

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

TUESDAY, 27 NOVEMBER 2007
9.55 A.M.
TRIAL

TRIAL CHAMBER I

Presiding

Before the Judges:	Benjamin Mutanga Itoe, Pierre Boutet
For Chambers:	Ms Peace Malleni Ms Sandra Brown
For the Registry:	Mr Thomas George
For the Prosecution:	Mr Charles Hardaway Mr Reginald Fynn
For the accused Issa Sesay:	Mr Wayne Jordash Ms Sareta Ashraph
For the accused Morris Kallon:	Mr Kennedy Ogeto
For the accused Augustine Gbao:	Mr John Cammegh

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OPEN SESSION

1 [RUF27NOV07A - JS]
2 Tuesday, 27 November 2007
3 [The accused present]
4 [The witness entered Court]
5 [Open session]
6 [Upon commencing at 9.55 a.m.]

7 PRESIDING JUDGE: Good morning, learned counsel. We
will
8 start our proceedings and we are now in open session, I
suppose.

9 Mr George, are we in an open session?

10:03:05 10 MR GEORGE: Indeed we are.

11 PRESIDING JUDGE: All right. Mr Jordash, yes, please.

12 MR JORDASH: I will have to make an application to go
into

13 a closed session again for five minutes at the end of my
direct
14 evidence.

10:03:19 15 PRESIDING JUDGE: Then we'd better go back there now.

16 MR JORDASH: I'm in Your Honour's hands. It's one issue
I

17 omitted to deal with yesterday in a closed session. I do
18 apologise. I believe my learned friend for the Prosecution
may

19 want to go into a closed session, so it might be that at the
end

10:03:49 20 of my direct, it might be as appropriate if not more so, but
I'm

21 in Your Honours' hands.

22 PRESIDING JUDGE: Right. Let's get along. You've given
us

session 23 an indication, but we'll proceed and see where the closed
24 proceedings will come in again.
10:04:05 25 MR JORDASH: Thank you.
26 PRESIDING JUDGE: Right.
27 WITNESS: DIS-128 [Continued]
28 EXAMINED BY MR JORDASH: [Continued]
29 Q. Good morning, Mr Witness.

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1 A. Yes, good morning.
2 Q. We're in an open session, so just be careful about
3 revealing your own name. Other names you can reveal, okay?
4 A. Okay.
10:04:34 5 Q. Now, I want to take you back to 1997, 1998 and 1999 when
6 you're in Giema, okay?
7 A. Okay.
8 Q. Were you able --
9 PRESIDING JUDGE: When he was in?
10:04:53 10 MR JORDASH: Giema.
11 PRESIDING JUDGE: Giema, okay.
12 MR JORDASH:

personally,

13 Q. Did you remain in Giema or were you able, you
14 to travel around Kailahun?

10:05:09 15 A. I was in Giema. I did not travel.

16 Q. What, you never went out of Giema?

17 A. I left Giema and went to Kailahun, but not all the time.

18 Q. Okay. Let me ask you this: In Giema were --

19 PRESIDING JUDGE: Sorry, I missed the translation, yes.

10:05:33 20 MR JORDASH:

21 Q. The witness said he was --

22 PRESIDING JUDGE: Can he please go back to -- you asked
him

23 whether he remained in Giema or he travelled.

24 MR JORDASH: Yes. He said he was in Giema, he went into

10:05:48 25 Kailahun but not all the time.

26 Q. Did you attend anywhere for worship in 1997, 1998 and
1999?

27 A. Yes, we used to worship in the town in Giema. That was
28 where we used to pray.

29 Q. Was there a mosque or a church there?

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1 A. Both the church and the mosque were there and there were

2 people who represented who were in charge of them.

3 Q. You're a Muslim?

4 A. Very well, very well.

10:06:52 5 Q. Were you the only Muslim to go to the mosque?

6 A. No, there were several other Muslims. There were many
of

7 us.

8 Q. Did civilians or soldiers or both go to the mosque?

9 A. Everybody. As long as you were a Muslim, if you were a
10:07:29 10 soldier and you are supposed to pray, you went to the mosque.

11 Q. Was there anything which disturbed you going to the
mosque?

12 A. Yes. It was only the jets that used to come, and when
it

13 was coming, normally we don't go to the mosque.

14 Q. How would you know it was coming?

10:08:00 15 A. We hear from the sound.

16 Q. What would you do at that point?

17 A. We went to the bushes. We go our several ways,
everybody

18 goes into the bushes.

19 Q. What did the soldiers do, the RUF soldiers when you went
10:08:24 20 into the bushes?

21 A. They were around protecting the town. They wouldn't go
22 anywhere. I don't know what they normally say, but they were
23 around the town. They don't go into the bushes.

24 Q. Did you get to know the RUF fighters in Giema in 1997
and

10:08:49 25 1998 and 1999? Did you become familiar with some?

26 A. Yes, I knew some of them.

from?

27 Q. And do you know where the RUF fighters in Giema were

28 Where were they natives of?

Liberians

29 A. Yes, they were from different places. There were

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1 and Gios, they were plenty. They said Gio man [speaks Mende].

2 They were in Sierra Leone but they left afterwards.

3 Q. Listen to the question. I'm talking about 1997 and 1998

4 and 1999. Where were the RUF fighters from that you were

10:09:58 5 interacting with?

6 A. As I have said, within this period we were all together:

7 The soldiers, the RUF soldiers, we were there.

from?

8 Q. Listen to the question: Do you know where they were

9 Where were they natives of? If you don't know, don't guess.

10:10:33 10 A. No, I don't know. Most of them I don't know where their

11 place of birth were.

12 Q. Sorry, I missed -- misheard the translation. Could you

13 repeat that please?

14 A. Most of them, I don't know where they were coming from.

10:10:48 15 Q. In 1997, 1998 and 1999 were you able to receive medical

16 treatment from anywhere?

17 A. Yes.

18 Q. Where from?

19 A. I saw -- they came with whites who came with medicines
in

10:11:43 20 their vehicle and they gave it. They took it -- they took it
to

21 the clinic.

22 Q. Right. Let me just -- whites came with a vehicle and

23 took -- what did they take to the clinic?

24 A. They brought medicines, medicines that we drank and
10:12:04 25 injections. They brought them for us.

26 Q. Have you ever heard of ICRC?

27 A. Yes, ICRC, they were the ones who brought the drugs for
us.

28 Q. Did you see them bring the drugs for you?

29 A. Yes, I saw them. I saw the vehicle.

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1 Q. Did you see them deliver the drugs?

2 A. When they brought the drugs, they handed it over to
3 somebody. I was not there, so when they gave it to the
person,

4 he would take it to the hospital for treatment.

10:13:21 5 Q. Where was the hospital?

women 6 A. It's -- the hospital was by the riverside where the

7 go. That was where the hospital was.

8 Q. So that we're clear, in which town?

9 A. Can I call the name?

10:13:31 10 Q. Yes, please.

11 A. Giema.

who 12 Q. Do you know who the ICRC would give the medicines to,

13 the person was?

14 JUDGE BOUTET: He just told you no. He just said it was

10:13:51 15 handed over to a person who took it to the hospital.

16 MR JORDASH: Yes, didn't say whether he knew who --

17 JUDGE BOUTET: And, in fact, he had said he didn't know

the 18 person, but anyway.

19 MR JORDASH: May I just check?

10:14:03 20 Q. Did you know who the person was that the ICRC gave the

21 medicine to?

22 A. Yes, the person who was the head of that area was the

23 person to whom the medicines were given who was the leader.

Can 24 I call his name?

10:14:22 25 Q. Please do, yes.

26 A. He was called Issa. Everything they brought was handed

27 over to him and he would in turn give it to the civilians.

28 Q. Do you know how often -- please do not guess --

29 PRESIDING JUDGE: Is it Issa Sesay?

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ICRC,
to

1 THE WITNESS: Yes.

2 JUDGE BOUTET: So you're saying, Mr Witness, that the

3 when they came to Giema, they gave the drugs for the hospital

4 Sesay?

10:15:10 5 THE WITNESS: Yes.

6 JUDGE BOUTET: And you were there when that -- you saw

7 that?

8 THE WITNESS: What I saw was when he came, he spoke with

9 them. They talked together. He spoke with them. That was

10:15:28 10 what -- why I said so. I'm a civilian. When they came I
would

11 not be there. But when they came they would go to him
directly.

12 JUDGE BOUTET: To him, "him" meaning Sesay?

13 THE WITNESS: Yes.

14 JUDGE BOUTET: Okay. Thank you.

10:15:56 15 MR JORDASH:

16 Q. Did Issa -- think carefully, Mr Witness. Was Issa Sesay
17 there in Giema throughout the war or did he leave?

18 A. He was not there until the end of the war. He left
before

19 the war ended finally.

10:16:21 20 Q. I want to ask you to focus your mind at a time when he
is
21 not there, when he has left, okay?
22 A. Okay.
23 Q. After he had left, did the ICRC come?
24 A. When he left, when he left the town, it was quite a long
10:16:51 25 time we did not see them except after the end of the war, then
26 the hospital was again established, then we started getting
27 medicines.
28 Q. So after he had left but before the ICRC came, was there
29 any medical treatment in Giema?

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1 A. When Issa left?
2 Q. Yes, when he, General Issa, had left, but before the end
of
3 the war when you were in that particular job that you told us
4 about yesterday. I'm trying to focus your mind on those three
10:17:42 5 years, okay?
6 A. Okay.
7 Q. So in those three years, was there medical treatment in
8 Giema?

9 A. Yes.

10:18:01 10 Q. Where was it?

11 A. At the hospital that I have earlier told you about.

12 Q. Did any -- who went there?

13 A. We, the civilians, went there. If a soldier had his
wife

14 he will go there, the soldier will go there, all of us were

10:18:29 15 treated there.

16 Q. And did you pay anything for treatment?

17 A. No, we did not pay anything. We had nothing.

18 Q. Was there a school in Giema in the same time period?

19 A. Yes, there was a school.

10:18:48 20 Q. Did you have children?

21 A. Yes, I had a child. I had three children. There was
only

22 one left, the others died, so he was going to the school.

23 Q. Do you know if children, both civilians and fighters,
went

24 to the school?

10:19:49 25 A. Yes, both civilians and the soldiers' children went to
that

26 school.

27 Q. Did anything disturb them going to the school?

28 A. Yes, that was a chance. Most times it came, we did not
go

29 to school, but the children used to go to the school, so they

1 went because the teachers were there to take care of them, so
did

2 not complain to us. The only disturbance was the jets.

3 Q. In the same years did you see any G5 in Giema or around
4 that area?

10:20:45 5 A. Giema Town there was a G5.

6 Q. In '97, '98 and '99?

7 A. Yes, there was a G5.

8 Q. What about MP, was there any MP?

9 A. Yes, the war was now ended, there was MP.

10:21:25 10 Q. Sorry, could you repeat that? I'm talking about '97,
'98

11 and '99 when you've told us the war was still on. I'm asking
you

12 about MP.

13 A. No, there was no MP at that time. They were all in

14 Kailahun now. So I'm telling you that the soldiers in 1999,
'97,

10:22:01 15 the headquarter was moved from Giema to Kailahun. They were
all

16 there now.

17 Q. All right. So there's no MPs in Giema, but they were in
18 Kailahun?

19 A. No, no.

10:22:07 20 Q. Okay. In the role that you played in Giema in these
years,

21 did you receive any complaints from women, civilian women?

22 A. Yes, if a civilian woman and her husband quarrelled, she

23 will come and complain to me and I will go and sort out the
24 complaint.

10:22:57 25 Q. Any other types of complaints you received from civilian
26 women?

as 27 A. As long as you are in the town you must have complaints
28 long as there are other people around.

us 29 Q. Now, you've told us, sorry to jump back, but you've told

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1 about children going to school. Did you see children doing
2 anything else in '97, '98 and '99 in your area?

3 A. Like what?

4 Q. Well, did you see any children with weapons?

10:24:04 5 A. No. I did not see that.

a 6 Q. You talked about Issa Sesay and I want to just move back

7 little when he was present in Giema. Did you ever see his
8 bodyguards?

9 A. Yes, I saw them.

10:24:27 10 Q. How old were they? Just estimate if you would, please.

had 11 A. They were -- some of them are married, in fact. Some

12 wives, children. Most of them looked 25, 30 or above that.

13 Q. Thank you.

14 MR JORDASH: Can I just take brief instructions? I
think

10:25:08 15 I've almost finished. Sorry, thank you, Your Honour.

16 Q. Just one or two more questions, Mr Witness, not much
more.

17 Did you know an RUF doctor called Dr Morrison?

18 A. Oh, yes.

19 Q. Where was he -- how did you know him?

10:26:03 20 PRESIDING JUDGE: What's the name again, Dr Morris?

21 MR JORDASH: Dr Morrison.

22 THE WITNESS: He's my brother.

23 PRESIDING JUDGE: Dr Morris?

24 MR JORDASH: Morrison.

10:26:13 25 PRESIDING JUDGE: Morrison, I see, okay.

26 MR JORDASH:

27 Q. He's your brother. In what sense is he your brother?

28 A. My aunt was married to her husband and there was another
29 wife to that husband. That was his son, so he's my brother.

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1 Q. And he's a native of which place?

2 A. He's born of Giema. His father has died while his
mother

3 is still alive.

4 Q. Did you know an Alfa Fatoma?

10:27:16 5 A. Yes.

6 Q. Who's he?

7 A. He was a soldier.

8 Q. Which soldier, from which group?

9 A. He was an RUF soldier.

10:27:33 10 Q. And he was a native of which place?

11 A. He was born of Giema. We were all in the same town.

12 Q. And finally on this subject, Lieutenant Sidiki, did I
know

13 him?

14 A. Yes, I know him.

10:28:00 15 Q. Was he a soldier?

16 A. Yes, he was a soldier.

17 Q. From which group?

18 A. He was an RUF soldier.

19 Q. And he was a native of which place?

10:28:17 20 A. He too was born of Giema.

21 MR JORDASH: Now, just, if I may, Your Honour, apply to
go

22 into a closed session to deal with what will be no more than a

23 five minute session. I apologise. My error completely
missing

24 out a small section I needed to deal with in closed session.

10:28:59 25 PRESIDING JUDGE: That's all right. I was thinking of a

26 scenario, you know, but it's okay, you may.

27 [At this point in the proceedings, a portion of the
28 transcript, pages 12 to 27, was extracted and sealed under
29 separate cover, as the proceeding was heard in a closed
session]

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1 [Open session]
2 MR GEORGE: Court is in open session.
3 PRESIDING JUDGE: Yes, Mr Cammegh, we are in open
session.
4 You may proceed.
11:08:28 5 MR CAMMEGH: Thank you, Your Honour.
6 CROSS-EXAMINATION BY MR CAMMEGH:
7 MR CAMMEGH:
8 Q. And good morning, Mr Witness. I have just got a few
9 questions for you.
11:08:35 10 A. Good morning.
11 Q. The funeral of a town or section chief would be quite a
12 major event, would it not, where you come from?
13 A. Yes.
14 PRESIDING JUDGE: Tell me, the funeral of a chief, is it
of
11:09:17 15 a chief or --
16 MR CAMMEGH: I don't remember if I said town chief or

17 section chief. I said both, apparently.

18 PRESIDING JUDGE: Yes.

19 MR CAMMEGH: Shall I repeat the question.

11:09:28 20 PRESIDING JUDGE: Yes, please.

21 MR CAMMEGH: So there is no equivocality.

22 Q. So we're all sure of what was just said, Mr Witness, do
you

23 agree that the funeral of a town or a section chief would be a

24 major event, where you come from?

11:09:55 25 A. Yes.

26 Q. And would it almost certainly be attended by the
majority

27 of people in the town where that chief had been living?

28 A. Yes.

29 Q. Similarly, if a wife of that chief died, would that also
be

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1 a major event attended by most of the local people?

2 A. Yes.

3 Q. To your recollection, during the war, did you ever hear
of

4 or attend the funeral of any wife of Fatoma Aruna?

11:11:11 5 A. I did not hear of it. I did not hear of it.

6 Q. Mr Witness, during the years of the war, did you ever
7 receive --

8 PRESIDING JUDGE: Mr Cammegh, let us be certain about
his
9 response. Is the witness saying that he never heard of the
death
10 of the wife of Aruna Fatoma?
11 JUDGE BOUTET: He never attended the funeral.
12 MR CAMMEGH: Of a wife, and I restrict -- I widened it
to a
13 wife. I'll ask the question again.
14 PRESIDING JUDGE: Yes.
11:11:52 15 MR CAMMEGH:
16 Q. Again, Mr Witness, just so that --
17 PRESIDING JUDGE: Is it hearing or attending? You know,
I
18 want to be very certain. That's why I put the question.
19 MR CAMMEGH:
11:11:59 20 Q. I'll just put the question again. I'll try to remember
the
21 precise way I put it. During the years of the war, did you
22 either hear about or attend the funeral of any wife of Aruna
23 Fatoma?
24 A. No, I did not hear of that.

11:12:42 25 Q. You did not hear of that, and do I understand that by
that
26 answer you also mean that you did not attend the funeral?
27 MR CAMMEGH: Well, perhaps I needn't ask that question,
28 Your Honours. I think it's probably covered in the answer.
29 PRESIDING JUDGE: Yes, it is.

1 MR CAMMEGH: Thank you.

2 Q. Let's move on, Mr Witness.

3 A. No, if I heard it, I will go there. Apart from him
being
4 the chief, he is my brother. If I heard it I will go there,
but
11:13:04 5 that did not happen.

6 Q. Mr Witness, please remember not to say anything that
might
7 reveal your identity because we are in an open session. All
8 right? Now, can I just briefly ask you about marriage. Did
you
9 ever receive a complaint from anybody during the war
concerning
11:13:31 10 allegations of forced marriage?

11 PRESIDING JUDGE: What is he waiting for, to provide the
12 answer?

13 THE WITNESS: I have not got a question where --

14 PRESIDING JUDGE: Okay. Just put the question to him
11:14:07 15 again, Mr Cammegh.

16 THE WITNESS: I did not quite understand the question.

17 MR CAMMEGH:

18 Q. That is quite all right, Mr Witness, I'll put the
question

the 19 again. During the war, in fact, after the Gios left, during
11:14:27 20 years that followed, did you ever receive any complaints of
21 allegations of forced marriage?
22 A. No, we did not get that complaint. They did not bring
any 23 complaint to me about forced marriage.
24 Q. Thank you, Mr Witness.

11:15:00 25 MR CAMMEGH: I wonder if at this moment, Your Honours,
26 Mr Sesay could attend the bathroom?

27 PRESIDING JUDGE: Yes, he may.

28 MR CAMMEGH:

29 Q. I just briefly want to return to Aruna Fatoma. Did you

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during a 1 ever hear an allegation that Aruna Fatoma's sibling died
2 mission to carry loads from Kailahun Town to Giema?

3 A. His sibling?

4 Q. Yes.

11:15:58 5 A. No, I did not hear of that.

6 Q. Okay. Taking into account where you lived and --

7 PRESIDING JUDGE: Was it because of carrying loads from

--

8 MR CAMMEGH: Kailahun Town to Giema.
9 PRESIDING JUDGE: -- Kailahun to Giema?
11:16:17 10 MR CAMMEGH: Yes.
11 THE WITNESS: I did not hear of that.
12 MR CAMMEGH:
13 Q. All right. Now, if something like that had happened,
14 Mr Witness, do you think you would have known about it? You
11:16:44 15 would have been told about it?
16 A. Yes, if it happened.
17 PRESIDING JUDGE: Mr Cammegh, let's start with "know".
18 Mr Cammegh, let's start with "known".
19 MR CAMMEGH: Yes, all right.
11:16:57 20 Q. Mr Witness, is that something that you would have known
21 about if it was true?
22 A. Yes, I would have known of it very well.
23 Q. Okay. And just so that we are all sure of what you're
24 saying, were you ever told of such a thing?
11:17:20 25 A. Nobody told me of that.
26 Q. Right. Is it correct that soon after the Abidjan
27 Peace Accord --
28 PRESIDING JUDGE: What about the third leg of your
29 question, you know, that if it happened, well, nobody told
him.

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interested

1 Could he have been told about it? You are no longer
2 in that question?

3 MR CAMMEGH: Well, I've asked and the witness has denied
4 that he was told.

11:17:52 5 PRESIDING JUDGE: Yes.

6 MR CAMMEGH: He also, I think, before that, indicated
that
7 he would have known had it happened.

8 PRESIDING JUDGE: Okay. That's all right.

9 MR CAMMEGH: Thank you, Your Honours.

11:18:05 10 PRESIDING JUDGE: You may proceed.

11 MR CAMMEGH:

12 Q. Just a few more questions, Mr Witness. Would you -- is
it
13 right that, shortly after the Abidjan Peace Accord was signed,
14 the Kamajors or government forces staged several raids within
11:18:38 15 Kailahun District, and I'm talking obviously about late 1996
to
16 early 1997?

17 A. I've not quite got the question.

18 Q. Following the Abidjan Peace Accord, is it right --

19 JUDGE BOUTET: Maybe you should ask if he is familiar
with

11:19:06 20 that, because maybe he doesn't and therefore --

21 MR CAMMEGH: I'll put it in a different way and I will
use
22 the date.

23 Q. From late 1996 into early 1997, did you become aware of

and 24 several raids made by Kamajors or government forces on towns
11:19:31 25 villages around the Kailahun District border?
26 A. I don't know about that.
27 Q. All right. Well, I'll put them specifically to you and
--
28 A. I was really far away from that place.
29 Q. All right. Well, I'm going to put a few events which I

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1 suggest happened to you, and if you are able to speak of them,
2 please do; if you're not aware of them, then also please say
so.
3 Were you aware, towards the end of 1996, of Camp Zogoda in
Kenema
4 District being attacked by Kamajors?
11:20:31 5 A. I heard of it. What you see and what you hear, they are
6 not the same. Maybe you hear it, but it's not true, so the
7 things you are talking, I can hear it, but I did not see it.
8 Whether it is true or not, I can't say it's true. I cannot
say
9 it is not true.
11:20:54 10 Q. All right. Well, I appreciate your answer to that. I
11 understand what you are saying. Can I take it from that then
12 that you heard about the attack on Zogoda but you don't know

13 whether it was true or not because you weren't there; is that
14 what you were saying?

11:21:19 15 A. Yes.

16 Q. Okay.

17 A. I heard of it, but I did not see it.

18 Q. That's fine. Similarly, did you hear about a large-
scale
19 attack on civilians at the Mende Buima crossing point, at the
end
11:21:38 20 of 1996, where the Kamajors killed many civilians? Did you
hear
21 about that?

22 A. I heard of it, but I did not go there and I did not see
it.
23 I heard of it.

24 Q. Thank you, Mr Witness. I just want to finish this short
11:22:06 25 list of events, if I can. Were you aware that Giema was
attacked
26 on more than one occasion around the end of '96 or beginning
of
27 1997?

28 A. Who attacked the place?

29 Q. Again, Kamajors or government forces?

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1 A. Yes, the Kamajors attacked twice. I was there. We went
2 into the bushes.

3 Q. Is it correct that during one of those attacks, I can't
be
of
4 sure myself if it is the first or the second, but during one
11:22:55 5 those attacks a rice farm, a cassava farm and some rice barns
6 were burned down in Giema; is that correct?

7 A. I heard of it, but it is not in the town, it was in the
8 bush. I heard it. I heard it. They burnt the rice barn.

9 Q. Okay. I think other -- well, did you hear of a Kamajor
11:24:01 10 attack on a place call Gbuworgbu, G-B-U-W-O-R-G-B-U? I don't
11 know if I'm pronouncing it correctly -- Gbuworgbu?

12 PRESIDING JUDGE: You didn't get to learn the
13 pronunciation when you went to Kailahun, Mr Cammegh?

14 MR CAMMEGH: Not something as difficult as that, no.

11:24:36 15 PRESIDING JUDGE: These are [indiscernible].

16 MR CAMMEGH:

17 Q. Do you remember an attack on a town that sounds like
18 Gbuworgbu?

19 A. Gbuworgbu. Yes, I heard of it, Gbuworgbu. I heard of
it
11:24:55 20 but I was not there. I heard of it.

21 Q. And another one on Bandajuma Sinneh?

22 A. Bandajuma Sinneh?

23 Q. Yes.

24 A. No, I did not hear of that. I did not hear of that.

11:25:18 25 Q. In any event, Mr Witness, is this correct: That
following

you

26 the AFRC coup in 1997, Kailahun became a safety zone; would

27 agree?

28 PRESIDING JUDGE: You mean after the coup?

29 MR CAMMEGH:

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approximately

1 Q. Yes. This, specifically, can I suggest that

2 between June of 1997, and the end of the war in 2001, Kailahun

3 became a safety zone?

4 A. Yes, it happened.

11:26:21

5 Q. And the attacks by Kamajors and CDF ceased because the

6 front line was being successfully held by the RUF; would you

7 agree with that?

8 A. Who are you talking about?

9 Q. I'm simply suggesting that the front line which extended

11:27:02

10 from say Daru up to the Moa River up across towards Kono was

11 successfully held during that time by the RUF?

12 A. I would have loved to answer that question but I am a

in

13 civilian. Most of these things they would just go and tell us

That

14 the bush. So, I can't really give you a clear cut on that.

11:27:40 15 is a military issue. Maybe it was under their control, but I
16 don't know.

17 Q. Let me ask you this then: From about June of 1997 did
you
18 become aware that the attacks by Kamajors and the CDF, within
the
19 territory of Kailahun District, stopped?

11:28:04 20 A. Yes, I heard of it, that it stopped.

21 PRESIDING JUDGE: Did you only hear or you heard, I
mean,
22 when you say "I heard that it stopped" what do you mean,
23 Mr Witness?

24 THE WITNESS: There were skirmishes, but we did not see
it.

11:28:31 25 The people come from this point to this point that is why I
said,
26 I knew it. There were disturbances.

27 MR CAMMEGH:

28 Q. Mr Witness, I entirely accept that there were skirmishes
29 around the front lines, but would you agree that fighting,
actual

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1 fighting within the towns, such as Giema, Kailahun Town and
2 others, stopped after approximately June of 1997?

3 A. Yes.

4 Q. Thank you very much, Mr Witness. That is all I have.

11:29:51 5 THE WITNESS: I want to drink some water.

6 PRESIDING JUDGE: That's water in front of you, you can

7 drink. Please serve him, serve him. The witness unit, are

you

8 there? Anyway, I think before Mr Fynn, before Mr Fynn

continues

9 his cross-examination in open session, we would rise and

resume

11:30:19 10 at about 10 minutes to 12 to pursue the cross-examination at

that

11 time. So, Mr Fynn, you think that your cross-examination will

12 last about how much longer?

13 MR FYNN: I'm thinking about 30 minutes, My Lord.

14 PRESIDING JUDGE: Thirty minutes. Okay. All right.

11:30:56 15 That's -- the Chamber will rise and we will resume shortly.

16 [Break taken at 11.25 a.m.]

17 [Upon resuming at 12.00 p.m.]

18 PRESIDING JUDGE: Yes, Mr Fynn.

19 MR FYNN: Thank you, My Lord.

12:06:14 20 PRESIDING JUDGE: I think sometime you should -- it's

not

21 quite the same spelling in French, but try to look for the

word

22 "Fynn" in French and find out what it means.

23 MR FYNN: I will do so, My Lord.

24 PRESIDING JUDGE: Yes.

12:06:38 25 MR FYNN: I can only hope it's something --

26 PRESIDING JUDGE: But it is not F-Y-N-N anyway. That is

27 not the spelling.

28 MR FYNN: Yes, My Lord.

29 PRESIDING JUDGE: Right. You may proceed, please.

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1 MR FYNN: Thank you very much, My Lord.

in

2 Q. Mr Witness, you told the Court that Mr Sesay had a farm

3 Giema; am I correct?

4 A. Yes.

12:07:08
farm

5 Q. Would I also be correct to say this was not the only

6 in Giema?

7 PRESIDING JUDGE: He said so, Mr Fynn. He said he had a

8 farm and he also had a swamp.

12:07:29

9 MR FYNN: No, I mean, they were -- apart from Mr Sesay's

10 farm.

11 PRESIDING JUDGE: In Giema. In Giema, that's what he's

12 saying.

13 MR FYNN: Yes, My Lord, in Giema.

there

14 Q. Apart from Mr Sesay's farms, there were other farms,

12:07:40

15 were community farms?

16 A. We had farms. We cultivated farms. Every civilian

not

17 cultivated a farm, but we did not combine to make -- we did

18 combine to make a single farm, but each person had a farm.

19 Q. Did the RUF have a farm?

12:08:04 20 PRESIDING JUDGE: Let me take that please: We did not -

-

21 we did not combine to make a farm, but everybody had a farm.

22 THE WITNESS: We had our individual farms. There was no

23 farm for RUF. We had our individual farms.

24 MR FYNN:

12:08:37 25 Q. Is it your testimony, Mr Witness, that there were no

26 community farms and there were no RUF farms?

individual

27 A. We did not cultivate a farm for RUF, but we made

28 farms; we cultivated individual farms.

29 Q. Did you ever hear about government farms in Giema?

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1 A. No.

2 Q. Now, was it part of your duty in your office you had to

3 provide workmen for Mr Sesay's farm?

to

4 A. If he asked me that we should help I will talk to people

12:10:02 5 help him but it was not by force. He did not force us to do
it.

6 PRESIDING JUDGE: Nobody has said, mentioned the word
7 "force". Mr Witness, be very careful. Answer the question.
8 Nobody has come to ask you about force.

9 MR FYNN:

12:10:32 10 Q. Mr Sesay did not pay civilians who worked for him, am I
11 correct, on his farm? Civilians who worked on Mr Sesay's
farm,
12 he did not pay them.

13 A. No.

14 Q. It is true that other RUF commanders also had farms in
12:11:10 15 Giema; am I correct?

16 A. Yes.

17 Q. It is also true that civilians worked on those other
18 commanders' farms as well; am I correct?

19 A. Yes, civilians used to work there.

12:11:50 20 Q. It is also true that those other commanders did not pay
the
21 civilians who worked on their farms either; am I correct?

22 A. Yes, they did not pay them, they just worked for them.

23 Q. I would suggest to you, Mr Witness, that the civilians
did
24 not work willingly on these farms; they were forced to work
12:12:31 25 there. Do you wish to comment?

26 A. I will explain that. Even those people who were there,
27 they have civilians who lived with them. But for me, I did
not
28 see anybody being forced to work on their farms. I did not
see

29 it because they had people who lived -- who were living with

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1 them.

2 Q. Is it your testimony, Mr Witness, that it is only those
3 civilians who lived with the commanders that worked on their
4 farms?

12:13:25
used

5 A. I am saying the truth. Not all of them. Some people
6 to help them. Some people used to go and help them. That is
7 what I know.

8 Q. Mr Witness, there were soldiers on Mr Sesay's farm; am I
9 correct?

12:13:49

10 A. Yes.

11 Q. Soldiers with guns; am I correct?

12 A. No. I did not see any soldier carrying guns.

13 Q. You would agree with me, Mr Witness, that when Mr Sesay
14 harvested his farm he took all of the harvest for himself?

12:14:28

15 A. Yes, it was for him.

harvest

16 Q. And the same is true of the other commanders, the
17 from their farms were for themselves alone?

18 A. Yes, it was theirs.

19 Q. I would suggest to you, Mr Witness, that civilians had

12:14:55
farms

20 nothing to benefit from working on Mr Sesay's farm, or the

21 of the other RUF commanders?

22 A. They benefitted from the farm, not all of them. The war

--

23 PRESIDING JUDGE: Mr Witness, hold on.

24 MR FYNN:

12:15:30
Civilians

25 Q. Mr Witness, you would please repeat your answer.

26 had nothing to benefit from working on Mr Sesay's farm?

work,

27 A. No, they benefitted from it. When they finished the

28 when they went for the harvest if they finished harvesting for

29 the day they would give some to each person. I saw it.

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lived

1 Q. Mr Witness, I would suggest to you that civilians who

2 in RUF territory during the years 1997, '98 and '99 were like

3 captives.

4 A. Civilians?

12:16:39

5 Q. Yes.

captives?

6 A. Those who were in Giema, are you saying they were

7 Q. That is what I am suggesting, Mr Witness.

8 A. No, they were not in captive. At that time people would

9 leave Giema and go back to his native home and then come back.

12:17:08 10 That was what happened. They were not captives.
11 Q. But you would agree that they needed the express
permission
12 of the RUF to go from place to place within RUF territory?
13 A. You are talking about a time -- at this moment you are
14 talking about? Everybody would go to anywhere you want to go;
to
12:17:44 15 your home town, to your native town and come back. You are
16 talking about the movements we are talking on now.
17 Q. Is it correct --
18 JUDGE BOUTET: Mr Fynn, what was the time frame you put
to
19 the witness? I thought it was '96?
12:17:55 20 MR FYNN: '97, '98, My Lord.
21 JUDGE BOUTET: So you had '96, '97 and '98?
22 MR FYNN: '97, '98.
23 JUDGE BOUTET: Just '97, '98?
24 MR. FYNN: '97, '98, '99.
12:18:06 25 JUDGE BOUTET: Okay, thank you.
26 MR FYNN:
27 Q. Mr Witness, is it correct that civilians needed passes,
28 they had to be given a pass before they moved from one town or
29 one village to the other?

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1 A. At that time?

2 Q. Yes.

3 A. No. At that time, no. This was not happening anymore.

4 PRESIDING JUDGE: Mr Witness -- please put the question
to

12:18:27 5 him clearly.

6 MR FYNN:

7 Q. My question, Mr Witness, is that in the years '97, '98
and

8 '99, civilians who wished to move from one area to another
needed

9 passes to be allowed to move?

12:18:51 10 A. That is the clarification I want. Just in the town, if
you

11 wanted to go to another town or somewhere else, you had to
obtain

12 a pass so they would know that you are leaving for somewhere
13 else. Is that not your question?

14 Q. That is my question. Thank you, Mr Witness. And you
would

12:19:12 15 also agree that civilians could not travel outside of RUF
16 territory; they were not allowed to do so?

17 A. Yes, for protection reasons, for safety reasons.

18 Q. You would also agree --

19 A. Yes, I'll agree. I agree.

12:19:44 20 Q. Mr Witness, the question has not landed. You would
agree

21 that civilians who are tempted to leave RUF controlled areas
were

22 recaptured and punished?

anybody,

23 A. I cannot answer that. I did not see it happen to
24 so I can't say anything about that.

12:20:26
of a

25 Q. Is it your testimony, Mr Witness, that you never heard
26 civilian who attempted to go outside RUF territory?

no

27 A. Yes. For the period of time we are talking about now,
28 one planned to escape to go to somewhere else.

29 Q. Now, Mr Witness, you would agree with me, sorry, that

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bush.

1 civilians in Giema had to spend time between hiding in the Joe
2 Bush and being in the town?

3 A. It was not a matter of hiding. Everybody had a zoo

12:21:50

4 In the morning hours you go to the zoo bush and come and some
5 people passed the night there. It was not a matter of hiding.

6 Q. Now, when you say it was not a matter of hiding,

7 Mr Witness, I'm not sure what you mean. Let me seek

8 clarification here. Why did you have to go to the zoo bush?

We

9 A. We spent the day -- we spent the day in the zoo bush.

12:22:16
people

10 hadn't much place for people to sleep in the town, so some

and 11 go to the zoo bush. Some people come to the town, buy salts
12 they would go back. They would go and spend the day there and
13 then come back. So that was why I say it was not a matter of
14 hiding.

12:22:36 15 Q. If I suggested to you that it was safer to be in the Joe
16 Bush, would you agree with me?

bush 17 A. Yes, because there was no food. But if you are in the
will 18 in the morning you go in search for food. If you so say, I
19 accept it.

12:23:09 20 PRESIDING JUDGE: Witness, answer the question just as
it 21 was put.

22 THE WITNESS: Hmm.

23 PRESIDING JUDGE: Answer the question. Please, put the
24 question to him again.

12:23:18 25 MR FYNN:

zoo 26 Q. You would agree with me that it was safer to be in the
27 bush than to be in the town?

28 PRESIDING JUDGE: There is a question; has the question
29 been translated to him?

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1 THE INTERPRETER: Yes, Your Honours, we have given the
2 question.

3 THE WITNESS: I've heard the question very well. No
human
4 being can afford to spend all of the time in the bush because
if
12:24:26 5 we were so much in the town that is why some people had to go
to
6 the bush. The town is more better to live than in the bush,
but
7 in those times it was a time of difficulty, so most people
were
8 in and out.

9 MR FYNN:

12:24:46 10 Q. Mr Witness --

11 JUDGE BOUTET: Why, Mr Witness, would you go to Joe Bush
12 there? Why would you go there? What was the purpose?

13 THE WITNESS: It was because of the war. It was because
of
14 the war.

12:25:00 15 MR FYNN:

16 Q. You were afraid of being in the town; am I correct?

17 A. Yes. Yes. We are afraid of being in the town. I
answered
18 that.

19 Q. Would I also be correct that you would have had
preferred

12:25:16 20 to live in a place where you did not need to go and hide in
the
21 bush?

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

small 23 Stop reflecting and answer the questions. I mean, it is a
was. 24 direct question. We all know what the Joe Bush, you know,

12:25:49 25 We have been told here. You yourself have said so.

I 26 THE WITNESS: I know that. Okay. If the question comes
27 will answer it.

28 MR FYNN:

29 Q. My question, Mr Witness, was that civilians would have

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1 preferred to live in a place where there was no need to go and
2 hide in a zoo bush?

Is 3 PRESIDING JUDGE: Mr Fynn, I get confused about this.

4 it a zoo bush? Is it a Joe Bush? What is it really?

12:26:31 5 MR FYNN: I am also confused. Sometimes I go Joe and
6 sometime I go zoo.

7 PRESIDING JUDGE: Mr Jordash, is it a Joe Bush?

8 Mr Cammegh, Mr Ogeto, I mean, can we know where?

9 MR JORDASH: I think it is both.

12:26:37 10 PRESIDING JUDGE: It's neither one, nor is it the other.

11 MR OGETO: I am lost just like you are, My Lord.

12 PRESIDING JUDGE: And I see that Mr Fynn himself is lost
13 because when he first asked the questions -- when he started
off
14 he started with a zoo bush, now he is back to a Joe Bush.

12:26:51 15 MR FYNN: Yes, My Lord.

16 PRESIDING JUDGE. That is why I came in. So, I thought
17 he's, as an indigene, he is in a better position, you know,
18 knowing the history of this and to guide us. It doesn't
appear
19 he is.

12:27:07 20 MR FYNN: My Lord, my understanding is that
pronunciation
21 does vary and some people say "vary" and "varise", My Lord.
It
22 is one of those things. Zoo bush or --

23 PRESIDING JUDGE: Or Joe Bush.

24 MR FYNN: We all know what we are talking about, My
Lord.

12:27:22 25 PRESIDING JUDGE: Or Joe Bush.

26 MR FYNN: Or Joe or zoo, My Lord.

27 PRESIDING JUDGE: Is the "J" standing for "Joseph".

28 MR FYNN: I would not wish to comment, My Lord.

29 PRESIDING JUDGE: No, I don't mean any innuendos,
please.

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1 MR FYNN:

not
live
a
12:27:52

2 Q. Now, Mr Witness, the question was that you would -- and
3 only you -- but civilians generally would have preferred to
4 in a place where they did not have the need to run and hide in
5 zoo bush?

6 A. Yes.

Guinea

7 Q. You would agree with me that crossing the river into
8 afforded civilians such an opportunity?

9 A. Yes.

12:28:32
allow

10 Q. You would also agree with me that the RUF would not
11 civilians to freely cross the river into Guinea; am I correct?

12 A. No.

crossing

13 Q. You would agree with me, therefore, that the river
14 was heavily guarded by the RUF?

12:29:05

15 JUDGE BOUTET: I'm sorry, Mr Fynn, I'm not sure of the
16 previous answer, if it is a -- I don't know whether that means
17 "yes". I mean, the way the question was framed, I'm not sure
18 what the "no" means.

19 MR FYNN: My Lord --

12:29:18

20 JUDGE BOUTET: If the "no" means that they are wherefore
21 not allowed or if the "no" means that they will allow it.

22 MR FYNN:

to

23 Q. Mr Witness, did you say the RUF will not allow civilians

24 freely cross the river into Guinea?

12:29:40 25
allow

A. We went to do business at the riverside, but did not

26 you to cross the river. At that time no one was thinking of

27
were

crossing the river. We were okay in the territory where we

28
we

at the moment, talking about the time frame, the thing which

29 are talking. The years you have talked about, these are the

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1 answers I'm giving.

2
river,

Q. So your testimony is that even though you got to the

3 civilians were not anxious to cross; they were satisfied where

4 they were?

12:30:26 5

A. Yes.

6 Q. Mr Witness, I would suggest to you that, in fact, many

7 Sierra Leoneans did cross the river into Guinea and became

8 refugees there; did you know about that?

9 A. Yes, I knew of that.

12:30:56 10
guarded;

Q. Mr Witness, the border crossing was very heavily

11 am I correct?

I 12 A. When I was over there? Whether heavily guarded or not,
13 was not there, so I cannot say anything much.

not 14 PRESIDING JUDGE: So you do not know, just say you do
12:31:31 15 know.

16 THE WITNESS: No, no. No, I don't know.

17 MR FYNN:

the 18 Q. Mr Witness, did you not tell the Court that you went to
19 riverside at least once a week?

12:31:50 20 A. I said it. Talking about a time frame you are talking
21 about, we were doing business at the riverside. We went and
came 22 back.

23 Q. And when you went there, did you find it heavily
guarded?

24 A. Apart from those of us who went there and came back, who
12:32:22 25 went to transact our business, I did not see any other person
who 26 was just there to guard that place. I did not see that.

27 Q. But you went to the river under heavy guard; am I
correct?

28 A. Yes. We just don't go there on our own.

29 Q. And the guards were there to protect the goods and also
to

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1 prevent civilians from running away; am I correct?

2 A. They were there to protect us, because that was the
3 riverside and we were civilians, we were going there, so they
4 were there to keep watch, an eye over us, until we came back.

12:33:44 5 But I cannot say what was on a man's mind, so I cannot say
much
6 about that.

7 Q. They were there to keep an eye on you so that you would
8 come back.

9 A. Yes.

12:33:58 10 Q. But could you get to the river and decide not to come
back?

11 A. No, that won't happen.

12 Q. That won't happen. They would ensure that you returned;
am
13 I correct?

14 A. Yes, you will return.

12:34:27 15 Q. Mr Witness, did you ever visit Mr Sesay's home?

16 A. Yes, I went there.

17 Q. And --

18 PRESIDING JUDGE: Home, what home?

19 MR FYNN: In Giema, My Lord.

12:34:50 20 PRESIDING JUDGE: In Giema?

21 MR FYNN: Yes, My Lord.

22 PRESIDING JUDGE: I would prefer his "house" or his
23 "residence".

24 MR FYNN:

12:34:59 25 Q. Did you visit his residence?

26 PRESIDING JUDGE: And you precise in Giema, yes.

27 MR FYNN:

28 Q. In Giema.

29 A. Yes, I went there.

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children;

1 Q. And did you notice children there, other than his
2 his biological children, that is? You saw children there, did
3 you?
4 A. Yes, I saw children there.

12:35:44 5 Q. Many children; not so?
6 A. Yes.

7 Q. And is it also true that Mr Sesay went around with some
8 small boys; he went around town with some small boys?
9 A. The town, I did not see him with small boys in the town,
12:36:00 10 going around the town with small boys. I did not see any
small
11 boy with him.

12 Q. You've never seen Mr Sesay in town with small boys
around
13 him?
14 A. No.

12:36:23 15 Q. But you would see him with his bodyguards; am I correct?

16 A. Yes.

17 Q. And the bodyguards were armed; am I correct?

18 A. Yes.

19 Q. I would suggest to you that some of those bodyguards
were,
12:36:43 20 in fact, boys aged 10, 11 and 12?

21 A. No.

22 Q. Now, Mr Sesay did have armed men with him in Giema who
were
23 under his command; am I correct?

24 A. Yes.

12:37:27 25 Q. Now, I would also suggest to you that among those armed
26 men, those RUF men who were in the town in Giema, there were
27 small boys aged 10, 11 and 12 or thereabouts?

28 A. I did not see that. The ones I saw, 15 years, 16, those
29 are the boys I saw.

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1 Q. So you only saw boys who were 15 years and 16 years?

2 A. No. I said ones who were with him, the bodyguards, some
of
3 them were 25; some of them I can estimate 30 years; some of
them
4 were married men; some of them are married men who were around

12:38:28 5 him. I did not see any small boy.

those 6 Q. Well, I heard you the first time when you spoke about

7 who were married men. I wish to refer to your reference, a

few 8 seconds ago, to boys who were 15 and 16. When you mentioned

boys 9 who were 15 and 16, what did you mean?

12:38:50 10 A. No. You asked me whether he had children at home. What

11 about in the town? Did he have little boys around him? I did

12 not see small boys around him. That was what I told you. You

13 said what about the bodyguards? I said some of them, they are

14 25, and some of them they are 30, and I said most of them are

12:39:13 15 even married men. When you asked me, that was what I said.

What 16 you said is not what I said.

17 PRESIDING JUDGE: Hold it. Hold on. What you said,

18 Mr Witness, is that they asked you whether Mr Sesay had some

19 armed men who he controlled in Giema. You said "yes". They

12:39:39 20 asked you whether --

21 THE WITNESS: Yes.

22 PRESIDING JUDGE: -- among those armed men there were

23 children. You said what you saw was only those who were about

15 24 or 16 years. I got that on the record too.

12:40:06 25 THE WITNESS: No.

26 MR FYNN:

27 Q. Mr Witness, are you now suggesting that you never saw 15

or 28 16-year old boys in Giema?

29 PRESIDING JUDGE: That should not be the question.

wider 1 MR FYNN: My Lord, it's a launching pad, sir, it is a

2 question.

3 PRESIDING JUDGE: There --

4 MR FYNN: It is a wider question.

12:40:29 5 PRESIDING JUDGE: -- there were many 15 and 16-year old
6 children --

7 MR FYNN: I would now --

8 PRESIDING JUDGE: -- in Giema, certainly, like you would
9 expect in any village.

12:40:37 10 MR FYNN: I stand guided by Your Lordship, My Lord.

11 PRESIDING JUDGE: Place it within the context.

would 12 MR FYNN: I was hoping that when he answers that, we

would 13 work downwards and then it would be clearer, My Lord, but I

14 take Your Lordship's guidance on this.

12:40:55 15 PRESIDING JUDGE: Yes.

16 MR FYNN:

among 17 Q. Now, Mr Witness, did you see any 15 or 16-years olds

18 the RUF in Giema?

19 A. No, no.

12:41:22 20 Q. Is it your testimony that all RUF in Giema were older
than

21 16 years?

22 A. Yes, the ones I knew and saw.

23 Q. But did you hear about 15, 16-year olds being members of

24 the RUF?

12:41:53 25 A. Whether I heard of it?

26 Q. Whether you heard of it.

27 A. I did not hear of it.

28 Q. Mr Witness, did you lose any relations -- sorry to come
to

29 a personal level -- did you lose any relations during the war?

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1 A. Yes, I lost my people.

2 Q. And am I correct that some people whom you lost you only

3 heard about their deaths after the war?

4 A. They died during the war.

12:43:07 5 Q. Yes, I agree some of your relations may have died during

6 the war. My question is whether, in fact, some people who may

7 have died during the war you did not get to know that they had

8 died until much later?

9 A. Yes. Most of them who died I did not know of it except
12:43:37 10 after the end of the war, then people came back and they were
11 telling us.

12 Q. So you could not have attended the funeral or burial of
all
13 your relations who died during the war?

14 A. No, I did not go there.

12:44:04 15 Q. You would agree with me -- you would agree with me that
16 some people who died were buried without any ceremony at all
17 during the war?

18 A. I cannot explain that, because people died in a
particular
19 place, probably they might have died in a place where
ceremonies
12:44:42 20 were conducted -- were performed. Some people died in Guinea;
21 some died in Liberia; those of my family members. Those who
left
22 and came, they said they did some things. I cannot give you
any
23 explanation about that because I was not there.

24 Q. Mr Witness, you would agree with me that you share
12:45:00 25 relations with one Aruma Fatoma; am I correct?

26 A. Go over that again; I did not understand it properly.

27 Q. You and one Aruma Fatoma, you have the same relatives?

28 A. Yes, yes, we are relatives.

29 Q. You are relatives and also -- your relations would also
be

1 his relations?

2 A. Yes.

3 Q. Thank you very much, Mr Witness.

4 MR FYNN: My Lords, that would be all for the witness.

12:45:47 5 Thank you.

6 PRESIDING JUDGE: Yes, Mr Jordash.

7 MR JORDASH: If I may?

8 PRESIDING JUDGE: You want re-examination?

9 MR JORDASH: Yes, please, just one or two questions.

12:46:34 10 RE-EXAMINATION BY MR JORDASH:

11 Q. The counsel for the Prosecution have suggested to you
that

12 civilians all wanted to leave and travel to Guinea, but were
not

13 permitted --

14 PRESIDING JUDGE: No, no, that was not the suggestion.

12:47:00 15 JUDGE BOUTET: That's right. The question was that they

16 were "all".

17 PRESIDING JUDGE: No, not all.

18 MR JORDASH: It is a suggestion --

19 PRESIDING JUDGE: No.

12:47:08 20 MR JORDASH: -- because the Prosecution.

21 JUDGE BOUTET: Well, it was many. The suggestion was

22 before that many Sierra Leoneans crossed to Guinea at some
given

23 time and became refugees.

24 PRESIDING JUDGE: Became refugees.

12:47:17 25 MR JORDASH: Yes.

26 JUDGE BOUTET: And then he followed up with some other
27 questions of that nature, but not that "all" were trying to go
28 across.

29 PRESIDING JUDGE: No.

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the
learned
1 MR JORDASH: Well, that's the overall suggestion from
2 series of questions asked by my learned friend. Then my
3 friend asked --

12:47:34 4 JUDGE BOUTET: That is not my understanding of these
5 questions, so --

6 MR JORDASH: Well, it --

7 PRESIDING JUDGE: It wasn't mine either.

that
8 MR JORDASH: Well, it certainly is mine, from the way
9 my learned friend put the series of questions. The premise is
12:47:57 10 that the Prosecution wish to -- perhaps, the interpreter could
11 cut off the interpretation to the witness.

12 PRESIDING JUDGE: Yes. Can you cut off the
interpretation?

13 THE INTERPRETER: Your Honours, we are not interpreting
14 this.

12:48:03 15 PRESIDING JUDGE: All right.

16 MR JORDASH: The --

17 PRESIDING JUDGE: That is a wonderful initiative from
the
18 cabin.

19 MR JORDASH: But the series of questions is designed to
12:48:13 20 buttress the Prosecution's theory or proposition that
civilians
21 had no choice but to remain in Kailahun.

22 PRESIDING JUDGE: And they were captives.

23 MR JORDASH: That they were captives. My learned friend
24 started with the question as to whether civilians would have
12:48:32 25 preferred not to hide in the zoo bush, and whether civilians
was
26 would have preferred to be able to cross into Guinea. There
27 no qualification there, when my learned friend put these
28 questions concerning some of the civilians, there was no
29 qualification put at all. The proposition was that civilians

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1 wanted, all of them, to leave Kailahun.

put
that
12:49:13

2 JUDGE BOUTET: It is not a suggestion, Mr Jordash. You
3 that in; it is not a suggestion. This is not the evidence
4 was gained in cross-examination. I regret this is not what it
5 was.

6 MR JORDASH: Well, this is the series of questions put,
7 there is no dispute that these questions were put.

you
8 JUDGE BOUTET: I did not come to that conclusion, nor,
9 heard Justice Itoe, he doesn't come to that conclusion either.

12:49:27 10 PRESIDING JUDGE: The questions were put but not in that
11 prospective of a mass exodus.

12 MR JORDASH: Well, if my learned wasn't putting the
13 proposition that all the civilians, or the vast number of them
14 wanted to leave but were prevented, and if Your Honours
haven't

12:49:44 15 taken that meaning from the questions or the answers, then I
will
16 sit down. What I wanted to clarify with the witness was, if
that
17 was the proposition, and if that is going to be the
Prosecution's

18 submission, then I wanted to clarify with the witness what he
19 observed were the reasons that Kailahun civilians might have
12:50:07 20 wanted to remain in their home towns. If that wasn't the
21 Prosecution's proposition, and if that is not going to be
their
22 submission, perhaps, they could indicate that now to clear up
23 this matter and then I won't need to clarify or won't seek to
24 clarify with the witness.

12:50:23 25 PRESIDING JUDGE: You see, what I perceive from the line
of

--
26 questioning is that, I mean, globally, that civilians were not
27 did not have autonomy of movement. They could not -- they
didn't
28 have the faculty of going and coming, you know; they didn't
have
29 the freedom, you know, to go and to come.

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1 MR JORDASH: Yes.
2 PRESIDING JUDGE: You see, this is it.
3 MR JORDASH: That's --
4 PRESIDING JUDGE: But in terms of there being a mass
12:50:59 5 exodus, no, I wouldn't think so, because you also cannot rule
out
6 the possibility that some were happy with that situation, a
good
7 number were happy with that situation, and they were staying.
8 MR JORDASH: Well, that is exactly --
9 PRESIDING JUDGE: Yes. This is -- this is the way I
12:51:16 10 perceive the evidence, you know, that it is not that all the
RUF
11 prevented the exodus of a massive group, you know, of people
who
12 wanted to leave for Guinea and go across the border.
13 MR JORDASH: Well, if that --

14 PRESIDING JUDGE: I didn't perceive it that way.

12:51:36 15 MR JORDASH: If that is clear from the evidence, then
there

16 is no clarification needed. I was --

17 PRESIDING JUDGE: Well, I don't know, this is my --

18 MR JORDASH: It appeared to me that the evidence had
been

19 left in a state of a lack of clarification with there being

12:51:47 20 propositions put which --

21 PRESIDING JUDGE: You are more interested in the

22 suggestion, you know, that the RUF are understood to have

23 prevented a massive exodus.

24 MR JORDASH: Well, this was my understanding of the

12:52:09 25 propositions put by my learned friend, was that that's their

26 latest submission.

27 JUDGE BOUTET: Well, your witness, your witness has said
he

28 was not interested to go across. I mean, if it's --

29 MR JORDASH: Well, what wasn't clear was whether there
were

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1 other civilians who were not interested in crossing, that was
the

2 bit I wanted to clarify. The global proposition was put. The
3 witness --

4 JUDGE BOUTET: Mr Jordash, it was not the global, but my
12:52:40 5 concern was that the way, the type of thing that question does
6 not come out of the cross-examination done by the Prosecution;
it
7 does not.

8 MR JORDASH: Well --

9 JUDGE BOUTET: It was not put to the witness in that
way.

12:52:48 10 You can read it the way you want, but that is not the way it
was
11 put to the witness.

12 MR JORDASH: Well, Your Honour, there is not -- there is
no
13 qualification. There was no qualification. And there hasn't
14 been a question which was qualified. So there is no other way
of

12:53:03 15 reading it, if there isn't a qualification put by
16 my learned friend. My learned friend does not say --

17 JUDGE BOUTET: They did not say to the witness that all
18 people living in Giema were precluded from crossing to Guinea.
19 It was not put to the witness.

12:53:10 20 MR JORDASH: No. They put, would civilians have
preferred
21 not to have hidden in the zoo bush? Would civilians have
22 preferred to cross into Guinea? No qualifications as to would
23 some civilians --

24 JUDGE BOUTET: Well, it was put to the witness, indeed,
12:53:35 25 that it was better not to go in the Joe Bush. It would be
better
26 elsewhere. The witness agreed to this.

27 MR JORDASH: But there is no qualification, that is the
28 point. The point is my learned friend has put a global
29 proposition on a number of occasions. There is nothing that

my

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1 learned friend said which qualified that global proposition.

The

2 witness hasn't clarified the issue, when I was seeking to

clarify

3 it. There is, in my submission, no other interpretation from

4 my learned friend's cross-examination. He did not use the

word

12:54:08 5 "some" at any stage. It was "would civilians". It was always

6 "would Kailahun" --

7 JUDGE BOUTET: Yes, but "would" civilians doesn't mean

all

8 civilians. You are saying he should have put "some". I mean,

I

9 think if the question "would civilians", doesn't say it is

some,

12:54:24 10 it doesn't say it is all, it is "would civilians".

11 MR JORDASH: Well, if there is no qualification used,

then

12 there is no qualification that can be inferred. That is the

13 point. Unless my learned friend qualifies his global

14 proposition, it remains a global proposition. But if --
12:55:06 15 JUDGE BOUTET: With the way you have framed your
question,
16 Mr Jordash, I'm not prepared to allow that. But it may be
that
17 some clarification may be brought to bear, but not the way you
18 have framed the question.
19 MR JORDASH: Well --
12:55:20 20 PRESIDING JUDGE: Maybe you may have another go at the
21 question --
22 MR JORDASH: Well --
23 PRESIDING JUDGE: -- and we'll see where we move to.
24 MR JORDASH: Well, to be honest, I don't understand the
12:55:29 25 criticism. I accept it, I have to, but I don't understand it.
26 JUDGE BOUTET: Because you said "would all", I think you
27 should be sure of the fact that if you are going to put "all",
28 that's not what the questions from the Prosecution was. And,
you
29 say, well, he didn't said "some". I mean, you are putting to
the

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1 witness "all", and obviously the witness will tell you, "no",
2 because this is not the evidence.

3 MR JORDASH: Well, let me try a different way, if I can.

4 JUDGE BOUTET: That is what I suggest to you. We will -

12:55:54 5 MR JORDASH: All right.

allow 6 JUDGE BOUTET: -- see how you get to it, and we may

7 it.

8 PRESIDING JUDGE: Try again.

know 9 JUDGE BOUTET: At times you can be very creative, we

12:56:20 10 that, Mr Jordash.

11 PRESIDING JUDGE: No, we know -- he is not -- he is not

12 creative.

13 MR JORDASH: Not at the end of a very long trial.

14 PRESIDING JUDGE: There is somebody who is more creative

12:56:23 15 than he is. I wouldn't mention names.

16 MR JORDASH:

17 Q. Mr Witness, are you still with us?

18 A. Yes, sir.

19 Q. Were you able to observe, in Giema and the environs, the

12:56:59 20 reasons why civilians remained within RUF territory in 1997

and 21 1998 and 1999?

22 A. They were now accustomed -- they become used to them

23 because all the Gios had left, they were our siblings, so, we

are 24 now living together because we are now used to them. They

became 25 our siblings.

12:57:23 26 MR JORDASH: I've got nothing further.

27 JUDGE BOUTET: "To them," Mr Witness, you mean the RUF

used

28 people, the soldiers? When you say "we were" -- "we became
29 to them, they became our siblings" what do you mean by this?

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are

1 THE WITNESS: Yes. This is the same country all of us
2 living. Those who just who were here, they were Sierra
3 the foreigners had left, so our siblings had left --

Leoneans,

12:58:12

4 THE INTERPRETER: Correction interpreter; our siblings
5 stayed.

That

6 JUDGE BOUTET: And "the siblings" you mean the RUF?
7 is my question.

8 THE WITNESS: Yes, I mean the RUF. Those with guns that
9 were staying with us, while they remained.

12:58:29

10 JUDGE BOUTET: And you got used to them and they became
11 part of your --

now

12 THE WITNESS: Yes, we became used to them, and we are
13 living together.

14 JUDGE BOUTET: That's it, Mr Jordash.

12:58:44

15 MR JORDASH: Thank you for clarifying that.

16 JUDGE BOUTET: Well, I had to understand too what the

too, 17 witness meant, so your clarification brought some ambiguity

18 for me anyhow.

19 MR JORDASH: Perhaps you are the person His Honour was
12:58:58 20 referring to with the creative mind.

21 JUDGE BOUTET: Thank you.

consult 22 PRESIDING JUDGE: The next time we shall ask you to
23 a more creative mind, so that you come up with more creative
24 solutions.

12:59:18 25 Well, so, Mr Witness --

26 THE WITNESS: Yes, sir.

27 PRESIDING JUDGE: -- we have come to the end of your
28 testimony, and we would like to thank you for coming to assist
29 the Tribunal with your testimony. We wish you a safe journey

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1 back. You may now go home, we wish you a safe journey back.

2 THE WITNESS: Amen.

3 PRESIDING JUDGE: And when in your daily preoccupations
4 and --

13:00:30 5 THE WITNESS: Amen.

6 PRESIDING JUDGE: And may Allah be your guide all the
time.

7 THE WITNESS: Insh'Allah. Amen.

8 PRESIDING JUDGE: Yes. Can the witness be helped out,
9 please? We would be breaking off at this point in time. And,
13:01:03 10 Mr -- just wait, just wait, Mr George. Wait, madam, please
wait

11 a while. Okay. Now madam, please, take him out, please.

12 THE WITNESS: Am I to take my water along?

13 MR JORDASH: The witness wants to know whether he can
take
14 his water along?

13:01:48 15 PRESIDING JUDGE: Yes, you can take the water. Please,
16 give that bottle to him. Tell him -- tell him I said he can
take

17 it back to Giema and show them that that is what he has
brought

18 from Freetown from the Courts. And maybe more that he will
not

19 -- and maybe he has had more that he has not disclosed or he
13:02:15 20 would not disclose over there.

21 Yes, I think we finished just on time, and we would be
re-
22 assembling here at -- not at 3.00 but at 4.00, at 4.00 p.m.
for

23 the status conference. So the Court stands adjourned, and we
24 will resume sitting on a status conference at 4.00 p.m. The
13:03:25 25 Chamber rises, please.

26 [Whereupon the hearing adjourned at 1.00
pm.]

27

28

29

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WITNESSES FOR THE DEFENCE:

WITNESS: DIS-128 2

EXAMINED BY MR JORDASH 2

CROSS-EXAMINED BY MR FYNN

11

CROSS-EXAMINATION BY MR CAMMEGH

28