Zogoda was only a headquarter. There are surrounding  
17 that is a defensive position that is protecting Zogoda. So  
18 before Zogoda was attacked, the defensive positions collapsed,  
19 then Zogoda was attacked.

11:36:02

20 Q. Were there any civilians around these areas?

at

21 A. Civilians were very -- there were many civilians with us  
22 that time.

23 Q. And what happened to the civilians during these attacks?

shelling.

24 A. Well, some were then, they were killed from the

11:36:21

25 The ECOMOG -- okay, the shelling they stopped then, then even  
26 those who were captured, some of them were killed by the CDF,  
27 others who were able to bear the strength will allow me to --  
we  
28 protect them until we reach Peyema.

29 Q. Sorry, you said something about civilians being captured

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1 and some of them were killed?

2 A. Yes.

3 Q. Captured by who?

4 A. They are killed by the CDF.

11:36:53 5 Q. Who were they captured by, just to be clear?

6 A. The CDF captured the civilians.

7 Q. Thank you.

8 JUDGE BOUTET: You're still talking of Zogoda.

9 THE WITNESS: Pardon?

11:37:05 10 JUDGE BOUTET: What you're describing now is Zogoda.

11 THE WITNESS: Yes.

12 JUDGE BOUTET: And the fight that took place in Zogoda.

13 THE WITNESS: Yes.

14 JUDGE BOUTET: You were not there, however, in Zogoda at

11:37:16 15 that time.

16 THE WITNESS: Yes, I was there now. I was there when we  
17 retreat, but at first I was not in Zogoda.

18 JUDGE BOUTET: I don't understand.

19 MR JORDASH: Can I clarify this? It's --

11:37:31 20 Q. Listen to the question and answer directly to the  
question.  
21 A. Okay.  
22 Q. Okay? We were talking about an attack on Zogoda and the  
23 defensive areas around.  
24 A. Yes.  
11:37:42 25 Q. And we were talking about when Zogoda fell.  
26 A. Yes.  
27 Q. When it was -- it became taken over?  
28 A. Yes.  
29 Q. At that time where were you when it was overrun?

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1 A. Well, I was three miles off from Zogoda, that was a  
2 training base, the Camp Lion training base.  
3 Q. You were --  
4 A. I was there.  
11:38:10 5 Q. Doing what?  
6 A. Well, we went on advance training going for more  
ideology.  
7 Q. Which was the -- what was the location of Camp Lion at  
that  
8 point?  
9 A. At the side of Zogoda.

11:38:29 10 Q. Do you know the name --  
11 PRESIDING JUDGE: You say it was about three miles from  
12 Zogoda.  
13 THE WITNESS: Off, yes.  
14 PRESIDING JUDGE: Do you know the name? Counsel has  
asked  
11:38:37 15 you.  
16 THE WITNESS: It was a very big forest wherein we only  
17 went -- they went there and cleared the place and choose a  
18 particular area as a training base. There was no town located  
19 there.  
11:38:49 20 MR JORDASH:  
21 Q. So were you on the base at the time of the CDF attacks  
22 on --  
23 A. Yes, at that time, yes.  
24 Q. Okay. And you mentioned a moment ago being at Zogoda.  
Did  
11:39:01 25 you at any time go to Zogoda?  
26 A. Yes, I went to Zogoda.  
27 Q. And was this -- how many times did you go to Zogoda?  
28 A. When I went to Zogoda, twice.  
29 Q. Now, I'm not going to ask you about Zogoda. I'm  
interested

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1 now in what happened when Zogoda fell. You were at Camp Lion.  
2 What did you do?  
3 A. Well, before ever Zogoda should fell, Camp Lion also  
first  
4 fell.

11:39:38 5 Q. Right?  
6 A. Then we retreated as far as Zogoda. It was in Zogoda  
when  
7 at that time Colonel Mohamed Tarawallie was the commander  
there.  
8 That was the time he told us that now the situation have gone  
out  
9 of control, he say we need to find the location of our  
brothers.

11:40:03 10 Q. You told us in the closed session that at this time you  
11 were deployed at Gievolau?

12 A. Yes.

13 Q. Is that still right?

14 A. Yes, yes.

11:40:13 15 Q. So you were at Camp Lion, then you went to Zogoda?

16 A. Yes.

17 Q. Did you go anywhere from Zogoda after Zogoda fell?

18 A. After Zogoda fell I retreated back again to Peyema, then  
19 from Peyema I came back again to Kailahun District.

11:40:34 20 Q. To which town?

21 A. You mean the time?

22 Q. No, town.

23 A. The town? Peyema.

24 PRESIDING JUDGE: You say you retreated to Peyema?

11:40:43 25 THE WITNESS: Yes.

26 MR JORDASH:

27 Q. Peyema to Kailahun?

28 A. Kailahun District, then I went back to Jaima. Jaima is  
on  
29 the main road between Pendembu and Giehun.

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1 Q. And did you stay in Jaima?

2 A. Yes, I stayed in Jaima.

3 Q. For how long?

4 A. Well, I stayed in Jaima for -- I was there now until the  
11:41:12 5 overthrow.

6 Q. Before when you were in a closed session you told us  
that

7 you'd been deployed at Gievolau?

8 A. Yes.

9 Q. And you'd been at Gievolau until the overthrow?

11:41:23 10 A. Yes. Gievolau is -- how can I say it. When you move  
from

11 Gievolau, you go to Jaima. Jaima is a little bit before going  
12 towards the front line.

13 Q. Right. So when you were deployed at Gievolau, were you  
14 living at Gievolau or living at Jaima or somewhere else?



11:41:46 15 A. When I -- when I was deployed in Gievolau, Gievolau was  
our 16 called as a civilian zone, but we were in Jaima. Jaima was  
17 base, yes.

18 MR JORDASH: Okay. I hope that's brought the clarity I  
was 19 seeking. I notice the time, Your Honours.

11:42:21 20 PRESIDING JUDGE: Yes, the Chamber will recess for a few  
21 minutes. We will rise, please.

22 [Break taken at 11.40 a.m.]

23 [RUF22NOV07- DL]

24 [Upon commencing at 12.15 p.m.]

12:21:21 25 PRESIDING JUDGE: Yes, Mr Jordash, you may proceed  
please.

26 MR JORDASH: Thank you.

27 Q. Before I take you to the overthrow, I just want to ask  
you 28 about the practice of the RUF when attacking towns around the  
29 time when you were based in Jaima, okay?

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1 A. Yes.

2 Q. Now, at this time, was there a lot of fighting between

3 government troops and RUF?

4 A. Yes.

12:22:19 5 Q. And was there a lot of fighting in Kailahun District?

6 A. Yes.

7 Q. And the fighting in the Kailahun District at this time  
was

8 it in the towns or out of the towns? Where was it?

9 A. Well, during that time, you know, RUF has abandoned the  
12:22:50 10 villages, the towns. They have gone into the zoo bushes.

11 Anywhere the SLAs are there, is the particular operation and  
the

12 RUF would go and attack.

13 Q. Where were the SLAs at this time when the RUF were in  
the

14 bushes?

12:23:13 15 A. From Pendembu they were occupying all these big towns on  
16 the road as far as to the border of Koindu.

17 JUDGE BOUTET: [Indiscernible] when you are saying  
18 occupying all the big towns, you are talking of SLA here?

19 THE WITNESS: Yes.

12:23:34 20 JUDGE BOUTET: Okay.

21 MR JORDASH:

22 Q. Let's just have some names of towns which they were  
23 occupying at this time?

24 A. Pendembu, Giehun, Kailahun, Bandabu, Buedu, Kangama,  
Dia,

12:24:03 25 Koindu.

26 Q. Thank you. And if you can, approximately, which year or  
27 years are we talking about when the fighting -- when the SLAs  
28 were occupying these towns and there was fighting?

as

29 A. That was, they started in '92 and they are there as far

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1 '93.

2 Q. What year was it when you were in Jaima?

3 A. The year which I was in Jaima?

4 Q. Sorry, you have told us that. Forget that question. In

12:24:43 5 1994, 1995, 1996 is there fighting in the towns, in Kailahun?

not

6 A. 1994, -5, fighting is still in the towns because we are

7 yet -- we are yet in the zoo bush.

8 Q. And would the RUF attack SLAs in towns?

9 A. Yes.

12:25:16 10 Q. And what would be the focus of the attacks in these  
towns

11 when the RUF attacked?

12 A. Well, it is to get rid of the SLAs from the town.

13 Q. And have you heard of the term "government property"?

14 A. Yes.

12:25:42 15 Q. What was government property?

16 A. Ammunition was one, as government property. Next thing,  
17 food, in large quantity.

18 Q. Just pause there a minute. When you say food in large

19 quantity was government property, what does that mean?

12:26:05 20 A. If at all we happens to capture a town where, the  
soldiers

21 are having enough food we are not going to take the food

22 individually. There are many areas to be considered to  
satisfy.

23 So we have -- the government has to take care of the food and

24 make sure they satisfy all of these other areas.

12:26:29 25 Q. Well, what about food in small quantities, what happened  
to

26 that?

27 A. Well, as the men on the ground, you have to live on this

28 food.

29 Q. So you are going to have to try and describe what you  
mean.

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1 When the RUF enter a town --

2 A. Yes.

3 Q. Where would the food be?

4 A. Where should the food be?

12:26:55 5 Q. Where was the food?

6 A. When we leave on these enemies to start with. So  
whatever

7 we get from them is what we can make use of it.

8 Q. Who are the enemies?

9 A. At that time we are fighting the SLAs.

12:27:13 10 Q. And the food came from who, the SLAs?

front 11 A. The SLAs. They used to carry their supplies to the

12 line. And sometimes, unfortunately for them, we can overtake

13 them, surprisingly without having carried anything.

14 Q. So where would this food be stored in these town at the

12:27:33 15 frontline?

16 A. Well, if at all we see that the front line is not

somehow 17 safe, we carry it into the zoo bush and keep it there.

18 Q. No. Listen to the question, Mr. Witness, I'm asking

very 19 specific questions for specific reasons?

12:27:51 20 A. Okay.

I 21 JUDGE BOUTET: Mr Jordash, I don't think you -- at least

22 didn't get the answer or understood his answer to your

question 23 about it all started off with attacking towns, to get rid of

SLAs 24 from the town as such. And you questioned and followed up

what 25 would you do about government property in towns and now we are

12:28:08 26 the front line. So I'm --

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

28 Q. The frontlines, what were the frontlines? Were the

29 frontlines towns, villages or outside of towns or villages?

place,

1 A. Well during the time when this fighting was taking

2 we are yet in the bushes. It was only later when -- well, we

3 used to fight the enemies in the towns.

or

4 Q. So are you front line -- would a town be in a front line

12:28:41 5 could a town be in a front line?

6 A. I want you to explain it better to me so that I can

7 understand.

8 Q. Okay. There is fighting in a town?

9 A. Yes.

12:28:53 10 Q. For example Pendembu?

11 A. Okay.

is

12 Q. At the time that fighting is taking place in the town,

13 Pendembu a front line?

14 A. Yes Pendembu was a front line.

Would

12:29:09 15 Q. No, listen to the question, Mr Witness. At the time the

16 fighting is taking place in Pendembu, is it a front line?

17 that be considered to be a front line because the fighting is

18 taking place there?

19 A. Yes.

12:29:21 20 Q. Right. That is what I am getting at?

21 A. Yes.

22 Q. If the fighting was taking place in the bush next to  
23 Pendembu would that bush be considered a front line?

24 A. No.

12:29:35 25 Q. What defines a front line?

26 A. The front line is the last position that after which you  
27 meet the enemy.

would 28 Q. So if the last position you met the enemy was a bush,

29 that be a front line?

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1 A. It obviously is a font line because wherever fight meets  
2 you, there, you have to fight.

a 3 Q. And whenever fight meets and you have to fight, is that  
4 front line?

12:30:02 5 A. Yes.

fight 6 Q. Right. That's what I'm trying to get at. So if the  
7 was in the town, the town would be the front line?

8 A. Yes.

9 Q. But if the fight was in the bush next to the town, where  
12:30:14 10 would the front line be?

11 A. Well, for a person who is a military personnel, I think  
he  
12 can better understand what I'm trying to explain here.

13 Q. Well, I think we may have a military man on the Bench,  
try  
14 and explain?

12:30:33 15 A. Okay. Let's say, for example, there is fighting in  
16 Pendembu.

17 Q. Yes.

18 A. Before reaching to Pendembu you must come across some  
19 bushes there. That is why most of the time after the enemies,  
we  
12:30:55 20 have ambush. After the ambush, we expect any fighting force  
21 there. After the ambush, we consider all of these areas going  
22 towards the enemy as front line.

23 Q. Okay, I think -- I hope -- that is clear to me, I think.  
24 Okay. So let's go back to attacking towns?

12:31:22 25 A. Yes.

26 Q. Okay. The RUF would attack towns?

27 A. Yes.

28 Q. And there was this concept of government property?

29 A. Yes.

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1 Q. And you told us, I think you said one, ammunition?  
2 A. Yes.  
3 Q. Two, food in large quantities?  
4 A. Yes.  
12:31:44 5 Q. Anything else that would be government property?  
6 A. Drugs.  
7 Q. Drugs. Anything else?  
8 A. These are the major ones.  
9 Q. Right, now where would government property be taken from  
in  
12:32:11 10 a town?  
11 PRESIDING JUDGE: But the witness mentioned food in a  
small  
12 scale.  
13 MR JORDASH: Yes I --  
14 PRESIDING JUDGE: I don't know where that came from.  
But I  
12:32:23 15 know he said that was used by the soldiers and those on the  
camp.  
16 MR JORDASH: That is why I was going to try to re-  
approach  
17 the subject to try and make it clearer.  
18 PRESIDING JUDGE: Right.  
19 MR JORDASH:  
12:32:34 20 Q. So ammunition, food and drugs?  
21 A. Right.  
22 Q. And food in large quantities, I think you said?  
23 A. Yes.  
24 Q. Where would these items be found?

12:32:46 25 A. Well, they are found where the soldiers are based.

26 Q. Right. Now, you mentioned that it would be food in  
large

27 quantities. Explain how the RUF would approach the food where  
28 the soldiers are based?

29 A. When -- if RUF have succeeded in taking a town and,

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1 fortunately, he finds out he has to get lots and lots of food  
in

2 good quantity, that food has to be put under control so that  
they

3 can able to satisfy some areas, more especially the civilians,  
4 feeding the front line. And then also in towns of drugs,

there

12:33:46 5 was free medical facilities. So all of these things would be

6 used.

7 Q. Okay, we will come to that in a minute. If there was  
food

8 where the soldiers were based, in small quantities, would that  
be

9 government property?

12:34:05 10 A. Yes. That one has to be used for the men who have gone  
on

11 the ground, that means the fighting force.

12 Q. So, when --

13 A. But when it is in good quantity I think it will be  
shared

14 all over RUF is operating.

12:34:15 15 Q. Right. So the distinction you are making is that if  
there

16 is food in small quantities, it is for the soldiers who have

17 entered the town?

18 A. Yes.

19 Q. And if it is in large quantities, what happens to it?

12:34:26 20 A. That means all areas within the RUF, the vital area are

21 entitled to that food.

22 Q. Right. Now the government property --

23 PRESIDING JUDGE: The food in small quantities, he says  
it

24 is still referred to as government property.

12:34:45 25 MR JORDASH: Yes.

26 PRESIDING JUDGE: Food in small quantities.

27 MR JORDASH: Yes.

28 PRESIDENT JUDGE: All right.

29 MR JORDASH:

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1 Q. Is that right?

2 A. Pardon?

3 Q. The food in small quantities, would that still be termed  
4 government property?

12:34:50 5 A. When it is captured at the soldiers base.

6 Q. Right, and this food in small quantities would be given  
to  
7 who?

8 A. Small quantity?

9 Q. Yes.

12:35:00 10 A. That is the men who went on the fighting force.

11 Q. Right. The food in large quantities with the ammunition  
12 and the drugs, where would that go?

13 A. It is considered to be government property.

14 Q. And where would it go?

12:35:17 15 A. This should be divided among the civilians and to the  
16 wounded soldiers and other areas where they need to send food.

17 Q. Now, what would happen to houses in the towns? Would  
18 anything happen to the houses?

19 A. Well, we are not going for houses. We are only going  
for  
12:35:44 20 the soldiers. The house doesn't have any cause to do with us.  
21 So likewise, we don't have nothing to do with them. In fact,  
we  
22 protect the houses so that we can be able to base there.

23 Q. What does that mean: "We would protect the houses so we  
24 were able to base there"?

12:36:00 25 A. By that I mean any house would mean that we have to  
occupy  
26 the place. They would be there to keep our defensive.

27 JUDGE BOUTET: Yeah, but if you -- I don't understand  
what

have 28 you mean. You were asked about houses. You said, well we  
29 nothing to do, no cause to do anything with them, but we would

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1 occupy them. So why -- isn't it cause to do it then if you  
2 occupy them?

3 THE WITNESS: No, what I am talking about in destroying  
4 them, that is what I am trying to talk. That is not our  
motive.

12:36:28 5 JUDGE BOUTET: But you would, as you say, it could be a  
6 base or whatever it is, but you could and you would occupy  
7 houses?

8 THE WITNESS: Yes, we could occupy houses.

9 MR JORDASH:

12:36:41 10 Q. Let me pick up on this. The RUF enter a town?

11 A. Yes.

12 Q. A house is occupied by a civilian. Would anything  
happen  
13 to that house?

14 A. Nothing. No soldiers is not, in fact mandated to go  
there

12:37:01 15 and ask for any place there.

do  
16 Q. Was there any rules about what you could, as a soldier,  
17 with a house which is occupied by a civilian?  
18 A. As a soldier, yes, you have a rule. That is why you are  
--  
19 on the base you are trained to know about the -- the -- they  
are  
12:37:20 20 trained to have ideology. So you have to make sure that you  
take  
21 great care of the civilians and their properties because your  
22 cause is there as a soldier to protect life and property.  
23 Q. Right. Houses which were not occupied because the  
24 civilians had left, what would happen to them?  
12:37:40 25 A. They still remained there.  
26 Q. Well --  
27 A. The only thing is that when we have find out that the  
28 place, the town is looking some how bushy, I think the chiefs  
29 would be asked in order to organise so that they can be able  
to

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Witness,  
1 brush within the township.  
2 Q. I think, you have got to focus on the question, Mr  
3 I am asking you about the house?

4 A. Yes.

12:38:06 5 Q. A house which is not occupied because the civilian has,  
for

6 example, run away, or the civilian -- would civilians run away  
7 from houses?

8 A. Yes.

9 Q. Yes. Would civilians' houses, then, be -- some of them  
be

12:38:41 10 empty?

11 A. Yes.

12 Q. What I am asking about is what happened to the empty  
houses

13 when the RUF remained in the town?

14 A. When he remains in the town, more especially where there  
is

12:38:42 15 no base for soldiers they would occupy these houses.

16 Q. Who made the decision about when a house could be  
occupied?

17 A. When? You are going to be sent to various strategic  
18 points. You are not just going to take a house and live  
there.

19 If at all you find out that you are supposed to be at guard  
post

12:39:11 20 A, and, unfortunately, no civilian is at that particular guard  
21 post, you have to make his or that house.

22 JUDGE BOUTET: The question -- that is not the question,  
23 Mr Witness, the question was: Who made decisions as to who  
24 should occupy this particular house or not.

12:39:32 25 THE WITNESS: Yeah, that --

26 JUDGE BOUTET: That is the question.

27 THE WITNESS: Yeah, that is what I am saying. You could  
28 not only go and occupy a place. If at all you are asked to be

with

29 deployed to guard post 1, you have to move there including

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is

1 the men who are supposed to be with you at the place. So it

2 like the patrol or the, I think, the mission commander has the

3 right to allocate you where to stay.

4 MR JORDASH:

12:39:54 5 Q. Well --

6 JUDGE BOUTET: So the mission commander is the commander  
7 who had directed the particular attack at that location?

8 THE WITNESS: Yes.

9 JUDGE BOUTET: He could have attacked a village?

12:40:04 10 THE WITNESS: Yes.

behalf

11 JUDGE BOUTET: Whoever is in charge of the attack on

12 of the RUF, you call him a mission commander.

13 THE WITNESS: Exactly.

14 JUDGE BOUTET: And that mission commander is the one who

12:40:13 15 controls, after a while he will say, you live in this house  
and

16 you don't. Is that the way it would worked?

17 THE WITNESS: It's to divide the group into strategy



18 position.  
19 JUDGE BOUTET: Yeah, but it is the mission commander  
that  
12:40:26 20 makes that decision.  
21 THE WITNESS: Yes.  
22 MR JORDASH:  
23 Q. Okay, now listen to the question. We are trying to get  
24 into the heart of the practice?  
12:40:32 25 A. Yes.  
26 Q. At this time, okay.  
27 A. Okay.  
28 Q. You couldn't occupy a house which had a civilian in it,  
but  
29 there was -- but the houses without civilians could be  
occupied.

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1 At what point was it decided whether a house was or wasn't  
2 occupied?  
3 A. Pardon?  
4 Q. At what point, when you've entered a town, was a  
decision  
12:40:58 5 made that this house is occupied, this house isn't occupied.  
6 This house isn't occupied and, therefore, can be occupied. At

7 what point was that decision made about the unoccupied house?

8 A. Well, at the initial stage when a town is being captured  
9 they are not going to allow you to go and occupy any house.  
You  
12:41:22 10 are going to maintain the security of the ground until the  
11 commander has proved -- or is well satisfied that the security  
is  
12 somewhat paramount now before ever that would come up.

13 Q. And once the commander has decided that the ground has  
been  
14 secured?

12:41:45 15 A. Yes.

16 Q. It would come up.

17 A. Yes.

18 Q. What would come up?

19 A. When, as you have said, the places where you should  
live.  
12:42:10 20 Q. And at the point when the ground has been secured, who  
then  
21 makes the decision about whether a particular house is or is  
not  
22 occupied?

23 A. Who would make the decision?

24 Q. Yes. And how was the decision made?

12:42:17 25 A. Well, that -- the first thing when a town is captured we  
26 try to get civilians and get information from them. With the  
27 information we are receiving from them is the information  
which  
28 we can be able to know how we can be able to occupy these  
houses.  
29 Q. And who, then, would speak to the civilians? Was there  
a

1 particular person or unit?

fighting

2 A. When there is unit for that. That is why in any

3 force, the IDU is supposed to be in that particular mission,

4 likewise, the MP is supposed to be in that particular mission.

12:43:03 5 Q. But who would then be the unit, if any unit?

6 A. G5, they are responsible for civilian affairs.

7 Q. So what would the G5 do?

8 A. He has to interact with the civilians.

9 Q. And what would be the basis of the interaction when  
12:43:20 10 deciding whether a house was or was not occupied?

that

11 A. Well, from the interaction, there he will understand

back,

12 this person has gone finally, or this person is not coming

13 or this person has gone before ever certain situations should

with

14 happen. So all of this information the G5 has to interact

12:43:43 15 them.

16 Q. Right. Was there any rules about looting?

17 A. Yes.

18 Q. What was the rule?

19 A. Looting was a lay down law that no RUF personnel will  
12:44:01 20 involve his or herself in looting.

21 Q. Right. Now what was defined as looting?

22 A. This is the taking of property from civilians without  
23 legal.

24 Q. Without?

12:44:31 25 A. This is the taking of property from civilian through  
26 harassment?

27 Q. What does that mean, please? If you can describe it a  
bit  
28 further?

29 A. Concerning the harassment or looting?

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1 Q. Yes, yes.

2 A. For example, he happens to get into the town. Then he  
3 really knows that civilians are occupying this particular  
place.

4 So where everybody is concentrating on the security. You move  
12:44:57 5 there, goes to the civilian ask them to give you anything or  
take

6 anything from you -- from them, that is considered as looting.

7 Q. If someone entered a house before the G5 had interacted  
8 with the civilians? -

9 A. Well you are just harming yourself.

12:45:18 10 Q. What does that mean?

11 A. You -- immediately you are caught you will be severely  
12 dealt with. That is why in my statement I told you that these  
13 bodies has to be in any mission, the MPs and the IDU. They  
are  
14 purposely going there to monitor the combatant, how they are  
12:45:39 15 fighting, they're there at the same time to know how they can  
16 interact with these civilians.

17 Q. Right. So I enter a town as an RUF combatant?

18 A. Yes.

19 Q. I go straight into a property, an empty property, a  
12:45:57 20 civilian house?

21 A. Yes.

22 Q. And I take whatever I want. What happens to me if I am  
23 caught?

24 A. Well, if at all you are caught, if at all you are caught  
or  
12:46:13 25 a certain time, you know, we can take immediate action on the  
26 spot.

27 Q. What action?

28 A. Certain time, they carry you and have you investigated.  
29 And there are certain disciplines. One, you know, beating.  
When

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1 you are caught doing looting for that matter, if at all we are  
2 not able to detain you because of the security situation, you  
3 will be flogged.

4 Q. Right.

12:46:43 5 JUDGE BOUTET: Yeah, but it is not clear to me. You --  
you  
6 have said looting is when you are taking property from  
civilian  
7 through harassment. You are fighting soldiers. You are now  
8 attacking this particular village.

9 THE WITNESS: Mmm-hmm.

12:47:07 10 JUDGE BOUTET: And in the village because of the  
attacks,  
11 civilians have moved away. And you've said also that front  
line  
12 soldiers if they find a small quantity of food they can take  
it  
13 because they can feed themselves. So they get into this  
village,  
14 I mean, it is empty because they all ran away because of the  
12:47:18 15 fighting. So you -- so this -- what's -- how, and you now you  
16 are talking looting. I mean, what do you mean in that  
scenario?  
17 I mean, the fighting soldiers are advancing. And now they  
18 control this particular town or village.

19 THE WITNESS: When certain time when fighting is going  
on  
12:47:37 20 civilians are afraid.

21 JUDGE BOUTET: Yes.

22 THE WITNESS: Most of the time they can run away.

23 JUDGE BOUTET: Yes.

24 THE WITNESS: In fact, certain time you can find out  
that

12:47:47 25 they cannot even return again to that village.

26 JUDGE BOUTET: Yes, that is --

27 THE WITNESS: Those of them who are brave enough, they  
can

28 go into the nearby bushes. But after taking a few days, you

29 know, they will try to come back.

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question. 1 JUDGE BOUTET: Yeah, but you have not answered my

2 You come into this village. This house is empty. There is  
food

3 there. You are telling me that the frontline soldiers cannot

4 take the food, for example?

12:48:07 5 THE WITNESS: That is --

6 JUDGE BOUTET: The house is empty.

7 THE WITNESS: Yes, the house is empty.

8 JUDGE BOUTET: Yeah, because the civilians have run away

9 because of the fighting.

12:48:15 10 THE WITNESS: Yes. That is what I am saying. If the

run 11 civilians run away, because most of the times civilians will  
12 away.

13 JUDGE BOUTET: Yes.

14 THE WITNESS: And stay around.

12:48:25 15 JUDGE BOUTET: Yes.

16 THE WITNESS: To know how the fighting is going to last  
17 with the intention to return back.

18 JUDGE BOUTET: Is it looting if the soldiers take the  
food 19 in that house that is empty? That is my question. There is  
no 20 harassment. They've gone.

12:48:38 21 THE WITNESS: If all they are gone then you take the  
food 22 there you eat, if at all that is harassing?

23 JUDGE BOUTET: You have said that harassment is taking  
24 property of civilians through harassment. There are no  
civilians 25 there. They have gone. They have flown away because of the  
12:48:55 26 attack. The house is empty. Can they take the food? Is this  
27 looting to you?

28 THE WITNESS: Well, as a soldier you need to eat and  
29 sustain your life to fight.

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1 JUDGE BOUTET: I -- I agree with this. This is not my  
2 question. My question -- I'm just trying to understand what  
you  
3 mean because you have given us what the law was about looting,  
4 which is, according to you, looting is taking property from  
12:49:24 5 civilians through harassment. This is what you've said. Do  
you  
6 agree with this, this is what you've said? Do you remember  
this?

7 THE WITNESS: Yeah, I can remember it.

8 JUSTICE BOUTET: But I'm trying to understand, and  
9 Mr Jordash has asked you a few questions as well, when houses  
are  
12:49:54 10 empty because this is -- the front lines have moved and now  
11 you've taken control of this village in this fighting. And  
the  
12 civilians, as you say, will often run away, maybe not too far  
but  
13 they will run away. The houses -- the house or houses are  
empty.

14 THE WITNESS: That is why I told you that you are not  
going  
12:49:59 15 to attack the town and started taking anything from there.  
That  
16 is why you have to maintain the security of the town. Why  
17 keeping the security of the town, that is the time we are in  
this  
18 unit. We have to find out the location of the civilians.  
19 Through that, any interaction with them, they will make the  
12:50:18 20 fighting for us to understand that that is the present  
situation.

the  
21 But you are not mandated to just enter into the town having  
22 civilians run away, then you begin to take anything. The  
23 possibility is there that when fighting is around, civilians  
are  
24 afraid of his life. He will go for a safe hiding place.  
12:50:36 25 Sometimes it happens he can even be there a week or so. That  
26 doesn't warrant you as a soldier to begin and take any  
property.  
27 MR JORDASH:  
28 Q. At what time, in this attack on a town, could the  
property  
29 be taken?

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in  
1 A. Well, I want you to understand that this particular  
2 incident I am explaining happens within this jungle time. And  
3 jungle time, sometimes you can only go and fight. You get  
4 ammunition then retreat back. That was the way the fighting  
was  
12:51:27 5 happens within that particular period. Maybe even sometimes  
you  
6 can go and capture a town. You get lots and lots of arms and  
7 ammunition. But because of we are not having vehicles, or we  
are

are 8 only entitled to take loots on our heads because of our -- we  
9 living in the zoo bushes -- that cannot even allow us to  
12:51:54 10 transport most of the ammunition. So instead, we only take  
the  
11 one to -- we can able to manage to move with it. So the  
balance  
12 we left there.

13 Q. Right. So --

14 PRESIDING JUDGE: Are you saying that you would capture  
12:52:08 15 arms and ammunition, you would only take some and leave the  
rest?

16 THE WITNESS: Yeah. For example, let's say we happens  
to  
17 go to a town about, let us say, 45 men in manpower. And then  
18 when you went there and you succeeded in taking the town --

19 PRESIDING JUDGE: I'm saying this because in the course  
of  
12:52:28 20 your evidence you said that at times, you know, at a certain  
21 point in time the RUF ran short of ammunitions?

22 THE WITNESS: Yes, we were in there for ammunition --

23 PRESIDING JUDGE: So, I'm surprised that you would see  
24 ammunition which is -- which you've qualified as government  
12:52:44 25 property and you would even leave some behind.

26 THE WITNESS: Yes. I want to explain that particular  
27 story.

28 PRESIDING JUDGE: Yes.

29 THE WITNESS: Yeah. For example, you have gone into the

1 town, you have succeeded in taking the town. But you capture  
2 many ammunition. 45 manpower is not enough to carry, let us  
say,  
3 30 or 50 boxes of AK-rounds to the bush. So if at all you are  
--  
4 you happens to come across this particular incident at first  
we'd  
12:53:13 5 manage to escape. Some of them would hide it into the zoo  
bush  
6 because we are -- we might be expecting a re-attack from the  
7 enemies. So while in the course we are trying to hide some of  
8 these things, we can get surprising attack. And without  
9 withstanding the attack, we leave the materials there. The  
ones  
12:53:33 10 which we are able to carry it, we'll carry it.

11 MR JORDASH:

12 Q. Okay. Let's get away from the term "looting".

13 A. Yes.

14 Q. It is, perhaps, a legal term as much as anything else.

12:53:52 15 Let's just deal with what it was or was not permitted --

16 A. To do?

17 Q. -- to do. So I will ask you some questions. At what  
stage  
18 could a civilian house be occupied?

19 A. Well, when finally the G5 has interact with the other

12:54:10 20 civilians first, then they have come to a conclusion that that

that 21 particular person is either gone out or is not within when  
22 place has to be occupied.  
house 23 Q. Right. At what stage could any food in that civilian  
24 be taken?  
12:54:32 25 A. Well, when if, if at all we have succeeded in getting  
all 26 information that has qualified that person, that has qualified  
27 that that person is not coming, instead of the food to stay  
there 28 to get spoiled, the G5 has to organise his team, you know;  
they 29 have to divide it to those who are not having food.

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1 Q. Right.  
2 A. More especially some of the civilians who are not based  
3 within that area but they happen to find themselves there,  
they 4 will be given share of that food.  
12:55:09 5 Q. And if a soldier entered a house before the G5 had  
6 conducted such an investigation --  
7 A. You have caused a problem for yourself.  
8 Q. And the problem for yourself is what?

9 A. You are liable to discipline.

12:55:23 10 Q. Right. And let's just return to the subject of your  
11 definition of "looting"; okay?

12 A. Yes.

13 PRESIDING JUDGE: Let me get this clear: Did you say  
that  
14 if you find that the house is empty, and you have ascertained  
12:55:48 15 that the owner is not likely to come back, you would take the  
16 food and distribute it to other civilians who have arrived or  
so?  
17 THE WITNESS: Exactly.

18 PRESIDING JUDGE: Let me get that very clear.

19 THE WITNESS: Yes, you are correct.

12:56:05 20 PRESIDING JUDGE: Yes.

21 JUDGE BOUTET: If that is the case, what do you do with  
22 what is left in the house if he has, I don't know, bed and  
23 whatever property is in the house; do you leave it there?  
Nobody  
24 touches it?

12:56:19 25 THE WITNESS: As a soldier you are not allowed to loot.

26 JUDGE BOUTET: I'm not talking of a soldier. You have  
said  
27 here that once the G5 had interacted with the civilians,  
28 conducted an investigation, concluded that whoever was in that  
29 house they have gone; they are not coming back; and you are

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1 talking of the food, what do you do with what is in the house?

2 Do you leave it there?

3 THE WITNESS: Well, most of the --

4 JUDGE BOUTET: And nobody -- it is there for anybody?

12:56:46 5 THE WITNESS: Most of these area, these fighting you are  
6 going on is a very -- is an area wherein fighting has occurred  
7 here for a long time, so the place is exhausted. For you even  
to

8 see a certain valuable properties, it was very difficult at  
that

9 time, and the most things that you can see is only food and  
12:57:09 10 sometimes wearings. But even the beds which are there, they  
are

11 locally made. Some even use on local mattresses.

12 MR JORDASH:

13 Q. What would happen to that property once a decision had  
been  
14 taken that the civilian had gone?

12:57:48 15 A. Even the civilians that are there, they used to loot  
their

16 friends.

17 Q. No, no.

18 A. Yes.

19 Q. What would happen in terms of RUF soldier policy to any  
12:57:48 20 property in the civilian house which has been adjudged to be  
21 abandoned by the civilian?

22 A. Well, RUF was only concentrating on the items which I  
have

23 called.

24 Q. Right. And if the town remained occupied by the RUF,  
12:58:00 25 you've described one scenario, the jungle time --

26 A. Yes.

27 Q. -- when RUF were being pushed back out?

28 A. Yes.

29 Q. Yep. Did there come a time when, or was there occasion

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1 when the RUF would remain in the town?

2 A. Then the soldiers pushed them?

3 Q. No, no. You described, you said a time of jungle time.

4 A. Yes.

12:58:40 5 Q. When in the scenario you gave you would be trying  
6 desperately to get the ammunition out?

7 A. Yes.

8 Q. Was there occasion when the RUF would remain in the  
9 particular town and stay there?

12:58:40 10 A. And certain thing happens?

11 Q. For a period of time?

12 A. For a period of time.

13 Q. For example, Buedu. Buedu, at the point when you are in



14 Jaima, was occupied by the government forces; yes?  
12:58:56 15 A. Jaima, no. Jaima was not occupied by --  
16 Q. No, sorry, sorry. Buedu, Buedu.  
17 A. Buedu, yes, Kailahun.  
18 Q. Right.  
19 A. Yeah.  
12:59:02 20 Q. There came a time, did there not, when the RUF occupied  
21 Buedu?  
22 A. Yes.  
23 Q. After that.  
24 A. Yes.  
12:59:09 25 Q. What would happen when the RUF occupied a town such as  
26 Buedu after it had been occupied by the government forces;  
Okay?  
27 Think of that scenario.  
28 A. Yeah, okay.  
29 Q. What would happen to the civilian houses when the G5 had

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1 made a decision that the civilian wasn't coming back?  
2 A. Yes. Certain times, you know, when RUF is occupying a  
3 town, and, unfortunately, the enemies has attacked the place,  
and

4 they have succeeded in getting the particular area, the  
soldiers

12:59:48 5 will make use of those, any item that is left there.

6 Q. Right.

7 MR JORDASH: I hope that is clear, Your Honours, as  
clear

8 as it can be, I hope.

9 Q. I would like to then move now, Mr Witness, to the  
13:00:39 10 overthrow. I notice the time. I am happy to keep going. I'm  
in  
11 moving though to the overthrow and what the witness was doing  
12 Kenema and Tongo.

13 PRESIDING JUDGE: I think we can start, you know.

14 MR JORDASH: Yes.

13:01:12 15 PRESIDING JUDGE: We can start.

16 MR JORDASH: Certainly, Your Honour.

17 JUDGE BOUTET: Before you get there, Mr Jordash, just to  
18 make it clear to me what the witness has been talking about  
for

19 the last while is, in his own words, is at the time, this was  
13:01:12 20 when it was jungle time. So what is "jungle time"? If you  
just

21 clarify that. I think I may guess but --

22 MR JORDASH: Certainly.

23 JUDGE BOUTET: -- it is not a guessing exercise, as you  
24 know.

13:01:25 25 MR JORDASH: I'm very happy to be reminded of that,  
because

26 it is missing.

27 Q. Jungle time; when was jungle time for the RUF?

border.

28 A. Well, that was the time when RUF was pushed to the

29 That was in 1991.

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1 Q. Until?

2 A. The jungle extended as far as the overthrow.

the

3 Q. So jungle time was from the beginning of the war until

4 overthrow?

13:01:59  
1991.

5 A. Not the beginning from the war; towards the ending of

6 Q. Until the overthrow?

7 A. Yes.

8 Q. And this overthrow then brought in a new time?

9 A. Yes.

13:02:15 10 Q. Was it known as anything, other than overthrow?

11 A. About the overthrow -- can you repeat yourself?

12 Q. Yes. Jungle time; jungle time became what time?

13 A. Jungle time was the time when we abandoned big towns and  
14 went into the zoo bushes.

13:02:36 15 Q. And the overthrow then in --

16 A. The overthrow.

17 Q. What was the change?

out 18 A. The overthrow was the time when we are called to come  
19 from the bush and to come and join the SLAs.  
13:02:51 20 Q. And just so that we can be as clear as possible, you've  
21 described two different types of scenarios in the jungle time.  
22 One was attacking towns, and then almost immediately leaving  
23 them. One was attacking towns and remaining in them. Was the  
--  
24 am I being fair in my summary of what you've said?  
13:03:19 25 A. In the jungle time?  
26 Q. Yes.  
27 A. Not only attacking, there were certain ambushes.  
28 Q. Okay. So perhaps we need to just have you explain the  
29 setting of ambushes; what is that?

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we 1 A. How we used to set the ambushes?  
2 Q. What was -- where were the ambushes set?  
3 A. Well, sometimes we set defensive ambush, then sometimes  
4 set offensive ambushes. The defensive ambush is the one after  
13:03:56 5 the combat comes towards the enemy. The defensive -- the

and 6 offensive ambush is the one that we can go behind the enemy

7 set an ambush there.

8 Q. And the purpose of the offensive ambush was what?

9 A. To get material from the enemies because we are only  
13:04:20 10 surviving from them.

11 Q. So would the offensive ambush be set by going around the  
12 enemy --

13 A. Yes.

14 Q. -- and setting it?

13:04:30 15 A. Yes, going around the enemy. And where we see there is  
16 loss -- a loss of enemy penetration with materials, we can  
also

17 go ahead and set ambush there.

18 Q. So, if an enemy was in a town like Buedu --

19 A. Yes.

13:04:51 20 Q. -- an offensive -- did you ever set an offensive ambush  
on 21 that town?

22 A. Yes.

23 Q. And with the offensive ambush -- was it in the form of  
an

24 attack or what?

13:05:11 25 A. Offensive ambush?

26 Q. Yes. Just try to explain what would happened,

27 A. Well, this ambush is laid where the enemy is not  
expecting

28 us.

29 Q. And it would involve what?

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1 A. Well, it involved light weapons.

2 Q. And it would involve what, with the light weapons?

3 A. Explain that back to me?

4 Q. Well, what would happen during the offensive ambush?

13:05:41 5 A. When -- during the offensive ambush at certain time you  
got

6 -- you have -- you'll receive the info -- the instruction  
before

7 ever going. Maybe you will be asked to go and set an  
offensive

8 ambush with the information. Probably, you know, they have

9 received information that enemies wants to make an advance.  
So,

13:06:05 10 having got that information, you know, we can go and set that

11 ambush. Then the other ambush, again, the other purpose is to

12 get materials from them.

13 Q. And how would that work?

14 A. When they fall in the ambush we open fire on them and  
get

13:06:23 15 the materials. In fact, sometimes when you are going for

16 material, even if you seize theirs, but as long as they don't

17 have materials you will not open fire on them, unless those  
who

18 have materials, that would be your target so that you can able

to

19 get materials. I hope you understand that particular area.

13:06:44 20 Q. I think I'm clear. I don't know if the --  
21 PRESIDING JUDGE: So, when you are doing this ambush or  
the  
22 attack, you are able to distinguish between those soldiers who  
do  
23 not have materials and those who have materials for you to --  
24 THE WITNESS: Yes, yes, we can able to distinguish.  
13:07:06 25 PRESIDING JUDGE: You come that close?  
26 THE WITNESS: Because you are not going to fire without  
27 seeing the object. You have to see the object and examine the  
28 object. So, if you find out that, if I'm told you are having  
29 only magazine that is with you, and you are hoping to fight  
and

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--  
1 retreat back again, then you have to target the target that is  
2 that you cannot get any benefit out of it. How can you able  
to  
3 move from your point and go back to your base? I think we  
will  
4 come across many obstacles. So you look at a target that you  
can  
13:07:39 5 fight, and when you have succeeded, you will get material.

6 MR JORDASH:

7 Q. What if there was a town which only had civilians in it?

8 A. That is not our target; we are only looking for  
soldiers.

9 Q. What if there was a town with soldiers in it but with no  
or  
13:08:02 10 few ammunitions?

11 A. Well, certain time we go on material fact finding,  
certain  
12 time we go to attack areas, if at all we know that their  
13 deployment creates an obstacle for our own deployment  
definitely  
14 we make sure that we cannot encourage them to base in that  
13:08:26 15 particular town.

16 Q. Was the focus during this jungle time on occupying towns  
or  
17 on obtaining materials?

18 A. Jungle times, we -- no, we cannot occupy a town and stay  
19 long for a -- days. Maybe the longest time we can spend in it  
is  
13:09:07 20 sometime three days, a day or two. But we are only going to  
get  
21 the materials and retreat back because at that time we are in  
the  
22 jungle first. We are not strong enough to occupy these towns.

23 JUDGE BOUTET: But you are saying, if I follow you, that  
24 from '91 until 1996, or thereabouts, you, the RUF, did not  
occupy  
13:09:08 25 towns. And there was no -- nothing like RUF occupied  
territory  
26 within Sierra Leone from '91 to 1996; is that what you are  
27 saying? You were essentially in the bush, the jungle time.

28 THE WITNESS: No, that is not what exactly I said. I  
said  
29 --



1 JUDGE BOUTET: What is it you're saying?

2 THE WITNESS: -- I said we went into the jungle towards  
the  
3 ending of 1991. From 1992 until 1997, you know, we are  
occupying  
4 these -- we are staying in the bush. It was only later when  
we  
13:09:54 5 are called upon before ever we begin to occupy these bigger  
6 towns.

7 PRESIDING JUDGE: But what -- listen. What I thought I  
got  
8 you to say here is that from 1991, you know, you -- we had  
start  
9 with the overthrow, then you got back to the jungle.

13:09:59 10 THE WITNESS: 1991--

11 PRESIDENT JUDGE: My colleague brought you back to the  
12 jungle and counsel took you back to the jungle. And you said  
you  
13 were -- the jungle period started from 1991 to the overthrow,  
you  
14 know, in 1997.

13:10:16 15 THE WITNESS: Part of 1991.

16 PRESIDING JUDGE: That is the end, you precisely said  
so,

17 towards the end, you know, of 1991 up to 1997, during -- up to  
18 the overthrow; at least that is what you said.

19 THE WITNESS: The overthrow --

13:10:30 20 PRESIDING JUDGE: What overthrow were you referring to?

21 THE WITNESS: It was from 19 -- the ending part of 1991  
to  
22 1996. 1997, we are occupying these big towns because the SLAs  
so  
23 moved from Koindu, as far as they came and based at Pendembu,  
was  
24 from Pendembu, all from Pendembu going towards the border, it  
13:10:54 25 our control territory. It was during that time when the  
26 overthrow took place.

27 MR JORDASH:

28 Q. So the RUF occupied territory, during the jungle phase,  
was  
29 the bush?

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1 A. Yes.

2 Q. And SLA occupied territory, during that time, was the  
3 towns?

4 A. Yes.

13:11:17 5 MR JORDASH: I don't know if that answers --

6 THE WITNESS: So in 1991 -- in 1996.

7 JUDGE BOUTET: That is his answer. I mean --

8 PRESIDING JUDGE: That is his answer.

9 JUDGE BOUTET: That is okay.

13:11:29 10 PRESIDING JUDGE: They were basically operating from the  
11 bush and the SLAs, you know, were in the towns.

12 MR JORDASH: That is essentially our case.

13 PRESIDING JUDGE: Yes. Well, Mr Jordash, I think we  
have

14 to call it the morning here. It's the early afternoon, but it  
is

13:11:43 15 the morning for us, so -- well, the Chamber would rise and  
resume

16 sitting at 2:30. We will rise please.

17 [Luncheon recess taken at 1.12 p.m.]

18 [Upon resuming at 2.50 p.m.]

19 PRESIDING JUDGE: Yes, Mr Jordash.

14:56:16 20 MR JORDASH: The sound of birds in my ears, Your Honour.

21 PRESIDING JUDGE: Pardon me?

22 MR JORDASH: The sound of birds in my ears, which is  
quite

23 a pleasant sound, actually.

24 PRESIDING JUDGE: Yes, indeed.

14:56:25 25 JUDGE BOUTET: It doesn't come from the Bench, I can  
tell

26 you that.

27 PRESIDING JUDGE: I don't have one around, I don't see  
one

28 around my colleagues either.

29 MR JORDASH:

1 Q. Good afternoon, Mr Witness.

2 A. Yeah, good afternoon.

3 Q. I just want to pick up on one small issue of what you  
said

4 before lunch.

14:56:48 5 A. Yes.

6 Q. You referred to jungle warfare, on the one hand; on the  
7 other -- on the other hand, you said everyone was in the bush;  
8 the RUF was in the bush.

9 A. Yes.

14:57:06 10 Q. And on the other hand you have given us towns which the  
RUF  
11 was occupying during this time. So could you perhaps bring  
those

12 three things together and explain what it is.

13 A. Yes.

14 JUDGE BOUTET: The terminology used by the witness was  
not

14:57:26 15 jungle "warfare" it was jungle "time".

16 MR JORDASH: Jungle time, I beg your pardon.

17 JUDGE BOUTET: Maybe the witness means the same thing, I  
18 don't know, but his language was jungle time.

19 MR JORDASH: You are absolutely right, Your Honour.

14:57:37 20 Q. So, jungle time, living in the bush and also living in  
the

21 town. So could you explain what jungle time meant?

22 A. Well, when I talk about jungle, I am talking about the  
time

23 when RUF was pushed to the border, and they engaged into the  
24 bushes; that was the time when the soldiers took over the  
towns.

14:58:06 25 So RUF was in the bush.

26 Q. But were the RUF in some towns?

27 A. Well, RUF only came to be in the town after -- during  
the

28 year 1996, that was the time there was a mass withdrawal from

29 Koindu as far as Pendembu, wherein the soldiers retreated, so,

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1 after their retreat, that was the time when RUF went and  
occupied

2 these towns.

3 Q. I see. And which towns, then, did the RUF occupy around

4 that time? Just give us a few.

14:58:47 5 A. Well, from Koindu up to Giehun.

6 Q. Which includes --

7 PRESIDING JUDGE: When you say "up to" what does that  
mean?

it 8 Is it Koindu and Giehun, or it's Koindu? When you say "up to"

9 means that there is some --

14:59:08 10 THE WITNESS: From Koindu, Buedu, Kailahun, then Giehun.

11 JUDGE BOUTET: You are saying Koindu, Koindu; it is not

12 Koidu, it's Koindu; right?

13 THE WITNESS: Koindu.

14 PRESIDING JUDGE: Koindu, right.

14:59:23 15 MR JORDASH: Thank you.

16 PRESIDING JUDGE: It's Koindu, Buedu, Kailahun and?

17 THE WITNESS: Giehun.

18 PRESIDING JUDGE: Giehun.

19 MR JORDASH:

14:59:32 20 Q. And at this time, what about Giema?

21 A. Giema is between -- is alongside of Giehun.

22 Q. Right.

23 PRESIDING JUDGE: Who was occupying Giema at this time?

24 THE WITNESS: We, the RUF, was occupying Giema.

15:00:02 25 PRESIDING JUDGE: So Giema is amongst the towns, at this

26 time. It should be among the list --

27 THE WITNESS: I was only dealing with the main highway,

28 that is why.

29 PRESIDING JUDGE: Because Giema is a very important town

in

1 these proceedings.

2 MR JORDASH:

3 Q. And let's just finish this subject. At this time when  
the RUF then re -- or occupied the towns you just mentioned --

15:00:18 4 A. Yes.

5 Q. -- did the nature of the type of warfare remain the same  
or did it change? For example, tactics of the RUF or tactics of  
the SLAs?

6 A. In fighting them?

15:00:46 7 Q. Yes. And did it change from the time prior to that when  
the RUF were in the bush?

8 A. Well, we are trained as guerrillas, then we have  
knowledge of the town, to fight in the town, so when it comes to the  
matter of attacking the town, we use the tactics mentioned for  
attacking towns.

15:01:11 9 Q. Well, once these towns had been occupied by the RUF, was  
there still active combat between the RUF and the SLAs?

10 A. These other towns which were being --

11 Q. Koindu, Giema, Giehun.

15:01:33 12 A. No. From that time they did not attack the place again  
until overthrow.

mean 22 Q. Right. And when you say until the overthrow, do you  
23 sometime during the overthrow or the beginning of the  
overthrow 24 or what do you mean by --  
15:01:48 25 A. Well, we are there to overthrow.  
26 Q. Are you talking about the beginning of the overthrow,  
the 27 end or what?  
28 A. It was the --  
29 Q. Are you saying -- let me just try to clarify. Did the  
SLAs

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the 1 then, from what you have told us, did -- there was a pause in  
2 attacking. When did the attacking begin again?  
3 A. Well, after they have retreated as far as Pendembu, they  
4 were there on defensive. We are only going on offensive now.  
15:02:30 5 That means going to attack their guardposts, then going  
setting 6 ambushes. That was -- that is which we are using on them now.  
7 Q. And this is before the overthrow?  
8 A. Yes, this was before the overthrow.  
9 Q. Okay. Right. Let's then move on to the overthrow.  
Just



15:02:58 10 clarify where were you at the time of the overthrow?  
11 A. Well, I was in Gogelu.  
12 Q. And you've told us that you were given instructions to  
go  
13 to Pendembu; is that right?  
14 A. Yes.

15:03:19 15 Q. And you told us that you met Sam Bockarie there?  
16 A. He met me there.  
17 Q. You arrived first or he arrived first?  
18 A. I first arrived.  
19 Q. Right. And do you know how many men Sam Bockarie came  
with  
15:03:44 20 to Pendembu?  
21 A. Well, I cannot show you the exact amount but he came  
along  
22 with lots of men.  
23 Q. Are you able to give us a rough estimation?  
24 A. Well, approximately from 100 to 150.

15:04:05 25 Q. And did Sam Bockarie go somewhere after arriving in  
26 Pendembu?  
27 A. Yes.  
28 Q. Where did he go?  
29 A. Well, he proceeded as far as Daru; that same day.

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1 Q. And did he go from Daru somewhere?

2 A. Yes. I was in Pendembu now when I understood that they  
3 have passed all the way to Freetown.

4 Q. And do you know how many men Sam Bockarie went with from  
15:04:43 5 Pendembu to Daru and from Daru to Freetown?

6 A. Well, he did not went along with enough men; he only  
went  
7 with a few men.

8 Q. To where?

9 A. To Daru.

15:04:57 10 Q. How many, do you think?

11 A. Well, I cannot be exact, but roughly it's about 50 men.

12 Q. And are you able assist with how many men he went to  
13 Freetown with?

14 A. No, because I was not there.

15:05:15 15 Q. Okay. Now I want to move you forward to Kenema.

16 A. Yes.

17 Q. When you arrived in Kenema was there --

18 PRESIDING JUDGE: Mr Jordash, I don't want to disturb  
you,  
19 before we get, I mean, these birds may be building a nest up  
15:05:47 20 there and they will increase in numbers and so before long  
become  
21 a nuisance, so, can you please draw the attention of the  
22 competent service to look into that, because certainly they  
are  
23 building a nest somewhere there, and they will gather and  
gather,  
24 and will become a nuisance, you know, in the hall. So, please

15:06:07 25 take note of that. I'm sorry to have interrupted you, Mr  
26 Jordash, in your proceedings.

27 MR JORDASH: Maybe we could send Mr George up to the  
28 rafters.

29 PRESIDING JUDGE: I think so, since he's very tall. He

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no 1 doesn't need a ladder to get there. Oh, the Prosecution says  
2 objection.

3 MR JORDASH:

structure 4 Q. When you arrived in Kenema, was there a military  
5 in place?

6 A. Yes, we met a military structure there.

7 Q. What was it, please?

8 A. When we went there, Kenema was a brigade.

9 Q. A brigade consisting of which military?

10 A. When I say "brigade" it comprises of company, battalion.

11 Q. Were these RUF?

12 A. No, these were SLA.

13 Q. And who was the brigade commander?

14 A. Colonel Fallah Sewa was the brigade commander.  
15 Q. Can you spell that for us, please?  
16 A. Pardon?  
17 Q. Can you spell that man's name?  
18 A. Sewa?  
19 Q. Sewa, is it S-E-W-A?  
20 A. Exactly.  
21 Q. And Fallah, F-A-L-L-A-H?  
22 A. F-A-L-L-A-H, yes.  
23 Q. And were there any RUF present when you arrived or  
24 stationed there already?  
25 A. Well, at first, I was the most top man of the RUF there.  
26 It was only later when Sam Bockarie came there.  
27 Q. But had there been any RUF stationed there before you  
28 arrived?  
29 A. Yes, because they first went ahead of me. Only that

they

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sorry,

1 were -- they were not in good number.  
2 Q. And do you know how -- do you know at what point --  
3 let me start that again. You told us you had been in Pendembu

4 for a month before going to Kenema?

5 A. Yes.

6 Q. Do you know when the other RUF went before you?

7 A. Well, the whole thing started as if, you know, when Sam  
8 Bockarie went ahead, they had various ways to get to Daru, so,  
9 some other people went to Daru wherein they did not pass

through

10 Pendembu, in fact. So, I met people there, but not that they  
11 were -- some went there on their own.

12 Q. Okay. Who -- who was in command there? Who was

commanding

13 Kenema at this time?

14 A. At that time, before ever --

15 Q. Yes.

16 A. Well, it was one officer by the name of AB.

17 Q. By the name of?

18 A. AB.

19 Q. AB?

20 A. Yes.

21 Q. What was his job?

22 A. He was a -- he was a fighter, a commander, in charge of

the

23 few men who were there at that time.

24 Q. And how men RUF were there at that time?

25 A. They only few; not even up to 30.

26 Q. Not even up to?

27 A. 30.

28 Q. 30. And how many SLAs were there?

29 A. They were the majority because they were established

into

brigade.  
1 brigade form and they have other battalions around the

2 Q. Right. And when you arrived in Kenema, did your arrival  
3 increase the numbers? Did you go with others?

4 A. Yes. The number increased.

5 Q. And how many did you go with?

number  
6 A. Well, the number which I met there, and added to the

7 which I went along with, some up to 50 men.

8 Q. Just to give us an idea; are you able to estimate the  
9 numbers of SLAs in the brigade?

10 A. No, I don't know how their structure is.

11 Q. Are you able to say whether it was in the hundreds, or  
12 thousands?

13 A. They were in the hundreds.

or  
14 Q. And when you arrived with the RUF, did you have the same

15 a different base to the SLAs?

16 A. We were having a different base.

17 Q. Where were the SLAs based?

at  
18 A. The SLAs were based at the brigade headquarter and also

19 the 18th Battalion.

20 Q. And these two places, were they in Kenema?

21 A. Yes. Then they were also occupying the playing field.

22 Q. And where did the RUF base?

23 A. The RUF were at the former Guinean base, known as  
24 Reservation.

25 Q. And did you have the same or a different command  
structure  
26 to the SLAs?

27 A. Well, we were having around one command structure there.

28 Q. Was there, after your arrival, a senior commander  
between  
29 the two groups?

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1 A. When I arrived? It was only later, when Sam Bockarie  
came  
2 there, who was regarded as the most senior RUF commander.

3 Q. And --

4 JUDGE BOUTET: Was that your question, Mr Jordash? I  
5 thought you had asked if there was sort of a common commander  
6 to -- at least my understanding of your question --

7 MR JORDASH: That was the question.

8 JUDGE BOUTET: You are not talking of Bockarie being the

When 9 senior, you are just asking -- I though your question was:  
10 he was there with -- see the bird, I just saw it.

It 11 PRESIDING JUDGE: I have been seeing it flying in here.  
12 has found its way and it will not go away, I can assure you.

13 MR JORDASH: And Mr George is still in his seat.

14 JUDGE BOUTET: I thought your question was, not if there  
15 was at some time a senior RUF commander, but if there was a  
16 common command structure between RUF and SLA when the witness  
was  
17 there. Wasn't it your question?

18 MR JORDASH: Yes. It wasn't there was -- the witness  
had  
19 said there was a separate command structure.

20 JUDGE BOUTET: At the beginning.

21 MR JORDASH: Yes.

22 JUDGE BOUTET: Yes.

23 MR JORDASH:

24 Q. There was a separate command structure at the beginning?  
25 A. Yes.

26 Q. Before I ask the next question, was there any  
cooperation  
27 or not between the two command structures?  
28 A. We were cooperating with them, although the commands  
were  
29 different, but we are still cooperating with them.



1 Q. Cooperating with them from what kind of --

2 A. Well, within the Kenema environment, there was an active

joint

3 attack of the CDF, so we used to combine together and go on

4 patrols.

5 Q. Was there, amongst the two groups, a single commander

who

6 was above everyone else or was there separate command

structures

7 with two separate top commanders?

8 A. When it comes to the matter of patrol, there is only one

9 command structure.

10 Q. And you were receiving your orders from who? You,

11 personally?

12 A. Well, at first, we used to receive our order from the

13 brigade commander, through the battalion commander.

14 Q. And did this change? You say this was at first.

15 A. Pardon?

16 Q. Did this change? You said at first.

17 A. Yes, it changed later.

18 Q. How much later after you arrived did it change?

19 A. Well, it did not spend a long time anyway.

20 Q. And why did it change?

already

21 A. Well, it was indeed necessary for -- since we have

one,

22 become a one person, so they decided us to be doing things

where

23 in one accord. So, this type of command system arise, but,

24 an RUF is a commander, it will be deputised by SLA or where an

is

25 SLA is a commander, he will be deputised by an RUF. So this

26 the way it was organised.

just

27 Q. And this is the way it was organised all the time or

28 for specific operations?

but

29 A. Well, this was the way -- at first, it was different,

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1 when these principles begin to operate it continues.

again?

2 Q. Your answer is not clear to me; could you try that

organised

3 A. When the two, when the two command structure was

system,

4 to form one, it did not change again. The same command

5 you know, continued.

6 Q. And continuing how long?

7 A. It continued until the time when a command intervention

8 took place, wherein we were again pushed back again.

9 Q. Did you know anyone called Eddie Kanneh?

10 A. Yes, I know Eddie Kanneh.

11 Q. Was he anything to do with Kenema at the time you  
arrived?

12 A. Yes.

13 Q. What was he?

14 A. Eddie Kanneh was an honourable. He was an honourable.

15 Q. And his role, if any, in Kenema was what?

16 A. He was in charge of the entire Kenema region.

17 Q. In charge of what in relation to the Kenema region?

18 A. Well, I cannot able to explain much about his role, but  
I

19 know that he was an honourable.

20 Q. Let me ask you what was his relationship to the brigade  
21 commander Fallah Sewa?

22 A. Fallah Sewa was the military man. He was in charge of  
the

23 brigade and I once to understand that Eddie Kanneh was dealing  
24 mostly with civil aspects.

25 Q. When you say dealing with civil aspects?

26 A. He is not a military man.

27 Q. What kind of things was he dealing with in terms of  
28 civilians?

29 A. Well, certain times he used to call meeting, talk to the

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1 civilians, educate them over the AFRC regime and then support  
2 them. I think that is his main purpose.

3 Q. But who had the concern of the -- whose concern was it -  
4 sorry. The welfare of the civilians, who had that concern, if  
5 anyone?

6 A. Well, that is Eddie Kanneh.

7 Q. What makes you say that? Explain, please.

8 A. Well, with the -- because he used to call meetings, talk  
9 the civilians. Then certain times he even asked for their  
10 opinion, whether there is problem, so that he can be able to  
11 and solve it out.

12 Q. What if there was a problem between soldiers and  
13 whose concern was that?

14 A. Well, that is why there is Military Police.

15 Q. What about Sam Bockarie, when he arrived, what was his  
16 relationship to Eddie Kanneh?

17 A. Well, they were all big men.

18 Q. Was there a top man between Kanneh and Bockarie?

19 A. Well, the way I was seeing the whole situation, Eddie  
20 Kanneh was some on top, more than Sam Bockarie, but Sam

21 actually was dealing with the military aspect.

22 Q. So, try to explain why it was you concluded Eddie Kanneh  
23 was above Sam Bockarie?

24 A. Because I can remember at one occasion, there was a

-

to

try

civilians;

Bockarie

little

25 bit of shortage of food on the ground. Then, we informed Sam  
26 Bockarie over the situation. He referred us to Eddie  
Bockarie,  
27 Eddie Kanneh, that we should go there with a paper. So, when  
we  
28 went there, Eddie Kanneh issue us the food. He gave an  
29 instruction to issue us food.

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1 Q. And do you know where the military supplies came from,  
that  
2 came to Kenema?

3 A. I understand through that it was from the army  
headquarter,  
4 that the supply came from.

5 Q. Where was the army headquarters?

6 A. In Cockerill, Freetown here.

7 Q. And do you know how the RUF were given their supplies?

8 A. Yes. When this food come, they will divide it and send  
it  
9 to me, who was, I, to me, because I was the commander at the  
10 ground. I have to make sure that all areas, that this food is  
11 supposed to be there, will reach there.

12 Q. What about ammunition?

13 A. Ammunition, too, we only receive ammunition when we are  
14 going on patrol.

15 Q. And where did you receive it from?

16 A. We received it -- certain time when we should be in the  
17 formation, most of the time in brigade, or in the battalion  
18 headquarter.

19 Q. Where did it come from?

20 A. The ammunition?

21 Q. Yes.

brigade

22 A. From the -- from the army, from the brigade. The  
23 ammo gun.

24 Q. Who controlled it?

25 A. Well, it was controlled by the SLAs.

in

26 Q. What -- was there such a thing as a joint security unit  
27 Kenema?

28 A. Yes.

29 Q. Was it working, when you were there?

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1 A. Yes, it was working.

2 Q. What was it doing?

3 A. Well, I cannot able to talk much about that because I'm  
a  
4 combatant. That is purely on office affairs. All I know is  
that  
5 they were there in order to make -- to make sure that any  
problem  
6 that arise between the civilian, or soldiers, so that they  
would  
7 come in and try to iron out it.

8 Q. Do you know why Sam Bockarie came to Kenema?

9 A. Yes.

10 Q. Why?

11 A. Well, Kenema was a very important place for the RUF,  
since  
12 it is the place leading to Kailahun District. So, when there  
was  
13 attacks from the CDF within the Kenema region, and the  
security  
14 was collapsing gradually, Sam Bockarie thought that in order  
for  
15 us not to lose Kenema, he decided to come there, in order to  
base  
16 there, so that he can able to try his level best and defend  
17 Kenema.

18 Q. And do you know what his feelings were about Freetown,  
and  
19 what was going on there? Did you speak to him about that?

20 A. I did not speak with him personally on that. But, I  
21 received some information that there was a little bit of  
22 misunderstanding between him and SAJ Musa. Mosquito, Sam  
23 Bockarie, is a man who is brave, and at anywhere he is, he  
wants  
24 to prove that he is a strong commander. So, likewise, the  
same

he  
I  
him.

25 thing applies to SAJ Musa. He also was trying to prove that  
26 is also strong, so, there was, you know, series of problems.  
27 think this was the situation that Sam Bockarie saw and decided  
28 not to stay there. But all this I only received it out of  
29 information. I was not there and I did not discuss it with

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with  
I

1 Q. Did you receive information as to where Issa Sesay was,  
2 when you were in Kenema?  
3 A. Yes.  
4 Q. Where was he?  
5 A. At that time, Issa Sesay was in Freetown.  
6 Q. And did you have any dealings with him?  
7 A. With Issa Sesay?  
8 Q. Did you communicate with him or did you have dealings  
9 him when you were in Kenema?  
10 A. No, I was not -- because Sam Bockarie was on the ground,  
11 have no dealings with Issa Sesay.  
12 Q. Did you have access to a radio?



of

13 A. Yes.

14 Q. Did the RUF have more than one radio in Kenema?

15 A. Yes, we were having radio. Even myself I was in control

16 a radio.

17 Q. But you say you had no contact with Sesay?

not

18 A. I only monitor him when he is talking over the air, but

19 that he was with me in Kenema.

to

20 Q. Thank you. Now, let's move to the first patrol you took

about

21 Tongo. When you arrived in Tongo, did you learn anything

your

22 what had happened or what had been happening in Tongo before

23 arrival?

24 A. Yes.

25 Q. What did you learn?

civilians,

26 A. At first, when we went to Tongo, after we -- Tongo was

27 taken by us -- I got a series of information from the

28 that CDF was there and they harassing them, intimidating them,

29 forcing them to do labour, to the extent even the key people,

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with 1 when they suspect that either they were having relationship

2 RUF or SLA --

before 3 Q. And had it been just the CDF who had been in Tongo

4 you arrived?

first 5 A. Well, at first, according to information, SLAs were

6 in Tongo, but I cannot able -- I cannot actually know what

were 7 happens between the SLA and the CDF. Then, later, the SLAs

8 asked to withdraw from Tongo. That was in the regime of the

9 SLPP.

between 10 Q. So, did you learn anything about the relationship

arrived? 11 the SLAs and the CDF, what it had been like before you

12 A. Before I arrived?

13 Q. Before the patrol to Tongo?

again. 14 A. Before the patrol went to Tongo, SLA was not there

15 They had not withdrawn from Tongo before ever the patrol took  
16 place.

17 Q. Okay. Now, you told us that Sam Bockarie was on the  
18 patrol?

19 A. Yes.

20 Q. And did anything happen after you'd arrived in terms of  
21 organising a structure?

22 A. Yes.

23 Q. What was that?

when 24 A. When that, that one happens after the second patrol,

25 we were established into structures.

happened

26 Q. Okay. Well, tell us about the first patrol; what

27 when you arrived on the first patrol?

28 A. Before ever we should get to Tongo, we came across CDF

29 ambush. We fight -- we fought with them, and we succeeded to

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1 overcome them, but we did not receive any strong resistance

2 again, because our force was heavy, so we entered Tongo. When

escaped

3 entering Tongo, the few who escaped, the few civilian who

away.

4 the ambush, you know, they blow alarm on us. Then they ran

5 So we only entered into the town without fighting again.

entered?

6 Q. And were there any civilians in the town when you

7 A. Civilians, only few civilians were in the town.

8 Q. And the rest, did you find out where they were?

9 A. The rest, we understood that they went into the bushes.

10 Q. And did this patrol, or anybody in the patrol, yourself

11 included, have anything to do with the civilians during this

12 first patrol?

13 A. Yes.

14 Q. What happened?

15 A. When we reached at Tongo, after Tongo was taken, Sam  
16 Bockarie ordered for all the civilians to gather, so that he  
will  
17 have a short meeting with them.

18 Q. Did they gather?

19 A. Yes.

20 Q. Where did they gather?

21 A. Well, at first, they gather at the Pa Foray's residence  
22 which is on the main road.

23 Q. At which residence, sorry?

24 A. Pa Foray's residence. It is on the main road, situated  
on  
25 the main road going to Kenema.

26 Q. Pa Foray?

27 A. Yes, Sir.

28 Q. Who is Pa Foray?

29 A. Pa Foray is one of the most renown citizen in that  
place.

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1 Q. Renowned for, in what sense?

2 A. He has money; he has good good houses and so on.

3 Q. And was there a meeting there?

4 A. Yes, there was a meeting there.

5 Q. And what happened at the -- were you at the meeting?

6 A. I was not at the meeting but I received an information  
from  
7 the meeting.

8 Q. And who did you -- can you remember who you received the  
9 information from?

10 A. Yes, some of my colleagues, who were soldiers too, they  
11 went into the meeting.

12 Q. What -- what did they tell you happened at the meeting?

13 A. Well, according to them, they said Sam Bockarie  
addressed  
14 the civilians, that they are not coming for them. They are  
not  
15 coming to harm them. That they are coming in order to redeem  
16 them. So he asked them not to be afraid, that they should go  
17 into the bushes and call all their relatives, so that they  
will  
18 come and reside in the town. Then, he even passed an order  
that  
19 no combatant is allowed to harass any civilian, or to  
intimidate  
20 him. He give the power, the MPs, that any person who is  
caught  
21 harassing civilian, he said that person must be brought to  
him.

22 Q. Where were you during this meeting; what were you doing?

23 A. Well, the meeting does not only take place only one  
time.  
24 Meetings were separately taking place.

25 Q. What does that mean, separately taking place?

26 A. Because this, with the -- you cannot able to educate the

At 27 civilians at the first meeting, then you forget about them.  
that 28 least you need to keep on giving the courage, you know, so  
they 29 they can have the zeal, to come and reside with you, because

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1 are afraid of armed men.  
understand 2 JUDGE BOUTET: Yes. But what -- I am not sure I  
3 what you mean. You are talking first of the meeting that Sam  
4 Bockarie had with the civilians in -- at Pa Foray's residence.  
Tongo, 5 So are you saying that Sam Bockarie had regular meeting in  
6 with the civilian population, or somebody else?  
7 THE WITNESS: Yes. Yes. Not only one time but several  
8 times.  
9 JUSTICE BOUTET: You were not there the first meeting?  
10 THE WITNESS: Yes, the first meeting I was not there.  
11 JUSTICE BOUTET: But were you there at some subsequent  
12 meetings?  
13 THE WITNESS: Yes, certain times.  
14 JUDGE BOUTET: You were there?  
15 THE WITNESS: I was there certain times.

16 MR JORDASH:

--  
patrol?  
17 Q. So we are clear; how long did you stay in Kenema on this  
18 sorry, how long did you stay in Tongo on this trip, this

19 A. Well, I did not spend a long time there, anyway. Then I  
20 retreated.

you  
21 Q. And do you recall how regular the meetings were, when  
22 were there?

The  
23 A. Well, meeting was not only hold by Sam Bockarie alone.

24 G5 also were holding meetings. When the -- probably within a  
25 week, at least two to three meeting would be held.

26 Q. And were they all at Pa Foray's?

27 A. Not all the time at Pa Foray's residence. They were  
28 holding meeting at strategic positions. For example, the  
29 headquarter; the NDMC -- former NDMC headquarter.

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1 Q. Is that in Tongo?

2 A. Yes, that is in Tongo.

3 Q. And you were present at --

4 A. That I was present at.

5 Q. And what happened at the one you were present at?

that

6 A. That was, in fact, the G5 who was -- who called upon

7 meeting.

8 Q. What happened?

9 A. When the G5, our commander at that time, who was Dennis  
10 Mannah, he gave more confidence to the civilians.

11 Q. How did he do that?

12 A. By giving them words of courage, you know --

13 Q. Try to take us there. Try and explain what this meeting  
14 was all about. How many civilians?

the

15 A. Well, they were in their hundreds for now because when

towns,

16 information which they are calling them to come into the

17 many of them came into the town.

18 Q. Who addressed the meeting?

19 A. It was the G5 unit.

20 Q. Can you recall, I know it's a long time ago, but can you  
21 recall what was said?

22 A. Yes. Dennis told the civilians to come and stay in the  
23 town. Then he even --

24 PRESIDING JUDGE: This is Dennis who? Who was --

25 THE WITNESS: Dennis, he was a G5.

26 MR JORDASH:

27 Q. Dennis Mannah?

28 A. Dennis Mannah.

29 Q. Do you know how to spell Mannah?



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1 A. Yes. M-A-N-N-A-H.

2 Q. Go on.

3 A. He called the meeting, that let the civilians abandon  
the  
4 bushes and come and reside in the town, that they have not  
come  
5 to harm any civilian, that, in fact, they have come in order  
to  
6 protect them. Then, if at all someone is being harassed, they  
7 say let him not be afraid to come to him, and explain to him  
what  
8 happens to him or her. Then, at the same time, he even told  
them  
9 that if at all there is any situation or any information they  
10 cannot understand, let them come to him and ask for anything  
that  
11 they have doubt of, so that he can able to clarify it to them.  
12 Then, he even told them that all the local authorities, that  
they  
13 should resume their duties, they can work as chiefs.

14 Q. And at the meeting held by Sam Bockarie, or this meeting  
by  
15 Mannah, do you know if anything was said about mining?

16 A. Yes. At first, Sam Bockarie did not give an okay for  
17 mining, since it was at the initial stage that Tongo was  
captured

18 and there was series of CDF attack within the surrounding, and  
19 when mining was going on, the possibility for let the soldiers  
to  
20 keep a defensive would be very limited, so he put a stop to  
it.

21 Q. Why would it be very limited?

22 A. Everybody would be concentrating on the mining.

23 JUDGE BOUTET: So you say he put a stop to it?

24 THE WITNESS: Yes.

25 JUDGE BOUTET: You mean to it --

26 THE WITNESS: Yes.

27 JUDGE BOUTET: -- yes, who was doing what? The question  
28 was whether or not Sam Bockarie, if I understood, did speak or  
29 address the issue of mining at the meeting?

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1 THE WITNESS: Yes.

2 JUDGE BOUTET: Did he, or did he not?

3 THE WITNESS: He addressed.

4 JUDGE BOUTET: He did?

5 THE WITNESS: Yes.

6 JUDGE BOUTET: Okay.

7 MR JORDASH:

know, 8 Q. And had the mining, had mining been going on, do you  
9 prior to the arrival of this patrol?  
That 10 A. Before ever we should get there, mining was going on.  
on 11 was the CDF regime. And when we went there it was still going  
12 but on small scale.  
13 Q. And who was mining on the small scale?  
14 A. That the civilians were mining on small scale.  
this 15 Q. And what did Sam Bockarie say or instruct or order at  
16 early stage?  
a 17 A. Well, it appears that all the soldiers, who were keeping  
18 defensive on the ground, see, they grew interest of, you know,  
19 getting more money, so, instead of to concentrate more on the  
20 security aspect, they certain time they escaped and go for  
thought 21 mining. So, when that was so alarming, when Sam Bockarie  
surprising 22 that this one is not so real, that in case there is a  
23 attack, say how can we be able to get men in order to fight  
these 24 guys? So he decided that, for us to maintain the ground, the  
25 security of the ground, is only left to stop mining.  
at 26 Q. Was this decision that Sam Bockarie reached communicated  
27 the meeting he held or was it communicated at a later stage?  
28 A. Well, that was at the later stage.  
mining? 29 Q. And precisely what was the instruction concerning

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1 Was it --

2 A. Well, from that time, when he make a stop to the mining,

time

3 mining was not going on, until it was later, when -- at that

came

4 the commander, who was there, Captain Ngewe, the civilians

to

5 to the G5, explained the situation that there is no other work

6 do in this particular environment, except mining and business.

during

7 Q. Let me just stop you there for a minute: Was this

8 the first patrol that you were present in, in Tongo?

9 A. Pardon?

10 Q. I think you told us you were there for a week?

11 A. Yes.

12 Q. Yes. Was there any -- did any mining take place in that

13 week?

14 A. In that week?

15 Q. After Sam Bockarie's instruction?

16 A. After the instruction?

17 Q. Yes.

18 A. Whether there was mining taking place?

19 Q. Yes, in that week you were there?

20 A. No.

21 Q. Right. Okay. Let's just go step-by-step, through it?

a

22 JUDGE BOUTET: Mr Jordash, if I may, you were there for

23 week; once you take control, you are part of the patrol that

24 takes control of Tongo?

25 THE WITNESS: Yes.

week?

26 JUDGE BOUTET: And you are there at that time for a

27 THE WITNESS: Yes.

28 JUDGE BOUTET: After that, you leave Tongo?

29 THE WITNESS: Yes.

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talking

1 JUDGE BOUTET: So what you are talking about mining is

2 mining and what Bockarie have ordered, it is during that time

3 frame, that one week period of time. That's what you are

4 about, or you are talking of a longer period of time because

5 other people told you? I'm just trying to follow what you are

6 telling the Court, Mr Witness.

7 THE WITNESS: Yes.

8 JUDGE BOUTET: You understand what I'm saying?

9 THE WITNESS: Except you repeat it back again.

10 JUDGE BOUTET: When you speak about what you are -- what  
11 you are reporting to the Court now, about mining, is something  
12 that you observed during the week while you were there, or you  
13 are also reporting based on what other people reported to you  
14 after you'd left?

15 THE WITNESS: Well, the one which I'm talking to you --

16 JUDGE BOUTET: Yes.

17 THE WITNESS: -- within the week --

18 JUDGE BOUTET: Yes.

19 THE WITNESS: -- one, I was not there, the first meeting  
20 that Sam Bockarie was holding with the men, but I told you

that

21 within that same week I was there when the G5 was also  
22 addressing --

23 JUDGE BOUTET: True, yes. But it still, all of that is  
24 within the first week?

25 THE WITNESS: Yes, Sir.

have

26 JUDGE BOUTET: Because you are saying that you had to  
27 many meetings with the civilians, but the very first meeting,  
28 where Bockarie talks of mining, you are not there, so you were  
29 told about that?

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1 THE WITNESS: Yes.

2 JUDGE BOUTET: Okay. And it's at that meeting that  
3 Bockarie would have told whoever it was that they should stop  
4 mining because of security concerns?

5 THE WITNESS: Yes.

6 JUDGE BOUTET: Okay. But you are not there for that  
7 meeting?

8 THE WITNESS: I was not there for that meeting.

9 JUDGE BOUTET: So, when you say he said so, is he  
talking  
10 to civilians or he is talking to RUF people?

11 THE WITNESS: Well, he was talking to both civilians and  
12 the RUF, because they were all gathered there. You know, he  
have  
13 to address them because the role of adviser is not only for  
14 civilian, it was both for the soldiers and the civilian.

15 JUDGE BOUTET: Because I understood from your evidence  
that  
16 soldiers were also mining at the beginning; they were all over  
17 the place?

18 THE WITNESS: Yes.

19 JUDGE BOUTET: Is that what you were saying?

20 THE WITNESS: Yes.

21 JUDGE BOUTET: So it's not only a few civilians that  
were  
22 mining at that time, you are talking, when you take control,  
23 during that first week?

24 THE WITNESS: Yes.

25 JUDGE BOUTET: So it is both soldiers and civilians?

26 THE WITNESS: Yes.

27 JUDGE BOUTET: This is why Bockarie was concerned about  
28 security?

29 THE WITNESS: Exactly.

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1 JUDGE BOUTET: Okay. I'm -- this is what I'm trying to  
2 understand, Mr Witness.

3 MR JORDASH:

first

4 Q. So, from what you've told us, there was mining in the  
5 week?

6 A. Yes.

7 Q. Which Bockarie brought to a halt; yes?

8 A. Yes.

week

9 Q. Describe to us how the mining was arranged during that  
10 before it was brought to a halt; who was mining for who?

11 A. No, at that time it was only a short period.

12 Q. Well --

13 A. Mining was going on at random. Everybody was mining for  
14 himself.

15 Q. And you say "everybody"; men, women and children, RUF,



16 civilians?

17 A. I mean RUF and civilian.

18 Q. Was there restrictions of movement within Tongo at this  
19 time? I'm dealing with just the few days where this mining is  
20 going on.

21 A. The movement of Tongo?

22 Q. You are in Tongo; there's mining going on. There's  
mining  
23 going on. Is there any restriction on who can mine at that  
24 point, before Sam Bockarie brought it to a halt?

25 A. That is what I was saying, that everybody was mining.

26 Q. Right. Were the civilians living within Tongo?

27 A. To go out of the town?

28 Q. No. Were civilians living in Tongo at this --

29 A. Yes, civilians were living in Tongo.

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1 MISS ACIROKOP: Your Honour, can Mr Gbao attend the  
2 bathroom, please?

3 PRESIDING JUDGE: Yes, he may, Miss Acirokop.

4 MR JORDASH:

5 Q. The civilians who were mining in Tongo at this point --

6 A. In that first week?

7 Q. Yes, in this first week --

8 A. Yes.

9 Q. -- could they -- was there any restriction on when they  
10 could leave the mine pits?

11 A. Well, there was no restriction for that.

12 Q. Right. Was there other business going on in Kenema, in  
13 Tongo, at that time?

14 A. Since it was very recently that Tongo was captured, you  
15 know, all the other activities they were not going on for that  
16 time yet.

17 Q. The RUF, who were mining in that time, who were they  
mining  
18 for?

19 A. Before?

20 Q. Sorry, who were they mining for?

21 A. The RUF?

22 Q. Yes.

23 A. At that time?

24 Q. Yes.

25 A. That is what I told you, that everybody was mining for  
his  
26 own pocket.

27 Q. Were you present in Tongo when the mining stopped?

28 A. Yes, I was there when the mining was stopped.

29 Q. When it stopped, what did the civilians do?

--

1 A. Well, I came to understand, because I was not there now

2 Q. Where were you?

3 A. I was in Kenema.

4 Q. Right.

5 A. As I told you that I only went as a fighting force.

6 Q. You -- go on.

G5,

7 A. I was in Kenema, now, when the civilians met with the

who

8 and told him that let them meet the commander at that time,

9 was Captain Ngewe, that they are staying in Tongo. You cannot

10 able to stay in Tongo if at all you don't involve yourself in

11 mining, and there is no other source in which they can able to

12 get their living. So, they asked the G5 to meet with the

Bockarie

13 commander, who was in charge, so that they can make Sam

mining.

14 aware of this situation, so that he will give an okay for

15 Since at that time there was no -- not too much harassment of

16 CDF.

RUF

17 Q. Now, the G5 in Tongo, was that an RUF operation or an

18 and an SLA operation?

did

19 A. Yes. The G5 -- the SLAs they had their own, but they

20 not call it at G5.

of

- 21 Q. They didn't?
- 22 A. They didn't call it at G5.
- 23 Q. What did the SLAs call it?
- 24 A. We, the RUF called it as G5, but they have their own way
- 25 calling it, which is secretariat, something like that.
- 26 Q. Did you say --
- 27 A. It was secretariat.
- 28 Q. Secretariat?
- 29 A. So I don't actually know what is the meaning of that.

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branch

- 1 Q. And were there offices in Tongo?
- 2 A. Yes, offices were there.
- 3 Q. Offices for --
- 4 A. The joint MP office was there and the investigation
- 5 office was there.
- 6 Q. This was RUF or SLA?
- 7 A. And that was RUF.
- 8 Q. And the OC secretariat?
- 9 A. They were all living in the same building.
- 10 Q. Now, who did you receive the news from, or how did you

11 receive the news that the civilians had approached the G5 to  
be  
12 able to begin mining again?  
13 A. As so they have to move from Tongo, and came to Kenema  
14 often, so, when they came, you know, they briefed me over the  
15 issue, that that is what the civilians has raised of that  
issue.  
16 Q. You say soldiers were coming from Tongo to Kenema; what  
17 about civilians?  
18 A. Also civilians.  
19 Q. Why were civilians coming to Kenema; did you observe?  
20 A. Kenema was a business area. People come there and buy  
food  
21 and other business, to carry it to Tongo, to be sold.  
22 Q. And can you give this Court a picture of how regular it  
was  
23 civilians were travelling backwards and forwards?  
24 A. Well, at that time, there was no restriction for that.  
25 Vehicles were running from Tongo to Kenema. So at any time  
you  
26 wished to go, you can go.  
27 Q. So, after the civilians had approached the G5, what did  
the  
28 G5 do?  
29 A. The G5, according to information, met with the  
commander,

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the  
1 who was Ngewe. Then he put the situation across then. And  
2 commander speak with Sam Bockarie and, later, I was told that  
3 they have given the okay, that mining should continue.  
4 Q. Do you know if mining did continue?  
5 A. Well, it continued.  
6 Q. How do you know?  
7 A. As I told you, that civilians moved from there and also  
8 soldiers, so I got this information from them.  
9 Q. And before you returned to Tongo, what was happening in  
10 Kenema? What was civilian life like in Kenema, at this time?  
11 A. Well, Kenema was very peaceful at that time. It was  
only  
12 within the surrounding that there was threat of CDF.  
13 Q. And how were civilians surviving in Kenema, for a  
living?  
14 A. Well, they were living as how they used to live  
normally.  
15 Some of them were working. Some of them goes to work.  
16 Q. What about schooling; was there any schooling in Kenema  
at  
17 this time?  
18 A. Yes, schools were in Kenema, and they were operating.  
19 Q. What about NGOs; any NGOs?  
20 A. NGOs here in Kenema, and they are fully operating.  
21 Q. Which NGOs; can you remember?  
22 A. One of my uncle was an NGO. He was working under the  
23 branch of Caritas.

24 Q. And where was Caritas based?  
25 A. I don't know their headquarter but they were responsible  
26 for the refugees and also the returnees.  
27 Q. And did you see your uncle, in Kenema?  
28 A. Yes, I saw him there.  
29 Q. Was he a civilian or a --

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Kenema

1 A. He was a civilian.  
2 Q. Were there any laws in Kenema, that you were aware of?  
3 A. Pardon?  
4 Q. Were there any laws in Kenema?  
5 A. Laws were there. Not only in Kenema but laws were there  
6 which was binding the RUF movements. That same law exist  
7 anywhere RUF operate, so it's not like when you reach to  
8 or when you come to a particular town, that would be the time  
9 they make another new fresh law, no. The law there as working  
10 before ever we get to these areas.  
11 Q. And were you able to observe, in your position, within  
12 Kenema, the effectiveness of the laws?  
13 A. Yes.  
14 Q. Can you explain what your observations were?

his  
before  
alarming,  
15 A. One RUF man was there, by the name of AB. I mentioned  
16 name in the earlier stage that he was in charge of the men  
17 ever I came there. He was there. He went out and do some  
18 harassments and loot. When the case, when the case was  
19 he was arrested and brought to Sam Bockarie. I was there when  
20 Sam Bockarie fire his foot.

21 Q. You were present?

the  
22 A. I was present. It was not even hiding. It was before  
23 civilians. Everybody was there.

did  
24 Q. And what was Sam Bockarie's attitude at the time? What  
25 he appear like, to you?

firing  
demonstration  
were  
26 PRESIDING JUDGE: Tell me, when -- I've heard about  
27 people's foot; firing foot. I've not -- we had a  
28 but it was not very clear. When you were on the field, you  
29 a fighter, you were everything, when they fire your foot, what

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1 happened? Is it actually -- did you lose your feet or -- what



2 happened?

3 THE WITNESS: He is not going to fire you to the extent  
4 that he can damage you. This, he have, he has a purpose. He  
5 only fire you that the bullet can only penetrate through the  
6 flesh. He is good in smart marking?

7 MR JORDASH:

8 Q. If the bullet goes through the flesh, but what does that  
9 mean?

10 A. That means he can fire you without the bullet touching  
the  
11 bones.

12 PRESIDING JUDGE: That's how he fires the foot?

13 THE WITNESS: Yes.

14 MR JORDASH: On one --

15 PRESIDING JUDGE: He has a strange technique. The foot  
is  
16 all full of bones, you know.

17 THE WITNESS: But certain part of the foot doesn't have  
18 bone. If you look at the back.

19 PRESIDING JUDGE: It depends, it depends on the -- well,  
20 unless you take the leg.

21 THE WITNESS: Well, that is why I say the man is good at  
22 aiming.

23 PRESIDING JUDGE: No, when you talk of the foot, a foot  
is  
24 different from the leg.

25 MR JORDASH: I think in Krio it's the same. That's  
maybe  
26 where the confusion is coming about.

27 PRESIDING JUDGE: Yes, indeed.

28 MR JORDASH:

29 Q. Is it -- point to where Sam Bockarie fired AB?

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1 A. Yeah. He fired him here.

2 PRESIDING JUDGE: Okay.

3 MR JORDASH: So the witness is pointing to the calf?

4 PRESIDING JUDGE: To the calf, yes. That's it. Okay.

5 MR JORDASH:

6 Q. What was Sam Bockarie's attitude to AB and anybody else,

7 that you observed, who committed such offences, as you  
observed

8 it?

9 A. Well, at that time Sam Bockarie was so adamant, more  
10 especially for those who go contrary to the laws of the RUF.

His

11 sense was that if you are trying in order to give a bad image

to

12 the RUF movement and, as for him, he cannot encourage any

person

13 as such. So, in the other way round, we used to become afraid

of

14 him because, when you commit, definitely he will not spare

you,

15 he have to discipline you.

16 Q. Now, did you know somebody called Kateh at this time?  
17 A. Yes, I knew him.  
18 Q. Who was he?  
19 A. At first, he was in Kenema.  
20 Q. What doing?  
21 A. He was -- he was a captain.  
22 Q. For who?  
23 A. I saw him in the brigade headquarter, but I don't know  
his  
24 actual appointment.  
25 Q. And did Kateh go anywhere after Kenema?  
26 A. Yes.  
27 Q. Where did he go?  
28 A. I was in Kenema.  
29 PRESIDING JUDGE: Was he an RUF captain or --

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1 THE WITNESS: No, he was an SLA captain.  
2 PRESIDING JUDGE: SLA captain?  
3 THE WITNESS: Yes.  
4 MR JORDASH:  
5 Q. Where did he go?

he

6 A. Tongo. I was in Kenema when I got an information that

7 has gone to Tongo.

8 Q. Do you know what he did in Tongo?

charge

9 A. Well, I understood that he went to -- he went there in  
10 order to work with Captain Ngewe, who was the RUF man in  
11 at that time.

12 Q. I don't know if I've asked this question, but, who was  
13 Ngewe reporting to at this time?

14 A. At that time?

15 Q. Yes.

16 A. Ngewe was reporting to Sam Bockarie.

17 Q. Directly?

18 A. Directly.

19 Q. Thank you. You then at some stage go back to Tongo; is  
20 that right?

21 A. Yes.

22 Q. What did you do when you arrived in Tongo on an official  
23 basis? What were your functions that you conducted there?

--

24 PRESIDING JUDGE: When you say this SLA captain went to

25 I mean the Captain Kateh --

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: -- when you say he went to work with  
28 Ngewe, what do you mean?

29 THE WITNESS: He was also --

1           PRESIDING JUDGE: Ngewe was RUF?

2           THE WITNESS: Yes.

3           PRESIDING JUDGE: Yes. He went to work with him in what  
4 sense; can you inform us?

5           THE WITNESS: Yes. As I told you earlier, that any area  
6 where there is RUF commanding these SLA will be there, in

order

7 to work together.

8           PRESIDING JUDGE: Okay.

9           THE WITNESS: Yes, that is why he was sent there.

10          PRESIDING JUDGE: All right. Thank you.

11          MR JORDASH: Sorry, I just missed that last sentence.

12          Q. Can you repeat the last sentence?

13          A. Pardon?

14          Q. Repeat the last sentence; I didn't hear it.

15          A. I said when Kateh was sent there, he went there in order

to

16 work with Ngewe, because we had begin to operate in that joint  
17 operation, wherein the RUF is commanding, and we deputise one  
18 SLA, so, that made him to go there.

19          Q. Would it always be RUF commanding with an SLA --

20          A. No, no.

21          Q. What was the situation?

22          A. Well, It all depends on how the particular command, the

23 capability of the particular commander, yeah.

24 Q. What does that mean?

25 A. If at all the RUF is capable of maintaining that  
particular  
26 position, he will be given that position, or if at all SLA is  
27 capable for that particular position, he also be given. Not  
that  
28 it was only RUF who was being commanding.

29 PRESIDING JUDGE: Now, what, Katch went there as what,  
the

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1 second in command to Ngewe?

2 THE WITNESS: Yes.

3 PRESIDING JUDGE: I see.

4 MR JORDASH:

5 Q. Now, when you arrived in Kenema, sorry, when you arrived  
in  
6 Tongo, Mr Witness, did you observe civilian life there?

7 A. You mean the time when I was --

8 Q. When you returned, the second time you went there?

9 A. Yeah, the second time I went there, that was the time  
when

10 I was deployed there.

11 Q. Sorry, when you were?

12 A. When I was deployed.

13 Q. Deployed. When you were deployed there, be careful that  
14 you don't say what your position was because we are in an open  
15 session.

16 A. Okay, okay.

17 Q. But can you tell us what civilian life was like, as you  
18 observed it, when you arrived?

19 A. Yes. Everybody was living peacefully in the town.

People

20 were going about with their normal business. I mean, people

were

21 doing petty petty business. Mining offices were open. Market  
22 was fully going on. Even certain clubs were existing.

23 Q. Certain?

24 A. Clubs.

16:02:01 25 Q. Clubs?

26 A. Nightclubs.

27 Q. Nightclubs. What do you mean nightclubs were?

28 A. These are area people go there in the night and enjoy  
29 themselves.

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1 Q. Who could go there?

2 A. There is no differentiation. As long as you are  
3 financially strong, you can go there and enjoy yourself,  
because  
4 when you go there, you pay.

16:02:08 5 Q. What were the names of the nightclubs?

6 A. There was Amaulomaa nightclub.

7 Q. A-M-A-U-L-O-M-A-A?

8 A. Yes.

9 Q. Another name.

16:02:22 10 A. Omumatic; that was another club.

11 Q. O-M-U-M-A-T-I-C?

12 A. Yes.

13 Q. And you've told us about the markets and the clubs.  
What  
14 about sport, any sports going on in Kenema, sorry, in Tongo?

16:02:44 15 A. Yes, football game was organised there.

16 Q. And who attended the football games?

17 A. Everybody. It was open.

18 Q. Now, you've told us about mining offices being open.  
What  
19 did the mining offices --

16:03:00 20 A. The mining offices were there for people who have  
diamond  
21 to go and sell it there.

22 Q. And who was mining when you arrived?

23 A. Well, when I arrived in Tongo, everybody was mining.  
Both  
24 civilians and soldiers, everybody was now mining.

16:03:18 25 Q. How was it organised as you saw?

26 A. Well, it was organised by the three-pile system and also



27 the two-pile system.

28 Q. Right. Let's start off then with the three-pile system.

29 Where was the three-pile system operating?

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spend

1 A. Well, the three-pile system was operating where you

2 expenditure.

3 Q. The three-pile system was operating where you spend the

4 expenditure?

16:04:00 5 A. Yes.

6 Q. What does that mean?

7 A. Except I explain.

8 Q. Yes, try and explain it in your own way.

9 A. Okay. Yeah. Mining was organised into three-pile  
system.

16:04:14 10 The first pile is for the labourers. The labourers, the ones  
who

11 were physically doing the mining, plus the person who is  
catering

12 for the labourers in providing them food, shelter, medicine  
and

13 tools. That qualifies you to get one pile there. Then the

14 second pile is for the expenditure.

16:04:45 15 PRESIDING JUDGE: No, no, you said one pile was for the

16 labourers, okay, plus the person who was catering for them.

17 THE WITNESS: Yes, those two parties were one pile.

18 PRESIDING JUDGE: Yes, and the person, what was the role  
of  
19 the person who was catering for them?

16:05:02 20 THE WITNESS: Okay, that is what I want to explain now.

21 The person who has qualified the person to join with the  
22 labourers.

23 PRESIDING JUDGE: The labourers, yes.

24 THE WITNESS: Yes, because he is the one who is  
providing

16:05:12 25 medicine. If at any one of the workers is sick, he is to make

26 sure that he has cure that person. Then, again, he is

27 responsible for the feeding of these men who are working.  
Then,

28 thirdly, he is to make sure that he provide working tools for

29 these people. That makes him to join for one pile.

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1 MR JORDASH:

2 Q. Did he have a name? Was there a name for that person?

3 A. We call him supporter.

4 Q. Right. So that's one pile?

16:05:43 5 A. Yes.

6 Q. Second pile?

7 A. The second pile is for the expenditure, the expenditure  
8 owner. The expenditure owner, he is responsible to buy petrol  
or  
9 diesel, bring in machine, engine oil.

16:06:05 10 Q. Engine oil, did you say?

11 A. Engine oils. This qualify that particular person to  
have  
12 one share there.

13 Q. And the third?

14 A. And the third pile goes to the RUF, which we call it as  
a  
16:06:20 15 security pile.

16 Q. What about the AFRC or the SLAs?

17 A. Well, I'm talking that was the time when everybody was  
18 combined now.

19 Q. Right. So when you say RUF --

16:06:37 20 A. I mean the combined forces of RUF and the AFRC.

21 Q. Okay. And two-pile was what?

22 A. Well, two-pile mostly was operating in the Cyborg area.

23 Q. Why was there a difference in this -- well, first of  
all,  
24 what was two-pile?

16:07:14 25 A. Well, the two-pile, one, the labourers, who was the  
26 supporter, then the security pile which is known as the RUF  
pile.

27 Q. And why was the system at Cyborg, a two-pile, missing  
out  
28 the expenditure pile when other places was three-pile?

29 A. Well, Cyborg was a less expenditure because you don't  
have

1 to use petrol there.

2 Q. Why?

3 A. You don't have to use machines there because you don't  
have  
4 cause to, you know, bale any water, wherein you are asked to  
bale  
16:07:46 5 water and other things, that qualifies you. But there is no  
need  
6 to get any portion there. If at all you receive any three-  
pile  
7 there, well, that means you are cheating the people, because  
you  
8 have not done any expenditure there, so no need for you to  
create  
9 any expenditure pile there.

16:08:02 10 Q. Why was Cyborg different? Why was it that --

11 A. Well, Cyborg was a place where the former NDMC mining  
12 company was operating. The sands which were throw, it was --  
13 they look for a very big area and throw their sands there.  
That  
14 sand was there. Then the people have to quota it. Before  
ever

16:08:31 15 we came there CDF suspected that there was diamond in that  
place.

16 So when RUF came there and the combined forces of the RUF, you

17 know, it was alarming that diamonds are in the Cyborg pit, so  
18 everybody was going there to mine.

19 Q. I'm not clear, but why less expenditure there?

16:08:54 20 A. That is what I'm trying to say. You only come and  
collect

21 the sand. You carry it to the waterside and wash it.

22 Q. What did you do in other places?

23 A. The other places you have to, you know, you have to bale  
24 because unless Cyborg -- all the other areas you cannot be  
able

16:09:14 25 to work there if at all you don't have machines to be able to  
26 bale the water for you.

27 Q. Right. Okay. And was the system of mining when you  
28 arrived organised or -- in the sense of was there any system  
29 besides this three-pile, two-pile. How was -- I'm not being  
very

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1 clear. The mining office, what happened at the mining office?

2 A. Well, the mining office was there. It was comprising of  
3 both civilian, we call them as the mining committee. They  
have

4 an office. They are to make sure that these three-pile  
systems

16:10:06 5 operate. This mining committee comprises of both civilians  
and

6 soldiers.

7 Q. How big was it? How many people on it?

8 A. In the committee?

9 Q. Yes.

16:10:35 10 A. I cannot show you the exact amount but --

11 Q. Approximately?

12 A. About seven.

13 Q. And it was to make sure the three-pile operated. How  
did

14 it do that?

16:10:35 15 A. Well, they know all the strategies areas that three-pile

16 will be taken. So when you work to that particular area then  
we

17 go there. After you have finished extracting your gravel, you

18 have to meet the mining committee and say: "I have finished

19 doing my work, so I want you people to go and let us go into

16:10:55 20 share." So the committee is going to join with you. You are  
the

21 very self who is going to share the gravel. Certain times

they

22 do the ballot for it.

23 Q. Do the?

24 A. The ballot. That means since it is three-pile, there is

16:11:12 25 one -- from one to three, then they wrap it on paper, then I  
sign

26 numbers to the gravels which have been already divide, then  
you

27 go into ballot. The one which you took, if you at all you are

28 fortunate to take one, it goes to the pile which is allocated  
for

29 one. Or if at all you are not going to go into that, they can

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1 give the open chance to the labourers to choose first.

are

2 Q. To choose which pile they wanted out of the piles which

3 being divided?

4 A. Yes, out of the three piles. All the piles are divided

16:11:46

5 equally.

6 Q. And then somebody chooses --

7 A. Where they have all agreed.

8 Q. Right.

9 A. If at all they agreed to go on ballot, they go with the

16:11:56

10 best ballot procedure.

11 Q. And what happened to the labourers' pile after they'd

12 received their pile?

13 A. They have to wash it.

14 Q. What happens if they find a diamond?

16:12:10  
most

15 A. Well, that is why the supporter is there. That is the

the

16 important and sensitive area in mining because it is almost

17 final aspect. That even makes people to encourage these

18 labourers because, if you don't encourage them, when they are  
19 going on the washing, you will not see no diamond if at all  
they  
16:12:35 20 are not pleased with you because the possibility for them to  
21 steal the diamond when washing it is very quick, so they have  
to  
22 wash the gravel. You are the supporter, you are going to stay  
23 there and monitor the washing. Any diamond that is picked  
from  
24 that gravel, the labourers have to give the supporter. After  
16:12:56 25 they have finished wash the gravel, the labourers and the  
26 supporters go into negotiation. The labourers have to sell  
the  
27 diamond to the supporter. But if at all they cannot come up  
to  
28 one conclusion, they are allowed to go to any of the mining  
29 offices and sell this diamond. And after selling this diamond

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1 the diamond is going to be divided into two share, the money.  
2 The labourers one share and the supporter one share.  
3 Q. And from what you observed, were the supporters  
civilians  
4 or fighters?  
16:13:34 5 A. Pardon?



6 Q. From what you observed, were the supporters civilians or  
7 fighters?

8 A. Civilians were supporting, and also fighters, they are  
also  
9 supporting.

16:13:52 10 Q. Are you able to give this Court an idea of how many  
people  
11 were mining in both the three-pile and two-pile when you were  
in  
12 Tongo?

13 A. No, Tongo is a very large area. It's a very large area.

14 Q. Well, can you estimate? Was it tens or hundreds,  
16:14:12 15 thousands? Are you able to say?

16 A. Hundreds.

17 Q. And the civilians you saw mining --

18 A. Pardon?

19 Q. The civilians that you saw mining?

16:14:30 20 A. Whether they are use on mining?

21 Q. No, no. Did you see civilians mining with your own  
eyes?

22 A. Yes.

23 Q. What were the conditions like for the civilians you saw  
24 mining?

16:14:40 25 A. The condition was the same as how the soldier is mining,  
as  
26 long as you have decided to mine. You either operate under  
the  
27 two-pile system or the three-pile system as I have already  
shown  
28 you. Where you are working, you need to do expenditure, you  
are  
29 qualified for that three-pile system, knowing that only that  
law

one 1 was applicable to only soldiers. It was for everybody. No

2 was exempted.

3 Q. And where were these civilians living, these miner  
4 civilians?

16:15:21 5 A. When they go into the working site in the morning, then  
6 they will return back in their homes.

7 Q. Was there any restriction on when they could return to  
8 their homes?

9 A. No.

16:15:30 10 Q. Was there any restriction on whether they could leave  
11 Tongo?

12 A. No.

13 Q. Where could they go from Tongo without restriction, when  
14 you were there?

16:15:43 15 A. They are allowed to go -- they are not -- they are  
allowed

16 not to go towards the CDF controlled areas, but any area where  
17 the combined forces of the RUF is, you know, occupying, they

are

18 free to go there.

19 Q. What about Kenema?

16:16:03 20 A. That is what I'm saying; they are free to go there.

21 Q. Did civilians go to Kenema when you were there?

22 A. They'd go there. Vehicles travelled from Kenema coming  
23 into Tongo.

24 JUDGE BOUTET: Haven't we been through that yet,  
16:16:17 25 Mr Jordash? I thought he has testified people were travelling  
26 Kenema, big business, they would come and go.

27 MR JORDASH: That was when the witness was in Kenema. I  
28 just -- to my mind this was, is the most crucial indicator of  
29 everything, so that's why I wanted to ensure that I covered it

at

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1 this time.

2 Q. And yourself, Mr Witness, did you mine?

3 A. Yes, I did mine.

4 Q. Did you mine alone, yourself, or --

16:17:08 5 A. I was having men who were mining for me, who were  
6 civilians.

7 Q. How many?

8 A. They are -- they are five in number.

9 Q. Where did they live?

16:17:17 10 A. Pardon?

11 Q. Where did they live?

12 A. Where did they live?

13 Q. Yes.

14 A. They were living with me.

16:17:23 15 Q. In your house?

16 A. Yes.

17 Q. What was your relationship like with them?

18 A. Oh, very much cordial.

19 Q. What were the conditions of their mining?

16:17:44 20 A. Well, before ever we start mining, you know, they met  
with  
--  
up  
when  
who  
16:18:05 25 is responsible for everything. So I accepted their boarding  
and  
26 they were living with me.

27 Q. What did you supply to these five?

28 A. Well, any one person is entitled to three cups. One cup  
in  
29 the morning, then two cups in the evening.

1 PRESIDING JUDGE: One cup of what?

2 THE WITNESS: Rice.

3 MR JORDASH:

4 Q. Did you supply anything else?

16:18:33 5 A. Pardon?

6 Q. Well, you've told us they lived with you, you supplied  
them

7 with rice; did you give them anything else?

8 A. Yes. Certain time I give them --

9 PRESIDING JUDGE: So you said they were entitled to  
three

16:18:40 10 cups of rice; per day?

11 THE WITNESS: Per day. Apart from that, I even provide  
12 cigarettes for them. Those of them who can able to drink, I  
buy

13 poyo for them and drink it.

14 MR JORDASH:

16:18:59 15 Q. What was their attitude to mining with you -- for you?

16 A. Well, they were happy to mine with me, because the way I  
17 was living -- behaving with them, you know, made them to grow  
18 much love over me.

19 Q. What happened to the diamonds they found?

16:19:24 20 A. Well, the diamonds which they found, we went into a  
21 negotiation. But I was able to negotiate with them and we

other 22 finally came to a conclusion wherein we did not go to any

23 person to buy it.

24 Q. And when you first arrived in Tongo on this --

16:19:50 25 PRESIDING JUDGE: So for all the diamonds they found,  
you

26 agreed on the price?

27 THE WITNESS: We agreed on the price.

28 PRESIDING JUDGE: For all those, there was no dispute  
with

29 anyone?

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1 THE WITNESS: There was no dispute.

2 MR JORDASH:

3 Q. Are you able to say, Mr Witness, how many days, weeks or  
4 months these civilians were working for you?

16:20:16 5 A. They are working with me until the time when we are  
finally

6 pushed out.

7 Q. Do you know how many days, weeks or months,  
approximately?

8 A. I will not be specific for the month, but they spend

9 sometimes a long time with me anyway. And even today, some of

16:20:43 10 them, although not all of them are in the mining area, but  
some  
11 of them that comes across me, they bring to call my attention  
12 that they want to work with me.

13 PRESIDING JUDGE: Let me get this clear.

14 THE WITNESS: Yes.

16:20:59 15 PRESIDING JUDGE: You did not have a pile system; you  
16 bought the diamond.

17 THE WITNESS: I'm entitled to the pile system.

18 PRESIDING JUDGE: But what happened in your case? You  
said  
19 you always agreed on the price. They sold the diamond to you,  
16:21:13 20 which means that you agreed on the price and you bought the  
21 diamond. That was it.

22 THE WITNESS: That is what I'm saying. I have told you  
23 before that we are all entitled to one pile: The civilian and  
24 the labourers and the supporters. There is a law between we,  
the

16:21:31 25 supporter, and the labourers. Any diamond that is found in  
the  
26 gravel, the supporter has to buy it. If at all you did not  
come  
27 to one conclusion, that will be the time --

28 PRESIDING JUDGE: Okay. After you have bought it, then  
29 what happens? They bring it, you have bought it, what  
happens?

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1 To who do you give the money, to them?

2 THE WITNESS: Well, I -- we have to negotiate for the  
3 price. Whatever price they call that they want -- sought an  
4 amount of money for this particular diamond, we have to  
16:22:08 5 negotiate. If at all the price is not reasonable, I can say,

6 "This diamond is not valued to that amount. I think let me  
7 this." They will say, "No, let pay this." You know, we can  
8 into that argument until finally what is acceptable to them,  
then

9 I also -- I feel far more comfortable accepting it. When I  
buy  
16:22:28 10 -- I bought the diamond from them, I have to sell it, take  
away  
11 their own money and give to them. The balance is for me.

12 JUDGE BOUTET: The balance of what? You paid them  
money.

13 THE WITNESS: I paid their own money.

14 JUDGE BOUTET: What kind of money do you -- what money  
are  
16:22:50 15 we talking about here?

16 THE WITNESS: The money -- the diamond which have been  
17 sold.

18 JUDGE BOUTET: Yes. You pay in American dollars, in  
19 leones?

16:22:57 20 THE WITNESS: They are part of -- we sell in leones.

21 JUDGE BOUTET: In Leones?

22 THE WITNESS: Yes.



23 JUDGE BOUTET: How much -- what's the average paid for a  
24 diamond, you would pay? Average price. Give us an example.

I

16:23:06 25 mean, if there's --

26 THE WITNESS: Well, at first we receive 50 per cent of  
27 diamond, although it was not so good to that extent. They ask

me

28 to pay 3 million leones. I say, "Well, this diamond is too

small

29 for that particular amount." I say, "If you don't believe me,

I

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1 will even give you the diamond, let you go and sell it and

then

2 you bring it." They say, "No, you are our man. At least let

us

3 negotiate." Then we negotiated. I sold -- they sold it on me

at

4 120,000 leones, then I went and sold it for 200,000 leones.

16:23:45 5 JUDGE BOUTET: You sold it afterwards.

6 THE WITNESS: Yes.

7 PRESIDING JUDGE: And then what do you come to -- you

start

8 selling, you still come back and you give them money?

9 THE WITNESS: No, the money which I give them is their

own

16:23:55 10 share.

11 JUDGE BOUTET: The 120?

12 THE WITNESS: Yes.

13 JUDGE BOUTET: The example you gave, you gave them 120  
for

14 that diamond?

16:24:02 15 THE WITNESS: Yes.

16 JUDGE BOUTET: That was their share?

17 THE WITNESS: That is their own money. The 80,000 leone  
is

18 mine.

19 JUDGE BOUTET: That's right. The price that you sell it  
16:24:11 20 for after that is yours?

21 THE WITNESS: Is mine, yes.

22 JUDGE BOUTET: Okay. But you are the supporter; that's  
23 what I understand in this scenario.

24 THE WITNESS: Yes.

16:24:20 25 JUDGE BOUTET: So you are in a two-pile or a three-pile  
26 system now?

27 THE WITNESS: Well, if at all I'm working at the area  
28 where --

29 JUDGE BOUTET: No, but you said, "When I was there I was

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1 mining."

2 THE WITNESS: Yes.

3 JUDGE BOUTET: Where? Cyborg pit is two-pile and  
elsewhere

4 is three-pile, is it?

16:24:35 5 THE WITNESS: Yes.

6 JUDGE BOUTET: So are you mining at Cyborg or some other  
7 places?

8 THE WITNESS: I mine at Cyborg.

9 JUDGE BOUTET: So you're mining at Cyborg?

16:24:43 10 THE WITNESS: I mine at Cyborg, then later I mine at  
other

11 areas.

12 JUDGE BOUTET: Oh, you did at both?

13 THE WITNESS: I did both.

14 JUDGE BOUTET: So you had two groups of people working  
for

16:24:49 15 you?

16 THE WITNESS: One group of people.

17 JUDGE BOUTET: How long were you there for the mining?

18 THE WITNESS: It was later when I changed my plan. You  
19 know, Cyborg was having diamond, but the diamonds were small,  
16:24:58 20 small. Most of them are not even good. They are not having  
21 their original colour. So I decided let us withdraw and, you  
22 know, try to the other areas. Maybe we will be fortunate to  
get

23 bigger ones. That was why I, you know, moved from Cyborg.

24 JUDGE BOUTET: I'm just again trying to follow your  
16:25:17 25 evidence. So, the first time you went to Tongo, did you mine  
or

26 not?

27 THE WITNESS: No, I did not mine.

28 JUDGE BOUTET: So the mining you did is when you came  
back?

29 THE WITNESS: When I came back, yes.

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1 JUDGE BOUTET: And you were there for a longer time?

2 THE WITNESS: Yes.

3 JUDGE BOUTET: And the group of people, the five workers  
4 that were with you --

16:25:34 5 THE WITNESS: Yes.

6 JUDGE BOUTET: -- they mined at different places, Cyborg  
7 and elsewhere?

8 THE WITNESS: Yes.

9 JUDGE BOUTET: Okay. But elsewhere you had a three-pile  
16:25:41 10 system?

11 THE WITNESS: Yes.

12 JUDGE BOUTET: What was your role then? You're still a  
13 supporter?

14 THE WITNESS: Yes, I'm a supporter. But even myself, I  
16:25:51 15 also have a person who is assisting me.

16 JUDGE BOUTET: But you told us that in the three-pile  
17 system you have the supporter who shares with the labourers.

18 THE WITNESS: Yes.

19 JUDGE BOUTET: And you have the owner and expenditure  
who  
16:26:07 20 gets a pile.

21 THE WITNESS: Yes.

22 JUDGE BOUTET: And then you have the security pile, RUF  
23 security pile.

24 THE WITNESS: Yes.

16:26:12 25 JUDGE BOUTET: Who's the owner or expenditure owner?

26 THE WITNESS: The person who provide the petrol or  
diesel,  
27 machine and engine oil, he is qualified for that pile.

28 JUDGE BOUTET: So you are not that person; you are the  
29 supporter.

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1 THE WITNESS: I am only a supporter. I only have  
dealing  
2 with the labourers. The pile that the labourers is entitled  
to,  
3 the labourers, is the same pile that is entitled to me and  
them.

4 JUDGE BOUTET: Yes, yes. The pile that you have is a

16:26:47 5 half-and-half pile?

6 THE WITNESS: Exactly. That is why, in fact, when we  
did  
7 not come to agreement over the diamonds, that is why we can  
even  
8 go to a neutral place. We sell the diamond there in front of  
9 them. So from there we go into equal share. They take one  
10 portion. I also took one portion.  
11 JUDGE BOUTET: It's okay, Mr Jordash.  
12 MR JORDASH: Thank you, Your Honour.  
13 JUDGE BOUTET: Not always easy to follow this kind of  
14 evidence because, again, it was confusing. I thought what the  
16:27:05 15 witness was talking about was when he first got there to Tongo  
he  
16 got into mining, but it seems not to be the case at all.  
17 MR JORDASH: Your Honour, yes.  
18 Q. I want to try to press you on the time period that you  
were  
19 mining or were observing civilians mining in the way you've  
16:27:21 15 witness was talking about was when he first got there to Tongo  
he  
20 described. Was -- are you able to concentrate and focus on  
when  
21 you arrived in Tongo and began mining?  
22 A. You mean the time?  
23 Q. Yes, which month? We know we're in 1997, but which  
month,  
24 do you know?  
16:28:14 25 A. I'm not able to --  
26 Q. Okay. Right. I won't press you. During the time you  
were  
27 in Tongo, did you see any of the laws, the RUF laws being  
28 breached in relation to civilians?  
29 A. Yes.

1 Q. What did you see?

2 A. As I told you, the G5, that is the work of the G5.

3 Q. No, what I'm asking is, did you see any crimes against  
4 civilians?

16:28:58 5 A. Which was committed?

6 Q. In relation to -- let's be specific -- in relation to  
the  
7 mining?

8 A. Yes, there was -- there were, you know, fighting  
happening  
9 within the mining site. Fight, physical -- I mean physical  
16:29:11 10 fighting. This sometimes occurs during boundaries.

11 Q. Between who?

12 A. Between the miners.

13 Q. Civilians or fighters or both?

14 A. At the time there was miners because when somebody is  
16:29:28 15 mining he is not going to use his -- he is not going with the  
16 intention of saying, "I'm a soldier," and this and that, so  
when  
17 he will go there he will treat everybody as a civilian.

18 Q. And were there any men with guns --

civilian? 19 PRESIDING JUDGE: Who was treating everybody as a

16:29:45 20 THE WITNESS: Pardon?

civilian? 21 PRESIDING JUDGE: Who was treating everybody as a

22 THE WITNESS: We are not going to differentiate whether  
23 this person is a soldier or a civilian. Everybody will be  
24 treated. That means, the same way that the law calls for is  
the

16:30:01 25 same way that everybody will abide with the law.

26 PRESIDING JUDGE: I see.

27 MR JORDASH:

28 Q. Were there any guns actually in the mining pits that you  
29 observed?

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1 A. No.

2 Q. Were there any men with guns near the mining pits as you  
3 observed?

4 A. Yes.

16:30:19 5 Q. What were they doing?

Cyborg 6 A. At one time we were in -- MPs were assigned at the

7 pit.



8 PRESIDING JUDGE: When you say "men with guns", you mean  
9 armed men?

16:30:33 10 THE WITNESS: Yes, that is what I'm saying.

11 MR JORDASH:

12 Q. You were saying that the MPs were assigned?

13 A. At the Cyborg pit.

14 Q. Why?

16:30:40 15 A. That is the only area where, you know, men were assigned  
16 there with gun.

17 Q. Why was that?

18 A. And that was the MP. The Cyborg area was very close to  
the  
19 playing field, and the playing field was a place wherein NDMC  
was  
16:30:57 20 using to come and learn there. So when this mining -- people  
21 suspected that there is diamonds went towards the playing  
field,  
22 I think it became so alarming, everybody was concentrating on  
the  
23 playing field. People started to destroy the playing field.  
So  
24 that was the time when security was sent there to stop anybody  
16:31:18 25 that is mining in that particular area.

26 Q. Now, the committee, did you see the committee working?

27 A. Whether the committee, whether I saw them working?

28 Q. Yes.

29 A. They were doing serious work.

1 Q. And the serious work they did?  
2 A. They have to, in fact, some of the fightings over  
3 boundaries, they are the people, immediate people who comes  
there  
4 in order to try to solve this problem. That is their  
16:31:47 5 responsibility.  
6 Q. Did you see the relationship the committee had with the  
7 civilians who were mining?  
8 A. Yes. Everybody was treated according to the law binding  
9 the mining.  
16:32:05 10 Q. Was there a civilian, a head civilian on the committee?  
11 A. Yes.  
12 Q. Who was that?  
13 A. I know about one civilian who is Morrison Farmer.  
14 Q. Was there a soldier head on the committee?  
16:32:21 15 A. Yes. Momopleh was a -- the soldier who was in charge of  
16 the soldiers. He was not actually a soldier, but he was very  
17 close to soldier, so he was appointed to be in that particular  
18 committee.  
19 Q. Did anything happen with Monpleh?  
16:32:39 20 A. Yes.  
21 Q. What happened?  
22 A. After, when Momopleh have known that he has received a  
23 loss -- a loss of diamond, you know, which was from the  
security

24 pile, he did -- he ran away with the diamonds.

16:33:00 25 Q. Did the mining committee have anything to do with the  
G5?

26 A. They are all operating hand-in-hand.

27 Q. Well, in what way? Can you please describe?

28 A. For example, there are certain times when the government  
29 pile, they needs to wash the gravel. So the mining committee

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1 have to tell the G5 that now this is the government pile, we  
need

2 for men to come and wash this gravel. So the mining committee

3 have to tell the G5 and the G5 will go and tell the civilian

4 authorities, as they are all aware of they are working for the

16:33:51 5 government to wash the government pile. So he has to tell  
them

6 that we need men to come and do this work. So in the morning

7 they will -- they will send their -- contribute their  
manpower.

8 They will call all men and assemble at one place before ever  
they

9 all went to go and do their work.

16:34:10 10 Q. And how were these assembled civilians treated when  
going

11 to wash the government pile?

They 12 A. When, as the proverb says, an empty bag cannot stand.  
13 have to be provided with food.  
14 Q. Sorry, go on.  
16:34:27 15 A. They have to be provided with food. And even those that  
that 16 can, you know, drink, they have to provide beverage for them  
17 they can drink.  
18 Q. And what was the attitude, as you observed, of the  
19 civilians who did this work?  
16:34:44 20 A. Well, it was cordial, very nice. There was no objection  
to 21 that because they all recognised that they have to do that.  
If 22 at a certain time when the work is going there, you know, they  
23 sing some, you know, songs, interesting songs, to make the  
work 24 become so easier.  
16:35:15 25 Q. And were there any hospitals or the like in Tongo at  
this 26 time?  
27 A. Yes, hospitals, they are there and also pharmacies they  
are 28 there. But the hospital which was operating at that time was  
the 29 hospital which is funded by the RUF.

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1 Q. Was the -- did you have to pay for treatment?

2 A. No pay. Treatment is --

3 PRESIDING JUDGE: In Tongo?

4 THE WITNESS: Yes.

16:35:51 5 MR JORDASH:

6 Q. And who could be treated for free?

7 A. Everybody, whether you be soldier, civilian, as long as  
you  
asks  
It

8 are sick you are liable to go there for treatment. Nobody

9 you for money. In fact, that did not start in Tongo alone.

16:36:10 10 was a -- the motive of RUF to provide medication for the  
people.

11 So even in the beginning, this was going on there.

12 Q. And what about schools? Does any --

13 A. Schools, primary schools were existing. It was only  
14 secondary school that was not existing.

16:36:28 15 Q. Which children went to the primary school?

16 A. Yes, children go to the primary schools.

17 Q. Fighters or civilian children?

18 A. Also fighter -- the children of the fighters also go to  
19 schools.

16:36:40 20 Q. When you say "also" are you saying civilians also?

21 A. Pardon?

22 Q. Did civilian children go to the school?

23 A. Yes, when you were asking about the fighters' children,  
24 that is why I say that.

16:36:53 25 Q. Did anyone pay to go to the school?  
26 A. No, education was free, even in terms of stationeries,  
it 27 is the responsibility of the RUF to provide these things for  
28 them.  
29 Q. Do you know what happened to the SLA/RUF diamonds  
recovered

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1 from the SLA/RUF pile?  
2 A. Yes. This diamond is taken to Eddie Kanneh, who was the  
3 Honourable for Kenema. Then from there he will call upon  
4 Sam Bockarie. They have to sit together and arrange about the  
16:38:08 5 diamonds.  
6 Q. Do you know what Sam Bockarie did with it?  
7 A. Pardon?  
8 Q. Do you know what Sam Bockarie did with the diamonds?  
9 A. The diamonds? When a diamond is sold then the money is  
16:38:17 10 used to purchase food, medicine and other items needed for the  
11 people.  
12 Q. Did you, at any time you were there, observe whether  
13 Issa Sesay had anything to do with these diamonds? Did you  
14 observe anything?

16:38:39 15 A. Issa Sesay was not there at that time, you know. Issa  
was

16 not there.

17 Q. He wasn't there, but did you observe whether he had  
18 anything to do with the diamonds?

19 A. No, no.

16:38:52 20 Q. No, you did not observe, or no you saw nothing? What?

21 Explain please.

It 22 A. I did not observe anything. That is diamond business.

23 is not open -- it is not openly discussed. These are all, you

24 know, only big men, you know, made the decision for that.

16:39:09 25 Q. What does that mean?

26 A. That means not all the time I will be able to even get  
27 information about that.

28 Q. But from what you saw?

29 PRESIDING JUDGE: But how did you get your information

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1 about Eddie Kanneh and Bockarie meeting and planning about the  
2 use of diamonds?

3 THE WITNESS: About the use of --

used 4 PRESIDING JUDGE: And that the diamonds were sold and

16:39:28 5 to buy drugs and food for people.

6 THE WITNESS: Well, after everything, Sam Bockarie  
briefed

7 us that this is the --

8 PRESIDING JUDGE: You should try to provide an answer to  
9 what counsel is asking you. If he asks you about a particular  
16:39:46 10 person, provide an answer, please.

11 MR JORDASH:

12 Q. Did you observe -- you've talked about Eddie Kanneh;  
you've

13 talked about Sam Bockarie.

14 A. Yes.

16:39:53 15 Q. What I'm asking is whether you saw or heard anything to  
16 suggest Issa Sesay had anything to do with this?

17 A. No.

18 Q. No.

19 A. Yes.

16:40:03 20 Q. Thank you.

21 PRESIDING JUDGE: Issa Sesay had nothing to do with  
22 diamonds?

23 THE WITNESS: Yes.

24 JUDGE BOUTET: Did -- you say this because you did not  
see

16:40:20 25 anything or what, you say no. The question was, did you  
observe

26 or did you see while you were there?

27 THE WITNESS: I didn't see. I didn't see.

28 JUDGE BOUTET: Thank you.

29 PRESIDING JUDGE: And if you say you didn't see, you  
mean



1 you did not see him doing anything that involved diamonds?

2 THE WITNESS: Yes.

3 MR JORDASH:

4 Q. Did you hear of anything?

16:41:02 5 A. About?

6 Q. About his involvement. I'm not suggesting he was, I'm

just

7 asking you whether you saw or heard anything which suggested

he

8 had a part to play in this transfer of diamonds?

9 A. No, that was not to my knowledge.

16:41:19 10 Q. All right. Thank you.

11 PRESIDING JUDGE: You heard nothing?

12 THE WITNESS: Exactly.

13 MR JORDASH:

14 Q. What were the children doing in Tongo, that you

observed,

16:41:35 15 besides going to school? Were they doing anything else?

16 A. Yes, some of the children with whom were not going to

17 school were taken by care of the RUF. This is mostly those

18 war-affected children.

going 19 PRESIDING JUDGE: Some of the children who were not

16:42:01 20 to school.

care 21 THE WITNESS: Yeah, they take -- they were being taken  
22 by the RUF.

23 PRESIDING JUDGE: Were being taken care for by the RUF.

24 THE WITNESS: Yes.

16:42:11 25 MR JORDASH:

26 Q. Were there any rules about what should happen with  
27 children?

was 28 A. Yes. Children, most especially these children, there

29 the G5, before ever you should get these children, the G5 was

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1 there to make sure that these children are put into  
institutions.

2 For those who have no chance -- who are not put into  
3 institutions, they will live with the commanders or other  
4 personalities within this township. But this will be closely

16:42:59 5 monitored by the G5. And, in fact, it came to a time wherein

you 6 there was a law that any person, that he or she has a child,

7 will carry him to the school as the school is free, nobody is  
8 going to pay.

9 JUDGE BOUTET: You've referred to these children as --  
is

16:43:23 10 that what you've said, children affected by war, that's the  
way  
11 you described these children?

12 THE WITNESS: Yes, yes. They are children who their  
parent  
13 lost from them. They don't have nobody to stay with. So the  
RUF  
14 will not see these people going astray. They will call upon  
16:43:39 15 them.

16 MR JORDASH:

17 Q. Was anything said about what should or should not be  
done  
18 with them in the house?

19 A. Yes.

16:43:56 20 Q. What?

21 A. They were not as slaves. They were not there in the  
house  
22 as slave or a houseboy. They are only there for their safety.

23 PRESIDING JUDGE: They were not there as slaves?

24 THE WITNESS: And the active --

16:44:14 25 PRESIDING JUDGE: Wait, they were not there as slaves?

26 THE WITNESS: Yes.

27 PRESIDING JUDGE: Nor were they there as houseboys?

28 THE WITNESS: Neither they are there as houseboy.

29 PRESIDING JUDGE: They were there for their safety?

1 THE WITNESS: Yes.

2 MR JORDASH: I just notice the time. If I can assist  
the  
3 Court, I've probably got about 30 minutes left.

4 PRESIDING JUDGE: Thirty?

16:44:44 5 MR JORDASH: Three zero.

6 PRESIDING JUDGE: So you are likely to wrap up by the  
close  
7 of this session --

8 MR JORDASH: The best --

9 PRESIDING JUDGE: For today.

16:44:51 10 MR JORDASH: The best part of it, I think, for sure.

11 PRESIDING JUDGE: Not -- everything. Everything, I  
hope,  
12 you know.

13 MR JORDASH: I think actually, yes, everything, yes.

14 PRESIDING JUDGE: Because Where we were, we had our eyes  
on

16:45:07 15 the clock as well. But we wanted you to go and see -- we saw  
you  
16 maybe coming to -- towards the conclusion of your direct, you  
17 know.

18 MR JORDASH: Yes, I will finish.

19 PRESIDING JUDGE: Anyway, the Chamber will recess for a  
16:45:33 20 couple of minutes. We will resume shortly.

21 [Break taken at 4.40 p.m.]

22 [RUF22NOV07E - JS]

23 [Upon resuming at 5.10 p.m.]

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

17:14:35 25 MR JORDASH: Thank you.

26 Q. Mr Witness, you've told us that you were in Tongo until  
the

27 intervention; is that correct?

28 A. Yes.

29 Q. What happened in Tongo to cause you to leave?

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1 A. Pardon?

2 Q. What happened in Tongo to cause you to leave?

3 A. We were attacked by the CDF.

4 Q. Who left Tongo when you left Tongo?

17:15:20 5 A. When we left Tongo?

6 Q. Yes. Let's just deal with the first time you left. We  
7 know that you returned again, but the first time you left?

8 A. Yes.

9 Q. Who left with you or at the same time as you?

17:15:34 10 A. I'm not understanding.

11 Q. You left Tongo because the CDF attacked?  
12 A. Yes.  
13 Q. And you went to Kenema?  
14 A. Yes.  
17:15:42 15 Q. And then you re-attacked Tongo and took it over again?  
16 A. Yes.  
17 Q. When the first attack by the CDF took place, did you go  
to  
18 Kenema with others?  
19 A. The first attack on the CDF?  
17:15:57 20 Q. The CDF attacked Tongo; is that right?  
21 A. Yes.  
22 Q. You left?  
23 A. Yes.  
24 Q. Did you leave with anyone else?  
17:16:04 25 A. Did I leave with anyone else to Kenema?  
26 Q. Yes.  
27 A. Yes. We retreated in groups.  
28 Q. Who retreated?  
29 A. The men.

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1 Q. Which men?

2 A. The fighters.

3 Q. Anybody else?

4 A. Then also some civilians move along with us.

17:16:25 5 Q. Why did the civilians leave?

6 A. They were afraid of their life.

7 Q. From who?

8 A. From the CDF.

9 Q. How many soldiers and how many civilians left to go to

17:16:38 10 Kenema?

11 A. Well, it was a mass pull-out. I cannot able to show you

12 the exact.

13 Q. Tens, hundreds, thousands; are you able to give an idea?

14 A. Hundreds.

17:17:00 15 Q. And the civilians, tens, hundreds?

16 A. Hundreds.

17 Q. Hundreds. And you stayed in Kenema and then there was a

18 re-attack on Tongo?

19 A. Exactly.

17:17:04 20 Q. Who organised the re-attack?

21 A. It was Sam Bockarie.

22 Q. And the attack was successful, you've told us?

23 A. Exactly.

24 Q. But then at some stage the CDF attacked again?

17:17:27 25 A. That is on -- after the second patrol?

26 Q. Yes.

27 A. Yes, they attack again.

28 Q. And who left Tongo at this time on the second attack?

29 A. That was the CDF.

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1 Q. It's late in the day, Mr Witness, but stay with me.

2 Concentrate and we will be finished in 15 minutes.

3 A. Okay.

4 JUDGE BOUTET: But I don't think, Mr Jordash, that he  
said

17:18:01 5 that the CDF had been successful. Your question assumed the  
CDF

6 was successful to push them out but I think that may be some  
of

7 the confusion.

8 MR JORDASH: Right. Okay. I'll clarify that, Your  
Honour.

9 Q. You're back in Tongo; yes?

17:18:22 10 A. Yes.

11 Q. What happened to make you leave the second time?

12 A. The second time we are less with manpower. Then also we  
13 are not having enough ammunition to defend the ground.

14 Q. So was there another attack by the CDF?

17:18:46 15 A. So when the CDF attack also we are not able to stand so  
we

16 retreated.

17 Q. Who retreated?



the  
18 A. The combined forces of the RUF and the AFRC, including  
19 civilians.

17:18:58 20 Q. Again, tens, hundreds or thousands of people left at  
this  
21 time?

22 A. Well, this time now they were not too much. I think in  
23 their tens, yes.

24 Q. And again, why did the civilians leave?

17:19:15 25 A. They were afraid of their lives.

26 Q. And where did you go?

27 A. Well, I went as far as Manowa Junction.

28 Q. Did you go via any place? Did you go back to Kenema?

29 A. Yes, I went to Kenema, but Manowa Junction was the

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1 defensive position.

2 Q. And did you pull out of Kenema?

3 A. Yes, we pull out of Kenema after ECOMOG and CDF started  
4 attacking the position, our position in Kenema.

17:19:47 5 Q. And describe who pulled out and how it happened?

6 A. When the combined forces of the AFRC and the RUF pull  
out,

7 it was during the night hours when ECOMOGs were shelling  
8 severely. They took us on our rears, at night. We were not  
even

9 able to collect most of our items. We ran away.

17:20:16 10 Q. Who ran away?

11 A. I mean, the combined forces of the RUF and the AFRC.

12 PRESIDING JUDGE: Actually, they too met some government  
13 property there?

14 THE WITNESS: Exactly.

17:20:30 15 MR JORDASH:

16 Q. And describe the scene; it's the night-time, you're  
pulling  
17 out.

18 A. It was a night-time. Around then, from 12.00 within the  
19 hour, 12.00 and 1.00 time. That was the time.

17:20:51 20 Q. And was there any order to the pull-out?

21 A. Well, order did not come officially but when the tension  
22 was high, you know, as a guerrilla you just have to retreat  
and  
23 we hope -- and have a better chance again for another fight.

So

24 we know that we cannot able to stand the tension because they  
are

17:21:24 25 heavily armed and their firing position was so heavy on us so  
we

26 cannot able to bear with it. And more especially when the  
attack  
27 was at night wherein it was very surprising to us.

28 Q. So there wasn't an order, but when the movement is going  
29 from Kenema, was it organised or was it disorganised?

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1 A. The movement from Kenema to Tongo, whether it was  
2 organised?

3 Q. From Kenema towards Kailahun.

4 A. Towards Kailahun, it was not organised. Everybody was,  
you

17:21:55 5 know, was fighting for his life. The only time or any place  
was

6 organised when we all came and met at Segbwema and Daru and  
that

7 was the time we begin to remember about arranging ourselves.

8 Q. And who were you arranging as you left to Kenema? Were  
you

9 responsible for anyone? Without naming them, were you

17:22:20 10 responsible for anyone?

11 A. For?

12 Q. Were you responsible for any people?

13 A. Who I was moving with?

14 Q. Yes.

17:22:28 15 A. Yes, I was having men under my control. Yes, some of  
them

16 joined with me.

17 Q. What about civilians; were you responsible for any?

18 A. Well, those that happens to come with me, were fortunate  
to

19 meet me, I pull out with them as far as Segbwema.

17:22:46 20 Q. Why did you pull out with these civilians?  
21 A. They also were afraid that if at all they stay in the  
town  
22 and the CDF happens to capture the town, see, definitely they  
23 will harm them because they have been used to us and we have  
been  
24 interacting together, so they were afraid that they might be  
17:23:09 25 point out, that the people might kill them, that was why they  
26 follow us.  
27 Q. Did you know these civilians who came with you?  
28 A. Yes, I know a few.  
29 Q. Without naming them or indicating who they were, how did

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1 you know them?  
2 A. Well, some of them were living very close to some of my  
3 friends who were in the town. So when this thing became so  
4 alarming, so they thought I would be the right person in order  
to  
17:23:44 5 assist them to reach where they were going.  
6 Q. Right. And as you've told us, you end up in Baima, am I  
7 right? Yes?  
8 A. Yes.  
9 Q. And you have had told us you were reporting to Eagle?

17:24:10 10 A. Yes.

11 Q. And did there come a time when Issa Sesay came anywhere  
12 near you?

13 A. Yes.

14 Q. Where was he?

17:24:22 15 A. He was in Pendembu.

16 Q. In Pendembu. And are you aware of any orders that  
17 Issa Sesay gave while he was in Pendembu?

18 A. Well, I received two information about his staying in  
19 Pendembu.

17:24:45 20 Q. Are these orders that he gave? That's what I'm asking  
you  
21 about. Did you hear --

22 A. Whether Issa was giving orders?

23 Q. Did you hear of any orders he gave concerning soldiers  
24 whilst he was in Pendembu?

17:24:59 25 A. Yes.

26 Q. What were they?

27 A. He gave an order that no soldier will not retreat from  
the  
28 front line without proper document. Then, at the same time,  
no  
29 soldier will not harass any civilian because there were  
civilian

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met  
those  
1 who were living very close to us from the PC ground, and they  
2 with civilians, so he was advising us very strongly towards  
3 civilians also, that we should take great care of them.

4 Q. And was that order enforced?

17:25:41 5 A. Whether it was enforced, the order?

6 Q. Yes.

7 A. Oh, yes. That was why MPs were there to monitor whether  
8 the order is enforced.

9 Q. Did you know someone called O'Jalley?

17:26:00 10 A. Yes, I know O'Jalley.

11 Q. What was he doing there?

12 A. O'Jalley was the MP commander in Pendembu.

13 Q. Was he working?

14 A. He was working.

17:26:13 15 Q. Did you observe him working?

16 A. What type of work do you mean?

doing?  
17 Q. Well, you tell us. It's your evidence. What was he

18 A. He was an MP commander so he was dealing with his MP  
19 affairs.

17:26:28 20 Q. Which were?

21 A. To make sure that these laws are respected; then any  
22 law-breaker must be disciplined.

23 Q. Right. Do you know where Sesay was living in Pendembu?

24 A. Yes, Sesay was also living in Pendembu.

17:26:51 25 Q. Did you go to his house?

26 A. Yes, I know the place -- he was living -- there was a  
27 bypass leading to Jinjama. That was the place he was living.  
28 Q. And did you see who he was living with?  
29 A. Yes, I saw people who he was living with.

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1 Q. Who was he living with?  
2 A. Well, I saw his wife and also his securities and other  
3 civilian authorities.  
4 Q. And his securities, how old were they?  
17:27:32 5 A. Pardon?  
6 Q. How old were his securities?  
7 A. Well, from 22 to 35.  
8 Q. Were there any children at his house?  
9 A. Yes, he was having his children of his relatives.  
17:27:50 10 Q. Did you see what they were doing?  
11 A. Some were staying with him, going to school.  
12 Q. I think this is the last subject I want to ask you  
about.  
13 Were you aware of Sesay attacking Kono at any time?  
14 A. Yes, I heard about the information when I was at the  
front  
17:28:30 15 line.

16 Q. Which front line were you at?  
17 A. That was on -- at Baima.  
18 Q. And around that time, did anything happen in Daru?  
19 A. Yes. Daru, we go -- we went and fight at Daru but  
before  
17:28:53 20 ever we went there to fight at Daru, you know, the ECOMOG were  
21 shelling towards our location, so this was so serious that we  
22 also decided to go and run an operation.  
23 Q. Who's "we"?  
24 A. By attacking them.  
17:29:15 25 Q. Who commanded the operation?  
26 A. Well, it's Colonel Eagle was the commander.  
27 Q. And at the time of this attack on Daru, where was Sesay?  
28 A. Sesay was in Pendembu.  
29 Q. Was Sesay involved in the attack on Daru?

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1 A. No, he was not involved.  
2 Q. Were you involved in the attack on Daru?  
3 A. Yes, I went there.  
4 Q. Was anyone killed on the attack in Daru?  
17:29:49 5 A. Some of our men sustained bullet wounds.



6 Q. And what about civilians; anything happen with them in  
7 Daru?

8 A. No, I did not saw any civilian with any problem.

9 Q. And this attack in Daru, were you aware of any other  
17:30:15 10 attack -- sorry, let me start that again. What year was this,  
11 the attack on Daru?

12 A. That was now -- I think 1998.

13 Q. And had there been, as far as you're aware, any other  
14 attacks on Daru in 1998 before this attack?

17:30:39 15 A. Yes, the other front line position, because we were only  
16 facing from Baima to Benduma. There are other areas that were  
17 front line which is also leading to Daru. They also carry out  
18 attacks.

19 Q. Were there any civilians involved in those attacks, as  
far  
17:31:03 20 as you're aware?

21 A. No, how can you -- you can raise civilian to a front  
line  
22 who doesn't have any idea of a weapon.

23 Q. Were there any civilians living in those places?

24 A. In the towns. Well, towards the area that the ECOMOG  
were  
17:31:20 25 expecting was that in case of any attack they might expect the  
26 rebels from this point, that area there was no civilian. The  
27 civilians were way in.

28 Q. Way in where?

29 A. In the town.

on

1 Q. And just so we're clear, at any stage during the attacks

2 Daru, did anything happen to the civilians in the town?

are

3 A. Well, that's -- I cannot able to tell much about that

4 because we did not succeed in getting the town. In fact we

17:31:50

5 seriously repelled. They did not allow us, you know, to even

6 stay long into the town.

7 Q. So did you reach the civilians in the town?

8 A. We never reached there.

17:32:04

9 MR JORDASH: Right. Your Honour, I've finished. Thank

10 you, Mr Witness. There will be more questions at some stage.

11 PRESIDING JUDGE: Thank you. Yes, Mr Ogeto, you may

12 proceed.

13 CROSS-EXAMINED BY MR OGETO:

14 Q. Good afternoon, Mr Witness.

17:32:32

15 A. Good afternoon.

Morris

16 Q. My name is Ogeto. I appear for the accused person

17 Kallon. I have very few questions for you.

18 A. Yes.

19 Q. And please try to be very brief because my questions are

17:32:48

20 also very brief.

21 A. No problem.

22 Q. I want to understand your testimony, first of all, on a  
23 number of issues. You stated that you went to Tongo soon  
after  
24 the junta in Freetown in '97; am I correct?  
17:33:18 25 A. You are not correct. Soon after the junta overtook, I  
did  
26 not went to Tongo soon after the juntas overtook. I think I  
27 explained that to you. I was first in Pendembu. After  
spending  
28 a month there I was later I went to Kenema. I was there in  
29 Kenema when I was sent to Tongo, so it takes a long -- some  
time

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1 before ever going to Tongo.  
2 Q. So it was a few months after the overthrow?  
3 A. Exactly, yes.  
4 Q. And you said that you stayed there for one week?  
17:33:54 5 A. Yes.  
6 Q. And went back to Kenema?  
7 A. Exactly.  
8 Q. And later on you went there, you were deployed in Tongo?  
9 A. Yes.  
17:34:08 10 Q. And you stayed there until you were pushed out for about

11 four days by the CDF?

12 A. No; four days by the CDF?

13 Q. I got you -- I thought you said that --

14 A. No, that was not my statement.

17:34:27 15 Q. Can you clarify then what you said? I'm sorry, I didn't

16 understand you properly.

17 A. I said I went to Tongo. Are you talking about what type

of

18 patrol because there are series of patrol. The first patrol

is

19 there. The second patrol is there. I want you to be specific

so

17:34:44 20 that I can know where to, you know, address.

21 Q. Okay. You went there the first time for one week?

22 A. Yes.

23 Q. With Sam Bockarie?

24 A. Exactly.

17:34:50 25 Q. The first patrol?

26 A. Yes.

27 Q. And then you returned to Kenema?

28 A. Yes.

29 Q. And then you were now redeployed to Tongo?

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1 A. Yes.

2 Q. And you were undertaking certain functions in Tongo?

3 A. Yes.

4 Q. And you stayed in Tongo, if I understood you well, and  
17:35:13 5 please correct me if I am wrong --

6 A. Yes.

7 Q. -- you stayed there until you were pushed out by the CDF  
8 for a while?

9 A. Yes.

17:35:20 10 Q. Am I correct?

11 A. Yes.

12 Q. And I thought you said that you were pushed out of Tongo  
13 for a period of about four days?

14 A. Yes, and we came there again.

17:35:35 15 Q. And you recaptured Tongo after the four days?

16 A. Yes.

17 Q. And you stayed there until ECOMOG, the intervention, the  
18 ECOMOG intervention?

19 A. Yes.

17:35:48 20 Q. And that will be around February 1998?

21 A. Yes, 1998, that time.

22 Q. Now, during the time you were deployed in Tongo, I  
recall  
23 you spoke about some senior officers. You called them  
advisers;  
24 do you recall?

17:36:15 25 A. Yes, yes.

26 Q. I want to mention some names here. Please tell me if  
the

27 names I'm going to mention are some of the senior officers who  
28 were in Tongo at that time.

29 A. Okay.

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1 Q. Captain Eagle; was he there?

2 A. Yes, he was there.

3 Q. Captain Manowa?

4 A. Manowa was not there.

17:36:48 5 Q. Did he at any time during your presence in Tongo --

6 A. He came at one time but he was not based there.

7 Q. He wasn't based there?

8 A. Yeah.

9 Q. Do you know where he was based?

17:37:02 10 A. Well, he was based in Kenema.

11 Q. In Kenema?

12 A. Yes.

13 Q. Thank you. What about Major Francis?

14 A. Yes, he was there. He was based there.

17:37:12 15 Q. He was RUF?

16 A. Yes.

17 Q. And Captain Eagle as well was RUF?

18 A. Yes.

19 Q. Manowa as well, isn't it?

17:37:26 20 A. No, RUF.

21 Q. RUF?

22 A. Yes.

23 Q. Now, during your stay in Togo, did you know a person  
named

24 victor Kallon?

17:37:42 25 A. Victor Kallon. Yes, I knew Victor Kallon.

26 Q. You knew him?

27 A. Yes.

28 Q. What was his position in Togo?

29 A. Well, he was operating as an MP.

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case?

1 Q. You know the accused person, Morris Kallon, in this

2 A. Yes, I know him.

3 Q. Do you know if there's any relationship between Victor

4 Kallon and Morris Kallon?

17:38:19 5 A. I don't actually know their relationship.

6 Q. If any?

7 A. No, not to my knowledge.

8 Q. Now, during the first time that you went to Tongo, the  
9 first patrol, did you see Morris Kallon in Tongo?

17:38:41 10 A. You mean the first patrol?

not 11 Q. The first patrol. Will I be correct to say that he was  
12 present?

13 A. Yes, he was not present.

14 Q. He wasn't present. After you were transferred to Tongo  
to  
17:39:04 15 undertake your duties in Tongo, did you see Morris Kallon  
16 anywhere in Tongo? If you don't -- if you can't recall,  
17 please --

18 A. I cannot able to recall.

19 Q. Did you hear of him? Again, if you cannot recall,  
please  
17:39:35 20 say so.

21 PRESIDING JUDGE: Mr Ogeto, please, allow him to answer  
the  
22 question, please.

23 MR OGETO: Thank you, My Lords.

24 Q. Can you answer the question?

17:39:44 25 A. What was your question?

26 Q. Can you repeat the answer, please?

27 A. What is your question, your last question.

28 Q. The question is: Did you hear of Morris Kallon in Tongo  
29 during the time that you were deployed there?



1 A. Yes.

2 Q. You heard of him?

3 A. I heard of him.

4 Q. In what context?

17:40:11 5 A. Well, I only heard that he went to Tongo. I think it  
was

6 only a day, then he left.

7 Q. A day?

8 A. Something like that.

9 Q. But you don't know what he went to do in Tongo?

17:40:26 10 A. Yes, I don't know.

11 Q. And you did not see him?

12 A. No.

13 Q. You stated that you were involved in mining in Cyborg  
pit;

14 that's correct?

17:40:44 15 A. Exactly.

16 Q. During the period that you were involved in mining at  
the

17 Cyborg pit, did you witness any killing of civilians by RUF  
18 forces?

19 A. No, that is not to my knowledge.

17:41:09 20 Q. So you did not hear of any killings?

21 A. Killing took place, but it was not by gun. You see,  
when

So 22 the mining was going on, you see, Cyborg is a very big pit.  
going 23 when people understood that, you know, the sand gravel is  
And 24 towards the playing field, people started to undermine it.  
17:41:38 25 very unfortunately there was a time when the dirt cut and it  
was 26 destroyed some people there.  
27 Q. So what you're saying is that there were no killings of  
28 civilians by RUF forces?  
29 A. Yes.

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witness's 1 MR JORDASH: Sorry to leap up. I didn't hear the  
2 last answer. I didn't quite --  
3 MR OGETO:  
4 Q. Witness, can you kindly repeat the last answer where you  
17:42:09 5 were explaining some killings?  
6 A. Okay. I said killing did not took place in the Cyborg  
pit  
7 by RUF men. At one time mining was going on, but it's like  
when  
8 people suspected that they know mining -- they reach sand,  
that

9  
concentrating,

17:42:36 10  
soil

11 means the sand that has diamonds, so everybody was  
12 you know, on undermining the soil. So having undermined the  
13 it reached to a certain time when there was a serious cut then  
14 one person was buried with the dirt.

15 Q. Now, here we are talking about the period when you were  
16 involved in mining at the Cyborg pit. Before you got involved  
17 in

17:43:05 15  
RUF

16 the mining, did you ever witness any killing of civilians by  
17 forces at the Cyborg pit?

17 A. No.

18 Q. Did you hear of any killings of civilians by RUF?

19 A. No, not to my knowledge.

17:43:26 20  
you

21 Q. So during the entire period, from the first time that  
22 you went to Tongo, until the intervention, you never heard about  
23 any killings of civilians by RUF forces at the Cyborg pit?

23 A. Negative.

24 Q. Did you know a soldier based in Tongo at the Cyborg pit  
17:44:06 25 named Mustafa?

26 A. I cannot able to remember the names. Not everybody was  
27 using their actual names. Some were having their, you know,  
28 fighting names. So calling Mustafa, I am a little bit doubt  
of

29 him.

involved 1 Q. It's alleged that this Mustafa was an RUF soldier  
2 in killings?

3 A. Well, that was not to my knowledge.

the 4 Q. Now, do you know if Morris Kallon, at any time between  
17:44:45 5 period of the junta when you captured Tongo, until the  
6 intervention, ever served as deputy to Sam Bockarie in Tongo?

7 A. No.

8 Q. He did not?

9 A. I do not

17:45:08 10 Q. Do you have any information if he ever served as deputy  
to  
11 Sam Bockarie in Tongo?

12 A. Morris Kallon was not physically based in Tongo. He was  
13 not based in Tongo.

14 Q. Okay.

17:45:22 15 A. Even the time I saw him, I think he came from Kono axis,  
16 the time I understood that he came; he was not physically  
based  
17 in Tongo.

-- 18 Q. Thank you. Now, during the time that you were in Kenema

19 PRESIDING JUDGE: So what you're saying is that he was  
17:45:45 20 never the deputy of Sam Bockarie in Tongo? Mr Ogeto, was that  
21 your question?

he 22 MR OGETO: That was my question, My Lords, and he said  
23 was never there. In fact, he was never physically --  
24 PRESIDING JUDGE: Yes, we've gotten him. It is just a  
17:46:08 25 precision, that he was never Bockarie's deputy in Tongo in  
26 addition to all that you've said.  
27 MR OGETO: Thank you.  
28 Q. Now, during the time that you were in Kenema, do you  
know 29 where Morris Kallon was based?

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or 1 A. I cannot able to talk much about his whereabouts. But I  
2 understood that he was on the other side, that either Makeni  
3 Freetown, but actually I don't know his actual base.

4 Q. Now, in 1997, there was a brigade based in Kenema?

17:47:08 5 A. Yes.

based 6 Q. And that brigade was different from the one that was  
7 in Bo; am I correct?

8 A. I cannot able to talk much about Bo but only what I know  
9 that the brigade that was in Kenema was the one which was  
17:47:29 10 responsible for the Kenema environment.

11 Q. And it had nothing to do with Bo?

12 A. Exactly. Because Bo also have their own brigade.

13 MR OGETO: My Lords, if I could consult for a minute.

14 PRESIDING JUDGE: Yes, please, Mr Ogeto, you may.

17:47:52 15 MR OGETO: Thank you very much, Mr Witness. Thank you,  
My

16 Lords. I have no further questions.

17 PRESIDING JUDGE: Thank you, Mr Ogeto. Yes, Miss  
Acirokop.

18 MS ACIROKOP: Your Honour, I have no questions for this  
19 witness.

17:48:36 20 PRESIDING JUDGE: You have no questions for this  
witness.

21 Thank you very much. Well, the time is fast spent. I think

22 Mr Hardaway would start with his cross-examination tomorrow,  
and

23 I suppose we will not be going into -- into a closed session,

24 Mr Hardaway?

17:49:31 25 MR HARDAWAY: I do not anticipate going into closed  
26 session, Your Honour.

27 PRESIDING JUDGE: You don't anticipate, right. Well,  
we're

28 in open session now and I would like to read the ruling of the

29 Court that moved us into the closed session, which we really

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1 should have read earlier but for the strategic planning of how  
2 the cross-examination was going to be conducted by the  
parties,  
3 that Mr Jordash's direct, we have been and resumed this trial  
in  
4 the public session a couple of minutes ago, and this is a  
ruling  
17:50:07 5 of the Chamber in respect of the closed session application  
made  
6 by learned counsel for the first accused, Mr Jordash, and,  
7 consistent with the general requirement that criminal  
proceedings  
8 are to be conducted in public, as enjoined by Rule 78 of the  
9 Rules of Procedure and Evidence, the Rules of Procedure and  
17:50:36 10 Evidence of this Court and taking into consideration Article  
17  
11 (2) of the Statute of the Court but exceptionally as  
authorised  
12 by Rule 79(A)(2) of the said Rules, and the need to protect  
13 witnesses as provided for in Rule 75, this Chamber, on the  
14 application of learned counsel Mr Jordash, for a certain  
portion  
17:51:02 15 of the testimony of DIS-124, the 16th Prosecution witness, be  
16 heard in closed session, did, by way of an exceptional  
procedure,  
17 grant the said application for the reasons advanced in support  
18 thereof. We have proceeded since in closed session and we  
will  
19 continue to proceed or, rather, in open session and we will  
17:51:29 20 continue to proceed in open session when we do resume the  
session  
21 tomorrow. So, I hope the mechanism will be put in place  
before

to 22 we come in for the proceedings in the morning. I'm referring  
23 Court Management in this regard.  
24 Yes, Mr Hardaway, you had --  
17:51:50 25 MR HARDAWAY: Yes, Your Honour, a question relating to  
26 scheduling tomorrow. I do not anticipate my cross-examination  
to  
27 go beyond the morning break, and just enquiring as to the  
Court's  
28 desire as related to the issue of oral submissions on the Rule  
16  
29 matter.

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when 1 PRESIDING JUDGE: Yes. When the parties should agree,  
2 shall we receive -- because we want to have the written  
3 submissions first.  
4 MR JORDASH: Could I -- this may assist. Could I  
indicate  
17:52:21 5 that after Mr Hardaway has finished cross-examining, I would  
be  
6 seeking an adjournment to prepare or to do the final  
preparations  
7 for the civilian witness who has been bumped up the list by  
about  
8 four witnesses.



9 PRESIDING JUDGE: Yes, you did indicate that this  
morning.

17:52:37 10 MR JORDASH: And it may be, well, in order to assist the  
11 Court, we will have two witnesses ready to go on Monday  
morning,  
12 so that if we are caught short with the first one we can  
finish.

13 PRESIDING JUDGE: Provided the Prosecution has an  
14 indication of the two witnesses.

17:52:51 15 MR JORDASH: Yes.

16 PRESIDING JUDGE: So that they are not taken by  
surprise.

17 MR JORDASH: Yes, certainly. And in that regard we  
could,  
18 certainly from the Defence side, I think everyone is preparing  
19 their written submissions and they will all be ready to go by  
17:53:07 20 first thing in the morning.

21 PRESIDING JUDGE: In the morning?

22 MR JORDASH: Soon thereafter so --

23 JUDGE BOUTET: Well--

24 MR JORDASH: Tomorrow.

17:53:12 25 PRESIDING JUDGE: Yes.

26 MR JORDASH: So it may be that we could, after the  
27 completion of this witness, move to oral submissions with Your  
28 Honour's leave.

29 PRESIDING JUDGE: Even before we break off at 1.00, it's

1 possible.

2 MR JORDASH: Yes, it's possible, I think.

3 PRESIDING JUDGE: So that you have the afternoon, you  
know,  
4 to prepare for your witnesses on Monday.

17:53:27 5 MR JORDASH: Yes. I must say that we, for the first  
have  
6 accused, because we have been involved with the witnesses --  
it  
7 not done our written submissions, but we don't anticipate that  
get  
8 would take long tomorrow morning or today and we'd be able to  
9 them to Your Honour by 11.00 tomorrow morning.

17:53:44 10 PRESIDING JUDGE: Good.

11 JUDGE BOUTET: So it is not your intent to proceed with  
any  
12 witness, any new witness?

13 PRESIDING JUDGE: Tomorrow.

14 JUDGE BOUTET: Tomorrow?

17:53:53 15 MR JORDASH: No. The problem was we had four or three  
16 very, well, sizeable, insiders and these civilians were coming  
17 after that, so we put them to the back of our preparation but  
18 they can be ready --

19 JUDGE BOUTET: Monday.

17:54:06 20 MR JORDASH: No doubt about it. They will be ready on  
21 Monday morning.

22 JUDGE BOUTET: And you think we can do two, Monday and

23 Tuesday?

24 PRESIDING JUDGE: No, it is two -- I think we can only  
17:54:17 25 do --

Tuesday 26 JUDGE BOUTET: It depends if they are finished by  
27 noon.

28 MR JORDASH: It may be that the first one is quite quick  
29 and if the Prosecution doesn't cross-examine we could start on

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have 1 Monday late afternoon. I understand the second civilian we  
is 2 in mind but we haven't communicated as yet to the Prosecution  
3 very short, so we'll have them ready and it will be in Your  
4 Honour's hands.

17:54:38 5 JUDGE BOUTET: You know the dimension of the timeline,  
so 6 I --

7 MR JORDASH: Yes. Well, it may be we don't get to the  
8 second one but the second one will be there just in case.

9 PRESIDING JUDGE: Good. That's fine. We'll live with  
17:54:49 10 that. Yes, Mr Hardaway?

11 MR HARDAWAY: I'm just wondering if I can enquire of my

12 friend of the number for the second witness. I know the first  
13 one is DIS-176.

14 MR JORDASH: I think it's 148, but I can communicate it  
17:55:08 15 immediately, as soon as I get back to the office.

16 MR HARDAWAY: Very well. Thank you.

17 PRESIDING JUDGE: So we have our schedule and our  
strategy

18 for tomorrow is to, first of all, by 10 or 11, to receive the  
19 written submissions on the application of Rule 16(B) and

17:55:24 20 thereafter for us to hear the oral submissions on that Rule  
and

21 thereafter we would rise, hopefully at 1, because we don't  
have

22 any reason to come back here in the afternoon. That saves

23 Mr Jordash the time to attend to other matters relating to the

24 preparation of these witnesses against Monday. So I think,

17:56:02 25 except My Lord Boutet has something to add?

26 JUDGE BOUTET: Nothing, thank you.

27 PRESIDING JUDGE: Well, the Chamber will rise. We will

28 resume the session tomorrow at 9.30.

29 [Whereupon the hearing adjourned at 5.50  
p.m.,

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to be reconvened on Friday, the 23rd day of  
November 2007 at 9.30 a.m.]

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WITNESSES FOR THE DEFENCE:

WITNESS: DIS-124

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EXAMINED BY MR JORDASH

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CROSS-EXAMINED BY MR OGETO

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