



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

THURSDAY, 12 AUGUST 2010
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Julia Sebutinde, Presiding
Justice Richard Lussick
Justice Teresa Doherty
Justice El Hadji Malick Sow, Alternate

For Chambers:

Ms Sidney Thompson

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Ms Silas Chekera
Ms Logan Hambriek
Mr Michael Herz

1 Thursday, 12 August 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.03 a.m.]

09:02:26 5 PRESIDING JUDGE: Good morning. We will start with
6 appearances, please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning
8 your Honours and counsel opposite. For the Prosecution this
9 morning, Brenda J Hollis, Maja Dimitrova and Nicholas Koumjian.

09:04:09 10 MR GRIFFITHS: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence today, myself, Courtenay
12 Griffiths. With me, Ms Logan Hambri ck, Mr Silas Chekera and
13 Mr Michael Herz.

14 PRESIDING JUDGE: Thank you. Good morning, Mr Sesay. As
09:04:27 15 usual, I remind you of the binding oath that you took to tell the
16 truth.

17 Please continue, Mr Griffiths.

18 WITNESS: DCT-172 [On former oath]

19 EXAMINATION-IN-CHIEF BY MR GRIFFITHS: [Cont'd]

09:04:38 20 Q. Mr Sesay, I am anxious to conclude my examination-in-chief,
21 which is why what I propose to do today is to put various
22 propositions, and if those opposite query the propositions I'm
23 putting, I will provide the transcript references, if necessary.

24 Now, first of all, who is Seibatu Jusu?

09:05:02 25 A. Seibatu Jusu was an operator in the RUF.

26 Q. With whom did that individual work?

27 JUDGE DOHERTY: Mr Griffiths, what kind of operator? He
28 could be a mechanic, for all we know.

29 MR GRIFFITHS:

1 Q. What kind of operator, Mr Sesay?

2 A. She was a radio operator.

3 Q. For whom?

09:05:38 4 A. First, she operated with Superman, because she trained in
5 the Western Jungle in '95, '96.

6 Q. Then?

7 A. After the AFRC overthrow, she went to Kenema and she was
8 there with her parents, and during the intervention both her
9 parents went to Kailahun and so she was in Kailahun for part of
09:06:07 10 '98 and she went to Buedu. She was staying with Hawa, assisting
11 her with domestic chores, preparing food. And at the same time
12 she used to go to the radio, in addition to her - to the domestic
13 chores.

14 PRESIDING JUDGE: Mr Griffiths, when the witness says "AFRC
09:06:26 15 overthrow", it's ambiguous. Is he referring to the overthrow of
16 the AFRC government or what is he referring to?

17 MR GRIFFITHS:

18 Q. When you refer, Mr Sesay, to the AFRC overthrow, what are
19 you referring to?

09:06:40 20 A. I'm referring to the time the AFRC overthrew SLPP in 1997,
21 May.

22 Q. Thank you. Now, did she work as a cook and a radio
23 operator for Sam Bockarie?

24 A. Yes.

09:07:05 25 Q. Did you know her personally?

26 A. Yes.

27 Q. Did she live in the same house as Sam Bockarie?

28 A. No. She did not sleep there. She used to spend the day
29 there to assist Hawa to cook, and in the evening she would go to

1 the house where she lived in Buedu.

2 Q. Who is Planet One?

3 A. Planet was Sam Bockarie.

4 Q. What does 448 relate to?

09:07:48 5 A. 448 is jet, Alpha Jet.

6 Q. Alpha Jet. And in what context was that reference, 448,
7 used?

8 A. For example, like if the jet has taken off coming to
9 Kailahun and the operator in Baiima, that is the radio operator,
10 saw it or heard it, he would call Buedu and he will say, "448 is
11 coming." He will call to Kailahun, Pendembu, and those in
12 Kailahun, Buedu, Pendembu will know that the jet is coming.

13 MR GRIFFITHS: I am told that at page 5 of today's
14 transcript, at line 18, which reads, as currently on the
09:08:49 15 transcript, "She used to spend the day there to assist how to
16 cook," it was Hawa, H-A-W-A.

17 Q. Mr Sesay, do you know someone by the name of Selay?

18 A. Yes.

19 Q. Who is that?

09:09:14 20 A. Selay was a radio operator in '98. He was the signal
21 commander but he committed suicide in '99.

22 PRESIDING JUDGE: Radio operator for who or what?

23 THE WITNESS: For Sam Bockarie.

24 MR GRIFFITHS:

09:09:37 25 Q. And where was he based?

26 A. In '98 he was in Buedu.

27 Q. In 1999, up until he committed suicide, where was he?

28 A. He was in Buedu.

29 Q. And for whom was he a radio operator, can you remind me?

1 A. He operated for Sam Bockarie.

2 Q. Did you know this individual?

3 A. Yes.

4 Q. During the time when he was a radio operator for
09:10:21 5 Sam Bockarie where were you?

6 A. In March, April I was in Buedu and in May I went to
7 Pendembu, '98, so during that time I knew that he was the radio
8 commander, signals commander for the RUF and he worked with
9 Sam Bockarie, because there were times he used to come to
09:10:51 10 Pendembu with Sam Bockarie in '98.

11 Q. At the time when he was a radio operator for Sam Bockarie,
12 were you aware of him communicating with Liberia and, in
13 particular, Charles Taylor?

14 A. No, I did not know about Sellaay communicating with
09:11:13 15 Mr Taylor because Sellaay crossed to the RUF area together with
16 Jungle and others in Sierra Leone in 1992, so all of us were in
17 Giema '94, '95 and he left in Giema '96 - he left Giema --

18 THE INTERPRETER: Your Honours, can the witness kindly
19 repeat his answer.

09:11:38 20 MR GRIFFITHS:

21 Q. He left Giema when?

22 A. He was in Giema from '94, all of us came to that Koindu
23 area and from that time, that is '94 right up to '97, he was in
24 Giema.

09:11:53 25 Q. Thank you. Mr Sesay, in or about 1997 were you aware of
26 men wearing Liberian uniforms coming to RUF-held territory in
27 Sierra Leone?

28 A. No, I did not hear that in '97.

29 Q. Do you know someone called Sampson?

1 A. Yes, I know Sampson, in 2000.

2 Q. What is Sampson's full name?

3 A. Well, I only know Sampson.

4 Q. Where did you come to meet him?

09:12:42 5 A. The time I went to release the UN peacekeepers, it was
6 Sampson who brought the helicopter and he was the one who
7 distributed the uniforms to the peacekeepers. That is the time I
8 know - I knew him.

9 Q. Do you know an associate of Sampson called Junior?

09:13:03 10 A. No, I don't know that.

11 Q. Have you ever seen Jungle wearing Liberian uniforms?

12 A. No, I did not see that.

13 Q. Have you ever seen either Sampson or Jungle wearing
14 Liberian uniforms in RUF-held territory?

09:13:28 15 A. No, I did not see that.

16 Q. Are you aware of satellite phone contact between
17 Sam Bockarie and Benjamin Yeaten?

18 A. No.

19 Q. Are you aware of Jungle bringing arms and ammunition to
09:13:55 20 RUF-held territory?

21 A. No, no. I don't know about that.

22 Q. Was Jungle, in effect, an agent for Charles Taylor?

23 A. No, I did not know about that.

24 Q. Did anyone ever suggest to you that Jungle played such a
09:14:16 25 role?

26 A. No.

27 Q. After Sam Bockarie went to Monrovia in December 1999,
28 Mr Sesay, did you have any further contact with him?

29 A. Except the time I went for the ECOWAS meeting; that is the

1 ECOWAS leaders' meeting, and from there he came to the guesthouse
2 and we also went to his house, when I went there to say hello to
3 his mother.

4 Q. I want to move on from that witness. Who is Matthew Sesay?

09:15:16

5 A. Matthew Kennedy.

6 Q. Did you know him?

7 A. CO Kennedy, yes, I know him.

8 PRESIDING JUDGE: Mr Griffiths, what witness are you
9 referring to? You just said, "I want to move on from that

09:15:33

10 witness." Was there a particular witness?

11 MR GRIFFITHS: TF1-367.

12 Q. How well do you know him?

13 A. Well, I knew him from Camp Naama. All of us trained
14 together and we came to Kailahun, right up to '93 - late '93 to
15 part of '94 all of us were in that Koindu area, so I know him
16 very well, right up to the end of the war.

09:16:01

17 Q. Did you ever send him to fight in Guinea?

18 A. No, no. I never sent him to fight in Guinea.

19 Q. What about this allegation, Mr Sesay, and I ask you in case
20 in due course it is put to you: Did you rape Johnny Paul
21 Koroma's wife?

09:16:25

22 A. No, I did not rape her.

23 PRESIDING JUDGE: Did you search her?

24 THE WITNESS: No, she was not the one searched. We did not
25 search her and even Johnny Paul was not searched. It was Johnny
26 Paul himself who presented the diamonds.

09:16:49

27 MR GRIFFITHS:

28 Q. This allegation that you raped Johnny Paul Koroma's wife,
29 Mr Sesay, is there any truth in it?

1 A. There is no truth in that.

2 Q. Mr Sesay, are you aware of someone called Mohamed Kabbah?

3 A. Yes, I know him. He is Tourist, a radio operator for the
4 RUF.

09:17:38 5 PRESIDING JUDGE: Did you say he is a tourist or --

6 THE WITNESS: No, he is Tourist, that is a nickname,
7 Tourist.

8 PRESIDING JUDGE: How do you spell that?

9 MR KOUMJIAN: We have it on the record, Your Honour, and it
09:17:56 10 is spelt as the --

11 PRESIDING JUDGE: As a tourist?

12 MR KOUMJIAN: Yes.

13 MR GRIFFITHS: But I see he has been labelled as a
14 terrorist, according to the transcript at page 10, line 13.

09:18:14 15 Q. When did this individual join the RUF, Mr Sesay?

16 A. 1991.

17 Q. Where?

18 A. Kailahun Town.

19 Q. And where did he receive training as a radio operator?

09:18:34 20 A. He was trained as a radio operator in Zogoda, they were the
21 ones that Mr Sankoh trained around '94.

22 Q. And with whom was he assigned following his training?

23 A. Well, after his training I understood that he was working
24 with Sam Bockarie in Bandawor.

09:19:06 25 Q. In case of difficulty, how do you spell that name,
26 Bandawor?

27 A. Let the interpreter help.

28 MR GRIFFITHS: Yes, Mr Interpreter.

29 THE INTERPRETER: Yes, your Honour, B-A-N-D-A-W-O-R.

1 MR GRIFFITHS: I am grateful.

2 Q. And thereafter where was he assigned?

3 A. I said he was assigned to Sam Bockarie in Bandawor and from
4 there he later came to Zogoda after Mr Sankoh had gone to the
09:19:58 5 Ivory Coast and from there Mr Sankoh sent to Mohamed Tarawalli -
6 to send two operators and he was among the two operators who went
7 to meet Mr Sankoh in Abidjan through Guinea.

8 Q. And for how long was he in Abidjan?

9 A. He was in Abidjan, I don't know the number of months, but
09:20:27 10 around October of '96 he returned, together with Jackson Ray,
11 that is Swarray. They all came to Kailahun through Guinea.

12 Q. And following his return, where was he assigned?

13 A. He was in Giema.

14 Q. With whom?

09:20:50 15 A. He was there with myself, Bockarie and Peter Vandi, and
16 when the Kamajors and the SLAs attacked Giema, around January of
17 '97, Sam Bockarie went to Buedu. So he was with me in Giema up
18 to May 1997.

19 Q. And thereafter where was he?

09:21:16 20 A. Thereafter, he came together with Sam Bockarie and others
21 to Freetown and later he came to Kenema and went to Kailahun. He
22 left Sam Bockarie in Kenema while he went to Kailahun.

23 Q. Now help me with this: During what period of time was this
24 individual a radio operator for Sam Bockarie?

09:21:44 25 A. Well, at the initial stage of the AFRC government, but
26 around late '97 he went to Kailahun and he was in Kailahun Town
27 right up to the intervention.

28 Q. Yes, but my question is quite specific for good reason.
29 For what periods was he a radio operator for Sam Bockarie?

1 A. Well, I can say from late May to September.

2 Q. Of which year?

3 A. '97.

09:22:32 4 Q. Was this individual a radio operator for Sam Bockarie at
5 any other period, to your knowledge?

6 A. Yes.

7 Q. When?

8 A. From - because he was in Kailahun Town throughout '98 and
9 thereafter in 1999 Sam Bockarie invited him, so he was in Buedu
09:22:57 10 up to 1999. So after the death of Sella, Sam Bockarie appointed
11 him as signals commander.

12 Q. During the time when this individual was a radio operator
13 for Sam Bockarie, are you aware of him being involved in radio
14 communications between Sam Bockarie and Charles Taylor?

09:23:26 15 A. No. I was not aware of that because from April to October,
16 to early October, he was in Buedu. And I used to see the radio
17 logbook almost on a daily basis.

18 Q. Mr Sesay, yesterday afternoon and this morning we have
19 looked at the testimony given to these judges by several radio
09:23:54 20 operators, all of them speaking of regular contact between
21 Sam Bockarie and yourself and Charles Taylor via radio. Help us.
22 What is your knowledge of such contact between the RUF and
23 Charles Taylor?

24 A. No, as far as I know Mr Taylor and I did not communicate
09:24:26 25 through the radio and even with Sam Bockarie because all the
26 radio logbooks, there was never a message that came from
27 Mr Taylor or direct to Mr Taylor either from Sam Bockarie or from
28 me.

29 Q. Mr Sesay, help me. Was there any occasion when you, as an

1 individual, actually spoke on a radio to Charles Taylor, and I
2 say "radio" quite specifically?

3 A. That never happened. I never spoke with Mr Taylor on the
4 radio.

09:25:12 5 Q. As far as you are aware, did Sam Bockarie physically have
6 in his hand a microphone and speak to Charles Taylor over the
7 radio, to your knowledge?

8 A. I never heard that and Sam Bockarie never told me that.

9 Q. Mr Sesay, if you were minded to send a message via the
09:25:42 10 radio, just talk us through the process step by step that you
11 would have to go through?

12 A. I would invite the radio operator and explain the message
13 to him and the radio operator in turn will write down the
14 message. And the person to whom I will be writing the message
09:26:13 15 to, his name will be written up. There are times my own name
16 will be written up the paper, and the person who will be
17 receiving the message, his name will be written down the paper.
18 And from there the radio operator would encode the message and
19 send it. When the other operator would receive it from the other
09:26:33 20 end, he would decode it and write it down in the logbook and he
21 would go and give it to the person to whom I had sent the
22 message.

23 Q. The reason I am asking you, Mr Sesay, is this: A number of
24 Prosecution witnesses, radio operators, have come to this Court
09:26:54 25 and said that they recall direct conversations between
26 Sam Bockarie and Charles Taylor, between you and Charles Taylor,
27 over the radio. Did any such thing occur?

28 MR KOUMJIAN: Your Honour, I would request references for
29 that. That's not the evidence.

1 MR GRIFFITHS: Perhaps I have been listening to a different
2 Prosecution case to the one heard by Mr Koumjian.

3 MR KOUMJIAN: Apparently.

4 MR GRIFFITHS: This is the evidence given by many
09:27:28 5 Prosecution witnesses, and Mr Koumjian can laugh as much as he
6 likes. Sit down. Sit down.

7 PRESIDING JUDGE: Mr Griffiths.

8 MR GRIFFITHS: I haven't finished yet.

9 PRESIDING JUDGE: Mr Griffiths, please, control yourself.

09:27:44 10 MR GRIFFITHS: Sit down.

11 PRESIDING JUDGE: Please control yourself and do not --

12 MR GRIFFITHS: I don't need to control myself, with
13 respect, Madam President. This boy is being disrespectful.

14 PRESIDING JUDGE: That is enough. That is enough.

09:27:57 15 Absolutely not in order to address counsel opposite as a boy.
16 Absolutely out of order.

17 MR GRIFFITHS: Excuse me.

18 PRESIDING JUDGE: Absolutely out of order, Mr Griffiths,
19 and I will not tolerate it in this Court. This is language that
09:28:11 20 is absolutely out of order and I will demand that you apologise
21 to Mr Koumjian across.

22 MR GRIFFITHS: I don't intend to. I will not.

23 MS HOLLIS: I ask that the Bench sanction this counsel for
24 his improper, immature and unprofessional conduct. It has been
09:28:29 25 going on throughout the Defence case and even in the Prosecution
26 case. It demeans the integrity and the dignity of these
27 proceedings and nobody should have to put up with it. Maybe in
28 England they get away with it, I doubt it, but it should not be
29 tolerated here and he should be sanctioned.

1 [Trial Chamber conferred]

2 MR CHEKERA: Madam President, with your leave may I address
3 the Court?

4 PRESIDING JUDGE: Why? On what?

09:29:28 5 MR CHEKERA: I have just got an instruction from Mr Taylor
6 and he would have wanted a few minutes to consult with lead
7 counsel.

8 PRESIDING JUDGE: Very well. I will hear what you have to
9 say. Please address the Court.

09:29:40 10 MR CHEKERA: Sorry, Madam President. Madam President,
11 could we respectfully ask for five minutes to confer among
12 ourselves with Mr Taylor.

13 PRESIDING JUDGE: Very well. I think I will give you five
14 minutes.

09:30:02 15 MR CHEKERA: Thank you.

16 PRESIDING JUDGE: I will give you three minutes.

17 MR KOUMJIAN: Your Honour, could I address the Court
18 briefly?

19 PRESIDING JUDGE: Mr Koumjian, please address the Court.

09:30:37 20 MR KOUMJIAN: Your Honour, first of all let me say I do not
21 intend to respond to any personal attacks by Defence counsel.
22 That is because we are here because we think these proceedings
23 are serious, they are about horrible crimes that happened in
24 Sierra Leone, they are about the victims that suffered. They are
09:30:53 25 not about us, so I am not going to respond personally.

26 Secondly, we would request counsel to find the references.
27 I realise there is another proceeding before the Court regarding
28 the conduct of counsel, but we would request the references in
29 the period of time that Charles Taylor was present. It's my

1 understanding of the evidence that there was not direct radio
2 contact between Charles Taylor, Bockarie and Sesay. They were
3 through satellite telephone. That's the evidence.

4 PRESIDING JUDGE: Okay. What we are going to do, we are
09:31:27 5 going to go off the Bench for five minutes or so, as requested by
6 Mr Chekera, and then we will return and I am going to take this
7 matter up when we return.

8 [Break taken at 9.31 a.m.]

9 [Upon resuming at 10.14 a.m.]

10:14:22 10 [In the absence of the witness]

11 PRESIDING JUDGE: Now I apologise that the Chamber took a
12 bit of time - a bit longer than we had anticipated, but this is
13 reflective of the seriousness of what happened in this Court this
14 morning. And the Chamber has the following to say, pursuant to
10:14:52 15 the fracas that broke out in court this morning:

16 Now I recall that at the commencement of today's
17 proceedings lead Defence counsel, Mr Griffiths, prefaced his
18 submissions by stating that in the interests of efficiency he
19 would put various propositions to the witness and if counsel
10:15:13 20 opposite queried the propositions put, then lead counsel would
21 provide the transcript references if necessary.

22 At approximately 9.26 lead counsel put a question to the
23 witness, which question entailed the mention of a number of
24 unspecified Prosecution witnesses, radio operators, who have come
10:15:40 25 to this Court and said certain things. At this stage
26 Mr Koumjian, counsel for the Prosecution, stood up and politely
27 requested references for Mr Griffiths's assertions.

28 This inquiry by Mr Koumjian, in our view, was perfectly in
29 order and consistent with the commitment that lead counsel had

1 initially made to so provide the references.

2 Unfortunately it is at this stage that an altercation broke
3 out between both Mr Koumjian and Griffiths, in which the latter
4 repeatedly banged at the table, or lectern, with his fist, raised
10:16:32 5 his voice, yelling at Mr Koumjian and commanding him to sit down.
6 Even when the Presiding Judge directed Mr Griffiths to stop, to
7 control himself and to sit down, Mr Griffiths refused to do so,
8 calling Mr Koumjian a boy.

9 When the Presiding Judge directed Mr Griffiths to publicly
10:17:00 10 apologise to Mr Koumjian, Mr Griffiths retorted that he did not
11 intend to and would not apologise.

12 Now, I would like to remind the parties that Article 17 of
13 the Code of Conduct enjoins counsel - sorry, Article 7 of the
14 Code of Conduct enjoins counsel to act courteously and
10:17:30 15 respectfully towards all persons with whom they have professional
16 conduct, including judges, other counsel and witnesses.

17 As a Trial Chamber, we have noticed that of late
18 Mr Griffiths, lead counsel for the Defence, has had several
19 outbursts in court directed either at counsel opposite, or at the
10:17:58 20 witnesses, that we have chosen to overlook.

21 This morning's outburst, however, is by far the worst and
22 cannot be countenanced by this Court. It was neither called for,
23 nor is it justifiable.

24 In the premises I am directing Mr Griffiths once again to
10:18:22 25 apologise to Mr Koumjian and to the Court for his conduct.

26 Mr Griffiths?

27 MR GRIFFITHS: Madam President, your Honours, I apologise
28 to the Court for my outburst.

29 PRESIDING JUDGE: And to Mr Koumjian?

1 MR GRIFFITHS: I'm sorry, I can't do that.

2 PRESIDING JUDGE: Then, Mr Griffiths, in view of what you
3 have just said, I am now, pursuant to Rule 46(A) of the Rules of
4 Procedure and Evidence, warning you that this Court will not
10:19:11 5 tolerate this kind of conduct that you have exhibited this
6 morning. This is a warning, a formal warning, pursuant to Rule
7 46(A) of the rules.

8 I will give you another opportunity to please apologise to
9 Mr Koumjian.

10:19:39 10 MR GRIFFITHS: I'm sorry, Madam President, I can't do that.

11 PRESIDING JUDGE: Why?

12 MR GRIFFITHS: Because I don't think that an apology to him
13 is required in these circumstances.

14 PRESIDING JUDGE: But it's a directive of - it's no longer
10:20:04 15 what you think Mr Koumjian deserves or doesn't. This is a
16 directive from the Presiding Judge.

17 MR GRIFFITHS: Madam President, with all due respect, we
18 are dealing here with matters which, in my respectful submission,
19 really do not involve the Court, and so consequently I am saying
10:20:36 20 quite directly to you and your fellow judges that I personally
21 cannot, in light of the history of the conduct of this man, make
22 this apology to him. I can't do it. And so any further sanction
23 that your Honours might wish to impose will have to be done.

24 PRESIDING JUDGE: Very well.

10:21:07 25 MR CHEKERA: Madam President, with your leave, may I?
26 Madam President, pursuant to Article 14(A)(ii) of the Code of
27 Conduct, I am instructed by Mr Taylor to apologise to Mr Koumjian
28 and Ms Brenda Hollis on behalf of the Defence and Mr Taylor.

29 [Trial Chamber conferred]

1 MR CHEKERA: Sorry, Madam President, it is Article 14(A) of
2 the Code of Conduct.

3 PRESIDING JUDGE: Yes, I have listened to you, Mr Chekera.

4 Mr Griffiths, you have alluded to the fact that in your
10:22:33 5 opinion this is a matter that does not involve the Court, even
6 though your outburst and your retortions were in the face of the
7 Court. I have given you at least three opportunities to
8 apologise to counsel opposite in the spirit of the rules, both
9 the Rules of Procedure and Evidence and the Code of Conduct,
10:23:01 10 which you have declined to utilise. In the premises it remains
11 for me to ask you to show cause why this Court should not
12 sanction you pursuant to Rule 46(A) by refusing you audience
13 until you actually apologise.

14 MR GRIFFITHS: Well, that is a step available to your
10:23:28 15 Honours and I suggest that you adopt it.

16 PRESIDING JUDGE: Very well, in the premises, Mr Griffiths,
17 you leave me no choice but to actually sanction you and to refuse
18 you audience before this Court until you apologise to
19 Mr Griffiths - sorry, to Mr Koumjian. I am going to ask
10:24:12 20 Mr Chekera or anybody else from the Defence to continue with the
21 examination-in-chief of the witness.

22 MR CHEKERA: Madam President, may I respectfully ask for an
23 adjournment to, among other things, consider a number of issues
24 from what has arisen this morning and the best way forward in the
10:24:43 25 circumstances?

26 May we, with your leave - may I ask for an adjournment
27 until after the midmorning break?

28 [Trial Chamber conferred]

29 PRESIDING JUDGE: Yes, Mr Chekera, we will give you until

1 11.30, that's after the midmorning break, when we expect you to
2 continue with the evidence.

3 MR CHEKERA: Thank you.

4 [Break taken at 10.25 a.m.]

11:31:37 5 [Upon resuming at 11.39 a.m.]

6 [In the presence of the witness]

7 PRESIDING JUDGE: Mr Chekera, please continue.

8 MR CHEKERA: Madam President, I rise, as it were, with a
9 long face because I find myself in a very difficult position, and
11:40:46 10 I'm hesitant, but my instructions are to kindly request that we
11 stand the matter down until tomorrow morning for this particular
12 reason, and these are instructions that I have gotten from
13 Mr Taylor: Given what went down this morning, Madam President,
14 Mr Taylor respectfully requests an adjournment for him and for
11:41:14 15 us, as a team, to consider the full implications of what
16 happened, and especially the implications of the censure by the
17 Court on lead counsel.

18 In making those submissions, Madam President, we do not
19 wish to make any judgement or comment on the censure itself. We
11:41:42 20 simply wish to highlight the implications of that censure on the
21 continuation of the defence case and how it impacts on
22 Mr Taylor's position, and in making those submissions, again,
23 I wish to underline that Mr Taylor has indicated to me in no
24 uncertain terms that he does not wish for the proceedings to
11:42:14 25 stall any further than is necessary and is committed to
26 cooperating with the Court in making sure that the proceedings
27 continue as smoothly as possible.

28 But in this particular case, given that the party concerned
29 is lead counsel, that places us in a very, very difficult

1 position. If it were any other party, lead counsel would have
2 been able to guide the team forward. I spent the better part of
3 the adjournment that the Court graciously granted conferring with
4 Mr Taylor to see how best we can proceed. I have had to summon
11:42:54 5 the other legal counsel on the matter who were attending to other
6 issues relating to the case to come back to the office. Just for
7 the record, Mr Anyah was preparing the next witness and he was
8 actually proofing, and we have summoned him to come back to the
9 office as soon as possible. Mr Munyard was preparing to go to
11:43:16 10 West Africa to interview witnesses who we intend to call in the
11 near future, and we've had to summon him back as well for to us
12 sit down as a team and consider how to proceed from here.

13 So it falls on me, Madam President, to make this request,
14 and I kindly request that you indulge with us on this particular
11:43:44 15 matter.

16 JUDGE LUSSICK: One thing I'd like to know, Mr Chekera,
17 what's wrong with you completing the in-chief examination of this
18 witness and then debating the matter with your colleagues and
19 Mr Taylor? You were handling it okay yesterday. What's stopping
11:44:01 20 you today?

21 MR CHEKERA: Thank you, your Honour, for the compliment.

22 I would - I would be able to proceed. I would be able to
23 proceed with the in-chief. That said, I would still need
24 Mr Griffiths's instructions on how to proceed, especially given
11:44:25 25 that now I am taking over on notes that he had already prepared.

26 PRESIDING JUDGE: Mr Chekera, for me - first of all, let me
27 say that as matters stand, the situation is unfortunate, but the
28 sanction of the Court was conditional, and as far as I'm
29 concerned, one thing stands between lead counsel continuing with

1 this case in his normal way, or not, and that's an apology to
2 Mr Koumjian. That's the only thing standing between him and the
3 normal way of things for the defence case. Also, the sanction
4 that the Court gave this morning, and I was very careful in
11:45:28 5 choosing my words, was to refuse audience. That doesn't mean
6 that we have banned Mr Griffiths from the Court. It also doesn't
7 mean that we have stopped Mr Griffiths in any way from his role
8 as lead counsel in his advisory role to the rest of the team.
9 Not so. We've even not refused him the right of appearance, as
11:45:53 10 you can clearly see him sitting in court.

11 One thing stands in the way of things returning back to
12 normal, and that's an apology to Mr Koumjian, and that's all.
13 Now, having said that, like Justice Lussick, I tend to agree that
14 the conduct of the rest of Mr Sesay's evidence-in-chief should
11:46:17 15 not be held up by this other ancillary matter. That's a matter
16 that the team, the Defence team, can deal with outside of the
17 court hours - court sitting time. And so I think you should
18 continue with the evidence-in-chief of Mr Sesay. There wasn't
19 much, as you know, the schedule is that you're supposed to have
11:46:41 20 completed your case in-chief by lunchtime today. That may not be
21 possible, but at least before the day's end the Chamber hopes
22 that you will have completed your case, your evidence-in-chief,
23 with Mr Sesay.

24 MR CHEKERA: Madam President, if you may just allow me one
11:46:58 25 comment to make, just that, Madam President, those were the
26 instructions I had gotten from the client and consistent with
27 those instructions, I made the submissions and I make the
28 submissions consistent with the instructions that I have been
29 given.

1 [Trial Chamber conferred]

2 MR GRIFFITHS: Madam President, I've come back into court
3 in order to comply with your instruction that I apologise to
4 Mr Koumjian.

11:47:50 5 PRESIDING JUDGE: Very well. I'm listening. I'm listening
6 to you, Mr Griffiths.

7 MR GRIFFITHS: I'm sorry, Madam President, I didn't hear
8 that.

9 PRESIDING JUDGE: I said that I am listening to you because
11:48:12 10 previously you had been denied a right of audience. I'm now
11 granting you the right of audience to say what it is you want to
12 say to the Court.

13 MR GRIFFITHS: As I said, I have come back in court in
14 order to extend an apology to Mr Koumjian.

11:48:30 15 PRESIDING JUDGE: Well, please extend it, then.

16 MR GRIFFITHS: I apologise to Mr Koumjian.

17 MR KOUMJIAN: Your Honour, we - I personally fully accept
18 the apology, and given a case where people have come in and
19 talked about how their hands were hacked off and their family
11:48:54 20 were killed, being called a name will not distract us. We think
21 we should proceed with the matters that are at issue before the
22 Court.

23 PRESIDING JUDGE: Mr Koumjian, I appreciate your
24 submissions, I think they are very mature and commendable.

11:49:08 25 Mr Griffiths, I commend you for your position as well.

26 Really, I appeal to the parties to remember what is really
27 important in this case, namely the trial itself is most important
28 rather than any of our personal details or emotions.

29 So in view of what has just happened, I think we are of the

1 view on the Bench that this case should proceed as previously
2 scheduled and that an adjournment is not necessary at this time.

3 MR CHEKERA: Indeed, Madam President, if you will allow us
4 a few minutes to change over. Thank you.

11:49:58 5 PRESIDING JUDGE: Yes, it just remains for me to say that
6 Mr Griffiths is now reinstated with a right of audience to the
7 Court.

8 MR GRIFFITHS:

9 Q. Remind us, Mr Sesay, where were you during the Freetown
11:50:50 10 invasion?

11 A. I was in Makeni.

12 Q. Doing what?

13 A. After we had captured Makeni, I was one of the commanders
14 there, supervising the units that were in Makeni and to run the
11:51:17 15 administration that was in Makeni at that time.

16 Q. And during the course of 6 January 1999, were you
17 monitoring communications between the various RUF positions?

18 A. I did not used to sit by the radio but my operator used to
19 monitor.

11:51:48 20 Q. And would your operator then communicate with you?

21 A. Yes.

22 Q. As far as you're aware, was there any communication between
23 the RUF and Charles Taylor at or around the time of the Freetown
24 invasion?

11:52:13 25 A. I did not hear that. I did not hear about communication
26 and my operator did not tell me that.

27 Q. Let me draw your attention to a passage of testimony heard
28 by this Court on 15 September 2008. I'm looking at page 16166,
29 line 7:

1 "Q. And then I asked you at the time of the January 6
2 attack on Freetown, were you back on your assignment for
3 radio operations? And you stated that by the time January
4 6 attack in Freetown, you were back on the radio working in
11:52:57 5 the radio room. Do you remember that?

6 A. Yes.

7 Q. Now, I'd like to pick up from that point and ask you
8 some questions about that time. First of all, do you
9 remember what happened on the day, January 6, 1999?

11:53:13 10 A. Yes. January 6, 1999, we were in Buedu. I was in
11 Buedu, when the brother, first he got the information on
12 the BBC and later it was King Perry, the operator, who
13 called our station in Buedu and said they had entered, that
14 is, the RUF had re-entered Freetown, but he said he was
11:53:42 15 under suppression. That's why he was not calling us. He
16 said the man who was in charge, SAJ Musa, did not allow him
17 to switch on the radio and call to Buedu, to call Sam
18 Bockarie, but after Sam Bockarie died, that was when he had
19 the chance to communicate with us, and so he told us that
11:54:03 20 he had re-entered Freetown and they were there and at that
21 time Gullit was now in charge."

22 Now, of course, that reference to Sam Bockarie having died
23 is incorrect. He was in fact referring to SAJ Musa.

24 Let's go on to the next page, line 8:

11:54:30 25 "Q. Then you said the 'King Perry', well, where were you
26 exactly?

27 A. I was in Buedu on the radio because, when the news got
28 to us from those small radios that we had, transistor
29 radios that we had, that the men had entered Freetown, so

1 we used to monitor the radio. We used to ask the other
2 stations that were in Makeni, Magburaka and the other
3 areas, and suddenly King Perry called the station in Buedu
4 and told us that they had entered Freetown."

11:55:06 5 And then he goes on to list who was in the radio room at
6 the time. That need not detain us.

7 Let's go to page 16168, please, line 6:

8 "A. After King Perry had called that day, we were
9 monitoring right up to 2 to 1 a.m. and we closed down
11:55:27 10 transmission and other day we came back on air. We and
11 King Perry then had resumed communication. In the
12 mornings, he would call us, or we would call him, for us to
13 know the security situation, how they were advancing in the
14 city, or if they were having any threats from the enemies.

11:55:49 15 This continued right up to the time that they started
16 having suppression. When they started have suppression
17 from the enemies, Gullit told King Perry to tell us in the
18 station to call Sam Bockarie because he said he wanted to
19 talk to him, so we called Sam Bockarie, and he came to the
11:56:11 20 station and we told him that Gullit wanted to speak to
21 him."

22 Let's jump to the bottom line on that page:

23 "So one morning this guy, we had a call from the Liberian
24 end. That was from this guy Pascal. Pascal said that his boss
11:56:38 25 wanted to talk to us, that is Five-Zero, Benjamin Yeaten wanted
26 to talk to Sam Bockarie."

27 Now, I stop there, who is Pascal?

28 A. The Pascal whom I know was Sam Bockarie's operator.

29 Q. And where was Pascal based?

1 A. Pascal was in Buedu.

2 Q. And I don't know if I'm reading this correctly, Pascal said
3 that his boss, that is Five-Zero, Benjamin Yeaten, wanted to talk
4 to Sam Bockarie. Who was Pascal's boss?

11:57:25 5 A. The Pascal whom I know, Sam Bockarie was his boss, and in
6 1998 and 1999 he was operating with Sam Bockarie. It was in
7 December '99 that he went to Liberia with Sam Bockarie, and in
8 2000, he and others joined me to return to Sierra Leone, Pascal.

9 Q. "Q. While they were talking, he asked him about the
11:57:53 10 situation and Sam Bockarie told him that our men in
11 Freetown were being pressed on very hard, that the men were
12 pushing them out of State House and they had even started
13 cutting off their supply lines. At that time, we were
14 monitoring on the VHF radio. It was loud and we heard all
11:58:14 15 the conversation that was going on, and Benjamin Yeaten
16 told him to reinforce the men, lest they would lose the
17 city, and he replied that he had been giving instructions
18 to Rambo, that he should put men together to go as
19 reinforcements."

11:58:33 20 Now, Mr Sesay, do you recall any intervention, as suggested
21 by this witness, by Benjamin Yeaten in the events of January 6,
22 1999?

23 A. No. I never heard about that, about Benjamin Yeaten's
24 involvement in the January 6 invasion in 1999, except in this
11:59:03 25 courtroom, that I have heard this information. Even during my
26 trial, I did not hear such misinformation.

27 Q. Let's jump to page 16170 and complete this episode, please.

28 Line 15:

29 "Q. In your answer you just gave you stated that 'so one

1 morning this guy, we had a call from the Liberian end, that
2 was from this guy Pascal'. Now, Mr Witness, was Pascal in
3 Buedu or was he on the Liberian end? Which one?

4 A. It was, he was in Foya, Liberia. At that time he was
11:59:52 5 assigned to Benjamin Yeaten that we refer to as Five-Zero."

6 Do you recall a time when Sam Bockarie's radio operator
7 Pascal was assigned to Benjamin Yeaten and based in Foya,
8 Mr Sesay?

9 A. No. Pascal was never assigned to Benjamin Yeaten in '98
12:00:19 10 and '99, no. The first time I knew Pascal went to Liberia was in
11 1999, he went there with Sam Bockarie.

12 Q. Well, this witness claims, and we continue on the same
13 page:

14 "Q. So is it correct or incorrect to say he was in the
12:00:37 15 radio room in Buedu?

16 A. No, it is not correct. He was in Foya. No, no, no,
17 no, not Pascal. I said Mortiga was the one who was in
18 Foya; Pascal, together with us, were all in Buedu. We were
19 all in Buedu together with Pascal. He was the operator for
12:00:57 20 Sam Bockarie. Mortiga was the one who was assigned to
21 Five-Zero, not Pascal."

22 Now, you note the change in the account, so help us: Was
23 Mortiga assigned by the RUF to Benjamin Yeaten?

24 A. No. Mortiga was in Kailahun Town, '98, '99. Mortiga was
12:01:28 25 in Kailahun District right up to 2000. Now this, and I am still
26 on page 16170, line 28:

27 "Q. Now you also said that Benjamin Yeaten called. Now,
28 before I ask you about communications with Benjamin Yeaten,
29 can you continue to describe what you observed, in terms of

1 the communications between the radio room in Buedu and the
2 men in Freetown?

3 A. Yes. Every day communication went on up till night.

4 When the enemies suppression had become really intense,

12:02:12 5 that is, the enemies had cut off our supply lines from our

6 men who were in Freetown. They cut off the supply lines in

7 Waterloo. Rambo, who was sent at that time, could not go

8 through. The supply lines had already been cut off by the

9 enemies, and Gullit was sending the complaint to Sam

12:02:33 10 Bockarie and he, in turn, told him to move with the

11 prisoners, who had been released from Pademba Road, that is

12 JS Momoh and others, and he said when we would be going

13 with them we should do so at night because of the jet. And

14 the following day there was communication again between him

12:02:53 15 and Sam Bockarie and he said they could not withstand the

16 tension any more and they had to withdraw. So Sam Bockarie

17 told him that if they were to leave the town they should

18 make the area fearful, they should be destroying, so

19 anybody who would go there thereafter would know that there

12:03:16 20 had been fighting in that area, and Gullit replied that as

21 long as he had told them to pull out he would go according

22 to his instructions, and that very night they left Freetown

23 and passed through Tombo where they were received by Rambo

24 at the crossing point."

12:03:40 25 He's then asked to describe what making the area fearful

26 means. Line 27:

27 "A. From my understanding, that meant the destruction, to

28 make an area fearful during the wartime we meant to destroy

29 completely and leave the place."

1 Now, you do understand, don't you, Mr Sesay, what this
2 witness was suggesting, that the destruction in Freetown was
3 ordered by Sam Bockarie. Are you aware of Sam Bockarie giving
4 such an order?

12:04:19 5 A. No. I was not aware that Sam Bockarie gave orders to
6 destroy Freetown. And these guys went to Freetown, that is the
7 AFRC. After they had attacked and captured Freetown, they
8 promoted each other to brigadiers and they were not promoted by
9 Sam Bockarie, and they were soldiers; they were born in Freetown,
12:04:43 10 they grew up in Freetown, they attended schools in Freetown, and
11 they joined the military in Freetown. Sam Bockarie had never
12 been to Freetown before the AFRC period, so how would he send
13 people to go and destroy Freetown? They did that on their own.
14 That was not on Sam Bockarie's instruction. And even when they
12:05:08 15 retreated from Freetown, nobody reported to Sam Bockarie, nobody
16 went to Sam Bockarie.

17 Finally, in relation to this particular topic, let's go to
18 page 16173, line 2:

19 "Q. Now you also said you were speaking of a conversation
12:05:35 20 between Sam Bockarie and Benjamin Yeaten during the time of
21 the Freetown invasion. First of all, can you just describe
22 generally who, if anyone, was Sam Bockarie in communication
23 with during the time of the Freetown invasion?"

24 Now hear this:

12:05:58 25 "A. Sam Bockarie communicated with Benjamin Yeaten and he
26 used to communicate as well with Charles Taylor, but for
27 the communication with Charles Taylor, that one he used the
28 satellite phone. And the capture of Freetown, that was not
29 even a hidden thing, that he would go to a corner and

1 discuss like he used to do, that one he did in an open
2 place when he was trying to inform Charles Taylor that our
3 men were in Freetown. He did that in the open because the
4 RUF was happy, that was a joy to the RUF that they had
12:06:36 5 entered Freetown.

6 Q. Let's start first of all, what did you observe, in
7 terms of communication between Sam Bockarie and
8 Benjamin Yeaten, during the time of the Freetown invasion?

9 A. There had been communication between them for a long
12:06:57 10 time. It was - let me say it was a sisterly or brotherly
11 operation that we had. So whatever good or bad information
12 that we had from any of the ends we would share that with
13 each other."

14 And then this:

12:07:17 15 "Q. Before you continue, I'm specifically asking you in
16 terms of at the time of the Freetown invasion, what was the
17 state of communication - what did you observe, in terms of
18 communication between Sam Bockarie and Benjamin Yeaten?

19 A. What I observed, it's just like, for example, when you
12:07:38 20 and your subordinates would be doing something, you would
21 be giving him instructions or orders, and that was the way
22 I observed. Like the time Sam Bockarie told him about this
23 operation that we had in Freetown and he, Benjamin Yeaten,
24 told him to send manpower or reinforcements to the city."

12:08:00 25 Now, you do understand what is being suggested by that
26 witness to these judges, Mr Sesay; that Benjamin Yeaten and above
27 him Charles Taylor were involved in direct communications with
28 Sam Bockarie, giving him instructions during the Freetown
29 invasion. Is that true?

1 A. No. I did not hear that. I was in Makeni but I did not
2 hear that, because I am aware that the men who were in Freetown
3 were not answerable to Bockarie. They did not get information -
4 instructions from Bockarie. Because even when they withdrew,
12:08:54 5 nobody sent salute reports to Bockarie, nobody went to Bockarie
6 in Buedu to brief him about what had happened. And when they
7 attacked Freetown - they were in Freetown when they promoted
8 themselves, so they have their own command structure, they were
9 not answerable to Bockarie, nobody promoted them.

12:09:25 10 Q. Tell me, Mr Sesay, do you know someone called
11 Foday Lansana?

12 A. Foday Lansana? Foday Lansana? I don't recall this
13 person's - this person.

14 Q. You do know CO Nya though, don't you?

12:10:29 15 A. Very well.

16 Q. And when did he become a member of the RUF?

17 A. 1991.

18 Q. Where?

19 A. It was the time that Anthony Mekunagbe brought him in the
12:10:48 20 Kailahun District.

21 Q. And what nationality was he?

22 A. Liberian.

23 Q. And what role did he play in Sierra Leone?

24 A. He was an operator from '91 up to '92, '93. He used to
12:11:19 25 help Mr Sankoh to train some recruits to become radio operators,
26 and in '93, up to late '93 he was with Mohamed Tarawalli, we were
27 all at the border. So '94 - early '94 he joined Mohamed
28 Tarawalli to go and establish the Kangari Hills, that is the
29 Northern Jungle from Kailahun District. So from that time he was

1 at the Northern Jungle, up to 1997, after the AFRC overthrew the
2 SLPP and he came with Isaac Mongor to Makeni. And from there, he
3 was in Makeni and late '97 he came to Freetown, he was in - with
4 Isaac Mongor, and in '98 he retreated, with Isaac Mongor, to
12:12:29 5 Masiaka, Makeni, and to Kono, and he was there from February to
6 August of '98. And he went with Superman to the Koinadugu
7 District until December '98, when all of us came to Makeni. So
8 from around January he was in Lunsar, but Superman, he was there
9 with Superman, up to --

12:13:07 10 THE INTERPRETER: Your Honours, can the witness kindly
11 repeat this part of his answer slowly.

12 MR GRIFFITHS:

13 Q. Mr Sesay, we've lost some of your answer. Could you go
14 back to the point where you said "so from around January, he was
12:13:23 15 in - all of us came to - he was in Lunsar". Could you take it up
16 from there, please.

17 A. Yes. I said he was in Lunsar, up to April of '99. So
18 during the infighting, he and others were with Superman against
19 me in Makeni, so from April to October, he was in Lunsar and in
12:13:49 20 Makeni, up to October, when the AFRC was attacked, Superman, Nya,
21 Gibril Massaquoi and others, Isaac Mongor inclusive, Nya was one
22 of the men who looted MSF vehicle, so from there they left to
23 Lunsar, from Lunsar to Port Loko --

24 PRESIDING JUDGE: Please pause. He was one of the men who
12:14:15 25 looted what vehicle?

26 THE WITNESS: MSF, from MSF.

27 MR GRIFFITHS:

28 Q. I just want to deal with a couple of matters with respect
29 of this individual. First of all this, and I'm referring to some

1 testimony which this Court heard on 20 February 2008, at page
2 4373. This was in open session, line 18:

3 "Q. How about the phrase Top Final?

4 A. That was the last stage that finally concluded before
12:15:00 5 Mr Taylor gave the directive or instruction to the NPFL
6 troops for them to be evacuated from Sierra Leone."

7 Let's jump ahead a little bit. Line 21 on the next page:

8 "Q. You stated that there was a directive from Charles
9 Taylor?

12:15:29 10 A. Yes.

11 Q. Explain exactly how you learned about this directive.

12 A. The directive was written by Charles Taylor to Anthony
13 Mekunagbe and all the Special Forces battalion commanders
14 that were under the NPFL in Sierra Leone, and upon the
12:15:52 15 arrival of the general, who was sent to monitor and to make
16 sure that this instruction was carried out in Sierra Leone,
17 when he arrived in Pendembu, Kailahun, Kivva, they had a
18 special copy which was read out to all the NPFL fighting
19 men who were in Sierra Leone for immediate action.

12:16:17 20 Q. How do you know there was a directive written by
21 Charles Taylor?

22 A. It was sent through radio communication message
23 documented, brought over by the Special Forces and finally
24 upon their arrival, they went into the radio station in
12:16:38 25 Buedu, Mr Charles Ghankay Taylor spoke to Anthony
26 Mekunagbe one-to-one over this set before they departed to
27 Kailahun, Pendembu and all other sub-bases where NPFL
28 soldiers were based."

29 Are you aware of such a one-to-one conversation between

1 Charles Taylor and Anthony Mekunagbe over the radio at the
2 conclusion of Top Final, Mr Sesay?

3 A. No. I did not hear that. What I knew was different from
4 what you are saying.

12:17:26 5 Q. Well, what did you know?

6 A. What I know is that it was General Dopoe Menkarzon who was
7 sent by Mr Taylor to withdraw the NPFL. He came to Pendembu and
8 to Kui va and he withdrew them. He did not even bring a document
9 with him. When he came he said - he told the commanders for the

12:17:52 10 NPFL, he told them that they were to go. He brought with him
11 trucks, that they were to board and to withdraw from Sierra
12 Leone. So the ones who were in Kui va, Mobai, Bai wala, Bai ma,
13 all of them crossed into Vahun through Bai wala and Vahun and
14 Bomaru, and the ones in Kailahun were organised by Isaac and that

12:18:31 15 was the Top Final that RUF attacked, and the remaining ones were
16 attacked by Morris Kallon in Bai wala.

17 Q. Now, speaking of Charles Taylor speaking on the radio, let
18 me now direct your attention, please, to testimony given on 20
19 February 2008, page 4381, line 5:

12:19:08 20 "Q. You said you were promoted to overall signal
21 commander. What are you referring to here?

22 A. That is to say I was elevated to a position for me to
23 go to Sierra Leone to serve as the number one radio officer
24 in Sierra Leone.

12:19:27 25 Q. For which group were you serving as the overall signal
26 commander?

27 A. This time round for RUF.

28 Q. Now, upon your departure you said you met some of Foday
29 Sankoh's securities at the border. What happened after

1 that?

2 A. They received me and we proceeded directly to Pendembu.

3 I met with Mr Sankoh. He gave me some men for them to help

4 me to install the radio on his ground, that was referred to

12:20:01 5 as Executive Mansion Ground in Pendembu, and that was where

6 he resided at that particular time. The installation took

7 place. I tested the communication. I confirmed it was

8 Treetop, Butterfly, and he requested that he wanted to

9 talk to Mr Charles Ghankay Taylor. I made all the

12:20:24 10 necessary arrangements with the operators and at that

11 particular time Mr Charles Ghankay Taylor spoke with

12 Mr Sankoh and he asked a few questions of him with regards

13 the situation in Sierra Leone after the NPFL were evacuated

14 back to Liberia."

12:20:49 15 Now, after the NPFL were evacuated back to Liberia,

16 Mr Sesay, were you aware of Foday Sankoh speaking over the radio

17 directly to Charles Taylor?

18 A. I did not hear that, because the time all the NPFL fighters

19 were evacuated, that is not what Mr Sankoh wanted, so Mr Sankoh

12:21:18 20 was unhappy with the action of Mr Taylor regarding the NPFL's

21 withdrawal, because he just wanted Mr Taylor to replace the

22 commanders but not to withdraw the troops, because at that time

23 the armed men in the RUF were not much. Those who had guns were

24 just few.

12:21:43 25 Q. Tell me, Mr Sesay, do you recall at any stage the RUF

26 providing weaponry to Charles Taylor in Liberia?

27 A. No. RUF itself used to look out for guns. How could the

28 RUF give guns to Mr Taylor at that time?

29 Q. In particular, are you aware of the RUF giving artillery to

1 Mr Taylor in Liberia?

2 A. No. I did not know of that. I was part of the ambush that
3 captured the artilleries, from there we went to Baiima where the
4 artilleries were captured and we were the ones who were using the
12:22:41 5 artilleries, I was in that group, like CO Kargbo --

6 THE INTERPRETER: Your Honours, can the witness be kindly
7 asked to speak slowly and repeat this part of his answer.

8 MR GRIFFITHS:

9 Q. Mr Sesay, I'm sorry but we'll have to start that answer
12:22:54 10 again, please. You were saying, "I did not know of that. I was
11 part of the ambush that captured the artilleries. From there we
12 went to Baiima where the artilleries were captured and we were
13 the ones who were using the artilleries. I was in the group,
14 like CO" - CO who?

12:23:15 15 A. I said CO Kargbo and Isaac Mongor were the ones that used
16 the 105 missile. That was what they used to put at Mobai and
17 they shelled into Daru, and the BZT was at Mr Sankoh's ground at
18 Pendembu. Those are the artilleries that we captured.

19 Q. Well, listen to this, testimony given to these judges on 20
12:23:42 20 February 2008, page 4393, line 8:

21 "A. As I said, when the Guinean and the Nigerian
22 contingents attacked the positions of the RUF at Bayama a
23 large quantity of arms and ammunition were captured from
24 them and this report was sent to Gbarnga to Mr Taylor.
12:24:11 25 Mr Sankoh said, because the weapons that were captured were
26 all artillery, and it could not use those artilleries in
27 this country, simply because he has not got ammunition for
28 those weapons, Mr Taylor requested him to send all the
29 artillery weapons to Gbarnga."

1 Do you recall that?

2 A. No, that is a lie. Those artilleries were in Pendembu. We
3 used them. Because the RUF hadn't arms.

4 Q. So --

12:24:49 5 A. And it was not Nigerians or Guineans who launched the
6 attack. The attack was launched by the Sierra Leonean troops. I
7 was at the front line. He was not at the front line. They were
8 Sierra Leonean troops, Sierra Leonean soldiers.

9 Q. Very well. Mr Sesay, who is Alice Pyne?

12:25:23 10 A. That is Nya's wife.

11 Q. How well did you come to know her?

12 A. I knew her from 1992 right up to the end.

13 Q. And was she - what nationality was she?

14 A. She was a Sierra Leonean, but she could also speak Liberian
12:25:59 15 English. I think she had lived in Liberia before, but she was a
16 Sierra Leonean.

17 Q. When she came to Sierra Leone, was she already CO Nya's
18 wife?

19 A. Well, at that time, I understood that the RUF met --

12:26:22 20 THE INTERPRETER: Your Honours, can the witness kindly
21 repeat this part of his answer.

22 PRESIDING JUDGE: Mr Witness, you need to slow down.
23 You're really giving the interpreter a difficult time keeping up
24 with you, and we are having to break even now your testimony.

12:26:38 25 Now, can you repeat your testimony where you said, "She came to
26 Sierra Leone, she was already CO Nya's wife". This was the
27 question that was asked of you: "When Alice Pyne came to Sierra
28 Leone, was she already CO Nya's wife?" What is your answer?

29 THE WITNESS: No. I did not know that. It was in Kailahun

1 that I knew the two of them came together.

2 MR GRIFFITHS:

3 Q. Okay. And was she a member of the RUF?

4 A. Yes.

12:27:21 5 Q. And what role did she play within the RUF?

6 A. Well, in 1993 all of them were trained in Pendembu and she
7 became a radio operator.

8 Q. Now, there is one particular aspect that I want to ask you
9 about. Before the Fitti-Fatta mission, Mr Sesay, did Charles

12:28:04 10 Taylor send herbalists to Sierra Leone?

11 A. No. Mr Taylor did not send herbalists, because the
12 herbalist who was there was not sent by Mr Taylor.

13 Q. I want you to listen to this, testimony given to these
14 judges on 19 June 2008. Line 12:

12:28:38 15 "Q. How long did you stay in Buedu?

16 A. Three days.

17 Q. You said that you saw also herbalists, what do you mean
18 by that?

19 A. Sam Bockarie took us to a zoebush, which was outside
12:28:52 20 Buedu where there were some herbalists and juju men who

21 said they could protect people, they could protect somebody
22 from bullets, they would make somebody bulletproof. Those
23 are the people we called herbalists. Like I just said just
24 now, I understood that why they came to Buedu was for them

12:29:16 25 to perform the same juju practice for the RUF fighters to
26 protect them from bullets, so they would mark the RUF
27 fighters' bodies, so when they go to the war front, bullets
28 will not pierce their bodies and they will be brave enough
29 to do whatever they had gone to do."

1 And then it goes on:

2 "Q. Do you know where they were from?"

3 Line 14 on the subsequent page:

4 "A. I knew they came from Liberia.

12:30:01 5 Q. How did you know that?

6 A. Well, first was the language that they spoke and,
7 two, Sam Bockarie himself, when he was handing them over
8 to Superman, that was what he said. And there was an old
9 woman who was a Gbandi, the two of us spoke to each other,
10 she told me.

12:30:17

11 Q. What did the old woman who spoke Gbandi tell you
12 exactly?"

13 This:

14 "A. She told me that they, who were the herbalists, had
15 their boss, who was a Loma tribesman. She said Charles
16 Taylor had sent them to Sam Bockarie so that they will come
17 and protect the RUF fighters' bodies from bullets,
18 particularly we who were in Kono, for us to be able to
19 recapture Kono from ECOMOG."

12:30:30

12:30:53 20 Is that true, Mr Sesay?

21 A. No. That Mr Taylor sent the herbalist, that is not true.
22 What I know is that one Titus, who was a Liberian, an Loma by
23 tribe, and he was a family member of Major Augustine Mulbah's.
24 So it was through Augustine Mulbah, on Sam Bockarie's request,
25 that those two men were brought, and a woman, they were brought
26 by Titus. They - they said they were the ones who were
27 protecting ULIMO in Lofa and, when they came, they were lodged at
28 Pa Mulbah's house at Buedu. So, as far as those people presence
29 in Buedu is concerned, right up to the time Mosquito sent Pa

12:31:25

1 Mul bah to Kono, that had nothing to do with Mr Taylor, because
2 I never heard that those herbalists' presence in Sierra Leone was
3 as a result of Mr Taylor's intervention, and I was there when
4 they came to the RUF in Buedu.

12:32:06 5 Q. Mr Sesay, tell me, did you ever receive a promotion from
6 Charles Taylor?

7 A. No. That never happened.

8 Q. Are you sure?

9 A. Very sure. I can explain the ranks I had and how
12:32:29 10 I obtained them.

11 Q. Well, I'm not particularly interested in that at the
12 moment; but a witness TF-1516 told this Court back in April, 8
13 April 2008, this, page 6883, line 4:

14 "Q. Thank you. Now you mentioned in your earlier
12:33:10 15 testimony that when you retreated from Kono, after the
16 intervention, along with Gullit and his group, you got to
17 Buedu and Bockarie was there and he had just been promoted
18 by his chief; is that correct?

19 A. Yes, sir.

12:33:30 20 Q. Now apart from Bockarie, do you recall any other person
21 who received a similar promotion from anybody else?

22 A. Yes, sir. General Issa Sesay also was promoted.

23 Q. By who?

24 A. By his chief, also according to him. He met us in
12:33:49 25 Kai Lahun.

26 Q. And who was his chief?

27 A. He was referring to Charles Taylor. And he was the
28 chief everybody knew in the RUF, in the absence of Corporal
29 Sankoh.

1 Q. Now, apart from Bockarie, and now Issa Sesay, who you
2 say refer to Charles Taylor as the chief, did anybody else
3 use this word or this title for Charles Taylor?

4 A. That was common with the senior officers of the RUF,
12:34:24 5 referring to Charles Taylor as the chief."

6 So what about that promotion by Charles Taylor, Mr Sesay?
7 Is that true?

8 A. It's not true. In '98, Charles Taylor did not promote
9 either Sam Bockarie or myself. It was Johnny Paul who promoted
12:34:51 10 Bockarie to brigadier in March '98, he appointed him chief of
11 defence staff, and I was promoted from lieutenant colonel to
12 colonel. I was not a general in '98. I was colonel.

13 THE INTERPRETER: Your Honour, can he kindly speak up and
14 take this last part of his answer again?

12:35:23 15 MR GRIFFITHS:

16 Q. Could you just repeat the last part of your answer again,
17 please, Mr Sesay?

18 A. I said I was not a general or a brigadier in '98. I was a
19 colonel.

12:35:42 20 Q. Now, you recall that in relation to the last testimony of
21 the previous witness that I drew to your attention, there was a
22 suggestion of communication between Charles Taylor and the RUF at
23 the time of the Freetown invasion. Do you recall that?

24 A. Yes. I remember.

12:36:10 25 Q. Well, here is somebody else giving the same account;
26 testimony of 9 April 2008, page 6976, line 3:

27 "Q. Now, yesterday, in talking about the Freetown
28 invasion, in answer to questions that I asked about
29 contacts by Sam Bockarie with any radio outside Sierra

1 Leone, you said there was contact with 020, the radio 020
2 at the Executive Mansion; is that correct?

3 A. Yes, sir.

4 Q. How did you know this?

12:36:51 5 A. I was an operator, and whatever was going on at the
6 time I was on set was monitored by me.

7 Q. Did you yourself monitor any of those contacts?

8 A. Yes, sir.

9 Q. Now you also said that after a telephone conversation
12:37:07 10 on the 21st, following a call from 020, you said there
11 could be 'Bockarie could then come on the radio and give
12 instructions to commanders'. When you say he could come on
13 the radio and give instructions, what do you mean by 'he
14 could'?

12:37:28 15 A. Bockarie used to come on the radio to issue
16 instructions relating to strategy.

17 Q. And do you recall specifically, and we are talking
18 about the Freetown invasion, do you recall specifically
19 what orders Bockarie gave at that particular time?

12:37:45 20 A. Yes. When the forces of the AFRC/RUF entered Freetown,
21 after sometime they went under serious pressure by the
22 ECOMOG forces and they went out of ammunition. So the
23 commander who was leading that group, Gullit, decided to
24 retreat a little bit to a particular location and to
12:38:05 25 collect materials, ammunition. So the other forces were
26 left at a particular position in Freetown and reported that
27 they were persistently attacked, and Sam Bockarie came on
28 the radio and told Gullit to instruct the men to burn down
29 some areas, in fact the government buildings, so that will

1 raise alarm in the international community."

2 Now, pause there. Do you recall Bockarie giving such an
3 instruction to Gullit?

4 A. I did not hear, but during those days I did not hear that
12:38:47 5 Bockarie gave instruction to Gullit to burn down government
6 buildings in Freetown. And even the expert witness that the
7 Prosecutor - that the Prosecutor called on forced marriage,
8 that's a prominent person in Sierra Leone, when he was being
9 cross-examined, when he was being cross-examined by our Defence
12:39:11 10 lawyers --

11 THE INTERPRETER: Your Honour, can he kindly specify the
12 gender of this person he's talking about.

13 PRESIDING JUDGE: Mr Sesay, this witness, the expert, was
14 it a she or a he? The interpreter wants to know was the expert
12:39:31 15 witness a he or a she? Male or female?

16 THE WITNESS: A she, a female, my Lord.

17 PRESIDING JUDGE: So, please tell us again what you were
18 saying about this expert witness.

19 THE WITNESS: That woman said that she, because she was
12:39:58 20 asked that she was organising --

21 THE INTERPRETER: Your Honour, this answer is not clear.
22 It's very ambiguous.

23 PRESIDING JUDGE: Mr Sesay, the interpreter is not
24 understanding what you're saying. Perhaps rephrase what you're
12:40:19 25 saying in a manner that is clear to the interpreter for him to
26 interpret to us. Repeat your answer, please.

27 THE WITNESS: My Lord, I said when they were
28 cross-examining the woman who came to testify, the expert
29 witness, they asked her, my lawyer asked her, "Is it you who was

1 organising civilians to come out in front of the armed men during
2 the January 6 invasion?" She said yes, she was organising the
3 civilians to come out in front of the armed men who were
4 attacking Freetown because they knew that the AFRC, the members
12:41:09 5 of the Sierra Leonean army, and it was their money, the
6 taxpayers' money that the government used to train those
7 soldiers. She said that was why when they came, instead of
8 protecting the civilians, they were committing atrocities against
9 them. Against the civilians in Freetown. And that was why she
12:41:28 10 organised the population to come out. So even the prominent
11 people in Freetown testified to that as Prosecution witnesses,
12 that it was the AFRC who carried out the attacks, because they
13 saw them live in Freetown.

14 PRESIDING JUDGE: What does all that have to do with the
12:41:57 15 allegation that Bockarie gave an instruction to Gullit to burn
16 down Freetown? What does that - what you've just said, what does
17 all that have to do with the issue of whether Bockarie did give
18 instructions to Gullit to burn down Freetown?

19 THE WITNESS: Yes, ma'am. Because senior commanders who
12:42:26 20 carried out the attack in Freetown were natives of Freetown and
21 they went to school in Freetown and it was in Freetown that they
22 joined the military. And Bockarie, as far as I'm aware, his
23 first time of coming to Freetown was during the days of the AFRC.
24 How could Bockarie have told those people to destroy Freetown and
12:42:47 25 how could they have listened to him?

26 MR GRIFFITHS:

27 Q. In plain language, Mr Sesay, what this witness said was
28 heard over the radio message was Bockarie saying, "Burn the
29 fucking place down." Do you recall such a blunt instruction

1 being given by Sam Bockarie at the time of the Freetown invasion?

2 A. I did not hear that. What I heard was that when Gullit and
3 others entered Freetown, he did not call Sam Bockarie until when
4 they started pushing them from the Congo Cross Bridge. That was
12:43:51 5 the time that he called Sam Bockarie. And when he called Sam
6 Bockarie, he asked him to send reinforcement and that they had
7 started pressuring them in Freetown. And Sam Bockarie told him
8 that, "I had told you not to attack and that you should wait.

9 Now that you've attacked, you go ahead." Because Sam Bockarie
12:44:09 10 did not instruct me to send reinforcement to Freetown and I did
11 not send anybody to Freetown.

12 Q. Very well. I'm going to move on to yet another witness,
13 TF1-539, and I cannot mention this witness's name. Now, help us
14 with this: Do you recall anyone making a trip to Burkina Faso at
12:44:43 15 or about the time of the Freetown invasion?

16 A. During the time of the Freetown invasion, no. I only know
17 about the trip that Bockarie made; he, SYB Rogers and Eddie
18 Kanneh in November of '98. After their return I did not know
19 about any other person going to Burkina Faso.

12:45:19 20 Q. Let's look at some evidence these judges heard on 11 June
21 2008 in open session. Line 22:

22 "Q. You told us earlier that when you were in Monrovia
23 before your arrest you heard about what you call the 6
24 January incident in Freetown.

12:45:41 25 A. The 6 January incident that has gone past long ago."
26 And then let's just skip a couple of pages because there
27 was then various exchanges between counsel and the judges. Let's
28 skip to page 11508, line 25:

29 "A. 6th of January had gone past long ago. I didn't want

1 you to be bringing me back. 6th of January had passed long
2 ago. It was after 6 January, long after that, it was about
3 the second phase that Benjamin Yeaten discussed with me
4 that the second phase was for us to try and gain grounds.
12:46:26 5 That was everywhere where ECOMOG were, we were to try and
6 push them from those places. 6th of January had passed
7 long ago before that could happen even. "

8 Jump ahead again.

9 Line 24.

12:46:48 10 "Q. You said that you went to the mansion which you said
11 was the office of the President. What happened when you
12 got there?

13 A. Well, as I said, Colonel Razak and I were waiting in
14 the protocol officer's office while General Sam Bockarie,
12:47:05 15 General Ibrahim, Pa Cisse Musa, Eddie Kanneh had gone to
16 the President's office. I don't know what they discussed
17 there but when they left there, Pa Cisse Musa told me that
18 I was to expect some money that they should give to me
19 because I had told him if I had got the money - I was
12:47:28 20 expecting that if I got the money I should use it to take
21 my family to Liberia".

22 And then this - I missed the point. We need to go back to
23 page 11508, line 22:

24 "Q. Sir, how long after you heard Sam Bockarie talk on the
12:48:12 25 BBC about the 6th of January incident do you think it was
26 that you took this trip to Burkina Faso?

27 A. 6th of January had gone past long ago. I didn't want
28 you to be bringing me back. 6th of January had passed long
29 ago. "

1 And the learned judge on the subsequent page asked:

2 "Mr Witness, this is very simple. All the judges want to
3 know is this: This trip you have described that you went
4 to Burkina Faso, can you remember the year or the month
12:48:47 5 when you went to Burkina Faso?

6 THE WITNESS: It was around March. That would be March
7 1999."

8 Now, Mr Sesay, do you recall any representative or agent of
9 the RUF travelling to Burkina Faso in March of 1999, after the
12:49:10 10 Freetown invasion?

11 A. No. I never heard that.

12 Q. If such a trip took place, would you have known about it?

13 A. Well, I would have heard it from Sam Bockarie. Although
14 I was not in Buedu, but I would have heard it from Sam Bockarie
12:49:34 15 because in April I went to Buedu and from April to October '99
16 I was in Buedu. But I did not hear such a thing. This is my
17 first time of hearing that in March '99 a representative of the
18 RUF went to Burkina Faso, but I never heard that before.

19 Q. Mr Sesay, tell me, does the name Augustine Mallah mean
12:50:17 20 anything to you?

21 A. Yes. I know him.

22 Q. How do you come to know him?

23 A. I knew him in '96 in Zogoda. That was when I knew him in
24 person. When I was under investigation in Zogoda, he and Mike
12:50:43 25 Lamin came from a patrol in the Northern and Western Jungles and
26 they met me in Zogoda around July, July of '96.

27 Q. And what was this individual's role within the RUF?

28 A. Well, he was a bodyguard to Mr Sankoh in Zogoda from '94 -
29 from '94 to early '96. When Mike Lamin arrived to Mr Sankoh in

1 Zogoda, Mr Sankoh posted him to Mike Lamin as a bodyguard.

2 Q. And thereafter, what was his position?

3 A. He remained a bodyguard to Mike Lamin up to the time they
4 went to Pujehun and in October they crossed over and surrendered
12:51:52 5 to ULIMO in Liberia. He was with Mike Lamin in Liberia until
6 they returned and rejoined the RUF after the AFRC had seized
7 power from the SLPP.

8 Q. I want you to listen to some testimony given to these
9 judges on 12 November 2008. Page 20096, line 13:

12:52:26 10 "Q. Can you tell us, when you arrived in Zogoda in 1994,
11 what was the command structure of the RUF?

12 A. At the time that I got there, I saw Foday Sankoh who
13 was the leader of the RUF, and then they told me about
14 Mohamed Tarawalli who was one of the Special Forces, and he
12:52:48 15 was the battlefield commander. They said Mosquito, Sam
16 Bockarie, was the battle group commander. Issa Sesay -
17 Issa was there, Issa Sesay, but he was in Kailahun. They
18 said he was deputising Mosquito and he was the deputy
19 battle group commander. That was how it was structured
12:53:10 20 initially."

21 Pause. Is that true?

22 A. That's a black lie. Mosquito never became a deputy to
23 anybody in '94, '95, '96.

24 THE INTERPRETER: Your Honour, can he kindly take the last
12:53:32 25 bit of his answer clearly again.

26 PRESIDING JUDGE: Can you please repeat the last bit of
27 your answer, Mr Sesay.

28 THE WITNESS: My Lord, I said from '94, '95, '96, nobody in
29 the RUF ever heard that I was deputy battle group commander to

1 Sam Bockarie.

2 MR GRIFFITHS:

3 Q. Thank you, Mr Sesay. Then this:

4 "Q. How long did you remain assigned at Zogoda?

12:54:03 5 A. I was there from 1994 up to the end of 1994 when Foday
6 Sankoh said he was going to send me on a mission to Sierra
7 Rutile.

8 Q. When you say he was going to send you on a mission to
9 Sierra Rutile, were you going alone or were others going
10 with you?

12:54:19 11 A. Well, he told us that he was going to send us as on a
12 mission to Sierra Rutile and that we were to wait for CO
13 Mohamed Tarawalli who was the field commander who was to
14 lead us, the soldiers, who were to go on that particular
15 mission.

16 Q. And were there any other commanders who were mentioned
17 as being part of that mission?

18 A. Yes, they called Superman, Dennis Mingo and they called
19 Jalloh - Jalloh who was another commander.

12:54:52 20 Q. Who was Jalloh?

21 A. Jalloh was an RUF junior commander, he was a Sierra
22 Leonean Fullah.

23 Q. What was this mission that you were given to go to
24 Sierra Rutile?

12:55:06 25 A. Well, at one time before CO Mohamed came, Foday Sankoh
26 had almost told us that he had been receiving advice that
27 we should go and attack Sierra Rutile. He said but we were
28 to await CO Mohamed Tarawalli. He said that when he came -
29 comes, he will tell us exactly what we were to do to go to

1 Sierra Rutile. So after that, for or five days afterwards,
2 CO Mohamed Tarawalli came, alias Zino, he called a
3 formation and said he had received advice from the other
4 side that we should attack Sierra Rutile and terrorise the
12:55:53 5 area starting with the civilians, the towns, and to
6 capture, if possible, the white employees who were there."

7 Now, Mr Sesay, as far as you're aware, did Foday Sankoh
8 receive any advice to attack Sierra Rutile?

9 A. No. As far as I was aware, it was Mr Sankoh himself who
12:56:28 10 was directing his war at this time. He himself was giving
11 orders. Nobody instructed him, nobody advised him. RUF attacks
12 a lot of towns, Kabala, Kono, before they attacked Sierra Rutile
13 in '95. Nobody was advising him. And at that time, Mr Sankoh
14 too was saying that before he leaves, before he left Kailahun, he
12:57:00 15 would demonstrate to Mr Taylor that he was able to lead the war
16 in Sierra Leone. So those moves that were made by the RUF were
17 purely Mr Sankoh's - were purely to Mr Sankoh's knowledge, as he
18 was directing the war.

19 Q. Mr Sesay, do you recall on any occasion Foday Sankoh
12:57:40 20 advising Sam Bockarie to take advice from the other side, that
21 is, Charles Taylor in Liberia?

22 A. I never heard that, and even when Mr Sankoh visited
23 Kailahun in November 1996, he did not make any mention of
24 Mr Taylor until he returned. Instead he gave some money to
12:58:11 25 Bockarie for him to make contacts and establish friendship with
26 ULIMO in order to get ammunition for us to be able to defend
27 Kailahun.

28 Q. Well, listen to this. Some testimony heard by these judges
29 on 12 November of 2008, page 20126:

1 "Q. You mention Mosquito, who was Mosquito?

2 A. Mosquito was a Sierra Leonean, he was Sam Bockarie, who
3 was taking care of RUF whom Foday Sankoh had told to take
4 care of the RUF in Sierra Leone.

12:58:54 5 Q. And who was it who said to take advice from the other
6 side, who said that?

7 A. It was Foday Sankoh.

8 Q. And who was it who was to take advice from the other
9 side?

12:59:06 10 A. Mosquito, Sam Bockarie.

11 Q. Did you understand what was meant by the other side?

12 A. Yes. That is just what I'm about to say. The next
13 night, Action Man called me together with CO Brown, we went
14 to the house where Pa Musa Cisse was and we sat there. We

12:59:26 15 were about two yards away from where Action Man was sitting
16 but it was in the same room, we saw him contact Mosquito
17 and I heard Foday Sankoh's voice and Foday Sankoh asked
18 about Mike Lamin. Action Man replied that he had been
19 arrested, he spoke to Mosquito.

12:59:42 20 Q. Who spoke to Mosquito?

21 A. Foday Sankoh. He told Mosquito that - he told Mosquito
22 that Mosquito should not take anything from Faya Musa and
23 others. He said even the detention that he was in, Faya
24 Musa and others had hands in it - in that, so the only
13:00:00 25 thing that he was telling him was that he should take
26 advice directly from Charles Taylor in Liberia."

27 Now, who was saying to take advice directly from Charles
28 Taylor in Liberia? Who was that?

29 A. Foday Sankoh told Mosquito, Sam Bockarie. He said Sam

1 Bockarie should take advice from Charles Taylor in Liberia.
2 He said even before he was arrested in Nigeria, he said he
3 had spoken to Charles Taylor, that is Foday Sankoh. He
4 said he had spoken to Charles Taylor for his Sierra Leonean
13:00:42 5 fighters who had been with the NPFL and fought alongside
6 the NPFL. He said being that Mike Lamin had crossed over
7 with a lot of his fighters into Liberia, he will want those
8 fighters who had been fighting for a long time alongside
9 the NPFL to find ways to be transported back to Sierra
13:01:02 10 Leone to Mosquito to continue the fight and therefore he
11 should take advice from Charles Taylor."

12 Now, do you recall Foday Sankoh giving any such instruction
13 to Sam Bockarie, Mr Sesay?

14 A. No. This is the first account, because it was October that
13:01:30 15 he and Mike Lamin went and surrendered to ULIMO. They disarmed
16 them and disarmed the communication from them. So where he was
17 when he was monitoring the communication between Mr Sankoh and
18 Sam Bockarie until Mr Sankoh was arrested in Nigeria? Where was
19 he to be able to monitor these conversations between Sankoh and
13:01:55 20 Sam Bockarie? That man crossed over into Liberia and he had no
21 access to communication because ULIMO had taken the communication
22 set from them.

23 JUDGE DOHERTY: Mr Griffiths, who is the "he" that has been
24 referred to several times?

13:02:12 25 MR GRIFFITHS:

26 Q. Who is the "he" that you're referring to, Mr Sesay?

27 A. They.

28 THE INTERPRETER: Can he repeat again?

29 MR GRIFFITHS:

1 Q. Who is the "he" that you're referring to?

2 A. Augustine Mallah, alias OJ. He's the one I'm talking
3 about.

4 Q. And when you refer -

13:02:38 5 THE INTERPRETER: Your Honour, can he kindly repeat, is it
6 OG or OJ? It's not very clear.

7 PRESIDING JUDGE: Can you repeat the names of the person
8 you're referring to as "he".

9 THE WITNESS: Augustine Mallah, alias OG.

13:02:58 10 PRESIDING JUDGE: OG or OJ?

11 THE WITNESS: I knew OG, Augustine Mallah. He had no teeth
12 in front. He was Mike's bodyguard.

13 PRESIDING JUDGE: The witness said he was Mike Lamin's
14 bodyguard. Isn't that what the witness said, Mr Interpreter?

13:03:32 15 THE WITNESS: Yes, yes, ma'am.

16 MR GRIFFITHS:

17 Q. Now, you mentioned in your initial answer, Mr Sesay,
18 October. October of which year?

19 A. October of '96.

13:03:46 20 Q. In 1999, Mr Sesay, did you tell Sam Bockarie over the radio
21 that if he, Bockarie, did not obey Sankoh, that you and the rest
22 of the RUF soldiers would be against him? And as a consequence
23 of you saying that to Bockarie, Bockarie stated that he would
24 leave Sierra Leone for Liberia and seek refuge with Charles
13:04:39 25 Taylor if his brothers in the RUF were against him? Do you
26 recall such a conversation with Bockarie?

27 A. No. I did not tell Sam Bockarie that.

28 Q. And do you recall - well, first of all, let's just deal
29 with that suggestion. Let's go to some testimony heard by these

1 judges on 13 November 2008, page 20235, line 6:

2 "A. The following day we saw Issa arrive with about four
3 to five vehicles loaded with arms and ammunition, including
4 manpower. And on his arrival we asked him what was the
13:06:02 5 matter. He said he was going to advise his brother. We
6 asked who the brother was and he responded Mosquito but he
7 said that he knew Mosquito very well. He said, 'Mosquito
8 alone on his own will not be able to corrupt the whole RUF
9 system.' He said that we were going to advise him and if
13:06:30 10 he said he was not going to take orders from Foday Sankoh
11 and maybe we will want to resort to attacking us - and
12 maybe he will want to resort to attacking us. He said that
13 we will fight against him. So he told Mosquito, he, Issa.

14 Q. How did he tell Mosquito?

13:06:53 15 A. That is the point I'm trying to arrive at. Issa
16 informed Mosquito through the radio, he told Mosquito, he
17 said the problem between him, Mosquito, Foday Sankoh, he
18 said he was - they were going there to advise him, he said,
19 but the advice we are about to bring to you is a military
13:07:17 20 advice and it is accompanied by violence. He said that if
21 Mosquito refused to take Foday Sankoh's order, he said he,
22 Issa Sesay, including all the RUF members, will force him
23 to take orders from Foday Sankoh. And Mosquito told Issa,
24 we were all sitting by him and he was communicating through
13:07:42 25 the radio, he said one thing, I had been leader on behalf
26 of Foday Sankoh. He said that he was actually trying to
27 resist, not wanting to take Foday Sankoh's command, but he
28 said the attitude that he had put up, if he had now
29 realised that all RUF soldiers, together with Issa Sesay

1 himself and all other RUF senior officers, if we do not see
2 that his attitude is a correct one and that all of us had
3 gone against him for that, he said he was not ready at all
4 to fight against anyone amongst his RUF brothers or
13:08:24 5 companions. But he said the only thing he would want to
6 tell the RUF and the leadership was that all that the RUF
7 had fought for at the time he was in control of the RUF and
8 that he had with him at that present moment in Buedu, or
9 the things that Issa knew that both of them got from
13:08:43 10 outside Sierra Leone, he said he was going to take
11 everything with him to Charles Taylor in Monrovia, in
12 Liberia, he said he was going to seek refuge to Charles
13 Taylor in Monrovia."

14 Do you recall such a conversation between yourself and Sam
13:09:02 15 Bockarie, Mr Sesay?

16 A. I and Sam Bockarie did not have any such conversation. And
17 the time that this confusion was on, up to the time that Sam
18 Bockarie left the RUF, this witness was not - this man was not
19 with Sam Bockarie in Buedu. So he did not even have access to
13:09:29 20 sit close to Sam Bockarie when Sam Bockarie was talking. That's
21 a lie. He was not in Buedu at all.

22 Q. Where was he?

23 A. This witness was in Freetown when the problem started, and
24 Bockarie started challenging Mr Sankoh. So Mr Sankoh sent this
13:09:47 25 witness and two other Black Guards to go to Segbwema to meet
26 Momoh Rogers so that they can talk to the RUF, to advise Momoh
27 Rogers and the RUF in Segbwema not to follow Sam Bockarie. So
28 they were there in Segbwema when Sam Bockarie sent about 85 armed
29 men to come to Segbwema to persuade the fighters in Segbwema. So

1 Momoh Rogers were able to trick them, to disarm and arrest the
2 armed men that were sent by Sam Bockarie. They locked them up.
3 So this witness was not across to Sam Bockarie at all. He was in
4 Segbwema. That was what happened when Mr Sankoh informed me that
13:10:48 5 I was to come to Segbwema because they had arrested RUF men who
6 had been sent by Sam Bockarie; but, before this arrest, before
7 these men were arrested, I, Morris Kallon, Lawrence Womandi a,
8 were in Makeni because we too were monitoring the problem between
9 Mr Sankoh and Sam Bockarie. So we too discussed among ourselves
13:11:17 10 in Makeni that the best thing to do was that I should not talk to
11 Bockarie on the radio and that we were to drive to Kailahun to
12 Bockarie to tell him to calm down. On our way coming, Bockarie
13 sent to Bunumbu for them to set an ambush for me so that I could
14 not proceed. So I returned. When I returned, that was the time
13:11:44 15 that Mr Sankoh sent to me that they had arrested the men whom Sam
16 Bockarie sent to Segbwema and that I was to go there. So I left
17 for Kono, and I was in Kono when I received the radio message
18 that was sent by Bockarie to all stations, that he was no longer
19 a member of the RUF and that he had resigned. That was what
13:12:08 20 happened. And when I went to Segbwema, I met this witness there,
21 together with Momoh Rogers and others. And I was not able to go
22 to Segbwema with armed men to go to Kailahun because the ECOMOG
23 were in Daru, and I had to pass through Daru; I couldn't have
24 been able to pass through there with arms. So I went to Segbwema
13:12:32 25 without arms. My armed men, who are my security guards, went
26 through Manowa to cross the Moa River to wait for me in Pendembu.
27 Q. Mr Sesay --
28 A. For him to say he saw me with a vehicle full of ammunition
29 is a black lie.

1 Q. Now, did you ever have any conversation with this witness
2 about diamonds and your use of diamonds, Mr Sesay?

3 A. Not a day did we have such a conversation. In fact, from
4 Segbwema, I left Kailahun and went to Segbwema. I did not meet
13:13:24 5 with this witness face-to-face, except when I went to Tongo
6 during the disarmament. Before I went to Tongo, when they were
7 arrested in Tongo and brought to Makeni, he was in custody before
8 the disarmament in Tongo.

9 Q. Listen to this, testimony heard by these judges on 13
13:13:48 10 November 2008:

11 "Q. Mr Witness, perhaps you did not understand my question
12 so let me say it again. After Issa became interim leader,
13 you said that you presented everything to him. Do you know
14 what he did with the diamonds you presented to him?

13:14:10 15 A. Yes. He took most of the diamonds to Liberia to
16 Charles Taylor.

17 Q. How is it that you know that?

18 A. He" - that's you - "told us that such and such a
19 diamond or diamonds, in fact, even at a time he took
13:14:31 20 diamonds, about 51 carats in Kono, I mean, we heard it over
21 the radio, I mean, our communication set, we were told
22 that, even Issa told us that they had found such a diamond.
23 Then one of our brothers who was in Tongo found a
24 diamond, and it was Colonel Ranger's the deputy brigade
13:14:53 25 commander and the diamond weighed 52 carats, 60 per cent,
26 but he wanted to hide it away from people, but those who
27 had found the diamond for him, there were a lot of them, at
28 that time, Beneto was there so they told the brigade
29 commander, the mining commander, they said they had found a

1 big di amond, and they asked colonel ranger about the
2 di amond and he deni ed knowl edge about i t. But Beneto
3 passed an order, and he was beaten to near death, and he
4 presented the di amond, that 52 carat, 60 per cent, plus 51
13:15:30 5 carats which we heard about in Kono, I did not see it, all
6 of these went to Issa, Issa told us he was going to take
7 the di amonds to Charles Tayl or in Li beri a, and Issa took
8 the di amond to Li beri a.

9 Q. Mr Wi tness, do you know if Issa received anything for
13:15:54 10 the di amonds that he took to Li beri a to Charles Tayl or?

11 A. Yes. Issa brought back some ammuni ti on, which I saw,
12 and he brought a lot of US doll ars, and he told us that we
13 were raising funds for the RUF because we had to di sarm and
14 we had to go i nto poli ti cs and poli ti cs wi ll never go
13:16:17 15 wi thout money. "

16 Do you recal l such a conversati on wi th thi s man?

17 A. I and thi s man di d not have any such conversati on. Thi s
18 man was a Prosecuti on wi tness agai nst me. When he was
19 prosecuti ng me, why di dn' t he tel l the Court that he gave me
13:16:37 20 di amonds? Not a day di d I - di d the two of us exchange di amonds.
21 He was a wi tness agai nst me. He prosecuted me. But he di d not
22 gi ve such an account, that they took di amonds that were turned
23 over to Issa. No.

24 Q. Now, Mr Sesay, that is all I want to ask you, in terms of
13:17:12 25 evi dence heard by thi s Court implicati ng you and your relati ons
26 wi th Charles Tayl or.

27 Now, tel l me, Mr Sesay, do you know Charles Ngebeh?

28 A. Yes, I know him very well but, my lawyer, I want them to
29 gi ve me two mi nutes for me to use the bathroom.

1 PRESIDING JUDGE: Very well, Mr Sesay, you may be escorted
2 out momentarily, please.

3 [In the absence of the witness]

4 PRESIDING JUDGE: Yes, Mr Koumjian?

13:19:33 5 MR KOUMJIAN: Just to take advantage of the witness being
6 out, there was - I'm still requesting a reference from this
7 morning at - from my LiveNote I think it was the bottom of page
8 14. The question put, the assertion put was:

9 "The reason I'm asking you, Mr Sesay, is that a number of
13:19:51 10 Prosecution witnesses, radio operators, have come to this Court
11 and said that they recall direct conversations between Sam
12 Bockarie and Charles Taylor, between you and Charles Taylor, over
13 the radio."

14 So I'm requesting it - I don't recall that evidence, and
13:20:07 15 I'm requesting any reference to it.

16 PRESIDING JUDGE: Mr Griffiths, are you able to provide
17 transcript either now or even in due course?

18 MR GRIFFITHS: I will provide the references in due course.

19 PRESIDING JUDGE: Very well. Thank you. Please do so
13:20:32 20 before cross-examination ensues.

21 I want to take advantage of the pause to inform the parties
22 that the decision on Defence motion to exclude the statements of
23 Issa Sesay will come out shortly, today.

24 MR GRIFFITHS: I'm grateful.

13:21:22 25 [In the presence of the witness]

26 MR GRIFFITHS:

27 Q. Mr Sesay, first of all, forget about Charles Ngebeh.

28 I want to ask you about Faya Musa. When did you first meet
29 Faya Musa?

1 A. In 1991.

2 Q. Where?

3 A. In Kailahun Town, around the first three months.

13:22:52 4 Q. Now, did there come a time when Faya Musa was detained
5 within RUF territory?

6 A. Yes.

7 Q. And is it the case that he was detained, along with others,
8 who had been part of the RUF external delegation?

9 A. Yes.

13:23:13 10 Q. Now, whilst they were in detention, Mr Sesay, did you ever
11 tell Johnny Paul Koroma to give you instructions to kill Faya
12 Musa?

13 A. No. I did not tell Johnny Paul Koroma to give me
14 instructions to kill Faya Musa because before we arrested Faya
13:23:51 15 Musa and others, at that time I did not know Johnny Paul. So
16 when Johnny Paul came to Kailahun, Faya Musa and others were in
17 custody. And the members of the War Council who investigated the
18 matter, they had given their findings to Sam Bockarie, saying
19 that Faya Musa and others must be kept until Mr Sankoh returns
13:24:19 20 to the RUF. So I did not see any reason for me to go to Johnny
21 Paul to give me orders to kill him.

22 Q. Faya Musa told these judges, on 13 April of this year,
23 this, this is page 38887, transcript of 13 April:

24 "There was another day Mosquito and Issa Sesay went to the
13:24:51 25 village where we were imprisoned in Kangama. When they went,
26 they told Johnny Paul Koroma, whom they had also arrested, they
27 told him to give them instructions to kill us."

28 What do you say about that?

29 A. No. That did not happen, because before Johnny Paul

1 retreated to Kailahun, Faya Musa and others had been in custody
2 for almost a year. They had been in prison for almost a year,
3 different prisons in Kailahun, from Buedu, Bayama, Kailahun Town
4 and back to Buedu, before they went to Kangama.

13:26:01 5 Q. Mr Sesay, as far as you're aware, does Faya Musa have any
6 motive to lie about you?

7 A. Yes, because before Faya Musa and others went to the
8 external delegation in December 1994, Faya Musa liked me, he was
9 fond of me, and even when I went to the Ivory Coast for
13:26:36 10 treatment, he used to do - he used to do - extend personal
11 kindness to me. But when he saw that I was involved in his
12 arrest and he was transferred to Buedu, he did not like me any
13 longer because he did not expect that I was going to be a part of
14 his maltreatment, together with Sam Bockarie.

13:27:02 15 During the Lome Accord - before the Lome Accord, around
16 early '99, Bockarie took them from Kangama and brought them to
17 Buedu. So until the Lome Accord he was in Buedu. So when I used
18 to go to the MP office between April to June, I used to go to the
19 MP office and I used to give the Nigerians cigarettes and when he
13:27:30 20 used to ask me I used to refuse to give him and he said, "Those
21 people who were fighting you, now you are giving them cigarettes
22 and leaving Faya Musa out? Have you forgotten where the
23 troubles had come from?" So he had the right to be against me
24 because the way he was expecting me to behave to him, that was
13:27:48 25 not how I behaved to him.

26 Q. The reason I ask you that question, Mr Sesay, is this:
27 Faya Musa came and testified to these judges as a Defence
28 witness and this is how he described you:

29 "He was a blind loyalist because I remember" - and I'm

1 Looking at testimony of 13 April this year, page 38893. He's
2 describing you here:

3 "He was a blind loyalist because I remember, when we were
4 arrested, one day he came to our cells, invited us out and said
13:28:28 5 he has more respect for Foday Sankoh than for his father because
6 Foday Sankoh had made him a colonel which his father wouldn't
7 have done by any means. Therefore, anyone who says no, Foday
8 Sankoh, would be killed like a dog by him. That is why
9 I describe him as a heartless, blind loyalist."

13:28:56 10 A. Oh, my God. Well, he is talking about the rank of colonel.
11 What about when Foday Sankoh endorsed the rank of brigadier
12 general in December of '99 and made me the field commander of the
13 RUF? Because when you look at the RUF, the RUF will tell you
14 that I was not a man who was loyal to Foday Sankoh. In fact
13:29:22 15 I was the man who betrayed Foday Sankoh. That's a common
16 knowledge in the RUF, that I was the one who betrayed Foday
17 Sankoh; that I spoiled the revolution because I disarmed the RUF.
18 Foday Sankoh was in jail and the RUF was suffering. Even
19 Prosecution witnesses, they were testifying like that during my
13:29:42 20 case, that I was the cause of their suffering because I disarmed
21 them. So Foday Sankoh made me colonel. Then Foday Sankoh made
22 me a general. He felt that being a general could have elicited
23 more dedication from me than being a colonel. I think Faya
24 Musa, the RUF would not accept the - that statement from him,
13:30:07 25 that I was a diehard loyalist dedicated to Mr Sankoh. The RUF
26 would say Mr Issa was a betrayal to Mr Sankoh.

27 PRESIDING JUDGE: Mr Griffiths, it is 1.30. Perhaps we
28 should take the luncheon break now and reconvene at 2.30.

29 [Lunch break taken at 1.30 p.m.]

1 [Upon resuming at 2.32 p.m.]

2 PRESIDING JUDGE: Good afternoon. Mr Griffiths, please
3 continue.

4 MR GRIFFITHS:

14:32:27 5 Q. Mr Sesay, there's another matter that I want to deal with
6 with you in respect of Faya Musa. Now, we spoke some weeks ago
7 now about an incident in Giehun where, amongst others, Jande was
8 - Foday Sankoh's was killed. Do you recall us talking about
9 that?

14:33:10 10 A. Yes, I recall.

11 Q. And that happened in Luawa Chiefdom in Giehun, did it not?

12 A. Yes.

13 Q. Now, Faya Musa told these judges that, during the course
14 of that incident, 300 people - 350 people were killed and the
14:33:32 15 biggest killers organising that massacre were Sam Bockarie and
16 you. Is that true?

17 A. Well, it did not happen that way. That was not the way it
18 happened, because Mohamed Tarawali, Rashid Mansaray were the
19 most senior people who were based in Giehun. And, during this
14:34:04 20 time, they took part in the killing of the people, but the figure
21 was not up to that. I did not hear about 300 people, and I was
22 at the Kailahun hospital when I had got wounded during an attack
23 on Pendembu.

24 Q. Now, do you recall on any occasion, Mr Sesay, attending a
14:34:41 25 meeting with Charles Taylor, President of Liberia, in which he
26 suggested to you that Sam Bockarie should be taken back into the
27 RUF fold?

28 A. Yes.

29 Q. When was that?

1 A. That was in December of 2000.

2 Q. And what was your reaction to that?

3 A. Well, my reaction was negative because I told him - whilst
4 we were there I told him that I would go and inform the RUF and
14:35:23 5 some other commanders in the RUF force, and since then I never
6 responded to him any longer.

7 Q. And help me: At that meeting, who was present?

8 A. Well, myself, Gibril Massaquoi, Lion, Eddie Kanneh - Eddie
9 Kanneh and Samuel Jabba were at that meeting.

14:36:00 10 Q. Was Jonathan Kposowa present at that meeting?

11 A. Jonathan Kposowa, yes, he was present.

12 Q. And was Sam Bockarie present at that meeting?

13 A. Yes, Sam Bockarie was there.

14 Q. And what was Charles Taylor's position, insofar as the
14:36:34 15 return of Sam Bockarie to Sierra Leone?

16 A. Well, what I observed from what he said during the meeting
17 was that he wanted us to come together, the way we had been
18 before, for us to come together as one organisation. So it's
19 like he was trying to mediate peace between us, but I also told
14:37:04 20 him that the problem was not between myself and Sam Bockarie, nor
21 was it between Sam Bockarie and any other commander. I said the
22 problem was between Mr Sankoh and Sam Bockarie, so those of us
23 who were there would not just take a decision without informing
24 our colleague commanders.

14:37:23 25 Q. Yes. Did Charles Taylor put any pressure on you to take
26 Sam Bockarie back into the RUF fold?

27 A. No, he did not put any pressure on me. When he invited us
28 and explained to us the purpose of the meeting, after speaking to
29 us was when I also responded. And after my response, he said

1 okay, he would wait to listen to me. Since then, I did not meet
2 with him any longer, so I did not get any pressure from him.

3 Q. Now, Mr Sesay - and one final matter on that: What was the
4 result of that meeting?

14:38:21 5 A. Well, the result was negative because what Mr Taylor told
6 me and my colleagues to do, we did not accept it, so that was the
7 end of it.

8 Q. Very well. Now, Mr Sesay, before I sit down, there's a
9 couple of things I want to ask you. You were convicted of
10 various offences at the Special Court for Sierra Leone sitting in
11 Freetown, weren't you?

12 A. Yes.

13 Q. And you're currently serving a lengthy prison sentence,
14 aren't you?

14:39:05 15 A. Yes.

16 Q. How long is it, Mr Sesay?

17 A. Well, the Court convicted me for 52 years.

18 Q. Now, help us, Mr Sesay: Are you gaining any benefit by
19 coming to this Court to give evidence for Charles Taylor?

14:39:23 20 A. I have nothing absolutely to gain. The reason why I came
21 here is because I was in Freetown, I used to listen to radios in
22 my cell room, the way of my fellow RUF have been exaggerating
23 stories, lying against me, as a result of the disarm - that I
24 have disarmed the RUF. That was the reason why I also decided to
14:39:53 25 come here. But I have nothing absolutely to gain.

26 MR GRIFFITHS: Would you stay there, please. There may
27 well be some further questions for you.

28 PRESIDING JUDGE: Mr Koumjian, will you be addressing the
29 cross-examination?

1 MR KOUMJIAN: Yes, I will, your Honour.

2 Two short preliminary matters. First of all, your Honour,
3 Madam President, you asked the Defence to address the references
4 before the close of direct examination.

14:40:26 5 MR GRIFFITHS: If I can be given a moment, I'll give him
6 two references that I have immediately to hand. The first one I
7 give Mr Koumjian is evidence of 15 September 2008, page 16173,
8 beginning at line 2.

9 MR KOUMJIAN: [Overlapping speakers]

14:41:42 10 MR GRIFFITHS: Evidence of 20 February 2008 at page 4375,
11 line 27; page 4381, testimony of 20 February 2008, at page 4381;
12 testimony of 21 February 2008, at page 4439. Those are the ones
13 that I have immediately to hand.

14 PRESIDING JUDGE: Thank you. Mr Koumjian, please proceed.

14:42:24 15 MR KOUMJIAN: Your Honour, I would note that I've only had
16 a chance to look up the first two. Neither involves a radio
17 conversation between Sam Bockarie or Issa Sesay and
18 Charles Taylor. The first involves a conversation between
19 Foday Sankoh and Mr Taylor - excuse me, Benjamin Yeaten and
14:42:41 20 Mr Taylor; and the second, Foday Sankoh and Mr Taylor.

21 Your Honour, very shortly, I understand a decision has been
22 issued which would affect the structure of my cross-examination.
23 I haven't read it yet.

24 I'm prepared to proceed today. Frankly, I would have
14:43:04 25 reached this today in the first hour, but I can alter and
26 proceed, but I may not - it's going to affect the structure of my
27 cross-examination.

28 PRESIDING JUDGE: Mr Koumjian, I'm sure you can adjust.
29 Other people have had to adjust their methodologies because

1 you've changed one or two things yourself. Given that you have
2 four weeks ahead of you in which to cross-examine Mr Sesay, a few
3 moments will not throw you off balance.

4 This decision could have been published over the lunch
14:43:43 5 break, but I understand that the Court Manager was doing some
6 other - was attending to some other matters in the ICC building,
7 in the vault, so that's why the decision is not published.

8 MR KOUMJIAN: May I proceed, Madam President?

9 CROSS-EXAMINATION BY KOUMJIAN:

14:44:09 10 Q. Mr Sesay, welcome to The Hague.

11 A. Thank you.

12 Q. Sir, let's go right to the heart of your testimony. I
13 don't want to keep you here in The Hague longer than necessary.

14 Let's talk about the attack on Kono, Koindu Town,
14:44:25 15 in December 1998. You led that attack; correct?

16 A. Yes, you're right.

17 Q. And, sir, you told us that the ammunition for that attack
18 came from Liberia; correct?

19 A. Yes.

14:44:38 20 Q. Sir, that - you recognise, don't you, you appreciate how
21 important that attack was and is to the issues in this case; do
22 you understand that?

23 A. Yes, I understand.

24 Q. Because - because of your successful attack on Kono, you
14:44:57 25 captured a large amount of ammunition and weapons, correct?

26 A. Yes.

27 Q. You - in that attack, there were four battalions of ECOMOG
28 that you were able to defeat at Koindu Town and surrounding
29 areas, correct?

1 A. Well, I did not know the strength of ECOMOG, so I cannot
2 tell you about the strength of the ECOMOG who were in Kono.

3 Q. In Koidu Town, there also were Loyal - Koidu Town, Loyal
4 SLA troops assisting the ECOMOG, correct?

14:45:38 5 A. Yes. SLA were fighting alongside ECOMOG.

6 Q. After that victory of yours, because of that victory, you
7 were able to move on and take Magburaka and take Makeni, correct?

8 A. Yes. We took Magburaka, and the Makeni attack was a joint
9 attack with the other group that came from the Koinadugu axis.

14:46:05 10 Q. So, thanks to the capture - to the ammunition that you
11 received from Liberia, you were able to take Koidu and Magburaka
12 and move on to Makeni, correct?

13 A. Yes. That was the ammunition that Sam Bockarie said he
14 bought in Lofa. Those are the ones we used.

14:46:25 15 Q. Sir, do you realise you're the only witness in this case to
16 say that Sam Bockarie bought that ammunition in Lofa?

17 A. Well, that was the information that I got.

18 Q. When did you get this information, sir?

19 A. Well, I do not recall that.

14:46:51 20 Q. What year did you get the information?

21 A. Well, at the time Sam Bockarie returned. That was
22 in December of '98.

23 Q. Before we go back to that, this ammunition that led to the
24 victory for the RUF in Koidu Town led to the attacks on Magburaka

14:47:16 25 and Makeni. This also made it possible for the RUF, according to
26 you, for Sam Bockarie to order the RUF to move on to Freetown to
27 attack Waterloo, correct?

28 A. Well, Waterloo and Freetown are not the same. From
29 Waterloo to Freetown is 20 miles, and the ammunition that we

1 captured in Kono was what we used to enter Makeni, and the
2 material and ammunition that we captured in Teko Barracks, yes,
3 those are the ones we used to go to Masiaka and Waterloo, but not
4 Freetown.

14:47:57 5 Q. Thank you. And you said you went to Waterloo because you
6 were going to Freetown, that was the seat of power. That's what
7 you told the Court, correct?

8 A. Yes, that was what I said.

9 Q. So this attack aimed at Freetown that reached all the way
14:48:12 10 to Waterloo came through the ammunition that Sam Bockarie brought
11 back from Liberia. We agree on that, don't we?

12 A. Well, the ammunition that Bockarie brought, we used that in
13 Kono. That one got finished in Kono. The ammunition that we
14 captured in Kono was what we used to go up to Makeni.

14:48:37 15 Q. Because you told us the RUF was desperate for ammunition
16 before that time, you didn't have any before Bockarie brought
17 back this ammunition, correct?

18 A. Yes. In '98, we had ammunition constraints.

19 Q. So all that attack on Koidu Town, Kono, Magburaka, Makeni,
14:48:58 20 all the way up to Waterloo, none of that would have happened
21 without the ammunition Sam Bockarie brought back from Liberia,
22 correct?

23 A. Well, yes, because we captured Kono. But if we were not
24 successful in capturing Kono, we wouldn't have gone ahead with
14:49:24 25 the attacks. But the ammunition that we captured in Kono was
26 what we used to go up to Makeni.

27 Q. Now, sir, I don't want to repeat reading transcripts, but
28 transcripts have been read to you, and you've heard of witnesses,
29 such as TF1-338, Karmoh Kanneh, that's Eagle, Daf, Zigzag Marzah,

1 Isaac Mongor, all testified in this Court that Sam Bockarie
2 brought that ammunition back, he obtained it in Burkina Faso, the
3 plane landed, he brought it back through Liberia, the plane
4 landing in Monrovia. And that's the truth, isn't it?

14:50:08 5 A. Well, I did not go on that trip. What I heard from
6 Sam Bockarie was what I said here.

7 Q. Sir, because there's a big difference, isn't there, between
8 getting the ammunition from Lofa, as you testified, and the
9 ammunition coming from a plane that lands at Roberts

14:50:29 10 International Airport in Monrovia? You appreciate the difference
11 to this case in that evidence, don't you?

12 A. Well, I said that was what I heard from Sam Bockarie.

13 Q. Because, Mr Sesay, you know Charles Taylor, you've had
14 discussions with him, you said, at least five times, correct?

14:50:53 15 A. Yes.

16 Q. Did he appear to you to be a stupid man?

17 A. No, he did not look that way.

18 Q. Did he appear, in fact, rather than that, to be a strong
19 leader, aware of what was going on in his country?

14:51:11 20 A. Well, as a President, you'll not know everything that goes
21 on in your country because even other Head of States in some
22 other countries, Sierra Leone, Guinea, they will not be able to
23 know about everything that happens, because - I can give you a
24 reference. We used to buy ammunition from Guinea, so --

14:51:38 25 Q. Sir, my question's dealing with Charles Taylor. Did he
26 appear to you to be a strong leader?

27 A. He was a leader in his country.

28 Q. Mr Sesay, using your knowledge of Charles Taylor, and your
29 intelligence, you're a clever man, do you think a plane could

1 have landed at Roberts International Airport, unloaded a large
2 quantity of ammunition, and have that ammunition trucked across
3 Liberia, over the border to Sierra Leone, without the knowledge
4 of the President of Liberia, Charles Taylor?

14:52:15 5 A. Well, I'm unable to answer that. I don't know. I was not
6 a security agent for Mr Taylor.

7 Q. But you know he had many security agents; you know that,
8 don't you?

9 A. Yes, I know, because he was a head of government.

14:52:36 10 Q. Could the witness be shown P-67, and could we show page 6,
11 please.

12 PRESIDING JUDGE: What is the CMS number on the page in
13 question?

14 MR KOUMJIAN: It should be 9677. Excuse me - 9678, the
14:54:11 15 next page.

16 Q. Sir, I'm reading from the third line in this report from
17 the Black Guard unit to the leader - The
18 Black Revolutionary Guards Unit to the leader. It states:
19 "In October the high command was again called by President
14:54:42 20 Taylor." Mr Sesay, what does the high command - what did those
21 words mean in the RUF in October 1998?

22 A. Well, this document that you are bringing before me from
23 The Black Revolutionary Guards, I knew about the Black Guards but
24 I did not know about The Black Revolutionary Guards.

14:55:13 25 Q. Really, Mr Sesay, you never heard that term before?

26 A. Well, that was not the title. The title was Black Guards,
27 not Black Revolutionary Guards.

28 PRESIDING JUDGE: Mr Sesay, the question is: What does
29 high command - what do the words "high command" mean? What did

1 the words "high command" mean in the RUF in October of 1998? You
2 weren't asked about the revolutionary guards. What is your
3 answer, please?

4 THE WITNESS: The word - the phrase "high command" means
14:55:59 5 the commander who was the head of the revolution at that time.
6 That was the field commander.

7 MR KOUMJIAN:

8 Q. Sam Bockarie, is that right?

9 A. He was the field commander.

14:56:15 10 Q. The document reads:

11 "We, therefore, went along with him to Monrovia. The high
12 command was instructed by President Taylor to move to
13 Burkina Faso and meet with the Burkina President. The high
14 command, the War Council chairman."

14:56:38 15 First let me stop there. Mr Sesay, who was the War Council
16 chairman in October 1998?

17 A. The War Council chairman was Mr SYB Rogers.

18 Q. "And one SLA representative, Colonel Eddie Kanneh, took the
19 trip to Burkina Faso. They met President Blaise Compaore
14:57:08 20 and they were highly welcome. They took two weeks in
21 Burkina Faso. They were given work of confidence and
22 assurance by President Blaise and that he will not let
23 Corporal Foday Sankoh down at all. The President told the
24 high command to be very hard in command and uphold his
14:57:30 25 movement."

26 I'm going to skip a few lines to where it's underlined:

27 "On their return, they were given huge quantity of
28 materials for serious offensive to start a campaign for the
29 release of our leader. The delegation returned back to

1 Monrovia in December."

2 PRESIDING JUDGE: "November".

3 MR KOUMJIAN: "November". Thank you. Sorry, November.

4 Q. Mr Sesay, by the way - how do you pronounce your name?

14:58:08 5 A. Issa.

6 Q. Sesay, what pronunciation do you use?

7 A. Sesay.

8 Q. Mr Sesay, this is what you knew when Sam Bockarie came
9 back, isn't it, that he'd been sent by President Taylor to meet

14:58:28 10 Blaise Compaore and to obtain ammunition?

11 A. Well, I knew that Mr Taylor spoke to President Blaise,
12 according to Bockarie, that he should go and meet him for them to
13 revisit the Abidjan Accord.

14 Q. Well, didn't Sam Bockarie tell you that he was going to
14:58:54 15 Burkina Faso for ammunition?

16 A. No, he did not tell me that he was going to collect
17 ammunition.

18 Q. Mr Sesay, when you test - when you were on trial in the
19 case in Freetown, in which you just explained you're serving a
14:59:17 20 52-year sentence, did you testify?

21 A. Yes, I testified.

22 Q. Did you take an oath to tell the truth?

23 A. Yes, I took an oath.

24 Q. Did you tell the truth or did you lie?

14:59:32 25 A. Well, I said all that I recalled. I wouldn't have been
26 able to say everything that happened.

27 Q. So what you said is what you remembered, is that right?

28 A. I said not all that I said I can recall now.

29 Q. What I'm saying is when you testified you told the judges

1 in that trial what you remembered. Correct?

2 A. Yes, what I recalled was what I said.

3 Q. Well, let's - what did you tell them about the ammunition
4 that you used to take Koidu Town, Makeni, and move on to
15:00:17 5 Waterloo?

6 A. Well, I told them that it was Sam Bockarie who brought the
7 ammunition.

8 Q. Really? Mr Sesay, do you want to think about that? Is
9 that what you - did you tell them that Sam Bockarie brought the
15:00:35 10 ammunition from Burkina Faso?

11 A. Well, I do not recall. But I told them that it was
12 Bockarie who gave me ammunition to go and attack Kono.

13 Q. Mr Sesay, you know that Sam Bockarie brought that
14 ammunition from Burkina Faso and he came through Liberia, don't
15:00:56 15 you?

16 A. Well, that is what I've said. I do not recall.

17 Q. So what you told us before about Bockarie telling you it
18 came from buying it in Lofa County, you don't really know whether
19 you remember that correctly or not; is that what you're saying
15:01:16 20 now?

21 A. Well, I have said that that is what I recall that that was
22 what Bockarie told me.

23 MR KOUMJIAN: Could the witness be shown, I believe the
24 Court Management Officer has the transcripts from the RUF trial,
15:01:35 25 the transcript for the 17th of May 2007, page 29.

26 MS IRURA: Your Honour, note that this is a closed session
27 transcript.

28 MR KOUMJIAN: Well, your Honour, it will not reveal the
29 testimony. This page will not reveal the testimony - excuse me.

1 I'll read from the transcript then.

2 Mr Sesay, I'm reading from the transcript, and I'm reading
3 from line 12. This is what you said:

4 "Well, inside the third week of November 1998, Sam Bockarie
15:03:16 5 called me. By then they were working on the field, so he called
6 me from Pendembu and I reported at Buedu, and he told me that I
7 and Mike Lamin should be responsible for Buedu."

8 Mr Sesay, so far, all of that you agree with?

9 A. Yes, I agree.

15:03:41 10 Q. Don't want to change your testimony on that, do you?

11 A. No, Bockarie called me.

12 Q. Can I read to you the next line? The next line is: "He is
13 going to Burkina Faso for ammunitions." That's what's
14 Sam Bockarie told you, isn't it?

15:04:01 15 A. I do not recall if that was what Bockarie told me.

16 Q. Mr Sesay - Mr Sesay, why did you testify in your own trial
17 that Sam Bockarie told you he was going to Burkina Faso for
18 ammunition if you didn't remember that? Well, let me help you.
19 Are you saying that you remembered it in 2007 but you forgot it
15:04:36 20 when you came to testify for Charles Taylor?

21 A. Well, when I was testifying there was certain things that I
22 did not recall. I cannot recall everything. Even as I am
23 sitting here, it's not every event that I can recall.

24 Q. Mr Sesay, you didn't - your answer was not you cannot
15:04:57 25 recall. Your answer was that you spoke to Bockarie, he called
26 you from Pendembu, and he said he is going to Burkina Faso for
27 ammunition. That's what Sam Bockarie told you, wasn't it?

28 A. I said I do not recall.

29 Q. Let's go to the same date, page 61. There is nothing on

1 this page that would reveal the name of a witness. It can be
2 displayed.

3 PRESIDING JUDGE: Madam Court - it is displayed now.

4 MR KOUMJIAN: Thank you.

15:05:56 5 Q. I'm going to start reading to you, Mr Sesay, from line 7.
6 You told the Trial Chamber - Trial Chamber I in the RUF case, you
7 said:

8 "A. Well, when he came. I explained yesterday that when
9 he came - when he arrived, he killed Foday Kallon."

15:06:27 10 Mr Sesay, who were you talking about when you said he
11 killed Foday Kallon?

12 A. It was Sam Bockarie.

13 Q. "A. Then the next day he called me, Mike Lamin, Pa Rogers,
14 Prince Taylor and him, Bockarie. Then we drove - he drove.
15:06:46 15 He drove the jeep. His own jeep. Then he drove to a place
16 where the civilians would sit down during the time of the
17 jet. They called the place Waterworks. It was just a mile
18 from Buedu on the road to Liberia, on the road to Dawa. So
19 when we arrived there he told us, because it was he and Pa
15:07:13 20 Rogers who went on the trip. And Pa Rogers himself was
21 amongst us."

22 Let me pause for a moment. Mr Sesay, Pa Rogers is SYB
23 Rogers, the man mentioned in that document, correct.

24 A. Yes, that's him.

15:07:33 25 Q. "Then he told us that the trip that I told you about that I
26 was going to Burkina Faso - these are the items that I had got,
27 including money which was \$20,000. He said he was led by
28 Diendere and they met the Head of State in Burkina Faso,
29 President Blaise. He was the one that gave them these provisions

1 on behalf of Foday Sankoh. "

2 Mr Sesay, were you telling the truth when you testified in
3 the RUF on the page that I've just read so far?

4 A. Well, there were things that I did not recall because, like
15:08:23 5 even the names of people who attended the meeting, not all of
6 them that I recalled.

7 Q. Mr Sesay, you say in this paragraph I've read that
8 Sam Bockarie told you "they met the Head of State in Burkina
9 Faso, President Blaise. He was the one that gave them these
15:08:45 10 provisions on behalf of Foday Sankoh. "

11 You were talking about the ammunition for the attack on
12 Koidu; correct?

13 A. Well --

14 Q. Well, what, Mr Sesay? Well, what?

15:09:06 15 A. I said I do not recall that it was about the ammunition for
16 the attack on Kono.

17 Q. Are you testifying honestly now?

18 A. Yes, what I recall is what I am saying. What I remember is
19 what I am saying.

15:09:30 20 Q. Well, let me continue to read:

21 "Q. Did anything else get said at the meeting?

22 A. Yes, Mr Lawyer, let me just explain. So when he has
23 told us this he said well this ammunition, he would
24 dispatch me to go attack Kono. So he was thinking about
15:09:52 25 how many boxes of this ammunition he would give me. He
26 said after that he would arrange with Mike Lamin. He said
27 when I left to go to Kono he would arrange with Mike Lamin
28 and other commanders how they should attack Segbwema and
29 other areas. "

1 That's what you testified to in the RUF trial, isn't that
2 correct?

3 A. Well, for some that was what happened. But it's not
4 everything that I said before that I recall now, because I said
15:10:27 5 the attack on Segbwema was after the capture of Kono. That was
6 when the attack on Segbwema took place.

7 Q. Well, let me concentrate on one matter asserted in what I
8 just read. The ammunition that you used to attack Kono that led
9 all the way down to Waterloo, it came from Burkina Faso, correct?

15:10:53 10 A. Well, Bockarie said he bought it from Lofa.

11 Q. Well, why didn't you say that in the RUF trial, Mr Sesay?
12 Why are you only saying that in the Charles Taylor trial?

13 A. Well, I have said it's not all the events that I recall.

14 Q. Is it because this information you realise that

15:11:25 15 Charles Taylor sent Sam Bockarie along with his own chief of
16 protocol to Burkina Faso to arrange that arms deal and that the
17 arms came back through Roberts International Airport and were
18 trucked across Liberia, that this information which you testified
19 to in the RUF trial would incriminate Charles Taylor on all of
15:11:51 20 these events in 1998 and 1999? Is that why you've changed your
21 testimony?

22 A. No. I have said that it's not everything that I said
23 during my trial that I recall. What I recall is what I am giving
24 testimony about.

15:12:11 25 Q. Sir, in the RUF trial you recalled the ammunition came from
26 Burkina Faso. Is that right?

27 A. Well, I don't recall. I don't recall that that was what
28 Bockarie told me.

29 Q. Well, let's go to 22 June 2007, your testimony on that day,

1 page 33. Excuse me. I don't have in my notes the entire
2 page but it's open session. It can be displayed. It's open.
3 Thank you. I'm going to start reading to you, Mr Sesay, and you
4 can follow along from line 9. You were asked this question:

15:13:38 5 "Q. Yes, you can say you don't see arms but I'm saying to
6 you that you know that they were transported from Liberia a
7 to Sierra Leone during the years 1997 to 2000.

8 A. Well, I only knew once that Bockarie, he himself came
9 with ammunition in December 1998, and he told me - he gave
15:14:11 10 me an order that he brought this ammunition from Burkina
11 Faso."

12 That's what you testified to in the RUF trial, Mr Sesay,
13 isn't it?

14 A. Well, I have said that I do not recall. What I recall that
15:14:31 15 Bockarie said was that he bought the ammunition from Lofa and
16 that was part of the ammunition that he gave to me for the attack
17 on Kono.

18 Q. Mr Sesay --

19 PRESIDING JUDGE: Sorry. Mr Sesay, when counsel reads the
15:14:44 20 transcript, you don't need to recall, you just need to listen to
21 what he's reading. He's not asking you to recall in your memory.
22 He has just read to you what you testified in your own trial and
23 asking you why that is different from what you are telling us in
24 this trial. So you don't need to recall anything, just listen to
15:15:06 25 the - and I'm sure you can see a copy of the transcript in front
26 of you, not so?

27 THE WITNESS: Yes, I'm seeing it.

28 MR KOUMJIAN:

29 Q. Mr Sesay, do you testify to things under oath that you

1 don't remember? Is that your practice?

2 A. Well, you can take oath but it's not everything that you
3 can recall. Not everything you remember.

4 Q. That wasn't my question. Do you testify to things under
15:15:38 5 oath that you don't remember? Do you make things up?

6 A. No, I don't make things up. What I recall is what I say.

7 Q. And this is - let me read it to you again so we know again
8 - you can hear again what you said in 2007 on 22 June, page 33.

9 You said:

15:16:02 10 "A. Well, I only know once that Bockarie, he himself came
11 with ammunition in December 1998 and he told me - he gave
12 me an order that he brought these ammunition from Burkina
13 Faso."

14 That's the truth, isn't it?

15:16:23 15 A. Well, what happened when Bockarie brought the ammunition
16 and what he said was that he got the ammunition from Lofa. He
17 said he bought them in Lofa.

18 Q. Well, Mr Sesay, if that's the case, why did you testify
19 under oath that the ammunition came from Burkina Faso and that
15:16:49 20 Bockarie told you that?

21 A. Well, at that time I did not recall. I did not recall.
22 What came to my mind was what I said.

23 Q. So, sir, you were preparing for your own trial, your own
24 freedom was at stake, and it was closer in time to the events
15:17:14 25 than you are at today; it was three years ago. Are you saying
26 you didn't remember where the ammunition came from in 2007 and
27 now you do?

28 A. Well, being that the Court had convicted me, now I can sit
29 down during my own quiet times and then I read about so many

1 things - I recall so many things.

2 Q. So when was it that you recalled the ammunition came from
3 Lofa and not, as you testified under oath, it came from Burkina
4 Faso? What did you read or who talked to you to tell you to
15:17:53 5 change your - to cause you to change your recollection?

6 A. Well, after my testimony I used to go through the
7 transcripts. That was when I recalled that that was not what
8 actually obtained.

9 Q. Mr Sesay, I'm putting it to you, let me be clear: You're
15:18:19 10 lying about that. You know the ammunition came from Burkina
11 Faso. You testified to the same fact that it came from Burkina
12 Faso as all of these Prosecution witnesses I mentioned earlier.
13 And now you're lying to protect Charles Taylor. That's the
14 truth, isn't it?

15:18:36 15 A. I have nothing to benefit from lying.

16 Q. Let's look at page 35 of 22 June 2007. Your testimony
17 again. Mr Sesay, you're very clear here and I'm going to line 7
18 where the question was:

19 "Q. And I think you said that that ammunition brought by
15:19:23 20 Bockarie, around December 1998, was from Burkina Faso. Do
21 you remember saying that?

22 A. Yes, that was what Bockarie told me and other people.
23 SYB Rogers, he himself also confirmed that, because he and
24 Bockarie went.

15:19:48 25 Q. And that ammunition was transported into Sierra Leone
26 from Liberia. That's right, isn't it?

27 A. Yes, it was Bockarie that came with it.

28 Q. And it was transported into Sierra Leone from Liberia?

29 A. Yes, it was through Liberia that Bockarie passed and

1 came to Buedu."

2 Mr Sesay, you said that in June of 2007, a little over
3 three years ago, isn't that true? First of all, didn't you say
4 that?

15:20:27 5 A. I said that but I'm saying that I did not recall at that
6 time and now I have seen that it's not the right thing.

7 Q. And how is it, Mr Sesay? What has caused you to change
8 your testimony?

9 A. Well, when I recalled that it was in Lofa that Bockarie
15:20:52 10 said he'd buy the ammunition from, that was why I said this now.

11 Q. When did you recall that?

12 A. Well, after I had testified when my lawyers used to give me
13 the transcript, that was when I used to pick them up.

14 Q. When you say your lawyers, which lawyers are you speaking
15:21:16 15 about?

16 A. I am talking about those who defended me. It was Sareta
17 who came with the transcript.

18 Q. Mr Sesay, how did Sam Bockarie travel? We can agree on one
19 thing, I think. Sam Bockarie came back from Burkina Faso through
15:21:37 20 Roberts International Airport outside Monrovia in Liberia,
21 correct?

22 A. Yes, because they used aeroplane.

23 Q. And you said you've been along the road there and you've
24 seen where that airport is; correct? Is that right? You've been
15:21:59 25 to the airport, is that right?

26 A. Yes, I've been there.

27 Q. Mr Sesay, you'd agree that a large shipment of ammunition
28 that landed at that airport would be obvious to the security at
29 the airport, correct?

1 A. I don't know.

2 Q. This ammunition that came from Liberia was the ammunition
3 that led to the attack on Kono, to all the destruction on Koidu,
4 to the attack on Magburaka and Makeni, to the defeat of the
15:22:41 5 ECOMOG at Daru Barracks and to the ability of the RUF to move on
6 to Lunsar and Waterloo. Correct?

7 A. Well, that's a lie, because no destruction took place in
8 Kono. No destruction took place in Kono and RUF did not capture
9 Daru.

15:23:03 10 Q. Teko Barracks, excuse me, in Makeni, was taken by the RUF
11 in December 1998. Correct?

12 A. Yes, but it was the ammunition that we got from ECOMOG that
13 we used.

14 Q. The ammunition that you say you captured in Koidu.
15:23:22 15 Correct?

16 A. Yes, that was it.

17 Q. In December 1998, correct?

18 A. You are correct, yes.

19 Q. And the way you attacked ECOMOG in Koidu, the means that
15:23:38 20 you used, was the ammunition Sam Bockarie brought back in
21 Liberia. Correct?

22 A. Yes, those were the ammunition that Bockarie brought from
23 Lofa. That was the one we used to attack Kono - Koidu.

24 Q. In Koidu you defeated a large ECOMOG force. Correct?

15:24:15 25 A. Yes. The ECOMOG who had, yeah, they run away.

26 Q. They ran in disarray, some towards Kenema, others towards
27 Makeni. Correct?

28 A. Some - they did not go to Makeni. Some went to Tongo Field
29 and some went towards Kenema.

1 Q. Then you moved on and attacked another large ECOMOG force
2 at Makeni taking Teko Barracks; is that right?

3 A. The ECOMOG in Makeni, yes, but that was a joint operation
4 with the men who came from Koinadugu.

15:25:00 5 Q. And together your forces joined with Superman's forces, you
6 were able to defeat this large ECOMOG force in Makeni. Correct?

7 A. The Superman forces, Mani and General Bropleh's troops, all
8 of them attacked Teko Barracks.

9 Q. All of you together working jointly, correct?

15:25:27 10 A. Well, we met in Makeni, yes.

11 Q. So when you had taken Koidu, and you had taken Makeni, you
12 had you had defeated two of the major ECOMOG positions in
13 Sierra Leone; is that right?

14 A. Yes, the ECOMOG were running away.

15:25:51 15 Q. And capturing Makeni opened up the north of the country to
16 the RUF. Correct?

17 A. Yes, though the Superman's group were in the north even
18 before that time, and though there was no communication between
19 him and Bockarie, nor was there with the other RUF members.

15:26:21 20 Q. Takes about two hours to drive from Makeni to Freetown; is
21 that right?

22 A. Well, that depends on individual vehicles. Some people use
23 their vehicles for more than two hours.

24 Q. I said "about". Give me your estimate, how long does it
15:26:43 25 take to drive from Makeni to Freetown?

26 A. Well, some vehicles - it depends on the condition of the
27 vehicle. Some vehicles spend about two hours and some vehicles
28 spend beyond two hours.

29 Q. When - what was the date you captured Makeni?

1 A. The 24th of December 1998.

2 Q. And then in the next week you attacked Lunsar. Correct?

3 A. No.

4 Q. When did you take Lunsar?

15:27:28 5 A. Lunsar, it was in January. Because the troop - the troops
6 had captured Makeni. We did not go to Lunsar. We went back to
7 attack Kabala with one group, and another group to Bumbuna. So
8 that the following week the RUF was to advance towards Lunsar.

9 Q. So it was in very early January that you attacked Lunsar.

15:27:56 10 Correct?

11 A. Yes, that was in January.

12 Q. So, Mr Sesay, thanks to the ammunition sent through Liberia
13 the RUF took Koidu, took Makeni, Magburaka, Lunsar, opening the
14 way for the AFRC Gullit led troops with RUF elements to enter

15:28:21 15 Freetown; isn't that right?

16 A. No. Because you are calling the names of towns that
17 fighting did not take place. Fighting did not take place in
18 Magburaka, for instance. ECOMOG did not fight in Magburaka. And
19 when the RUF captured Lunsar, the RUF went first to fight in Port

15:28:47 20 Loko, so even if the RUF fought towards Waterloo, Gullit and
21 others, they bypassed and went and attacked Freetown, so they
22 could have bypassed again to move out of Freetown, because the
23 ECOMOG still remained in control of Jui when Gullit and others
24 attacked. And until the time Gullit and others left Freetown
15:29:12 25 ECOMOG was still in control of Jui.

26 Q. Mr Sesay, the strategic situation in Sierra Leone had
27 changed dramatically from the time you left to attack Koidu
28 to January 6th because, in between that time, you had taken
29 Koidu, Makeni, Teko Barracks, Lunsar and other areas, isn't that

1 true?

2 A. Well --

3 THE INTERPRETER: Please ask your question once more,
4 please.

15:29:54 5 MR KOUMJIAN:

6 Q. The strategic situation between the RUF and ECOMOG, the RUF
7 and its enemies, ECOMOG and its enemies had changed dramatically
8 between the time, mid-December, when you attacked Koidu
9 and January 6th because, in between that time, with the
10 ammunition that you got from Liberia, you had taken Koidu; that
11 victory allowed you to move on to Makeni, Lunsar; all of that had
12 changed before January 6th, correct?

13 A. Well, the capture - with the capture of Lunsar, at that
14 time the AFRC had already attacked Freetown. So you cannot say
15:30:48 15 that we captured Lunsar at the time the AFRC had not yet attacked
16 Freetown. The AFRC had already attacked Freetown even before we
17 put Lunsar under control, and around the 24th, when we captured
18 Makeni, the AFRC were almost around the peninsula area going
19 towards Freetown, because that very day we captured Makeni on the

15:31:16 20 24th was the same 24th that the AFRC captured Benguema and they
21 went up around the hills and they went and surfaced somewhere
22 around Hastings. So they were almost in Freetown because they
23 were around Freetown at that time and, whilst they were moving,
24 they used bypasses as they moved on, leaving enemies behind them.

15:31:45 25 So you cannot say that it follows that because we captured Makeni
26 - Kono and Makeni that was the reason why the AFRC were let to
27 capture Freetown. No, these were two different operations.

28 Q. Mr Sesay, thank you. You've indicated that simultaneously
29 ECOMOG was facing, for example, on the very same day, attacks on

1 Benguema from AFRC forces, Gullit led - or SAJ Musa-led forces
2 and RUF-led forces at Makeni, those two battles were happening
3 simultaneously. Correct?

15:32:29 4 A. Yes, but there was no communication with SAJ Musa. We had
5 no business with SAJ Musa. SAJ Musa didn't even want to hear
6 about the RUF.

7 Q. So ECOMOG, their efforts to defend Sierra Leone were
8 divided between facing two folds simultaneously, SAJ Musa-led
9 forces and RUF forces; correct?

15:32:49 10 A. ECOMOG - ECOMOG was well armed. ECOMOG had the jets, they
11 had tanks, so ECOMOG was well equipped.

12 Q. My question was, and I'll repeat it for you, you haven't
13 answered it: So ECOMOG, in their efforts to defend Sierra Leone,
14 they had to divide their forces to face simultaneous attacks by
15:33:18 15 SAJ Musa-led forces and RUF forces. Correct?

16 A. Yes, because SAJ Musa and others had been fighting from
17 Masiaka on the way coming to Freetown from Lunsar because they
18 attacked Lunsar and, at that time, the RUF had not even attacked
19 Kono.

15:33:39 20 Q. And when I say "RUF forces", I'm talking about the forces
21 you led from Koidu to Makeni, correct? You led that, right?

22 A. Isn't that the answer I'm giving, that we had not even
23 captured Kono. I was the commander who captured Kono. When the
24 AFRC were on the move to Makeni they attacked Lunsar in
15:34:03 25 early December, we had not even attacked Kono then.

26 Q. Your forces included former SLAs - AFRC, if you want to
27 call them - people like Leather Boot and others, Akim Turay was
28 under the command of you and Sam Bockarie. Correct?

29 A. Leather Boot did not take part in the attack. It was Akim

1 who was in Kono.

2 Q. None of these attacks would have been possible without the
3 ammunition from Liberia; we agree on that, don't we?

4 A. Well, the RUF had made an attempt to capture Kono, to
15:34:54 5 attack Kono. They attacked Kono around July to August '98, I
6 think early in August '98. RUF had attacked Kono before this
7 time, so --

8 Q. You said that attack was unsuccessful, according to you,
9 because you had poor ammunition; isn't that right?

15:35:11 10 A. Yes, because we were using buried ammunition that Bockarie
11 had given to Superman.

12 Q. So thanks to the ammunition that Sam Bockarie brought back
13 in December 1998 from Liberia, all of these attacks happened -
14 all of these events in December and January, all the things that
15:35:35 15 happened to the people of Sierra Leone would not have happened
16 without that ammunition from Liberia; isn't that true?

17 A. No, I disagree. Because you cannot just put it in that
18 form, that all that happened to the people of Sierra Leone
19 wouldn't have happened, because the atrocities that were
15:35:58 20 committed in certain parts of the country - this group that
21 attacked Kono had no business with those places. And even that's
22 a surprise for me to bring AK rounds to attack Kono. And, at the
23 end of the day, ECOMOG ran away because they were just engaged in
24 mining. So you can't say that because I captured Kono what
15:36:26 25 happened in Freetown was as a result of that ammunition. No, no,
26 those are two different things. Those who attacked Freetown had
27 their own strengths, they had their own plan. That had nothing
28 to do with the people who came from Kono to Makeni because, when
29 you look at what happened during those attacks, the capturing of

1 Kamajors, the Nigerian ECOMOG soldiers, we did not capture
2 civilians, the civilians remained in their towns. Up to the time
3 that we came to Makeni there were no burning of even government
4 structures, I wouldn't say - I wouldn't say civilian houses. So
15:37:08 5 you can't compare that with what happened in Freetown. They
6 amputated civilians.

7 Q. Mr Sesay, my question was: Without the ammunition from
8 Liberia a none of this would have happened because you would have
9 been in Buedu and the attack on Koidu never would have taken
15:37:28 10 place; isn't that true?

11 A. Yes. Had we not - if I hadn't got ammunition to attack
12 Kono, I wouldn't have attacked Kono. But even if we hadn't
13 attacked Kono, the AFRC had plans. They were on the move.
14 From October, they had made their plans, and they were on the
15:37:51 15 move to go to Freetown. So that's a different thing. Whether we
16 had attacked Kono or not, they would have attacked Freetown.

17 Q. Without the ammunition brought back from Liberia, those SAJ
18 Musa forces in the north would have faced ECOMOG all by
19 themselves; isn't that right?

15:38:11 20 A. They would have carried out their plans that they had,
21 because they were not communicating their plans with us.

22 Q. And they would not have had a chance to get into Freetown
23 without the RUF attacks on Koidu, Makeni and other locations;
24 isn't that true?

15:38:38 25 A. No, I disagree. Because the RUF was in Buedu. RUF was not
26 in Koidu Town. The AFRC captured Waterloo - I mean, captured
27 Lunsar, they captured Lunsar and then Masiaka. So if the RUF
28 hadn't attacked Koidu, they had made their plans to come to
29 Freetown. So nothing would have stopped them because they had

1 made their plans and they were on the move and they captured
2 Lunsar and Masiaka.

3 Q. It was the RUF that captured Lunsar, wasn't it?

4 A. No, no, no. From around the 5th - between 5 and 10
15:39:38 5 December 1998, the AFRC captured Lunsar. It was on Focus on
6 Africa.

7 THE INTERPRETER: Your Honour, can he kindly repeat the
8 last part of his answer.

9 PRESIDING JUDGE: Mr Sesay, please repeat the last part of
15:39:54 10 your answer for the interpreter.

11 THE WITNESS: Yes, my Lord. I said between 5 and 10
12 December 1998, the AFRC captured Lunsar. They captured a huge
13 amount of ammunition, what I understood later. That was where
14 they got combat uniforms, which they wore to come down to
15:40:20 15 Freetown.

16 MR KOUMJIAN:

17 Q. Mr Sesay, before I leave this topic, let me just go back
18 for a moment. When you said that all these Prosecution witnesses
19 who testified to the ammunition for that attack being what
15:40:36 20 brought - Bockarie brought back from Burkina Faso, you said all
21 of these Prosecution witnesses were lying. But you didn't tell
22 the truth to the Chamber about that, did you?

23 A. Well, I said - I have said what I recall here.

24 Q. Because you yourself testified in 2007, I read to you four
15:41:08 25 different passages, that the ammunitions came from Burkina Faso,
26 and you are lying to this Trial Chamber about it, trying to
27 protect Charles Taylor for his responsibility for the terrible
28 things that happened in 1998 and 1999 in Sierra Leone; isn't that
29 true?

1 A. No, that's not true. Because that ammunition really -
2 where I fought with that ammunition coming down to Makeni,
3 terrible things did not happen there. Terrible things did not
4 happen there because - yes, I said terrible things did not happen
15:41:59 5 there because even the civilians from Kono, one was called as a
6 Prosecution witness, that is the prominent person.

7 Q. I have to stop you, because that wasn't my question. My
8 question is about why you changed your testimony. Mr Sesay, you
9 testified under oath in 2007 the ammunition came from Burkina
15:42:25 10 Faso. That was the truth. Were you telling the truth in 2007 or
11 were you lying?

12 A. I said when - after I had testified, when I was reading the
13 transcript, I realised that the account I had given was not the
14 right account. I said the ammunition - that part of the
15:42:49 15 ammunition, Bockarie told me that he had bought them from Lofa.

16 Q. I'm going to move on, Mr Sesay.

17 JUDGE DOHERTY: Mr Sesay, you read the transcript and then
18 realised. How soon after giving the evidence did you read the
19 transcript and make this realisation?

15:43:17 20 THE WITNESS: My Lord, when I finished testifying, my
21 lawyers brought the transcripts to me. So it was at that time
22 that I read the transcripts.

23 JUDGE DOHERTY: Did you mean that when your entire evidence
24 was finished, you read the transcripts, or when you were finished
15:43:47 25 for that particular day?

26 THE WITNESS: No. After I had finished testifying, because
27 they were not bringing them every day. It was after I had
28 completed my testimony, they put it all together and brought
29 them.

1 JUDGE DOHERTY: Thank you, Mr Koumjian.

2 MR KOUMJIAN:

3 Q. Mr Sesay, I read you transcripts where you talked about
4 Burkina Faso from 17 May to 22 June, four times. Four times you
15:44:21 5 said the ammunition came from Burkina Faso; isn't that correct?

6 A. Well, I can't remember.

7 Q. More than a month in between 17 May and 22 June, and you
8 were consistent in saying the ammunition came from Burkina Faso;
9 isn't that right?

15:44:43 10 A. Well, after I had finished testifying, that was when they
11 made the transcripts available to me, when my lawyers brought
12 them to me.

13 Q. And Mr Sesay, before you testified in this case that the
14 ammunition did not come from Burkina Faso, did you realise that
15:45:07 15 Charles Taylor testified that he sent his chief of protocol,
16 Musa Cisse, on that trip to Burkina Faso with Sam Bockarie? Did
17 you know that?

18 A. I don't know that.

19 Q. Well, did Musa Cisse go on that trip?

15:45:27 20 A. I did not go on the trip, so I don't know.

21 Q. Well, you've talked a lot about the trip. You talked in
22 detail during your direct about who went. Who went on the trip,
23 Mr Sesay?

24 A. Well, those who left Sierra Leone that I was aware of were
15:45:51 25 Bockarie, SYB Rogers and Eddie Kanneh, because Lawrence and
26 others said they stayed in Monrovia.

27 Q. You said Lawrence Womandia was sent because he spoke
28 French, right?

29 A. Well, I don't know.

1 Q. Well, that is what you testified on direct, isn't it?
2 Lawrence Womandia was chosen to go on the trip because he spoke
3 French.

4 A. Well, they left Buedu to go, Lawrence, Bockarie, Eddie
15:46:31 5 Kanneh, Pa Rogers. They left Buedu to go.

6 Q. Lawrence Womandia speaks French, correct?

7 A. Yes, he speaks French.

8 Q. And you know that's why he was chosen to go on the trip,
9 correct?

15:46:45 10 A. Yes.

11 Q. Eddie Kanneh also speaks French, doesn't he?

12 A. Yes, but Lawrence's French is better than Eddie Kanneh's.

13 Q. So there'd be no reason for Charles Taylor to send an
14 interpreter to go along with the delegation of Sam Bockarie,
15:47:06 15 would there be?

16 A. Well, I don't know that.

17 Q. Well, do you know that Charles Taylor testified that Musa
18 Cisse, his chief of protocol, would arrange arms deals, illicit
19 arms deals, for him?

15:47:28 20 A. I don't know.

21 Q. Did you know that Charles Taylor testified that Musa Cisse
22 would bribe people in various countries to allow arms to come
23 into Liberia?

24 A. Well, I was not monitoring Mr Taylor's testimony.

15:47:48 25 Q. So, Mr Sesay, based on what you know about the delegation,
26 if I told you that now that you know that Musa Cisse went on that
27 delegation, he went there in order to arrange the arms deal;
28 isn't that right?

29 A. I don't know.

1 Q. Okay. I'm going to move on to a different topic. Could
2 the witness please be shown D-336. Excuse me. I forgot I have
3 to readjust my outline a bit, so I'm going to skip this section
4 for the moment, until I read the latest decision.

15:49:02 5 Mr Sesay, I want to talk to you about Sam Bockarie. He was
6 a wicked man; would you agree?

7 A. Yes, I agree.

8 Q. He was a dictator, correct?

9 A. Yes.

15:49:27 10 Q. Let me tell you how a Defence witness described him, and
11 this is from 13 April, page 2010, the bottom of page 38884, the
12 last three lines, if that could be put on the screen. The last
13 three lines:

14 "A. When Mosquito left after the Top Finals, when they
15:50:30 15 took over finally, when they took over command of the RUF -
16 I mean, when the Sierra Leonean vanguards took over command
17 of the RUF" - next page - "he became a very senior person.
18 That was where he started becoming the devil he was.

19 Q. You describe him as a devil?

15:50:52 20 A. Yes, I do, yes."

21 You would agree with that description of Sam Bockarie,
22 wouldn't you?

23 A. He was a wicked man, but he was a human being, he was not a
24 spirit.

15:51:09 25 Q. Let's go to page - to 12 April, page 38659. April 12
26 page 38659. This is from another Defence witness.

27 Mr Sesay, so you understand, I'm going to start with the
28 Prosecutor's question, where the Prosecutor was reading from a
29 document about radio threats made by - or about threats made by

1 Sam Bockarie. So going towards the middle of the page, line 17.

2 The Prosecutor read:

3 "Q. 'The Revolutionary United Front will destroy every
4 living thing if anything happens to their leader,
15:52:11 5 Corporal Foday Sankoh,' RUF commander Sam Mosquito Bockarie
6 told the newspaper For the People in a report published on
7 Wednesday. Sankoh is currently being held at Pademba Road
8 Prison in Freetown where he is preparing an appeal against
9 his conviction and death sentence on treason charges. 'I
15:52:35 10 am a ruthless commander,' Bockarie said in a telephone
11 interview. 'I am ready to damage, but I am waiting until
12 something happens to Sankoh. When I take Freetown, I shall
13 clear every living thing and building. To my God, I'll
14 fight, I'll kill and kill, and the more they tell me to
15:52:57 15 stop, the more I'll kill. Only Sankoh can tell us to
16 stop.'"

17 Before I go on, Mr Sesay, do you recall Sam Bockarie making
18 threats like this in 1998, in late 1998 and early 1999?

19 A. Well, in late '98 December to early '99 I was not in Buedu
15:53:24 20 with Bockarie. I left to go to Kono and I was in Makeni
21 until April when I went back to Buedu '99.

22 Q. You had a radio; correct? Let me clarify. First of all,
23 you had a commercial radio. You could listen to Focus on Africa
24 and other programmes, correct?

15:53:47 25 A. Yes, I used to listen to radio but not on a daily basis
26 because during those times I was under operation.

27 Q. And, sir, you are aware that Sam Bockarie was making these
28 threats to attack Freetown in December 1998, aren't you? You
29 were the battle group commander of the RUF; weren't you aware of

1 these threats?

2 A. Sam Bockarie usually makes threats when he's far away from
3 Freetown.

4 Q. So your answer is yes, you do know that Sam Bockarie was
15:54:25 5 making threats to attack Freetown. Is that what you're saying?

6 A. No. Because Sam Bockarie was not in communication with SAJ
7 Musa who was going to attack Freetown. So he wouldn't be able to
8 threaten Freetown when he didn't have people who would attack
9 Freetown.

10 Q. So are you saying you, Issa Sesay, the battle group
11 commander of the RUF, were unaware of threats made by
12 Sam Bockarie to attack Freetown in late 1998 and early 1999?

13 A. Sam Bockarie used to - do you mean Sam Bockarie used to
14 call BBC to make those threats?

15 Q. BBC and other media, yes. Newspapers, radios. You know
16 that, don't you?

17 A. No, well, I was not in Buedu in early '99, so if
18 Sam Bockarie speaks in his telephone, if he did not - if he does
19 not tell me I wouldn't know. Except if he tells me that, "Oh, my
15:55:12 20 man so and so a thing is going on," then I'll know.

21 Q. But, Mr Sesay, you've testified throughout your direct
22 about knowing all the things that Sam Bockarie was doing. You
23 talked about all of his trips to Monrovia. Now are you saying
24 that you only know what was happening in Pendembu, you don't know
15:55:33 25 what was going on in Buedu?

26 A. No. Being in Pendembu - the distance between Pendembu and
27 Buedu is 34 miles. Makeni and Buedu, they would have to inform
28 me through a radio because it's a very long distance and somebody
29 cannot just leave Buedu to Makeni. But if I was in Pendembu I

1 would find out that Mike Lamin would come from Buedu to meet me
2 in Pendembu. Every week Mike Lamin would come two or three
3 times. But I won't dispute the fact that Bockarie did not call
4 and make threats because even some ambassadors in Guinea, he used
15:56:31 5 to call people to make threats that he would fight until Sankoh
6 is released.

7 Q. So you heard Sam Bockarie make threats to attack Freetown;
8 correct?

9 A. He was talking in terms of releasing his leader. He was
15:56:48 10 saying if they do not release his leader, nobody would tell him
11 to stop fighting. But those who had attacked Freetown were not
12 sent by Sam Bockarie. So he cannot make threats on behalf of SAJ
13 Musa when SAJ Musa was not telling him his day-to-day movement
14 towards Freetown.

15:57:05 15 Q. He was making threats on behalf of the RUF, correct? He
16 was making threats on behalf of the RUF to attack Freetown,
17 correct?

18 A. He was making threats on behalf of the RUF because he had
19 control over the RUF.

15:57:21 20 Q. And Freetown was a seat of power, that was the objective of
21 the RUF throughout the war; correct?

22 A. Yes, you're right.

23 Q. Freetown was also the headquarters of ECOMOG, correct? And
24 the Government of Sierra Leone? That's two questions. Let me
15:57:37 25 break it down. It was the headquarters of the Government of
26 Sierra Leone, correct?

27 A. The answer to all the two questions is yes.

28 Q. Thank you. So Sam Bockarie was threatening to attack
29 Freetown. When he said he's going to overthrow the government

1 it's clear he was threatening to attack Freetown, correct?

2 A. Yes, Sam Bockarie, if he threatened to attack Freetown, he
3 was the field commander of the RUF, but it was not Sam Bockarie
4 who went to the battlefield. For example, they sent me from Kono
15:58:16 5 down to Makeni. So if Sam Bockarie threatens to kill and kill,
6 the RUF was just there to kill. But when I came to Makeni I did
7 not kill civilians. But when Bockarie comes on the radio and
8 says something, what happens on the ground are two different
9 things. Look at the hundreds of Kamajors in Makeni. No

15:58:40 10 atrocities were committed in Makeni. I did not kill civilians.
11 So Bockarie's threat was to just make himself fearful or wicked
12 to the world. But when it comes to what happened on the ground,
13 those of us who were fighting the war on the battlefield, we were
14 Sierra Leoneans.

15:59:00 15 Q. Yes. You have claimed in your direct examination that you
16 captured, I believe, a couple thousand Kamajors and you sent them
17 to training and integrated them into the RUF or sent them back to
18 their homes. Is that right? That's what you claimed?

19 A. Yes, that's what I said.

15:59:16 20 Q. Those were civilians, they weren't Kamajors?

21 A. Oh, my God. You were not in Sierra Leone, that's why you
22 are saying they were civilians. You were not in Sierra Leone.
23 And even during my defence case, some of them came and confirmed
24 before the Court that they were Kamajors who surrendered and were
15:59:36 25 retrained and were deployed in the RUF. They came as my defence
26 witnesses. The commander in Masingbi became, the other commander
27 came. They came and testified. And even the commander in Makeni
28 for the Kamajors, the Civil Defence Force, he came to testify on
29 my behalf as a witness. So if you are claiming that they were

1 civilians, you were not in Sierra Leone.

2 Q. The people that you captured, civilians, in areas not
3 controlled by the RUF, you considered enemies. Any civilian in
4 an area that had not been controlled by the RUF that you captured
16:00:13 5 was considered an enemy. Isn't that right?

6 A. No, no, no.

7 Q. The people of Koidu in particular, in Kono District, they
8 were considered your enemies because they'd expelled you after
9 the intervention. The young people of Kono had expelled the RUF
16:00:35 10 and the AFRC. Isn't that right?

11 A. Well, I would respond to your question because there is
12 some truth in it and some part of it is not true, because if you
13 say the young men of Kono during the intervention joined the
14 Kamajors against the AFRC, because the AFRC had a battalion of
16:01:03 15 soldiers in Kono, some of them were captured and burnt alive and
16 the AFRC withdrew from Kono. So there was that grudge between
17 the AFRC and the RUF and the Konos. This was what caused the
18 destruction in Kono between March - between April and May before
19 ECOMOG captured Kono.

16:01:27 20 But when I came in December and captured Kono, a prominent
21 civilian - in fact, it was the Prosecution - Prosecutor who
22 brought him as a Prosecution witness and he confessed that at the
23 time that I captured Kono in '98, I and the Kono people came back
24 to Kono and life changed for them. And that was the fact. And I
16:01:50 25 did not terrorise the people of Kono, because that was where I
26 captured ECOMOG. ECOMOG who was attacking us with jets and
27 cluster bombs. If I could capture ECOMOG and does not kill them,
28 I don't see any reason why I should kill civilians. I have no
29 good reason of killing civilians.

1 Q. How many he ECOMOG were killed in the attack on Koidu?

2 A. I don't know. I only know about those whom we captured.

3 It was - it was a war. They killed us and they too died.

4 Q. Let me continue with where I was reading on this page.

16:02:34 5 Sorry if it's been taken off the screen. It's the bottom of
6 page 38659 from 12 April, the very last line. The Defence
7 witness was asked.

8 "Q. Now, Mr Witness, you were aware that Sam Bockarie made
9 that threat in November 1998, weren't you?

16:03:04 10 A. Well, now you've come to the point that I want when
11 you've mentioned Foday Sankoh. I know that Sam Bockarie
12 can - would even say more than this. The date Foday Sankoh
13 was captured he made that threatening remark against the
14 country, yes. And now that you've mentioned Foday Sankoh,
16:03:23 15 yes, Sam Bockarie would do that. Yes, he said that. He
16 would do it."

17 And then he was asked if that was the only threat
18 Sam Bockarie made in 1998 and he said:

19 "Yes, I told you Sam Bockarie. I told you that since '97
16:03:40 20 he was a bad leader. I told you. I told you in my statement he
21 was a bad leader. He can make any remark. Even those of us who
22 were fighting, he threatened us. Who else? Now that you've
23 called Pa Sankoh's name, I've got the gist of it. He just made
24 that statement".

16:04:00 25 Going down a few lines he says, "He was a wicked
26 commander." And you've already agreed - you agree, don't you,
27 that Sam Bockarie was wicked? Is that right?

28 A. Yes, I said so. Because even towards the Kamajors whom
29 they said were civilians, when he captured Kamajors in Kailahun

1 he killed all of them.

2 Q. Those weren't Kamajors. Again you're calling Kamajors
3 civilians. Those people were just civilians that were captured.
4 Isn't that right?

16:04:37 5 A. Well, I was not present when they were arrested but those
6 who carried out the investigation, they said they had Kamajors
7 marks. Those who investigated them did not see Kamajors marks -
8 those who did not have Kamajor marks from Bambara were released.
9 Those who carried out the investigation, they came to the Court
16:05:02 10 and they explained that.

11 Q. Kamajor marks are marks - Kamajor is a traditional hunting
12 society. Isn't that right?

13 A. Kamajor marks --

14 Q. Let me rephrase my question because perhaps I wasn't clear.

16:05:19 15 A. Yes, sir.

16 Q. Kamajor is a traditional hunting society. Isn't that
17 right?

18 A. Well, I won't call them so because their marks were at the
19 back and in front. I am a traditional man too. I am a Poro man.
16:05:37 20 I know that the marks of the Kamajors are different from that of
21 the natural hunter.

22 Q. And those people that were killed by Sam Bockarie at the
23 roundabout in Kailahun Town, and on his orders, they were people
24 that he had called back to come back to Sierra Leone after the
16:05:56 25 coup. Isn't that right?

26 A. Yes, I agree. When he stood in Daru and told the civilian
27 population - the paramount chief, the battalion commander, he
28 called them in Daru. He told the paramount chief and the
29 civilians that they are allowed to return to their various homes

1 in Kailahun. He said they were welcome to go back.

2 Q. In fact, the real Kamajors didn't come back. They kept
3 fighting the RUF throughout the junta period. Isn't that right?

4 A. Well, what I heard, because I was not there - some of the
16:06:37 5 people whom Bockarie killed, Bockarie had no right to kill them,
6 even if they had been Kamajors. But some of those who were
7 killed had marks and they said they were Kamajors.

8 Q. In fact, those who came back were generally people that
9 were related in some way to the RUF and many of those killed were
16:06:57 10 RUF relatives. Isn't that true?

11 A. Some of them were RUF relatives, but they were Kamajors.

12 Q. We've heard a lot about that killing in Giehun from many
13 witnesses who were part of the RUF. Mr Sesay, help me a little
14 bit about that. Those two instances are so well known among the
16:07:19 15 RUF, both the Luawa Giehun killings and the alleged Kamajor
16 killings at Kailahun Town by Bockarie, because it was RUF killing
17 its own people. That's why it's so famous among the RUF. Isn't
18 that right?

19 A. Well, I can recall two incidents in Kailahun that happened
16:07:46 20 in relation to killings. For the Kamajors, there were Kamajors
21 whom Sam Bockarie asked to be investigated and it was proven that
22 they were Kamajors that killed him on his own but without
23 consulting any of the commanders. It was an independent act
24 carried out by himself. And the killing in Giehun, that - Foday
16:08:08 25 Sankoh himself gave instruction to his commanders, Rashid
26 Mansaray and Mohamed Tarawalli. And by then Bockarie was not a
27 prominent commander. It was Mohamed and Rashid who were the
28 prominent commanders. And the killing of Isaac Mongor at the
29 Guinean border. These were the incidents that happened in

1 Kailahun, that up until now he cannot go to Kailahun.

2 Q. Jande was killed in that killing at Luawa Chiefdom, Giehun;
3 isn't that right?

4 A. Yes, that's where he was killed, in Giehun Town, Luawa.

16:08:56 5 Q. And she was a wife or concubine, whatever word you want to
6 use, of Foday Sankoh, isn't that right?

7 A. Well, that was what everybody knew. I was not the only
8 person.

9 Q. How was she killed?

16:09:15 10 A. Well, I was not on the scene but what I heard was that she
11 was executed. She was shot.

12 Q. Mr Sesay, everyone in the RUF knows she was killed by
13 boiling oil being poured on her. You heard that, didn't you?

14 A. No. I don't know. I was injured. I was in the hospital
16:09:49 15 and I was in the hospital when Mohamed Tarawalli went and
16 arrested Jande in Mofindor, placed her in a pick-up and Ansu
17 Nemahun, they tied them.

18 THE INTERPRETER: Your Honour, can he kindly repeat this
19 answer slowly.

16:10:03 20 PRESIDING JUDGE: Please repeat the answer slowly.

21 THE WITNESS: I said, my Lord, they killed them in Giehun.
22 I heard that they were killed in Giehun. But the time that they
23 killed Jande and others I had been injured before this arrest in
24 Pendembu when we went on an attack. I was at the hospital in
16:10:29 25 Pendembu, I mean in Kailahun, sorry, when Mohamed Tarawalli
26 arrested Jande.

27 PRESIDING JUDGE: Mr Sesay, I'm going to stop you there.
28 That is why counsel asked you whether you heard the manner in
29 which she died. He didn't ask you whether you were there. He

1 didn't ask you where you were even. He asked you if you had
2 heard that Jande was killed by boiling oil being poured on her.
3 Did you hear that?

16:11:07 4 THE WITNESS: I heard that she was shot. She was shot when
5 they killed her.

6 MR KOUMJIAN:

7 Q. And who killed her?

8 A. It was Mohamed Tarawalli who arrested them and it was - it
9 was Mohamed Tarawalli took them to Gi ehun, she and Ansu Nemahun.

16:11:27 10 Q. How many people, according to you, in Gi ehun were killed?

11 A. I did not know the exact figure because I was not there.

12 PRESIDING JUDGE: What was the second name that the witness
13 said? She and who?

14 THE WITNESS: Ansu Nemahun.

16:11:53 15 PRESIDING JUDGE: Mr Interpreter, please spell that for us.

16 THE INTERPRETER: Ansu is A-N-S-U, and Nemahun is
17 N-E-M-A-H-U-N.

18 MR KOUMJIAN:

19 Q. Who killed her? You said Mohamed Tarawalli arrested them.

16:12:11 20 Who killed her?

21 A. I heard that it was Mohamed.

22 Q. How many people from Gi ehun - did you hear how many people
23 were killed?

24 A. No, I did not hear the figure. I did not hear the figure.

16:12:36 25 Q. Mr Sesay, you don't want to talk about how she died or how
26 many of the civilians were killed in Gi ehun because you were one
27 of the executioners, isn't that true?

28 A. No. If I was involved in the killing in Gi ehun, believe
29 you and me, the name that I showed, that man was Ansu's brother,

1 and there were other two witnesses. In fact, the oldest witness
2 in my defence case was an old man from Giehun. Three Defence
3 witnesses came to testify for me from Giehun Town itself.
4 Honestly, had I been involved in that killing - those people
16:13:20 5 wouldn't have abandoned their jobs to come and testify on my
6 behalf. They wouldn't have done so. In fact, they would have
7 had a grudge for me.

8 Q. If you were the one that saved them out of all the others
9 that you killed. Mr Sesay, you told a story on your direct
16:13:36 10 examination that you couldn't have done the killing because you
11 were in the hospital; is that right?

12 A. I said I wouldn't have been able to kill these people
13 because I was in hospital, and, if I was involved in that
14 killing, those people wouldn't have come because they had heard
16:13:55 15 that I had been arrested. What would they have come to do there?
16 And even if they were coming - I mean, they would have been
17 afraid for their own people. They wouldn't have even come to
18 close to me. If I had protected them for them not to be killed,
19 and if that was the case, then they wouldn't have liked to come
16:14:15 20 close to me, for people not to know that they had come to defend
21 me.

22 Q. Let me ask the question again: You told a story in your
23 direct about being in the hospital when the killing took place;
24 is that right?

16:14:26 25 A. Well, when I was being led, I am not sure they asked me
26 about killing in Giehun, so I cannot recall that I testified
27 about that or I testified about the whereabouts, I don't know.

28 Q. So now you don't remember whether or not you were in the
29 hospital at the time of the killing?

1 A. I said I don't know whether my lawyer did not ask me about
2 that.

3 Q. I'm talking about in this trial. In this trial.

4 A. Yes.

16:14:59 5 Q. Did you say you were in the hospital when the killing took
6 place? In Gi ehun when the killings --

7 A. I said I was in a hospital when they went and arrested
8 Jande. That was what I said.

9 Q. But you obviously were not in the hospital, were you?

16:15:18 10 A. No, I was in the hospital.

11 Q. Because you told us that you saw her tied on the jeep of
12 Mike Lami n, so how would you be in the hospital and saw her being
13 brought - being tied to a jeep?

14 A. The hospital by then that was being used was right at the
16:15:37 15 roundabout. The storey building at the roundabout was the
16 hospital. It was not Mike Lami n's jeep. I said a pick-up that
17 Mohamed was using. It was at the back that they were put, not a
18 jeep.

19 Q. Sir, you said you were in the hospital because you'd had a
16:15:53 20 wound to your buttock; is that right?

21 A. That was what I said.

22 Q. And is that your alibi for the Gi ehun massacre, that you
23 were in hospital with a wound to your buttock?

24 A. That was what happened.

16:16:11 25 Q. So how is it that you saw her on Mohamed Tarawalli's
26 vehicle when she was tied and brought?

27 A. I was at the clinic at the hospital that was being used,
28 the storey building going towards the police station, and the
29 pick-up came from Mofi ndor and parked by the mango tree close to

1 the court barri. You could be up that building and you'd see
2 right down the mango tree. When they came - when Mohamed
3 Tarawalli and others came and parked the vehicle the MPs
4 assembled there.

16:16:47 5 Q. And you walked up and talked to him, right?

6 A. No. Where I was in the building, I did not come down from
7 there.

8 Q. The killing of Rashid Mansaray and others, that's all part
9 of the same broader incident with the killing of Jande, isn't
16:17:09 10 that true?

11 A. No, that's a different incident. That was after the
12 killing of Jande and others had taken place.

13 Q. It was all part of one Foday Sankoh paranoid kill his
14 imagined enemies. Isn't that true?

16:17:27 15 A. I said those were two different incidents that you are
16 talking about. Those are two different incidents.

17 Q. Let's treat them differently. Rashid Mansaray was arrested
18 and you were appointed to investigate him, isn't that true?

19 A. Okay. Let me explain. It's not true because, after the
16:17:46 20 killing of Jande and others, RUF was in control of Kailahun Town.
21 After the NPRC had pushed the RUF from Giahun and Kailahun Town,
22 Mr Sankoh was in Sandiaru, Rashid Mansaray was in --

23 THE INTERPRETER: Your Honours, can he kindly repeat the
24 name of this place.

16:18:10 25 PRESIDING JUDGE: Please pause. You said "After the NPRC
26 had pushed from", I don't know pushed who, "from Kailahun Town,
27 Mr Sankoh was" - was where - was in where?

28 THE INTERPRETER: Sandiaru, a village away from Balahun.
29 You would have to branch off.

1 PRESIDING JUDGE: So is that your answer?

2 THE WITNESS: Well, I did not complete my answer when you
3 stopped me, ma'am. I said Issa - Rashid was in Mano Sewaru,
4 Mr Sankoh was in Sandiaru, Mohamed Tarawalli was in Kpandebu,
16:19:04 5 while Bockarie was in Giema. It was Mr Sankoh who arrested - who
6 called - who called Rashid Mansaray to a meeting. He took him
7 from Mano Sewaru and brought him to Sandiaru. When they arrived,
8 Mr Sankoh told him that he was under arrest because of certain
9 information that Mr Sankoh had gathered. He arrested him in
16:19:28 10 Sandiaru. He investigated him, it was recorded on the
11 tape-recorder, and it was after the investigation that Mr Sankoh
12 sent him to Kpandebu to Mohamed that he should be sent to a
13 battle front where he should be killed. So he sent him to
14 Mohamed.

16:19:48 15 PRESIDING JUDGE: And where were you when all of this
16 happened, Mr Sesay?

17 THE WITNESS: My Lord, I said I was in Kpandebu. I was in
18 Kpandebu with Mohamed Tarawalli, but I did not investigate
19 Rashid. It was Mr Sankoh himself who investigated Rashid.

16:20:05 20 PRESIDING JUDGE: Mr Interpreter, could you spell the word
21 of that location.

22 THE INTERPRETER: Kpandebu? It's K-P-A-N-D-E-B-U.

23 MR KOUMJIAN:

24 Q. Mr Sesay, what role did Sam Bockarie have in the killing of
16:20:23 25 Rashid Mansaray and others in that same incident?

26 A. Well, the other people who were involved with Rashid were
27 sent to Sam Bockarie.

28 Q. And killed?

29 A. Yes. Yes, like Kei fa Wai, they were sent to Sam Bockarie's

1 area, Kei fa Wai and G1 Kanneh. But Rashid, it was on the main
2 road, which was Rambo's target. Rambo and others killed him.

3 Q. Rambo, as in Boston Flomo?

4 A. Yes, that same.

16:21:03 5 Q. How about Jaffa Massaquoi, what happened to Jaffa
6 Massaquoi, Jaffa, J-A-F-F-A?

7 A. Jaffa was Mr Sankoh's bodyguard. They were involved in
8 that case. He was sent to the other target. Yes, yes. They
9 were involved.

16:21:24 10 Q. Richard Horo, H-0-R-0, he was killed?

11 A. Yes, Richard Honero.

12 Q. Honero? Can you spell it?

13 A. No, I don't know how to spell it, Honero.

14 MR KOUMJIAN: H-0-N-0-R-0, just phonetically, your Honour.
16:21:50 15 Phonetically, your Honour.

16 Q. Kei fa Wai was your friend?

17 A. Yes.

18 Q. He had been tricked into the RUF the same way you were,
19 isn't that true?

16:22:01 20 A. Yes.

21 Q. You used to sell cigarettes together with him in the Ivory
22 Coast; is that right?

23 A. Yes.

24 Q. What happened to him when he was killed?

16:22:15 25 A. Rashid called him - Rashid named him, that he had recruited
26 them, for them to overthrow Mr Sankoh, and he joined them to a
27 certain group of the SLAs who would have formed a certain
28 organisation to fight against the NPRC.

29 Q. You are saying Rashid Mansaray gave this confession on

1 tape; is that right?

2 A. Yes, it was Mr Sankoh who conducted the investigation in
3 Sandiaru.

4 Q. And why did Rashid Mansaray, if you know, confess to
16:22:52 5 something that would obviously get him killed?

6 A. Well, it was the leader who conducted his investigation in
7 Sandiaru. I was in Kpandebu.

8 Q. Was Mansaray tortured?

9 A. Yes. He was flogged. Mr Sankoh gave an order for him to
16:23:18 10 be flogged he too had just killed people because of the same
11 reason: conniving. Because he was with Mohamed in Giahun when
12 they killed people. So he too - an information came out that he
13 was organising to overthrow Mr Sankoh.

14 Q. So let's go back to your friend Kei fa Wai. What happened
16:23:41 15 to him?

16 A. I said when Rashid confessed and named them, Kei fa Wai too
17 was arrested and Mr Sankoh gave an order that all of them who
18 were involved, Mr Mohamed should distribute them to the front
19 line and they should face execution, because his fighters were
16:24:00 20 dying at the front line and they were organising to overthrow
21 Mr Sankoh and join the NPRC, so let them go and answer questions
22 to the fighters who were dying on the front line. So it was he
23 who gave orders for them to be killed at the front line.

24 Q. So which ones were sent to you for killing?

16:24:21 25 A. Say that again?

26 Q. Which ones were sent to you for killing?

27 A. No, I did not kill. They did not kill anybody on the
28 ground where I was in Kpandebu. I said Rashid - the highway is
29 Kpandebu. Ahead of the highway there is Boubu. That was where

1 Rambo was as commander. So I was in Kpandebu with Mohamed. So
2 when Mr Sankoh sent Rashid, that he should go to Boubu, I sent
3 him to Boubu. That was where Mohamed sent him.

4 Q. Who killed your friend Kei fa Wai?

16:25:01 5 A. Kei fa Wai was sent to Mosquito's area.

6 Q. Did Sam Bockarie, Mosquito, kill Kei fa Wai? He's your
7 friend. You know who killed him, don't you?

8 A. Yes, but you've asked me a question. Can't you wait for me
9 to answer it? I said he was - Kei fa Wai and others were sent to

16:25:29 10 Sam Bockarie's target. It was the soldiers who were at the front
11 lines that killed them, but it was Sam Bockarie who was the
12 commander in that area.

13 Q. And what happened to Kei fa Wai's body?

14 A. Well, I understood that the soldiers at the battlefield
16:25:49 15 killed him.

16 Q. That wasn't my question. What happened to his body?

17 A. It would have remained at the front line.

18 Q. They put his head on a stick; isn't that true?

19 A. Well, I did not know whether his head was put on a stick.
16:26:08 20 I heard that he was killed at the front line, and when they kill
21 you at the front line, that is where your body would remain.

22 Q. You know that they put heads on sticks before in the RUF;
23 isn't that true?

24 A. Well, I never did it, and I never did it where I was, but
16:26:32 25 it used to happen at the battlefield.

26 Q. And why did you put heads - Why did the RUF put heads on
27 sticks, Mr Sesay?

28 A. Well, ask the soldiers too who were killing the RUF. They
29 removed their remains and placed their heads on sticks, and the

1 Kamajors were doing the same thing.

2 Q. That wasn't my question. Please answer it. Why did the
3 RUF put heads on sticks?

4 A. Well, for example, if a soldier comes and attacks - if a
16:27:07 5 soldier attacks and he meets with the RUF and they fight, the way
6 the RUF sees the --

7 THE INTERPRETER: Your Honours, can he take his answer very
8 slowly and repeat.

9 PRESIDING JUDGE: Mr Sesay, I just want you to answer the
16:27:21 10 simple question why the RUF had this practice of putting people's
11 heads on sticks. Simple answer. Why?

12 THE WITNESS: But, my Lord, it was not just the RUF that
13 was doing it, you see.

14 PRESIDING JUDGE: I am not asking - or I'm not interested
16:27:41 15 in what other people did, because you cannot speak for other
16 people. Okay? You cannot speak for the AFRC. You can't speak
17 for the Kamajors. You can only speak for the RUF. So please
18 answer the question that I asked.

19 THE WITNESS: Yes, my Lord. If RUF puts somebody's head on
16:28:00 20 a stick, it was to displace his body. But I used to go to the
21 battlefield. I used to see what was happening there.

22 MR KOUMJIAN:

23 Q. And it was to create fear; isn't that right? That's why
24 you put - the RUF put heads on sticks, to frighten people,
16:28:23 25 correct?

26 A. Well, it was not a civilian zone. It was fighters who were
27 there. It's a target. And it's the fighters that have done the
28 killing.

29 Q. Did the RUF learn this practice of putting heads on sticks

1 from the NPFL soldiers who were among you in the beginning of the
2 war?

3 A. No, I don't know of that.

4 Q. Because the NPFL soldiers, they raped civilians, they
16:28:55 5 killed civilians, they even committed acts of cannibalism; isn't
6 that true?

7 A. Yes. They killed people in Kailahun. That was why we rose
8 against them, which caused Mr Taylor to withdraw them.

9 Q. So did the RUF learn these practices of how to treat
16:29:15 10 civilians from the NPFL?

11 A. No. Wickedness is not something you learn from someone.
12 For example, to capture - to capture somebody and start removing
13 his nails. We started hearing that from the Guineans when they
14 started capturing RUF at the front lines in Daru. So wickedness
16:29:43 15 is not something you buy from someone. Even before the war,
16 people were committing crimes.

17 Q. Mr Sesay, trying to cover a little bit more in the last few
18 minutes. Sam Bockarie killed BS Massaquoi, a very famous,
19 prominent, popular man in Kenema, in February 1998; isn't that
16:30:01 20 true?

21 A. Yes, that's true.

22 Q. And others with him, he killed in Kenema at the same time,
23 correct?

24 A. Yes.

16:30:11 25 Q. He also ordered the killing of Dr Kamara in the Buedu MP
26 office; isn't that true?

27 A. That one was killed by Mike Lamin.

28 Q. Correct. On the orders of Sam Bockarie, correct?

29 A. Yes. It was Bockarie who gave the order.

1 MR KOUMJIAN: I want to move on to Operation Stop Election.
2 I don't know if your Honour - this might be an appropriate time.

3 PRESIDING JUDGE: Yes, indeed. Mr Sesay, we're going to
4 adjourn until tomorrow at 9 o'clock. In the meantime, you are
16:30:48 5 not to discuss your evidence. Court adjourns accordingly.

6 [Whereupon the hearing adjourned at 4.31 p.m.
7 to be reconvened on Friday, 13 August 2010, at
8 9.00 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-172	46083
EXAMINATION-IN-CHIEF BY MR GRIFFITHS	46083
CROSS-EXAMINATION BY KOUMJIAN	46147