



Case No. SCSL-2003-01-T

THE PROSECUTOR OF  
THE SPECIAL COURT  
V.  
CHARLES GHANKAY TAYLOR

FRIDAY, 13 AUGUST 2010  
9.00 A.M.  
TRIAL

TRIAL CHAMBER II

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Before the Judges:

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

For Chambers:

Mr Simon Meisenberg

For the Registry:

Ms Rachel Irura  
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian  
Mr Mohamed A Bangura  
Ms Kathryn Howarth  
Ms Maja Dimitrova

For the accused Charles Ghankay  
Taylor:

Ms Silas Chekera  
Ms Logan Hambriek  
Ms Elizabeth Espinosa

1 Friday, 13 August 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.03 a.m.]

09:03:16 5 PRESIDING JUDGE: Good morning. We will take appearances,  
6 please.

7 MR KOUMJIAN: Good morning, Madam President. Good morning,  
8 your Honours, and good morning, counsel opposite. For the  
9 Prosecution this morning, Mohamed A Bangura, Kathryn Howarth,  
09:03:32 10 Maja Dimitrova and Nicholas Koumjian.

11 MR CHEKERA: Good morning, Madam President, your Honours,  
12 counsel opposite. For the Defence, myself Silas Chekera, Logan  
13 Hambri ck and Elizabeth Espinosa.

14 PRESIDING JUDGE: Thank you.

09:03:55 15 Good morning, Mr Sesay, I remind you of the oath that you  
16 took, it's still binding on you.

17 WITNESS: DCT-172 [On former oath]

18 MR KOUMJIAN: Your Honours, before we begin the  
19 cross-examination - and actually while I'm addressing the Court  
09:04:12 20 it would be possible for us to distribute the document. The  
21 Prosecution would ask if it would be possible to get a bit of  
22 guidance from the Trial Chamber regarding the decision issued  
23 yesterday, in particular, page 3, the fifth paragraph that  
24 states, "Considering that the Prosecution has not filed a motion  
09:04:31 25 addressing the criteria prescribed in the decision on documents  
26 for the use and/or admission of the document."

27 We simply ask if that sentence is indicating that the Court  
28 wishes this motion to be in writing, or as in other occasions  
29 during the Defence case, when we reached issues of fresh

1 evidence, we address it at the time that we are seeking the  
2 admission. Or do your Honours wish another procedure?

3 JUDGE LUSSICK: We go back to the usual procedure,  
4 Mr Koumjian, you remember from times gone by.

09:05:13 5 MR KOUMJIAN: Sure.

6 JUDGE LUSSICK: You simply presented the document and made  
7 some application.

8 MR KOUMJIAN: Thank you very much. Thank you for that  
9 clarification. Then if I may begin the cross-examination, Madam  
09:05:29 10 President?

11 PRESIDING JUDGE: Can you give us a moment.

12 MR KOUMJIAN: Sure.

13 PRESIDING JUDGE: What is it that you passed around?

14 MR KOUMJIAN: What was distributed was a portion of  
09:05:48 15 transcript from the Sesay et al case. It's closed session. It's  
16 the testimony of a protected witness. It is closed session  
17 testimony.

18 PRESIDING JUDGE: It's not in any way related to the  
19 decision that you've just been referring to?

09:06:15 20 MR KOUMJIAN: Correct. It's not.

21 PRESIDING JUDGE: Please commence.

22 MR KOUMJIAN: I'll deal with this very briefly.

23 CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

24 Q. Mr Sesay, do you recall yesterday in the afternoon when  
09:06:26 25 I began asking you questions, we looked at a document which  
26 talked about SYB Rogers and Sam Bockarie returning from  
27 Burkina Faso where they had obtained a vast amount of material,  
28 that was P-67, and you said that it was false document because it  
29 said the Black Revolutionary Guards and there was no such unit.

1 Do you recall that?

2 A. Yes, I recall.

3 Q. Mr Sesay, have you heard the Black Guards called the  
4 Revolutionary Guards?

09:07:02 5 A. No. I knew Black Guard.

6 Q. Well, in fact, you did hear that in your own trial. You  
7 heard one of your own witnesses call that unit the  
8 Revolutionary Guards, isn't that true?

9 A. Well, I can't recall because many witnesses testified for  
09:07:25 10 me.

11 Q. Well, I will then show you - ask that the Court Officer  
12 please show Mr Sesay the transcript that I've distributed. It  
13 should not be put on the overhead, as the witness is protected.

14 PRESIDING JUDGE: Mr Chekera, yes?

09:08:20 15 MR CHEKERA: I'm not sure whether counsel would like  
16 Mr Sesay to go through the entire document or just to make  
17 reference to a specific part of the document. Maybe that would  
18 assist.

19 PRESIDING JUDGE: Certainly. Mr Koumjian, is there a  
09:08:32 20 particular page that you want the witness to see?

21 MR KOUMJIAN: Yes. Thank you. By the way,  
22 Madam President, sometimes I'm frustrated with the microphone,  
23 although I understand the booth is trying to, understandably,  
24 prevent me from turning it on until you finish. It's page 60.  
09:08:53 25 But actually to put this in context, I do need to ask Mr Sesay a  
26 question in private session as to who the identity of this  
27 witness was.

28 PRESIDING JUDGE: Alternatively, he could write a name  
29 down.

1 MR KOUMJIAN: That would be fine.

2 PRESIDING JUDGE: Mr Koumjian, let me give you a tip. You  
3 don't need to do anything with your microphone, when I'm speaking  
4 I'm the one, not the booth, I'm the one that presses the gavel,  
09:09:25 5 so you don't need to do anything with your microphone.

6 Mr Sesay, what you're supposed to do is to write down, if  
7 you know, the name of the witness whose transcript we are looking  
8 at.

9 MR KOUMJIAN:

09:09:48 10 Q. Mr Sesay, I'm going to ask you to look at page 60 of this  
11 transcript of 6 November 2007. That's the first page. And the  
12 witness, as you'll see from the back page, the witness that began  
13 testifying on page 43, so the witness who is testifying on page  
14 60, that witness's number is given. Do you recognise that  
09:10:17 15 number? Do you recognise that witness?

16 A. No, I can't recall my Defence witness numbers except you  
17 tell me the name.

18 Q. Okay.

19 PRESIDING JUDGE: But there are two witness numbers at the  
09:10:33 20 end of the excerpt.

21 MR KOUMJIAN: Your Honour, what I suggest is if I could be  
22 given the paper I will write the name, my suggestion to Mr Sesay,  
23 and see if he agrees with it.

24 PRESIDING JUDGE: Very well.

09:11:54 25 THE WITNESS: Yes, I know the name.

26 MR KOUMJIAN:

27 Q. Sir, did the name on the piece of paper that's just been  
28 shown you, did that person testify in your defence?

29 A. Yes.

1 Q. Sir, that person would know, don't you agree, what the name  
2 was of the unit of Foday Sankoh's bodyguards?

3 A. Yes.

4 Q. Looking at - I'm going to read, because it's closed  
09:12:25 5 session, page 60. And going to line 23, your lawyer asked this  
6 witness:

7 "Q. And did Sankoh's bodyguards have a name at that time?

8 A. Yes.

9 Q. What was their name?

09:12:54 10 A. First when we did the training after the task force  
11 training we were called the Revolutionary Guard."

12 Sir, does that refresh your recollection that in fact Foday  
13 Sankoh's bodyguards were called Revolutionary Guards in addition  
14 to Black Guards?

09:13:14 15 A. Well, I only knew Black Guard.

16 Q. Do you recognise the transcript that I've shown you as  
17 being the transcript of the person whose name was written on that  
18 piece of paper? That's who testified, right?

19 A. Yes. He testified on my behalf.

09:13:34 20 Q. And the testimony I just read, do you recognise that as  
21 being testimony of the person whose name I wrote on that paper?

22 A. Yes. I said the person testified on my behalf.

23 MR KOUMJIAN: May that paper be marked for identification,  
24 please, with the name. Then I'd also move to mark the  
09:14:03 25 transcript, the first page, I believe, only is necessary. Page  
26 60 of the transcript of 6 November 2007. It should be marked  
27 confidential as it's closed session.

28 PRESIDING JUDGE: The piece of paper upon which counsel has  
29 written the name will be marked MFI-12A, and the transcript

1 accompanying will be marked MFI-12B. Both will be confidential.

2 MR KOUMJIAN:

3 Q. Mr Sesay, when we broke off yesterday we were talking about  
4 Sam Bockarie and some of the crimes he committed. I want to ask  
09:14:57 5 you now about Operation Stop Elections. Mr Sesay, do you  
6 acknowledge that in that operation the RUF amputated hands and  
7 fingers of civilians?

8 A. Yes. I heard that the RUF in the Northern Jungle, that is  
9 the Kangari Hills, under the command of Isaac Mongor, they  
09:15:26 10 amputated some civilian fingers in Magburaka.

11 Q. Actually, most of the amputations and the disfiguring of  
12 civilians happened around Kenema, isn't that true? Kenema and  
13 Bo?

14 A. Well, I heard that it happened in Magburaka.

09:15:49 15 Q. Sam Bockarie was the commander assigned to the attack on  
16 Kenema, isn't that true?

17 A. Yes. Sam Bockarie attacked Kenema.

18 Q. So let me briefly read to you from the transcript of 16  
19 April 2010, page 39219. When the transcript comes up, Mr Sesay,  
09:16:22 20 let me explain that it starts in the middle of a question where  
21 the lawyer is reading from a document, a confidential document,  
22 P-277.

23 MS IRURA: Your Honour, just to note this is private  
24 session material.

09:16:52 25 MR KOUMJIAN: I'm at your Honours' disposal. I believe  
26 that I can read this without revealing the identity of any  
27 witness. The witness who was testifying was open, but the  
28 document was confidential so we were in private session.

29 PRESIDING JUDGE: If you think you can do it in open

1 session safely, go ahead.

2 MR KOUMJIAN: I think so, but if counsel has any objection,  
3 please let me know.

4 MR CHEKERA: I trust counsel's judgement.

09:17:19 5 MR KOUMJIAN:

6 Q. So I'm going to begin with the first full sentence on line

7 2. In that document, it is written, it was read to the witness:

8 "The national elections commission using the mandate given  
9 her by the national forum set the timetable for proportional

09:17:38 10 representation system of elections for February 1996. Corporal  
11 Sankoh then had a meeting with his senior battlefront commanders  
12 at his Zogoda headquarter in February 1996 in the presence of the  
13 former RUF spokesman Fayia Musa, who had travelled from Ivory  
14 Coast to Zogoda on Corporal Sankoh's instructions. In that

09:18:03 15 meeting, Corporal Sankoh launched Operation Stop Elections and  
16 appointed Sam Bockarie and Mohamed Jalloh as the mission  
17 commanders to Kenema and Bo respectively."

18 Mr Sesay, what I've read from that document to you now, do  
19 you agree with that?

09:18:29 20 A. Well, I was not in Zogoda at that time of the meeting.  
21 What I understood, that before the elections Mr Sankoh had  
22 travelled because Mr Sankoh met with Maada Bio before the  
23 elections in the Ivory Coast, in Yamoussoukro.

24 Q. Sir, we'll come back to what you said about the meeting  
09:18:55 25 between Sankoh and Maada Bio in Yamoussoukro. Do you agree,  
26 based on knowledge that you have from all sources, talking to  
27 your fellow RUF, that Sankoh ordered the Operation Stop Elections  
28 be launched and he appointed Sam Bockarie as the mission  
29 commander for Kenema? Do you agree with that?

1 A. Yes. Sam Bockarie was a mission commander for Kenema.

2 Q. And then the document was read further and I'll go on, line  
3 16:

4 "Corporal Sankoh informed his commanders that he had  
09:19:34 5 received assurances from the NPRC that the Sierra Leone Army  
6 would collaborate with the RUF in stopping the election process.  
7 He gave a firm instruction that if citizens still come out of  
8 their homes to vote on that polling day, the very hands the  
9 citizens would use to cast their votes should be immediately  
09:19:56 10 chopped off. The then field commander, Mohamed Tarawali, Zino,  
11 arrived in Zogoda after the meeting was over and the missionaries  
12 had left but he was disappointed that Corporal Sankoh could  
13 instruct his combatants to cut the hands off the very Sierra  
14 Leoneans his revolution came to save. He therefore tried to  
09:20:21 15 prevail on the leader to reverse that instruction, but to no  
16 avail."

17 Mr Sesay, is that true?

18 A. Well, I was not aware of that.

19 Q. In all of your time with the RUF, did you hear that Foday  
09:20:44 20 Sankoh ordered hands and thumbs amputated during Stop Elections?

21 A. No. I did not hear that, but it happened. People's  
22 fingers were amputated.

23 Q. Well, then you did hear it? Well, you heard about the  
24 amputations, is that what you're saying?

09:21:07 25 A. I said I heard that the men who attacked Magburaka  
26 amputated people's fingers, that is the Northern Jungle men.

27 Q. And Mr Sesay, did you hear the Krio expression, you'll have  
28 to tolerate my pronunciation, "pull yu hand pan di election"?  
29 Did you hear that expression?

1 A. I did not hear that. I was not at Zogoda at the meeting  
2 and I did not take part in the operation. I was not in Sierra  
3 Leone.

09:21:51 4 Q. Up until today's date, are you saying you've never heard  
5 that expression?

6 A. I said I did not hear it. I only heard that people's  
7 fingers were amputated in Magburaka on the day of the elections  
8 when the RUF attacked.

09:22:14 9 Q. How about the expression "pull yu hand pan di war"? Did  
10 you hear about people having their hands chopped off, their arms  
11 chopped off and being told those words?

12 A. No. I did not hear that because I never gave any  
13 instruction to chop somebody's arms off.

09:22:36 14 THE INTERPRETER: Your Honour, can he kindly repeat the  
15 last bit of his answer, the last part.

16 PRESIDING JUDGE: Mr Sesay, repeat the last part of your  
17 answer. You did not give instructions to chop off somebody's  
18 arm, and then what did you say?

09:22:51 19 THE WITNESS: I said - my Lord, I said and I was never  
20 present where somebody's arms were chopped off.

21 MR KOUMJIAN:

09:23:10 22 Q. Well, Mr Sesay, the person who was testifying when this  
23 document was read was a Defence witness and the witness was asked  
24 if this was true, and on the next page - about Foday Sankoh  
25 ordering chopping off hands of those that voted, and on the next  
26 page, the witness said yes. Page 39220: "Yes, that was done in  
27 my presence. I was there when CO Mohamed was telling him." You  
28 have no reason to doubt that, do you, Mr Sesay?

29 A. Well, where Mohamed told the person, I was not there.

1 Q. So you're saying you have no reason to doubt it? Mr Sesay,  
2 this Defence witness was there. Do you have any reason to  
3 dispute that testimony?

4 A. I won't doubt somebody's testimony, but I was not there, so  
09:24:07 5 if the person says so, then that's the person's opinion.

6 JUDGE LUSSICK: Mr Sesay, just so that I can fully  
7 understand your evidence, are you saying that you seriously never  
8 heard of anybody having their hand or arm chopped off?

9 THE WITNESS: My Lord, during the time of the elections  
09:24:32 10 I was not in Sierra Leone. I came after the elections. That was  
11 when I returned to Sierra Leone. During that particular time --

12 JUDGE LUSSICK: I'm sorry to interrupt. I'm not asking you  
13 that. I'm saying did you ever hear during the time of the  
14 election that people had their hands or arms chopped off? Did  
09:24:51 15 you hear it?

16 THE WITNESS: My Lord, I have said that I heard that  
17 people's fingers were cut off in Magburaka. That was what  
18 I heard.

19 JUDGE LUSSICK: When you say fingers, do you mean just  
09:25:07 20 fingers or something else?

21 THE WITNESS: I heard about fingers. That the fingers vote  
22 - that the fingers vote and the fingers were cut off. That's  
23 what I heard.

24 PRESIDING JUDGE: Surely, Mr Sesay, you are a Sierra  
09:25:25 25 Leonean, you have seen with your eyes the thousands of Sierra  
26 Leonean amputees who have their arms chopped off, have you not?

27 THE WITNESS: I've seen that, my Lord.

28 PRESIDING JUDGE: And out of sheer interest as a Sierra  
29 Leonean, did you ever ask to find out how their hands got chopped

1 off? Did you?

2 THE WITNESS: My Lord, yes, I asked, and I was made to  
3 understand that during the elections in 1996 that civilian  
4 fingers were cut off, but the large part of amputations in Sierra  
09:26:09 5 Leone occurred in 1998. That was what made everybody to be  
6 concerned with the war in Sierra Leone. It was in 1998 that  
7 amputations occurred through January '99.

8 MR KOUMJIAN:

9 Q. Mr Sesay, I'm going to move on and return briefly to the  
09:26:29 10 topic of the Kailahun Town massacre, Sam Bockarie's role in that.  
11 I want you to explain a bit of the background behind that. It's  
12 correct, isn't it, that up until the AFRC coup in May 1997,  
13 civilians from Kailahun had fled to Daru to seek the protection  
14 of the SLAs against the RUF, correct?

09:27:04 15 A. Well, civilians were in Daru, they were going to Daru when  
16 the war started. And, during the time that the NPRC advanced on  
17 Kailahun in 1993, the civilians whom they captured were brought  
18 to Daru. Some of them. And the other civilians went and stayed  
19 with the RUF in the villages and the bushes in Kailahun.

09:27:31 20 Q. So you're saying the civilians that were in Daru were RUF  
21 sympathisers? Is that what you're saying?

22 A. Well, the civilians who were in Daru, some of them were not  
23 RUF sympathisers, some of them were families of RUF fighters.  
24 They were mixed.

09:27:53 25 Q. And after the coup Sam Bockarie went to Daru and spoke to  
26 those people, those civilians, isn't that true?

27 A. Yes. He and the colonel who was in Daru went and spoke to  
28 the civilians in Daru Town.

29 Q. So and that colonel, was that Foday Kallon?

1 A. No, it's - he was Colonel Sall Momodu.

2 Q. So they went there together, RUF and AFRC, and said "the  
3 war is over, civilians should return to their homes"; is that  
4 right?

09:28:40 5 A. Yes.

6 Q. In that massacre at Kailahun Town, Sam Bockarie shot the  
7 first few victims taken from the MP office; isn't that right?

8 A. Yes, that was what I heard.

9 Q. And he did it at the roundabout in Kailahun Town, correct?

09:29:05 10 A. Yes.

11 Q. If a witness - a witness did come to this court in February  
12 2008, testified he went to Buedu and was told that Bockarie was  
13 in Kailahun, arrived in Kailahun to see Sam Bockarie standing at  
14 the roundabout shoot a prisoner, all that's consistent with what  
15 you know about the Kailahun massacre, correct?

09:29:27

16 A. Well, I do not know what that witness testified about.  
17 What I heard is what I'll say here.

18 Q. And you - then what you knew is that Sam Bockarie went from  
19 Buedu to Kailahun Town that day, had prisoners brought out of the  
20 MP office, first a small group, and he fired the first shots,  
21 executed the first prisoners, isn't that true?

09:29:50

22 A. Yes. It was Sam Bockarie who first killed the first  
23 people, the first batch, and the others killed the others. That  
24 was what I heard.

09:30:09

25 Q. And that included some old men that were killed?

26 THE INTERPRETER: Your Honours, the interpreter would like  
27 to make a correction.

28 PRESIDING JUDGE: Yes, yes, Mr Interpreter?

29 THE INTERPRETER: Yes, instead of "the others killed the

1 others", it should be "Sam Bockarie gave orders for the others to  
2 be killed".

3 MR KOUMJIAN: Thank you.

09:30:35 4 Q. And the others were killed behind the MP office; is that  
5 right?

6 A. Yes. Because Sam Bockarie said the people were Kamajors,  
7 because two batches of people were arrested; the one batch was  
8 from Luawa Bambara Chiefdom - Lower Bambara Chiefdom; and the  
9 other batch was from Luawa Chiefdom. They said they investigated  
09:31:08 10 them and, after the investigation, they freed the Upper Bambara  
11 Chiefdom people, the Bambara Chiefdom people who had been  
12 arrested, they said they were not Kamajors. Those whom they  
13 killed from Luawa were Kamajors, but Bockarie killed the first  
14 batch and he gave orders for the others to be killed. That is  
09:31:34 15 what I heard when I went to Kailahun.

16 Q. Mr Sesay, all those who were in detention that day, except  
17 for the external delegation, a different group, all these  
18 suspected Kamajors, were killed; isn't that right?

19 A. No. There were two batches. The other batch was released,  
09:31:56 20 those from Pendembu and the surroundings, those from the Lower  
21 Bambara Chiefdom and the ones from Luawa, they said they  
22 discovered that they had Kamajor marks on their bodies, so  
23 Bockarie gave orders for some to be killed and he killed the  
24 others.

09:32:11 25 Q. Did you kill any of them?

26 A. Well, I was not in Kailahun, so how could I have killed  
27 them?

28 Q. You came through Kailahun Town with Johnny Paul Koroma,  
29 correct?

1 A. Yes. But by the time I arrived there, the people had been  
2 killed because we met the corpses of the first set of people who  
3 had been killed by Sam Bockarie, their corpses were on the route  
4 entering Kailahun.

09:32:39 5 Q. When did Daru Barracks fall to the ECOMOG? When did the  
6 RUF/AFRC lose Daru? That was March; isn't that right?

7 A. Yes, but - March of '98.

8 Q. It was after Daru Barracks fell that Bockarie, in his  
9 anger, ordered the execution of these civilians that had been  
09:33:05 10 sheltering before at Daru Barracks; isn't that right?

11 A. No, no, no. The killing incident, the killing of the  
12 Kamajors took place before we arrived in Kailahun, so that  
13 happened in February of '98.

14 Q. Sir, when you - certainly, you were in Kailahun after the  
09:33:29 15 killing. We agree on that. The stench of the bodies was  
16 overwhelming; they were rotting out in the open, isn't that true?

17 A. By the time we arrived, the people had already been killed.  
18 I said the corpses were on the way entering Kailahun Town, they  
19 were going bad. I saw the bodies and Bockarie had killed them.

09:33:56 20 That was what happened. And even those who were involved in the  
21 killings, especially those who were at the MP office that  
22 Bockarie ordered to kill, like, for instance, Augustine Mallah,  
23 those are the ones who did the executions, he was there, and he  
24 confirmed that when he came in my Prosecution case, he said that.

09:34:22 25 So it was after that Sam Bockarie sent them to Gandorhun to go  
26 and receive us, myself, Johnny Paul and Mike Lamin, for us to  
27 come to Kailahun. So by the time we arrived there the people had  
28 already been killed.

29 Q. My question to you, sir, was the bodies were rotting out in

1 the open, correct? They stunk; isn't that right?

2 A. Yes. That's correct, by the time I got to Kailahun.

3 Q. Why was it that the bodies of these people were not buried?

4 It's a basic hygiene, isn't it, to bury dead corpses? Why were  
09:34:59 5 the bodies left in the open?

6 A. Well, the person who killed the people, that question must  
7 be directed to him because he said the people were Kamajors so,  
8 when they were killed, their bodies must be left exposed.

9 Q. Thank you. So that was Sam Bockarie, who you know very

09:35:19 10 well, because you said he talked to you all about his dealings  
11 with Charles Taylor, correct?

12 A. Well, when I got to Kailahun, I heard the information that  
13 Sam Bockarie said they shouldn't bury the people, and when I went  
14 to Buedu also, he also told me about the killing of the people.

09:35:41 15 Q. And the reason the bodies weren't buried was to create  
16 terror in those that were surviving; isn't that right?

17 A. Well, I don't know, because even when Kamajors used to kill  
18 RUF, they never used to bury them.

19 Q. And, sir, when you see the body of someone you know rotting  
09:36:07 20 in the open, that creates terror in you; do you agree with that  
21 or no?

22 A. Yes, I agree with that.

23 Q. So Bockarie was using a terror tactic in making sure the  
24 bodies were left out and not buried; isn't that right?

09:36:25 25 A. Well, Bockarie thought the people were his enemies.

26 Q. And these people that you say Bockarie thought were his  
27 enemies included family of RUF fighters, right?

28 A. Yes, because during the war you had people whose fathers  
29 were Kamajors and the children RUF, because there were people

1 from the same areas; you will find brothers, one is RUF and the  
2 other is Kamajor.

3 Q. Especially --

4 A. From the same family.

09:37:05 5 Q. Especially since the RUF abducted children and forced them  
6 into their army, isn't that true?

7 A. Well, I did not know about RUF forcing children into the  
8 army in Kailahun District.

9 Q. We will come back to that, Mr Sesay. Edwin Bockarie is a  
09:37:28 10 very good friend of yours; is that right?

11 A. Yes.

12 Q. His cousins and wife's uncle were among those killed for  
13 being the alleged Kamajors by Bockarie, correct?

14 A. Well, that was not Edwin's cousin, it was Edwin's wife's  
09:37:50 15 uncle.

16 Q. And some of his cousins also, isn't that true?

17 A. Yes, because there were people who were killed among the  
18 group who were from Bandajuma, and people from Bandajuma are the  
19 same family.

09:38:05 20 Q. So his cousins and his wife's uncle were killed, do you  
21 agree?

22 A. Yes.

23 Q. Do you know a RUF fighter named Morrie?

24 A. Well, that name was a popular name in Kailahun. Morrie.  
09:38:27 25 They were many in the RUF.

26 Q. A RUF fighter named Morrie was ordered at Kailahun Town to  
27 kill his own father, isn't that true?

28 A. Well, I was not with them at the time they killed the  
29 people so I cannot tell you who and who killed who.

1 Q. Now, Mr Witness, a Defence witness on 19 April at page  
2 39262, who was there, told this court that Morrie was forced to  
3 kill his own father. Do you have any reason to dispute that  
4 Defence witness?

09:39:14 5 A. Well, that is the person's opinion. I was not there, so I  
6 cannot disagree with that.

7 Q. Mr Sesay, let's go to the burning of Koidu Town, the centre  
8 of Kono. When you attacked Koidu in December 1998, you were  
9 attacking a town that had already been basically burned to the  
09:39:45 10 ground by the RUF and the AFRC when the ECOMOG expelled you in  
11 about April 1998, isn't that right?

12 A. Yes. ECOMOG drove the AFRC/RUF in Koidu Town in May, early  
13 May, because they entered Koidu Town in early May 1998.

14 Q. And Sam Bockarie ordered on the retreat that everything be  
09:40:13 15 burnt, houses and cars, everything, in Koidu Town was burnt,  
16 correct?

17 A. Yes. On Superman's report, when he reported to Sam  
18 Bockarie in April, he said the ECOMOG had advanced up to Sewafe  
19 Bridge and they were advancing further. In fact, he --

09:40:39 20 THE INTERPRETER: Your Honours could the witness be asked  
21 to slow down, raise up his voice a little.

22 PRESIDING JUDGE: Yes. Mr Sesay, the interpreter didn't  
23 hear what you said at all. Raise up your voice a little and slow  
24 down and repeat your evidence.

09:40:55 25 THE WITNESS: Yes, my Lord. My Lord, I said in April, when  
26 the ECOMOG were advancing towards Kono, when they got to the  
27 Sewafe Bridge, Superman complained to Sam Bockarie that the  
28 fighters were not going to the front lines. Sam Bockarie then  
29 ordered Superman that the houses where those fighters were

1 living, they said Superman should burn them down, including their  
2 vehicles. So the burning of Koidu Town, RUF took part, the AFRC  
3 took part, and even the ECOMOG, the advancing ECOMOG also were  
4 dropping bombs in Kono and Koidu Town, so that also causes fire,  
09:41:42 5 so that was how Koidu Town was burnt.

6 MR KOUMJIAN:

7 Q. It was Sam Bockarie's revenge on the people of Kono, Koidu  
8 Town in particular, for having expelled the RUF and the AFRC at  
9 the time of the intervention. That's the reason he burned Koidu;  
09:42:04 10 isn't that right?

11 A. Well, I cannot say that was the reason because we retreated  
12 through Kono and when we came to Kono, Koidu Town was not burnt.  
13 Until myself, Johnny Paul and Mike Lamin, we left to go, Koidu  
14 Town had not been burnt. But it was in the report that Superman  
09:42:23 15 sent to Sam Bockarie that resulted to the burning of Kono. April  
16 to May. That was when the RUF and AFRC retreated out of Kono.

17 Q. Because the RUF would destroy areas that it could not hold  
18 but you'd keep, preserve, the houses in the areas when you were  
19 believing you were going to occupy that; isn't that true?

09:42:59 20 A. Say that again.

21 Q. Well, let's take Makeni, which you took in December 1998.  
22 RUF intended to keep it; isn't that right?

23 A. Well, it was not just Makeni because from --

24 Q. My question was Makeni. Confine yourself to my question.  
09:43:21 25 In December 1998, when you took Makeni, you intended to keep it;  
26 isn't that right?

27 A. Yes, because we came to be based in Makeni.

28 Q. So when the RUF was planning to occupy an area, they wanted  
29 to have the best houses, they didn't want to burn down

1 everything; isn't that true?

2 A. No. That's not true, because even some towns in Kailahun  
3 District were not burnt by the RUF.

4 Q. And the RUF was occupying Kailahun District; isn't that  
09:44:01 5 right?

6 A. Yes. But there were also civilians who occupied their own  
7 houses. It was not just the RUF who were living in all the  
8 houses in the Kailahun District.

9 Q. Move to another topic. Mr Sesay, you told us that you knew  
09:44:23 10 very well Alice Pyne; is that right?

11 A. Yes, I know Alice.

12 Q. You said you also knew well CO Nya; isn't that right?

13 A. Yes, that was what I said.

14 Q. They had been your comrades in arms for many years,  
09:44:45 15 correct?

16 A. Well, Nya and I, we knew each other as comrades.

17 Q. So tell us, please, Mr Sesay, what happened to the child of  
18 Alice Pyne and Sam Bockarie - excuse me, Alice Pyne and CO Nya?

19 A. Well, I heard that CO Nya's child got missing in a village  
09:45:19 20 around Kailahun, in Buedu.

21 Q. You heard the child was missing. And then what did you  
22 hear?

23 A. Well, that was what I heard.

24 Q. Mr Sesay, you're again not telling the truth to the Court,  
09:45:37 25 are you?

26 A. Why?

27 Q. Well, that's a good question. I'd say you're lying to try  
28 to make yourself look better. Isn't that the truth?

29 A. No. I am not trying to lie to make myself better, because

1 I lived in Kailahun and the people know that I did not kill them,  
2 so I am not trying to make myself better.

3 Q. Mr Sesay, Alice Pyne testified before this Court. The  
4 issue of her child was brought up by the Defence for  
09:46:18 5 Charles Taylor during her cross-examination. If we could have  
6 the transcript of 19 June 2008, page 12302. If we could go to  
7 six lines from the bottom. On line 24, the Defence lawyer asked  
8 Alice Pyne:

9 "Q. Did you lose a child while you were a member of the  
09:47:18 10 RUF?

11 A. Yes.

12 Q. Did you lose that child at the hands of Sam Bockarie?

13 A. Yes."

14 And I'm going to skip a few lines and go to page 12303,

09:47:38 15 line 3:

16 "Q. Was that a child fathered by Foday Lansana?

17 A. Yes."

18 Skipping two lines:

19 "Q. And how old was this child?

09:47:48 20 A. One year some months, close to two years."

21 And then going down, she was asked:

22 "Q. Was the child killed" - line 27 - "in 1998?

23 A. 1999.

24 Q. Do you know what month your child was killed in 1999?

09:48:09 25 A. In March."

26 And then the next page. We go to the middle of the next  
27 page. At line 10, the Defence attorney asked:

28 "Q. Did you ask how it came to be that he killed your  
29 child?

1 A. I did not ask, I knew. And the person who was sent to  
2 bring the child said so. Issa Sesay too said so. But that  
3 was happened to my child - that that was happened to my  
4 child, that when I saw my sister she also explained to me  
09:48:50 5 that that was what had happened.

6 Q. What exactly did Sam Bockarie do to your child? What  
7 do you mean by sacrificial ritual?

8 A. I don't want to explain further than that."

9 Then if we go to page 12307, in the middle of the page, or

09:49:29 10 down a bit, yes, thank you. Line 26, she was asked:

11 "Q. Madam Witness, you told the Prosecution not long ago  
12 this month, June 2008, that Sam Bockarie killed your child  
13 in a sacrifice ritual. What does sacrifice ritual mean,  
14 Madam Witness?

09:50:06 15 A. He sacrificed him for power. They did not kill him.  
16 They buried him alive. From the person who did that, or  
17 the person who they sent, he told me.

18 Q. The person who buried your child alive at the orders of  
19 Sam Bockarie told you about that?

09:50:23 20 A. Yes."

21 Mr Sesay, you yourself know that this two year old child,  
22 not quite two, was buried alive in a ritual for power. You knew  
23 that, didn't you?

24 A. Well, I did not know that, because at the time they said  
09:50:47 25 the child got missing and even the child's mother testified like  
26 this, I was --

27 THE INTERPRETER: Your Honours, could the witness be asked  
28 to repeat that area and still raise up his voice.

29 PRESIDING JUDGE: Mr Sesay, stop please, pause. Repeat

1 your answer. The interpreter didn't hear. And raise your voice,  
2 please.

3 THE WITNESS: My Lord, I said at the time they said this  
4 child got missing in March of '99 I was in Makeni. I was not in  
09:51:22 5 Buedu, so I did not have any such discussions with Alice.

6 MR KOUMJIAN:

7 Q. Mr Sesay, you said you learned the child was missing. And  
8 did you ever ask what happened to the child again?

9 A. Well, I was in Makeni and Sam Bockarie was in Buedu.

09:51:41 10 PRESIDING JUDGE: How does that answer the question whether  
11 or not you asked? The question was, Mr Sesay, did you ever ask  
12 what happened to the child? What is your answer?

13 THE WITNESS: My Lord, I did not ask because I was not in  
14 Buedu. I was in Makeni. And Nya was in Lunsar.

09:52:11 15 PRESIDING JUDGE: If you had been in Buedu you would not  
16 need to ask. It's precisely because you say you were not there  
17 that you would have asked. Now, why didn't you ask?

18 THE WITNESS: Well, my Lord, I was in Makeni. Nya,  
19 Superman and others, they came and attacked me. They killed  
09:52:28 20 people in my house. And I escaped from Makeni in April, I went  
21 to Buedu. I did not ask.

22 MR KOUMJIAN:

23 Q. Mr Sesay, you told this Court that anything Sam Bockarie  
24 did in Liberia you would know about. Isn't that right?

09:52:45 25 A. Yes. I said when I was in Pendembu I used to know because  
26 people travelled from Buedu and come to me in Pendembu. Mike  
27 Lamin used to come there, and even Bockarie himself used to come  
28 there. But when I went to Buedu in April of '99 I did not ask.

29 Q. So from April 1999 you have no idea what Sam Bockarie was

1 doing in Liberia; is that right?

2 A. No, that's not correct. Because from April '99 I was in  
3 Buedu. I said when I escaped from Makeni and went to Buedu in  
4 April of '99 I did not ask.

09:53:25 5 Q. Mr Sesay, everyone knew this reputation of pure evil by Sam  
6 Bockarie; he didn't try to hide it, he was proud of it, he wanted  
7 people to be afraid of him. Isn't that true?

8 A. Well, Sam Bockarie did not tell me that he buried the  
9 child, nor did he tell me that he sacrificed the child. He never  
09:53:54 10 told me that.

11 Q. You never asked about the child; is that right?

12 A. No, I said I did not ask.

13 Q. CO Nya was a senior member of the RUF; is that right?

14 A. Yes.

09:54:09 15 Q. Alice Pyne was an important member of the RUF, correct?

16 A. Alice Pyne was an operator.

17 Q. And no one ever told you what happened to their child?

18 A. No. Nobody told me. Because at the time I went to Buedu,  
19 Nya and others had missed killing me in Makeni, so me too when  
09:54:43 20 I went I did not ask.

21 Q. The truth is, Mr Sesay, you're the one that told Alice Pyne  
22 about what happened to her child, confirmed by others. Isn't  
23 that true?

24 A. No. That is not true, because in March of '99 I was in  
09:55:01 25 Makeni, Alice Pyne was in Lunsar. She was working with Superman,  
26 and I was in Makeni. And when the conflict between Superman and  
27 I started, it was in March. So when that happened, I did not  
28 have anything to discuss with Alice at that time.

29 MR KOUMJIAN: If the witness could be shown together, let

1 me go through quickly, P-430B, P-430D and P-431.

2 Q. While that's being prepared, Mr Sesay, you still haven't  
3 answered my question: Sam Bockarie was proud of the fact that  
4 people knew he was evil. He was proud of being feared. Isn't  
09:56:23 5 that true?

6 A. Yes. I know that people used to fear Sam Bockarie.

7 PRESIDING JUDGE: I don't know if the interpreter is  
8 interpreting the questions properly. Mr Sesay, that's not what  
9 you were asked; whether people feared Bockarie. The question  
09:56:45 10 related to Sam Bockarie's - his pride and his own view of  
11 himself.

12 Please repeat, Mr Koumjian, the question.

13 MR KOUMJIAN:

14 Q. Mr Sesay, Sam Bockarie was proud of being feared?

09:57:04 15 A. Yes. He used to feel powerful of himself.

16 Q. And he wanted people to know how violent he could be, isn't  
17 that true?

18 A. Yes. That is true.

19 Q. I'll start with 431, please. Doing these in chronological  
09:58:00 20 order. I'm going to page 2, please, if the witness could be  
21 shown page 2. Sir, I'm going to read from the middle of the  
22 page, the sixth paragraph:

23 "Even as Sankoh was being whisked from the courtroom to an  
24 undisclosed place of detention on September 4, RUF's second in  
09:59:22 25 command, Colonel Sam Bockarie, alias Mosquito, threatened to wage  
26 a campaign of genocide if the rebel leader was not immediately  
27 released. I will order my troops to kill every living thing,  
28 including chickens, if our leader is not released. He was quoted  
29 as saying by a leading European radio station monitored here."

1 Sir, if you look at the top of this page you see this is  
2 dated September 7th, 1998. So Bockarie was speaking September  
3 4th. You heard Sam Bockarie make threats like this to the  
4 international media, isn't that true, Mr Sesay?

10:00:13 5 A. Yes. Sam Bockarie used to make threats for the release of  
6 Mr Sankoh. We used to talk about it.

7 Q. If we can go to P-430B, and this is a page from  
8 Sierra Leone web, November 1998, I'm going to read the first  
9 paragraph:

10:00:47 10 "The Revolutionary United Front will destroy every living  
11 thing if anything happens to their leader, Corporal Foday Sankoh,  
12 RUF commander, Sam Mosquito Bockarie, told the newspaper For the  
13 People in a report published on Wednesday. Sankoh is currently  
14 being held at Pademba Road Prison in Freetown where he's  
10:01:16 15 preparing an appeal against his conviction and death sentence on  
16 treason charges. 'I am a ruthless commander,' Bockarie said in a  
17 telephone interview. 'I am ready to damage but I am waiting  
18 until something happens to Sankoh. When I take Freetown, I shall  
19 clear every living thing and building. To my God I'll fight,  
10:01:36 20 I'll kill and kill, and the more they tell me to stop, the more  
21 I'll kill. Only Sankoh can tell us to stop.'"

22 Did you hear Sam Bockarie on the radio make this statement,  
23 sir? Or did you hear this statement by Sam Bockarie?

24 A. Yes. Sam Bockarie used to make threats on the radio, '98,  
10:02:07 25 because all of us heard that they had sentenced Mr Sankoh to  
26 death, so he used to make those threats.

27 Q. Now, these threats were reported in - on the BBC and  
28 international media, isn't that true?

29 A. Yes.

1 MR KOUMJIAN: If the witness can now be shown P-430D. This  
2 is a Sierra Leone Web and we are looking at the paragraph at the  
3 top which apparently comes from 27 December, but - excuse me,  
4 page 4 of 8 should be put on the screen.

10:03:36 5 Q. I'll start from the first line, just missing the first two  
6 words:

7 "And no independent assessment of the situation in Makeni  
8 could be made, Reuters reported. Makeni residents who reached  
9 Freetown on Saturday confirmed that ECOMOG was in control  
10:03:51 10 although some reported that the rebels were in parts of the town  
11 or that ECOMOG was defending the military barracks. RUF  
12 commander, Sam Mosquito Bockarie, also made claims that his  
13 fighters had captured the town saying Saturday that the rebels  
14 had killed 60 ECOMOG soldiers and dragged their bodies through  
10:04:10 15 the streets as an example to everyone. Bockarie, who has  
16 threatened an AFRC/RUF rebel assault on Freetown called on  
17 President Kabbah to resign. 'Failure of Kabbah to resign and we  
18 will start bombarding Freetown and will not stop until victory is  
19 won,' Bockarie told the associated press."

10:04:33 20 When you had captured Makeni, did you hear Sam Bockarie  
21 make these kinds of threats to move on to Freetown, Mr Sesay?

22 A. Well, I was not monitoring the radio every day but what  
23 Sam Bockarie is claiming here, or what this document is saying  
24 that Sam Bockarie said, such a thing did not happen in Makeni.  
10:05:00 25 I did not drag ECOMOG bodies in Makeni Town. That did not happen  
26 at all.

27 Q. ECOMOG bodies were piled into a truck and citizens of  
28 Makeni were told to come and look at it because the RUF was proud  
29 of its victory. He had bodies of ECOMOG piled up in trucks;

1 isn't that right?

2 A. No, no.

3 Q. That's what a protected witness said in this court.

4 A. No. That did not happen. It did not happen. No ECOMOG  
10:05:33 5 corpses were removed from Teko Barracks and put in a truck to  
6 Makeni for civilians to see. That did not happen.

7 Q. So you're saying that what Sam Bockarie said about bodies  
8 being dragged is just another example of Sam Bockarie being so  
9 proud of his violence that he even would exaggerate it; is that  
10:05:48 10 right?

11 A. No. I won't say this is an exaggeration. I was in Makeni  
12 and I carried out the attack. We did not drag ECOMOG bodies to  
13 display their bodies in Makeni. That did not happen. So if  
14 Sam Bockarie was saying it, he was saying it but that was not the  
10:06:18 15 reality that happened on the ground.

16 Q. So Sam Bockarie portrayed himself in the international  
17 media as even more violent than he really was? Isn't that true?

18 A. Well, yes, because what he was claiming to the  
19 international world, some of the things were not happening on the  
10:06:45 20 ground, because like Makeni, the attack on Kono up to Makeni, no,  
21 we did not drag ECOMOG bodies in Makeni to display them to the  
22 civilians of Makeni. That did not happen.

23 Q. Sam Bockarie was so notoriously violent that international  
24 representatives welcomed the change to your leadership, to  
10:07:11 25 Sam Bockarie leaving and you taking over; isn't that right?

26 A. Well, at the time that I - at the time that I took over the  
27 RUF, there was no comparison between myself and Sam Bockarie  
28 because Sam Bockarie was no longer a member of the RUF.

29 Q. You spoke to many of ECOMOG, UNAMSIL, United Nations

1 representatives and they all told you how much they feared  
2 Sam Bockarie and they wanted you to stay and Sam Bockarie not to  
3 return; is that right?

10:08:06 4 A. Well, the only ECOMOG that had transferred to UNAMSIL had  
5 told me that was during December of '99 when Sam Bockarie was  
6 challenging Mr Sankoh, when the battalion commander of UNAMSIL in  
7 Daru, one Colonel Vincent, when I went to Daru, he told me when  
8 we were having lunch. He said, "We are monitoring your net, the  
9 way Sam Bockarie is behaving towards the leader", he said, "this  
10:08:36 10 is totally wrong." He said so he does not like Sam Bockarie  
11 because Sam Bockarie does not want the Lome Accord to go ahead.  
12 So he said he does not like - he did not like the idea of  
13 Sam Bockarie. He was the only one that spoke to me about  
14 Sam Bockarie but apart from him, no other UNAMSIL commanders  
10:09:02 15 talked to me about Sam Bockarie.

16 Q. Mr Sesay, you talked about - acknowledged all the violent  
17 threats that Sam Bockarie made on the international media and  
18 you've also said you know about his relationship with  
19 Charles Taylor. So tell us, how did Sam Bockarie view  
10:09:17 20 Charles Taylor?

21 A. Well, Sam Bockarie regarded Mr Taylor as his leader's  
22 friend.

23 Q. He thought of him like a father, didn't he?

24 A. No, I was not aware of that. I knew that he regarded  
10:09:47 25 Mr Taylor as Foday Sankoh's friend.

26 Q. And Charles Taylor thought of Sam Bockarie like a son,  
27 isn't that true?

28 A. No. I was not aware of that. He was not his son.

29 Q. Well, Mr Sesay, you know I said "like a son". So let me

1 make sure I understand your answer, when you're saying you were  
2 not aware of that, are you saying you don't know about the  
3 relationship between Charles Taylor and Sam Bockarie or you're  
4 saying that this is not true, what I said; that Charles Taylor  
10:10:23 5 thought of Sam Bockarie as a son?

6 A. Well, I don't know. What I know is that Sam Bockarie  
7 regarded Mr Taylor as his leader, Mr Sankoh's friend. So I don't  
8 know how Mr Taylor regarded Sam Bockarie.

9 Q. Let me try to help you. Could we have the transcript of 26  
10:10:50 10 October 2009, page 30220.

11 PRESIDING JUDGE: I think what the witness said could be  
12 misunderstood months from now. This is what is written. "What I  
13 know is that Sam Bockarie regarded Mr Taylor as his leader,  
14 Mr Sankoh's friend." Is this what you meant?

10:11:21 15 THE WITNESS: That's not what I mean, my Lord.

16 PRESIDING JUDGE: What do you mean?

17 THE WITNESS: I said Sam Bockarie regarded Mr Taylor as  
18 Mr Sankoh's friend.

19 MR KOUMJIAN:

10:11:41 20 Q. So, Mr Sesay, if we could have the transcript for 26  
21 October 2009, page 30220, I'll read to you how Charles Taylor  
22 thought, what he thought, of this man, Sam Bockarie, this - such  
23 a violent man that you described. I'll start reading from the  
24 end of line 1:

10:12:08 25 "I never wanted that boy dead. I liked him like a son.  
26 I never wanted him dead and I never intended to give him to Tejan  
27 Kabbah."

28 And then if we could go to the next page, page 30221.  
29 Starting at line 10, Charles Taylor in this Court testified:

1 "Well, you know, I mean not directly, but, I mean, you  
2 know, but this, you know, sometimes it's just so - look, I loved  
3 that boy."

4 That's what Charles Taylor said about Sam Bockarie, the man  
10:13:05 5 who committed all these evils and threatened a campaign of  
6 genocide to destroy every living thing and to kill even chickens.  
7 Were you aware of that, Mr Sesay?

8 A. Well, if that was what he regarded him as his son, I don't  
9 know. That's his own opinion.

10:13:30 10 Q. Well, you saw how he treated him after he left Sierra  
11 Leone. He treated him really well, like a family member, didn't  
12 he?

13 A. Well, I was aware of what Mr Sankoh told me, that the three  
14 of them had a meeting and agreed that Bockarie should stay in  
10:13:56 15 Liberia.

16 Q. I'm asking you a different question. I'm asking you how  
17 Charles Taylor treated Sam Bockarie. You went to visit Bockarie  
18 when he was this Liberia, Monrovia, correct?

19 A. Yes, I went there.

10:14:10 20 Q. He had a four-house compound given to him by  
21 Charles Taylor, didn't he?

22 A. Yes.

23 Q. He had a vehicle given to him by Charles Taylor, didn't he?

24 A. Yes.

10:14:24 25 Q. Did you know that he had a salary of a thousand dollars,  
26 United States dollars, per month, when the average Liberian was  
27 living on less than a dollar a day? Did you know that  
28 President Taylor was giving Bockarie a thousand dollars a month?  
29 Did he tell you that?

1 A. No. I was not aware of that. Bockarie did not tell me  
2 that.

3 Q. That's the way a father treats his son, isn't it?

4 A. Well, I said Sam Bockarie did not tell me that they were  
10:15:01 5 paying him a thousand dollars a month.

6 Q. Mr Sesay, you saw Charles Taylor as being - you felt like a  
7 son to him, didn't you?

8 A. No. I did not feel that I was a son to Charles Taylor,  
9 because Charles Taylor told me things that I didn't do. He told  
10:15:25 10 me things that I refused to do.

11 Q. Well, Mr Sesay, we are going to be agreeing on that but  
12 we're going to come to when that happened. Right now, let me  
13 just ask you, for a time you thought of Charles Taylor, that you  
14 were like his son? Isn't that true? Because he was the father  
10:15:47 15 of the RUF. Isn't that right?

16 A. No. The father of the RUF was Mr Sankoh. In fact, the RUF  
17 cast a lot of blame on Mr Taylor, the RUF regarded Mr Taylor as  
18 someone who could have - who would have sponsored the RUF to gain  
19 military victory against the NPRC but Mr Taylor refused.

10:16:19 20 Q. Mr Sesay, perhaps you can help me then with something you  
21 said in your own trial. If the witness could be shown the  
22 transcript of 25 May 2007 from the Sesay et al trial, page 91.  
23 Do you remember - while it's coming up, Mr Sesay, do you remember  
24 in your own trial being asked about your meeting with  
10:16:53 25 Charles Taylor and your agreeing to Charles Taylor telling you to  
26 release the peacekeepers and you agreed? Do you remember talking  
27 about that in your trial?

28 A. Yes, I remember.

29 Q. You did what he said; is that right?

1 A. Yes.

2 Q. And you obtained nothing from him, correct?

3 A. Yes. Apart from the diesel money that he gave me,  
4 I received nothing from him.

10:17:30 5 Q. So you didn't even try to negotiate, according to you. You  
6 just went there, Charles Taylor told you to release them, and you  
7 released them without making any demands. Isn't that right?

8 A. Well, it was what he told me that made me not to deem it  
9 necessary to demand anything, even for the release of Mr Sankoh.

10:17:57 10 Because he told me that this was a mandate that they received  
11 from the ECOWAS leaders who were the guarantors of the Lome  
12 Accord. In that respect, I had no demand to make.

13 Q. You couldn't use the 500 or so United Nations staff that  
14 you had - peacekeepers that you had hostage as a bargaining chip  
10:18:22 15 because you felt like a son to Charles Taylor and you had to do  
16 what he told you to do. Isn't that right?

17 A. No. That was my first time of meeting with Mr Taylor, so  
18 I did not regard myself as a son to him.

19 MR KOUMJIAN: Can the witness be shown on the screen, it's  
10:18:45 20 open session, the transcript of 25 May 2007, at page 91.

21 Q. Your attorney, Mr Jordash, was asking you about why you  
22 didn't make demands on Mr Taylor. And he asked you:

23 "Q. Why didn't you use them as a bargaining chip to obtain  
24 Sankoh's release?"

10:19:10 25 I would like you, Mr Sesay, to explain this answer. You  
26 said:

27 "A. You see, you yourself, when you become a man you see  
28 when you have a son and when your son advises you you have  
29 to listen to him, but you would not say that because he is

1 your son and that the child's way of thinking was that of a  
2 child. And the way Charles Taylor spoke to me, he did not  
3 encourage me to bargain so that Foday Sankoh could be  
4 released. In fact, Taylor said the man was a stupid man  
10:19:40 5 for him to have captured the UN."

6 Mr Sesay, the son in your clearly confused answer was you.  
7 You, as the son, could not make demands on your father. Isn't  
8 that right?

9 A. No. You're misinterpreting me. What I meant when Jordash  
10:20:11 10 asked me, the translators misinterpreted me. What I meant was  
11 that before I captured the UN, Mr Sankoh came to Makeni and told  
12 us in his room where he was lodged to capture the military  
13 observers. I said I told him that this would not be in your  
14 interest or the Lome Accord. I said Mr Sankoh was annoyed with  
10:20:35 15 me, he disagreed. I said that was why I used the word "your  
16 son". Even your son, when he gets to a certain age if he wants  
17 you to do something, if he advises you you should listen to him.  
18 I said that was why I did not take what Mr Sankoh said to anybody  
19 that I would bargain for the release of UNAMSIL or bargain about  
10:20:56 20 or --

21 THE INTERPRETER: Your Honours, can he kindly take this  
22 last part slowly.

23 PRESIDING JUDGE: You're running again, Mr Sesay, and  
24 really we didn't understand what you said at the end. You said  
10:21:08 25 that you would bargain - "I said that that was why I did not take  
26 what Mr Sankoh said to anybody, that I would bargain for the  
27 release of UNAMSIL." Continue from there.

28 THE WITNESS: No, I said that was why I did not take - what  
29 - I did not take Mr Sankoh's release.

1 THE INTERPRETER: Your Honours, it is really very  
2 ambiguous. He has to take it very slowly.

3 PRESIDING JUDGE: You have to repeat the answer, slowly.  
4 You see, this is how people misunderstand you, because you keep  
10:21:47 5 running with your words and then you come and tell us how you  
6 were misunderstood. Now say again your evidence, slowly.

7 THE WITNESS: My Lord, I said when Jordash asked me when  
8 I was testifying, when he asked me why I did not bargain for  
9 Mr Sankoh's release and UNAMSIL, I said no, I said I did not  
10:22:14 10 bargain about the release of the UN and Mr Sankoh because when  
11 Mr Sankoh came to Makeni, he called us to a meeting in his  
12 bedroom and he told us about - he told us that we should set an  
13 ambush to capture the military observers and keep them in the  
14 bush. I advised Mr Sankoh that this would not be in his interest  
10:22:44 15 or in the interest of the Lome Accord. As soon as I said that,  
16 Mr Sankoh became annoyed in the room, and I said that was why  
17 I did not put Mr Sankoh's case before the release of UNAMSIL as a  
18 bargaining chip or the disarmament because I advised Mr Sankoh  
19 and he did not listen to me. So even your child, he would reach  
10:23:09 20 a certain age when you, the father, is doing something, when the  
21 child advises you, you should listen to that child. That was  
22 what I meant.

23 MR KOUMJIAN:

24 Q. You said, Mr Sesay, in the answer, in 2007:

10:23:24 25 "And that the child's way of thinking was that of a child  
26 and the way Charles Taylor spoke to me, he did not encourage me  
27 to bargain."

28 So the reason you didn't bargain was because of the way  
29 your Papay, Charles Taylor, spoke to you, correct?

1 A. No. That was not what I meant. And even this was  
2 something I explained to Jordash before my testimony. And that  
3 was not - that was not what he understood from me. That was not  
4 what I meant.

10:24:03 5 Q. Now, sir, I want to go on and ask you about something -  
6 you've talked about how evil, violent and ruthless Sam Bockarie  
7 was.

8 JUDGE DOHERTY: Mr Koumjian, if you're going to another  
9 topic I would like to ask something arising from the past  
10:24:24 10 evidence. Page 33, line 16, Mr Sesay, you denied that the bodies  
11 of the ECOMOG soldiers at Teko Barracks were dragged or  
12 displayed. What actually did happen to the bodies of the  
13 soldiers at ECOMOG barracks who were killed?

14 THE WITNESS: My Lord, ECOMOG died at - ECOMOG and RUF died  
10:24:53 15 at Teko Barracks, but the ECOMOG soldiers who died at Teko  
16 Barracks, ECOMOG used to dig trenches. Wherever they deployed,  
17 they dug trenches there. So the ECOMOG who died in the attack,  
18 they were buried in those trenches, because RUF too was living in  
19 the barracks. But no corpses were taken out of that barracks to  
10:25:17 20 Makeni Town.

21 JUDGE DOHERTY: Thank you, Mr Koumjian. That was my  
22 question.

23 MR KOUMJIAN: Thank you.

24 Q. Mr Sesay, when this evil man, Sam Bockarie, this wicked  
10:25:31 25 commander, was given the position chief of defence staff, who did  
26 he appoint as his number two?

27 A. It was I.

28 MR KOUMJIAN: If the witness could be shown the transcript  
29 of 1 June 2010, page 41796. It's open session but a protected

1 witness. I'm going to go to the last four lines.

2 Q. Mr Sesay, when I read this, recall that this is a Defence  
3 witness brought by the Defence of Charles Taylor. He was asked  
4 at the bottom of the page, line 26:

10:26:42 5 "Q. Now, sir I do want to ask you a little bit to make a  
6 comparison between Issa Sesay and Sam Bockarie. First of  
7 all, which of the two do you feel was more ruthless?"

8 He was asked if he understood the word and he said "yes",  
9 and on the next page, line 3:

10:27:03 10 "A. To me personally Issa Sesay is ruthless than Sam  
11 Bockarie."

12 Mr Sesay, you shared with Sam Bockarie the reputation in  
13 the RUF for being ruthless, isn't that true?

14 A. No. That is the person's own opinion, but when you look at  
10:27:34 15 the realities on the ground, the killings done by Sam Bockarie in  
16 Kailahun District, I did not do that. Sam Bockarie used to  
17 capture Kamajors and kill them. I used to capture Kamajors but  
18 did not kill them. And the instructions he used to give, I did  
19 not go by them much. I just did not go by killing people and  
10:27:56 20 even 371, who trained us, when he was testified as - when he was  
21 testifying as your own witness, he was asked to confirm I and Sam  
22 Bockarie who was ruthless, 371 said no, he cannot compare Issa  
23 and Sam Bockarie, because Issa listens to advice. He said that's  
24 - those are two different people; Issa and Sam Bockarie they were  
10:28:24 25 two different people. So if I was ruthless like Sam Bockarie,  
26 I wouldn't have witnesses from Kailahun District, when I was not  
27 a native of that place.

28 Q. Well, Mr Sesay, let me put more of the evidence from the  
29 Defence of Charles Taylor to you, 13 April 2010, page 38893.

1 It's been read to you before but I'll read it briefly, 13 April  
2 this year, 38893. The witness was asked by Mr Griffiths at line  
3 2:

4 "Q. Now, I want to ask you about somebody else: Issa  
5 Sesay. Do you know him?"

6 A. Yes. I know Issa Sesay very well.

7 Q. Was he a vanguard?

8 A. They said he was a vanguard too.

9 Q. What kind of a person was he?"

10 That's meaning you, Mr Sesay, and the witness said:

11 "He was a blind loyalist because I remember, when we were  
12 arrested one day, he came to our cells, invited us out, and said  
13 he has more respect for Foday Sankoh than for his father because  
14 Foday Sankoh had made him a colonel, which his father wouldn't  
15 have done by any means. Therefore, anyone who says 'no Foday  
16 Sankoh' would be killed like a dog by him. That's why I describe  
17 him as a heartless blind loyalist."

18 That's how you threatened Fayia Musa and the other external  
19 delegates. Isn't that true?

20 MR CHEKERA: With due respect to learned counsel, I don't  
21 wish to interrupt, but the question is very vague.

22 PRESIDING JUDGE: Let the witness answer. The witness  
23 hasn't said, "I don't understand." Let's hear what the witness  
24 has to say in response.

25 Mr Sesay, we didn't hear your answer.

26 THE WITNESS: Yes, my Lord. One, I was not a colonel,  
27 I was a lieutenant colonel at that time. Two, that is Mr Fayia  
28 Musa's opinion. And, three, the reason the RUF is against me  
29 today, the reason members of the RUF are against me today, is

1 that they say I was against Mr Foday Sankoh because I disarmed  
2 while Mr Foday Sankoh was in jail. So if he was saying that  
3 I was a loyalist of Mr Sankoh, then 80 per cent of the RUF men  
4 are saying that I am a betrayer to Mr Sankoh. Even our own  
10:31:46 5 witnesses, who were RUF members, who testified, OG, {redacted},  
6 they said so.

7 PRESIDING JUDGE: Mr Koumjian, the testimony you just read,  
8 was there a protected witness?

9 MR KOUMJIAN: There was something in the last answer that  
10:32:03 10 needs to be redacted.

11 PRESIDING JUDGE: Madam Court Manager, I think you have to  
12 redact the name mentioned in that last answer at line 8, page 45,  
13 line 8, the name that has been mentioned in connection with the  
14 testimony.

10:32:32 15 MR KOUMJIAN: Mr Sesay --

16 THE WITNESS: Yes, Mr Lawyer, let me finish answering the  
17 question because it's a broad question.

18 MR KOUMJIAN:

19 Q. Mr Sesay, I asked you: Did you make that threat to Fayia  
10:32:48 20 Musa, that anyone who went against Sankoh, you would kill like a  
21 dog?

22 A. Well, I did not make that threat against Fayia Musa,  
23 because Fayia Musa and others were not killed, and for me to  
24 prove to you Mr Sankoh even confirmed, in the presence of the  
10:33:10 25 United Nations representatives and authorities in Sierra Leone,  
26 that is the deputy SRSG, Ambassador Zadrick, the deputy force  
27 commander, General Agwai, the head of political affairs, Mr Peter  
28 --

29 THE INTERPRETER: Your Honours can he repeat the name of

1 this person?

2 MR KOUMJIAN:

3 Q. Mr Sesay, when you reach names you have to go very slowly.  
4 You said a Peter and at that point the interpretation stopped  
10:33:42 5 because the interpreter did not get the name.

6 A. Mr Peter Tingwa, he was the head of political affairs in  
7 UNAMSIL; and Mr Keith Biddle, who was the police inspector  
8 general in Sierra Leone. I requested from President Kabbah that  
9 I would like to see Mr Sankoh at the Pademba Road Prisons. This  
10:34:12 10 was just after the disarmament. President Kabbah told the SRSG  
11 from - that I be escorted to Pademba Road Prisons. When we went  
12 there, in the presence of the authorities, Mr Sankoh refused to  
13 talk to me saying that I had betrayed him, that I had left him in  
14 prison and disarmed the RUF, when I was not the one who gave them  
10:34:33 15 arms. These authorities that I have named spoke to Mr Sankoh for  
16 over an hour and Mr Sankoh said he will never talk to me. So, if  
17 this individual is saying that I was loyal to Mr Sankoh --

18 MR CHEKERA: I'm sorry, Madam President, before you commit  
19 your pen to that paper, it would appear the evidence of the  
10:34:55 20 witness concerned was in open court.

21 PRESIDING JUDGE: Yes, the evidence was in open court but  
22 the witness - his identity I think remained protected, wasn't it?  
23 It was a Defence witness. I'm asking you, Mr Chekera.

24 MR CHEKERA: He testified openly.

10:35:14 25 PRESIDING JUDGE: He had no protective measures?

26 MR CHEKERA: No.

27 PRESIDING JUDGE: Very well, then. I will reverse - just a  
28 moment.

29 MR KOUMJIAN: Just so it's clear, I'm --

1 [Trial Chamber conferred]

2 PRESIDING JUDGE: Having reviewed the transcript, we do not  
3 think there is a need to redact the public transcript in any way.

4 MR KOUMJIAN: Just so it's clear, what I was requesting, it  
10:38:00 5 was in my LiveNote page 45, line 14, and it was a name, he gave a  
6 first name of a witness who was protected in the RUF trial. He  
7 said "who were RUF members who testified" and then he gave two  
8 names, one open and one closed.

9 PRESIDING JUDGE: And that is the name you want redacted?

10:38:22 10 MR KOUMJIAN: Yes.

11 PRESIDING JUDGE: Very well, then. Just give us a moment,  
12 please.

13 Yes, Mr Koumjian, it has been taken care of and the record  
14 has been redacted. We can continue now.

10:39:12 15 MR KOUMJIAN: Thank you.

16 Q. Mr Sesay, how many people do you say you have killed?

17 A. Well --

18 JUDGE LUSSICK: Are you saying the witness has killed  
19 personally or ordered killed?

10:39:32 20 MR KOUMJIAN: Thank you.

21 Q. How many people have you killed personally or ordered to be  
22 killed, you personally ordered to be killed? How many people,  
23 sir?

24 A. Well, I used to fight at the battlefield so during  
10:39:52 25 crossfiring, the bullet could hit an enemy because the enemies  
26 too were shooting against me.

27 Q. Sir, how many people have you executed or ordered executed,  
28 according to you?

29 A. Well, when I came to Makeni, I ordered, because in Makeni

1 and Kono some fighters killing civilians unnecessarily, so I also  
2 ordered their execution after they had been investigated. And an  
3 incident that took place, a rape incident, when I went there, the  
4 fighters tried to run away. Whilst I was trying to shoot after  
10:40:42 5 them, the bullet hit one of them and he died, and the other was a  
6 civilian that I knew before the war. They went and entered one  
7 Madam Musu Kandeh's house and the woman was running to go to the  
8 MP office and then she met my vehicle on the way. She stopped  
9 me, so I went to the house. The people who were there, the  
10:41:06 10 fighters and the civilians, started running away. So I took my  
11 pistol out, I started shooting behind them. So the bullet hit  
12 one of them. So that person fell down and died. So I went  
13 there, I met the person called Yamba. I said, "Yamba, you are a  
14 civilian. How can you involve yourself in such a matter?" So  
10:41:29 15 later I went to her parents in Makali and explained about the  
16 situation that actually transpired. So I cannot actually tell  
17 you now that it was three or four or five, but people who killed  
18 civilians, when I went there and they were investigated and if  
19 they were guilty, I will order for them to be executed.

10:41:51 20 Q. What about, sir, the person who shot Sheik Fofana?

21 A. Well, that was Mr Sankoh's bodyguard. He was the one who  
22 shot Sheik Fofana.

23 Q. You were on your way to see Mr Taylor; is that right?

24 A. Well, to carry the external delegation.

10:42:17 25 Q. For the Abuja I meeting; is that right?

26 A. Yes, yes.

27 Q. And tell us what happened. When Sheik Fofana got killed,  
28 tell us what happened?

29 A. I was driving the Nissan, and Sheik Fofana was sitting at

1 my back, at the back seat, and Madam Jamba Goba was seated in the  
2 middle and my adjutant Jabba was seated towards the door. So we  
3 drove from Kono, and FOC too was in the vehicle, including one of  
4 my bodyguards and another bodyguard of Mr Sankoh. They had two  
10:43:09 5 AK guns. Before we left Kono I told them to remove the advance  
6 shots from the gun because I said it was a bad road and they  
7 said, "Okay, sir." And we then moved. I drove and we got close  
8 to Bunumbu, and it was - the road was very bad there, and you  
9 would have to cross a bridge before entering Bunumbu Town. So I  
10:43:39 10 had called on Morris Kallon to join me. He too came. He met me  
11 in Bandajuma Yaweh. So he too was driving behind me. So when  
12 I got to the bad area on the road, I stopped the vehicle, I got  
13 down and I had to flash the headlights so that I would be able to  
14 see the place where I was going to cross to enter the bridge. So  
10:44:03 15 when I entered the vehicle and started the vehicle, I heard a  
16 gunshot, pow, and then Sheik Fofana shouted and they said --

17 THE INTERPRETER: Your Honours, could the witness be asked  
18 to slow down and take it from where I stopped.

19 PRESIDING JUDGE: Yes. You said you entered the vehicle  
10:44:26 20 and you started the vehicle, then you heard a gun, a gunshot.  
21 Continue from there.

22 THE WITNESS: I then heard a gunshot and Sheik Fofana  
23 shouted, he said, "Oh, Issa I have been killed behind you." The  
24 bullet pierced through his back and came out of - from his front.  
10:44:51 25 And then it was not even up to five minutes he died. Morris  
26 Kallon then came, he and Samuel Jabba, and disarmed the two armed  
27 men who were in the truck, and then I asked them to pass their  
28 nose --

29 THE INTERPRETER: Your Honours, could the witness be asked

1 to --

2 PRESIDING JUDGE: Pause, pause, Mr Sesay. We haven't  
3 understood this part at all. You said the bullet pierced through  
4 his back and came out from his front and it was not even up to  
10:45:31 5 five minutes he died. Now, continue from there.

6 THE WITNESS: I then said they should disarm the two men  
7 who had the guns with them at the trunk of the jeep. I said they  
8 should disarm them. So Samuel Jabba took one of the arms and  
9 Morris Kallon also took the other.

10:45:53 10 PRESIDING JUDGE: Slowly. So most Moses Jabba did what?

11 THE WITNESS: Samuel. Samuel Jabba disarmed the one  
12 person, that was my own bodyguard, and Morris Kallon also  
13 disarmed Mr Sankoh's bodyguard. So we were now asking them who  
14 fired, and both of them denied. So I asked the two people to  
10:46:20 15 smell the barrel of the gun to know from where the shot came  
16 from. And when they smelled the two guns, the one that smelled  
17 of gunpowder was from Mr Sankoh's bodyguard, and then Morris  
18 Kallon said this was the man who shot and this is the gun that  
19 fired.

10:46:39 20 MR KOUMJIAN:

21 Q. So how long did the trial of this - and then what happened  
22 to the man? Morris Kallon executed him, correct?

23 A. Let me explain, Mr Lawyer, please. So when Morris Kallon  
24 confirmed that indeed this is the one that fired, I then asked  
10:47:06 25 him, I said, "My man, didn't I advise you and the others in Kono  
26 that you should remove your advance shots from the arm?" He then  
27 said, "You are talking about taking people to go to Abuja to talk  
28 about peace whilst Mr Sankoh is in jail." I said, "Oh, is that  
29 the answer you are giving to me? You are talking about Mr Sankoh

1 being in jail, we should not go further with the peace talk?"

2 And then Morris Kallon then said, "Oh, if that is what you want

3 to say" - he too took his gun and shot him. Morris Kallon then

4 said, "If that is the response you are giving - is that the

10:47:36 5 response you are giving?" He too took the gun and shot him and

6 he also died. Since then, I had to distance myself from the

7 Black Guard because I knew that they were not feeling good about

8 me because I was pursuing the peace process whilst Mr Sankoh was

9 in prison. So that was what obtained, sir.

10:47:59 10 Q. You made Morris Kallon number two in the RUF right below  
11 you, correct?

12 A. Yes.

13 Q. How long did the judicial process last before the man was  
14 executed? Let me rephrase my question. It might confuse you.

10:48:18 15 The man was killed without any investigation. He was executed,  
16 right?

17 A. Well, had he not responded that kind of way he would have  
18 been investigated, but the man said - they asked him, "Why did  
19 you shoot? Hadn't I advised you that everybody should remove

10:48:37 20 their advance from their guns?" And he said, "Mr Sankoh is in  
21 prison whilst we are taking people to go on the peace process."

22 So it's like he had intention to kill the man because I was

23 sending them to go and discuss peace, and the man was an ordinary

24 civilian, and that was the reason why Morris Kallon also killed

10:48:57 25 him.

26 Q. Mr Sesay, a witness for the Defence of Charles Taylor, who  
27 is protected, came here and said you asked the man if he killed  
28 Sheik Fofana because he was Temne. Isn't that what you did?

29 A. No, that's not it. Sheik Fofana was not in fact Temne,

1 Sheik Fofana was a Limba.

2 MR CHEKERA: Could I ask for the reference, Madam  
3 President?

4 MR KOUMJIAN: We'll come back with a reference.

10:49:36 5 PRESIDING JUDGE: Yes, I recall that kind of evidence in  
6 court.

7 JUDGE LUSSICK: Yes, so do I.

8 PRESIDING JUDGE: We can get on to the reference after, but  
9 I do recall.

10:49:44 10 MR CHEKERA: We can get it later, thank you.

11 MR KOUMJIAN:

12 Q. Sir, when you were accused of misusing funds, you had a  
13 process, you had an investigation, you had a little trial and  
14 were able to give your side of the story to Foday Sankoh before  
10:50:02 15 you received some demotion as punishment. Isn't that right?

16 A. Yes.

17 Q. And even the external delegates who were tortured, they  
18 even had a show trial where you pretended to give them a judicial  
19 process. Isn't that true? I'm talking about Palmer, Musa,  
10:50:26 20 Jalloh - Deen-Jalloh; those you arrested with Bockarie.

21 A. Yes.

22 Q. But this man who killed Sheik Fofana was executed by Morris  
23 Kallon who you later promoted without any judicial process,  
24 correct?

10:50:50 25 A. Well, we did not try him because he agreed and he made a  
26 remark, a remark that we were sending people to go and discuss  
27 peace whilst Mr Sankoh was in jail. And he intentionally killed  
28 the man and he accepted. And based on the remark that he made,  
29 if I was sending Sheik Fofana to go and discuss peace, he had no

1 right to kill him as a result of that.

2 Q. But, Mr Sesay, if the man was mad at you for going to Abuja  
3 I while Sankoh was in jail, why didn't he shoot you? Why would  
4 he shoot Sheik Fofana who you've told us was a civilian?

10:51:36 5 A. Well, it was Sheik Fofana that the bullet caught because he  
6 was seated right behind me. He was right behind me.

7 Q. The man was shot with an AK-47?

8 A. The same AK that he shot - took and shot Sheik Fofana was  
9 the same AK that Kallon used to shoot him.

10:52:04 10 Q. So there was another bullet in the gun that he could have  
11 used to shoot you. That's right, isn't it? There was only one  
12 shot fired although he had an AK-47; isn't that right?

13 A. Yes, it was one shot that he fired.

14 Q. And we know that there was at least one more bullet left  
10:52:30 15 because there was a bullet that Morris Kallon used to kill - to  
16 execute the Black Guard. Isn't that right?

17 A. It was not just one bullet that was in the magazine. There  
18 were bullets in the magazine.

19 Q. So the man could have opened fire with a burst of fire and  
10:52:47 20 killed you if you were the real target; isn't that right?

21 A. Well, Morris Kallon's vehicle was just behind me. Morris  
22 Kallon and Morris Kallon's bodyguards had now got to the scene,  
23 so how could he have fired again at that particular time? But  
24 had he not made that remark, we would have investigated to know  
10:53:13 25 what happened. But it was what he said, that was the reason why  
26 Morris Kallon became annoyed and shot him.

27 Q. Nothing further happened to Morris Kallon because the high  
28 command of the RUF could kill with impunity. Isn't that true?

29 A. Well, I acknowledge the killing because I was present and

1 the manner in which the Black Guard answered to my question meant  
2 that he had the intention to either kill Sheik Fofana or so, even  
3 kill me because he said I was sending people to go on peace talks  
4 so he decided to shoot because they were against the process that  
10:54:00 5 was ongoing.

6 Q. Let's go on to your role - go back to your role in Giehun  
7 Luawa Chiefdom massacre which you have denied. You said you were  
8 in hospital with a wound to your buttock. I'd like to read to  
9 you from the transcript of 9 July 2008, page 13275

10:54:27 10 PRESIDING JUDGE: Sorry, what was the date again?

11 MR KOUMJIAN: 9 July 2008, 13275. For the benefit of  
12 counsel, the reference about the Temne man in the killing of  
13 Sheik Fofana was 2 June 2010, page 41927, private session. What  
14 I'd now like to read is 9 July 2008, page 13275.

10:55:20 15 Q. A protected witness said this in open session, Mr Sesay:

16 "The groups included both civilians and rebels at that  
17 time, I mean the fighters. The civilians also had - there were  
18 other civilians who were close to Foday Sankoh at that time and  
19 others were just members of the Giehun family, so they used to  
10:55:41 20 bring them to the headquarters at that time."

21 The witness was asked what the witness meant by Giehun  
22 family and answered:

23 "From the experience I got during that connivance, it got  
24 to a certain time that people were targeted as long as you were  
10:55:59 25 within that particular area, as long as you were a citizen of  
26 that particular area, so we used to arrest both fighters and  
27 civilians" --

28 PRESIDING JUDGE: Sorry, "so they used to arrest".

29 MR KOUMJIAN: Thank you.

1 Q. "So they used to arrest both fighters and civilians, as  
2 long as it was mentioned that you were from Luawa Gi ehun.

3 Q. Now what was the result of the investigations that you  
4 carried out?

10:56:26 5 A. Really, let me make this clear to you, that at that  
6 time the formality was just there to say that we were  
7 investigators or that investigation was going on, but as  
8 far as that case was concerned, there was no good and clear  
9 investigation conducted as far as the killings were  
10:56:45 10 concerned. In fact, I can make you understand that the  
11 majority of the killings were done and left uninvestigated  
12 on the front lines.

13 Q. Mr Witness, you just mentioned killings, were there  
14 killings?

10:57:04 15 A. Yes, sir.

16 Q. Who killed who?

17 A. At that time the commanders like Sam Bockarie, Issa  
18 Sesay, and Mohamed Tarawalli at that time they were the top  
19 senior officers in control of the front lines. They used  
10:57:18 20 to come to the MP office and will just ask for the  
21 detainees who were under investigation and they will call  
22 them outside and they would condemn the whole investigation  
23 that people had been doing, especially at the time when if  
24 - they even prosecuted the MP commander who was in charge  
10:57:37 25 of the entire MP at that time, that is the district MP  
26 commander. He was killed. So there was no confidence left  
27 in the whole investigation. They will just come around,  
28 call out the detainees, they queued them up and killed  
29 them. That was why I said there was no good investigation

1 conducted in that regard."

2 Skipping a few pages to 13280, line 10, I believe.

3 Mr Bangura asked the witness:

4 "Q. The killings that we have been talking about in which  
10:58:26 5 all these names of civilians as well as fighters that you  
6 have mentioned took place, what sort of killings were they?  
7 How were these people killed?

8 A. From what I observed at the MP, some of them died  
9 through torture. By torture, I mean that they were warming  
10:58:44 10 oil on the fire and pouring it on their skin alive and some  
11 of them were beaten to death. Some of them were shot at,  
12 at close range. These were some of the ways I saw them  
13 being killed in my presence.

14 Q. Now, you have said that all these people were killed.  
10:59:04 15 Who was responsible or who killed these people, can you  
16 tell the court?

17 A. As I said earlier, the commanders at that time used to  
18 come to the MP headquarters and they would carry out these  
19 executions and they were Mohamed Tarawalli, Sam Bockarie  
10:59:20 20 and at that time Issa Sesay. They were the main people who  
21 did these killings."

22 That's the truth, isn't it, Mr Sesay?

23 A. No. That's not the truth. It's not the truth, because  
24 when those killings were taking place, I was a wounded soldier,  
10:59:44 25 I did not take part on the investigation, nor did I take part in  
26 the arrest. That was before the NPRC captured Kailahun Town from  
27 us. It was Rashid, Mohamed and Mosquito who were in Giahun.  
28 They were conducting the investigation of the people and they  
29 carried out the killings.

1           PRESIDING JUDGE: Mr Koumjian, if you think this is an  
2 appropriate time, we will take the midmorning break now and  
3 reconvene at half past 11.

4                           [Break taken at 11.00 a.m.]

11:19:57 5                           [Upon resuming at 11.32 p.m.]

6           PRESIDING JUDGE: Sorry. Before we continue, I just  
7 wanted to remind the parties - to draw something to your  
8 attention. Of course, as you know, we sit until 1 o'clock today,  
9 being Friday. But also we've been requested by the STL  
10 technicians, through their technicians, that Friday the 20th  
11 of August we do not sit because they want to carry out some  
12 technical works on the court - within the courtroom. We do not  
13 seem to have much choice in the matter and so the Court will not  
14 sit on Friday the 20th of August. Mr Koumjian, please continue.

11:36:15 15           MR KOUMJIAN:

16 Q. Mr Sesay, we were talking about your crimes. But I would  
17 like to switch topics because there's another topic I'd like to  
18 cover today. Sir, you remember the words of the RUF anthem?

19 A. Yes.

11:37:06 20 Q. Mr Sesay?

21 A. Yes.

22 Q. Do you remember the words of the RUF anthem?

23 A. Yes.

24 Q. And the anthem of the RUF, it talks about the diamonds:

11:37:23 25           "Where are our diamonds, Mr President? Where is our gold  
26 NPRC? RUF is hungry to know where they are."

27           Isn't that right?

28 A. Yes. Those who wrote it, that's what they said.

29 Q. "Our people are suffering without any means of survival,

1 all our minerals have gone to foreign lands. RUF is hungry to  
2 know where they are. Sierra Leone is ready to utilise her own.  
3 All our minerals will be accounted for."

4 That was the RUF propaganda about why you were fighting the  
11:38:05 5 war; isn't that true, Mr Sesay?

6 A. Yes, part of that corruption.

7 Q. And particularly the diamonds. It was about where -  
8 accounting for the diamonds, that the diamond wealth of  
9 Sierra Leone should be shared by the people and not just go to  
11:38:35 10 foreign lands, isn't that true?

11 A. Yes.

12 Q. Mr Sesay, do you agree that the war in Sierra Leone  
13 was a war about diamonds?

14 A. No, it was not a war about diamonds, because from 1991 to  
11:38:50 15 1997, RUF was not mining diamonds. So it was not a war about  
16 diamonds. RUF was not occupying or controlling mining areas.

17 Q. How about in November 2000 when you were the interim  
18 leader, was it a war about diamonds?

19 A. No, if it was a war about diamonds, then I wouldn't have  
11:39:16 20 disarmed in mining areas, but I requested for disarmament even  
21 before the scheduled time in Kono.

22 Q. We'll come to that time when the Kamajors were attacking  
23 you in Kono. But in the meantime, could the witness be shown  
24 exhibit P-33B.

11:40:01 25 I might be able to do without it. Mr Sesay, I'm going to  
26 read to you from a newspaper article from Le Monde, a French  
27 newspaper from 15 November 2000. In that article, in the third  
28 paragraph, Mr Taylor is quoted as saying, in the middle of the  
29 paragraph:

1           " 'Yes, I think the war in Sierra Leone is a war for  
2 diamonds', he says, 'but not because Liberia wants those  
3 diamonds' . "

4           Do you agree with President Taylor at the time when he said  
11:40:49 5 in November 2000 that the war in Sierra Leone was a war for  
6 diamonds?

7           A.     No, I won't agree, because it was not a war about diamonds.

8           Q.     Could the witness be shown the transcript from the 1st  
9 of June 2010, page 41804, and, going down about 10 or 12 lines, a  
11:41:38 10 witness for the Defence, a protected witness said - 41804, it  
11 should be about 13 approximately, line 13. Thank you. Down.  
12 That's it. Line 11:

13           "A. My Lord, I have to be fair enough. Diamonds that were  
14 received by the RUF, these diamonds, the only one that can  
11:42:14 15 tell you about the whereabouts of these diamonds is  
16 Issa Sesay himself. "

17           And then if we go to the 1st of June, page 41805, I think  
18 it should be about line 10 again. Yes. Thank you:

19           "Q. Sir, so from the time Foday Sankoh was arrested  
11:42:53 20 in May 2000, up until Issa Sesay's arrest in May 2003, what  
21 benefits did you see that the RUF, or the people of  
22 Sierra Leone, received from the diamonds that were going to  
23 Issa Sesay?

24           A.     My Lord, I didn't see any benefit. There was no  
11:43:14 25 benefit to the people of Sierra Leone. No benefit at all. "

26           So, Mr Sesay, through all of these years, you agree, don't  
27 you, that from May 2000 until the disarmament in 2000 - late  
28 2001, you controlled the diamonds of Sierra Leone, they were  
29 going to you. Isn't that true?

1 A. Yes, in Kono and Tongo. Not all diamond areas in  
2 Sierra Leone. In Bo District too and Pujehun District, mining  
3 was going on there. It was only Kono and Tongo that we were  
4 controlling.

11:44:03 5 Q. And everyone knows that the main diamond fields of  
6 Sierra Leone are in Kono and Tongo Fields, wouldn't you agree?

7 A. But the south too has diamonds, Pujehun has diamonds, Bo  
8 has diamonds, mining was going on there seriously.

9 Q. My question, sir is: Everyone knows that the main diamonds  
11:44:29 10 fields in Sierra Leone are Kono and Tongo Fields, would you  
11 agree?

12 A. Yes.

13 Q. Mr Sesay, how many diamonds did you receive from May 2000  
14 until you gave up the diamond fields of Kono? What - please  
11:44:52 15 account to the people of Sierra Leone, as the RUF anthem requires  
16 you to, for the diamonds you received. How many did you receive?

17 A. Well, when Mr Sankoh was arrested in May, that was during  
18 the rainy season. Mining is not effective during the rains. We  
19 were not doing the mining. The diamonds that I used to receive,  
11:45:28 20 I used to sell them to seek the welfare of the RUF. I used to  
21 buy medicines in large quantities which was to be used for both  
22 the fighters and the civilians. I used to feed the RUF who were  
23 Sierra Leoneans. The vehicles that I bought from the mining,  
24 RUF, who were Sierra Leoneans, were using them. The agricultural  
11:45:57 25 programmes that I was supporting were by Sierra Leoneans. The  
26 parcels that I bought out of the mining, I used to saw boards and  
27 distribute them to Sierra Leoneans. The --

28 Q. Mr Sesay, you're not answering the question. I'm asking  
29 you about the number of diamonds you received. First, the

1 number of stones, can you tell us, give us an approximation of  
2 the number of stones you received?

3 A. Well, I can't remember the exact number of stones that I  
4 received. What I'm telling you is that --

11:46:44 5 Q. -- question, sir. Sir, first of all, up until what time  
6 were you receiving diamonds? When did you stop receiving  
7 diamonds [microphone not activated]?

8 A. I stopped receiving diamonds after the disarmament - during  
9 the disarmament of Kono in August to September of 2001.

11:47:12 10 Q. So, sir, by your own testimony, from May 2000 to September  
11 2001, 15 plus months, you received the diamonds; is that right?

12 A. Yes, but there is the rainy season when mining was not  
13 going on. No proper mining goes on during the rainy season. And  
14 even during the season, some mining areas, you dig a pit and you  
11:47:40 15 extract the gravel and you don't get any diamond. So diamond is  
16 not got everywhere. Sometimes you extract the gravel, you wash  
17 it for complete two to three weeks, and nothing would be found in  
18 it.

19 Q. Mr Sesay, how many carats did you receive per month, on  
11:47:58 20 average, during the time that you were receiving the diamonds at  
21 Sierra Leone?

22 A. I can't remember. Most of the diamonds were small ones.

23 Q. Well, in fact, Sierra Leone is known for its high quality  
24 of diamonds, isn't that true?

11:48:17 25 A. Yes, but high quality diamonds are as a result of  
26 mechanised mining.

27 Q. And RUF mechanised its mining when you were the interim  
28 leader, that's when the mining was most productive, isn't that  
29 true?

1 A. When we repaired a Caterpillar that would break down after  
2 every one or two days - it was an old Caterpillar - and around  
3 early 2001 it was no longer functioning.

4 Q. So the answer is yes or no? Was the mining most  
11:48:58 5 productive - of all the years of mining for the RUF, I'm putting  
6 it to you that the mining was most productive when you were the  
7 interim leader. That's true, isn't it?

8 A. Well, when I became interim leader, that was the time  
9 civilians - most civilians went to Kono. The mining was two-pile  
11:49:22 10 system, wherein one pile went to the civilians and one pile went  
11 to the RUF.

12 Q. So, Mr Sesay, please give us an accounting. How much money  
13 did you obtain from the diamonds of Sierra Leone for those 15  
14 plus months?

11:49:35 15 A. Well, the diamonds that I sold, I have testified about,  
16 apart from the ones I sold to Alhaji Bakoure, Alhaji Modibor.  
17 Some of them were 15,000, some 10,000. So you are just  
18 exaggerating this mining because of the insiders you've been  
19 paying.

11:50:07 20 Q. Mr Sesay, tell us, then: What is the total amount of money  
21 you received? I think you told us in your direct examination  
22 about two sales of diamonds, and you didn't receive all the  
23 money. One was for less than 200,000, and one - excuse me. One  
24 was you sold in 2,000, a diamond, for 95,000 to Louis and Michel  
11:50:32 25 but you only got \$35,000. And then you said in February/March  
26 2001, you sold diamonds with Eddie Kanneh, a parcel worth 137 but  
27 you only got \$100,000. So that is \$135,000. How much did you  
28 get for all the diamonds of Sierra Leone when you were  
29 controlling Tongo and Kono for 15 months?

1 A. Well, the diamonds that I sold, that is the bulk money.  
2 One was 135,000; that was in 2001.

3 THE INTERPRETER: Your Honour, can he kindly repeat the  
4 figure slowly?

11:51:28 5 PRESIDING JUDGE: Mr Sesay, can you please repeat the  
6 figures slowly? The interpreter didn't get you.

7 THE WITNESS: My Lord, I said the bulk money that I sold -  
8 that I got out of diamonds, one was 95,000 from October from  
9 Michel and Louis. When Ibrahim Bah took the 60,000 and did not  
11:52:00 10 give it up, the one that I sold in March 2001 was \$135,000. I  
11 said apart from that, the other diamonds that I used to sell to  
12 Alhaji Bakoure, and Alhaji Modibor, some of them could be 15,000  
13 and some others 10,000, just like that.

14 Q. So the total, Mr Sesay, give us an estimate. How much did  
11:52:23 15 you receive in total from all your sales of diamonds?

16 A. Well, I can't recall now. Because to Alhaji Bakoure and  
17 others, sometimes I would sell and buy rice, condiments and  
18 medicines. I can't recall now.

19 Q. Because these little sales of small diamonds were just  
11:52:49 20 that, the bulk of the diamonds you were sending to  
21 Charles Taylor. That's why you cannot account for the diamonds  
22 as the RUF anthem requires their leaders to do; isn't that true?

23 A. Well, as far as the mining was concerned, the diamonds that  
24 I used to receive, I used to sell. I did not give diamonds to  
11:53:16 25 Mr Taylor to keep. I did not give diamonds to Mr Taylor. It's  
26 just exaggeration. They are just exaggerating this mining issue.

27 Q. Could we go to the transcript of 7 January 2008? And then  
28 after the transcript, I'm going to ask that P-19 be shown to the  
29 witness, so if that could be prepared. The transcript of

1 7 January 2008, page 578. Going down the page, the witness was  
2 asked, on line 20 - sir, this is the one and only expert witness  
3 on diamonds that testified in this case. He was asked:

4 "Q. Now, do you have an opinion, based upon your work with  
11:54:13 5 the panel and your independent work on conflict diamonds in  
6 Sierra Leone, as to the amount of money that the RUF was  
7 making on diamonds in the period from 30 November 1996 to  
8 the end of the conflict?

9 A. In our report, we used the figure something between \$25  
11:54:35 10 million and 125 million. That was a guesstimate at the  
11 time, but I can explain the basis for it. First we spoke  
12 to diamond experts and someone in De Beers who knew  
13 Sierra Leone very well and said that his estimation was  
14 probably around 70 million a year." Next page: "We were  
11:54:57 15 trying to base our numbers on what we thought it was  
16 possible to mine at that time. It was fairly difficult  
17 because there had been no reliable mining statistics for  
18 many years in Sierra Leone. A lot of the diamonds had  
19 simply been smuggled out. So there were no reliable,  
11:55:17 20 official figures. But since the war and since the advent  
21 of the Kimberley Process, we now see what Sierra Leone is  
22 capable of mining, and on average, over the last three to  
23 four years, they have been mining between 6 and 700,000  
24 carats worth of diamonds per annum. So our estimate wasn't  
11:55:40 25 wrong. Even if you took half of that number, or a  
26 significant fraction of that number, as being what the RUF  
27 might have mined, it would still come in the neighbourhood  
28 of 30, 40, 50, 60 million dollars worth of diamonds a year,  
29 given the periods that they actually controlled the diamond

1 fields. So our original numbers were certainly within the  
2 ballpark and the De Beers number was probably quite  
3 accurate.

4 Q. Perhaps, just to do a little math, you gave some  
11:56:16 5 various figures. I understand you to say post-war  
6 production averaged approximately 600,000 carats in  
7 Sierra Leone and earlier you said the price per carat was  
8 \$200 or more.

9 A. Yes.

11:56:28 10 Q. The 600,000 times 200 would be \$120 million.

11 A. Yes. The precise numbers for 2004 and 2005 are in my  
12 report, but I can give you the numbers for 2006," and there  
13 was some discussion about that, "and 2007."

14 So let's go the to the report, P-19, at the top of page 11.

11:57:05 15 We see: "An indication of Sierra Leone's potential at the time,  
16 however, can be seen in the official export figures for 2004 and  
17 2005, which averaged 680,000 carats. During the 1990s, even with  
18 allowances for the war, as much as 300,000 to 400,000 per annum  
19 may have been smuggled out of the country during the periods when  
11:57:34 20 the RUF controlled Kono District and Tongo Fields. They could  
21 have been worth between 60 and 80 million dollars per annum, very  
22 close to the De Beers estimate."

23 Then if we go to P-19, the paragraph at the middle of  
24 page 5, I think it's important to note this:

11:58:03 25 "Although Sierra Leone's kimberlite show considerable  
26 promise, they still represent a small proportion of the country's  
27 overall diamond production. Out of the 142 million worth of  
28 diamonds exported in 2005, only 22.5 million was derived from  
29 industrial mining."

1           So, sir, what happened to all the diamonds from Kono and  
2 Tongo Fields when you were controlling it? You took them to  
3 Charles Taylor; isn't that correct?

4           A.    No, sir. These estimates that are being made, these are  
11:58:55 5 diamonds I never saw, these sorts of estimations. I've never  
6 seen such diamonds. We were not mining kimberlite. The mining  
7 that we were doing, we were getting small diamonds, and those are  
8 the diamonds that I've given account of. RUF - was RUF able to  
9 see such diamonds when the RUF was unable to buy new vehicles  
11:59:18 10 except that I was buying used vehicles?

11           Q.    Sir, I'd like to distribute a document now.

12           A.    These are just exaggerations.

13           Q.    Sir, while the document's being distributed, you haven't  
14 answered my question. Well, tell me whether you have. The  
11:59:38 15 question was: You took the diamonds to Charles Taylor; isn't  
16 that correct?

17           A.    I said I was not taking diamonds to Charles Taylor. The  
18 diamonds that they were mining, I used to sell them for the  
19 welfare of the RUF.

12:00:06 20           MR KOUMJIAN: Your Honour, I have come to the point of the  
21 decision of yesterday, and I would be seeking at this time to ask  
22 the witness questions about the interview.

23           PRESIDING JUDGE: For the record, please state what the  
24 document is that you are giving to the judges and that you intend  
12:00:25 25 to put before the witness.

26           MR KOUMJIAN: That is the interview of 10 March 2003 of  
27 Issa Sesay with investigators from the Office of the Prosecutor  
28 of the Special Court, Gilbert Morissette and Joseph Saffa.

29           PRESIDING JUDGE: Mr Chekera, have you read this document

1 before?

2 MR CHEKERA: I have had occasion to glean through the  
3 document before, but would probably require more time to study  
4 it. But before I even do that, I would not anticipate an  
12:01:12 5 application by learned counsel, but when it is made, I will have  
6 appropriate submissions to make in response.

7 PRESIDING JUDGE: Application to do what? The application  
8 before us now is for him to be able to put this document before  
9 the witness.

12:01:26 10 MR CHEKERA: I haven't heard counsel satisfy the necessary  
11 requirements. So as far as I'm concerned, there is no  
12 application.

13 PRESIDING JUDGE: Very well. Mr Koumjian, what do you  
14 intend to do with this document?

12:01:43 15 MR KOUMJIAN: I intend to question the witness about his  
16 own statements, which were - which are inconsistent with his  
17 testimony, sworn testimony, before this Court. And I can address  
18 the other areas, if you want, now. I just didn't know if your  
19 Honour wanted me to do this in the presence of the witness on the  
12:02:04 20 fresh-evidence ruling.

21 JUDGE LUSSICK: Mr Koumjian, before we consider this  
22 document, your sole intention is to impeach the witness with a  
23 prior inconsistent statement; is that correct?

24 MR KOUMJIAN: That is correct.

12:02:33 25 JUDGE LUSSICK: We haven't read the document as yet, but is  
26 there material in the document that also goes to proof of the  
27 guilt of the accused?

28 MR KOUMJIAN: Yes, your Honour. Specifically, the last  
29 question I asked the witness about whether he took diamonds to

1 Charles Taylor is clearly contradicted in the interview, in his  
2 statements. I would indicate, at the moment, what I was seeking  
3 to put to the witness is at page 39. There's a green tab. It  
4 begins - it would be that page, 39, and it's, I think, about two  
5 pages.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: I will ask my colleague, Justice Lussick,  
8 to express the view of the Bench regarding the pages 39 and 40  
9 that Mr Koumjian has pointed to.

10 JUDGE LUSSICK: Mr Koumjian, this is a unanimous decision.  
11 Now, we would have no objection to the pages of the document that  
12 you've indicated being put to the witness if the material put to  
13 him simply went to the fact that it's a prior inconsistent  
14 statement, inconsistent, that is, with his prior testimony - with  
15 his current testimony. But the material very clearly goes to  
16 proof of guilt of the accused.

17 Now, we're aware of the way in which it was obtained and I  
18 think the application you referred to earlier sets out the  
19 details of how it was obtained involuntarily from the witness and  
20 adjudicated by Trial Chamber I to have been so involuntarily  
21 obtained.

22 Now, because it does go to the - the material does go to  
23 the proof of guilt of the accused, we're of the view, as we have  
24 expressed in our decision of 30 November 2009, that such material  
25 would not be in the interests of justice to be used against the  
26 accused by cross-examining this witness on that material. It  
27 also, in our view, would violate the fair trial rights of the  
28 accused.

29 And, so, Mr Koumjian, we rule in the document, or the parts

1 of the document you've indicated, cannot be used in  
2 cross-examination of this witness.

12:07:49 3 MR KOUMJIAN: Your Honour, I would just note I was  
4 reserving my argument to hear whether your Honours wanted me to  
5 do it in front of the witness or not. As long as that's noted,  
6 because we will seek a certification to appeal and we'll try to  
7 file that as soon as possible. But if your Honours would like, I  
8 would put the argument on the record, or I can move on to the  
9 cross-examination and we can put it in the motion.

12:08:09 10 PRESIDING JUDGE: I don't understand quite what you are  
11 alluding to. Are you saying that the Chamber's finding now that  
12 the contents of pages 39 spilling over to 40 contain material  
13 that goes to the proof of guilt and therefore that cannot be put  
14 to the witness as fresh evidence is wrong and that you intend to  
12:08:42 15 - or that you are dissatisfied with that finding and that you,  
16 therefore, intend to appeal? Is that what you're saying?

17 MR KOUMJIAN: No, Madam President. We definitely agree it  
18 is capable to going to the guilt of the accused. But the  
19 decision of your Honours as to the use of fresh evidence, and  
12:09:02 20 we'd say the case law that your Honours relied upon, makes it  
21 clear that documents can be used for the impeachment of a witness  
22 unless it is not in the interests of justice. It has to be in  
23 the interests of justice for the document to be used, and not to  
24 violate the fair rights of the accused.

12:09:25 25 We certainly agree that these statements go directly to the  
26 guilt of Charles Taylor, but we're seeking to use them to  
27 contradict this witness's testimony here in court which would  
28 tend to exonerate Charles Taylor.

29 The statements contradict what he said under oath; in that

1 he said he took diamonds 12 times to Charles Taylor. We believe  
2 it's in the interests of justice for us to be allowed to  
3 cross-examine him on these inconsistent statements because - and  
4 it does not violate the fair trial rights of the accused, because  
12:10:03 5 we read the decision of the other Trial Chamber, Trial Chamber I,  
6 as, first of all, being based upon the rights against  
7 self-incrimination of Mr Sesay, that he was offered an inducement  
8 to speak to the Office of the Prosecutor. That, under many  
9 national jurisprudence, would invalidate the confession of an  
12:10:32 10 accused.

11 MR CHEKERA: Madam President.

12 PRESIDING JUDGE: No, no. Before both of you go off  
13 re-arguing a matter that has been settled in a previous decision,  
14 we are now at a stage where all we are considering is whether  
12:10:46 15 pages 39 and 40 could properly be put to the witness. Judge  
16 Lussick has expressed the view of the Bench that they cannot. He  
17 has given the reasons.

18 Now, really, I do not wish to relitigate the issues  
19 litigated in the previous Defence motion whose decision was  
12:11:07 20 issued yesterday. You know that that was a majority decision,  
21 but that was the decision of the Trial Chamber.

22 MR CHEKERA: Madam President, that was precisely my point.  
23 I stood up to object to any further submissions by learned  
24 counsel opposite on the issue because, as far as we are  
12:11:28 25 concerned, the matter is *cadit quaestio*. Your Honours have made  
26 the decision on it and if counsel is aggrieved, he knows what to  
27 do.

28 PRESIDING JUDGE: Very well. And, Mr Koumjian, if the  
29 Prosecution wishes to appeal, of course you can appeal on

1 whatever issues you are dissatisfied with.

2 MR KOUMJIAN: And I didn't mean to show any disrespect to  
3 the Court. It's just that when we go and appeal they'll often  
4 say if you haven't made an argument at the trial stage you're  
12:11:59 5 precluded from making it at the appeal stage. So that's why I  
6 wanted to put our argument on the record.

7 PRESIDING JUDGE: Yes. You are alluding to the final  
8 appeal, isn't it?

9 MR KOUMJIAN: No. I think also on interlocutory appeals.  
12:12:09 10 The party cannot make a new ground of appeal - new arguments on  
11 appeal, is my understanding, that they did not make before the  
12 Trial Chamber.

13 PRESIDING JUDGE: Well, I don't wish to be misunderstood.  
14 When I said if the Prosecution wishes to appeal, of course you  
12:12:22 15 can appeal, that is not to be taken as leave to appeal on an  
16 interlocutory motion, no. I was just stating a fact that I  
17 haven't said anything to stop you going ahead, pursuing any  
18 appeals that you may want to appeal.

19 MR CHEKERA: Madam President, in light of the submissions  
12:12:43 20 by learned counsel we reserve our right to make necessary  
21 arguments at the appropriate time.

22 PRESIDING JUDGE: Please continue.

23 MR KOUMJIAN: Could the witness be shown the testimony of  
24 12 March 2010, page 37204.

12:13:41 25 Q. Mr Sesay, I want to see if you will agree with what a  
26 witness said on 12 March this year, a Defence witness, DCT-068.  
27 Line 4, he said:

28 "If you are heading a country, maybe as a President or Head  
29 of State, the resources of that country belongs to the country

1 and the people. So if you have power, the resources of any  
2 country, those in power, they control the resources because they  
3 negotiate who and who should come to work those resources."

12:14:24 4 Do you agree with that, Mr Sesay? That those in power  
5 control the resources of the country?

6 A. Well, when you are in governance you control the people and  
7 the resources. But what was happening in the RUF  
8 from February 2000, the mining was controlled by the RUF and the  
9 civilians because when we mine, the gravel would be divided into  
12:14:57 10 two piles. The civilian pile, that is the miners, when it is  
11 washed, they will sell the proceeds to whoever they want. They  
12 too were part of controlling the economy or the minerals.

13 Q. So, Mr Sesay, we've read to you that in 2005, just a  
14 few years after you were interim leader, Sierra Leone exported  
12:15:26 15 \$120 million worth of rough diamonds. Why can't you account for  
16 the diamonds during the time that you were the interim leader?

17 A. Well, because this sort of money that they are talking  
18 about here is false. It's false that the RUF was getting such  
19 diamonds. The whole thing is just an exaggeration. Mr Lawyer,  
12:16:00 20 you were not there in the RUF, but the whole thing there is an  
21 exaggeration. I - the film maker, Rebecca, when she was  
22 interviewing the people in order to make that film, she told my  
23 lawyers that she wanted to know where my parents were. I said  
24 let them take her to my father. She went to my father and my  
12:16:24 25 other family members in Lungi. When Rebecca saw my father, when  
26 she came back she asked me - she was in the office, we spoke on  
27 the telephone and she said, "Is that your real father?" And I  
28 said, "Yes, that's my father. And that was where he's been  
29 living, where you met him." I wouldn't be controlling such money

1 and my own father living in complete poverty. These are just  
2 exaggerations. They are just exaggerating. Even now, I am in  
3 prison, only friends are helping me to pay my children's school  
4 fees. I have nothing.

12:17:00 5 Q. Mr Sesay, I'm not saying you have something. I'm saying in  
6 2000, 2001, you did take the diamonds to your father, your Papay,  
7 Charles Taylor, and he wasn't living in poverty, was he?

8 A. I said I was not taking diamonds to Charles Taylor. The  
9 diamonds that were given to me, I was selling them on behalf of  
12:17:24 10 the RUF to utilise it for the RUF medication, their feeding and  
11 other programmes, all on behalf of the RUF that led to the  
12 transformation of the RUF. We rented a party office in Kenema,  
13 Makeni, and even the office that was given to us in Freetown, I  
14 had to provide money for the office to be refurbished. It was  
12:17:52 15 refurbished and I provided money to buy furniture.

16 Q. How much money did you receive for the diamonds when you  
17 were interim leader? I'm going to ask you one more time. Can  
18 you tell the Court, give an estimate?

19 A. Well, I have told you the bulk money that I received when I  
12:18:15 20 sold diamonds. The first one was \$95,000 that I received.

21 Ibrahim Bah kept the \$60,000 for himself. The second one was  
22 \$135,000. These are the bulk monies that I received from mining,  
23 when Gibriil Massaquoi and other people took the \$60,000 when I  
24 had told them to rent a party office in Freetown. So who

12:18:44 25 wouldn't see such monies and not be able to organise our own  
26 party? Now the party's there and it has no money. It has  
27 nothing. Those of us who were commanders have nothing. So the  
28 whole thing here is a propaganda, and it is SLPP which was fond  
29 of propaganda about this mining. They just exaggerated the whole

1 thing. This is mere exaggeration and propaganda about this  
2 mining.

3 Q. Mr Sesay, I'm going to move back to your crimes, and we'll  
4 come to this. I'm just trying to find a point in my notes, your  
12:19:39 5 Honours. Just one minute.

6 Okay, if the witness could be shown the testimony of the  
7 1st of June 2010, page 41825.

8 Sir, going to about page - line 15 approximately, line 17 -  
9 this is from a Defence witness in this case. The witness was  
12:20:45 10 asked:

11 "Q. And not only was Jande executed"  
12 - being asked about Giehun in Luawa Chiefdom -  
13 "But all the people from her village, the civilians were  
14 executed."

12:20:58 15 And the witness answered:

16 "A. Not all, because had it been all then nobody would be  
17 at Giehun now. The people that were there, yes, most,  
18 most. The highest number was executed from that village  
19 that you were talking about, my Lord.

12:21:12 20 Q. And it was Sam Bockarie and Issa Sesay who  
21 carried out - who principally carried out these executions,  
22 correct."

23 And the Defence witness answered:

24 "A. You're right, my Lord."

12:21:26 25 And then if we look at another Defence witness,  
26 19 April 2010, page 39260. If we go towards the bottom of the  
27 page, line 22:

28 "Q. And in fact in that incident in Luawa Chiefdom in  
29 Giehun you told us about 350 people were killed, isn't that

1 right

2 A. About that, yes."

3 And then the witness was asked - again, this is a Defence  
4 witness:

12:22:23 5 "Q. And the biggest killers organising that massacre were  
6 Sam Bockarie and Issa Sesay, correct?

7 A. Yes."

8 Mr Sesay, the reason that Defence witnesses come here and  
9 identify you as being one of those principally responsible for  
10 Gi ehun massacre is because you were responsible, isn't that true?

11 A. No, Mr Lawyer, it's wrong. Had I been responsible, the  
12 Prosecutor would have been able to get people from Gi ehun to  
13 prosecute me in that respect. Instead, the people of Gi ehun,  
14 three of them - three, the oldest man in my Defence case was from  
15 Gi ehun. The oldest man. He was a relative to Jande, Jande's

16 younger brother, whose name I wrote here, he came and testified  
17 on my behalf. And another young man from the town also came and  
18 testified on my behalf. So if I, Issa, was involved in the  
19 killing of those people from Gi ehun, believe you me, those people  
20 wouldn't have abandoned their business and come to Freetown and  
21 the safe house for three weeks to testify on my behalf. They  
22 don't have absolutely anything to benefit from it. They wouldn't  
23 have done it.

24 Q. Mr Sesay, you weren't confronted with that crime in your  
12:23:53 25 trial because it's beyond the jurisdiction of the Court. You  
26 weren't charged with it. It happened long before 1996. Gi ehun  
27 happened when, sir, 1992?

28 A. 1993. 1993. But they brought evidence against me about  
29 1992 and 1993. They did not bring such evidence against me about

1 the killing of Jande and the Giehun people. And even Jande, her  
2 own sister, Jamba Goba, made a statement for me, but my lawyer  
3 did not call her. If I killed Jamba Goba's sister, that was  
4 including the killing in Giehun, then Jamba wouldn't have made a  
12:24:46 5 statement in my case. She wouldn't have done it. And I did not  
6 have any influence over the people of Kailahun. They arrest me  
7 in 2003 - they arrested me in 2003, and those three people came  
8 and spoke on my behalf in 2008. So they have nothing to gain  
9 from me.

12:25:08 10 Q. Mr Sesay?

11 A. Yes, sir, my Lord.

12 Q. Mr Sesay, let's look at some more evidence from Defences  
13 witnesses in this case. 2nd June 2010, page 41989. Line 9, the  
14 witness was asked:

12:25:47 15 "Q. Can you explain what you know that led you to that  
16 conclusion, that Issa Sesay is even more ruthless than  
17 Sam Bockarie?

18 A. I will start from Issa Sesay. Issa Sesay, my Lord,  
19 there was nobody in the Revolutionary United Front, that is  
12:26:04 20 an elderly man, that was not flogged by this young man.

21 Issa Sesay took himself and shot somebody, who is  
22 Sylvester, right now in Kono. He never investigated  
23 anything. Issa Sesay never disclosed to us what was the  
24 capital that he received for the RUF. Issa Sesay was a  
12:26:27 25 sort of man, he will listen to you but he will not  
26 implement what you are saying."

27 The witness was asked what he meant by capital, and he  
28 said:

29 "Like what he collected. All the diamonds he collected in

1 Kono and the other properties that he said that he was going to  
2 give to the leader when he's released. And he was not respecting  
3 anybody. For killing, he does it at any time. That was why I'm  
4 saying that he was worse, maybe - because maybe the ones that  
12:26:56 5 Bockarie did, I don't know where he got - still I'm saying where  
6 he got his directive from. So with that, I can say he was more  
7 ruthless."

8 Mr Sesay, even the Defence witnesses in this case recognise  
9 that you were ruthless. That's how you got into your position as  
12:27:21 10 Sam Bockarie's deputy, isn't that true?

11 A. No, that's not it. Because some of the Defence witnesses  
12 were not within the RUF in '97, '98. Some of them came back in  
13 '99, like Fayia Musa, I've explained the reason why he said that  
14 against me. And if someone said I was more ruthless than  
12:27:46 15 Sam Bockarie, but even in the trial that I was faced with, you,  
16 the Prosecutor, you, yourself, knew that Bockarie did worse  
17 things and that cannot be compared to Issa. So if someone said  
18 that about me, then that could be his personal opinion. But I am  
19 saying that most of the RUF members today look at Issa to be an

12:28:09 20 ugly, person because Issa disarmed them and the RUF did not  
21 achieve anything, and the disarmament that I urged the RUF to do,  
22 the RUF went against me for that. And even in the case against  
23 me, they made it clear against me before Trial Chamber I, when my  
24 lawyer asked they said, "You said this man destroyed the RUF.  
12:28:34 25 How did he do that?" They said, "He disarmed us and he made us  
26 to suffer." So you would not expect them to say good things  
27 about Issa. But if you watched the reality on the ground, the  
28 witnesses from Kailahun, 90 per cent of them were civilians. So,  
29 as I am serving my jail sentence in Rwanda today, people go to

1 mosque and churches, they offer prayers for me. So had I been a  
2 ruthless man I don't think civilians would be remembering me in  
3 their prayers, no.

4 Q. Mr Sesay, would you like me to read from some of the  
12:29:19 5 judgement of the Trial Chamber in your case? You've talked a lot  
6 about your case. Would you like me to read some of the findings  
7 to you?

8 A. Yes.

9 Q. 1141. I do not believe I have these available to  
12:29:41 10 distribute, your Honours, but if it's okay I'll read:

11 "The day after the capture of Koidu Johnny Paul Koroma,  
12 Superman, TF1-366, Sesay, Kallon and other RUF commanders  
13 assembled a meeting at Kimberlite. Johnny Paul Koroma addressed  
14 the commanders and ordered that all houses in Koidu Town should  
12:30:06 15 be burnt to the ground so that no civilian would be able to  
16 settle there as the civilians were not supporters of the junta."

17 JUDGE LUSSICK: Mr Koumjian, you're going a bit fast for  
18 the court reporter. You are being asked to slow down.

19 MR KOUMJIAN:

12:30:21 20 Q. "Sesay reiterated this message." Should I go back a  
21 sentence perhaps:

22 "Johnny Paul Koroma addressed the commanders and ordered  
23 that all houses in Koidu Town should be burnt to the ground so  
24 that no civilian would be able to settle there, as the civilians  
12:30:39 25 were not supporters of the junta. Sesay reiterated this message,  
26 saying that the civilians had proved to be traitors and that  
27 they should not be tolerated."

28 The next paragraph, 1142:

29 "Immediately after the meeting AFRC/RUF members started

1 carrying out this order, driving out civilians and burning down  
2 houses, saying that they did not want to see any civilians. The  
3 rebels burnt the whole of Koidu and looted civilian property."

4 Then going to paragraph 2084:

12:31:19 5 "After the successful attack on Koidu Town, Sesay organised  
6 an integrated AFRC/RUF command structure in Koidu Town. Sesay  
7 appointed Superman overall commander in Kono District and Kallon  
8 served as his deputy. At a meeting with Johnny Paul Koroma,  
9 organised by Sesay prior to his departure from Koidu Town.

12:31:48 10 Koroma instructed the combined AFRC/RUF fighters that they should  
11 kill civilians and burn civilian houses. Sesay endorsed these  
12 instructions and, in his own directions to the fighters, told  
13 them that Koidu Town should be made a civilian-free area, meaning  
14 that civilians should be killed and that civilian houses should  
12:32:12 15 be burnt because the civilians were traitors. These orders were  
16 carried out."

17 So, Mr Sesay, this was the findings after your trial -  
18 after hearing all of the witnesses for and against you; isn't  
19 that correct?

12:32:28 20 A. Yes, that was the judgement of the Trial Chamber that I  
21 have no reason to criticise or challenge. But what I am saying  
22 and what was the actual thing that obtained on the ground, like  
23 the meeting that they are talking about that I appointed Superman  
24 and Morris Kallon, by then we had left for Kailahun. Because  
12:32:58 25 even when you brought the last witness in your case, 371, and 371  
26 was a senior member for me in the RUF, he attended that meeting,  
27 and 371 did not say any of these things. These things were only  
28 being said by disgruntled RUF members who wanted to see Issa die  
29 and rot in prison. They explained that. So for me, if the Trial

1 Chamber had given their decision, I have nothing to say about  
2 that and I wouldn't want to criticise that.

3 Q. Mr Sesay, moving on a bit. Do you know Michael Delapo - I  
4 may be pronouncing it wrong - a man who was shot in the back, an  
12:33:41 5 RUF fighter.

6 A. I know Michael Delapo. He was a vanguard.

7 Q. And he was killed, supposedly, in an operation. Is that  
8 right?

9 A. Well, I was at the Koindu border, that's the border towards  
12:34:12 10 Liberia, in early 1994 when I heard that they left Giema, they  
11 went and attacked the soldiers at Siama. That was where he died.  
12 That is five miles away from Pendembu. They said it was during  
13 that attack that he died. But I think Sylvester Miller was the  
14 overall commander by then at Giema.

12:34:40 15 MR KOUMJIAN: If the witness could be shown the transcript  
16 of 31 March 2010.

17 Q. I'm going to go to page 38367, but just to give you a  
18 background from two pages above, the Defence witness in this case  
19 said that Michael Delapo had been shot at the back and then he  
12:35:02 20 said it happened to another comrade, one bodyguard of Mr Sankoh.

21 That's on 38365, lines 1 through 6. Then going to page 38367, if  
22 that could be displayed, 31 March 2010. The Defence witness was  
23 talking about the fact that in the RUF frequently when someone -  
24 when the commanders decided to get rid of someone, he would be  
12:35:33 25 killed in an operation and it would be made to look like he fell  
26 to enemy fire. You know about that, don't you, Mr Sesay?

27 A. Well, I did not know about that because I never did that.

28 Q. You never heard of that happening in the RUF?

29 A. I said I did not hear that because I did not do that. I

1 never did it. And I did not know that when RUF member wanted to  
2 kill a colleague they would go to battlefield and then decide to  
3 shoot him in the back. I did not hear that.

4 Q. This witness is one of your fellow vanguards. On

12:36:16 5 page 38367 he talks about this practice. And he says, just to  
6 shorten things, on about line 17 or so - if we move down the  
7 page, line 15:

8 "So it later occurred to us that some of Issa's bodyguards  
9 were telling their comrades to kill commanders in front of them."

12:36:52 10 That was happening, wasn't it? When you wanted to get rid  
11 of someone who was a vanguard or respected in the RUF, they would  
12 be made to look as if they died in an operation, that they died  
13 from enemy fire. That was a common tactic, wasn't it?

14 A. I said I don't know about that. Because like for the name  
12:37:18 15 that you have referred to, Michael Delapo. When Michael Delapo  
16 died, by then I was in Koindu. I was not in Giema and I was not  
17 a commander in Giema. I did not even know about the attack, I  
18 only heard it.

19 PRESIDING JUDGE: Mr Sesay, did you not say or in your  
12:37:33 20 testimony in chief that Foday Sankoh sent certain renegade  
21 commanders in the RUF to the front line in order for them to die,  
22 saying, "You are here but you should be in the front line because  
23 you're not cooperative." Didn't you say that Foday Sankoh used  
24 to do this; that if Foday Sankoh was not happy with a commander,  
12:38:01 25 he would actually send him to the front line to die?

26 THE WITNESS: Well, my Lord, the one that I meant is that  
27 after the arrest of Rashid, Mr Sankoh had evidence when Rashid  
28 confessed. Those whose names were called, Mr Sankoh sent them to  
29 the front line for them to be executed. They never used to go to

1 the front line to stay with the fighters. He sent them to the  
2 various front lines for them to be killed. That was what I  
3 meant.

12:38:34 4 PRESIDING JUDGE: So when you say "to the front line to be  
5 executed", what exactly do you mean?

6 THE WITNESS: When they went to the front line and met the  
7 front line soldiers, the commanders at the front lines, Mr Sankoh  
8 would have given orders to the people, the MPs, to kill them.  
9 They would shoot him with a gun and he would be executed. But  
12:38:56 10 it's not to say that he would go and live with the fighters and  
11 during attacks he would be killed. No. This is the last order  
12 from the leader. So he would send the people to the front line  
13 to be executed. So when they went to the front lines they would  
14 be killed there.

12:39:07 15 PRESIDING JUDGE: Yes, but why would they need to be sent  
16 to the front line if it was not for the intention of disguising  
17 the execution? Why was it necessary for them to be executed at  
18 the front line rather than anywhere else?

19 THE WITNESS: Well, what I understood as being the reason  
12:39:30 20 why Mr Sankoh did that, at this time Mr Sankoh had been pushed to  
21 the corner by the war. So he would want to prove that the  
22 battlefield soldiers were part of the decision of the RUF because  
23 they were doing the fighting. So if any officer or commander  
24 betrayed the RUF he would send you to the --

12:39:47 25 PRESIDING JUDGE: I can't even hear what you are saying at  
26 the speed at which you're talking. Start again. I asked you why  
27 was it necessary to have them executed at the front line rather  
28 than anywhere else. Now start again your explanation, please,  
29 slowly.

1 THE WITNESS: My Lord, I said what I understood as being  
2 the reason why Mr Sankoh gave that order by sending those people  
3 to the front line, Mr Sankoh said if any officer or commander  
4 connived against his leadership, the battlefront soldiers who  
12:40:23 5 were suffering at the battlefront and they were fighting the war,  
6 he should go and die in their hands. That was the reason why he  
7 was sending them to the battlefront.

8 PRESIDING JUDGE: Yes, but why? It doesn't make sense to  
9 me. Why wouldn't these renegade commanders just be executed by  
12:40:40 10 Sankoh anywhere else? Why did it have to be at the front line?

11 THE WITNESS: Well, my Lord, that was what happened in  
12 1993. In late 1993. And I did not ask Mr Sankoh the reason why  
13 he was doing that. I did not have the power to do that.

14 PRESIDING JUDGE: Thank you, Mr Koumjian. Continue.

12:41:02 15 MR KOUMJIAN:

16 Q. Going back to page 38367, the bottom lines. The Defence  
17 witness went on, the second to last line, the sentence begins:

18 "So I too started getting information from commanders that  
19 were undertaking operations that Issa's own bodyguards were  
12:41:29 20 telling them to keep their brothers on the back because our  
21 master have told us to shoot him from the back."

22 Mr Sesay, first of all, who in the RUF was called "Master"?

23 A. Yes, sir. I am ready to answer all your questions, but I  
24 would want you to help me with the name of this Defence witness,  
12:41:53 25 please, sir.

26 Q. Sir, my question is: Who in the RUF was called "Master"?

27 A. Well, Master was a general name that was given to  
28 vanguards. We used to call one another Master, Master. It was  
29 not a name specifically for a particular person, for one or two

1 men. It was a general name. Some of these allegations, like for  
2 the Defence witness that said I shot Sylvester, he should be in  
3 Kono now as I am talking here. Sylvester was a Prosecution  
4 witness. So had I shot Sylvester, why whilst he was talking in  
12:42:35 5 the Prosecution case he did not say that? But as far as I know,  
6 Sylvester never incurred a bullet wound because he's still in  
7 Kono. So that is the reason why I'm saying as the Defence  
8 witnesses are saying Issa, Issa, Issa, because for some of the  
9 people that I understood came to serve as Defence witnesses, some  
12:42:55 10 of them - in late 1993 I was together with them in Pumudu. Like  
11 Faya Musa, Kposowa. And in early '94 Kposowa went to Zogoda and  
12 since then he never met with Issa until at the time he and Sankoh  
13 met me in Abidjan. And from early 1994 Kposowa and I, besides  
14 Abidjan, he never came back to the RUF until October of 1999 when  
12:43:32 15 there was no longer a war in Sierra Leone. That was the time he  
16 came. And in the case of Faya Musa, since December of 1994 they  
17 went to Ivory Coast, they only returned and met me in Giema in  
18 '95 and they passed through and went to Zogoda and they came  
19 back, I escorted them to the Moa River and they crossed into  
12:43:58 20 Guinea.

21 PRESIDING JUDGE: Mr Sesay, I'm going to stop you. The  
22 question asked of you, half page ago, was: "Who in the RUF was  
23 referred to as Master?" Now, this long story you're telling us,  
24 what does it have to do with the answer or the question that you  
12:44:14 25 were asked?

26 THE WITNESS: My Lord, I have answered the question. I  
27 have answered the question, ma'am. I said it was a general name  
28 given to all vanguards. We used to call one another Master. But  
29 I asked the lawyer about the Defence witness because these are

1 direct allegations against me and the Defence witness is saying  
2 that I shot Sylvester. This Defence witness said my bodyguards  
3 used to tell him that at any time they went to an attack my  
4 bodyguards will say they should shoot someone in the back. So  
12:44:45 5 this is a direct allegation against me. That is the reason why  
6 I'm saying - I am asking for the name of the Defence witness so  
7 that I will be able to tell exactly where I was or where that  
8 Defence witness was at that particular time, just for him to come  
9 up with such a story against me.

12:45:01 10 PRESIDING JUDGE: Mr Koumjian, please continue.

11 MR KOUMJIAN:

12 Q. Mr Sesay, the masters in the RUF - the two people that were  
13 called Master were you and Sam Bockarie. That's the evidence  
14 we've heard from other witnesses and that's true, isn't it?

12:45:17 15 A. No, I disagree. Almost every commander was referred to as  
16 Master. It was a general name.

17 Q. Sir, the RUF propaganda was "no master, no slave". Isn't  
18 that right?

19 A. No, I did not hear about that.

12:45:35 20 Q. You never heard Foday Sankoh or anyone in the RUF use the  
21 expression "no master, no slave"?

22 A. No, I never heard that in the RUF.

23 Q. I want to talk to you about what happens with diamonds and  
24 people working with diamonds. Sir, the RUF diamonds were - in  
12:46:00 25 the RUF the diamonds were government property, is that right?

26 A. Well, in '98 when the RUF was engaged in small-scale mining  
27 it was - there was only an RUF mining unit, and also part of '99.  
28 The RUF never allowed - Bockarie never allowed for a separate  
29 mining. So it was only the mining that went on under Kennedy in

1 '98 and '99. He was the only one that was engaged in mining.

2 Q. Maybe you don't understand my question. In the RUF,  
3 diamonds were considered government property. Fighters and  
4 civilians were not allowed to possess diamonds, they were  
12:46:52 5 supposed to be turned over to the commander - turned over to the  
6 high command. Isn't that true?

7 A. No, no, no. That's a lie. Because RUF was mining  
8 from February 2000 to the disarmament. We were doing a two-pile  
9 system during the mining. So what belonged to the civilians -  
12:47:14 10 what they got in their gravel, they would go and sell it to the  
11 Maraka people at Kokui ma. And some even travelled to Freetown  
12 with their diamonds. Some would travel to Kenema, they would go  
13 and sell it there. And it was not a secret.

14 Q. In fact, if anyone was caught with a diamond they would be  
12:47:34 15 lucky if they were only flogged and if they were unlucky they  
16 were killed. Isn't that true?

17 A. No. I disagree with that, because there were so many  
18 diamond buyers at Kokui ma. It was not a secret. The diamond  
19 dealers were at Kokui ma. It was not a secret. They used to buy  
12:48:01 20 diamonds from the civilians and fighters.

21 Q. I am going to go to the transcript of 23 January 2008,  
22 page 2040. It's a transcript of Abu Kei ta. 23 January 2008,  
23 2040. Let's start about the middle of the page. Line 16. He  
24 was asked about instances where he saw anyone punished for  
12:48:57 25 breaking RUF rules about possession of diamonds. And he  
26 answered:

27 "A. The first one, it was the bodyguard that was assigned  
28 to me who was RUF. He was caught to have stolen a diamond  
29 and sold it to a Fullah man in Kono for \$5,000. And he - I

1 was arrested by Issa Sesay and Morris Kallon. They called  
2 the boy devil, devil, that was the name, and he was beaten  
3 in Small Lebanon until he proved that he sold the diamond."

4 And going down the page second-to-last line, he said this  
12:49:34 5 was in 2000. And on the next line - next page, at line 7, I  
6 believe, he said:

7 "A. Yes. When they caught the boy with the money from  
8 where he sold the diamonds, Issa Sesay, Morris Kallon and  
9 Gbao, they did the investigation. They called the MP, who  
12:49:57 10 was one Eddie Bockarie in Kono, and when they did the  
11 investigation they realised that I was not involved at all  
12 in the transaction of the diamond and that the boy never  
13 had wanted to say the truth. So he was beaten seriously  
14 and hanged on a mango tree in Small Lebanon in Issa Sesay's  
12:50:17 15 compound until he confessed that, yes, he sold the diamond,  
16 \$5,000, to one Fullah man from Bo, and then he said he had  
17 the money and he was asked to bring the money."

18 And then going to the next page, line 3:

19 "A. Well, because they asked him and he started denying,  
12:50:43 20 but when they tortured him, they beat him seriously and  
21 hang him up on a mango tree, he accepted that, yes.

22 Q. How did they torture him?

23 A. Well, when I said they tortured him, they hang him out,  
24 because in Issa Sesay's yard there was a mango tree. They  
12:51:04 25 tied his hands and he was beaten. So when I say tortured,  
26 that was the torture.

27 Q. What was he beaten with?

28 A. Rubber. They call it cobra. It's a rubber that is  
29 normally got from car tyres.

1 Q. How many men were beating your bodyguard?

2 A. There were two men."

3 Then he was asked about another incident, and he said:

4 "A. The other incident was one Kono boy in Koakoyima. He  
12:51:33 5 was working for Morris Kallon. They said he stole a  
6 diamond and so Morris Kallon arrested him and then he asked  
7 the boy. The boy refused to answer. And then he was  
8 hanged on the mango tree. He was beaten to death in Kono,  
9 in Small Lebanon. That was a second incident I know  
12:51:52 10 about."

11 Mr Sesay, people were regularly beaten if it was - they  
12 were suspected of taking diamonds in Kono; isn't that true?

13 A. That is not true. At this time, I and Keita went to Kono  
14 in February of 2000. At this time, transport vehicles were  
12:52:17 15 running from Makeni to Kono. Fuel tanks will come from Freetown  
16 to Kono and sell fuel to civilians. I mean, the atmosphere in  
17 civilian - in Kono was nice, there was no harassment of  
18 civilians, and the mining was a two-pile system and I used to  
19 hang out with Keita, keep company with him. Keita's bodyguard  
12:52:45 20 was never beaten at my house. That never happened. Kono was a  
21 free place. People used to come in and leave. The diamond  
22 dealers used to come, they'd buy their diamond and leave. So --

23 Q. Mr Sesay, do you know of anyone who was beaten by the RUF  
24 for having a diamond?

12:53:04 25 A. No. I don't know about people being beaten in 2000 while  
26 I was supervising the mining. When I went and based in Kono.

27 Q. Mr Sesay, listen to the question. I didn't say in 2000. I  
28 said, "Do you know of anyone who was beaten by the RUF for  
29 possession of a diamond?" Answer the question, please.

1 A. No. The only incident that I heard of was when Kennedy  
2 said he lost diamonds, and he was the mining commander in 1999.  
3 So Sam Bockarie said the overall MP commander, Kaisaku, should  
4 come and set up a board of investigation. And when Kennedy was  
12:53:56 5 investigated, the MP - when the MP sets the board of  
6 investigation with the joint security, the overall MP commander  
7 came and they prepared a report through the commander in Kono, by  
8 then Peter Vandi, to Sam Bockarie. And that document --

9 Q. Mr Sesay --

12:54:17 10 A. That document was --

11 Q. Mr Sesay, we want to finish your evidence so you have to  
12 answer the question. The questions were: Did you know of anyone  
13 who was beaten by the RUF for possession of a diamond? Are you  
14 saying Kennedy was beaten by the RUF for possession of a diamond?

12:54:34 15 A. Well, I heard that he was arrested. He sent a message to  
16 Bockarie that he lost diamonds that had been mined and handed  
17 over to him.

18 Q. Mr Sesay, answer the question. The question was: Do you  
19 know of anyone who was beaten? Yes or no?

12:54:53 20 A. No. I did not know about beating. I only knew about  
21 arrests.

22 Q. Do you know of anyone who was killed by the RUF for  
23 possessing a diamond?

24 A. No, I don't know that.

12:55:07 25 Q. Mr Sesay, do you know about children being trained for -  
26 trained as soldiers by the RUF?

27 A. Yes. Some children who were at the RUF base, like in  
28 Kailahun, people who used to go for training, they used to go  
29 with their younger brothers.

1 Q. Explain that --

2 A. In '91. I said in '91, when some people were going to be  
3 trained in Kailahun, like in Pendembu or Kailahun Town, they used  
4 to go with their younger brothers because in 1991 the people of  
12:55:47 5 Kailahun came in large numbers to join the RUF upon the meetings  
6 that had been held with them by Mr Sankoh. That is the people of  
7 Kailahun.

8 Q. Mr Sesay, let's look at the testimony of a witness in this  
9 case from 20 October 2008, page 18672.

12:56:24 10 While we're waiting for that, are you acknowledging,  
11 Mr Sesay, that children were trained in 1991, trained for combat?

12 A. I said they used to go to the base. Their elder brothers  
13 would take them with them to the base, but the children did not  
14 take any active part in combat, and they were not being trained  
12:56:53 15 the way the adults were being trained. So if you went to the  
16 base and got training at - they were trained like how to escape  
17 bullets, how to conceal from explosions, like grenades, and if  
18 their brothers were going to the battlefield, some took their  
19 younger brothers with them. But to say that they took active  
12:57:24 20 part at the battlefield, like the way the adults were engaged in  
21 fighting the war, no. But some of them went with their elder  
22 brothers to the battlefield.

23 Q. And did the elder brothers bring their mothers also and  
24 grandmothers with them to the battlefield?

12:57:43 25 A. Well, how would you expect a fighter to take their  
26 grandmothers with them to battlefield, old grandmothers? No,  
27 they did not go with them.

28 Q. Let's look at the testimony from 20 October 2008,  
29 page 18672.

1           PRESIDING JUDGE: Yes. But before we do that, Mr Sesay,  
2 you ask a very good question: Why would a fighter take his or  
3 her grandmother with him to the front line? In the same vein, I  
4 would ask you: Why would a fighter take a young child to the  
12:58:19 5 front line? Why would they?

6           THE WITNESS: Well, my Lord, old people would not be able  
7 to walk to go to the front line, but if a young boy of 13 or  
8 14 years of age would be able to walk to the front line, but the  
9 old people would not be able to walk to the front line.

12:58:46 10           PRESIDING JUDGE: Yes. But why would you - why on God's  
11 good earth would you want to expose your son or your nephew or  
12 your niece who is underage to the dangers of the front line? Why  
13 would you want to do that?

14           THE WITNESS: Well, my Lord, that used to happen. I don't  
12:59:08 15 disagree with that, that it used to happen. It used to happen.

16           PRESIDING JUDGE: I'm interested to know why the RUF would  
17 do this. Why?

18           THE WITNESS: Well, my Lord, at the time the RUF came to  
19 Kailahun, the people of Kailahun were not forced to join the RUF.  
12:59:30 20 The people were willing to join the RUF. And when they joined  
21 the RUF, they used to go with their brothers to the battlefield.  
22 And at that time, I was a junior man also. I wouldn't have been  
23 able to stop anyone. I was also under command.

24           PRESIDING JUDGE: But you, being in a position of  
12:59:50 25 leadership at the RUF and knowing the dangers of a front line and  
26 the seriousness of affairs at the front line, why would you  
27 authorise these young people, these underaged people, to be  
28 brought to the front line? Why didn't you say to the civilians  
29 and other people who didn't appreciate those dangers, "No, you

1 cannot bring these underage people to the front line"? You were  
2 a person in command. Why didn't you do that?

3 THE WITNESS: Well, my Lord, for example, at the time I was  
4 in Giema in 1994 to 1995, the children did not take part in  
13:00:36 5 attacks. They did not take part. But, for example, if a target  
6 commander at Boubu Gao had a zoebush where his wife was living  
7 together with his family members, my Lord, his brother will go  
8 and live at the front line with him whilst I was in Giema,  
9 unknowingly to me.

13:01:06 10 PRESIDING JUDGE: What does the Zoebush have to do with the  
11 front line?

12 THE WITNESS: Well, at this time, the areas were so tight  
13 to the extent that the zoebushes and the front lines were like  
14 almost the same. And orders were not given to fighters  
13:01:33 15 forcefully to take their brothers to the battlefield.

16 PRESIDING JUDGE: Yes. But neither were orders given for  
17 them not to take their brothers, and that was my point.

18 But in any event, Mr Koumjian, I do apologise for  
19 intervening. I thought this was an important point. It does go  
13:01:50 20 to some of the aspects of the indictment. You do realise it's  
21 1 o'clock, and I think we'll continue where - from this point on,  
22 on Monday.

23 Mr Sesay, until then, you are not to discuss your evidence.

24 The Court is adjourned to Monday, 9 o'clock.

13:02:11 25 [Whereupon the hearing adjourned at 1.03 p.m.  
26 to be reconvened on Monday, 16 August 2010 at  
27 9.00 a.m.]

28  
29

**I N D E X**

**WITNESSES FOR THE DEFENCE:**

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