



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

MONDAY, 16 AUGUST 2010
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

Justice Julia Sebutinde, Presiding
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
Ms Kathryn Howarth
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Silas Chekera
Ms Logan Hambriick
Ms Elizabeth Espinosa

1 Monday, 16 August 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.01 a.m.]

09:01:54 5 PRESIDING JUDGE: Good morning. We will proceed, pursuant
6 to Rule 16, in the absence of Justice Lussick. And a formal
7 decision is issued today. It will be published sometime this
8 morning.

9 We will take appearances first, please.

09:02:17 10 MR KOUMJIAN: Good morning, Madam President. Good morning,
11 your Honours and counsel opposite. For the Prosecution this
12 morning, Kathryn Howarth, Maja Dimitrova, Gil Shefer and Nicholas
13 Koumjian.

14 MR CHEKERA: Good morning, Madam President, your Honours
09:02:36 15 and counsel opposite. For the Defence, myself Silas Chekera and
16 Elizabeth Espinosa.

17 PRESIDING JUDGE: Thank you.

18 Mr Sesay, good morning. As usual, I remind you of the
19 binding oath that you took to tell the truth.

09:02:49 20 Mr Koumjian, please continue

21 WITNESS: DCT-172 [On former oath]

22 CROSS-EXAMINATION BY MY KOUMJIAN: [Continued]

23 Q. Good morning, Mr Sesay.

24 A. Yes, good morning, sir.

09:03:05 25 Q. Sir, when we broke off on Friday you were explaining to the
26 Presiding Judge why RUF fighters would bring their little
27 brothers to the front line and to training camps but would not
28 bring their mothers or grandmothers. And you said something, I
29 just want you to explain, and this is on the last page from

1 Friday, page 46279. You said:

2 "Well, my Lord, for example, at the time I was in Giema in
3 '94 to 1995, the children did not take part in attacks. They did
4 not take part. But, for example, if a target commander at Boubu
09:03:52 5 Gao had a zoebush where his wife was living together with his
6 family members, my Lord, his brother will go and live at the
7 front line with him whilst I was at Giema, unknowingly to me."

8 Mr Sesay, how is it that you are able to tell the judges
9 about what happened if it was unknowingly to you?

09:04:19 10 A. No. I knew that some of the children at the age of 15 used
11 to go with their brothers who were at the front line, because at
12 that time the area where the RUF controlled was a very small area
13 in the Kailahun District. So every front line had its own
14 zoebush.

09:04:49 15 Q. Mr Sesay, I just want to understand your position. What
16 you're telling the judges is that those that went to the front
17 line were only 15 and above. Is that what you're saying?

18 A. Yes, because a child below the age of 15 cannot take part
19 in the battle.

09:05:17 20 Q. Mr Sesay, those that went through training at the RUF
21 military training camps, were there persons under 15 going
22 through training?

23 A. Well, those who trained were at the age of 15, and even
24 Mr Sankoh knew about them. But let me say from 1991 to '92, up
09:05:44 25 to '93, the RUF had serious arm constraints so those children who
26 we had trained did not have arms, because when the NPFL withdrew
27 from the Kailahun District, there were very few arms now. And
28 even the adults, most of them did not have arms except when they
29 came to Kono, that is when the RUF came to Kono in '92, that was

1 when the RUF started having arms, those that we captured from the
2 SLAs. But when the NPFL withdrew, because I was on the attack -
3 to attack Sandaru, we got 34 AKs, the entire target.

09:06:41 4 Q. Mr Sesay, I know you don't want this to go on forever, so
5 try to just answer question. The question was: Those who went
6 through training at the RUF military training camp, were there
7 persons under 15 going through training? Yes or no?

8 A. There were some at the age of 14, you see.

09:07:11 9 Q. Mr Sesay, what about child - female children, girls? Were
10 girls going through training with the RUF?

11 A. The RUF - women were being trained, not girls.

12 Q. Mr Sesay, let me read to you from testimony that we heard
13 in this case on 20 October 2008, page 18672, and I am going to
14 start at line 5. The witness said:

09:08:25 15 "A. Well, when we arrived, we passed the night, and the
16 following day CO Issa passed an order that all those who
17 came should go to - should go and train, so we went for the
18 training.

19 Q. Now, who is CO Issa?

09:08:46 20 A. That was the rebel commander.

21 Q. And what group was CO Issa with?

22 A. RUF."

23 And then going down a few lines:

24 "Q. Do you know CO Issa's full name?

09:08:59 25 A. Issa Sesay. That is what I know.

26 Q. You also said that CO Issa passed an order that all who
27 came should go and train, so we went for the training. Who
28 exactly went for training?

29 A. I myself went for the training.

1 Q. And who else?

2 A. And my colleagues, with some middle-aged people."

3 Just so you're clear, Mr Sesay, this is a woman testifying.

4 Then she was asked:

09:09:34 5 "Q. And now earlier when I asked you about this incident
6 when this rape happened, you said you were 10 years old; is
7 that correct?

8 A. Yes.

9 Q. Now, how old were you when you went for training? Do
10 you remember?

11 A. Well, even up to that time, I was not up to 11."

12 Mr Sesay, it's true, isn't it, that children as young as 10
13 years old, even younger, went through training with the RUF?

14 A. No. Children below 10, that is girls, they were not
09:10:14 15 trained. And what you've just said, when they came, CO Issa
16 passed an order, where did they come from? Where did they see
17 Issa? Give details.

18 Q. Mr Sesay, it's common knowledge in Sierra Leone that there
19 were child combatants with the RUF and child combatants around
09:10:43 20 you, armed children; isn't that true?

21 A. Well, like I said, I cannot deny that there were children
22 fighting with the RUF at the age of 15, but from 1994 I was in
23 Kailahun. Up to '97 the RUF was in various areas in Sierra Leone
24 and children were in those different camps like the Zogoda, the
09:11:21 25 Kangari Hills, the Western Jungle, I cannot deny that fact. The
26 only thing is that I did not have control over them but that
27 there were children armed with me fighting. Because from '91 to
28 1997 I was in Kailahun, you see. I did not use children to go
29 and fight at the battlefield.

1 Q. Mr Sesay, in April 2000 you were the battlefield commander
2 of the RUF; correct?

3 A. April 2000, yes, correct.

4 Q. I would like to read some testimony to you but it is in a
09:11:59 5 binder and so perhaps it is best now to distribute the binders.

6 Your Honour, while that is being distributed, I would just
7 like to note that our team did look up the references that were
8 given by the Defence for the proposition put to Mr Sesay that
9 radio operators in this case had testified to direct radio

09:12:55 10 contact between Sam Bockarie, Issa Sesay and Charles Taylor.

11 None of those references, from reading what was given, referred
12 to radio conversations between Charles Taylor and either
13 Sam Bockarie or Issa Sesay.

14 PRESIDING JUDGE: Your comments are noted.

09:13:51 15 Mr Koumjian, we have the folder. What is the reference
16 that you want us to look at?

17 MR KOUMJIAN: Thank you. Tab 41 which should be, I hope, a
18 transcript from 29 March 2006, and I am going to begin on page
19 12.

09:14:15 20 PRESIDING JUDGE: Yes, but you need to mention that this is
21 not the Taylor trial.

22 MR KOUMJIAN: Correct. Thank you very much.

23 PRESIDING JUDGE: I think you should mention what trial it
24 is.

09:14:29 25 MR KOUMJIAN:

26 Q. Mr Sesay, what I am reading is testimony from your trial,
27 29 March 2006. It is the testimony of a witness, TF1-141. I
28 will wait until you have that on the screen. It begins on page
29 12 of that transcript. It is tab 41?

1 MR CHEKERA: Sorry, Mr Koumjian, was that a protected or
2 unprotected witness?

3 MR KOUMJIAN: It is open session but there is certainly a
4 pseudonym for the witness, that is my understanding.

09:15:14 5 PRESIDING JUDGE: Mr Chekera, do you have the text with
6 you?

7 MR KOUMJIAN: Excuse me, let me just double-check, TF1-165
8 is the correct number, I gave the wrong number.

9 Apparently - I am just checking but I believe the witness
09:15:43 10 did go open, so I could give the name to Mr Sesay.

11 PRESIDING JUDGE: Mr Koumjian, I would, if I were you, be
12 very certain that this witness had testified with his identity
13 being revealed.

14 MR KOUMJIAN: We are going to double-check before I mention
09:16:19 15 the name.

16 Q. Mr Sesay, I am sure you will remember the witness when I
17 tell you that he is talking about a meeting with you about
18 Caritas. So on page 12, in the middle of the page, the witness
19 said:

09:16:37 20 "On the second meeting" - your Honour, line 17 - "when I
21 decided to visit Issa in Teko Barracks was on 14 April
22 2000. The purpose of this was that RUF had impeded the
23 operations of Caritas in the territory.

24 Q. In what sense were the operations of Caritas impeded?

09:17:06 25 A. Your Honour, Caritas was concerned on child combatants,
26 demobilising child combatants and they had established a
27 camp in Makeni to receive the children who were combatants.
28 The main purpose of this operation, as I understood it, was
29 after receiving those children they'll make arrangement --

1 they were to make arrangement to transport them to where
2 they came from, particularly after identifying where they
3 had come from. These operations of Caritas started in
4 early March and by 13 April Caritas had identified those
09:17:54 5 children who had been abducted by RUF".
6 Then skipping a few lines. Okay, on the next page, line 6:
7 "Okay, by 13 April Caritas had already identified the child
8 combatant who had been abducted by the RUF from the south
9 and the western part of the country and therefore they were
09:18:17 10 wanting to transport them to Port Loko and subsequent make
11 arrangement of how they would rejoin them with their
12 parents and if in the possible, how to take care of them
13 and give them the life they deserve, a child. So on the
14 13th, therefore, that exercise was stopped by RUF. When it
09:18:38 15 came to my knowledge from the officials of Caritas on the
16 same day of 13th April, I told them we have to wait and
17 consult and talk with RUF. And, therefore, on 14th, I took
18 it upon myself to go and see General Issa in Teko Barracks
19 and discuss with him about the operations of Caritas in RUF
09:19:02 20 territory.
21 Q. Did you get any positive response or any response from
22 General Issa on this meeting?
23 A. Yes, I got response from General Issa. He did indicate
24 his concern as to why their combatants should be taken away
09:19:25 25 from their territory. Therefore, there was need for them
26 really to screen them, to know they're not their combatants
27 who were there, who were being taken away from their
28 territory. That was his concern in as far as that issue of
29 Caritas operations are concerned."

1 Then skipping to page 15, in the middle of the page,

2 Mr Bangura asked:

3 "Q. Mr Witness, you will recall that we have been on the
4 theme of, in terms of Caritas operation, we have been on
09:20:13 5 the theme of RUF impeding a particular venture by Caritas
6 and that was moving the children in their custody from
7 Makeni to Port Loko. And you said that in your meeting
8 with General Sesay that was an issue that you brought up
9 and it was not resolved and so you had this other meeting
09:20:34 10 with other members of the RUF. What was the outcome of the
11 meeting as far as this purpose was be concerned?

12 A. It was not resolved, your Honour.

13 Q. Why was it not resolved?

14 A. RUF did not agree to the movement of child combatants
09:20:56 15 out of Makeni."

16 Mr Sesay, do you recall this witness?

17 A. Yes, I recall this witness when he was testifying.

18 Q. And what he said was true; that the RUF refused to allow
19 children who had been combatants with the RUF to be moved by
09:21:19 20 Caritas from Makeni to Port Loko; is that right?

21 A. Well, it was not Issa because in April 2000 I was not in
22 Makeni. I was not in the Teko Barracks, I was in Kono and I told
23 my lawyers that this witness, I did not have any meeting with him
24 at the Teko Barracks, it was Mr Sankoh who spoke to Gbao and
09:21:52 25 Kallon about the children who were with RUF to be handed over to
26 Caritas. I was not in Makeni at this time.

27 Q. Mr Sesay, you were the battlefield commander of the RUF and
28 you never went to Makeni in that position?

29 A. Well, the time Mr Sankoh asked me to leave Makeni for Kono,

1 I only used to come to Makeni once in a while and administration
2 in Makeni. Mr Sankoh said I had no hands in it, so Mr Sankoh
3 gave orders to those who were in Makeni.

09:22:39

4 Q. In fact, Mr Sesay, at this time and in May when the
5 fighting escalated between the RUF and the peacekeepers, children
6 were taken out of care centres like in Makeni and re-enlisted as
7 combatants, forced to be combatants for the RUF. Isn't that
8 true?

09:23:03

9 A. No. That did not happen because the witness said it was
10 Gbao who used to go and load the children and take them to the
11 battlefield and Gbao was not a battlefield man.

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

09:23:22

14 PRESIDING JUDGE: Mr Sesay, you said Gbao was not a
15 battlefield man and then you said something after that. What did
16 you say?

17 THE WITNESS: I said Gbao was not a battlefield man and I
18 did not see anyone taking those children to the front line.

09:23:41

19 PRESIDING JUDGE: We are talking of the term "children",
20 but how old were these children that were the concern of Caritas,
21 what is the evidence?

22 MR KOUMJIAN: Your Honour, there is evidence from a
23 protected witness who described the ages of the children, and I
24 would rather not - I can give the dates of that testimony.

09:24:03

25 PRESIDING JUDGE: In this trial?

26 MR KOUMJIAN: In this trial, your Honours. In January of
27 2009, but I will get the exact date.

28 Q. Mr Sesay, let me read some other evidence from this trial,
29 6 October 2008, page 17925.

1 Mr Sesay, this is from a witness from Kono, a boy who was
2 abducted when he was 12 before Fitti-Fatta and stayed with
3 Wallace of the STF. And the witness said this at the bottom of
4 page 17925:

09:25:24 5 "A. Somebody came from PC Ground and made an announcement
6 one evening. They said Issa had sent a message. All those
7 who had been captured, if you knew that you had been
8 captured, they said they wanted to see all of us in the
9 morning at PC Ground. So that morning they assembled all
09:25:44 10 of us."

11 Then going to the next page, down to line - towards the
12 bottom, line 17, the witness said:

13 "A. Well, when they assembled us there Issa, Morris
14 Kallon, Issa said 'all those of you have come' - he said
09:26:12 15 Mosquito had sent a message that he would want to send all
16 of you to Kailahun for training. It was at that time when
17 he finished speaking, then they started screening us.
18 Whoever was selected would stand in a queue, when you were
19 selected you would stand in a queue, that was what they
09:26:32 20 did. And on that day we moved."

21 Then going to the next page, 17927, about 10 lines down,
22 line 11:

23 "Well, at that time there were some who were adults. We
24 were there as well, the children, but we too were many.
09:26:56 25 They assembled us. There were adults and there were
26 children.

27 Q. About how many were selected?

28 A. Well, we were more than 200."

29 And going down towards the bottom of the page he was asked

1 on line 22:

2 "Q. Did anyone say whether or not you had a choice to go?

3 A. They wouldn't say. Everybody was afraid because we
4 were under gunpoint at the time. They said if anybody
09:27:35 5 refused to go they would kill him."

6 Mr Sesay, that's the truth about how the RUF in 1998
7 recruited children from Kono District, isn't it?

8 A. No, my Lord, that is not true because the account that this
9 witness gave about Issa - you brought five Prosecution witnesses
09:28:05 10 who were insiders against me and they were all at the PC Ground.

11 PC Ground is also known as Superman Ground, and those five
12 insiders were at PC Ground, who were brought as Prosecution
13 witnesses against me, knew me, some from 1990 and some from 1991
14 and the others from 1992. They know Issa. And none of them

09:28:32 15 testified that during this time Issa was at the PC Ground. I
16 only came to know PC Ground, that is Superman Ground, in December
17 of 1998. But from May, when the PC Ground was created, I was not
18 in the Kono District, not at all, up to December. That was when
19 I came there.

09:28:56 20 PRESIDING JUDGE: But, Mr Sesay, you are not answering the
21 question. The question was put to you: Isn't that the truth
22 about how the RUF, in 1998, recruited children from Kono
23 District? Now the question didn't have your name in there; it's
24 the RUF. What is your answer to that question?

09:29:22 25 THE WITNESS: Yes, my Lord, ma'am. With all due respect,
26 I'm responding to the question that you asked, but the lawyer
27 quoted the witness that it was Issa who gave the order, who sent
28 the message to assemble all the children at the PC Ground and
29 Issa wasn't present there. He said he met Issa and Morris Kallon

1 at the PC Ground and Issa was not there.

2 JUDGE DOHERTY: Mr Witness, the quotation is that you sent
3 a message, not that you were there. You sent a message. Now, as
4 the Presiding Judge has said, answer the question.

09:30:03 5 THE WITNESS: My Lord, I did not know how they recruited.
6 The commander in Kono, Superman, I don't know how he recruited
7 the children. And even this witness, when he was testifying
8 against me, he said he saw five civilians, including an old man,
9 who arrived at the PC Ground. He had met me and I had just
09:30:30 10 killed someone. And he was the only one who spoke about Issa at
11 the PC Ground at this time. And the RUF insiders who knew about
12 Issa did not say that I was at the PC Ground, my Lord.

13 MR KOUMJIAN:

14 Q. Mr Sesay, you may not have been based at the PC Ground but
09:30:49 15 you were the battle group commander of the RUF, it was your
16 responsibility to supervise all these fronts and you went to PC
17 Ground, didn't you?

18 A. No. The witnesses that you brought to prosecute me, that
19 is the insiders who had known me before this time, none of them
09:31:12 20 said that I was at the PC Ground in 1998 from May when PC Ground
21 was created up to December. None of them said that. All of them
22 said that it was December '98 that I came to the PC Ground.

23 Q. Mr Sesay, are you trying to tell the judges now in
24 cross-examination that you only knew what was going on in
09:31:35 25 Pendembu and you have no knowledge of what was happening in other
26 parts of Sierra Leone or Liberia when you were in Pendembu?

27 A. Well, the radio log that was presented, I did not give
28 instructions to Superman when he was in Kono in '98, nor did I
29 receive message from Superman. And even the operator who was the

1 station commander that was brought as a Prosecution witness
2 against me, for '98 he said the messages were addressed from
3 Superman to Sam Bockarie.

09:32:28 4 PRESIDING JUDGE: Stop, stop, Mr Sesay. Please try to
5 answer the questions that have been asked of you, okay. There is
6 no mention in the question about radio logs or messages. Now,
7 Mr Koumjian, please put the question again succinctly to the
8 witness.

9 MR KOUMJIAN:

09:32:47 10 Q. Mr Sesay, are you saying now, during this
11 cross-examination, that when you were in Pendembu you had no
12 knowledge of what was going on in other parts of Sierra Leone and
13 Liberia because you only stayed in Pendembu?

09:33:14 14 A. Well, when I was in Pendembu, Bockarie said that I should
15 be responsible for Pendembu. So people did not report to me from
16 Kono, but I knew what happened in Buedu because people used to
17 come from Buedu and they will come to me. And like Bockarie used
18 to come to me from Buedu to me. But because of the diamonds that
19 I had lost, he said it was only Pendembu and the front lines in
09:33:39 20 the Kailahun District that I was to be responsible for.

21 Q. Mr Sesay, the testimony I read to you where it talked about
22 you having sent a message to PC Ground was from - and that also
23 speaking to the assembly, at the assembly you said to those who
24 had come that Mosquito had sent a message that he would want all
09:34:08 25 of those there sent to Kailahun for training. That witness Komba
26 Sumana, a boy, whose sister and uncle were killed, whose father's
27 hands were chopped off, and who told the Court about coming back
28 to Kono to save his younger brother, are you saying that you were
29 telling the truth and he is a liar?

1 A. Well, because of the killing that he said I did at the PC
2 Ground at the time that he was captured and I was not there and
3 he said he saw me with a pistol, and the people who knew me
4 before that time were there, none of them said I was there, and
09:34:56 5 you brought them as Prosecution witnesses. And he said he was
6 taken to Kailahun, he was trained in Buedu. The training base
7 was at Buedu - the training base was in Bunumbu, not in Buedu.
8 Buedu had no training base, and that is about 13 to 14 miles from
9 Pendembu - sorry, from Buedu.

09:35:23 10 Q. Mr Sesay, since you have mentioned that killing by you at
11 PC Ground, let's read the testimony in this case about that.
12 This is from 6 October 2008, page 17915, from the same witness.

13 While that's coming up, your Honour, I did fail to ask.
14 May the documents behind tab 41, which is a transcript from the
09:35:49 15 RUF trial of witness TF1-165, may that be marked for
16 identification and it should also include the last page which
17 indicates the TF1 number, but I think I may have stated the
18 number incorrectly. It is TF1-367. Sorry, 165.

19 PRESIDING JUDGE: Basically how many pages, or what pages
09:36:34 20 are these that you want entered into evidence?

21 MR KOUMJIAN: I read from parts of page 12, page 13. I did
22 not read from 14 but I read from page 15, and the last page which
23 indicates the TF1 number. So I would ask that pages 12, 13, 15
24 and the last page be marked for identification.

09:37:01 25 PRESIDING JUDGE: Those pages of the transcript are marked
26 MFI-13.

27 MR KOUMJIAN: Thank you, Madam President.

28 Q. So, Mr Sesay, on 6 October 2008 at page 17915, towards the
29 bottom - well, first let's go to the middle. There is a quick

1 question. Going down to line 15:

2 "Well, there came a time when Wallace went and took me to
3 go to PC Ground for some rice. As we were going, as we were
4 approaching the PC Ground, we saw - we met some rebels standing
09:37:57 5 there together with Issa. Then there were" - the transcript here
6 says ten people but the interpreter corrected that later to say
7 it was his mistake and the witness said five people, who were
8 tied with a rope. "They were standing at the side of the road.
9 I was afraid when I met them and I pushed away a little. Wallace
09:38:22 10 and others - Wallace was talking there with Issa. After they had
11 finished talking he met me and we went. As we were getting into
12 the town we were going through a coffee farm when we heard
13 gunshots. As we were returning, those people whom I had seen
14 tied, I saw them dead. Then we returned."

09:38:41 15 He was asked, "How many people did you see tied?" and he
16 said, "Five." I'm going then to the next page, and there is some
17 conversation about the interpreter having mistakenly said ten
18 earlier. At page 17916, the next page, towards the bottom, he
19 was asked on line 17:

09:39:05 20 "Q. When you say they were tied, sir, describe what you
21 mean.

22 A. They were tied with their hands at their back, some
23 were not wearing clothes and some only had on pants. They
24 were tied with their hands at their back.

09:39:19 25 Q. Where was General Issa?

26 A. I met him standing there with a gun in his hand. He
27 had a pistol at the edge of the road. His bodyguards were
28 all standing there, close to them."

29 Mr Sesay, you were there when these five recruits were

1 killed, and you were the commander; correct?

2 A. That's a black lie because in my testimony he said five
3 civilians, now here you are saying five recruits. When he was
4 testifying against me he said they were five civilians, including
09:39:55 5 an old man. And five Prosecution witnesses who testified, who
6 were at PC Grounds, who testified against me, none of them
7 testified that in 1998 between May and December I was, or I
8 visited, PC Grounds. All of them said - and that's the truth -
9 that I came to PC Grounds in December during the attack on Kono,
09:40:22 10 but before that time I did not go to PC Grounds. This person did
11 not know me before. He did not know me at this time in person.

12 Q. Mr Sesay, just so you're aware, when a witness testifies in
13 this case that has testified in your trial, or other trials, the
14 Defence has the transcripts of their prior testimony and I can
09:40:45 15 assure you the Defence counsel are skilled cross-examiners. This
16 witness was cross-examined by Mr Griffiths.

17 Mr Witness, Mr Sesay, are you saying that this witness is a
18 liar?

19 A. Yes, this witness lied about the killing or - when he said
09:41:12 20 that I killed, because in my testimony, he said there were five
21 people, and that's a lie, because I was not at PC Grounds. This
22 witness did not know me before he was captured or after he was
23 captured. Those who knew me in the early days of the '90s, all
24 of them were at PC Grounds. They brought five of them as
09:41:31 25 witnesses against me. None of them said Issa visited PC Grounds
26 between May and November of '98. I did not go to PC Grounds, and
27 none of the witnesses said that. This was just somebody who was
28 captured in the RUF, and I was not there.

29 Q. Mr Sesay, you were very well known in the RUF. You were

1 the number two at that time of those in the country; isn't that
2 true?

3 A. Yes, they knew me.

09:42:12

4 Q. All the RUF fighters knew Issa Sesay, they knew your name,
5 correct?

6 A. Well, they heard my name, but I can tell you that most of
7 the RUF members who joined the RUF from 1994, and those who left
8 Pujehun and joined Mr Sankoh and joined in Zogoda, those in the
9 Western Jungle and Northern Jungle, knew me in person in 1997

09:42:43

10 when we joined the AFRC.

11 Q. Mr Witness, I am going to move to some other testimony from
12 28 February 2008, page 4929.

13 MS IRURA: Your Honours, I just note that this is a closed
14 session transcript.

09:43:37

15 MR KOUMJIAN: Thank you. I will read the transcript. The
16 witness is protected.

17 Q. Beginning on line 3, the witness was asked:

18 "Q. Did anything happen to recruits who tried to escape
19 from Yengema?

09:43:53

20 A. Yes.

21 Q. What happened to them?

22 A. Recruits tried to escape from the base and they were
23 killed.

24 Q. Who killed them, witness?

09:44:08

25 A. The instruction was given to me.

26 Q. Who gave you the instruction?

27 A. It was General Issa. During that time, he was the high
28 command. He was the one who gave me the instruction. And
29 we did not can kill them all at the same time, because I

1 went to seek advice from the adviser and he tried to tell
2 me that we had - we should have sympathy for them because
3 there were boys amongst them, but unfortunately, the Black
4 Guards sent my report that I did not kill the six people
09:44:41 5 that tried to escape, and so he sent his bodyguards. At
6 that time, I was in the kitchen. When they came, they
7 asked me and they said, 'Commander, commandant, where are
8 the bodies of those recruits?' I told them that, 'I have
9 not yet killed them.' And then the bodyguards of Issa
09:45:03 10 themselves killed three right there on the spot, and then
11 the remaining two were killed by the recruits and the
12 instructors, and the one whose life was saved was because
13 he was an SBU, so they saved his life because he was a
14 small boy, and even now we call him Longlife."

09:45:25 15 Mr Sesay, you ordered the killing of any recruits who tried
16 to escape; isn't that true?

17 A. That's a lie. Such a thing did not happen in Yengema,
18 because the people whom I sent to Yengema for training, I used to
19 send them from Makeni, from Magburaka, from Makali, from
09:45:53 20 Masingbi, and many of them had surrendered as Kamajors to us,
21 with their arms, so I wouldn't have sent them again to the base
22 for them to be killed, no. That's not true.

23 Q. Mr Sesay, this was a long-standing practice of the RUF,
24 from the birth of the RUF in Liberia, to kill any recruit who
09:46:16 25 tried to escape training, correct?

26 A. Well, I did not know about killing recruits in - killing of
27 recruits in Yengema. I was not aware of that. And I never saw
28 that happen in Yengema.

29 Q. Let me clarify my question. From the birth of the RUF in

1 Liberia, those who tried to escape were killed, correct?

2 A. They did not kill any recruits in Naama. The only thing
3 was that Mr Sankoh was saying that whoever attempts to escape,
4 and if you are caught, you will be killed. But I never saw
09:47:06 5 anybody being killed when we were training in Naama.

6 Q. And one of those who was abducted with you - correct me if
7 I pronounce the name - Isiaka, escaped, and Foday Sankoh told you
8 - escaped in NPFL territory, and Foday Sankoh told you all that
9 that person had been killed and the same would happen to any
09:47:29 10 others who tried to escape; isn't that true?

11 A. Well, Isiaka and Mr Sankoh went to Danane. Isiaka escaped
12 in Danane. Mr Sankoh just used that to threaten us that whoever
13 escapes, and if you are caught, you will be killed.

14 PRESIDING JUDGE: Is the name Isiaka or Siaka?

09:47:54 15 MR KOUMJIAN: Isiaka, I believe I-S-I-A-K-A, but it's
16 definitely on the record in the witness's direct examination.

17 PRESIDING JUDGE: So, Mr Sesay, you are saying that this
18 was a policy by Mr Sankoh, that recruits who attempted to escape
19 would be killed; is that so? At Naama.

09:48:18 20 THE WITNESS: Yes, that was what he said at Naama.

21 MR KOUMJIAN:

22 Q. Mr Sesay, tell us again briefly about the killing of Fonti
23 Kanu.

24 A. Well, I said Fonti Kanu was first arrested, and I pleaded
09:48:55 25 with Bockarie, and he was released in Kailahun Town. And when I
26 lost the diamonds and I returned, I was in Pendembu when Fonti
27 Kanu said he had wanted to come and stay with me. So he came to
28 Pendembu together with Pa Fembeh and Sam Bockarie, we were all in
29 the same house. We were in Pendembu, and one day I went to Mende

1 Buima when Fonti Kanu left at night, going towards the Liberian
2 border, around Bomaru. That was where he was arrested. The
3 commander in Bomaru was trying to send a message to me at my own
4 station in Pendembu, and Sam Bockarie's station monitored that
09:49:40 5 message. Then Sam Bockarie sent Mike Lamin. Mike Lamin came -
6 he went to Bomaru, where he received Fonti Kanu from the custody
7 of the MPs. We met - I left Mende Buima, and I came and we met,
8 and in the afternoon Mike Lamin too came with Fonti Kanu. But in
9 front of my house, there was a small house there where the radio
09:50:03 10 set was. When Mike Lamin came, he parked his car, and Fonti Kanu
11 was in that vehicle with his hands tied behind his back. Mike
12 Lamin went and spoke to Sam Bockarie on the radio. When he came
13 out of the radio room, he took the AK from his bodyguard and shot
14 Fonti Kanu. That was what happened.

09:50:26 15 Q. So according to you, who shot Fonti Kanu?

16 A. It was Mike Lamin, because Bockarie gave the orders to him.

17 Q. Explain why Sam Bockarie ordered the killing of Fonti Kanu.

18 A. Well, when Fonti Kanu first escaped and was caught, what
19 Sam Bockarie was saying was that Fonti Kanu had gone to Burkina
09:51:02 20 Faso and brought ammunition during the AFRC reign. Now Fonti
21 Kanu has come to Kailahun and has known about the RUF and the
22 link that they had with Burkina Faso. So Fonti now wanted to
23 escape. He was trying to escape to leak out information about
24 the RUF. That is why he killed him. Secondly, before the AFRC
09:51:25 25 coup, before the AFRC overthrew the SLPP government, Fonti Kanu
26 was the battalion commander of the SLAs who were attacking
27 Kailahun. He was based in Bomaru. So Bockarie had all those
28 grudges against him, that he was the man who was trying to
29 dissolve the RUF in Kailahun. Now he had come and he has known

1 about the RUF and now wants to escape. That was why he killed
2 him. He passed the order for him to be killed.

09:52:03 3 Q. Sam Bockarie killed him because he said that if Fonti Kanu
4 were to escape, he was going to expose all those people that were
5 supporting the RUF; isn't that true?

6 A. Yes. He said it was Fonti Kanu who went with Ibrahim Bah
7 to Burkina Faso and they brought ammunition for the AFRC.

8 Q. So it was the policy of the RUF, it was top secret who was
9 supporting the RUF, and anyone who threatened to expose that
09:52:26 10 would be killed; isn't that true?

11 A. Well, that was what Bockarie said, because it was Fonti
12 Kanu who transported the arms and ammunition from Burkina Faso.
13 And, secondly, Fonti Kanu used to attack the RUF in '96. He was
14 trying to dislodge the RUF from Kailahun. So he considered -

09:52:50 15 Bockarie considered Fonti Kanu as an enemy. That was why he
16 passed the order to Mike Lamin.

17 Q. Sir, let me repeat the question. It was the policy of the
18 RUF to kill all those who threatened to reveal who supported the
19 RUF, correct?

09:53:10 20 A. No. It was not the policy.

21 Q. Mr Sesay, you're not being entirely honest about the
22 killing of Fonti Kanu because you took part in that killing,
23 didn't you?

24 A. No. I did not take part in the killing. It was Mike Lamin
09:53:31 25 who killed him.

26 Q. Can we see the transcript, please, of 17 November 2008,
27 page 20380? 17 November 2008, 20380. And I will begin to read
28 from line 6. The witness was asked:

29 "Q. Have you heard of the name Fonti Kanu?

1 A. Yes.

2 Q. Where did you hear of Fonti Kanu?

3 A. I heard about Fonti Kanu in Freetown, and I also heard
4 about him at the time all of us went to Kailahun District.

09:54:41 5 He wanted to escape to Liberia. But then Issa sent men to
6 go and arrest him. He came and killed him. And we later
7 heard that Issa had killed Fonti Kanu."

8 And, Mr Witness, Mr Sesay, let me put another witness to
9 you before I ask you about this. May the testimony from 22 May

09:55:04 10 2008, page 10552, be put on the screen. This is the testimony of
11 Samuel Kargbo. He said - I'll wait for it to come up. If we
12 could go down a bit, beginning at line 19:

13 "A. So we went to where CO Issa was lodged in Pendembu. I

14 met Mike Lamin, Issa and some other RUF commanders. Fonti

09:56:00 15 Kanu was seated on the ground. So in my mind I started
16 asking myself what is happening? So CO Issa later

17 explained to me, and he said, 'You see what your SLA

18 commanders are doing?' He said, 'Fonti Kanu, with all the

19 privileges I have'" - I believe it should be - "'given

09:56:18 20 him', he said he had gone to surrender himself to some UN

21 agent in Vahun. He said that was where the Liberian police

22 called him, and they told him that Fonti Kanu went to

23 surrender himself to the agencies in Liberia. So he said

24 that was where they went and arrested him. That was why

09:56:40 25 they called Issa, for Issa to know, because Issa had been

26 going there with him, and he said that is what he attempted

27 to do. So he said, 'Now we have arrested him.'

28 So Issa asked me my opinion, what he was to do to him.

29 Then Mike Lamin said there was nothing else to do, it was

1 just to kill him. Then straight away he shot him in his
2 legs in my presence and I was standing right there. He
3 shot him in his one leg. He shot him in the other leg
4 whilst he was on the ground and then he shot the other
09:57:19 5 again and the other soldiers shot him in the arm. They
6 shot the one arm and they shot him in the other arm and
7 then he was now helpless. He was crying. They ordered the
8 bodyguards to drag him and to take him somewhere and finish
9 with him and they drag him. The bodyguards opened fire at
09:57:39 10 him whilst he was on the ground and then he went cold. And
11 then he said they should go and discharge of him
12 somewhere. Then they went to Pendembu on the way from Dawa
13 just after the barri there was a water well that was now
14 dried up, they were no longer using it. They dumped him
09:58:10 15 inside there. Then Issa was now saying this to us, 'that
16 if you see me do this to my own family member, my own
17 tribes man, a Temne man, I warn you, if anybody dare try
18 it, you will not go scot-free.'"
19 Then going down the page a bit - to the next page, page
09:58:34 20 10554, line 6, I believe, the witness was asked:
21 "Q. Who actually was shooting Fonti - who actually was
22 shooting Fonti Kanu in the legs and in the arms?"
23 And Samuel Kargbo answered:
24 "A. The first shot was by Mike Lamin and that was followed
09:58:59 25 by Issa and then the bodyguards were commanded to finish
26 with him.
27 Q. You said that Issa told you about Fonti Kanu in
28 Liberia. I want to go over that. Can you go over it again
29 and tell us what it did Issa Sesay tell you about how Fonti

1 Kanu had been taken into custody.

2 A. He said with all the encouragement he gave to Fonti
3 Kanu, he gave him an XL motorbike, he was his family
4 member, he was his uncle, but Fonti Kanu attempted to go
09:59:30 5 and surrender to the UN agencies in Liberia. And he said
6 it was the Liberian police who called him and when he went
7 there and they arrested Fonti Kanu and they brought him.
8 It was after his return that he was explaining this to me.
9 He, Issa."

09:59:46 10 Mr Sesay, first of all, Fonti Kanu was related to you
11 through marriage, isn't that true?

12 A. Through marriage.

13 Q. He was your wife's uncle; is that right?

14 A. No. My wife was a Mende woman, he is not my uncle. Fonti
10:00:14 15 Kanu was Temne. Fonti Kanu hailed from Port Loko District.

16 Q. So you had no relation with him?

17 A. I and Fonti Kanu are from the same tribe and from the same
18 district.

19 Q. And the truth is he was arrested in Liberia and you brought
10:00:36 20 him back, or ordered him brought back, to Sierra Leone; correct?

21 A. No, no, no, no. It was in Bomaru it was the RUF who
22 arrested him, the border guards in Bomaru who arrested him. He
23 did not go to Liberia. He did not get to Liberia when he was
24 arrested and it was Mike Lamin who took him from Bomaru and
10:00:59 25 brought hem to Pendembu.

26 Q. Why would the border guards arrest a SLA, who was a member
27 of the RUF/AFRC alliance, why was he arrested?

28 A. Well, he was trying to cross the border at night and he met
29 the border guards. They asked him where he was going at night.

1 That was why he was arrested.

2 Q. Are you saying that RUF could only go - anyone could only
3 cross into Liberia if they had the permission of the RUF?

10:01:44

4 A. Because you were not to cross the border at night. It was
5 during the day. Because people were - like, in Bomaru and Vahun,
6 around the border in Folima, civilians used to transact business
7 there. But civilians from the RUF, in that Bomaru area. But
8 those movements used to take place during the day and not at
9 night.

10:02:12

10 Q. So, Mr Witness, you are saying that that if Fonti Kanu had
11 crossed during the day, he wouldn't have been arrested but he was
12 arrested because he tried to cross at night; is that what you're
13 telling the judges?

14 A. Yes, that is what happened.

10:02:34

15 Q. You took part in the torture and killing of Fonti Kanu,
16 didn't you?

17 A. No. I said it was Mike Lamin who killed Fonti Kanu, he was
18 the one who brought him to Pendembu and after he had spoken to
19 Sam Bockarie on the radio, it was Mike Lamin who shot him. He
20 killed him.

10:02:55

21 Q. Now, Mr Witness, going back a moment to when we were
22 talking about the RUF killing recruits who escaped, we were
23 talking about the killing of Isiaka, Foday Sankoh telling you
24 about that, correct?

10:03:16

25 A. Well, that was what Foday Sankoh said but in 1996 when I
26 went to Abidjan, Isiaka escaped in Danane but that was some kind
27 of fear that Foday Sankoh put in us, those of us who were at the
28 base, but it was Danane that they went on the Ivory Coast to buy
29 some things when Isiaka escaped. He said when he came back he

1 said they killed Isiaka but in 1996 we saw Isiaka in Abidjan and
2 Isiaka explained to me that he escaped.

3 Q. Didn't Isiaka escape from Cuttington, the NPFL camp, the
4 Cuttington university near Gbarnga and not from Danane?

10:04:03 5 A. No. He left us who were in Cuttington, nine of us, when
6 Mr Sankoh took Isiaka and they went to Danane, that was where
7 Isiaka escaped, it was not in Cuttington.

8 Q. Can we have the transcript of 5 July of this year, page
9 43596. Let me come back to this, I will come back to this at a
10:05:00 10 later point.

11 Mr Witness, during your direct examination some portions of
12 a document, that is confidential P-277 were read to you, and I
13 want to just read a small portion of that to you, at page 77 of
14 P-277.

10:05:35 15 If it is all right with your Honours, I can just read it.
16 It is confidential, or we can put it on the screen. I don't
17 think it would reveal the names of any witness.

18 At the bottom of page 77, beginning of 78, the witness -
19 the document reads:

10:06:27 20 "General Issa, Paul Vaye, is the most feared RUF officer.
21 His presence alone ignites fear and paranoia. He is described as
22 the most nefarious, heartless, sadistic and fastest killer,
23 therefore, he is always trigger happy. He is painfully
24 remembered in RUF circles for his notorious role in the Jande
10:06:54 25 Goba and the Luawa Giehun massacre in May 1993 when he and
26 General Sam Bockarie served as the chief judges."

27 And the next part is what I want to ask you about now,
28 Mr Sesay:

29 "And for ordering the massacre of all civilians, Sierra

1 Leoneans and Liberians, along the Liberian side of the Kailahun
2 District borders with Foya district, Lofa County and Liberia
3 between December 1993 and October 1994."

10:07:36 4 Now, a much larger portion of this document, going into
5 more details about the killing of the civilians along the border
6 was read to you in your direct examination. Do you recall that?

7 A. Yes, I recall.

8 Q. And what you said is it couldn't be true because you didn't
9 have enough ammunition to kill civilians; is that right?

10:07:58 10 A. Yes, that's one. I said it's not true and definitely it is
11 not true because the people who wrote this document, one of them,
12 I think he is the main - that person is the main author of this
13 document, he testified against me, and he did not mention such
14 things. If he knew that what they wrote was true when he was
10:08:20 15 testifying, why didn't he say so, so that the lawyers would have
16 been able to cross-examine him on it.

17 MR KOUMJIAN: Excuse me. Your Honour, I would ask that
18 that be redacted because, your Honours, we previously listed the
19 author - publicly stated who the authors of the document were.

10:08:45 20 PRESIDING JUDGE: I have been trying to locate the exact
21 words to be redacted. What line is that?

22 MR KOUMJIAN: On mine, I believe it begins at line 7 -
23 excuse me, it begins on lines 6, "because the people who wrote
24 this document".

10:09:11 25 PRESIDING JUDGE: The name is missed out in the transcript
26 but the witness said the name.

27 MR KOUMJIAN: No, the thing is publicly, and this will have
28 to be - my words will have to be redacted also now - publicly we
29 have stated who the authors of the document were previously.

1 PRESIDING JUDGE: Yes, but where in this transcript does it
2 say the name of the author? Is the name revealed?

3 MR KOUMJIAN: Not directly, but if you put it together with
4 the names of the authors, which have been revealed previously.

10:09:45 5 PRESIDING JUDGE: Were the names not redacted previously?

6 MR KOUMJIAN: No. In the original testimony, yes, but not
7 in some of the examinations where it has been used.

8 PRESIDING JUDGE: Well, it should have been in the past.

9 Here I see nothing for me to redact. What exactly do you want me
10:10:06 10 to redact? Did the witness mention a name?

11 MR KOUMJIAN: No, he said the persons who authorised - one
12 of the persons who authored testified against him.

13 PRESIDING JUDGE: The purpose of a redaction, Mr Koumjian,
14 normally, is to protect the identity of a given person, a
10:11:32 15 protected witness. In this case I do not see how anyone looking
16 at this excerpt of evidence can tell who this protected witness
17 is. So there is nothing to redact.

18 MR KOUMJIAN:

19 Q. Sir, when you said that you couldn't have killed these
10:11:51 20 people because you didn't have ammunition, you know that
21 civilians were killed by the RUF many times without bullets.
22 They were killed with machetes, they were buried alive, they were
23 killed with boiling oil poured on them. There were many, many
24 ways to kill civilians without using a bullet. Isn't that true?

10:12:19 25 A. Well, the area that you asked me about the killing of those
26 people across the Liberian border, such a thing did not happen
27 because even the time that you mentioned, October of 1994, I was
28 not in that same area where that witness was, where he alleged -
29 where he alleged that I saw the people - I sent these people

1 across the Liberian border to kill the people. From June
2 Mr Sankoh transferred me to Giema since '94. I was not in that
3 area any longer. This person is just lying, because they had
4 made the coup against Mr Sankoh and I was a part of that arrest.
10:13:03 5 And these were the very people who are defending the RUF before
6 their arrest.

7 Q. Mr Sesay, I am going to move to another topic. When the
8 diamonds were taken --

9 JUDGE DOHERTY: Mr Koumjian, you started this morning on
10:13:23 10 the question of child soldiers, then it moved into questions
11 about recruitment or the effects on people who tried to escape if
12 recruited. Are you going to go back to that child soldiers
13 issue?

14 MR KOUMJIAN: Yes, I will.

10:13:39 15 JUDGE DOHERTY: In that case I will refrain from putting my
16 questions.

17 MR KOUMJIAN:

18 Q. Mr Sesay, I want to ask you was Johnny Paul Koroma's wife
19 present when diamonds were taken from Johnny Paul Koroma?

10:13:54 20 A. Yes. She was present when Johnny Paul handed over the
21 diamonds.

22 Q. And you have testified that she was not molested in any
23 way, correct?

24 A. Yes.

10:14:09 25 Q. It is your testimony that no one molested her. Is that
26 right?

27 A. I said they did not molest her.

28 Q. And just so we're clear on the word "molest", do you
29 consider a woman being sexually assaulted to be molesting a

1 woman?

2 A. Yes.

3 Q. So you're saying that she was not sexually assaulted.

4 That's your testimony here in this Court, is that right?

10:14:44 5 A. No, she was not raped.

6 Q. Was she sexually assaulted in any way?

7 A. I said no.

8 Q. Because, Mr Sesay, if we all look at tab 4 in the binder
9 that has been distributed - let me explain something to you. In
10:15:08 10 this case the Defence, the lawyers for Charles Taylor, made an
11 application to this Court to have this Court take judicial notice
12 of an adjudicated fact from the AFRC trial judgment and this
13 Court agreed to - made some findings of adjudicated facts, at the
14 request of the Defence, in a decision of 23 March 2009.

10:15:44 15 So if we look at fact number 7. This fact requested by the
16 lawyers for Charles Taylor says:

17 "When Johnny Paul Koroma departed for Kailahun District
18 this 1998, he was given to believe that he would be welcome there
19 by the RUF. However, when he arrived in Kailahun he encountered
10:16:08 20 a hostile RUF leadership. He was arrested by Sam Bockarie, Issa
21 Sesay and other RUF fighters. He was then stripped and searched
22 for diamonds and his wife was sexually assaulted. Sam Bockarie
23 placed Koroma under house arrest in Kagama village near Buedu,
24 where he remained until mid-1999."

10:16:38 25 Mr Sesay, are you saying that this adjudicated fact, which
26 was requested by the Defence, that Johnny Paul Koroma's wife was
27 sexually assaulted, is not true?

28 A. I said it's not true. The Defence lawyers were not there,
29 and even those who are saying it were not there. It's not true.

1 The person who was there when Johnny Paul gave the diamonds to me
2 - that is to me, Mike Lamin and Sam Bockarie - that person was
3 the last witness who testified against me. You referred to that
4 person as witness of fact. That is 371.

10:17:22 5 MR KOUMJIAN: If we can show the transcript for 21 August
6 2008, page 14299.

7 Q. I just want to read a couple of lines to you, sir. This is
8 from the cross-examination of a Prosecution witness. At about
9 line 7 Mr Griffiths asked the witness:

10:18:09 10 "Q. Did you also hear that Johnny Paul's wife was also
11 molested?

12 A. Yes, Issa himself did that."

13 And before I ask you the question, Mr Sesay, now I would
14 like to read to you from one of the Defence witnesses in this

10:18:26 15 case. If we could have the transcript for 23 June 2010, page
16 43243. This is from the testimony of Isatu Kallon. You know
17 her, don't you?

18 A. Yes, I do know her.

19 Q. If you go to the bottom five lines, she was asked:

10:19:15 20 "Q. Were you present when Johnny Paul's wife was harassed?

21 A. No.

22 Q. Did you see who it was who harassed her?

23 A. Yes.

24 Q. You were there and saw who harassed her?

10:19:28 25 A. The people there told me about, they said Issa was the
26 leader.

27 Q. But you weren't present when that happened, correct?

28 A. No, I was not there.

29 Q. And when they said that Issa, as the leader, and others

1 had harassed Johnny Paul's wife, they told you that
2 included raping her, didn't they?

3 A. Yes."

4 Mr Sesay, you raped Johnny Paul Koroma's wife, didn't you?

10:20:07 5 A. I said I did not rape Johnny Paul Koroma's wife. This
6 witness you are quoting was not in Kailahun in '98 and she was
7 not present when that incident took place.

8 Q. Let's go to testimony from 10 September 2008. It is
9 private session, so it should not be displayed. Page 15930. I

10:20:33 10 am going to read to you from the testimony of a Prosecution
11 witness, and starting, I think, on line 8:

12 "So during the process of the raid, when Issa Sesay went
13 and raped her, Issa Sesay later brought her very late in the
14 evening and when they returned, Makuta asked me to fetch her
10:21:02 15 water to take bath. I gave her the water. She went to take
16 bath. So she called me in the bathroom after I had taken the
17 water there and she was crying. She told me to help her get a
18 pad to use and she was crying and she told me that, 'You see my
19 pregnancy has wasted.' She said, 'Issa Sesay went and raped me.'

10:21:23 20 And she said, 'I was pregnant and my pregnancy has started
21 wasting.' And I myself saw the blood that was oozing by her leg
22 and I told her that here we do not have pads to use, but I told
23 her I would be able to help her with some piece of cloths to use
24 and she told me that wouldn't be a problem."

10:21:50 25 Mr Sesay, you set the example for other fighters by raping
26 Johnny Paul Koroma's wife, didn't you?

27 A. No. I did not rape Johnny Paul Koroma's wife. After we
28 had taken the diamond - after Johnny Paul had given the diamond,
29 Johnny Paul Koroma and his wife went to Kangama. And even after

1 the disarmament when I came to Freetown, Johnny Paul invited me
2 to his house. I used to go to his house. If I raped his wife
3 Johnny Paul couldn't have invited me to his house.

10:22:32 4 Q. He didn't have much choice when you had he and his family
5 captive in that house. He could have ended up like Fonti Kanu if
6 he tried to escape. Isn't that true?

7 A. No, that is not true. I am talking about after the
8 disarmament when Johnny Paul was in Freetown. When I came to
9 Freetown, Johnny Paul used to invite me and I used to go to his
10:22:55 10 place at Juba on many occasions, even when I heard about the
11 coup.

12 Q. Mr Sesay --

13 A. Yes.

14 Q. In Kangama, Johnny Paul Koroma was not free to leave. He
10:23:06 15 was under house arrest. Isn't that true?

16 A. No, no, he was not under house arrest. Johnny Paul even
17 had a farm that he had cultivated. He had a swamp that he
18 cultivated in '98. And he used to come to Buedu and return. So
19 he was not under arrest that he should not move. That is not
10:23:31 20 true.

21 PRESIDING JUDGE: Mr Koumjian you prefixed your question
22 with "in Kangama", didn't you? You said in Kangama Johnny Paul
23 Koroma was not free to leave. Isn't that what you said?

24 MR KOUMJIAN: [Microphone was not activated]

10:23:51 25 PRESIDING JUDGE: Yes, unfortunately I think perhaps
26 because you are speaking over each other the words "in Kangama"
27 don't appear.

28 MR KOUMJIAN: Thank you.

29 Q. Mr Sesay, we even saw in a radio message that was read in

1 your direct examination about a UN helicopter that went to take
2 the family of Johnny Paul Koroma out of Kangama when he was now
3 in Liberia meeting with President Taylor, that you refused that
4 helicopter permission to take the family and the helicopter left
10:24:24 5 without them. Isn't that true?

6 A. That is how it happened, because I was the one who was left
7 on the ground. Bockarie was not there. And Mr Sankoh sent a
8 message to me through Bockarie for anything. And General Joshi
9 as well told me about what used to happen. So if General Joshi
10:24:49 10 had told me that they were sending helicopter to take Johnny Paul
11 and his family, that wouldn't have been a problem. I would have
12 informed my authorities. But nobody informed me. And I was the
13 one who accompanied Johnny Paul to Foya. So I believe that if
14 General Joshi - at that time there were military observers in
10:25:10 15 Sierra Leone. If they had sent helicopters to pick Johnny Paul
16 and his wife, he would phone there if - and to tell me. So at
17 that time I was afraid. That's why I informed Mr Sankoh and
18 Bockarie. And at the end of the day I transported them to Foya
19 and helicopter took them from Foya.

10:25:34 20 Q. Mr Witness, Mr Sesay, let's look at tab 3, behind tab 3,
21 which is the judgment in your trial. In paragraph 801, the Trial
22 Chamber found:

23 "Shortly after Koroma arrived in Buedu, Bockarie, Sesay,
24 Mike Lamin and Rambo placed Koroma under arrest at gunpoint and
10:26:30 25 confiscated the diamonds in his possession. Sesay drove Koroma's
26 wife to a nearby location and raped her."

27 Mr Sesay, you, who have testified so long for the Defence
28 of Charles Taylor, you are a rapist; isn't that true?

29 A. No. I'm not a rapist, because from 1991 to the end of the

1 war, nobody ever accused me of raping, except this false
2 allegation that I raped Johnny Paul's wife. And I testified, and
3 the witnesses I called from Kailahun also testified, even 371,
4 who was there during my trial, did not say that such a thing
10:27:40 5 happened.

6 Q. Mr Sesay, let's go over what happened in your trial. You
7 were tried, you were convicted, and then you had an appeal, and
8 in your appeal there has also been a judgment; is that correct?

9 A. Yes. There was a judgment.

10:28:00 10 Q. And let's look at the counts you stand convicted of today
11 after that final judgment. You were convicted, in count 1, of
12 acts of terrorism. You were convicted, in count 2, of collective
13 punishments. You were convicted, in count 3, of extermination.
14 You were convicted, in count 4, of murder. You were convicted,

10:28:32 15 in count 5, of violence to life, health and physical or mental
16 well-being of persons, in particular murder. You were convicted,
17 in count 6, of rape as a crime against humanity. In count 7, you
18 were convicted of sexual slavery. In count 8, you were convicted
19 of a crime against humanity, of other inhumane acts, specifically

10:29:02 20 forced marriage. You were convicted, in count 9, of outrages
21 upon personal dignity. You were convicted, in count 10, of
22 violence to life, health and physical or mental well-being of
23 persons, in particular mutilation. You were convicted, in count
24 10, of other inhumane acts as a crime against humanity,

10:29:28 25 specifically physical violence. You were convicted, in count 12,
26 of conscripting or enlisting children under the age of 15 years
27 into armed forces or groups, or using them to participate
28 actively in hostilities and other - or other serious violations
29 of international humanitarian law. You were convicted, in count

1 13, of enslavement. You were convicted, in count 14, of pillage.
2 You were convicted, in count 15, of intentionally directing
3 attacks against personnel involved in a humanitarian assistance
4 or peacekeeping mission, in accordance with the Charter of the
10:30:12 5 United Nations. And you were convicted, in count 17, of violence
6 to life, health and physical or mental well-being of persons, in
7 particular murder.

8 You have been convicted of all these counts; isn't that
9 true?

10:30:37 10 A. Yes, but I brought Defence witnesses. I called 52 Defence
11 witnesses. Apart from 92 bis witnesses, 52 testified on my
12 behalf. The Trial Chamber did not make any comments on their
13 testimony. They did not say whether they trusted them or not.
14 So I cannot criticise or oppose the conviction. They said it was
10:31:08 15 joint criminal enterprise. But if all the things that I was
16 convicted for, if I had done them, I don't think I would have had
17 any Sierra Leoneans who would have testified on my behalf.

18 MR KOU MJIAN: Your Honours, I read some parts of the
19 judgment, and I don't know if your Honours wish those to be
10:31:39 20 marked for identification or not. They are official Court --

21 PRESIDING JUDGE: No.

22 MR KOU MJIAN: Thank you.

23 Q. Mr Sesay, let's talk about other members of the RUF high
24 command. Foday Sankoh. You know he committed crimes, the
10:31:56 25 killing of Jande, and those in Luawa Giehun, the killing the
26 Rashid Mansaray and others, ordering Operation Stop Election, and
27 you told us he ordered the attacks on peacekeepers, for the RUF
28 to disguise themselves as Kamajors and attack peacekeepers.
29 Foday Sankoh committed all these crimes, according to you,

1 correct?

2 A. Yes.

3 Q. How about Mike Lamin? Did he commit crimes, according to
4 you?

10:32:28 5 A. Yes, Mike Lamin committed.

6 Q. Can you just tell us some of the crimes he committed?

7 A. Well, Mike Lamin, after the war started in Sierra Leone, he
8 was a major, and I heard that he killed some fighters in Pujehun
9 but I wasn't there. But in Kailahun, he rejoined the RUF in 1997
10:33:05 10 and 1998, he was the one who killed Dr Kamara. He killed two
11 AFRC members in the parade at MP in Buedu. He killed his own
12 bodyguard for cane juice, in Kailahun, at the border.

13 THE INTERPRETER: Your Honours, can the witness kindly
14 repeat the last part of his answer.

10:33:34 15 MR KOUMJIAN:

16 Q. Mr Sesay, the interpreter just didn't get you when you were
17 talking about killing the bodyguard for cane juice. Can you just
18 repeat that?

19 A. I said he killed his bodyguard around that Baiwala area,
10:33:53 20 for cane juice. Everybody knew about that in Kailahun. And when
21 he was in Segbwema, I heard that he did some killing there before
22 going to Lome.

23 Q. Now Superman, Dennis Mingo, he was well known for his
24 brutality; isn't that true?

10:34:10 25 A. Yes.

26 Q. He was one of those who burned Koidu in Kono District,
27 burnt it to the ground, correct?

28 A. Yes.

29 Q. Tell us what other crimes you know that Dennis Mingo is

1 responsible for.

2 A. I was not in the Western Area where Dennis Mingo was a
3 commander, but I heard that he killed Mohamed Tarawalli's
4 bodyguards, and from August to December, when he was in the
10:34:50 5 Northern Jungle, when he was not reporting to Sam Bockarie, I do
6 not know what he did. So when we met in Makeni, he was in
7 Lunsar, he used to encourage fighters to loot items from
8 civilians. He did not take actions against the fighters. I knew
9 of that.

10:35:10 10 Q. Now, Isaac Mongor, you have told us about his
11 responsibility for the Sandaru massacre, correct?

12 A. Yes, correct.

13 Q. You told us that he taught trainees at Camp Naama that when
14 you attack a village, kill half the people to intimidate the
10:35:33 15 rest, or words to that effect; isn't that true?

16 A. Yes.

17 Q. That is what he learned from the NPFL; isn't that true?

18 A. Well, I did not know of that. I knew that Isaac said when
19 he came, he said he was an old Doe soldier, he was a former
10:35:55 20 soldier of the Doe regime, and that is what I knew.

21 Q. Well, Mr Witness, Defence witnesses in this case, one of
22 them has talked about being captured by Isaac Mongor when the
23 NPFL attacked his town, and I could find the reference, if
24 counsel needs it. Isaac Mongor was NPFL. Did you know that?

10:36:21 25 A. I did not know that.

26 Q. He was - despite the fact that he taught - according to
27 you, he taught trainees to terrorise civilians by killing some of
28 them, despite the fact that he massacred civilians in Sandaru, he
29 continued to hold important positions in the RUF, eventually

1 becoming a brigadier in 1999; isn't that true?

2 A. Yes, he became brigadier in '99, when Mr Sankoh was not
3 present. It was Sam Bockarie who promoted him.

10:37:05

4 Q. And early in the war, Foday Sankoh made him the battle
5 group commander; isn't that correct? Acting battle group
6 commander; isn't that correct?

7 A. Yes, in '92, part of '92.

10:37:24

8 Q. Explain to me, was that the time - you explained how
9 originally in the RUF the battle group commander was above the
10 field commander, but then Foday Sankoh flip-flopped those and
11 made the battlefield commander the number one position. When
12 Isaac Mongor was battle group commander, was that the number one
13 position or number two position in the military structure?

10:37:49

14 A. It was a number three position. After the leader, the
15 field commander; after field commander, the battle group.

16 Q. Now, Mr Sesay, what about Gibriil Massaquoi? Did he ever
17 commit any crimes?

10:38:11

18 A. Well, you've not yet finished with Isaac. Isaac, even when
19 he was in the Kangari Hills, when we joined the AFRC, we heard
20 about the killings that he did, the time that the Kamajors used
21 to pressurise him when he was attacked in '96, the recruits that
22 they had captured, when they attempted escaping, they said he
23 gave orders for them to be killed. And Morris Kallon was there,
24 he was the one who explained to me. The civilians, he killed
25 some of them. He said they wanted to go and leak information to
26 the government troops in the Kangari Hills.

10:38:33

27 Q. Okay. Have you finished now with Isaac Mongor, sir?

28 A. Yes. And even Kono, he was in Kono. He was in Gandorhun,
29 and from Gandorhun he came to Superman Ground. They were the

1 ones in Kono as senior commanders.

2 Q. And what about Gibril Massaquoi? How did he treat
3 civilians?

10:39:15

4 A. Well, I did not operate at the same place with Gibril. I
5 only heard that he killed some civilians, including vanguards in
6 Pujehun in '93. That is when I heard it from the group that came
7 from Pujehun. And he came to meet Mr Sankoh in Zogoda, and he
8 carried out some attacks in the Northern Jungle. They were the
9 ones that attacked Kabala. From there, he was the commander from
10 Malal Hill when the Gurkhas attacked, and they captured three of
11 them and they were killed. He gave orders for them to be killed.

10:39:42

12 Q. Is that the Gurkhas?

13 A. Yes, the Gurkhas, three of them. He gave orders for them
14 to be killed. He was the one who burnt down village -

10:40:10

15 THE INTERPRETER: Your Honours, can the witness kindly
16 repeat this part of his answer. Can he do it slowly, your
17 Honours.

18 PRESIDING JUDGE: Mr Sesay, repeat your evidence please.
19 The interpreter did not get it.

10:40:22

20 THE WITNESS: My Lord, I said between Makeni and Kamakwie,
21 on the way, it was Gibril Massaquoi who burnt down those towns
22 and the villages. Even Thaimu Bangura Village. And he attacked
23 Kamakwie and Kambia.

24 PRESIDING JUDGE: Mr Interpreter, you said even - what was
25 the village?

10:40:40

26 THE INTERPRETER: Thaimu Bangura village.

27 PRESIDING JUDGE: Can you spell those names, please?

28 THE WITNESS: T-H-A-I-M-U, one word, B-A-N-G-U-R-A, and
29 village.

1 MR KOUMJIAN: And Gurkhas, I think there is people in the
2 courtroom who know the spelling better than me, but it's
3 G-U-R-K-H-A-S.

4 Q. And Mr Sesay, Gibril Massaquoi was also famous for an
10:41:14 5 attack where he abducted a large group of schoolgirls; isn't that
6 true?

7 A. It was both the attacks, Kambia and Port Loko. They said
8 he gave orders and they abducted schoolchildren that he went with
9 to the Western Jungle from Port Loko and Kambia Town.

10:41:42 10 Q. Did he take any of those schoolgirls as his own wife or
11 concubine?

12 A. One was with him when I went to Zogoda, when I was under
13 investigation, they went through Kailahun to Ivory Coast, she was
14 called Baby T.

10:42:01 15 Q. How old was Baby T at that time?

16 A. I wouldn't know her exact age because I did not ask her for
17 her age.

18 Q. So, Mr Sesay, the entire RUF high command committed rape -
19 crimes against the civilian population of Sierra Leone. Isn't
10:42:28 20 that true?

21 A. Yes, the RUF fighters, commanders, they committed crimes.
22 I cannot deny that.

23 MR KOUMJIAN: Defence witness DCT-068, if we could have the
24 transcript of 11 March 2010, page 37144. I will next be asking
10:42:59 25 for a P-33B to be shown to the witness. So the transcript first
26 of 11 March, 37144.

27 Q. The witness was asked:

28 "Q. What would the RUF do if they found a civilian in a
29 no-go" - and then the question was repeated, he was told to

1 relax.

2 "Q. What would the RUF do if they found people in a no-go
3 area, civilians without a pass?

4 A. They will halt you.

10:44:14 5 Q. And then what?

6 A. If you stop then they go, they meet you, they arrest
7 you. But if you are halted and you do not stop --

8 Q. They shoot you?

9 A. Yes."

10:44:27 10 And that's true, isn't it; the RUF would kill civilians
11 that they found in a no-go area?

12 A. Well, where I was operating I was not killing civilians
13 like that.

14 Q. That wasn't the question. The RUF would kill civilians in
10:44:51 15 no-go areas. Is that correct?

16 A. I said where I was operating it was not happening like
17 that, so I can't tell you what Superman and Gibril Massaquoi were
18 doing in the Western Area when I was not in their front line,
19 their no-go areas. Where I was at the buffer zone, it was not
10:45:13 20 happening like that. Because, for example, in the Kailahun
21 District, where we had occupied and where the NPRC troops were,
22 there were no civilians in those towns.

23 Q. I will go then to P-33B, page 43985. This again - I've
24 shown this to you earlier, Mr Sesay, but it is part of an
10:45:43 25 interview that Charles Taylor gave to a French newspaper in Paris
26 on 15 November 2000. I am looking at the second page --

27 PRESIDING JUDGE: Did you refer to an exhibit, or what did
28 you refer to?

29 MR KOUMJIAN: P-33B.

1 Q. On the second page in the third paragraph, the third line
2 at the end, the sentence begins:

3 "The RUF committed terrible atrocities, people will have to
4 answer for that."

10:46:22 5 And that's true, isn't it, Mr Sesay? You agree with
6 Mr Taylor on that, the RUF committed terrible atrocities, don't
7 you?

8 A. Yes. The RUF committed crimes.

9 Q. That wasn't the question. The question was atrocities.

10:46:43 10 The RUF committed terrible atrocities. Do you agree with those
11 words of Charles Taylor?

12 A. Yes, because some of the crimes that happened were
13 atrocities.

14 Q. Mr Sesay - thank you Madam Court Officer - I want to go
10:47:09 15 back to child soldiers. Mr Sesay, were children under 15 armed
16 by the RUF?

17 A. No. I did not see children under 15, about 15 years, that
18 had guns.

19 Q. Were children under 15 placed at checkpoints? Did they man
10:47:48 20 checkpoints for the RUF?

21 A. Well, they were not at the checkpoints as guards, but if,
22 for example, a checkpoint had an RUF man deployed there, children
23 used to go there, but they were not assigned there as checkpoint
24 guards, those who were below the age of 15.

10:48:17 25 Q. Did children under 15 carry ammunition for the RUF?

26 A. No, no.

27 Q. Were children in the RUF given drugs?

28 A. No, no. RUF was not using drugs like cocaine, brown-brown,
29 no. The RUF was not using that, no.

1 Q. What is brown-brown?

2 A. It's a drug.

3 Q. Describe it to me. First of all, what does it look like?

4 A. Well, it is a drug that they smoke.

10:49:00 5 Q. And does it look like a plant or does it look like a dust
6 or a paste? What does it look like?

7 A. It looks like a rock. It is black, just like rock.

8 Because I knew it when it was confiscated from a businesswoman in
9 Makeni when the MPs arrested her. That was the first time I knew
10 it.

10:49:29

11 Q. Did children under 15 die in combat with the RUF?

12 A. No. RUF did not use children below 15 years to go and
13 fight. I did not see that.

14 Q. Mr Sesay, did you ever see a child with "RUF" marked on
15 their body?

10:49:51

16 A. No. That he was marked by the RUF? I did not see that.

17 Q. My question was did you ever see a child with "RUF" marked
18 on their body? Did you ever see that?

19 A. I did not see that.

10:50:17

20 Q. Mr Sesay, the RUF used children from the beginning of the
21 war, from Camp Naama, up until disarmament. Children under the
22 age of 15 formed part of the fighting forces of the RUF. Isn't
23 that true?

24 A. No, from 1991 to 1994 children did not go to the

10:50:53

25 battlefield. It was from '94, that is children at the age of 15,
26 they were the ones who took part in battles, because the children
27 who were - with whom we were in Naama with, I did not see any of
28 them with guns when we came to Sierra Leone. And when the NPFL
29 retreated from the RUF, the matured men in the RUF did not even

1 have guns, except when we started going to Kono in '92 to '93,
2 when we were pushed out in '94, when we were pushed to Kailahun
3 out of the towns, in '94 the RUF spread out in the country, in
4 the north, part of the east and part of the south, up to the
10:51:39 5 Western Area. It was then that the RUF started giving arms to
6 children around 15 years who started taking part in the front
7 lines, but it was not a policy that all children must go to the
8 front line, no.

9 Q. Mr Sesay, have you ever heard the term "Small Boys Unit"?

10:52:00 10 A. Yes, SBU.

11 Q. Where did you first hear that term "SBU"?

12 A. In Sierra Leone.

13 Q. You heard it at Naama, didn't you?

14 A. No. I said I heard it in Sierra Leone.

10:52:27 15 MR KOUMJIAN: If we could have the testimony of 22 April
16 2010, page 39639.

17 Q. This is from Defence witness DCT-062 in this trial. I'm
18 going to the very bottom of that page. The witness was asked on
19 line 27:

10:53:24 20 "Q. So there were children with you at Crab Hole" - first
21 let me ask you about that word Crab Hole. Mr Sesay, have you
22 ever heard of that, Crab Hole?

23 A. Yes, Crab Hole, that was where we were. That was where
24 they used to call Camp Sokoto.

10:53:41 25 Q. Actually in your own testimony in the RUF trial you never
26 called it Crab Hole. You called it Camp Jackson. Isn't that
27 true?

28 A. Well, I cannot recall. It was not everything that I said
29 in my trial that I can recall now.

1 Q. So this Crab Hole is Camp Naama; is that right?

2 A. Yes, that's Camp Naama.

3 Q. So when he was asked if there were children with you at
4 Crab Hole the Defence witness answered:

10:54:13 5 "Yes, we had four SBUs with us at Crab Hole. Four small
6 small boys.

7 Q. What does SBU stand for?

8 A. SBU means Small Boys Unit. They very small, under age
9 children. They were training with us.

10:54:37 10 Q. They did comprise a separate unit from the adults?

11 A. I said they were four in number, so they were mixed
12 with us."

13 Then if we go down to the bottom of the page, the witness
14 was asked, in the last three lines:

10:54:51 15 "Q. Besides PT training what other forms of training, if
16 any, did the children partake in at Crab Hole?

17 A. There were classes. They used to go to classes for
18 lectures, they used to go there, like how to attack.

19 Okay, they used to take part in that because they would
10:55:11 20 draw something like how to engage your enemy in the
21 capital. They used to take part in that.

22 Q. Do you know for what purpose these children were being
23 trained?

24 A. They were training to become vanguards like us.

10:55:30 25 Q. When a child completed the training did that child
26 automatically become a vanguard?

27 A. He became a vanguard."

28 So, Mr Sesay, does this remind you that the term "Small
29 Boys Unit" began in the RUF at Camp Naama?

1 A. I did not hear Mr Sankoh call them SBUs, because they were
2 just four children.

3 Q. And you got that name SBUs from your NPFL trainers. Isn't
4 that true?

10:56:07 5 A. I said I heard that name in Sierra Leone when we were in
6 Kailahun.

7 Q. The Defence witness who testified said that there were four
8 children trained with you at Naama who became vanguards. They
9 took part in classes on how to attack. Are you saying that that
10 witness is telling the truth or was that witness lying?

11 A. Well, that was his opinion. I can't say he was lying. But
12 what I do know here, I would say here.

13 Q. Mr Sesay, it is not a matter of opinion, either children
14 were trained, and you know that, trained to attack, or they
10:56:46 15 weren't. Were children trained to attack at Camp Naama or not?

16 A. Those children used to jog with us in the morning on PT,
17 but I did not see them taking effective training on class - in
18 classes, like how to attack. Like we, the adults, if you did not
19 attend a class for - they did not give you your bowl of rice, but
10:57:30 20 those rules did not govern the children.

21 Q. I am just trying to understand your answer. You took
22 classes at Naama on how to attack. Correct?

23 A. Yes.

24 Q. Were children part of those classes?

10:57:52 25 A. I said sometimes they would go and sometimes they did not.
26 It was not compulsory for the children to take part in those
27 classes because for us, the adults, it was compulsory for us. If
28 you did not attend the class you did not have your bowl of rice
29 for that day but, for the children, whether they attended or not,

1 they used to give them their own food. They were entitled to
2 their bowl of rice.

3 Q. Thank you. So children were trained, given military
4 training, at Camp Naama. Correct?

10:58:28 5 A. I said sometimes they would go to those classes and
6 sometimes they did not go. That's my answer. So it was not
7 compulsory for the children to go on training.

8 Q. Mr Sesay, I did not ask you if it was compulsory. Did
9 children get military training, yes or no?

10:58:46 10 A. They did not train us like - they did not train them like
11 we were trained.

12 Q. You just said children went to classes when they wanted to,
13 on how to attack; is that correct?

14 A. Children used to attend ideology classes but they were not
10:59:07 15 trained about attacks.

16 Q. So are you saying that this Defence, witness who talked
17 about children going to training on how to attack, was lying, yes
18 or no?

19 A. No, that's his opinion.

10:59:22 20 Q. His opinion is the truth, because you were there and you
21 know it happened; isn't that true? It is not an opinion, it is a
22 fact, children were trained - given military training at Naama.
23 Correct?

24 A. No. I was not aware that they were taking training like
10:59:40 25 us, the adults, who were taking military training because we used
26 to go on bush camps. We used to take classes on weapons, on
27 attacks, how - we were taught how to attack cities. Children
28 were not taking those classes; for the ideology classes, children
29 used to go there.

1 Q. And once you got into Sierra Leone it became the standard
2 practice, when you attack a town or a village, to take the
3 children, to take them and make them part of your fighting
4 forces; isn't that right?

11:00:12 5 A. Well, that did not happen at the initial stages of the war.
6 It was later that that happened, when some of them, at the age of
7 15 years, used to go to the battlefield. But between '91 to '93,
8 that did not happen.

9 Q. Mr Sesay, was it you that said that Foday Sankoh would
11:00:33 10 address the towns or village and ask the parents to give their
11 children to the RUF? Did you testify to that?

12 A. Yes. A man could be at the age of 25, 30, who is still a
13 child of his parents. That's a child for a parent - for his
14 parents.

11:00:52 15 Q. And Mr Sesay, the RUF anthem, let's just go back to that
16 for a second before we break. One of the refrains is: "Go and
17 tell my parents they will see me no more." That was the standard
18 of the RUF, to take children from their parents forever. Isn't
19 that true?

11:01:16 20 A. Well, as far as I know, what was happening in the Kailahun
21 District when it was started, because that is where the RUF
22 started getting the strength to fight the war. The RUF did not
23 take the people of Kailahun. Mr Sankoh spoke to them and people
24 were coming out in their hundreds willingly to join the RUF,
11:01:35 25 because they were anti to their former government then, that is
26 the APC. So they bought Mr Sankoh's idea of the revolution, so
27 there was no force. Nobody was forced to go into training, no.

28 PRESIDING JUDGE: We will take the midmorning break now and
29 we will reconvene at half past 11.

1 [Break taken at 11.01 a.m.]

2 [Upon resuming at 11.32 a.m.]

3 PRESIDING JUDGE: Yes, Mr Koumjian, please continue.

4 MR KOUMJIAN: Thank you, Madam President. And Ms Howarth

11:33:42 5 has left us for this session.

6 Could the witness please be shown the testimony from 20

7 April of this year, page 39456.

8 PRESIDING JUDGE: We note Ms Hambri ck has joined the bar

9 table.

11:34:05 10 MR CHEKERA: I'm sorry for the oversight, Madam President.

11 Thank you.

12 MR KOUMJIAN:

13 Q. Sir, this is from the testimony of Musa Fayia, who was

14 called by the Defence in this case, and he said, about probably

11:34:38 15 around line 20 - line 26 - he was asked:

16 "Q. Sir, did the RUF arm children?"

17 And again, the question was repeated:

18 "Q. Did the RUF give weapons to children?"

19 A. Yes, they did. They gave them weapons.

11:35:04 20 Q. How old were the children that were armed by the RUF?

21 A. They were children, children, children of child age.

22 Q. So from 10 up; would you agree with that?

23 A. Yes, I do. They were arming them."

24 Mr Sesay, this Defence witness was telling the truth when

11:35:29 25 he said the RUF was arming children from age 10 and above; isn't

26 that true?

27 A. Well, that is the opinion of that witness, but children

28 below 10 years, to go to the battlefield with a gun, no.

29 Q. Mr Sesay, children 10 and above, were armed, yes or no? Is

1 that in your knowledge or are you denying it?

2 A. No. I was not aware of that. I knew about children around
3 the age of 15.

4 Q. You were in the RUF from 1991 until disarmament. You led
11:36:26 5 the disarmament from 2001 to January 2002; isn't that true?

6 A. Yes, I led the disarmament.

7 Q. And you know that there were children who were armed by the
8 RUF, there were children under 15; isn't that the truth,
9 Mr Sesay?

11:36:46 10 A. Yes, I know that children around the age of 14, 15 fought
11 alongside the RUF, but children at the age of 10 or below that,
12 no. This man did not go to the battlefield.

13 Q. Mr Sesay, were children under 15 disarmed when you led the
14 disarmament of the RUF? There were children under 15 who
11:37:18 15 disarmed, according to that programme; isn't that true?

16 A. There were children around the age of 15 who were disarmed.

17 Q. There were hundreds of children under 15 that disarmed;
18 isn't that true? RUF children.

19 A. Well, RUF - the children did not disarm in hundreds,
11:37:45 20 because even the adults, not all of them had guns. There were
21 many adults who hadn't guns. That was one of the problems I
22 faced with the unarmed men, during the disarmament, because they
23 did not have benefits.

24 PRESIDING JUDGE: Mr Sesay, please. The question was very
11:38:03 25 clear and restricted to children under 15 that disarmed, children
26 under 15, not children over 15, not adults, children under 15.
27 That was the question.

28 THE WITNESS: No, my Lord. During the disarmament, I did
29 not see children below the age of 15 disarming.

1 MR KOUMJIAN:

2 Q. Mr Sesay, and, in fact, as we saw in the testimony of one
3 of the witnesses that was read this morning, you refused to allow
4 Caritas in April of 2000, the Catholic charity Caritas, to take
11:38:42 5 children from Makeni to Port Loko because they were RUF fighters
6 and you didn't want your fighters to be sent away; isn't that
7 true?

8 A. No, that Caritas man did not say the truth. I did not talk
9 with him. I did not attend any meeting with him in the
11:39:01 10 Teko Barracks. In April of 2000, I was not in Makeni that I
11 should have a meeting with him, no.

12 Q. Just so you're clear, that testimony I read to you was from
13 a peacekeeper, a Gambian. Does that refresh your recollection?

14 A. Yes, I recall. But even when he testified against me, he
11:39:25 15 said it. But I was not in Makeni that we held a meeting together
16 in April 2000.

17 Q. So he just made it up about asking you to allow Caritas to
18 take the children and you saying you wanted to screen for your
19 combatants? He made that up; is that right? Is that what you're
11:39:44 20 saying?

21 A. Well, that area of his testimony was made up, because I
22 knew of Mr Sankoh giving instructions to Gbao and Kallon to allow
23 Caritas to carry on their operations. And Gbao had meetings with
24 Caritas; it was not me.

11:40:05 25 Q. Mr Sesay, let's look at some more testimony, this time from
26 your Defence witnesses in your trial.

27 First, in tab 31, which is the testimony of former
28 President Kabbah, from the 16 May 2008, in open session,
29 page 101, starting at about line 17 - thank you, line 14. The

1 Prosecutor asked President Kabbah:

2 "Q. The question again is about child soldiers, and I'm
3 wanting you to tell the Court what you can to assist it in
4 what you knew about the use of child soldiers by the RUF.

11:41:20 5 A. Well, the RUF, from the inception to the end of the
6 war, used child soldiers extensively, and this was such a
7 problem that, as a government, we decided to put up some
8 building in Bo as a second city to Freetown where we will
9 take care of those child soldiers who had lost their
10 parents or were afraid to go to their homes."

11 Mr Sesay, President Kabbah said what everyone in
12 Sierra Leone knows is the truth: The RUF used child soldiers
13 extensively from the beginning of the war to the end. Isn't that
14 true?

11:42:02 15 A. Well, President Kabbah could not tell you what happened in
16 Kailahun at the beginning of the war, because he was not even in
17 Sierra Leone and he was not part of the government at that time.
18 But as far as child soldiering is concerned, I cannot deny the
19 fact that there were not child soldiers at the age of 15. I
11:42:30 20 cannot deny that fact - around 15 years.

21 Q. Mr Sesay, you know very well, because you were convicted of
22 the offence, you were on trial for four years, you know that the
23 crime is under 15, 14 and below. So let me ask you directly:
24 You know that there were children, 14 and below, 14 and below,
11:42:53 25 used extensively by the RUF from the beginning of the war to the
26 end. Isn't that true?

27 A. No, because from the beginning of the war, children did not
28 take part in the war, because even the RUF did not have
29 sufficient arms for all the adults that had been trained. But as

1 the war progressed, around '94, children took part in the war,
2 around the age of 14, 15. But children at the age of 10, that
3 they had guns going to the battlefield, no, I did not witness
4 that where I fought.

11:43:28 5 Q. Mr Sesay, you're still trying to evade your responsibility
6 for your crime of enlisting, conscripting and using children in
7 war or in armed forces. That's why you continue to lie to this
8 Trial Chamber and say you don't know about children under 15
9 being part of the RUF forces. Isn't that true?

11:43:53 10 A. No. The Court has already convicted me. I'm not
11 criticising the Court. But what I am saying is that the accounts
12 that I gave to the Court and the people who testified on my
13 behalf, that is 52 people, yes, I stood by what we said. But I
14 am not criticising the Court about the conviction.

11:44:20 15 Q. Mr Sesay, we just looked at one of your 52 Defence
16 witnesses, President Kabbah. Let's look at another, General
17 Opande, and that's at tab 32, and this is the transcript from
18 11 March 2008, page '94. And it begins, the general was asked:

19 "Q. When you went to Magburaka in roughly February of
11:45:06 20 2001, was it the case that you went for a meeting with RUF?

21 A. I went to get the - or to be handed over the weapons,
22 the UNAMSIL weapons, that were taken by the RUF fighters
23 during the hostage taking. So maybe your colleagues have
24 the dates. They wouldn't have the dates, but that was the
11:45:29 25 first time that I really gotten the feel of child
26 combatants.

27 Q. And on that occasion, when you saw around 10 to 20
28 children under 15 who were members of the fighting forces
29 of the RUF, were there senior members of the RUF present on

1 that occasion?

2 A. Of course there were.

3 Q. And who was there?"

4 And your Defence witness, General Opande, said:

11:45:58 5 "A. I went to meet with Issa Sesay. He was there. I
6 think Kallon was there, and so is Gbao was there, Gibril
7 Massaquoi I think was there. In fact, it was like the
8 first visit."

9 And then going down towards the end of the page, the last
11:46:20 10 three lines, he said:

11 "A. When they came, they came in vehicles, where the
12 majority of the fighting forces were sitting or hanging on,
13 and these kids were also hanging on to these vehicles, and
14 one was - you know, maybe one or two you would see toting
11:46:40 15 AK-47, the kids themselves.

16 Q. And again, you're saying something that you yourself
17 observed?

18 A. I did.

19 Q. We've just been talking about this incident in
11:46:53 20 Magburaka for the minute or so, but was this something that
21 you saw on repeated occasions, children under the age of 15
22 who were part of the RUF who would have been carrying
23 weapons?

24 A. As and when I started going into the various
11:47:14 25 localities, I would identify - I would identify one or two,
26 you know, soldiers, some of them were just on the
27 roadblocks with a string across the road, no weapons, but
28 they are like - if they are opening the roadblock for
29 people, you know, passing through, yes.

1 Q. Just now you used the word 'soldiers' at the roadblock.
2 Were you referring to children?

3 A. Combatants, combatants, RUF combatants, and also
4 soldiers.

11:47:46 5 Q. When you talk about these RUF combatants, were you
6 referring to ones who were children under the age of 15?

7 A. Children under the age of 15 and those who were over
8 the age of 18 and above. They were all mixed up together."

9 And then he was asked about that occasion at Magburaka that
11:48:13 10 was referred to earlier, and going to the next page, the question
11 was:

12 "Q. Was it the case that anyone at that location would
13 have been able to see these children at the age of 15?

14 A. Unless you were not observant, yes, everyone else
11:48:31 15 should have seen them.

16 Q. For example, there was nothing that would have been
17 blocking the view of Mr Sesay to see these children under
18 the age of 15?

19 A. I don't think so."

11:48:48 20 And then going to the bottom of the page, the last
21 question:

22 "Q. Earlier today, just before lunch I think you, I
23 believe, made a reference to seeing one child who was
24 six years of age who was part of the fighting forces of the
11:49:04 25 RUF.

26 A. No, I think you didn't get me right. What I stated
27 was, when we asked these kids when did you join, you know,
28 the fighting, you know, group, some said 'When I was six,
29 some said eight, some said 10'. They themselves told us as

1 to whether they actually knew their age is a different
2 thing, because they didn't have passports or birth
3 certificate. But they themselves told us. I remember
4 talking to kids when I saw them I felt very, you know, very
11:49:37 5 sad about it and asked 'When did you join the fighting
6 forces?' He said 'Six years, ten years, nine years,
7 12 years or 15'."

8 He was then asked - I am going to go down three lines:
9 "Q. I'm going to suggest to you that yourself would have
11:49:57 10 observed perhaps 100 children under the age of 15 who were
11 part of the RUF fighting forces."
12 And your Defence witness, General Opande, said:
13 "A. It's a possibility. That is a possibility. I didn't
14 count, but that is a possibility."

11:50:18 15 And going to the next page, he was asked, in the middle of
16 the page:
17 "Q. But the question was a little bit more than just kids
18 turned over to you. I was trying to focus on children who
19 were identified or reported to you to be part of the
11:50:44 20 fighting force of the RUF, and also under the age of 15."
21 The General answered:
22 "A. There were those who were actually categorised as
23 child soldiers. Amongst them were children who were
24 categorised as having been associated with the fighting
11:50:58 25 forces, they could have been cleaners, cooks or just
26 displaced children, children who had lost their parents or
27 gone to wherever, but they happen to have been taken care
28 of the RUF and, yes, that is the total, of over 1,000."
29 Mr Sesay, that's the truth: Even at the time you were the

1 interim leader and disarmament began to take place after Abuja
2 II, there were hundreds of children who were part of the RUF
3 fighting forces who disarmed, isn't that the truth?

4 A. Well, as far as I know, not a large number of children
11:51:45 5 disarmed. Some of the children were with the members of the RUF
6 but they were not armed. And even the RUF established schools
7 from 1998 and up to this time, Kailahun, Kono, up to 2000,
8 Kailahun, Tongo, Bombali, and part of Koinadugu District, the RUF
9 had schools, that is primary schools, and children used to attend
11:52:12 10 those schools. It was not a policy that every child behind the
11 RUF line was a combatant, no.

12 Q. Hundreds of children behind the RUF lines were combatants,
13 yes or no, Mr Sesay?

14 A. Well, yes, at the age of 14, 15.

11:52:34 15 Q. Mr Sesay, I read to you from General Opande's testimony.
16 Did he tell the truth, in what you heard me read? Was that true?

17 A. Well, General Opande saw --

18 MR CHEKERA: It --

19 PRESIDING JUDGE: Please pause. Yes, Mr Chekera?

11:52:54 20 MR CHEKERA: It might be helpful for counsel to
21 specifically highlight which part of General Opande's evidence,
22 it covers over three, four pages, and that would be a compounded
23 question if he were to make a general comment. So to help the
24 witness answer, it might assist if specific allegations are put
11:53:14 25 to the witness.

26 PRESIDING JUDGE: Very well.

27 Mr Koumjian, that is a pertinent observation. If you so
28 wish, please put the questions one by one.

29 MR KOUMJIAN:

1 Q. Sir, more than 1,000 children were turned over by the RUF;
2 do you agree with that?

3 A. Yes, because many of them were children who were with some
4 members of the RUF, they were at their houses doing domestic
11:53:46 5 chores.

6 Q. And when General Opande said that he had a meeting with you
7 and there were 15 to 20 children under 15 who were - arrived as
8 part of the fighting forces, some of them he observed with
9 weapons, that was true. Correct?

11:54:03 10 A. Yes, at the age of 15. Those he saw in Magburaka with
11 guns.

12 Q. He said they were under 15; they were clearly under 15, 10
13 to 20, isn't that true?

14 A. General Opande did not talk to those children on that day.
11:54:29 15 He could only estimate.

16 Q. And when General Opande says that he talked to many RUF
17 children who said that they joined or RUF fighters joined at ages
18 nine, ten, even six years of age, did you ever talk to any RUF
19 fighters who told you that they joined at those ages?

11:54:52 20 A. A six year-old child cannot fight a war. A six year-old
21 child cannot go to the battlefield where cluster bombs are being
22 dropped, where heavy fighting is going on. An eight year-old
23 child cannot fight a war like that.

24 PRESIDING JUDGE: That is not the question asked. That was
11:55:16 25 not the question asked, Mr Sesay. Answer the question asked.

26 You see, the question was: When General Opande says that he
27 talked to the children who said they joined the RUF - RUF
28 fighters at age nine, ten, even six, is that true?

29 THE WITNESS: Well, on the day that we had the meeting in

1 Magburaka, General Opande did not talk to them.

2 PRESIDING JUDGE: I'm not asking if General Opande spoke to
3 them. The question, and I think you know what the question
4 really is, is that: Did any of these children join the RUF at
11:56:04 5 ages nine, ten, even six years of age? That is the question.

6 THE WITNESS: Well, my Lord, for example, ma'am, if RUF
7 captures an area, then there is a child there, at the age of six
8 to seven years, it would be in the RUF-controlled area.

9 MR KOUMJIAN:

11:56:33 10 Q. Mr Witness, we had one witness in this trial who testified
11 in June, I do not have the exact page reference, of 2008,
12 TF1-375, that he was abducted by the RUF, trained by
13 Foday Sankoh, sent to man checkpoints when he was 12. And when
14 he committed his first killing of a civilian, who refused to turn
11:57:01 15 over a bag, at 13, he was promoted. That happened in the RUF,
16 didn't it?

17 A. I don't know the time frame this witness is referring to.
18 Because from '94 up to '96 when Mr Sankoh went to the Ivory Coast
19 I was not in Zogoda where he was.

11:57:25 20 JUDGE DOHERTY: Mr Witness, when you say "where he was" who
21 are you referring to, the witness in question or Mr Sankoh?

22 THE WITNESS: I'm talking about Mr Sankoh, my Lord. I said
23 from '94 when he left Kailahun he was in Zogoda.

24 JUDGE DOHERTY: Mr Sesay, you were asked about a witness,
11:57:47 25 not about Mr Sankoh.

26 THE WITNESS: But, my Lord, when I could not tell when the
27 witness is referring to, is it when Mr Sankoh was in Zogoda or
28 when Mr Sankoh came to Kailahun, how would I answer?

29 MR KOUMJIAN:

1 Q. Mr Sesay, I'm asking you ever, at any time when you were
2 with the RUF, did you hear of children sent to man checkpoints,
3 armed and sent to man checkpoints?

4 A. No. From '91 to '93 up to the time Mr Sankoh left
11:58:31 5 Kailahun, I did not see that. But in late '90s children at the
6 age of 15 used to be at the checkpoints.

7 Q. Mr Sesay, going back to something you said earlier. I
8 asked you about seeing children marked "RUF" on their bodies.
9 I'm talking about some kind of tattoo or scarring of their body,
11:58:59 10 you understand that? Did you see children with "RUF" cut into
11 their bodies, scars saying "RUF"?

12 A. No, where I was I did not see that, because some other
13 areas of the RUF, I did not go there during the time of the war.

14 Q. Did you know of any children who were marked by the RUF?

11:59:22 15 A. No, I don't know of children like that, but I know of some
16 people who - whom the RUF captured, they would be marked "RUF", I
17 knew about that.

18 Q. Mr Sesay, let's read from another Defence witness for
19 Charles Taylor, the 12th of April 2010, page 38767. And I can
12:00:11 20 tell you the name of this witness, Mr Sesay. This is Charles
21 Ngebeh, and he said - it's 12 April, page 38767:

22 "A. Atrocities really happened in that country, mama. I
23 can't deny that. It happened. RUF was marking people. We
24 ourselves, who were captured, they marked us. We, the
12:00:44 25 soldiers. It happened. I can't deny that. It was done by
26 Sierra Leoneans.

27 Q. And throughout the conflict the RUF used children under
28 the age of 15, isn't that right?

29 A. Mama, all this that you're talking about, the whole

1 world knows about that. It happened. It happened, you're
2 right."

3 Mr Sesay, are you the only person in the whole world who
4 doesn't know that the RUF used children throughout the conflict?

12:01:16

5 A. I did not say I did not know that RUF used children. I
6 said I knew of the RUF using children at the battlefield at the
7 age of 14 to 15 years. But if this witness said RUF marked
8 children, I can't deny that because he could have been at the
9 jungle that I was not present, from 1992 to 1993 he left

12:01:41

10 Kailahun; at first he was in Zogoda and he went to other jungles
11 that I did not go.

12 PRESIDING JUDGE: Mr Sesay, are you saying that you have
13 never heard of children being marked "RUF", ever?

12:02:05

14 THE WITNESS: My Lord, I said people were marked, but
15 things happened. RUF would commit crimes and they would not
16 explain that to their colleagues. RUF would do things, like one
17 incident that occurred, it was later, around 19 --

12:02:24

18 PRESIDING JUDGE: I'm going to stop you right there and
19 I'll ask you to answer my question. Don't tell me your stories.
20 I want you to answer the question that I simply asked, which is:
21 Are you saying that you have never heard of children being marked
22 "RUF" ever?

12:02:49

23 THE WITNESS: I heard of people, civilians that the RUF
24 captured; that was what I heard, that they were marked, in the
25 jungle areas, because these things did not happen in Kailahun.

26 PRESIDING JUDGE: Are you saying that children are not
27 people?

28 THE WITNESS: Children are people, my Lord.

29 PRESIDING JUDGE: So are you saying that you've never heard

1 of children being marked?

2 THE WITNESS: I did not heard - I did not hear of small
3 children at the age of 10 or below, I did not hear that where I
4 was.

12:03:22 5 MR KOUMJIAN:

6 Q. Mr Sesay, in your answer just a moment ago you said: "I
7 heard of people, civilians, that the RUF captured, that is what I
8 heard, that they were marked." Why did the RUF mark civilians
9 that they captured?

12:03:38 10 A. Well, in this '94 to '96 the RUF who did this were Jungle
11 and others. They were not under my control. They were not
12 subject to my control. They were not under my control. That was
13 just wickedness, you know, capturing someone and you mark the
14 person, taking a blade and you mark the person "RUF". That is
12:04:03 15 just wickedness.

16 Q. You said, "The people that did this were Jungle and
17 others." Jungle, as in Daniel Tamba?

18 A. No, no. I said these were the RUF who were staying in
19 those various jungles. That is what I meant. Like Zogoda,
12:04:26 20 Peyima, the Kangari hills, the Bo Jungle.

21 PRESIDING JUDGE: Mr Sesay, you said "Jungle and others".
22 "The people who did this were Jungle and others." What did you
23 mean?

24 THE WITNESS: Well, maybe it was the interpreter who did
12:04:43 25 not get me clearly, but I said these sort of things that RUF did,
26 maybe they did it in the various jungles. But in the Kailahun
27 District, the RUF did not mark civilians. But when RUF extended
28 and went to jungles in '94 they were marking people. That was
29 what I meant, my Lord.

1 MR KOUMJIAN:

2 Q. But you did not explain why they would mark these people.
3 Are you saying it was done just out of wickedness? Is that your
4 answer?

12:05:24 5 A. That was what I said. It was just wickedness because if
6 you mark someone with a blade to say "RUF", what will that
7 benefit you?

8 Q. Well, basically it benefits the RUF because that person
9 then runs a risk that if they try to run away in other areas
10 they'll be identified as RUF and mistreated, because they'll be
11 seen as rebels, so they had no alternative but to stay with you.
12 Isn't that why the RUF marked children?

13 A. Well, those were your witnesses. Your own very witnesses,
14 Isaac Mongor and others, Massaquoi and others, they were the ones
15 who lived in the jungles who were doing those things.

16 PRESIDING JUDGE: Mr Sesay, what was your position 1994 to
17 '96? What was your position in the RUF?

18 THE WITNESS: I was the area commander from 1994 to '95 in
19 Kailahun. June '94 to November '95.

12:06:38 20 PRESIDING JUDGE: The question stretched to '96.

21 THE WITNESS: No, my Lord, between November to -
22 between November and the whole - the rest of - the whole of 1996
23 I did not get any appointment. I did not have an assignment
24 until March of '97. From November 1995 to March '96 I did not
12:07:08 25 have any assignment within the RUF, my Lord, and no position.

26 MR KOUMJIAN:

27 Q. Let's look at the testimony of another Defence witness from
28 21 April 2010, page 39504, still on the subject of child
29 soldiers.

1 MS IRURA: Your Honour, just to note that this is a private
2 session transcript.

3 MR KOUMJIAN: Thank you, I'll read it.

4 Q. Mr Witness, I'm reading from line 7. The Defence counsel
12:07:57 5 was reading to the Defence witness from a document and I'm going
6 to begin with the document that he was quoting. He said:

7 "'With all these problems of food, the RUF hierarchy was
8 well provided for and they lived in absolute luxury. The
9 wives of the senior RUF cadre are served by a large
12:08:21 10 number of child soldiers, referred to as Small Boys Unit.
11 These young children are the most ruthless because they can
12 do anything their bosses tell them to do, such as killing,
13 molesting elderly people, et cetera.'

14 Do you agree with this paragraph, sir?

12:08:43 15 A. Yes, I do."

16 Mr Sesay, do you agree with that paragraph?

17 A. Well, I wouldn't disagree because some RUF commanders had
18 SBUs in different parts of the country. But my own bodyguards
19 were natives of Kailahun from '91 to '97. I did not have any
12:09:11 20 bodyguard from outside Kailahun, they were all natives of
21 Kailahun and they were staying with me with their brothers and
22 sisters, and some of them even had their mothers with them where
23 I was and where they stayed with me.

24 PRESIDING JUDGE: The witness said, "Well, I wouldn't
12:09:27 25 disagree." The record shows the opposite.

26 MR KOUMJIAN: Excuse me, your Honour. I'm reminded that
27 the two transcripts that I read to the witness, the first from
28 President Kabbah, that that transcript be marked for
29 identification.

1 PRESIDING JUDGE: Mr Koumjian, I know I haven't said this
2 before, but I'm really wondering, once you've read the transcript
3 into the transcript, is there any point really in exhibiting the
4 transcript?

12:10:07 5 MR KOUMJIAN: As long as there's no dispute about it, I
6 think it's fine not to. If the Defence is agreeable to that, I'm
7 fine with not exhibiting the transcript. But I do note that
8 sometimes I am skipping lines.

9 PRESIDING JUDGE: Yes. But surely - there must be value
12:10:30 10 when we take in exhibits. There must be value to these exhibits.
11 If there's no value added, the transcript is a court record and
12 it's been read into the record, do we really need to? I don't
13 think we need to exhibit it further.

14 MR KOUMJIAN: Well, my concern is just that normally a
12:10:49 15 question of course does not - is not evidence. But we suggest
16 that this is the testimony that contradicts the witness's own
17 testimony.

18 PRESIDING JUDGE: But when you've put it to the witness,
19 it's his evidence that then becomes the evidence. Isn't it? His
12:11:08 20 answer becomes the evidence.

21 MR KOUMJIAN: Well, but I think also the contradictory
22 evidence from his own trial should be considered for its own
23 value, not only his answer. That would be my submission.
24 Whatever your Honours decide.

12:11:27 25 PRESIDING JUDGE: Okay. I'm going to mark Tejan Kabbah's
26 testimony of 16 May 2008, that's pages [microphone not activated]
27 101, to mark that as MFI-14. And the evidence of General Opande
28 of 11 March 2008, pages 94 to --

29 MR KOUMJIAN: 98, I believe.

1 PRESIDING JUDGE: Yes, to 98 as MFI-15.

2 MR KOUMJIAN:

3 Q. Mr Sesay, children who were abducted by the RUF were
4 particularly useful and willing to do whatever they were asked to
12:12:49 5 do because they were frightened and trying to survive. Isn't
6 that true?

7 A. Well, not all of them. To say they used them to do bad
8 things, no, because for the children who were staying with me,
9 they were staying with their brothers, because their brothers
12:13:13 10 were my bodyguards and they were all natives of Kailahun.

11 Q. Mr Sesay, I want to go back to - excuse me, I want to move
12 on to another document concerning child soldiers. It is a
13 confidential document. P-541B, paragraph 304 of the Truth and
14 Reconciliation Commission report. I'm told it's not
12:13:49 15 confidential. If it's not, then we can display it.

16 You've told us that you did not know of any drugs
17 administered to children in the RUF. Paragraph 304 of the TRC
18 report states:

19 "Drugs were initially administered to children by force but
12:14:29 20 later many children began taking drugs voluntarily as a matter of
21 habit or dependency. They were guaranteed easy access and their
22 commanders were likely only to encourage them. The former
23 adjutant general of the RUF, Jonathan Kposowa, as attributed in
24 the footnote, testified that as the conflict so the trend evolved
12:14:57 25 with commanders forcing children to keep taking drugs after
26 introducing them to the habit."

27 Mr Sesay, children were given drugs in the RUF before
28 battles. Isn't that true?

29 A. No. I did not see that to say they were drugging children

1 to go to the battlefield, no. I did not see anyone distributing
2 drugs to children to go to the battlefield, no.

3 MR KOUMJIAN: If we could please have the transcript for
4 3 June 2010 - excuse me, it's private session. 3 June 2010,
12:15:38 5 page 42028.

6 Q. A question was asked by Justice Doherty and the witness was
7 asked to answer it. The witness said:

8 "Yes, my Lord. My Lord, I am saying yes because after -
9 even during the peace talks commanders were giving drugs to their
12:16:05 10 children."

11 And the Presiding Judge asked if that was drugs to their
12 biological children and the witness said:

13 "Excuse me, madam, these children were staying - they were
14 adopted people, so they took them to be their children, but they
12:16:23 15 were not their maternal children. They were children that were
16 captured, so they were staying with them."

17 And going down, there was some discussion about what word -
18 the witness was using the word "adopted" and whether that meant
19 abducted. And then we see eventually the witness - the

12:16:46 20 Presiding Judge asked, "Were these children captured or were they
21 not captured?" The witness answered, "They were captured."

22 Mr Witness, are you trying to tell these judges you've
23 heard never of children in the RUF being given drugs?

24 A. No. To say they distributed drugs to them, no. Because I
12:17:18 25 know that marijuana was a common thing within the RUF, but to say
26 they used to parcel that and distribute it to children, no.
27 Because that was the only drug that I knew about that the RUF
28 members used to smoke. That is marijuana.

29 Q. Let's go to the testimony of another Defence witness,

1 1 April 2010, page 38608. Going down to line 7, the witness was
2 asked:

3 "Q. You also told the judges about an attack on Kambia
4 District and the capture of nuns and lots of
12:18:41 5 school children. Do you recall telling the judges about
6 that?

7 A. You are correct.

8 Q. And you indicated, did you not, that this occurred in
9 1995?

12:18:54 10 A. You are correct.

11 Q. What were the ages of these many school children who
12 were captured?

13 A. Some were seven years, 10 years, some were 18 years.
14 But there were many students. The students were many,
12:19:08 15 including seven nuns.

16 Q. And the students, what was their gender? Were they
17 male, female or both?

18 A. Females, males, children. It was mixed, you know."

19 Mr Witness, the witness is talking about what you told us
12:19:28 20 earlier, the capture by Gibril Massaquoi of school children; isn't
21 that correct?

22 A. Yes, because he was the one who attacked Kambia.

23 Q. So you know that children, school children, were captured,
24 abducted and taken into the RUF; isn't that true?

12:19:48 25 A. Well, I think that was what I testified about, that he
26 captured students from Port Loko and Kambia.

27 Q. Mr Witness, as a Sierra Leonean, you know that Sierra Leone
28 continues to suffer to this day from what occurred during those
29 10 years of the RUF war, from children being taken away from

1 their parents, from their ties to their families, to their
2 extended families, to their communities being broken, that these
3 children still are living, now they are adults, without these
4 bonds to their families, to their villages, and the country
12:20:34 5 suffers from that even to this day; don't you agree?

6 A. Yes. I agree that the country still suffers as a result of
7 what obtained during the war, but when I was in Makeni during the
8 disarmament, like, for the children in Kailahun, through the
9 United Nations and the NGOs, they sent them back there. They
12:21:01 10 were reintegrated together with their family members, because you
11 called a witness, who served as a Prosecution witness, who was
12 working with the Caritas, all the things that he said were that
13 the children were from the east, and most of the names were not
14 northerners.

12:21:20 15 MR KOUMJIAN: First, your Honour, I'd ask that answer be
16 redacted. He was talking about a witness that testified in his
17 case in closed session. He doesn't identify the name but he
18 identifies the organisation.

19 PRESIDING JUDGE: So I don't know what witness this is.
12:21:47 20 How does this reveal a witness?

21 MR KOUMJIAN: Well, it reveals the organisation.

22 PRESIDING JUDGE: Did Caritas only employ one person at the
23 time?

24 MR KOUMJIAN: That is a point. I'm certain they employed
12:22:05 25 many more than one person.

26 Q. Mr Witness - Mr Sesay, are you saying - you talked about
27 that you agree that the country still suffers from the effects of
28 the child soldiers that were abducted during the war; is that
29 correct?

1 A. Yes. But I said that they had been reintegrated during
2 disarmament. They took them back to their family members. But,
3 like, the witness that has just been speaking about that you
4 stopped me, all the names that he called were all names from
12:22:51 5 either Magburaka or Makeni, and that was where the RUF met them
6 and until the time the RUF disarmed them and returned them back
7 to their parents.

8 Q. And those were the children that you refused to allow
9 Caritas to take from Makeni to Port Loko, correct?

12:23:07 10 A. No. I did not refuse Caritas to do that, and I did not
11 have any discussion with Caritas pertaining that. And I know
12 that after disarmament, the children went back to their family
13 members, and most of them were staying with their families in
14 Makeni.

12:23:29 15 MR KOUMJIAN: If the witness could be shown document P-335.

16 Q. Sir, I'm going to start on the first page, the
17 paragraph labelled "Context". Just so you know, this is from
18 Child Soldiers, Global Report 2001:

19 "Since 1991, Sierra Leone has been in the grips of internal
12:24:37 20 armed conflict between government forces and international
21 peacekeepers and armed groups including the RUF and AFRC.
22 Thousands of men, women and children have been killed, raped,
23 wounded or systematically mutilated. The Lome Peace Agreement
24 of July 1999 included important provisions on the demobilisation
12:25:00 25 of child soldiers. Just over 24,000 combatants, including 1,700
26 children, were disarmed before the peace process collapsed
27 in May 2000. Renewed insecurity resulted in further abuses
28 against civilians and massive displacement. A 30-day ceasefire
29 signed in November 2000 held throughout the early months of 2001.

1 However, the RUF did not disarm and violence towards civilians,
2 including returning refugees, continued. The RUF still controls
3 large sections of the diamond-rich north and east of
4 Sierra Leone."

12:25:47 5 First of all, Mr Sesay, when they talk in this article
6 about the ceasefire, 30-day ceasefire in November 2000, that was
7 the Abuja I Accord, correct?

8 A. Yes, the Abuja I Accord was in November - October/November,
9 but there had been a ceasefire even before this time, because we
10 are no longer fighting against government even before this time.
11 Because when the ECOWAS leaders told me, starting from August,
12 that I shouldn't attack any government positions, the SRSG also
13 confirmed that, and even President Kabbah said that, in his
14 testimony, that at the time that they had told us that the RUF
15 was no longer attacking government positions.

16 Q. Mr Sesay, we'll come to the disarmament and your role in
17 that later, but let me just make one thing clear to you. You've
18 testified that disarmament began with Abuja II in May 2001 and
19 that you led the RUF from May 2001 into disarmament, and I don't
12:27:01 20 disagree with that. I believe you told us the truth about that.
21 Do you understand that?

22 A. Yes.

23 Q. So let's go to "Child Recruitment and Deployment". It's on
24 page 378. "Revolutionary United Front".

12:27:32 25 "In May 2000, an RUF spokesman," SWB Rogers is how it's
26 printed here, "was quoted as saying, 'The RUF doesn't believe in
27 using children as soldiers. When they are five or six, they are
28 far too young to fight. We only use the older boys, from 10 or
29 11 upwards.'"

1 That's true, isn't it, Mr Sesay? When it comes to the
2 battlefield, the RUF used 10 year-olds and up; isn't that true?

12:28:19 3 A. This man is a civilian. He never used to go to the
4 battlefield. I know that the children that I involved in battle,
5 that were around 15 years old.

6 Q. SYB Rogers was the spokesperson for the RUF at a time,
7 correct?

12:28:42 8 A. No. In May 2000, or before May 2000 - from October '99
9 to May 2000, Gibriil Massaquoi was the spokesman; at the same
10 time, special assistant to Mr Sankoh.

11 Q. SYB Rogers had been president of the War Council, correct?

12 A. Chairman of the War Council. And at this time, after the
13 Lome Accords, Mr Sankoh said it was then peace council. So he
14 was the chairman of that.

12:29:02 15 Q. Thank you. And then let's go skip a paragraph:

16 "Since May 2000, RUF forces have continued to abduct and
17 forcibly recruit children as combatants, often using drugs to
18 induce their compliance and fighting ferocity. Others were
19 reported to have volunteered to join the RUF. However, it
12:29:30 20 appears that in many cases these children had little option but
21 to do so. From May through August 2000, reports from Kambia and
22 Makeni Districts, Northern Province, described RUF forces going
23 from village to village demanding a quota of men and boys, most
24 of whom were forced to join under duress. Local traditional
12:29:56 25 leaders, rulers known as paramount chiefs, were ordered to
26 provide a certain number of recruits and families to hand over
27 children, including those aged under 18. The RUF has also
28 reportedly killed children who refused to join their forces and
29 frequently extorted money from families of conscripted youths.

1 Recruits also include hundreds of those who were previously
2 demobilised after the July 1999 Peace Agreement. Some 200
3 demobilised children were abducted on their way from Kabala to
4 Freetown in January 2000. In May, re-recruitment increased when
12:30:42 5 RUF commanders targeting interim care centres at the Makeni
6 Rehabilitation Centre, for example, a group of 72 former child
7 soldiers were forced to rejoin. Some of the children were told
8 by RUF forces that their families had been traced and the RUF
9 would help them return to their homes. It was also reported that
12:31:09 10 the RUF threatened to kill everyone at the centre if the children
11 did comply.

12 Recent interviews of children staying at transit centres
13 set up in Bo and Kenema, as part of the demobilisation programme
14 in 2000, confirmed reports of sexual violence and abuse of
12:31:31 15 children, both boys and girls, by RUF personnel. Three
16 adolescent boys interviewed by an aid worker reported that they
17 had been abducted around age 14 and 15 and were sexually abused
18 by female members of the RUF. They also reported being sexually
19 abused by male RUF members, apparently as a form of punishment.
12:31:57 20 Other forms of abuse included being forced to aid and abet the
21 rape of girls. Rape of girls by RUF members was frequently
22 cited."

23 And then just going to read one last paragraph on page 380,
24 the last paragraph:

12:32:21 25 "A particular challenge for reintegration programmes
26 concerns child rape victims forced to live among the RUF. The
27 taboo nature of the subject, the social ostracisation that often
28 follows abuse, and the lack of appropriate government services,
29 all present significant obstacles to dealing with such victims of

1 armed conflict."

2 Mr Sesay, throughout the time when you were the interim
3 leader, you were dealing with this issue of the demobilisation of
4 child soldiers from the RUF; isn't that true?

12:33:04 5 A. Yes. I and the UN authorities held meetings about the
6 abducted children, for them to be handed over by the RUF, but
7 what this witness is talking about, about abuses in the Bombali
8 District, is a complete lie. Recruitment - RUF was no longer
9 recruiting at this time, so this is - this is not a true event
12:33:30 10 that took place. To say the way the RUF behaved or to tell the
11 people in the Bombali District, if we had behaved to them
12 wrongly, I don't think that we would have got so many people from
13 there to come and talk on my behalf because by then Mr Sankoh,
14 who was the leader, was no longer there.

12:33:56 15 MR KOUMJIAN: Could the witness be given - thank you,
16 Madam Court Officer - P-43.

17 Q. While that is being brought to you, Mr Sesay, let me read
18 to you from paragraph of the trial judgment in your case,
19 paragraph 2087. Paragraph 2087, page 618 of the Trial Chamber
12:34:41 20 judgment of 2 March 2009 states:

21 "From his base in Kailahun District, Sesay ordered that all
22 civilians be trained and the SBUs be armed with small firearms.
23 As a result many civilians from 10 to 25 years of age were
24 trained at Buedu at that time over a two-week period. Issa Sesay
12:35:04 25 himself had SBUs under his direct control, some of which were
26 used on the front lines."

27 That's what the Trial Chamber said in your trial and that
28 is true, isn't it, Mr Sesay?

29 A. Well, don't look for a problem from me. I cannot challenge

1 or criticise what the Trial Chamber said. But what I know, and
2 what the people who were in Kailahun, Buedu know, never from 1991
3 to the end of the war, there was no intimidation - there was no
4 training base in Buedu. But the Trial Chamber found out that
12:35:48 5 there was a training base in Buedu and I was convicted for that,
6 what would I say? I don't have anything to say with regards to
7 that.

8 Q. If we can go then to P-43. It's a report of an expert
9 witness, submitted in this case, entitled Children Associated
12:36:12 10 With Fighting Forces in the Conflict in Sierra Leone, and I want
11 to start reading just a paragraph on page 12. It states that:

12 "Social worker interviews indicate that many girls bypass
13 DDR and FTR."

14 Let me stop there. "DDR" stands for Disarmament
12:36:45 15 Demobilisation and Reintegration. Is that correct, Mr Sesay?

16 A. You have brought the document.

17 Q. Well, you were the interim leader of the RUF in charge of
18 implementing the Abuja II Accord. DDR stands for Disarmament,
19 Demobilisation and Reintegration; isn't that correct?

12:37:12 20 A. Yes. But what the secretary of the DDR said, you did not
21 take that. When he closed at 2005, the interview that he had, he
22 made it public to everybody, that the RUF did not want to disarm,
23 and that Issa had many of his RUF members --

24 PRESIDING JUDGE: Mr Sesay, the question was quite simply
12:37:38 25 the meaning of DDR. Okay. We've understood your answer; you
26 agree with the suggested meaning. Now, please continue,
27 Mr Koumjian.

28 MR KOUMJIAN:

29 Q. And, Mr Sesay, rest assured, we'll come to your role in the

1 disarmament. And again, I don't disagree, I agree with you, that
2 since Abuja II - from Abuja II, you led the RUF into disarmament.
3 Do you understand that? I don't disagree with you on that.

12:38:18

4 A. Yes, but before Abuja II, the document that you've just
5 read to me, that is not the true document and you, yourself, know
6 about that, but you are still bringing documents that are not
7 correct, that it was November that the ceasefire was in place;
8 there was a ceasefire before that time, and you know that.

12:38:35

9 Q. There was a ceasefire in place that the RUF was violating,
10 and that's why you went to Abuja I, because there was conflict.
11 Correct or incorrect?

12:38:59

12 A. No. Abuja I - the purpose of the Abuja I was to go and
13 discuss the implementation of the Lome Accord; but from the
14 appointment, when I met with the three ECOWAS leaders, from there
15 the hostilities ceased between the RUF and the Government of
16 Sierra Leone.

17 Q. Mr Sesay, let's finish with child soldiers, and I promise
18 you, we'll come back to the Abuja I and Abuja II Accords. This
19 paragraph indicates that:

12:39:17

20 "Many girls bypass DDR and FTR because the commanders would
21 not release them. Also many face stigma and shame due to what
22 they experienced in the bush and were reluctant to formally
23 identify themselves as having participated. They therefore
24 prefer to forego benefits and return home immediately."

12:39:40

25 And that is true, isn't it, that many girls who had been
26 abducted by the RUF, because of the shame of what they had went
27 through, never wanted to report that, even if it meant giving up
28 the benefits of demobilisation. That's true, isn't it?

29 A. Well, I knew that in Makeni and Kono, some of the women who

1 were armed, they disarmed. But the DDR policy was that they did
2 not disarm unarmed people. So most of the women were not armed,
3 so how could NCDDR have accepted them?

12:40:31 4 Q. This is a very long document. I don't intend to read more
5 than a little bit of it. Let's go to page 21, the last
6 paragraph. It states:

7 "Graph 7", which is displayed on the next page, "displays
8 the number of children used in active combat by each fighting
9 faction. Again, as interviews from phase two indicate, the term
12:41:05 10 'rebels' is attributable to the RUF, as these terms were deemed
11 one and the same. Even without adding this category, the AFRC
12 RUF and the RUF together account for 63 per cent of children used
13 in active combat."

14 And then on the next page we see graph 7 from this study,
12:41:26 15 armed groups using children in active combat, and we see the
16 largest number is the bottom labelled "AFRC/RUF 118" and close to
17 it labelled "RUF 106".

18 Mr Sesay, in actuality, again, hundreds of children were
19 used by the RUF in combat throughout the war, isn't that true?

12:42:01 20 A. Well, the way it has been explained here, here - you know,
21 it was not all the children in the RUF that had guns. It's not
22 possible. They were just aiding. The children were there, some
23 of them were there doing domestic chores, but all of them were
24 now counted as child combatants.

12:42:31 25 Q. Mr Sesay, let's just look at the appendices to this, the
26 appendix to this report, appendix 1. It's entitled, if you look
27 at page 26, Appendix 1, List of Commanders. And then if we go to
28 page 39, and this is what children themselves reported to those
29 who were conducting this study, as to who was their commander,

1 abductor, care giver, et cetera. And if we look at page 39,
2 towards the bottom, we start to see the name: "Issa, Brigadier
3 Issa, commander, Makeni. Brigadier Issa, abductor, Makeni.
4 Brigadier Issa", it says, "'abductee', Port Loko. Brigadier
12:43:51 5 Issa, abductee, Makeni." Going down, "Colonel Issa, commando,
6 Makeni. Colonel Issa, commando, Makeni. Colonel Issa,
7 commander, Makeni. General Issa, commander, Kono." Skipping
8 down to the bottom three entries on this page: "Brigadier Issa
9 Sesay, commander, Makeni. General Issa Sesay, RUF commander,
12:44:19 10 Makeni. General Issa Sesay, caretaker, Kono."

11 You told us during your direct examination that there was
12 only one commander in the RUF known as Issa, isn't that true?

13 A. Yes, I was Issa.

14 Q. And these children who said that you were the person that
12:44:41 15 abducted them, commanded them or took care of them, all of these
16 children were telling the truth: You did abduct and command
17 children, didn't you?

18 A. This is not true. It is not true. The children who stayed
19 with me - if you're talking about the Kailahun District, I would
12:45:01 20 agree, but I did not have any child in my house who was an
21 ex-combatant. Because at my house in Makeni when you go there,
22 they only spoke Mende, I did not have any children from Port Loko
23 or from Kamabai, no. In fact, in the compound where I rented in
24 Makeni, they used to refer to the place as Mende Compound. To
12:45:39 25 say that there were people were different tribes, no, there were
26 not people there from different tribes.

27 MR KOUMJIAN: Your Honours, in particular, Justice Doherty,
28 this is the - I've completed the topic for now of child soldiers.
29 Justice Doherty indicated she had some questions earlier.

1 JUDGE DOHERTY: That is correct.

2 Mr Sesay, you have said quite a few times in the source of
3 your evidence that these children came with their brothers. When
4 they came with their brothers, did you ask their parents for
12:46:15 5 permission to have those children remain with the RUF?

6 THE WITNESS: Well, my Lord, the time that I had some voice
7 in the RUF, like, for example, when the parents stay with me in
8 Giema, like Boys - Boys's mother, all of us stayed in the house,
9 Musa Vandi, alias Boys. We were at the house together with his
12:46:45 10 mother, Yeah Amie, and Boys's junior brothers, three of them,
11 were there. So if the mother and the children, that is
12 Alhaji, Ansu and Momoh --

13 JUDGE DOHERTY: Mr Sesay, I'm not talking about one child
14 with you, I'm talking - whose mother was there. I'm talking
12:47:07 15 about the many children whose mothers were not there, and you
16 know I'm asking that.

17 THE WITNESS: Well, my Lord, in Kailahun District, because
18 the war started there, and I was in Kailahun District from 1991
19 to 1997.

12:47:27 20 JUDGE DOHERTY: So answer the question, please: What about
21 the parents of these children?

22 THE WITNESS: Like, my bodyguards who stayed with me, and
23 some of them had their brothers and sisters with me. Like Boy
24 George, his mother was in the nearby village; even when she was
12:47:50 25 sick, she was brought to the hospital, that was my doing. And
26 she knew that her children were with me up to her death, and the
27 family members knew that those children were with me in Giema, my
28 Lord, and those children stayed with me until the end of the war.

29 PRESIDING JUDGE: Yes, but knowing is one thing and giving

1 their permission is quite another. Did they allow you to keep
2 their children on the front lines, as you went around the country
3 fighting? Did these parents have a choice in saying "no" to you?

12:48:27 4 THE WITNESS: Well, my Lord, it was not that the children
5 moved with me wherever I went. There were times that they would
6 stay in Kailahun and I would go together with their brothers.
7 And in 1998, when I came to attack Kono, I came along with their
8 brothers. Those of them who were now grown-ups, 14 years,
9 15 years, 16 years, they came with me.

12:48:49 10 PRESIDING JUDGE: Mr Sesay, I don't know why you're evading
11 the question that was very simply put by both ourselves; that is,
12 the permission of the parents. I haven't heard in your answer
13 you alluding to the permission of the parents. Now, did the
14 parents give you permission to take their children and involve
12:49:06 15 them in the war?

16 THE WITNESS: My Lord, I did not know the family members of
17 all the children in the RUF. So if you're just asking me a
18 general question for me to answer, how could I answer for the
19 children who joined the RUF when the RUF had captured from the
12:49:28 20 south or even in the west when I was not there?

21 PRESIDING JUDGE: What about the children? What about the
22 children that we've just looked at in the document P-043 that are
23 named as children having been under your command? What about
24 those? Did you get permission from their parents?

12:49:48 25 THE WITNESS: Oh, my Lord, even the people in Makeni, they
26 knew that in Makeni there were no Limba or Temne people -
27 children with me in Makeni like what I saw in that document.

28 PRESIDING JUDGE: Mr Sesay, you've refused to answer the
29 questions, okay. You've refused to answer the questions of the

1 judges and we take judicial notice of that.

2 Mr Koumjian, please continue.

3 JUDGE DOHERTY: Sorry, Mr Koumjian, to interrupt both my
4 learned colleague and yourself. I have one more question.

12:50:26 5 Mr Sesay, you have told us that these children under the
6 age of 15 not go to the battlefield. You said that several
7 times. What did these people under - children and people under
8 the age of 15 do?

9 THE WITNESS: My Lord, they did domestic chores for the
12:50:47 10 RUF. The RUF who captured them, they would stay with them and
11 they would work for them. They would have to fetch water and to
12 prepare food. They would be with them. That was what happened.

13 PRESIDING JUDGE: Was that the purpose of the RUF in
14 capturing these children; so that you'd have people do domestic
12:51:06 15 work for you - these children doing domestic chores for you?

16 THE WITNESS: Well, my Lord, yes, because some of them
17 during the attacks on - their parents would run away and they
18 would leave them. So they would stay with the RUF, helping them
19 to do domestic work because their parents had already run away.

12:51:29 20 PRESIDING JUDGE: Yes, but that's different from the
21 children that you abducted. It's different. Children that are
22 abducted and those that chose to stay with you are quite
23 different, aren't they?

24 THE WITNESS: Yes, my Lord. RUF used them to do domestic
12:51:51 25 work. I cannot deny that. That's what happened.

26 PRESIDING JUDGE: Thank you. Mr Koumjian, please.

27 MR KOUMJIAN:

28 Q. Mr Sesay, I want to move on to the subject of forced labour
29 for the RUF. You told us earlier that you don't ever recall

1 hearing the slogan from the RUF "no master, no slave". Is that
2 your testimony; you never heard that?

3 A. I don't know that slogan.

4 Q. Did you read Footpaths to Democracy?

12:52:40 5 A. Yes, I read Footpaths.

6 Q. I want to ask you to look at testimony from
7 19 February 2008, page 4252. Sir, this is from the testimony of
8 someone who testified in this case and said he was from Luawa
9 Chiefdom in Kailahun District. On 19 February 2008 at page 4252,
10 at the bottom, the bottom seven lines, line 23, he said:

11 "When the war came we were enslaved. Whatever they would
12 tell us to do, that was what we would do. That was why we were
13 doing the farming. We were in slavery. He was controlling us.
14 He would tell us to do it. We were not - we were not free."

12:54:32 15 He was asked what he meant by slavery and he said:

16 "Before the war when I would be doing my farming and I would
17 do it at my own pace. I will harvest the rice and I will
18 eat it and I will be well fed. But when the war came and
19 we were captured, the farming that we used to do for them,
12:54:52 20 we would give them all the proceeds. We would go to the
21 bush and look for food to eat. So in that circumstance,
22 you are in slavery.

23 Q. And talking about this work that the civilians of Talia
24 did in the rice farms, were the civilians of Talia ever
12:55:12 25 paid for that farming?

26 A. Never. That never happened. If you did not do it you
27 would be beaten and that would be your pay. In fact, if
28 you delayed going to the place you would be beaten
29 seriously and that was your pay."

1 And, Mr Sesay, that was the truth about how the people of
2 Kailahun were treated; they were slaves for the RUF. Isn't that
3 true?

4 A. No, they were not slaves.

12:55:54 5 MR KOUMJIAN: Could the witness be shown P-382. Is that on
6 the screen?

7 Q. We see, Mr Sesay, that this document indicates that it's
8 from the office of the AG chairman, RUF/SL, General Issa H
9 Sesay, to all functional areas, dated 21 January 2001. It's
10 signed "Special assistant to the AG chairman, RUF/SL", and the
11 subject is "Clearance".

12 "The bearer, Mr Hassan Gbla, is en route from Lebanon to
13 Sembaria in search of manpower for government mining. He is to
14 be crossed through your post without harassment, intimidation,
15 molestation or undue delay. Your usual military cooperation is
16 highly needed. Firm regards."

17 It's true, Mr Sesay, isn't it, that as this document
18 illustrates, the RUF would send out parties to capture men to use
19 for government mining of diamonds?

12:58:22 20 A. No, it was not possible in 2001 to go and gather people and
21 force them to do mining. That is not true.

22 Q. Why was it not possible?

23 A. Because I did not see that happen and I did not instruct
24 anyone to do that. Because from February 2000 the mining
12:58:48 25 structure in Kono was a two-pile system. And when you talk about
26 this time in Kono, vehicles used to ply the route from Kono to
27 Makeni and civilians went about their normal activities.

28 Q. Mr Sesay, you told us that mining continued in Kono up
29 until late 2001. Isn't that true?

1 A. That's what I said. I said up to the time of our
2 disarmament in Kono, August/ September.

3 Q. And the mining in Sierra Leone was and continues to this
4 day to be largely alluvial mining. It's simply going into the
12:59:29 5 top surface of the dirt, usually around water, and shifting the
6 dirt and looking for stones. Isn't that true?

7 A. Well, I am not a diamond miner. But every Sierra Leonean
8 knows that in the rainy season diamond mining does not go on
9 except if they take a dry dust. But they know that in the rainy
13:00:07 10 season --

11 THE INTERPRETER: Your Honours, can the witness kindly slow
12 down his pace and repeat this part of his answer.

13 MR KOUMJIAN:

14 Q. Mr Sesay, the interpreter asked you to slow down and repeat
13:00:18 15 your answer. But you were talking about the fact that in the
16 rainy season mining does not go on, which was not my question.
17 My question was: Mining continued in Kono up until late 2001.
18 Is that true or no? Excuse me, that was not - let me move on.

19 The question I had asked you was: And the mining in Sierra Leone
13:00:44 20 was and continues to this day to be largely alluvial mining,
21 which means simply going to the top surface of the dirt, usually
22 you picking a spot around water and shifting the dirt and looking
23 for stones, isn't that true? Is that true or no?

24 A. No. No, the mining that I know of that went on, in the
13:01:12 25 rainy season they would wash the dry dirt and in the dry season
26 they would trip and when they trip sometimes it's deep mining
27 then they would meet the gravel and when they meet the gravel
28 they would use the bailing machine and they would bail out the
29 water. From that they would meet the gravel and they would do

1 the mining there. That's what I know.

2 Q. We looked at a document last Friday, and I don't think it's
3 necessary to look at it again, P-19, a report from an expert.
4 And that document indicated that in 2005, 680,000 carats were
13:01:55 5 mined in Sierra Leone, that only a very small proportion of that
6 was from industrial mining of the kimberlite. Do you recall
7 that, Mr Sesay?

8 A. I recall that. But when you're talking about kimberlite
9 mining, RUF was not capable of doing kimberlite mining. You
13:02:19 10 cannot compare that. It is kimberlite mining that has diamond.
11 It is not like the dry dirt that the RUF was carrying in the
12 rainy season and in the dry season they would dig a pit. There
13 was times they would even wash it and they would not see
14 anything. In the kimberlite mining where heavy mechanised mining
13:02:39 15 is involved they will see many diamonds. You cannot compare that
16 kind of mining to the one that the RUF did. And the RUF --

17 Q. Which is why, Mr Sesay, I pointed out that that report
18 indicated that the kimberlite mining was a very, very small
19 proportion of the 2005 mining. That it is still largely - the
13:02:57 20 great, great majority was alluvial mining diamond. And that's
21 the same process that's been used for many, many years in
22 Sierra Leone. Isn't that true?

23 A. Well, I don't know about this report; what the report is
24 trying to portray. But what I am telling you is that the way the
13:03:19 25 report talks about diamonds, that is not the quantity of diamonds
26 that the RUF saw. It's like comparing death and sleeping, that's
27 the difference.

28 PRESIDING JUDGE: Mr Koumjian, if I may ask of the witness:
29 Mr Sesay, you've just told us that mining continued in Kono up to

1 until August/ September of 2001. And that was the two-pile
2 system, is that correct?

3 THE WITNESS: Yes, my Lord, from February 2000, ma'am.

4 PRESIDING JUDGE: Now, my question is this: That for the
13:03:54 5 pile that was to be given to the RUF, who was doing the mining
6 for that? Where did you get your personnel to mine for you?

7 THE WITNESS: It was the people who mined, my Lord, but
8 there were times we would provide some of the people who would
9 give shovels. But when they would get the gravel, if the gravel
13:04:26 10 was 100 buckets, 50 buckets would be for the RUF and 50 buckets
11 would be for the people. That is what obtained, my Lord.

12 PRESIDING JUDGE: The short answer to my question is that
13 civilians mined for you, the RUF?

14 THE WITNESS: Yes, both the civilians and the RUF. The RUF
13:04:48 15 sponsored, because when Mr Sankoh sent those two trucks with the
16 mining equipment to me in Kono, I distributed the mining
17 equipment to the civilians and the fighters. So I said it was a
18 two-pile system. We will give them equipment, we will give them
19 the bailing machine. They would bail out the water. When they
13:05:11 20 got to water, they would take out the gravel, and they would
21 divide it into two.

22 PRESIDING JUDGE: My question was very simple: who it was
23 that was mining. And the suggestion is from your answer that
24 that the civilians were mining for themselves but half of what
13:05:25 25 they mined would go to you, the RUF. Is that correct?

26 THE WITNESS: Yes, my Lord, that is correct.

27 PRESIDING JUDGE: And were they being paid to do that by
28 yourselves, the RUF, or not?

29 THE WITNESS: Well, some of them we gave mining equipment.

1 Those were the conditions. So when they mined, they would have
2 one pile and we too have another pile - the other pile. And the
3 people accepted. So people who came from places like Makeni,
4 Magburaka for the mining, they would take one part of the share
13:06:03 5 and the RUF would take the other part.

6 PRESIDING JUDGE: And this equipment you say you gave, did
7 you give them for good to own the machines, or you just gave them
8 to use?

9 THE WITNESS: No. We gave it to them to use it for the
13:06:19 10 mining. After the mining, they would have it.

11 MR KOUMJIAN:

12 Q. Mr Sesay, let's read again a little bit from the judgment,
13 the trial judgment, in your case. I'm going first in tab 3 to
14 paragraph 1085. In that judgment, paragraph 1085, the Trial
13:06:48 15 Chamber found:

16 "Sometime in August 1997, while senior commanders were
17 engaged in festivities, some junior commanders took a group of
18 civilians to mine at Cyborg Pit. This resulted in a
19 quarrel with" --

13:07:31 20 PRESIDING JUDGE: Sorry. We wanted to have this on the
21 transcript. Paragraph 1085, please.

22 MR KOUMJIAN: So let me start from the beginning. I have
23 to go back a page.

24 Q. "Sometime in August 1997, while senior commanders were
13:07:56 25 engaged in festivities, some junior commanders took a group of
26 civilians to mine at Cyborg Pit. This resulted in a quarrel with
27 the SBUs guarding the pit, one of whom reported the matter to
28 Kallon. Kallon they went to Cyborg Pit and RUF rebels shot at
29 the civilians who were mining, killing 15 of them."

1 Mr Sesay, did you hear about that incident?

2 A. I don't know about this incident.

3 Q. Let's go to paragraph 1249 of that judgment:

4 "From 1999 to 2000, civilians were captured and sent to
13:09:00 5 Kono in order to mine diamonds for the RUF. On one occasion
6 during this period, Sesay sent a message to Kallon in Makeni
7 requiring civilians to gathered and sent to Kono for mining.
8 Approximately 400 civilians were gathered by Kallon from Makeni
9 and its surrounding villages. They were jailed and then taken
13:09:25 10 daily to Kono in trucks sent by Sesay."

11 Mr Sesay, this is true, isn't it?

12 A. This is what the Trial Chamber said. This is the judgment
13 that they put against me. But the evidence that came before the
14 Trial Chamber was from insiders. There were two insiders who
13:09:51 15 made these allegations. But at least, Mr Prosecutor, you brought
16 two insiders who made this allegation, and the judges convicted
17 me for this, but they did not get any victim from Makeni from
18 amongst these 400 people that can confirm this.

19 Q. Mr Sesay, the two-pile system was more propaganda - was
13:10:18 20 propaganda rather than real. Any valuable diamond found in any
21 pile belonged to the RUF and the RUF would take it; isn't that
22 true?

23 A. No. I disagree. It was not a propaganda. It was not a
24 propaganda. Where could you get 400 people, for example, as the
13:10:44 25 judgment is in front of us now? How can he get 400 people from
26 Makeni and the nearby villages. At least the Prosecution should
27 have got at least people from amongst that number, like these
28 insiders who made this allegation. But with all that, it did not
29 happen.

1 Q. Mr Sesay, are you saying that you don't know about
2 civilians forced to mine for the RUF, that this did not happen?
3 Is that your testimony?

13:11:22 4 A. I am saying that from February of 2000, the RUF did not
5 force any civilian who came from Makeni or Magburaka or the
6 surroundings to go to Kono. People were going there on their own
7 volition. Some walked on foot to go there.

8 Q. Let me repeat the question, because it didn't say
9 from February 2000. Are you saying that you don't know about
13:11:39 10 civilians forced to mine for the RUF? Have you ever heard of
11 civilians forced to mine for the RUF?

12 A. Well, I cannot say that because, in 1999, the mining that
13 was going on in Kono, controlled by Kennedy, it was purely mining
14 for the RUF. And the civilians who were mining under Kennedy,
13:12:09 15 whilst he was mining commander, they did not share gravels. They
16 only provided food, medication and sometimes used clothing for
17 them. So in that case, I can say they were not paying the
18 people. So the people did not benefit well from the mining that
19 they were doing.

13:12:26 20 Q. Mr Sesay, you know - isn't it true that you know civilians
21 and RUF fighters who were thought to have taken a diamond would
22 be lucky if they were only beaten, that they were either beaten
23 or they were killed? Isn't that true?

24 A. No. That's not true, because since February, when I went
13:12:53 25 to Kono, for example, Edwin Bockarie, whose name you were calling
26 last week Friday, yes, he was the MP commander in Kono in 2000
27 and 2001, and the same Edwin Bockarie was the one who led my
28 investigation team to Kono to go and obtain statements. And the
29 Kono people never accused Edwin of anything. And he went to Kono

1 on many occasions to obtain statements in my Defence case.

2 Q. We heard - I don't have to read it again. I read to you
3 last week the testimony of Abu Keita about one of his bodyguards
4 hung from a mango tree in your yard in Kono and beaten with a
13:13:38 5 cobra, tortured, and of another man, not so lucky, beaten to
6 death, hung by a mango tree in Kono.

7 A. No, I - they never beat - flogged Abu Keita's bodyguard in
8 my house. And to say this particular man that they said they
9 flogged until he died, no, that did not happen in my house.

13:14:03 10 THE INTERPRETER: Your Honours, could the witness be asked
11 to slow down and repeat from where I stopped?

12 PRESIDING JUDGE: Mr Sesay, you have to repeat that
13 testimony, slowly. Slowly, repeat what you were just explaining.

14 THE WITNESS: Yes, my Lord. I said they never flogged Abu
13:14:20 15 Keita's bodyguard in my house, and that never happened. And I
16 never heard that Morris Kallon or anybody else beat someone up
17 until he died for diamonds. And I'm saying if that was what used
18 to happen, that we were beating people to death for diamonds in
19 Kono, and then at the same time when I was in detention, the man
13:14:46 20 who served in Kono as MP commander in 2000 and 2001 was the man
21 who went with my investigation team to Kono, and they were never
22 harassed in Kono until they were able to do the investigation,
23 obtain statements in Kono.

24 MR KOU MJIAN:

13:15:04 25 Q. Mr Sesay, I'd like to show you now a little video clip.
26 It's P-15, clip 5. The exhibit number is P-15, if that could be
27 shown. And is it correct we push "courtroom" for all of us to
28 see?

29 MS IRURA: The AV booth will show the clip at the

1 appropriate time.

2 MR KOUMJIAN: But we should have the "courtroom" button
3 pushed?

4 MS IRURA: Yes.

13:15:41 5 MR KOUMJIAN: Thank you.

6 [Video clip played to the Court]

7 MR KOUMJIAN:

8 Q. Mr Sesay, in the RUF-controlled diamond fields in Kono and
9 Tongo Fields, when RUF controlled that, were those mining the
10 diamonds guarded by men with guns or boys with guns?
13:19:05

11 A. Well, at the time I was involved in the mining, I did not
12 guard people with guns because people went to work freely and
13 they went off from job again freely at their own time.

14 Q. And it's your testimony that you never heard of anyone
15 beaten or killed for taking a diamond, a civilian; is that right?
13:19:34

16 A. Well, when I involved in the mining in February of 2000
17 until the time I disarmed Kono, we did not kill anyone because
18 you took a diamond because I thought that, yes, the civilians too
19 had rights to diamonds. That's why we had the two-pile system.

13:20:07 20 And when they wanted their own pile, whatever they got there
21 belonged to them.

22 Q. Now, we've seen this video clip. I've read you the
23 testimony of Abu Keita about someone being beaten to death for
24 having a diamond.

13:20:23 25 Now let's look at another - at a Defence witness. If we
26 could have the transcript of 23 March 2010, page 37871.
27 Beginning on line 5, the witness was asked - excuse me. It's not
28 line 5. We can go down the page, it's about the middle of the
29 page. Thank you. It's actually line 22. The witness was asked:

1 "Q. Did you ever see anybody being forced to mine in the
2 Tongo area?

3 A. Yes, they used to force civilians to mine.

4 Q. And how did they force them to mine?

13:21:44 5 A. They used to take them as manpower. When you come, you
6 will carry gravel, and they were carrying the sand at the
7 same - at the time. When you carry 10 bags, sometimes they
8 will allow you to take one bag for yourself. At the time
9 that I was in Tongo, that is how I saw them using
13:22:05 10 civilians, to mine for diamonds. The gravel that was in
11 Tongo, that was what we used to take to wash and to get
12 diamonds from."

13 And then going down the page, line 16:

14 "A. They would take them from their houses and they will
13:22:33 15 bring them to the field. They will carry the gravel
16 against their will, but there was no way out. They had to
17 do it because it was a military government."

18 Then the Defence lawyer asked the witness to pause, and
19 asked:

13:22:45 20 "Q. Who would take them from their houses and bring them
21 to the field?

22 A. The AFRC and the RUF. They were the ones who did this
23 thing.

24 Q. And how did they make sure that the civilians would
13:23:04 25 come with them and do the mining?

26 A. It was the soldiers who would go to look out for the
27 civilians. The soldiers, the AFRC and the RUF, they would
28 go in search of the civilians. They would go to look out
29 for manpower."

1 Next page:

2 "That is how they used to get them."

3 So we see, Mr Sesay, the same as that order we saw coming
4 from your office, allowing someone to go search for manpower for
13:23:37 5 mining. This happened for years in the RUF, isn't that true?

6 A. No, my office did not send people to - some people would
7 just go and sit down somewhere, type their documents, and either
8 bring it to you, say, "This is from Issa's office". But my
9 office never used to send such letters to go and get people. You
13:24:01 10 cannot find my signature there, so how can you say it was Issa -
11 it was from Issa's office.

12 Q. Mr Sesay, are you saying that this Defence witness for
13 Charles Taylor is lying about how manpower was collected for
14 mining by the RUF?

13:24:14 15 MR CHEKERA: Sorry, if counsel is to put the excerpt that's
16 just been read to the witness, it specifically refers to the AFRC
17 and the RUF. So if the question might be rephrased to reflect
18 the excerpt.

19 MR KOUMJIAN:

13:24:34 20 Q. Mr Witness, Mr Sesay, are you saying that the Defence
21 witness was lying when he said the AFRC and the RUF used to go
22 search for manpower from civilians and force them to mine?

23 A. No. I cannot say that. Regarding Tongo Field, I would not
24 deny that. Because I was not at Tongo Field on a daily basis
13:24:57 25 and, even during my trial, people talked about - spoke about
26 being forced to mine. But they said some days they allowed them
27 to get some dirt and wash it for themselves, yes. That was how
28 it happened in Tongo. They said there were days that they were
29 allowed to get the dirt, to wash it for themselves. Some days

1 they did it for the AFRC RUF.

2 Q. The witness went on, the same page, 37873 of 23 March 2010.

3 He was asked:

13:25:44

4 "Q. And how would they make sure that the civilians did
5 what they wanted?

6 A. They monitored them.

7 Q. What if a civilian said 'I don't want to come and mine
8 for you', what would the soldiers then do?

13:26:05

9 A. If you are unlucky, they would kill you. If you were
10 lucky, they would beat you up. That's the advice. They
11 would take you by force. That was the options they gave."

12 Mr Sesay, this is true, isn't it? The RUF forced people to
13 mine and, if they didn't agree, they would be beaten or killed;
14 isn't that true?

13:26:28

15 MR CHEKERA: Again, this is reference to the AFRC and RUF.
16 Unless the question is unrelated to what's been just read to the
17 witness and if that could be clear, in all fairness to the
18 witness, I would not like to keep objecting to learned counsel
19 because it interrupts his flow; but, if he may be faithful to the
20 transcripts he's putting to the witness, that would assist.

13:26:48

21 MR KOUMJIAN: Thank you.

22 Q. Mr Witness, I'm asking you about the RUF, okay, just so
23 it's clear. The RUF forced people to mine and, if they didn't
24 agree, they would be beaten or killed, isn't that true?

13:27:05

25 A. No, I did not understand that because, even the man whom
26 Sam Bockarie first placed in charge of supervising civilians to
27 wash the dirt, he was called Monpleh, he was he used to receive
28 the diamonds and, at the end of the day, Monpleh escaped and took
29 all the diamonds with him to Guinea. So I don't know --

1 THE INTERPRETER: Your Honours, could the witness be asked
2 to say the last bit of his testimony from where I stopped.

3 PRESIDING JUDGE: There was a name we didn't hear. What
4 was that name? Mr Sesay, repeat the part where you named
13:27:42 5 somebody, slowly.

6 THE WITNESS: Yes, my Lord. I said when they started the
7 mining in Tongo Sam Bockarie had a friend of his who was called
8 Monpleh, it was this Monpleh that Sam Bockarie sent there in
9 charge to be receiving the diamonds at the mining site at the
13:28:04 10 time they were washing the dirt. So it was this Monpleh who
11 supervised the others. So when they washed and got the diamonds,
12 he received the diamonds. At a certain time he escaped and went
13 to Guinea with the diamonds. And even about this mining in
14 Tongo, I was in Freetown at that time but I used to come to
13:28:19 15 Kenema - and what I understood --

16 PRESIDING JUDGE: I said slowly. I didn't ask you to run.
17 I said slowly. Continue your story, but slowly.

18 MR KOUMJIAN:

19 Q. You were saying that you went to Kenema, Mr Sesay; you went
13:28:35 20 to Kenema and saw the mining, didn't you?

21 A. No, that's not what I said. That's not - I said I came to
22 Kenema. When I came to Kenema, Sam Bockarie made me to
23 understand that he, himself, and Eddie Kanneh met with the
24 paramount chief of Tongo Field; they had a meeting with the
13:29:00 25 paramount chief, where they decided to form a mining committee,
26 and the paramount chief gave representatives from his chiefdom
27 administration. So those people, together with Sam Bockarie and
28 Eddie Kanneh's representatives, they were the ones who were
29 controlling the minings in Tongo Field. That was what I was made

1 to understand.

2 Q. And, Mr Sesay, the paramount chief had no choice, did he?
3 He had to get civilians to mine for the RUF and the AFRC; isn't
4 that true?

13:29:41 5 A. Well, I was not present at the meeting. When I went, that
6 was what he told me. That he and Eddie Kanneh, because Eddie
7 Kanneh was a native of Kenema Town. They met the chief,
8 discussed with him and he agreed - accepted. So.

9 Q. And, Mr Sesay, this man that you mentioned ran off with
13:30:06 10 diamonds from Monpleh, I believe it was spelt previously in your
11 direct examination, if the RUF had caught him, he would have been
12 killed, isn't that true?

13 A. Well, I don't know. Because Sam Bockarie appointed him
14 because he had been his friend even before the war. It was - he
13:30:28 15 was not someone that Sam Bockarie captured in Tongo.
16 Sam Bockarie knew him even before the war, so he was the one who
17 sent him there. So he can be in place best to answer what he
18 would have done to him. If I were him, I would not do that.

19 PRESIDING JUDGE: Right. We'll break for the luncheon
13:30:46 20 break and reconvene at 2.30.

21 [Lunch break taken at 1.31 p.m.]

22 [Upon resuming at 2.34 p.m.]

23 PRESIDING JUDGE: Good afternoon. Mr Koumjian, please
24 continue. You seem to have a problem with your computer?

14:34:47 25 MR KOUMJIAN: I think we all have an internet issue but
26 I think it's apparently resolved. Let me just switch back
27 places.

28 Can the witness be shown P-336 - sorry, D-336.

29 Q. Mr Sesay, do you recognise this as a copy of Footpaths to

1 Democracy?

2 A. Yes.

3 Q. Have you read it?

4 A. Well, I've not read it thoroughly because, from '96, when
14:36:15 5 I saw it, I didn't have time to read it thoroughly because from
6 '98, '99 we did not have copies of it.

7 Q. Looking at page 9709, the page with that stamped number,
8 ERN number 00009709, I'm going to read from the last sentence:

9 "Why is it, therefore, strange to the backers of the
14:36:54 10 besieged NPRC that the historically neglected used and abused
11 countryside would rise up to the simple call that no more slave,
12 no more master and arms to the people, power to the people and
13 wealth to the people."

14 Mr Sesay, does that remind you that this was the call of
14:37:20 15 the RUF and the chant that Foday Sankoh - excuse me, first of
16 all, the call - slogan of the RUF, "no more slave, no more
17 master"?

18 A. This - you talking about what is in Footpath. This is not
19 the slogan of the RUF that I knew when Foday Sankoh stood out and
14:37:53 20 said it.

21 Q. Let's go to page 9715. The first full sentence reads:

22 "In our simple and humble ways we say no more slave and no
23 more master."

24 Mr Sesay, are you saying that you've never heard that
14:38:20 25 slogan before?

26 A. Well, this is in the Footpaths but the way Mr Sankoh used
27 to stand at parades and say it, giving out slogans, arms to the
28 people, power to the people, wealth to the people, that's not how
29 he was using this.

1 Q. Mr Sesay, I'm going to move on to another topic, and that
2 is something you said in your testimony. So if we can just
3 remind ourselves and look at the transcript for 26 July of this
4 year, page 44614, thank you, Madam Court Officer --

14:39:20 5 PRESIDING JUDGE: Mr Koumjian, it's just been drawn to my
6 attention, page 115, line 3, where the witness says, "That is not
7 how he was using this", the opposite appears in the transcript,
8 and I hope it's picked up.

9 MR KOUMJIAN: Thank you.

14:39:51 10 Q. So 26 July this year, page 44614. I don't know if there is
11 a problem. I don't have that transcript up. I could read this,
12 because it's Mr Sesay's own testimony.

13 Mr Sesay, I'm going to read this and you tell me if you
14 recollect saying this. You were asked by Defence counsel:

14:40:21 15 "Q. In the areas in Kailahun, which you commanded,
16 Mr Sesay, was rape a prevalent offence?

17 A. No. In Kailahun raping did not take place there. Even
18 during my trials, the Prosecution witnesses that were
19 brought, they informed them that in Kailahun, raping was
14:40:43 20 not committed there."

21 That's what you told these judges; is that right?

22 A. Yes. That was what I said, and I explained that it was
23 after '92.

24 Q. What do you mean it was after '92? Are you saying raping
14:41:04 25 happened before '92 but not after '92?

26 A. Yes, because when the war started, those complaints were
27 there, but after we had fought the NPFL and they had returned, it
28 was not easy for you to hear about rape in Kailahun.

29 Q. So you do acknowledge that the NPFL forces were committing

1 rapes against the people of Kailahun?

2 A. Well, that was why we attacked them. Some of them died,
3 some of them were killed. Isaac attacked them, Morris Kallon led
4 us to attack them.

14:41:47 5 Q. And those were the forces sent by Charles Taylor to
6 Sierra Leone; you acknowledge that, correct?

7 A. Well, some were brought by Anthony Mekunagbe and others
8 were sent by Mr Taylor.

9 Q. Mr Sesay, you maintain that there was no evidence of rape
14:42:13 10 in Kailahun in your trial; is that right?

11 A. Yes, because even the Prosecution witness, one woman, who
12 was in Kailahun Town throughout said so.

13 Q. Well, let's look at what the Trial Chamber said in its
14 judgment. If we could go to tab 3, and look at paragraphs 1405,
14:42:48 15 I'll start there, and the next several paragraphs. This was page
16 420 to 423 of the RUF judgment. The Trial Chamber, in paragraph
17 1405, stated - it's entitled "Sexual Violence in Kailahun
18 District":

19 "The Chamber heard evidence of numerous incidents of sexual
14:43:43 20 violence in Kailahun District and notes that sexual violence was
21 widespread, both prior to and throughout the indictment period.
22 Although evidence of rapes and other forms of sexual violence
23 committed by RUF fighters was adduced, the Chamber recalls that
24 the Prosecution did not plead these crimes in respect of Kailahun
14:44:06 25 District. Accordingly, the Chamber's findings on such acts are
26 limited to their occurrence within the context of forced
27 marriages and sexual slavery."

28 The next paragraph is titled, "Forced Marriage of TF1-314":

29 "In 1994, TF-1-314 was abducted and twice raped by RUF

1 fighters. The RUF fighter who raped her the second time took her
2 as his wife. From 1994 to 1998, TF1-314 was in Buedu as part of
3 the Small Girl Unit, SGU. She did - she cooked and did laundry
4 for her rebel husband and lived in his house. She was also
14:44:56 5 forced to have sexual intercourse with him at night. Other girls
6 between 10 and 15 years of age were also taken as wives by rebels
7 in Buedu. The girls cooked, did laundry and other domestic
8 chores and at night had sex with their rebel husbands. TF1-314
9 testified that she remained in Buedu because civilians who
14:45:21 10 attempted to escape were liable to be killed or fall into the
11 hands of Kamajors who would kill anyone who came from a rebel
12 zone."

13 Mr Sesay, did you forget about the testimony of TF1-314
14 when you said there was no evidence of rape in your trial in
14:45:40 15 Kailahun?

16 A. Well, I can't challenge or criticise the judgment of the
17 Trial Chamber, but everybody who was in Kailahun knew that from
18 October/November of '93 up to April of '95, it was the NPRC
19 troops who occupied Buedu, they were in control of Buedu Town.
14:46:08 20 So this witness said she was captured in - way in Masingbi. How
21 did she come to Buedu? She is the only person who knows. But in
22 '94 the RUF was not present in Buedu so, what can I say?

23 Q. Mr Sesay, the evidence - the finding reads: "From 1994 to
24 1998 she was in Buedu." Do you recall her testifying?

14:46:38 25 A. Yes. I recall when she testified. I was a commander in
26 Kailahun in '94, but from late '93 to April '94, RUF was not in
27 Buedu, and they were not bringing people who had been captured
28 from the Kangari Hills to Kailahun until the AFRC coup in '97,
29 never, never.

1 Q. So, Mr Sesay, when you told the Chamber that there was no
2 evidence of rapes in Kailahun District in your case, that wasn't
3 true, was it?

4 A. Well, what did you say? I did not understand it, please.

14:47:23 5 Q. When you told the Chamber, these judges, on 26 July, "In
6 Kailahun raping did not take place, even during my trials, the
7 Prosecution witnesses that were brought, they informed them that
8 in Kailahun raping was not committed there."

9 That wasn't true, because Prosecution witnesses came and
14:47:44 10 did talk about rapes in Kailahun District, didn't they?

11 A. Well, this - she alleged that she was captured in Masingbi
12 and sent to Buedu, but a Kailahun citizen who was a lady, she
13 confirmed that raping was not taking place in Kailahun. This
14 witness was not in Buedu, no, because in Buedu the RUF was not
14:48:14 15 present there in '94 throughout.

16 Q. Let's go to the next paragraph in the judgment - excuse me,
17 paragraph 1408; excuse me 1407, let's go in between:

18 "Other girls between 10 and 15 years of age were also taken
19 as wives by rebels in Buedu. The girls cooked, did laundry and
14:48:44 20 other domestic chores and at night had sex with their rebel
21 husbands. TF1-314 testified she remained in Buedu" - excuse me I
22 already read that, I believe I read that.

23 The next paragraph:

24 "In the rainy season of 1996, at the age of 15, TF1-093 was
14:49:06 25 raped in Njala, Moyamba District by two of Superman's bodyguards
26 while the rebels were fighting over her, one stabbed her foot and
27 her private. After the rape, Superman treated her wounds and
28 offered to marry her. TF1-093 accepted as she did not want to
29 die. TF1-093 then moved with the RUF to Kailahun District.

1 While travelling with the RUF, she observed the abductions of
2 many other women who were forced to become the wives of
3 commanders. As Superman's wife, TF1-093 was forced to have
4 sexual intercourse with him. She also cooked and did laundry for
14:49:54 5 him. Superman habitually gave her drugs, including cannabis
6 sativa, tablets and also gunpowder to eat."

7 The next paragraph:

8 "The Chamber heard evidence from insider witnesses and
9 witnesses who had been bush wives who testified to the widespread
14:50:16 10 rebel practice of abducting women and forcing them to act as
11 wives in Kailahun District."

12 Many of the women interviewed by expert witness TF1-369,
13 who authored exhibit 138, the Expert Report on Forced Marriages,
14 were schoolchildren and petty traders who were abducted from
14:50:40 15 Koinadugu, Tonkolili, Pujehun, Kono, Bonthe, Bo, Freetown and
16 Kenema and taken to Kailahun.

17 The RUF routinely captured women during combat operations
18 on villages in Kailahun District. Upon entering a village, the
19 fighters moved from house to house, forcibly entering and
14:51:02 20 removing the civilians. If the rebels were repelled by a
21 counter-attack, the captured civilians were forced to retreat
22 with them. Many of the abducted women were then assigned as
23 wives to RUF commanders."

24 A senior RUF commander explained the practice as follows:

14:51:28 25 A commander who hasn't a wife, somebody to take care of him
26 domestically, take care of his domestic needs, go to a particular
27 town on combat missions, and he is the head of that mission. He
28 happens to conquer that particular territory and abduct young
29 girls that found it extremely difficult to escape with the

1 opposing troop, and that commander sees a young lady that he is
2 interested in, the combatants, the other combatants, are
3 subjected to him. It's up to him. I mean, at his discretion, to
4 tell lady A, Fatmata, you are supposed to be with the CO, I mean,
14:52:08 5 the commanding officer. The young lady has no - I mean, has no
6 option, in terms of negotiating whether, in fact, he or she want
7 or not, so that lady automatically become the wife of that
8 commander."

9 And then going to paragraph 1412:

14:52:34 10 "A woman's status as a married woman was no bar to
11 abduction as married women were forced to leave their legitimate
12 husbands and become bush wives to the RUF rebels. The thousands
13 of young women thus captured had no option but to submit to a
14 'husband' as they were in no position to negotiate their freedom.
14:52:57 15 The abducted women could not escape for fear of being killed."

16 Mr Sesay, all of this is true, isn't it?

17 A. Well, you are reading the judgment of the Trial Chamber.

18 PRESIDING JUDGE: Please pause.

19 MR CHEKERA: Madam President, just to raise two issues
14:53:22 20 before the witness answers the question, again or specific
21 questions relating to the excerpts put to the witness because
22 we've covered quite a number of issues, that's the first issue;
23 and, secondly, for counsel, if he is going to refer to the RUF
24 judgment, to refer to the complete judgment, to give perspective
14:53:44 25 to what he's putting to the witness.

26 If you look at the evidence of 093, learned counsel
27 deliberately, in my submission, only looked at the part where the
28 Court was summarising the evidence of that witness and did not go
29 on to say what it is the Chamber found in respect of the evidence

1 of that witness, which was basically that the witness was
2 unreliable.

3 So, if counsel is going to put evidence of the witness and
4 not go on to indicate what the Chamber found about that witness's
14:54:24 5 evidence, then, with respect, it is not fair to the witness and
6 it does not put the evidence in context. Those are my two
7 objections.

8 PRESIDING JUDGE: Mr Koumjian, I think both observations
9 are pertinent, and so I would request that you adjust your
14:54:43 10 questioning accordingly. One, put the excerpts one by one, but
11 also do not say that these were the findings of the Chamber if
12 they weren't.

13 MR KOUMJIAN: Well, your Honour, my understanding is these
14 are the findings of the Chamber. I'm reading what's written.
14:55:04 15 And if there is something - obviously counsel is referring to
16 something that I'm not aware of, he said I deliberately omitted,
17 but I don't see where I omitted reading anything. I could be
18 mistaken.

19 MR CHEKERA: Just to assist you, paragraph 603, page 199 of
14:55:20 20 the Trial Chamber's decision specifically addresses the issue of
21 credibility of witness 093.

22 MR KOUMJIAN: Your Honours, that may be and that could be a
23 matter the Defence could raise in re-direct but what I'm reading
24 is the finding on these issues of the Trial Chamber. I'm not
14:55:37 25 going to read the entire judgment to the witness.

26 MR CHEKERA: Madam President, I'm sorry to go back and
27 forth. What counsel was reading was a summarisation of the
28 evidence as put by that witness and then it later went on to
29 assess the credibility of that piece of evidence and for counsel

1 to just look at the summarisation and say those are the findings
2 and not tie it to the reliability of that piece of evidence, with
3 respect, is disingenuous.

14:56:09 4 PRESIDING JUDGE: Mr Koumjian, where does it say that the
5 Trial Chamber found, et cetera, et cetera? Where? Just refer us
6 to the paragraph where the Trial Chamber found the things you've
7 been reading.

8 MR KOUMJIAN: Well, your Honours, I think it's implicit in
9 the - in this summary of the findings. These are the findings.
14:56:32 10 I don't have the entire judgment in front of me.

11 PRESIDING JUDGE: Not necessarily, Mr Koumjian. The Trial
12 Chamber can recount the evidence as given and then proceed to
13 find upon the credibility of a witness and ultimately proceed to
14 find as to whether they believed that witness or not.

14:56:54 15 MR KOUMJIAN: That's true.

16 PRESIDING JUDGE: So you need to be accurate in what you
17 put before the witness.

18 MR KOUMJIAN: Thank you. Your Honour, I believe I am being
19 accurate. I will have to review the entire judgment but I note
14:57:05 20 what counsel raised was a paragraph 800 paragraphs earlier, that
21 is in summarising, I believe, the Court's review of the evidence
22 and witnesses and these are the findings. That's my belief but
23 I'll double, triple check with the judgment. This is not a
24 summary of the evidence that was adduced. It's a summary of the
14:57:30 25 findings, but I will check it.

26 PRESIDING JUDGE: In any event, put the assertions one by
27 one to the witness rather than in a compounded form.

28 MR KOUMJIAN:

29 Q. Mr Sesay, Superman had wives who were abducted, girls,

1 isn't that true?

2 A. That witness did not say the truth. That witness testified
3 that she was captured by Superman in Moyamba District and took
4 him to Kailahun in '96 and the entire RUF knows that Superman,
14:58:16 5 from late '93 he left Kailahun and did not return to Kailahun
6 until '98.

7 Q. Mr Witness, RUF commanders would keep wives in different
8 locations. That was a common practice, wasn't it?

9 A. Well --

14:58:42 10 Q. You did that, didn't you, Mr Witness; keep one wife in
11 Makeni, other wives in Kono and other locations?

12 A. No, I did not have a wife in Makeni and Kono. That did not
13 happen, no.

14 Q. The RUF would capture women during combat operations and
14:59:04 15 they would be assigned by a commander to various soldiers,
16 fighters or commanders, isn't that true?

17 A. Well, the way you are putting it, it's not the way that it
18 used to work but I knew that the RUF that was in the jungle or
19 other - in other parts of Sierra Leone, yes, they used to capture
14:59:30 20 women and they were taken them to be their wives but to say that
21 an operation went on whereby they captured women and shared them
22 among the commanders, that did not happen. I led an operation,
23 it did not happen in Kono in '98 and it did not happen in
24 Magburaka or Makeni.

14:59:50 25 Q. When women were captured in an operation, the top commander
26 would have the first choice of which woman he wanted, if he
27 wanted any of them. Isn't that true?

28 A. No. I was not aware of such things that were happening.

29 Q. And women were abducted and taken as bush wives even if

1 they were married, isn't that true?

2 A. Yes. The RUF used to capture women and took them as their
3 wives, because even your own witnesses, senior commanders, when
4 they came to Freetown they abducted women.

15:00:41 5 THE INTERPRETER: Your Honour, can he kindly repeat this
6 last part of his answer.

7 PRESIDING JUDGE: Mr Sesay, please repeat your testimony
8 loudly and slowly.

9 THE WITNESS: My Lord, I said some of the senior commanders
15:00:54 10 in the RUF, who were Mr Koumjian's witnesses, they adopted women,
11 like during the AFRC in Freetown, {redacted} took a woman called
12 Mandela, he took her and she was with him, it was the same with
13 Isaac Mongor, he took Betty and went with her.

14 PRESIDING JUDGE: Mr Interpreter, did you say he adopted
15:01:21 15 women or abducted?

16 THE INTERPRETER: That's what the witness said, "adopt".

17 PRESIDING JUDGE: Mr Sesay, is that what you said, they
18 adopted women?

19 THE WITNESS: To take a woman by force, let me put it that
15:01:35 20 way.

21 PRESIDING JUDGE: That is called abducted, not adopted.
22 Adopted is totally different. So you probably mean abducted, to
23 abduct.

24 MR KOUMJIAN: Your Honour, there is - I'm requesting a
15:01:53 25 redaction on my LiveNote. It's page 125, line 18 on my LiveNote.
26 A name. And the name of the woman.

27 PRESIDING JUDGE: Madam Court Officer, the names that
28 appear after Mandela, the - before Mandela, sorry, before the
29 name Mandela, there is a name that appears that we should redact

1 from the record.

2 MR KOUMJIAN:

3 Q. Mr Sesay, you yourself took a young girl as a bush wife,
4 didn't you, at least one?

15:03:18 5 A. Well, I, yes, I had a woman from '92 that - with whom I was
6 - the woman - the other woman that I was in love with, I met her
7 in Kailahun after we had retreated from Kenema in 1998 but I did
8 not take a woman from Freetown to Kailahun. The woman that
9 I came with from Kailahun, she was the same woman that I returned
15:03:43 10 with to Kailahun.

11 Q. I'm talking about a young girl. And could the witness be
12 shown a confidential exhibit, P-283. Just the first name that's
13 listed. Several names are listed, so if the rest could be
14 covered up.

15:04:09 15 It should not be put on the overhead, for the privacy of
16 the girl.

17 Mr Sesay, this is a name, this girl, is the name of one of
18 your bush wives. Isn't that true?

19 A. No.

15:06:33 20 THE INTERPRETER: Your Honour, the witness keeps calling
21 the name of this person. Can I go ahead and?

22 PRESIDING JUDGE: No, you can't call the name of a person.
23 Mr Sesay, didn't you hear counsel saying that these names are
24 confidential?

15:06:50 25 THE WITNESS: I just thought that it's - the names that are
26 covered that should be confidential. That was my understanding.

27 PRESIDING JUDGE: All the names are confidential. So if
28 you call the name, that is not right. Perhaps you could refer to
29 the person by the number on which they appear on that list.

1 THE WITNESS: Okay, my Lord. Number 1.

2 MR KOUMJIAN:

3 Q. I'll put the question to you again, Mr Sesay, the name at
4 number 1, she was a girl of about 14 that you took as a bush
15:07:26 5 wife, isn't that true?

6 A. No, my Lord. This is a black lie. I never had any girl
7 that was my girlfriend that has a name like this. That's a lie.
8 No.

9 Q. Thank you.

10 15:07:45 PRESIDING JUDGE: Could we have a look at that exhibit
11 again? Let me see.

12 MR KOUMJIAN: Perhaps to give the Court the exhibit label
13 that has the date of admission.

14 Q. Mr Sesay, there were many witnesses in your case that
15:08:39 15 talked about women being forced to be wives, being raped, in
16 Kailahun District, isn't that true?

17 A. Well, my Lord, yes.

18 THE INTERPRETER: Your Honour, can he kindly repeat this
19 answer very slowly.

15:09:02 20 PRESIDING JUDGE: Please pause. Please start again, start
21 again with your answer, slowly.

22 THE WITNESS: My Lord, I said I know that many - there were
23 many women whom the RUF forced to be their wives because it
24 happened even before joining the AFRC in '97, in the different
15:09:27 25 jungles. Fighters - there were fighters who left Kailahun, they
26 did not take women along, but when we met in Freetown, I saw them
27 with women. In Makeni, I saw them with women.

28 MR KOUMJIAN:

29 Q. Mr Sesay, I'm moving on to a different topic. I don't know

1 if there is any questions from the Bench and what I want to do
2 now is go back chronologically through some of your evidence to
3 the beginning of your involvement with the RUF. You told the
4 Court that back in 1990, you were selling cigarettes with Kei fa
15:10:18 5 Wai in the Ivory Coast; is that right?

6 A. Yes.

7 Q. And there, you were tricked by someone who called himself
8 Pa Morlai into believing that you were going to get a job in
9 Burkina Faso. Isn't that right?

15:10:34 10 A. Yes.

11 Q. So he told you that he deceived you and he took you to
12 Liberia. Isn't that correct?

13 A. Yes.

14 Q. On your way, before you got to Liberia, you stopped in
15:10:49 15 Danane. Isn't that right?

16 A. Yes.

17 Q. Was that at the house of Musa Cisse?

18 A. No. That was my first time of going to Danane, so I didn't
19 know who owned the house. But the person was Ivorian, not
15:11:10 20 Liberian.

21 Q. It was a fenced compound. Is that right?

22 A. Yes, it was a fenced compound.

23 Q. And did you later learn that in the Ivory Coast, the RUF -
24 excuse me, the NPFL had launched its invasion of Liberia from the
15:11:27 25 Ivory Coast? Did you learn that?

26 A. Yes. I knew about that.

27 Q. And Musa Cisse recruited fighters for Charles Taylor and he
28 lived in Danane. Isn't that correct?

29 A. No. At that time, I did not know about Musa Cisse.

1 Q. Did you later learn that Musa Cisse lived in Danane, had a
2 house there?

3 A. Well, I knew that in '95 when I went to Abidjan, to Ivory
4 Coast, where I met Fayia Musa and others.

15:12:09 5 Q. So you did not join the RUF; you were tricked and
6 threatened into training at Camp Naama. Isn't that true?

7 A. Well, Mr Sankoh tricked me, yes.

8 Q. And he threatened you and the others by giving the example
9 of Isiaka, that if anyone tried to escape, whoever they would be,
10 they would be killed. Isn't that true?

15:12:30

11 A. Yes.

12 Q. Morris Kallon is a friend of yours, correct?

13 A. Yes.

14 Q. And he was your co-accused in your trial in Freetown,
15 correct?

15:12:44

16 A. Yes.

17 Q. Morris Kallon was also an involuntary vanguard, wouldn't
18 you say? Isn't that true?

19 A. Well, I can't tell because it was Mike Lamin who brought
20 Morris Kallon to the base.

15:13:02

21 MR KOUMJIAN: Could we have the transcript from the RUF
22 trial of 30 May, page 15, please.

23 Q. If we go down the page, please, on line 26 you were asked
24 by the counsel for Mr Kallon:

15:14:11

25 "Q. Second accused Kallon, like you, was involuntary
26 vanguard. In other words, he too was forcibly conscripted
27 or drafted for training at Camp Naama.

28 A. Yes, because it was Mike Lamin who took him to Camp
29 Naama."

1 So, Mr Sesay, now do you recall that Morris Kallon was an
2 involuntary vanguard?

3 A. Well, I said yes, it was Mike Lamin who brought him along.

15:14:48

4 Q. In fact, what happened to Morris Kallon to cause him to
5 come to Camp Naama is an unforgettable story, much more dramatic
6 than your own. Isn't that true?

7 A. No, well, I don't know.

8 Q. You never learned how Morris Kallon joined the Camp Naama -
9 joined the RUF?

15:15:08

10 A. No. I can't recall that.

11 Q. Well, you were sitting in the courtroom when he testified,
12 weren't you?

13 A. Well, can I remember everything that Morris testified
14 about? I can't remember. Even to those that I testified about,

15:15:28

15 I can't remember. You'd have to remind me of some.

16 Q. Okay. Thank you. Let me see if I can remind you. If we
17 can go to tab 37 and I will start on page 50, line 19. Morris
18 Kallon was asked:

19 "Q. Now the year 1991, Mr Kallon, where were you?

15:16:44

20 A. 1991, actually, partly I was in Liberia from January,
21 February to March 20 - March 18, I was in Liberia at Camp
22 Jackson", it says in the transcript, "Lama.

23 Q. What were you doing there? What took you to Camp
24 Jackson Lama, Mr Kallon?

15:17:04

25 A. My Lords, it's somewhat pathetic but I can explain
26 small. If my memory served me well, sir, on 28 November
27 1989 I was on my way from Monrovia city to Abidjan when
28 I met with a roadblock at a place called Division 45
29 Junction, the road from Monrovia to Roberts International

1 Airport. There I was abducted. We were four in number."

2 And let me make it clear to you, Mr Sesay, it's my position
3 that this was 1990.

4 "Q. You were abducted by whom, please?

15:17:44 5 A. Those who were mining the roadblock, actually they were
6 NPFL fighters. We were four West African national in that
7 very vehicle, together with some Lebanese. When they brake
8 the vehicle they ask everybody to alight the vehicle. When
9 we came down, I was a Sierra Leonean, then we have - I was
15:18:07 10 with another two Ghani ans" - that's from Ghana - "and one
11 Senegal ese, make four. Immediately we came down from that
12 vehi cle and the two Ghani ans, one Ghani an and one
13 Senegal ese, they were executed on the spot. Mysel f and the
14 other Ghani ans, actual ly, if you can look my hand, I was
15:18:32 15 very tied with twine cable. They hit me with gun. You see
16 the mark on my forehead. And when they asked for our
17 passport, they saw my passport was Sierra Leonean. And
18 they say we, the Sierra Leonean, especial ly Salone, we have
19 hosted the ECOMOG, our President, JS Momoh, and that the
15:18:57 20 ECOMOG are fly ing from Freetown, bombing the people of
21 Liberia, for this reason they are going to kill me. But on
22 that very day, very fortunately for me, one of their top
23 commander came, which I cannot recall his name now, he said
24 they are to take me at their camp which they call Habba
15:19:20 25 Hill. So they took me to Habba Hill."

26 And then that is spelt and then he says:

27 "I was taken there. I was detained together with this
28 Ghani an. The next morning they came and collected this Ghani an.
29 I heard the gunshot. I never saw this Ghani an guy again. About

1 in the evening time I saw an old man who has very nice white
2 beard colour, he came to the detention. He introduced himself at
3 that time called Pa Morlai, which I later came to know was Foday
4 Sankoh. He spoke very nice Sierra Leone Krio to me. He was the
15:20:03 5 one who give me confidence that I should not worry. He is going
6 to plead on my behalf and I will be released. That very day he
7 left. On the fourth day, a very slim looking guy, by that time I
8 don't know his actually name, he came but he's speaking very
9 fast. He said he came to collect me to take me to Sierra Leone
15:20:27 10 border."

11 And then he goes on to say:

12 "Yes, later on I came to know him as one Major Mike Lamin.
13 He was the one who came. We were four Sierra Leonean in that
14 detention but we were not together. Myself, a guy named Jonathan
15:20:47 15 Kposowa, Daniel OK George, and one Pa Momoh Kallon, one Fatu
16 Kallon, were all in that detention. So Mike took down our names
17 and book us in the truck, Toyota truck. We moved from Habba Hill
18 to a city called Kakata. In Kakata police detention, he also
19 removed a few other Sierra Leoneans which I really have forgotten
15:21:14 20 their name. So he took us to Gbarnga that very day. Upon
21 arrival at Gbarnga, he took us to a place called Far East where
22 you can stand at that time, you see the Executive Mansion of
23 former President Charles Ghankay Taylor. And this same old man,
24 Pa Morlai, he came. He said now we are at safety. We should not
15:21:37 25 worry. They are taking us to the borderline so that we can cross
26 to Kailahun District. So they drove us on some sort of dusty
27 road from Gbarnga. We drove about 40, 45 mile off. I saw myself
28 the vehicle brake at this military camp which I came to know
29 later was called Camp Jackson. There we break. That very day,

1 I was given stick, then I was given number. The number they gave
2 me that day was 118. 118. So we started undergoing some
3 horrible, horrible life there, unless if you want, I can explain
4 some of this horrible life."

15:22:21 5 Mr Sesay, in October 1990, ECOMOG had intervened in the
6 Liberian war. Were you aware of that?

7 A. Yes.

8 Q. And because of that, NPFL responded by arresting Sierra
9 Leoneans and other nationals of ECOMOG countries, Nigerians and
10 others. That happened in Liberia. You know that, correct?

15:22:51 11 A. Well, I was not aware, because where they took me, where
12 Mr Sankoh took me, it was far away from where the NPFL was,
13 especially at the front line. And --

14 Q. Mr Sesay, are you talking about Cuttington University or
15:23:17 15 are you talking about Naama?

16 A. I'm talking about Naama because Cuttington University -
17 Cuttington University --

18 THE INTERPRETER: Your Honours, can he kindly repeat this
19 answer slowly.

15:23:32 20 PRESIDING JUDGE: Please repeat your answer slowly. What
21 about Cuttington?

22 THE WITNESS: My Lord, I said at Cuttington we spent a week
23 there, then Mr Sankoh took us to Naama.

24 MR KOUMJIAN:

15:23:45 25 Q. Mr Sesay, Cuttington University was an NPFL base. That's
26 right, you know that, don't you?

27 A. Where we were was not a base. The base was on the other
28 side. Where we were was the campus. We were the only ones in
29 that area with Mr Sankoh.

1 Q. And there was NPFL there at Cuttington, correct? That was
2 an NPFL training location?

3 A. Yes.

4 Q. And there was NPFL at Naama. That was an artillery base
15:24:22 5 for the old Doe government. It was an NPFL base when you were
6 there, correct?

7 A. Yes, the NPFL was in Naama but where we were at Crab Hole,
8 it was only the RUF that was there.

9 Q. So you weren't far from the NPFL. They were just on the
15:24:39 10 others side of the base. They were just up the hill. Isn't that
11 true?

12 A. Well, the barracks was a big one. They were on the other
13 side whilst we were on the other side in Crab Hole.

14 Q. And, Mr Sesay, you know from talking to your fellow Sierra
15:24:58 15 Leonean vanguards that most of them were taken out of NPFL
16 prisons, like Morris Kallon, and that's how they got to Naama.
17 Isn't that true?

18 A. Well, as for Morris Kallon, I only heard this in the
19 courtroom. But they met me in Naama and he was brought to Naama
15:25:17 20 by Mike Lamin and he never gave me this account except in the
21 courtroom. And Mike Lamin was at the base as an instructor
22 before he went and brought along Morris Kallon.

23 Q. And you know that many others were taken from NPFL
24 detention besides Kallon. Kposowa, for example, he was detained
15:25:39 25 by the NPFL and then released by Sankoh, isn't that true?

26 A. Well, I was not aware of that. What I understood was that
27 they were recruited by Pa Kallon at Harbel and Kakata. That is
28 what I knew when I - when he came to the base, Philip Palmer, OK
29 George, all of them.

1 Q. Philip Palmer was another person who was taken out of
2 detention, you know that, don't you?

3 A. No, I was not aware of that.

4 Q. Prince Taylor was another person that was taken out of
15:26:10 5 detention and taken to Naama, isn't that true?

6 A. Well, I was not aware of that. They met us in Naama. What
7 I knew was that they were being recruited by Pa Kallon and
8 Mr Sankoh was collecting them.

9 Q. Did Morris Kallon, as far as you know, tell the truth in
15:26:31 10 this account he gave in court?

11 A. Well, I said this was my first time of hearing this. I had
12 been friends with Morris Kallon at Naama base throughout the war
13 but the account that he gave me, when he arrived at Naama, was -
14 is not the same as this one. Mike Lamin was the first person I
15:26:54 15 knew and, when Mike Lamin went to Kakata, he brought along Morris
16 Kallon and said he was his friend and Morris Kallon and Mike
17 Lamin were born in the same village; they knew each other, even
18 before the war.

19 Q. Mr Sesay, if - why did you tell the Trial Chamber I in your
15:27:12 20 trial that, yes, Morris Kallon was an involuntary vanguard? Why
21 did you say that if you think he just came voluntarily with Mike
22 Lamin?

23 A. Well, I said it was Mike Lamin who brought him. Mike Lamin
24 brought him.

15:27:31 25 Q. When you went back to the detention cells after hearing
26 this story in court, this testimony in court, from Morris Kallon,
27 did you say, "Wow, I" - did you tell him, "I never heard that
28 before"?

29 A. If I told him that --

1 Q. Did you talk about what he had said in court about how he
2 came to Naama?

3 A. No. The man, when he's testifying, wouldn't discuss his
4 case with another person. I did not discuss that with him.

15:28:09 5 Q. Well, you discussed with Gullit about whether he was going
6 to blame Superman for the Freetown invasion. You did that,
7 didn't you?

8 A. That was before his testimony, when he said that.

9 Q. Mr Sesay, are you trying - are you telling the Court that
15:28:29 10 you do not know that the Sierra Leonean vanguards - that many of
11 them were taken out of NPFL detention facilities and that's how
12 they came to Naama? Are you honestly telling us that you don't
13 know that?

14 A. Well, what I heard in Naama is what I'll say. I wouldn't
15:28:58 15 say what I didn't hear.

16 Q. Did you hear of anyone who came to Naama who had been
17 detained by the NPFL and then released by Foday Sankoh? Did you
18 hear of any one person who came to Naama under those
19 circumstances?

15:29:25 20 A. The people who came from Harbel, I did not hear that from
21 them. The only person that I heard that from were those who came
22 from Buchanan, Lawrence and Matthew Nyande; but from Harbel, what
23 I understood was that they were being recruited by Pa Kallon.

24 Q. So you heard of two people from Buchanan. Was that
15:29:50 25 Lawrence Womandia? Is that one of the names?

26 A. Yes, yes.

27 Q. And Matthew - what was Matthew's -

28 A. Matthew Nyande.

29 MR KOUMJIAN: Is that, Mr Interpreter, N-Y-A-N-D-E?

1 THE INTERPRETER: Yes.

2 MR KOUMJIAN:

3 Q. You heard that they had been in NPFL prisons and then
4 released by Sankoh to join Naama; is that correct?

15:30:17 5 A. Yes.

6 Q. And tell us, Mr Sesay, how was it that Foday Sankoh had the
7 ability to get people out of NPFL prisons?

8 A. Well, Mr Sankoh knew some of the Special Forces because all
9 of them trained in Libya, and some of those Special Forces were
10 the ones commanding some of those grounds.

11 Q. And Foday Sankoh would travel in Liberia in NPFL territory
12 with an AK-47, isn't that true?

13 A. He placed it in his vehicle because the vehicle that he was
14 using was a pick-up, but the back had a cover; but at the time he
15 was going to Naama he would not use it because he did not have
16 bodyguards, he placed the weapon in a vehicle.

17 MR KOUMJIAN: Could the witness be shown L1, map L1? May
18 the transcript that I just read from Morris Kallon be marked for
19 identification?

15:31:33 20 PRESIDING JUDGE: This is the transcript of the - in the
21 RUF case, of 11 April 2008, pages 52 - pages 50 through 53,
22 inclusive. That is marked MFI-16.

23 MR KOUMJIAN:

24 Q. Mr Sesay, if we can put this map on the overhead, and if
15:32:27 25 you could, sir, move over so you can hold your pen and show us -
26 perhaps it might be easier to actually give a copy to Mr Sesay so
27 he could mark it. You can remain where you are now, Mr Sesay,
28 and can you mark the route that you took from Danane to
29 Cuttington?

1 Mr Sesay, have you located Danane, or I could help you?

2 A. Yes, I have seen Danane here.

3 PRESIDING JUDGE: Could the witness use a pen that can
4 stand out on the map, please? Not a black pen. Something else.

15:34:41 5 THE WITNESS: Well, I have not yet seen Ganta because when
6 we crossed, when you move from Danane you cross the bridge by the
7 border, and we drove to Kparplay. This is Kparplay. From
8 Kparplay, we came to Ganta, but I have not yet seen Ganta.
9 Because this is Nimba and Ganta is supposed to be around here,
10 but I have not yet seen it. Well, this is the difficulty that I
11 have in front of me because I have not seen Ganta because, when
12 we cross the border, the place where we slept --

13 PRESIDING JUDGE: Mr Koumjian, I'm not sure. I can't see
14 from my map if Ganta is illustrated. Is Ganta on the map?

15:36:20 15 MR KOUMJIAN: Well, my colleagues see something on the
16 border of Guinea where the road jigs where it says "GA" but it
17 doesn't look like Ganta to me.

18 PRESIDING JUDGE: Because really in fairness, if your map
19 doesn't show all the locations you want the witness to indicate
15:36:37 20 he's not in a position to do so.

21 MR KOUMJIAN:

22 Q. Mr Sesay, you went from Danane to Cuttington, correct?

23 A. Yes.

24 Q. All the area you travelled through was controlled by the
15:36:52 25 NPFL, isn't that true?

26 A. Yes.

27 Q. Cuttington University is basically Gbarnga, it's just
28 outside Gbarnga, isn't that true?

29 A. Yes. Several miles away from Gbarnga.

1 Q. So you went basically from Danane to Gbarnga, Cuttington
2 University, spent a week there, and then you went north, up that
3 road past Belefanai to Naama, correct?

4 A. Yes, from Danane to Ganta, from Ganta to Cuttington, from
15:37:37 5 Cuttington; in a week's time we then went to Belefanai and we
6 branched to go to Naama.

7 Q. How many checkpoints did you pass through to go from Danane
8 once you crossed into the Liberian border to Cuttington?

9 A. I don't remember. By then I was a civilian. I cannot tell
15:38:02 10 you strictly how many checkpoints we had because the security men
11 were there by then.

12 Q. You stopped in Gbarnga before continuing on to Cuttington,
13 correct?

14 A. No, we did not stop in Gbarnga.

15:38:19 15 Q. And were you welcomed by Charles Taylor who came out and
16 welcomed you, isn't that true?

17 A. No, no.

18 Q. When you say you cannot remember how many checkpoints, are
19 you saying that there were multiple checkpoints and you can't
15:38:41 20 remember the number because there were so many?

21 A. No, that is not what I'm saying. I said I do not recall
22 because by then I was a civilian and I was not security-minded,
23 so I do not recall how many checkpoints were there.

24 Q. What does being a civilian have to do with recalling
15:39:02 25 checkpoints? Can you explain what you mean by that?

26 A. Well, at that time, I did not understand much about what
27 the checkpoints were all about, so I do not recall how many
28 checkpoints I passed through, no.

29 Q. You stayed at Camp Naama because of fear, fear that you

1 would be killed if you tried to leave; is that correct?

2 A. Well, that was what Mr Sankoh said, but even at that time
3 I could not escape from Naama because that was my first time
4 being in Liberia and I did not know Liberia.

15:39:52 5 Q. There also was an NPFL checkpoint right outside the base,
6 isn't that true?

7 A. RUF had their own checkpoints and Morris Kallon was one of
8 the MPs at the base. They were the people who manned the
9 checkpoints, right on top of the hill.

15:40:11 10 Q. That's true. And the NPFL had their own checkpoint on the
11 road there, didn't they?

12 A. No. Their own checkpoint was at the village.

13 Q. So in order to get to Naama, you had to pass through that
14 NPFL checkpoint, correct?

15:40:34 15 A. Yes. The checkpoint was towards the Naama village, but we
16 were not allowed to go to Naama village. We only went out when
17 we went out on PT, to jog.

18 Q. So you would go out to jog and you would go on hikes, you
19 would go on hikes for even over a day, isn't that true?

15:41:02 20 A. Say that again?

21 Q. You would go out, walking, as part of your training, for
22 over a day, marching, correct?

23 A. Yes. I recall that we went on foot march once.

24 Q. And all of this was right in the heart of NPFL territory,
15:41:31 25 correct?

26 A. Yes, that was where we were training, at Naama, Crab Hole.

27 Q. By the way, another person, who was taken out of jail, an
28 NPFL jail, and brought to Naama was your other co-accused,
29 Augustine Gbao. That's how he came to Naama, isn't that true?

1 A. Well, I did not know about that, because at the time
2 Augustine Gbao came, he did not tell me that.

3 Q. You said that a few of the recruits were former fighters,
4 correct?

15:42:20 5 A. Yes.

6 Q. Former NPFL fighters that joined you, correct?

7 A. Yes. A few NPFL and some were Doe's soldiers because like
8 Ibrahim Dugba, John Peter and others, they were Doe soldiers,
9 Isaac Mongor, those were all Doe soldiers, there were Doe
10 soldiers among the vanguards also.

15:42:50

11 Q. There were soldiers who had been with Doe - and Dugba, was
12 he a Nimba County man?

13 A. Who?

14 Q. The first name you mentioned, I think it's - can you repeat
15 it? Do you recall Dugba or something like that?

15:43:10

16 A. Ibrahim Dugba.

17 Q. What was his tribe?

18 A. Ibrahim Dugba was a Kru.

19 Q. The majority of the recruits were Liberians, correct?

15:43:32

20 A. Yes.

21 Q. One Defence witness testified that over three-quarters of
22 the recruits were Liberians. Is that correct?

23 A. Yes. They were in majority, but those of us Sierra
24 Leoneans who were also there - but they were in the majority.

15:44:08

25 But to say that if we were - if we were divided into four and you
26 said three would be Liberians, no, I wouldn't say so. If you
27 said divided into four and two would be Liberians and more, then
28 I can say okay. But they were in the majority actually.

29 Q. So the RUF military force was born and raised in the heart

1 of NPFL territory in Liberia, isn't that true?

2 A. Well, the RUF - those who imparted the ideas into us were
3 from Libya. It was from Libya that they started the RUF up to
4 Liberia and from Liberia into Sierra Leone.

15:44:58 5 Q. How many Special Forces were there in the RUF? How many
6 RUF members trained in Libya? Can you name them?

7 A. Well, I cannot name all the Special Forces who trained in
8 Libya because some of them did not take part in the war. Some of
9 them, it was during the peace process that they came and met

15:45:25 10 Mr Sankoh but, like at the training base there were two, that is
11 Mohamed and Rashid, and then when the war started, we had Foday
12 Daboh, we had Patrick Lamin, all of them came to join Mr Sankoh.

13 Q. So at the training base in Naama, there were only three
14 Special Forces; Foday Sankoh, Mohamed Tarawalli and Rashid

15:45:55 15 Mansaray, correct?

16 A. Yes.

17 Q. And Tarawalli and Mansaray were not with you through most
18 of the training, were they?

19 A. Say that again?

15:46:07 20 Q. Mohamed Tarawalli and Rashid Mansaray were not with you
21 through most of the training at Naama, correct?

22 A. No. They were there.

23 Q. You were later joined when the invasion started by Patrick
24 Lamin and Daboh, is that correct?

15:46:29 25 A. Yes. When the invasion started, Patrick Lamin and Foday
26 Daboh.

27 Q. Thank you. And is that spelled D-A-B-O-H, or do you know
28 how to spell it?

29 A. Yes, that is Daboh.

1 Q. One Liberian - excuse me, one who was at the training base
2 but left you and stayed in Liberia was Momoh Dgiba, is that
3 right?

4 A. Yes.

15:47:07 5 Q. And you saw --

6 A. Yes.

7 Q. He stayed in Liberia and you saw him later in Monrovia,
8 correct?

9 A. Yes.

15:47:18 10 Q. He was the bodyguard for Charles Taylor, correct?

11 A. Yes.

12 Q. And he became the head of the ATU for Charles Taylor,
13 correct?

14 A. Yes. But at the time he left Naama, he had not completed
15:47:42 15 his training, because the training had not yet completed when he
16 left and went to - when he went and went back to Harbel, because
17 he and his younger brother had initially come from Harbel.

18 Q. Because people went back and forth between the RUF and the
19 NPFL. For example, John Kargbo, he was NPFL, correct?

15:48:10 20 A. Well, I did not know him before. I only came to know him
21 after the war had started. That was the time I knew John Kargbo
22 and when he came to Kailahun, I became used to him and he - John
23 Kargbo told me that he was a SSD before in the Sierra Leonean
24 police, and that is part of the Sierra Leonean police. He said
15:48:36 25 they were the ones who went with Quiwonkpa to go and overthrow
26 Doe but when they failed, since then he stayed in Liberia.

27 Q. Isatu Kallon testified here that she met Isaac Mongor and
28 John Kargbo when they were NPFL. They were NPFL, weren't they?

29 A. Well, I was not in Kakata with them. I knew Isaac, he told

1 me that he was a Doe soldier, and if he had been - initially he
2 came from Doe soldier, later he surrendered to the NPFL but
3 originally he was trained as a Doe soldier.

15:49:23

4 Q. So you were saying that Isaac Mongor was NPFL before he
5 came to Naama, correct?

6 A. I said Isaac Mongor was a Doe soldier, from Kakata, and it
7 was through Pa Kallon that he came to Naama, so if he had been
8 NPFL before, I am not aware.

15:49:48

9 Q. Well, let's look at the transcript for 25 March 2010, page
10 37971. A Defence witness in this case testified to being
11 captured on 4 June 1990.

12 I don't recall off the top of my head, I believe it was
13 Kakata, but I'm not sure. I wouldn't want to promise that.

15:50:43

14 Excuse me, he was captured at the mining, the former Bong Mines -
15 Bong Mines. And he said, the person - at the bottom of page
16 37971 he was asked:

17 "Q. The person you referred to as Isaac Mongor, to which
18 group did that person belong and June 4, 1990?"

15:51:03

19 A. On that day he was amongst the fighters. So on that
20 day I believe he was an NPFL fighter."

21 So in June 1990, Isaac Mongor was NPFL. When did you see
22 him at Naama, Mr Sesay?

23 A. When I saw Isaac around January of 1990 when they came to
24 Naama - of 1991, sorry, when they came to Naama. Himself,
25 Sylvester Miller, all of them came.

15:51:34

26 Q. Mr Sesay, why was it that the majority of the recruits at
27 Camp Naama were Liberians when the RUF was supposed to be a group
28 fighting for a revolution in Sierra Leone?

29 A. I don't understand. Please.

1 Q. The RUF was supposed to fight to change the government in
2 Sierra Leone, correct?

3 A. Yes.

4 Q. Why were Liberians the majority of those who were being
15:52:21 5 trained by the RUF when they are not Sierra Leone citizens?

6 A. Well, my Lord, I think - well, the people who started the
7 RUF, the pioneers of the RUF were Sierra Leoneans from Libya.
8 They came to Liberia and they trained us in Naama. And when we
9 came to Sierra Leone, they trained the Liberians there and even
15:53:04 10 some of the Liberians were Sierra Leoneans actually and some of
11 them were Liberians, but even at the time we joined the AFRC on
12 their invitation, Mr Sankoh gave instruction to Bockarie. So
13 I think that should be an answer from Mr Sankoh, but it's like
14 Mr Sankoh only wanted to use them but not for them to become part
15:53:29 15 of the decision making body in Sierra Leone. So that was what
16 I observed and understood. Some of them, in fact, were grumbling
17 like Isaac, Superman, they were grumbling during the AFRC and
18 they were not allowed to become council members but it was an
19 order from Mr Sankoh, he said they shouldn't become council
15:53:48 20 members and they shouldn't become ministers.

21 Q. Mr Sesay, do you believe that a mercenary is a foreigner
22 who comes from another country to fight in another country? Do
23 you believe a mercenary is a foreigner who comes from one country
24 to fight in another country?

15:54:08 25 A. Yes.

26 Q. I'm actually quoting what you said on 6 July to this Court.
27 So, Mr Sesay, the RUF force that was created at Naama was a
28 majority-mercenary army, isn't that true?

29 A. Well, majority had links with Sierra Leone, because most of

1 the Liberians who went to Naama had links with Sierra Leone.

2 Some of them, their fathers were Sierra Leoneans and only their
3 mothers who were Liberians.

15:54:58

4 Q. How did the fighters - how were they fed, those of you
5 undergoing training?

6 A. I did not understand.

7 Q. My fault. It wasn't a clear question. Where did the food
8 come for those being trained for months at Camp Naama?

9 A. Well --

15:55:20

10 PRESIDING JUDGE: Come or come from?

11 MR KOU MJIAN: Come from.

12 THE WITNESS: Mr Kallon used to send food, he would send
13 rice, palm oil, cassava; and Mr Sankoh too used to buy cassava
14 around Naama area, and sometimes Mr Sankoh would go to Danane and
15 buy some condiments and bring them with him for the recruits.

15:55:46

16 MR KOU MJIAN:

17 Q. Where did Foday Sankoh get money to buy food?

18 A. Well, I think that should be directed to Mr Sankoh. He
19 would answer that. Because the Libyan leader too recognised the
20 RUF and they came from Libya to train us in that camp, so I think
21 he had people who were helping him.

15:56:08

22 Q. There were Libyans training you in the camp, or were you
23 saying there were people who were trained in Libya? You said,
24 "They came from Libya to train us in that camp". Who do you
25 mean?

15:56:26

26 A. Because Mr Sankoh, Mohamed and Rashid, they had been in
27 Libya before, and Mr Sankoh, the leader of RUF, was in Libya and
28 by then I was just a recruit. Mr Sankoh never used to explain to
29 me from where he was getting food or the people who were helping

1 him, but the only thing that I know is that food used to come
2 from Kakata, from Pa Kallon, and Mr Sankoh also used to go and
3 purchase some condiments in Danane and bring them back.

15:57:05

4 Q. And this food would come through the NPFL checkpoint at the
5 village, correct?

6 A. Yes.

7 Q. Did you have any weapons to learn how to fight with?

8 A. Yes, there were few AKs that they used to train us.

9 Q. Where did they come from, do you know?

15:57:37

10 A. Mr Sankoh brought them. That was what they used to train
11 us.

12 Q. Did you ever see Isatu Kallon in the camp at Naama?

13 A. Yes. She used to come, prepare food for us, and then go
14 back.

15:57:54

15 Q. How often would she come?

16 A. No. It was not very frequent. I recall that I saw her
17 there two times. She came, she prepared food for every one of
18 us.

19 Q. When you were training, did you learn how to fire the guns?

15:58:32

20 A. Well, they only used to teach us about the parts, but we
21 did not fire. We did not fire. But they used to teach us how to
22 assemble or dismantle the AK. When we went to the class after
23 the lectures, someone would go and dismantle and then they would
24 ask you to reassemble it and they would ask you about the parts,
25 the names of the parts; and they would also teach us how to put
26 it at single or how to put it at automatic and how to fire. They
27 showed us all of those. But we did not fire the gun itself. We
28 carried sticks with strings.

15:59:03

29 Q. Foday Sankoh would come and go out of the camp, bringing

1 supplies, bringing people. That's correct, isn't it?

2 A. Your Honour --

3 THE INTERPRETER: Your Honours, could the witness be asked
4 to raise his voice, because the interpreter did not get anything
15:59:42 5 he said.

6 PRESIDING JUDGE: Mr Kallon, you're speaking too quietly or
7 else you're speaking away from the microphone. The interpreter
8 didn't hear what you said. Please repeat your testimony.

9 THE WITNESS: Well, my Lord, I am also asking the
10 interpreter about what he or she said, because the interpreter
11 said something also that I did not understand. That was why
12 I was asking.

13 PRESIDING JUDGE: Why don't you repeat your testimony, sir?

14 MR KOUMJIAN: Perhaps I should repeat the question. He
15:00:15 15 seems to indicate he didn't understand the question and it may
16 have been my fault.

17 Q. Sir, Foday Sankoh would come in and out of Naama,
18 travelling to other parts of Liberia, correct?

19 A. Yes. He would come to Naama and then he would travel to
16:00:36 20 Harbel to Pa Kallon.

21 Q. Travelling all the time through NPFL territory, correct?

22 A. Well, he used to travel, but we did not know all the places
23 he used to go to because I never went with him. I was on
24 training.

16:00:55 25 Q. And he went through that checkpoint that you described at
26 the village that was an NPFL checkpoint, correct?

27 A. Yes. He used to pass through there, yes.

28 Q. And he would do that with an AK-47 in his vehicle, correct?

29 A. Yes. The AK was in his vehicle, not that he used to strap

1 it or maybe he used to carry it in his hands, no. He used to put
2 it in the car.

3 Q. Well, Mr Sesay, let's look, then, at this situation,
4 because you are a clever person, an intelligent person. You know
16:01:40 5 that the RUF was recruited and trained in the heart of NPFL
6 territory at Camp Naama, an NPFL base you shared with the NPFL,
7 that Foday Sankoh would take people, your co-accused, Morris
8 Kallon, out of an NPFL prison, and you said Lawrence Womandia,
9 and another person you know of, were taken by Foday Sankoh out of
16:02:10 10 NPFL prisons. This camp existed in Naama for months.

11 You don't have any doubt in your mind, do you, that the RUF
12 was created with the knowledge, with the consent, and with the
13 backing of Charles Taylor, do you?

14 Let me give you a chance to think about this. Mr Sesay,
16:02:38 15 before you answer the question, understand that my position is
16 you're here to lie for Charles Taylor, so I'm giving you an
17 opportunity to prove me wrong.

18 Based on what you know, the RUF, being majority Liberian,
19 consisting of Sierra Leoneans who were taken from NPFL prisons,
16:03:00 20 being trained at Cuttington, an NPFL base, and then Naama, you
21 know that the RUF was created with the acquiescence and support
22 of Charles Taylor, don't you?

23 A. Well, I cannot explain because I was not there when
24 Mr Sankoh and Mr Taylor discussed. I can only explain what I saw
16:03:38 25 at the base and the colleagues with whom I met at the base.
26 That's the only thing I can explain to you. But I cannot explain
27 to you about a discussion that I did not take part in. To say
28 Morris Kallon came from prison, no, he did not come from a
29 prison; it was Mike Lamin who brought him to the base. It was

1 not Mr Sankoh in fact who brought him to the base. And most of
2 the RUF with whom I was at the base, I know that it was Pa Kallon
3 who recruited them, because they used to say that at the base,
4 and Pa Kallon's wife used to visit the base. And we knew that Pa
16:04:14 5 Kallon was assisting the base, in terms of food, soap, he used to
6 provide money to Mr Sankoh because Pa Kallon also used to explain
7 that to us whilst we were in Pendembu.

8 Q. Mr Sesay, again I'm giving you a chance, because my
9 question is about Charles Taylor and what you think, because you
16:04:33 10 were there, you're intelligent, you were there for months at that
11 base: It was obvious to you that the base, the RUF, was created
12 and supported by Charles Taylor, and you just don't want to say
13 that because you're here to protect him, isn't that true?

14 A. No, that is not it. But it was Mr Sankoh who trained the
16:05:04 15 RUF, and - it was Mr Sankoh created the RUF and it was him who
16 used to bring food. And --

17 THE INTERPRETER: Your Honours, could the witness be asked
18 to slow down and repeat that area?

19 PRESIDING JUDGE: Mr Sesay, slow down and start from where
16:05:21 20 you said "it was Mr Sankoh who used to bring us food".

21 Now, continue from there.

22 THE WITNESS: Yes, my Lord. I said it was Mr Sankoh who
23 used to bring food to the base, and he used to tell us that he
24 had his brother, one Pa Kallon, who was assisting him. And
16:05:41 25 later, when I met with Pa Kallon, by the time we were in
26 Pendembu, Pa Kallon used to explain to me how much money he had
27 expended on Mr Sankoh and the RUF, in terms of food, fuel,
28 medication, and my colleague vanguards, with whom I was at the
29 base, most of them were recruited by Mr Sankoh and some were

1 recruited by Pa Kallon, who recruited them in Harbel and Kakata.
2 Mr Sankoh's friend Fatou Brown recruited some in Gbarnga, and
3 some used to come on their own to meet Mr Sankoh and join the
4 revolution. That is what I know.

16:06:25

5 MR KOUMJIAN:

6 Q. Mr Sesay, there were up to 300 people being trained at
7 Naama. Would you agree?

8 A. Well, almost. It's up to. But I cannot tell whether we
9 were up to 300, but I was aware of 200 and some more.

16:06:50

10 Q. You don't seriously want to put it to these judges, testify
11 before these judges, that you didn't have the belief that all of
12 this was done with the consent of Charles Taylor? Let me try the
13 question again because it's awkward.

16:07:20

14 Mr Sesay, you're clever; it's clear to you, isn't it, that
15 none of this could have been done without the consent of
16 Charles Taylor? Isn't that true?

16:07:49

17 A. Well, if you assess it that way, then - but I have to
18 believe what Mr Sankoh said, because it was Mr Sankoh who said he
19 was providing food and he was getting from - from Pa Kallon, but
20 if Mr Sankoh did not tell me that, that he had any direct link
21 with Mr Taylor, then --

16:08:12

22 Q. Mr Sesay, what did Foday Sankoh tell you about his
23 relationship with Charles Taylor? You were in the middle of
24 Liberia, in NPFL territory; what did he say about his
25 relationship with the leader of the NPFL?

26 A. Well, Mr Sankoh was - according to him, he said he was
27 Mr Taylor's friend, but he was the leader for his revolution and
28 he organised his revolution, and he said he was doing everything
29 for his revolution. That was what Mr Sankoh told us.

1 Q. And this is what he told you at Camp Naama?

2 A. Yes.

3 Q. Where did he meet Charles Taylor, according to Foday
4 Sankoh?

16:08:56 5 A. According to Mr Sankoh, he said they met in Burkina Faso
6 and then later in Liberia.

7 Q. He met Charles Taylor in Burkina Faso and then later in
8 Liberia, correct?

9 A. Yes, sorry. I said Burkina. I mean Libya, not
16:09:19 10 Burkina Faso. Because Mr Sankoh and others too were in Libya
11 training there for some time.

12 Q. Okay. Just so we are clear without the "he" pronouns,
13 Foday Sankoh told you that he met Charles Taylor in Libya and
14 then later in Liberia; is that correct?

16:09:41 15 A. Yes, but at that time, Mr Sankoh told us that, that he knew
16 Mr Taylor in Libya, he was not the leader at that time, it was
17 Ali Kabbah who was the leader of the RUF in Libya.

18 Q. So when he met him again in Liberia, was Foday Sankoh
19 working for the NPFL?

16:10:07 20 A. Well, I don't know, because I never saw him work for the
21 NPFL at the time he brought us from the Ivory Coast. I did not
22 know whether he was working for the NPFL.

23 Q. He used to wear a badge that said "International Adviser".
24 Isn't that right?

16:10:25 25 A. No. I never saw him with such a badge. International
26 Adviser, I never saw that badge.

27 Q. What did he say - where did he meet Charles Taylor in
28 Liberia?

29 A. Well, I don't know where they met. To say I knew where

1 they met, I don't know. I said Mr Sankoh said he met with
2 Mr Taylor in Liberia at the time he was training us in Naama.
3 And at the time Mr Sankoh was training us, I wouldn't ask him
4 questions because by then I was a recruit and I was only there to
16:11:10 5 listen to what he said.

6 Q. Well, that's true. You were a young person with zero
7 combat experience. You did not have status at that time in the
8 RUF, correct?

9 A. I was nobody in the RUF. Even up to '93. I did not have
16:11:36 10 any position.

11 Q. It was not until after the Luawa Giehun incidents that you
12 became prominent in the RUF, correct?

13 A. No, no. That Luawa incident. I did not take part in it.
14 I did not kill anybody in that.

16:11:53 15 PRESIDING JUDGE: Incidentally, that is not Lawa [phon].
16 It is Luawa.

17 MR KOUMJIAN: Thank you.

18 Q. Sir, how long were you at Naama?

19 A. I was at Naama for about five months, because I came there
16:12:42 20 in October, October of 1990, and we left there in March of '91.

21 Q. Prior to the invasion of Sierra Leone, you said you heard
22 Foday Sankoh give a 90-day ultimatum to the Momoh government. Is
23 that correct?

24 A. Yes. That was what I heard.

16:13:10 25 Q. But he did that just a few weeks before the actual
26 invasion, so in February or March. Isn't that true?

27 A. Yes. He did that before the invasion.

28 Q. What programme did you hear Foday Sankoh speaking on? How
29 did you hear that on the radio?

1 A. Well, I did not listen to that myself but people who
2 listened, they said Mr Sankoh spoke over the BBC.

3 Q. So people heard that at Camp Naama and told you. Is that
4 correct?

16:13:53 5 A. Yes. Because some of the instructors, like Mohamed,
6 Rashid, they had radios. And some of the recruits, like the
7 older men, like OK George, they had radios. They used to listen
8 to it. But like for me, I did not have a radio.

9 Q. The actual invasion happened in March, late March, 1991,
16:14:22 10 correct?

11 A. Yes.

12 Q. Before I go on, sorry, just to go back to the Foday Sankoh
13 speaking on the BBC, how was Foday Sankoh communicating with the
14 BBC?

16:14:44 15 A. Well, I don't know. I only know that as long as - the only
16 way that he could have communicated with the BBC whilst we were
17 in West Africa is through telephone because the BBC is in
18 England.

19 Q. There was no telephone at Naama, was there?

16:15:11 20 A. No. Mr Sankoh did not have a phone at Naama.

21 Q. And you've talked about when Foday Sankoh first got a
22 satellite phone. He didn't have a satellite phone at Naama, did
23 he?

24 A. No. I did not see him there with a phone.

16:15:29 25 Q. But Charles Taylor used to speak to the BBC on his own
26 satellite phone at that time, didn't he?

27 A. Well, I told you that I did not have a radio to be
28 listening to news in 1991 - 1990 to 1991, I did not have a radio
29 because I did not have it.

1 Q. Foday Sankoh's threat, the 90-day ultimatum, was made over
2 Charles Taylor's satellite phone. Isn't that true?

3 A. Well, I don't know, pa, because Mr Sankoh did not tell me
4 where he went to and spoke.

16:16:14 5 Q. Now, the actual invasion of Sierra Leone, the date was
6 moved up because of an NPFL invasion of Bomaru. Is that correct?

7 A. Yes, as a result of the confusion between the SLA and the
8 NPFL because of the looted items.

9 Q. So the RUF followed the NPFL in the invasion into
16:16:46 10 Sierra Leone. Isn't that true?

11 A. Well, after the conflict had happened, at the time the NPFL
12 retreated was the time Mr Sankoh said he was then moving in with
13 his men, when Anthony Mekunagbe and he went to pick up us at
14 Naama. But the firing that took place at Bomaru was a different

16:17:19 15 incident from the invasion. It was not something like an
16 organised plan, no. Those were two separate incidents, because
17 the NPFL came and fought against the commander in Bomaru to get -
18 to get their payments for their vehicles that they have sold to
19 them. And when that news came over the air, Mr Sankoh then
16:17:48 20 decided to use that as an opportunity to collect us from Naama
21 and bring us in. He and Anthony Mekunagbe.

22 And that was, in fact, the reason why Rashid was grumbling,
23 that it was not up to the right time and Mr Sankoh was forcing us
24 to go in, because the NPFL had had a clash with the soldiers at
16:18:11 25 the border, so he wanted to use that as a chance.

26 Q. So Foday Sankoh organised the invasion together with NPFL
27 forces, isn't that true, after the Bomaru clash?

28 A. Yes. Because he came to the base with Anthony Mekunagbe,
29 they collected us to Lofa and we came to Sierra Leone. And

1 Anthony Mekunagbe, in fact, gave some of his men from Lofa to
2 reinforce the RUF.

3 Q. Where did the arms come from for the RUF for the invasion?

16:19:16

4 A. Well, I did not know. I only saw that Mr Sankoh and
5 Anthony Mekunagbe divided us in Kolahun and they put us on the
6 truck and we came to Vahun and when we got to Vahun they brought
7 some Berettas that were distributed to us, those of us the
8 recruits that came from Naama.

16:19:35

9 Q. Well, another Defence witness testified about how arms were
10 obtained from Koindu. Mr Sesay, did your group attack Koindu?

11 A. No. My group went to Bomaru, and a different group
12 attacked Koindu.

16:20:50

13 Q. Let's look at the testimony of 25 March 2010, page 38017.
14 The witness said, beginning at line 4 - the Presiding Judge
15 asked:

16 "These arms that they say the NPFL had taken from the SLA,
17 when the witness's group came to Koindu, were these arms simply
18 donated to them by the NPFL, or did they capture them? How did
19 they take these arms? How did the RUF take these arms?"

16:21:12

20 And the witness answered:

16:21:32

21 "Very well, sir, can I go ahead? Yes, I'm what saying here
22 is when the NPFL went at first, when they went to chase the SLA
23 into Sierra Leone, when they got there they captured Koindu,
24 including the military base that the SLA occupied in the police
25 station in Koindu. It was at that time that Foday Sankoh was
26 compelled to launch the revolution. So when he went there those
27 NPFL troops that had captured this material, the arms, ammunition
28 and other things, they handed them over to the command."

29 Now, Mr Witness, this is true, isn't it, that the weapons

1 that the RUF got were from the NPFL and from material captured
2 from the SLAs by the NPFL? Is that true?

3 A. Well, this witness is giving account of what happened at
4 Koindu, and I attacked Bomaru. When we attacked Bomaru, the ammo
16:22:25 5 dump and the armoured car that we captured there were the arms
6 and ammunition that we got from the ammo camp. And then we
7 advanced to Baiwala and Mobai.

8 Q. So this witness explains that the group that attacked
9 Koindu was armed by the NPFL, and you've told us that at Bomaru
16:22:49 10 Berettas were distributed and you don't know where they came
11 from. Is that right?

12 A. Those of us who were in the group that attacked Bomaru from
13 Vahun, it was Anthony Mekunagbe who distributed the Berettas.
14 And it was Anthony Mekunagbe who was the commander in Lofa.

16:23:12 15 Q. So also your group was armed by the NPFL, correct?

16 A. Yes. The Berettas that Anthony Mekunagbe gave were the
17 ones we used.

18 Q. Now you indicated - we looked at the map just a little
19 while ago. Naama is a long way from the border to Kailahun,
16:23:42 20 isn't it? You can't walk there, can you?

21 A. Yes, Naama is far off from Kailahun border. It's a far
22 distance.

23 Q. The day of the invasion, or the day before, Foday Sankoh
24 came, you said, with four trucks. Is that right?

16:24:04 25 A. Yes. He, Anthony Mekunagbe and Oliver Varney brought them.

26 Q. And Foday Sankoh didn't have four trucks before then, did
27 he?

28 A. No. The commanders whom he came with, the trucks belonged
29 to them. Although he had a truck that he used to bring us food

1 from Harbel, and the one that used to transport the men.

2 Q. Before you went into Sierra Leone, you had regrouped and
3 had a meeting at Kolahun in Lofa County, correct?

16:24:55

4 A. Well, that was where we were divided. It was not like a
5 meeting. We were divided into two. The group from Naama, one
6 group was to go by Foya to Koindu and we went towards Vahun to
7 enter Bomaru.

8 Q. That's where you were introduced to some NPFL commanders,
9 correct, at Kolahun?

16:25:15

10 A. Yes. By Anthony Mekunagbe.

11 Q. And it was the NPFL that led the invasion because these
12 were - the NPFL were experienced fighters and most of you at
13 Naama were people like you that had never been in battle,
14 correct?

16:25:37

15 A. Yes. Some of us had never fought before, but some of them
16 had the experience because some of them were old Doe soldiers and
17 they - some of them had been part of the NPFL before they came to
18 train at the RUF base.

19 Q. Who were the commanders that you met at Kolahun?

16:26:01

20 A. Well, those of us who went by Vahun, we had James Holofa,
21 we had Sam Tuah. Those are the ones that were introduced to us
22 because, when we attacked Bomaru, we moved to Baiwala and Mobai,
23 and that was where Sam Tuah killed the paramount chief. So
24 Mr Sankoh complained to Anthony Mekunagbe, and Anthony Mekunagbe
25 withdrew Sam Tuah and that was just within the first to second
26 week of the invasion.

16:26:43

27 Q. Okay, sir, you said --

28 PRESIDING JUDGE: Holofa how do we spell that?

29 THE INTERPRETER: Your Honours, phonetically it's

1 H-O-L-O-F-A.

2 PRESIDING JUDGE: Thank you.

3 MR KOUMJIAN:

16:27:09

4 Q. What we understood you to say, Mr Sesay, is that well,
5 those of us who went by Vahun, we had James Holofa, we had Sam
6 Tuah. Who is James Holofa?

7 A. No. It's not Holofa. James Kawie. James Holofa was a
8 vanguard.

16:27:31

9 Q. James Kawie we have spelled before. It's on the record.
10 He was also known as Pa James, correct?

11 A. Yes, yes. Pa James.

12 Q. And he was a NPFL commander, correct?

13 A. Yes. He was a NPFL commander under Anthony Mekunagbe.

16:27:54

14 Q. What other commander or commanders, NPFL commanders, did
15 you meet at Kolahun that day?

16 A. Well, those with whom we went towards Bomaru are the ones
17 that I recall.

18 Q. Well, there was another one there, who was a very
19 well-known fighter, Charles Timber, isn't that true?

16:28:20

20 A. Yes, Charles Timber was there.

21 Q. And Charles Timber was known as a very strong fighter,
22 correct?

23 A. Yes. He was fighting under Anthony Mekunagbe. He was
24 their commander.

16:28:44

25 Q. He led several attacks on Daru Barracks, correct?

26 A. Yes. He attacked Daru Barracks twice; once, and the second
27 time he lost his life.

28 Q. So Charles Timber, a strong NPFL commander, lost his life
29 attacking SLAs at Daru Barracks, correct?

1 A. Yes.

2 Q. When was that?

3 A. Well, that was in '91.

16:29:34

4 Q. Do you remember was that early in the invasion or when that
5 was approximately? Can you tell us the month?

6 A. Well, that was towards late '91.

7 Q. He came with you, you met him in Kolahun in March, before
8 you went in to Sierra Leone, correct?

16:30:01

9 A. Well, it was Anthony Mekunagbe who introduced him to us,
10 and he said that he was one of his men who were to join us.

11 Q. And they joined you in the attack, correct?

12 A. Yes.

13 MR KOUMJIAN: Could we have - perhaps we can do this
14 tomorrow.

16:30:19

15 PRESIDING JUDGE: Certainly. It is time for the day.

16 Mr Sesay, we continue with your testimony tomorrow at 9.

17 In the meantime, as usual, you are not to discuss your evidence
18 with anyone.

19 Court adjourns to 9 tomorrow.

16:31:04

20 [Whereupon the hearing adjourned at 4.30 p.m.

21 to be reconvened on Tuesday, 17 August 2010 at

22 9.00 a.m.]

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-172	46280
CROSS-EXAMINATION BY MY KOUMJIAN	46280