



Case No. SCSL-2003-01-T

THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR

TUESDAY, 27 JULY 2010
9.00 A.M.
TRIAL

TRIAL CHAMBER II

Before the Judges:

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

For Chambers:

Ms Doreen Kiggundu

For the Registry:

Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:

Mr Nicholas Koumjian
Ms Maja Dimitrova

For the accused Charles Ghankay
Taylor:

Mr Courtenay Griffiths QC
Ms Logan Hambrick
Ms Fatiah Balfas

1 Tuesday, 27 July 2010

2 [Open session]

3 [The accused present]

4 [Upon commencing at 9.05 a.m.]

09:05:54 5 PRESIDING JUDGE: Good morning. We will take appearances,
6 please.

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

09:06:25 10 MR GRIFFITHS: Good morning, Madam President, your Honours,
11 counsel opposite. For the Defence today, myself Mr Courtenay
12 Griffiths, with me Ms Logan Hambrick, Ms Fatiah Balfas and
13 Mr Hawi Alot.

14 PRESIDING JUDGE: Good morning, Mr Sesay. This morning we
09:06:45 15 will continue with your evidence-in-chief and I remind you, as I
16 normally do, that the oath you took is still binding on you today
17 to tell the truth. Please proceed, Mr Griffiths.

18 WITNESS: DCT-172 [On former oath]

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

09:06:57 20 Q. Mr Sesay, yesterday when we adjourned for the day we were
21 talking about diamonds. Can we conclude that topic in this way:
22 First of all, were diamonds mined in Sierra Leone traded in
23 Monrovia?

24 A. Well, no, because the ones who bought the diamonds did not
09:07:52 25 live in Liberia, they were just passing through to Sierra Leone.

26 Q. Passing through from where?

27 A. Well, they passed through Liberia. For example, like
28 Michel and his colleague, they passed through Liberia and they
29 would meet Bockarie. Like even in December when they came with

1 Mr Sankoh and Carlos, the Canadian, they just passed through.
2 They were not Liberian nationals, but they passed through
3 Liberia. And other people who bought the diamonds were based in
4 Sierra Leone.

09:08:47 5 Q. Was the President of Liberia, Charles Taylor, the recipient
6 of any diamonds mined by the RUF?

7 A. No, no.

8 Q. Were the RUF exchanging diamonds with Charles Taylor in
9 exchange for arms and ammunition?

09:09:20 10 A. No.

11 Q. I want now to move on to another topic please, Mr Sesay.

12 MR GRIFFITHS: Could the witness please be shown exhibit
13 P-28. And my apologies, could I have a look at the original of
14 that document, please. Yes.

09:11:11 15 Q. Mr Sesay, have you seen this document before?

16 PRESIDING JUDGE: Could the witness be permitted to see the
17 whole document.

18 Surely, Mr Sesay, you have either seen the document before
19 or you haven't. What is your answer?

09:12:39 20 THE WITNESS: My Lord, I have never seen this document
21 before.

22 MR GRIFFITHS:

23 Q. Whose signature is at the bottom of the page, Mr Sesay?

24 A. This is not mine. This is not the way I sign, and this is
09:13:11 25 not the way my name is spelt. It is not E-S-S-A, it is I-S-S-A.

26 The entire RUF spelt my name that way, the radio operators, the
27 adjutants, that is the way they spelt my name; I-S-S-A. And the
28 headlines on the document, we never had a major general in the
29 RUF except Sam Bockarie, he was the only major general, but apart

1 from Sam Bockarie, we never had any major general. Matthew
2 Barbue's name, which I saw there, in the RUF, he was a colonel.

3 PRESIDING JUDGE: Please don't let me interrupt you.

4 MR GRIFFITHS: Could I have a look at that document again,
09:14:00 5 please.

6 PRESIDING JUDGE: Sorry, what was the name of the colonel
7 that the witness alluded to, Matthew somebody? The name doesn't
8 appear in the transcript, and I'm not sure that I heard.

9 MR GRIFFITHS: B-A-R-B-U-E. It appears about a third of
09:15:03 10 the way down the page.

11 Q. Now, Mr Sesay, have a look at the document again. There is
12 a name written in in blue ink, Colonel Mohamed Kamukai, yes?

13 A. Yes, I see it.

14 Q. Who is Colonel Mohamed Kamukai?

09:15:55 15 A. No, I don't know any Colonel Mohamed Kamukai within the
16 RUF.

17 Q. Now, that name is written in in blue ink. Your signature
18 is also in blue ink, is it not?

19 A. Yes.

09:16:14 20 Q. And the name General Essa Sesay below, that too is written
21 in in blue ink, is it not?

22 A. Yes.

23 Q. There is no signature for General Yeaten but we --

24 PRESIDING JUDGE: Yes, Mr Koumjian.

09:16:45 25 MR KOUMJIAN: He is leading the witness.

26 PRESIDING JUDGE: I disagree, because the document I think
27 is a Prosecution document, it is before everybody to see and
28 Mr Griffiths hasn't really finished his comment relating to
29 General Yeaten's signature, or alleged signature.

1 MR GRIFFITHS: I am grateful, Madam President.

2 Q. Can you see a signature for General Yeaten there, Mr Sesay?

3 A. No.

09:17:18

4 MR KOUMJIAN: Could the document please be put on the
5 overhead so your Honours can see the signature.

6 MR GRIFFITHS: Does there --

7 JUDGE LUSSICK: Mr Griffiths, I can see a signature there
8 for General Yeaten. Is this your theory that it's not the
9 signature?

09:17:35

10 MR GRIFFITHS: Well, I am asking the witness, your Honour.

11 Q. Does there appear to be a squiggle on the line in blue ink,
12 Mr Sesay? You may need to look at the original.

13 A. Yes.

14 Q. And is the word "director" crossed out also in blue ink?

09:18:09

15 PRESIDING JUDGE: Please put back the original on the
16 overhead so we can see the original. I am sure the witness can
17 see clearly on the overhead.

18 MR GRIFFITHS:

19 Q. Is that also in blue ink, Mr Sesay?

09:18:28

20 A. Yes.

21 Q. And also the name General Yeaten below?

22 A. Yes, it's blue ink.

23 Q. And then below that, if we bring it up a little bit,
24 because it's --

09:18:48

25 PRESIDING JUDGE: Please adjust the document so we can see
26 the relevant part. Bring it up so that we can see the area of
27 the signature clearly.

28 MR GRIFFITHS:

29 Q. And below that we see the name - could we bring it up just

1 a little more, please, Madam Court Manager. Then below that we
2 see the name Benjamin Yeaten again but written in a different
3 colour ink.

4 JUSTICE DOHERTY: I see it as Benjamin D Yeaten.

09:19:25

5 MR GRIFFITHS:

6 Q. Yes, written as Benjamin D Yeaten but written in a
7 different coloured ink. Do you see that?

8 A. Yes, I see it.

9 Q. Now, Mr Sesay, have you met Benjamin Yeaten?

09:19:42

10 A. Yes, I met him.

11 Q. When?

12 A. In 2000.

13 Q. Where?

09:20:04

14 A. Well, when I went to release the UNAMSIL personnel the two
15 of us met. That was late May to early July. That is when I went
16 to the UNAMSIL.

17 Q. Did you meet him thereafter?

18 A. Yes. The time that we had the meeting with the ECOWAS I
19 met with him again. And even the time that my appointment was
20 made to become interim leader, I met with him again.

09:20:38

21 Q. Did you meet with him after that?

22 A. Yes. The time I went to accompany the delegation to go to
23 Abuja I met with him again.

24 Q. After that did you meet with him again?

09:21:06

25 A. After that I met with him, the time President Taylor
26 invited me about a discussion for Sam Bockarie, but he was not
27 the one who accompanied us. It was Joe Tuah who accompanied us
28 to Foya. From that time I did not see him again.

29 Q. So you never saw him again after that?

1 A. No. The two of us never met again.

2 Q. Specifically, did you meet with him in the year 2001?

3 A. The year 2001? No, I did not meet with him.

4 Q. Let's have a look at some of the detail on this document
09:21:58 5 now.

6 We see that the document is dated the 20th of January 2001.

7 Did you meet with Benjamin Yeaten in January 2001?

8 A. No, no.

9 Q. Because when we look at the signatures at the bottom of the
09:22:30 10 page, I am asking you, Mr Sesay: Does it appear that the two
11 signatures and the name are written in the same ink or with the
12 same pen?

13 PRESIDING JUDGE: Please adjust the document so the witness
14 can see the signatures. Properly, so we can all see the
09:22:55 15 signatures. Thank you.

16 MR GRIFFITHS:

17 Q. Does it appear to you, Mr Sesay, that both signatures and
18 names, apart from the bottom name, Benjamin D Yeaten, appear to
19 be written in the same ink?

09:23:16 20 A. Yes, that's what it appears.

21 Q. Was there a time in January 2001 when you sat down with
22 Benjamin Yeaten and both of you appended your signature to this
23 document?

24 A. No, no. If I were the one who signed here, I would have
09:23:47 25 written "I", I should not have written "E", because I spell my
26 name with an "I". I have never signed a document together with
27 Benjamin Yeaten.

28 Q. Now, let's look at some of the detail of the document.

29 We see it is headed "Operation Order. This is published

1 for the information and guidance of all concerned, effective
2 today's date. All revolutionary forces from reaction force is
3 here commanded by B/General Mark Gwan - Gwon."

4 Now, first of all, what is reaction force?

09:24:39 5 A. Well, I have never come across this kind of force, reaction
6 force.

7 Q. Who is perhaps this Brigadier General Mark Gwon?

8 A. I don't know Mark Gwon.

9 Q. "All revolutionary brothers dragon forces", what are dragon
09:25:02 10 forces?

11 A. I don't know about this. We never had those kind of units
12 in the RUF, dragon force.

13 Q. "Is here commanded by Major General Matthew Barbue". Do
14 you know a Matthew Barbue?

09:25:21 15 A. I know Matthew Barbue.

16 Q. Who is Matthew Barbue?

17 A. He was one of my colleagues, a vanguard, an RUF member.

18 Q. Was Matthew Barbue in January 2001 a brigadier general?

19 A. He was not a brigadier general, he was not even a major
09:25:49 20 general, because I can see major general here. He was neither a
21 major general nor a brigadier general. He stopped at the rank of
22 colonel in 2001 when the RUF disarmed and he disarmed in Makeni
23 and throughout 2001 he was in Makeni. From December 1998,
24 Matthew Barbue was in Makeni. And in late 2000, late '99 to
09:26:18 25 2001, he was the commander from Binkolo to Fadugu, that is the
26 road to go to Kabala, and he remained there as the commander up
27 until the disarmament.

28 Q. "Operation order number 1, combat forces operation code",
29 what's a combat forces operation code?

1 A. Well, I have not come across operations like this, but
2 combat force, the expression means a fighting force, but I've
3 never come across this operation, codes or operations, no, no.

4 Q. Then it goes on:

09:27:11 5 "Operation commander, Major General Matthew Barbue; deputy
6 commander, Brigadier General Mark 1.

7 Phase 2: Revolutionary brothers behind enemy lines, forces
8 name Scorpion unit, is here commanded by Major General Keita."

9 What is the Scorpion unit?

09:27:41 10 A. The RUF, we never had a Scorpion unit, from 1991 right up
11 until the end of the war in 2001. The RUF never had a unit
12 called Scorpion unit.

13 Q. Who is Major General Keita?

14 A. I knew Abu Keita as General Keita, but I did not know if he
09:28:11 15 was a major general. When he came, he said he was General Keita.
16 That is how all of us referred to him.

17 Q. Were you ever involved in any military operations with
18 General Abu Keita?

19 A. Well, the only military operation that I did together with
09:28:41 20 Keita was when we left Buedu, October 1999, and came to Makeni,
21 and, in fact, that was not to fight. This was when we were in
22 Makeni from October to February 2000, we went to Kono. That was
23 the only operation. But minus that, the two of us never went on
24 a fighting operation, no.

09:29:05 25 Q. Who is Brigadier General Alpha Omaisereleki?

26 A. No, I don't know this name.

27 Q. Who is Abraham Jalloh?

28 A. I don't know this Ibrahim Jalloh.

29 Q. What about Joe Kwamin?

- 1 A. No, I don't know him.
- 2 Q. James Stanley, Colonel James Stanley?
- 3 A. No, I never came across him.
- 4 Q. Colonel Robert Wolobah?
- 09:29:52 5 A. I don't know him.
- 6 Q. Number 11 at the side of the page, who is Emmanuel Weah?
- 7 A. No, I don't know this person. These are strange names,
8 these are Liberian names.
- 9 Q. What about William Logan?
- 09:30:14 10 A. No, I don't know the person.
- 11 Q. Colonel Mohamed Kamukai?
- 12 A. I don't know this name, Colonel Mohamed Kamukai, to be a
13 colonel in the MP, no.
- 14 Q. "Any violators" - looking at the bottom:
- 09:30:39 15 "As of today's date, no commander is to allow to move,
16 carry above said number of bodyguard allowed by the operation
17 order, or any violators will be arrested and deal with
18 militarily. Military Police commander is charged with the
19 responsibility to reinforce this order as of today's date and all
09:31:02 20 commanders should take note and govern themselves accordingly."
- 21 Now, have you ever seen a document of this type before,
22 Mr Sesay?
- 23 A. No. I've never come across a document like this.
- 24 Q. Can you assist us, for example, as to what the purpose of
09:31:30 25 this document is, bearing, as it appears, your signature and
26 name? What's the purpose of this document?
- 27 A. Well, documents like this are just to lie, to link the RUF
28 operating with the Liberians. That's what it is trying to
29 portray.

1 Q. But what I am trying to ask you is this: Can you, by
2 looking at this document, think of an operation in which the RUF
3 were jointly involved with Liberian forces which required the
4 creation of a document of this type? Can you help us?

09:32:20 5 A. No. I don't recall any operation where the Liberians and
6 the RUF were involved in 2001. Those kind of operations never
7 took place between the RUF and the Liberians.

8 MR KOUMJIAN: Excuse me, the witness's answer is qualified
9 by 2001, while the question did not have that limitation. So it
09:32:45 10 is not clear if he's answered the question.

11 PRESIDING JUDGE: His answer is his answer.

12 MR GRIFFITHS:

13 Q. Where is Gueckedou, Mr Sesay?

14 A. Gueckedou is in Guinea.

09:33:06 15 Q. Have you come across the name LURD?

16 A. Yes, I heard LURD. I heard about the name LURD.

17 Q. What is LURD, L-U-R-D?

18 A. Well, I knew the meaning, LURD, but I don't recall, but I
19 know that they were rebel forces in Liberia who attacked through
09:33:37 20 Guinea, but in the later stages they organised themselves in
21 Sierra Leone. After we had disarmed, they passed through Sierra
22 Leone to go and attack Liberia, and they had most of the
23 ex-combatants that we had disarmed through the support of the
24 Sierra Leonean government, the CDF, AFRC, RUF. They were
09:34:01 25 recruited from Sierra Leone. They joined the LURD and they
26 fought in Liberia. That's what I know about the LURD. Because
27 even myself, I was approached through Peter Penfold, the former
28 British High Commissioner, after disarmament. That was after the
29 election in Sierra Leone in May 2002. I was met in Aberdeen at a

1 restaurant where I went to eat. That is where Peter Penfold sent
2 to call me. The person whom he sent, I told the person that I
3 was 18 so the person should wait. After I finished eating --

4 Q. Go on.

09:34:39 5 A. I met him with a man whom he introduced to me as a LURD
6 leader, and him, Peter Penfold, told me that they were in
7 support, and whatever I wanted they will do for me. And I -

8 THE INTERPRETER: Your Honours, can the witness speak
9 slowly and repeat this part of his answer?

09:35:02 10 MR GRIFFITHS:

11 Q. And he said he wanted you to do what with Taylor?

12 A. He said he needed my support and they wanted to go and
13 fight in Liberia against President Taylor, so that I can organise
14 the ex-combatants, those whom I have disarmed, so we could go to
09:35:19 15 Liberia and fight. And I said, "Oh, Mr Penfold, about six months
16 ago you went to Makeni at my house with Bishop Biguzzi and you
17 greeted me for the first time that I knew you."

18 Q. Bishop who?

19 A. Biguzzi.

09:35:40 20 Q. How do you spell that?

21 MR KOUMJIAN: It is on the record.

22 THE WITNESS: I don't know that one.

23 MR GRIFFITHS:

24 Q. Anyway, you said to him that "you went to Makeni to my
09:35:53 25 house with Bishop Biguzzi and you greeted me for the first time."
26 Go on.

27 A. Yes. Then I told him, I said, "Oh," I said, "Have you
28 forgotten what you told me when you went to my house?" I said,
29 "You told me that you never believed that the RUF would disarm

1 and that I had surprised you that the RUF was able to disarm, and
2 now you're meeting me today for me to reorganise the RUF to go
3 and fight in Liberia?" I said, "No." I said, "As long as I have
4 taken my hands off guns, I will never get myself involved in
09:36:36 5 anything that has to do with guns." And he said, "Issa, we are
6 ready to do anything for you. We will take your family to
7 England and we will give you anything that you want. Just
8 cooperate with us." And I said, "No, I am not interested."

9 So I knew that before I was arrested, most of the RUF, the
09:36:52 10 ex-fighters, the CDF, the AFRC, they were the ones that the LURD
11 organised through the support of the government at that time.
12 They were the ones who went to Liberia to fight. So I know about
13 LURD.

14 Q. Just remind us, Mr Sesay, when did this meeting with Peter
09:37:18 15 Penfold take place?

16 A. Around July of 2002.

17 Q. Mr Sesay, did you know Benjamin Yeaten by any other name?

18 A. Well, I used to hear people call him Fifty.

19 MR GRIFFITHS: Could the witness be shown now, please - and
09:38:06 20 we can put that document away now - exhibit P-99A?

21 MR KOUMJIAN: Your Honour, I would just note that 99A, my
22 understanding is that it is a confidential document. 99B is a
23 non-confidential, redacted version. So I don't know which
24 counsel needs, but obviously if it is the confidential version,
09:39:52 25 we may not be able to do this in public session.

26 MR GRIFFITHS: Well, the part - there are only two pages of
27 this document that I intend to refer to at this stage, and
28 neither of them will disclose the identity of any individual.

29 PRESIDING JUDGE: We need to know which parts.

1 And Madam Court Officer, is it true that 99A is a
2 confidential document?

3 MS IRURA: Your Honour, P-99 is a confidential document.
4 P-99B is a redacted version of the same.

09:40:42 5 MR GRIFFITHS: Can I have a look at P-99B please? Let me
6 see if we can deal with this. Very well, let's use P-99B. And
7 my apologies, but could we also have available P-28, the document
8 we were just looking at please. Now could we put up on the
9 screen first of all page 19181.

09:42:16 10 Q. Now what we're looking at, Mr Sesay, is a page from a radio
11 log and if we look at this page we see from General 50, SSS
12 director, Liberia, to General Issah, I-S-S-A-H, Sesay, RUF/SL,
13 date 30 September 2001.

14 Now, do you recall Benjamin Yeaten ever being present in
09:43:00 15 Sierra Leone to sign an RUF radio log?

16 MR KOU MJIAN: Your Honour, the testimony on this was clear
17 that that's not Benjamin Yeaten that signed it. That's in the
18 transcript that went along with the testimony.

19 MR GRIFFITHS:

09:43:26 20 Q. Was Benjamin Yeaten ever in Sierra Leone to sign an RUF
21 radio log, Mr Sesay?

22 A. No. Benjamin Yeaten was not in Sierra Leone in 2001.

23 Q. Can you understand why an RUF radio operator would append
24 to this message "Signed Benjamin Yeaten", with what appears to be
09:43:59 25 a signature?

26 MR KOU MJIAN: Excuse me. I believe counsel is missing a
27 word. It should be "signed for Benjamin D Yeaten" on the side.

28 PRESIDING JUDGE: Yes, that is correct, Mr Griffiths. I'm
29 sure you are referring to the words written sort of perpendicular

1 to the rest of the text.

2 MR GRIFFITHS: Yes, I am.

3 Q. Mr Sesay, can you understand why a radio operator would
4 sign a radio message for Benjamin Yeaten?

09:44:37 5 A. Well, the operators would prepare documents and if they
6 knew that they were doing it in the interests of the Prosecution
7 and they were doing things in line with the Prosecution they
8 could do it, because the reason I'm saying it: Even my own
9 operator was a witness that made statements to my lawyer. They
09:45:11 10 interviewed him on three different occasions. He used to visit
11 me at the detention. The other time he went to visit me the
12 Prosecution approached him. When he went on that visit they
13 approached him, they paid his college fees for four years, you
14 know, and they gave him sufficient amount of money. And at the
09:45:29 15 end of the day when my lawyers contacted him --

16 THE INTERPRETER: Your Honours, could the witness be asked
17 to slow down and repeat.

18 MR GRIFFITHS:

19 Q. Mr Sesay, could you slow down. At the end of the day when
09:45:45 20 your lawyers contacted him, go on?

21 A. When they contacted him, when they went and met him at
22 Goderich and he tried to interview him and he said the things
23 that the Prosecutor had done for him, I will not be able to do
24 that for him. So he said he no longer had interest in my case on
09:46:11 25 my own side. He said most of the RUF have got benefits from the
26 NCDDR and if the Prosecutor is giving them good benefits then I
27 think they said they will go on the side of the Prosecution and
28 then they don't have any interest in my own case.

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

1 asked to slow down.

2 PRESIDING JUDGE: The benefits of the what? NC what?

3 THE WITNESS: I said the RUF, as combatants, most of them
4 were not able to get better benefits from the NCDDR and that
09:46:54 5 after the disarmament --

6 PRESIDING JUDGE: What is the NDDCR? What is it? We don't
7 know what it is. Please tell us.

8 THE WITNESS: NCDDR. I used to know that but it has
9 escaped me, but it was the disarmament - it was the organ
09:47:18 10 responsible for disarmament that the government set up at that
11 time. And it was the President who was the chairman for the
12 NCDDR and the executive secretary was Francis Kai Kai and they
13 had their office right on Pademba Road, close to State House.
14 National wards, the DDR programme.

09:47:43 15 MR GRIFFITHS: I doubt there will be any dispute about
16 this: NCDDR, National Commission For Disarmament, Demobilisation
17 and Re-integration.

18 PRESIDING JUDGE: Mr Griffiths, did the witness give an
19 answer to the question you asked? Mr Sesay, can you understand
09:48:06 20 why a radio operator would sign a radio message for Benjamin
21 Yeaten? We have half a page of what appears to be an answer but
22 I personally am not sure that he has answered your question.

23 MR GRIFFITHS:

24 Q. Mr Sesay, let me put the question differently. Do you
09:48:26 25 remember before the recess, a couple of weeks ago, we looked at a
26 number of messages dated from 1999 when Sankoh was in Lome? Do
27 you remember that?

28 A. Yes, I recall.

29 Q. We can look at the document, exhibit P-264, if it is

1 necessary, but do you recall any message from Sankoh to Sierra
2 Leone being signed on behalf of Foday Sankoh? Did you see any
3 such signature?

4 A. No.

09:49:07 5 Q. In fact, let's just look at that exhibit, please, P-264.
6 Let's start in that document at page 8639. I don't know if the
7 original has a stamp. Does the original have a number stamped on
8 it? Page 8639, please. It is at the beginning of the book.
9 "From the Lion", do you see that message?

09:50:12 10 A. Yes, I've seen it.

11 Q. Is it signed on behalf of Foday Sankoh?

12 A. No.

13 Q. Page 8640, please. "From the Lion", over the page. Is
14 that signed on behalf of Foday Sankoh?

09:50:41 15 A. No.

16 Q. Three further messages on that page from the Lion, are any
17 of them signed on behalf of Foday Sankoh?

18 A. No.

19 Q. And we could go through the whole book but I don't intend
09:50:59 20 to. Let's put that away now and go back to be exhibit P-99B,
21 page 19181. Now we see that this message is dated 30 September
22 2001:

23 "Remarks: Reference to the telephone conversation
24 yesterday, I have dispatched 10 boxes of AK rounds, 10 boxes of
09:51:47 25 RPG rockets, all with" - what's that word?

26 A. "All with TNT".

27 Q. "...for smooth operation. Colonel" - what's that name?

28 A. Well, after the "B" I don't know the other letter before
29 that.

1 PRESIDING JUDGE: It looks like Colonel Gborie, or
2 something.

3 MR GRIFFITHS:

4 Q. Do you know a Colonel Gborie, Mr Sesay?

09:52:25 5 A. No.

6 Q. "Colonel Gborie is en route together with one of your men,
7 Major Takpor." Did you have a Major Takpor within the RUF?

8 A. No, I did not have a Major Takpor.

9 Q. "...assigned at Foya airfield." Did you have in September
09:52:51 10 2001 a major in the RUF assigned at Foya airfield?

11 A. No.

12 Q. "Contact and keep me posted any latest development.

13 Regards. Signed for Benjamin D Yeaten." What's this about,
14 Mr Sesay?

09:53:20 15 A. This is a false document. It's not a true document because
16 in September 2001 the RUF had gone up to - gone up to 60 to 70
17 per cent into the disarmament and we had nothing to do with AK
18 rounds and RPG rockets at this time absolutely, because we had
19 disarmed in Kambia, we had disarmed in Lunsar, we had disarmed in
09:53:50 20 Magburaka, and we had disarmed in Kono, so.

21 Q. Now, were there any military operations in Sierra Leone in
22 September 2001?

23 A. No, no, no. At that time all what the RUF was about was to
24 conclude the disarmament because the RUF had gone more than
09:54:23 25 halfway into the disarmament around September 2001. In fact, I
26 think it was in September 2001 that the ECOWAS leaders visited us
27 in Kono. President Obasanjo, President Alpha Konare, President
28 Kabbah, they all went to Kono. So at that time I had no need for
29 ammunition. We did not have anything to do with ammunition.

1 Q. Throughout the calendar year 2001, Mr Sesay, were the RUF
2 involved in any military operations?

3 A. As far as Sierra Leone is concerned, RUF was not involved
4 in any military operation in Sierra Leone except for the side of
09:55:23 5 the Guineans who were doing the cross-border attacks at the
6 Kambia axis and we too repelled them. That was the only thing.
7 When they used to cross from Guinea to Kono around those areas,
8 together with the Kamajors in the combined attack, but minus that
9 the RUF was not involved in any fighting starting from August
09:55:47 10 2000 to disarmament in 2001.

11 Q. Let's go to the --

12 MR KOUJIAN: Excuse me. I believe the witness has
13 qualified the answer and did not answer the question. The
14 question was in 2001 was the RUF involved in any military
09:56:09 15 operations, and the answer was as far as Sierra Leone is
16 concerned. He limited his answer to Sierra Leone while the
17 question was broader.

18 MR GRIFFITHS: As far as --

19 PRESIDING JUDGE: Wait. The answer is the answer.
09:56:28 20 Anything that remains is for cross-examination.

21 MR GRIFFITHS:

22 Q. Now, in this exhibit, 99B, can we look at the next page,
23 please, 19182.

24 Now we have a message from you, General Issah, I-S-S-A-H,
09:57:12 25 Sesay, to you - sorry, to you from General Fifty, SS Director,
26 Liberia. Subject information, what's the next word?

27 A. Stroke "Flash".

28 Q. Date: 22nd October 2001. My apologies. Can we go back to
29 the previous page, please, just so that we get the sequence.

1 This one is dated 30th September 2001. It is from General Fifty
2 to you, yes? Dated the 30th of September. Let's go back to the
3 next page, so we get the sequence.

09:58:31 4 This one is also from General Fifty to you, dated the 22nd
5 of October 2001. So it is ten days after the previous message.
6 "Remarks: B, info that your men headed by Colonel", can you help
7 me with the next name?

8 A. Chuckie.

9 Q. By Colonel Chuckie. Who is Colonel Chuckie?

09:59:03 10 A. Well, Colonel Chuckie was the commander in Segbwema.

11 Q. Was he a member of the RUF?

12 A. Yes.

13 Q. We will come back to that in a moment, but let's complete
14 the message.

09:59:26 15 "Have retreated from Guinea leaving no security at the
16 border. These men appear not to be under control. I even
17 learned that there has been serious fighting going on in Foya
18 airfield between Colonel Chuckie and some AFL commanders. Report
19 reaching me stated that one Captain Johnny Paul, Colonel
09:59:51 20 Chuckie's" - I can't read the next word.

21 PRESIDING JUDGE: It looks like "body" to me.

22 MR GRIFFITHS:

23 Q. "Colonel Chuckie's body has been killed in the fight.

24 Moreover, I have got received one of my bodyguards who revealed
10:00:13 25 to me that the army barracks was burnt down last night by Colonel
26 Chuckie and his men who are now on the rampage looting in the
27 township of Foya. Your immediate attention is highly needed. In
28 the meantime, I have dispatched armed men to arrest the culprits.
29 Signed for General Benjamin D Yeaten" again.

1 Now, help us. In October 2001, was Colonel Chuckie
2 involved in military operations in Liberia?

3 A. No, no. No, no. Throughout 2001, Colonel Chuckie had been
4 the commander in Segbwema, and I used to visit him, when I bought
10:01:16 5 things from Kenema, he used to receive them and store them. And
6 throughout 2001, he was based in Segbwema until the disarmament.

7 Q. What about an incident in Foya when it would appear that
8 men under Colonel Chuckie's command were fighting with AFL
9 soldiers in Foya and going on the rampage and looting in Foya?

10:01:53 10 A. This is a lie, a lie, because Colonel Chuckie was based in
11 Segbwema in October 2001, and I was in Makeni disarming in
12 October 2001, because that's when we disarmed in Makeni. I had
13 transferred to Makeni. I was based there during the disarmament
14 in Makeni in 2001, and during this time when Gibril went to

10:02:24 15 Kailahun to incite some fighters to disarm without my
16 instruction, when General Opande said - because the Indians said
17 to commander in Kailahun - informed General Opande that the RUF
18 in Kailahun had come to disarm, and General Opande said to the
19 commander and said, "No, they should not accept that disarmament.
10:02:51 20 Except he spoke to me and the two of us will go to Kailahun and
21 talk to the RUF, and I should be the one to kick off the
22 disarmament in Kailahun." So on the way back, Chuckie was
23 arrested and beaten in October 2001. So it is not -

24 THE INTERPRETER: Your Honours, can the witness speak
10:03:12 25 slowly and repeat this part of his answer?

26 MR GRIFFITHS:

27 Q. You were saying in October 2001 it's not possible. Go on.

28 A. Now for Chuckie to be in Liberia. I said Chuckie was in
29 Segbwema. And even when Gibril went to Kailahun to incite the

1 men regarding disarmament in Kailahun, it was Chuckie and his men
2 who arrested him and beat him up, together these men. So
3 throughout 2001, he was based in Segbwema.

10:04:25 4 Q. Can we now go, please, to page 19149 of this document. We
5 see on this page what appears to be various dictionary
6 explanations of words.

7 Let's go to the next page, 19150. We see here what appears
8 to be notes on communication. Next page, please. Those notes
9 appear to continue. Next page, please. Likewise on that page.
10:05:25 10 Next page, please. Likewise on that page. Next page, please.
11 Same thing again. Next page, please. Same thing again. Next
12 page, please. Likewise on that page. Next page, please. Same
13 thing again. Next page, please. Same again.

14 MR KOU MJIAN: There doesn't appear to be any question, and
10:06:41 15 since Mr Sesay has claimed he never saw this document, I am not
16 sure what the point is, other than to argue through the witness,
17 and that's not proper to use the testimony for argument.

18 PRESIDING JUDGE: Mr Griffiths?

19 MR GRIFFITHS: Examination-in-chief is to elicit from a
10:07:01 20 witness relevant evidence. That's all I am seeking to do.

21 Q. Mr Sesay, perhaps Mr Koumjian's concern is to save time.
22 You just take your time and go through that document and tell me
23 if there are any other messages in this book, apart from the two
24 signed for General Benjamin Yeaten. Take your time. Look
10:07:27 25 through the book and see if there are any other messages in this
26 so-called radio message book, apart from those two.

27 MR KOU MJIAN: Yes, your Honour, that's exactly the kind of
28 argument that counsel can make, and this witness can provide no
29 information to the Court that the Court can't get by looking at

1 the book.

2 PRESIDING JUDGE: Mr Koumjian, the witness has a right to
3 look at the document before him and to answer the question. So
4 that objection is overruled.

10:08:03 5 MR GRIFFITHS: I am grateful.

6 Q. Are there any other messages in that book, Mr Sesay?

7 A. No, no.

8 Q. One final point before we leave this document. Again,
9 looking at these two pages where the messages appear, 19181 and
10:10:43 10 19182, and I'm asking you, Mr Sesay, because these two pages
11 implicate you, and so that's why I want you to have an
12 opportunity to deal with it.

13 The writing on these two pages, is there any other page in
14 this book with the same handwriting? Have a look.

10:11:25 15 A. Please repeat the question again, sir.

16 Q. The handwriting that we see on those two messages, on those
17 two pages, looking at the other pages, is there any other page in
18 this book which bears the same handwriting?

19 A. No, there is no other one. There is none.

10:11:53 20 Q. Let's put that away, please, and let's just remind
21 ourselves - before we leave this topic, let's look at the other
22 document, P-28, so that we can put this in perspective. P-28 is
23 dated 20 January 2001. The last message in this book that we
24 looked at is dated 22 October 2001. Mr Sesay, from January
10:12:41 25 through to October 2001, were the RUF involved in joint
26 operations with Benjamin Yeaten and Liberians?

27 A. No, not at all.

28 Q. Well, we can put all of that away now.

29 Mr Sesay, from your appointment as interim leader, in

1 August 2000, through to January 2002, what was your priority?

2 A. Please repeat the question.

3 Q. Okay. From August 2000, when you were appointed interim
4 leader, until January 2002, what were you doing for the most
10:14:28 5 part?

6 A. Well, after the meetings with the ECOWAS when I was
7 appointed, I was talking to the RUF, moving from one district to
8 the other, to know the importance of peace and to persuade them
9 to give peace a chance. From that, I used to attend different

10:14:54 10 meetings, because even after the Abuja I, General Opande

11 contacted a man from Mile 91 called Muksin [phon], he had an
12 organisation called Lopard [phon]. General Opande sent him to
13 meet me because he wanted the two of us to meet. From there,

14 General Opande said I should suggest where we should meet. So I

10:15:24 15 told him - so I told him through Muksin that we should meet

16 between Magburaka and Mile 91. So we had a meeting at a village

17 called Ferry Junction for the first time. We met and General

18 Opande went with the Indian contingent from Mile 91 and his

19 guards. So as we arrived, the Indians started their tanks and

10:15:53 20 General Opande said, "No. Switch off your tanks." And they did.

21 And General Opande greeted me for the first time and he said - he

22 said, "The UNAMSIL authorities, like the SRSG, they have been

23 having discussions together with the ECOWAS leaders."

24 Q. Now, I don't think we need to delay overlong on the

10:16:28 25 details, Mr Sesay, but was there disarmament process going on

26 throughout the period when you were in charge of the RUF?

27 A. Yes. From just after the Abuja II, disarmament took place.

28 It went on throughout until the conclusion of the disarmament.

29 And all the people of Sierra Leone know that. The United Nations

1 personnel were there, UNAMSIL, they all know. Even the ECOWAS
2 Leaders know that because, like when we disarmed Kono, they
3 visited there. We had a closed-door meeting with President
4 Obasanjo, President Kabbah, President Alpha Konare, and President
10:17:16 5 Kabbah extended sincere thanks to the ECOWAS Leaders and told
6 them that the actions that they took as ECOWAS Leaders, including
7 himself, was the best action to return peace to Sierra Leone,
8 because if it were just left to Foday Sankoh, as the leader of
9 the RUF, they will now - there would never have been peace in
10:17:40 10 Sierra Leone, but because I was appointed from that time to the
11 time that they visited Kono in October - in September, he said he
12 admired the honesty and sincerity and my cooperation to the
13 process. So he asked the ECOWAS to extend thanks to me and he
14 said I was a true Sierra Leonean. He told the ECOWAS that the
10:18:06 15 problem with Issa is Gibril Massaquoi. He said, "This Gibril
16 Massaquoi" - because in that closed-door meeting the three Heads
17 of State, that is Obasanjo, Konare and President Kabbah, and the
18 SRSG, Ambassador Oluyemi Adeniji, who was - he was the Special
19 Representative for the Secretary-General, myself, Gibril
10:18:31 20 Massaquoi, Jonathan Kposowa, and a civilian man from Kono,
21 Raymond Sandy, we were in the room. So President Kabbah
22 complained bitterly to the Head of State about the attitude of
23 Massaquoi. He said it was Gibril Massaquoi who wrote threatening
24 documents to the internet, that he used to talk over the BBC
10:18:56 25 threatening of people of Sierra Leone, the government. He said
26 he had known Gibril, Mike Lamin and others. Even the time that
27 Mr Sankoh was in Freetown, he said those gentlemen, together with
28 Mr Sankoh, did not want to see peace to prevail in Sierra Leone.
29 And he said those two Heads of States should talk to Gibril to

1 stop threatening and he should give peace a chance. So President
2 Obasanjo said, "Issa, we are happy because you have made us to
3 feel good. Look at the way" - said, "You know this man is like a
4 father. We are your uncles. Now that your father is praising
10:19:43 5 you this way, we felt good, and now we know that what we told you
6 in Monrovia is what we are going by, so please carry on until you
7 complete the disarmament. Now, there are only two areas
8 remaining, that is Kailahun and Tongo." And I said, "Yes, sir."
9 And he said, "Carry on," and I said, "Yes, sir." And President
10:20:03 10 Konare in turn extended thanks to me for my cooperation and he
11 told me to keep it up. And even when the Special Court arrested
12 me, those people gave statements in my favour. President Konare
13 gave statement about my cooperation to the peace process,
14 Ambassador Oluyemi Adeniji gave a statement. And, in fact, in
10:20:26 15 his own statement he said he was fully aware when he came to
16 replace the former SRSG, something Okelo, Ambassador Francis
17 Okelo, he was the one he replaced as SRSG, Adeniji replaced him,
18 he said when he came to replace Francis Okelo, he was fully aware
19 that Mr Sankoh --

10:20:51 20 MR KOU MJIAN: Excuse me, your Honour, the question is what
21 the witness was doing during this time, and now he is talking
22 about other individuals. It is a narrative that has gone on for
23 a couple of pages.

24 PRESIDING JUDGE: Mr Griffiths, we are tending to see this
10:21:05 25 kind of problem all the time. You asked a question. The
26 question was: "Mr Sesay, was there a disarmament process going
27 on throughout the period when you were in charge of the RUF?"
28 That was the question asked. We have a page, a page following,
29 of I'm not sure what, but I am looking at you and trusting that

1 whatever he is saying is probably what you want the witness to
2 give evidence about. But really, he does tend to run on and on
3 away from the question that has been asked.

4 MR GRIFFITHS:

10:21:42 5 Q. Mr Sesay, let me ask this question: Were your efforts to
6 bring about disarmament recognised in Sierra Leone?

7 A. Very well. The grassroots people, the natives of the east
8 and the south, the north, the west, they recognised it because
9 they gave me a peace award. That was by the national committee
10 of awards. They invited me, including President Kabbah,
11 President Obasanjo, and they presented a peace award to me. If
12 they did not recognise my efforts towards peace, then the force
13 commander, the SRSG, the sector commander, UNAMSIL ECOWAS, and
14 even the Sierra Leone President at that time shouldn't have come
10:22:16 15 to testify on my behalf. All of those made statements in the
16 Defence case in my favour. Even President Kabbah spoke in my
17 favour during my case and my contribution to peace.

18 Q. Mr Sesay, I have good reason for asking you this because
19 remember, we spent an hour this morning dealing with Prosecution
10:23:03 20 exhibits which suggest that, in 2001, you were involved in joint
21 military operations with the Liberians. Do you follow me?

22 A. Yes.

23 Q. So in effect, the suggestion is that you are two-faced,
24 disarming in Sierra Leone whilst carrying out war elsewhere. Do
10:23:28 25 you follow me? That's why I am asking you about this. So who
26 was it that you said gave statements on your behalf regarding
27 your role in disarmament?

28 MR KOU MJIAN: He just answered that, and counsel is asking
29 him to repeat something he has already stated.

1 MR GRIFFITHS: He didn't finish his answer because you
2 interrupted, so I am giving him the chance to finish his answer
3 now.

4 PRESIDING JUDGE: Very well. Let the witness continue.

10:23:56

5 MR GRIFFITHS:

6 Q. Who gave statements on your behalf?

7 A. Ambassador Adeniji gave statements in the Defence case.
8 President Konare gave statements in the Defence - for my Defence
9 case. President Kabbah testified. General Ali Hassan, who was
10 the sector commander for UNAMSIL also made a statement, he
11 testified. And paramount chiefs made statements and rebel
12 members of parliament who represented districts like Kailahun
13 District, Kono District, Tonkolili District, Bombali District,
14 all of those paramount chiefs made statements. Important people
15 in communities made statements. In fact, I had the highest
16 number of Defence witnesses.

10:24:19

10:24:42

17 PRESIDING JUDGE: Mr Sesay, we are asking, and we want to
18 know, who gave statements in your favour, on your behalf, not
19 generally people who gave statements. Is this list of people
20 people who gave statements on your behalf?

10:25:04

21 THE WITNESS: My Lord, from the ECOWAS, from UNAMSIL,
22 Government of Sierra Leone, and other people, Sierra Leoneans,
23 important people in the communities, including paramount chiefs.

24 MR GRIFFITHS:

10:25:28

25 Q. Well, let's look at some of it, shall we. There should be
26 a bundle for week 27, 5 to 9 July 2010, binder number 1 of 1.
27 This is the first document that I would like to look at, please.

28 Madam Court Manager, I want to concentrate on this piece of
29 text here in the middle of the page because I know it's a large

1 A3 document and it might not fit on the projector, so just
2 concentrate on that part. Yes:

3 "The former President of Sierra Leone Alhaji Dr Ahmad Tejan
4 Kabbah while testifying on Friday at the Special Court for Sierra
10:27:34 5 Leone said that he belongs to one political party."

6 Let's go to the column at the right-hand side of the page
7 now. Middle paragraph:

8 "The former President categorically blamed the media in the
9 country for spreading the rumours and described the press as bad
10:28:06 10 press reporting and politics of lies."

11 Now this:

12 "The Special Court is my brainchild and I have lots of
13 respect for the Court. I respect the Court and I'm always ready
14 and prepared to come whenever I'm called upon. Alhaji Tejan
10:28:26 15 Kabbah heaped praises on Special Court indictee, ex-RUF rebel
16 leader Issa Sesay. He said that Issa Sesay made huge
17 contributions in bringing to an end in 2001 the country's civil
18 war, with a truce brokered by the United Nations in collaboration
19 with the British government support.

10:28:50 20 It could be recalled that the former President was ordered
21 by the Special Court for Sierra Leone to testify in Issa Sesay's
22 trial. During the testimony, Kabbah said that the rebel leader
23 was very, very cooperative during the" - and we need to go to the
24 next page - "disarmament process that ended the 1991-2001
10:29:40 25 conflict. 'Issa Sesay proved to be credible and made a huge
26 contribution to the disarmament process,' Kabbah told the judges.
27 The former President, clad in a dark grey suit, was watched by a
28 packed public gallery of some 300 people in attendance.

29 Kabbah, who was President of Sierra Leone between 1996 and

1 1997, and again from 1998 to 2007, assisted the UN to broker
2 peace talks with the RUF rebels, including the late RUF leader,
3 Foday Saybana Sankoh and Issa Sesay. As the last of the
4 witnesses for Sesay's defence, Kabbah spoke about the various
10:30:28 5 Lome peace meetings in 1999 which led to the signing of the Lome
6 Peace Accord, a blueprint to ending the civil war. The
7 ex-President also explained how Foday Sankoh was replaced by
8 Sesay, whom he described as 'was obedient and looked a very
9 harmless young man and cooperative'.

10:30:54 10 Issa Sesay is a one time leader of the Revolutionary United
11 Front and has been on trial at the Special Court with two other
12 RUF top men since July 2004. He was charged with war crimes and
13 crimes against humanity, including unlawful killings, sexual
14 violence, abduction, use of child soldiers and attacks on UN
10:31:16 15 personnel. Charges to which he has pleaded not guilty on all the
16 counts.

17 Prosecutors said on Friday that the RUF fighters committed
18 numerous atrocities by the time the war ended in 2001. About
19 120,000 people had been killed and tens of thousands of others
10:31:37 20 had their arms, legs mutilated and their ears or noses chopped
21 off."

22 Now we see that this article is dated Monday, 19 May 2008.
23 Can we now look, please, at the document behind the second
24 divider in this bundle. I am interested in this portion here.
10:32:48 25 We see that this is a newspaper article from the Concord Times
26 dated 12 March 2008. And the particular article reads as
27 follows:

28 "Issa Sesay pioneered Salone's peace process, General
29 Opande. Erstwhile force commander of United Nation mission in

1 Sierra Leone, UNAMSIL, Monday described Special Court indictee
2 and interim leader of the Revolutionary United Front Issa Sesay
3 as pioneer of the peace process in Sierra Leone.

10:33:46 4 General Daniel Ishmael Opande was being cross-examined by
5 Defence counsel, Wayne Jordash, as one of the expert witnesses
6 for Sesay, when he submitted that Sesay did not " - over the page
7 please - "have political acumen but was rather moderate and
8 trustworthy.

10:34:14 9 He added, 'Sesay was determined to cooperate fully with the
10 peace process in Sierra Leone. He is a young man who propelled
11 into leadership and was very honest. He even showed respect to
12 me as an elder.'

10:34:36 13 On the troubles faced by civilians under RUF-controlled
14 areas, Opande told the Court that the former rebel leader was
15 concerned about the plight of civilians. When questioned on
16 whether he ever met other RUF commanders like Gibril Massaquoi
17 and Mike Lamin, the witness said Massaquoi was claiming to be a
18 military man but was playing a political role in the RUF. He
19 said Massaquoi was strongly in support of Foday Sankoh and those
10:35:00 20 who refused to cooperate with the peace process until Sankoh's
21 release in 2000.

10:35:16 22 Meanwhile, the witness had earlier told the Court that he
23 first came to Sierra Leone on a fact finding mission and to know
24 the status of some members of his force that were taken as
25 hostages in northern Sierra Leone by some RUF rebels.

26 The 37 year old plus two others, Morris Kallon and
27 Augustine Gbao, were charged with crimes against humanity,
28 violations of Article 3 common to the Geneva Conventions and of
29 Additional Protocol II and other serious violations of

1 international humanitarian law."

2 Can we now look, please, behind the third divider. Now we
3 see that this is another newspaper article taken from For di
4 People publication, dated 19 May 2008. The headline is "Kabbah
10:36:43 5 testifies at Special Court".

6 MR KOUJIAN: Your Honour, I do have an objection to this
7 document in that it inaccurately records testimony and the
8 testimony should be - if anything is admitted in court it should
9 be the testimony. So counsel's--

10 PRESIDING JUDGE: Mr Koumjian, don't you think that article
11 goes to the weight of this newspaper article?

12 MR KOUJIAN: No, I believe it goes to the admissibility
13 because there is no connection between this witness and the
14 article other than the fact that the witness is going to give an
10:37:17 15 opinion about it. The article misstates the testimony of
16 President Kabbah and therefore it should not be admitted. If
17 counsel wants to put in testimony there are ways to do that.

18 PRESIDING JUDGE: Mr Griffiths, what is your view?

19 MR GRIFFITHS: It's a simple point really; one, with
10:37:43 20 respect, which was identified by your Honour. That is a question
21 which goes to weight. And, of course, my learned friend will in
22 due course have an opportunity to cross-examine. So if he
23 disputes any aspect of this article, he will then be in a
24 position to put forward testimony to contradict the witness.

10:38:01 25 [Trial Chamber conferred]

26 PRESIDING JUDGE: We agree with the comments by
27 Mr Griffiths and we overrule the objection.

28 MR GRIFFITHS: I am grateful.

29 Q. "Former President Dr Alhaji Ahmad Tejan Kabbah on Friday 16

1 May told the Special Court that former RUF commander Issa Sesay
2 was reliable and cooperated in the disarmament process, unlike
3 others like Augustine Gbao, Mike Lamin, Morris Kallon and late
4 rebel leader Foday Sankoh."

10:39:49 5 Now before I go any further, Mr Sesay, the three newspapers
6 which we have looked at, where do they come from?

7 A. They are from Sierra Leone, about the activities that took
8 place in the Court.

9 Q. These particular copies of the newspaper, who had them in
10 their custody?
10:40:15 10

11 A. I had them. It was sent - they were sent to me through the
12 Defence office.

13 Q. And how did Mr Taylor's Defence come to have these
14 newspapers?

10:40:32 15 A. I gave the Defence.

16 Q. Who did you give them to?

17 A. To you, at the time you visited me in Rwanda. At the time
18 you went to interview me, I showed them to you.

19 Q. Thank you:

10:40:50 20 "The former RUF commander Issa Sesay was reliable and
21 cooperated in the disarmament process, unlike others like
22 Augustine Gbao, Mike Lamin, Morris Kallon and the late rebel
23 leader Foday Sankoh.

24 Kabbah said those mentioned above were untrustworthy and
10:41:11 25 signed the 1999 Lome Peace Accord to share power by promising the
26 RUF some positions in order to save the problem and giving Sankoh
27 the position of chairman, Strategic Mineral Resources Commission,
28 and Mike Lamin the trade ministry, among others.

29 Kabbah, under cross-examination by the Defence team, led by

1 Wayne Jordash, said he had several consultations with Sankoh on
2 how it should work but that Sankoh was unreliable and
3 trustworthy, as he always breached both the Abuja and Lome
4 Accords and was not fully committed to his utterances. The
10:41:49 5 former Head of State also said that the Special Court was his
6 brainchild. That Sankoh was regarded as a demagog, making scary
7 statements during press conferences, while Massaquoi was his
8 spokesman. He mentioned an incident in Lunsar in which Lamin
9 placed a human being in a hole and constantly urinated and
10:42:11 10 physically humiliated him, as well as the arrest and detention of
11 Pademba prison after the protest that led to bloodshed. But that
12 for security reasons, since the rebels usually break into the
13 prison any time there is chaos, Sankoh was taken to a half
14 completed building around Aberdeen village and provided with
10:42:32 15 security.

16 About the January 6th 1999 interregnum, when the SLPP was
17 removed by the AFRC/RUF, Kabbah said he was in bed when the
18 ECOWAS general informed him of the incident and asked that they
19 leave for government wharf where they boarded a boat with his
10:42:52 20 children and Vice-President Dr Joe Demby for the Nigerian war
21 ship at the coastal border of Guinea and Sierra Leone for safety.
22 Kabbah said it was terrible and fearful."

23 Second page, bottom of the page. "As they are to use a
24 rope to climb up the boat and when he got there he saw Sankoh,
10:43:13 25 who bust into tears and said he was sorry and to please forgive
26 him and asked if his boys were in Freetown. Kabbah said he went
27 to talk to him as our people were dying and wanted one hour to
28 talk to him, which was later broadcasted, and which gave cause to
29 a foreign mission from Togo and Ivory Coast asking for Foday

1 Sankoh to go to Guinea for talks, which he facilitated.

2 While in Guinea, Sankoh told Sam Bockarie that he was
3 forced to speak what was regarded - recorded, which was that they
4 had met in Lome and unanimously agreed to go ahead and implement
10:43:53 5 what was in the accord and the need to give the people of Sierra
6 Leone peace.

7 Sankoh, who was in the communication's sector in the
8 military and was a professional, used his skill to communicate
9 with his men, but when his communication access was restricted,
10:44:10 10 he was very uncomfortable and this brought about Issa Sesay, whom
11 Kabbah regarded as reliable to fast-track the disarmament process
12 that ushered peace."

13 Let's skip the next - no, let's deal with the next:

14 "When asked how long Foday Sankoh was kept in the
10:44:33 15 unfinished building, Kabbah said even though he was informed
16 about the day-to-day running of the government but could not
17 everything remember as age and time cannot permit him. However,
18 Oumar Konare and Obasanjo later met an eleven-man delegation of
19 African leaders, including Charles Taylor as the host, and they
10:44:56 20 resolved at that point to appoint a temporal internal leader
21 within the RUF hierarchy to fast-track the negotiation and
22 disarmament process."

23 Let's pause there. Mr Sesay, when you went to Monrovia at
24 the request of several ECOWAS leaders which, in due course, led
10:45:21 25 to your appointment as interim leader, was President Kabbah aware
26 that you were in Monrovia for that purpose?

27 A. Yes. That was what the ECOWAS leaders who were there told
28 us and they told us that the decision that they had reached was -
29 the decision they had reached included President Kabbah himself.

1 Q. "It was then agreed by Sankoh that Sesay takes over and a
2 letter was countersigned by Sankoh to be endorsed by the rank and
3 file of the RUF, which Konare and Obasanjo took to Sankoh who
4 burst into tears when he saw both of them and requested they
10:46:09 5 forgive him and facilitate his extradition to Nigeria or Burkina
6 Faso where he wanted to spend the rest of his life.

7 They replied that it was not the right time for such
8 decision and that Sesay as head was very cooperative and
9 reliable. Kabbah said he also had a meeting with his family
10:46:31 10 members who tried to convince Sesay to cooperate fully, which he
11 did."

12 Pause there. Did President Kabbah meet with members of
13 your family?

14 A. Yes, President Kabbah had a paramount chief who was the
10:46:50 15 honourable paramount chief of parliament for Tonkolili District,
16 PC Bai Kurr, for him to invite my mother, my uncle and my father
17 and my aunt so that --

18 THE INTERPRETER: Your Honours, could the witness be asked
19 to slow down.

10:47:07 20 MR GRIFFITHS:

21 Q. And your aunt? Go on.

22 THE INTERPRETER: Your Honours, could the witness be asked
23 to continue from where I stopped.

24 MR GRIFFITHS:

10:47:18 25 Q. Pause. What you said, Mr Sesay, was this: "President
26 Kabbah had a paramount chief who was the honourable chief of
27 parliament for the" - for which district?

28 A. For Tonkolili District.

29 Q. And you went on to say something about --

1 PRESIDING JUDGE: I think the witness should start from
2 Tonkolili District and then repeat what he said.

3 MR GRIFFITHS:

4 Q. So who was it that met with members of your family?

10:47:53 5 A. It was paramount chief Bai Kurr, paramount chief Bai Kurr
6 of Masingbi. He was sent by President Kabbah for him to search
7 for my families in Freetown and Bai Kurr knew my parents. He
8 went and met them at Kissy Road and he told them that President
9 Kabbah wanted to talk to them. So my father, my late mother, my
10:48:22 10 uncles and my aunts, they went and met with him and he had a
11 meeting with my parents. He told my parents that they, the
12 ECOWAS leaders, have arranged that they have called me to
13 Monrovia and have appointed me as the leader. So he said he was
14 appealing to them so that my parents would talk to me the things
10:48:50 15 the ECOWAS leaders told me to do just that, and that if I did the
16 things the ECOWAS leaders told me, he said I would be his son and
17 he would be ready to protect me at any time. He said he was
18 ready to protect me.

19 And he said - in fact during the meeting - my parents were
10:49:05 20 Muslims - my father, my mother, they were Muslims, so at the
21 meeting they were there until the 4 o'clock prayers. So he asked
22 my parents to adjourn the meeting with the paramount chief. So
23 he led them in prayers, all of them prayed and then he offered
24 prayers for them and after the prayers they were seated on the
10:49:25 25 mats so and they continued the meeting. They continued the
26 meeting whilst they were seated on the mats.

27 So my parents went and spoke to me and I accepted to disarm
28 the RUF. And he told them that at the end of the day if he had
29 any bad pans for me he said - he swore that God will not allow

1 him to benefit from his only son. And my parents came and told
2 me exactly that. He said --

3 THE INTERPRETER: Your Honours, could the witness be asked
4 to slowly take this area.

10:50:14 5 MR GRIFFITHS:

6 Q. Mr Sesay, did your parents communicate this to you?

7 A. Yes. When my parents went, I asked them questions and from
8 the questions I asked them they explained all the things that
9 transpired between them and Mr Kabbah to me and had they not told
10 me about this I wouldn't have known it.

10:50:38

11 Q. Thank you. Let's go back to the article please.

12 A. Yes, but I have not completed.

13 Q. Carry on then.

14 PRESIDING JUDGE: Could we have the spelling of this
15 paramount chief.

10:50:49

16 MR GRIFFITHS:

17 Q. What was the name of the paramount chief, Mr Sesay?

18 A. Paramount chief Bai Kurr. And as I am speaking to you, he
19 is the paramount chief member of parliament for Tonkolili
20 District.

10:51:12

21 Q. Continue, Mr Sesay. I interrupted you and you wanted to
22 say something else.

23 A. Yes. So I said he told my parents that if I disarmed the
24 RUF and if peace returned to Sierra Leone he would not have any
25 evil plans for me. And if he hadn't, he said may God not allow
26 him get benefits from his only legal son. So he swore to give
27 confidence to my parents because when my parents went and met me
28 I asked them, I said, "Mum, since the time you got me I have
29 never heard that you have gone and spoken to even a minister." I

1 said, "Why did Pa Kabbah call you?" He said, "My son, Pa Kabbah
2 is the President in Sierra Leone. We are in Sierra Leone in
3 Freetown and we are on Kissy Road. Bai Kurr invited us that the
4 President wanted to us and we went there." And I said to them,
10:52:12 5 "Now you have come and you have explained to me and you are my
6 parents. I will not refuse what you have told me." I said, "But
7 I'm afraid." I said, "I'm afraid of President Kabbah."

8 But they explained all these stories to me that Pa Kabbah
9 swore to even his only legal son that he had that he loved so
10:52:34 10 much and I said to them, "I do not want any business between
11 myself and Pa Kabbah. I don't want any meeting between myself
12 and President Kabbah." And I said I preferred the meeting
13 between myself and the ECOWAS Leaders and the things the ECOWAS
14 Leaders told me, I am ready to do that to the fullest. And I
10:52:52 15 said, "You can go and tell President Kabbah I'm afraid of him but
16 I have agreed with what the ECOWAS have told me. So I do not
17 want any personal agreement between myself and him." And I said,
18 "You go and tell him that I'm ready to disarm the RUF because I
19 have given my words to the ECOWAS Leaders."

10:53:10 20 And later they came by - they went Bai Kurr. Bai Kurr took
21 them again to President Kabbah and he continued to send letters
22 to me through Bai Kurr. That was in fact the reason why, when
23 this, my case was on, my own lawyers sent letters to Bai Kurr.
24 Bai Kurr told them, he said, look - he said all the letters that
10:53:36 25 President Kabbah had been giving to him for me --

26 THE INTERPRETER: Your Honours, could the witness be asked
27 again to continue from where I stopped, slowly.

28 PRESIDING JUDGE: Mr Sesay, the interpreter is having
29 trouble keeping up with you so all these stories you are telling

1 us are not being interpreted because you're running with your
2 testimony. Slow down from where counsel will tell you to start
3 again.

4 MR GRIFFITHS:

10:54:08 5 Q. You were saying that when your lawyers went to see the
6 paramount chief regarding the letters. Continue from there?

7 A. Yes. Because I told my lawyers but they did not believe
8 that after the meeting with the ECOWAS, President Kabbah used to
9 send letters to me. And I then I said, okay. I gave the
10:54:35 10 paramount chief's address to them and they went to the paramount
11 chief.

12 Q. Go on?

13 A. They went to the paramount chief. The paramount chief
14 showed them the copies of the letters that President Kabbah used
10:54:47 15 to send through him to me and the paramount chief told them, "At
16 any time the time is up for the Defence case I would want you to
17 invite me." But at the end of the day I told the lawyers to call
18 - to invite the chief, but they did not invite the chief.

19 Q. Have you finished?

10:55:10 20 A. They did not invite the chief. And even at the time I was
21 in detention after my sentence, the chief went on radio and all
22 the things that he said, nobody opposed to them because everybody
23 knew that he was saying the truth about what exactly transpired
24 between myself and President Kabbah.

10:55:30 25 Q. Thank you. Let's just finish this paragraph and then we
26 can put this document away:

27 "Kabbah said he also had a meeting with his family members
28 who tried to convince Sesay to cooperate fully, which he did.
29 That Sesay also demonstrated his obedience to Obasanjo and

1 UNAMSIL boss Adeniji in destroying the weapons that brought the
2 end of the war. The war don don."

3 We can put this away now.

4 Now, Madam President, I would like these three articles
10:56:29 5 marked for identification please and it will become MFI-6, and
6 can I ask that they be given the one overall number and then be
7 marked A, B and C. So, just to recap, the first article which is
8 from the Standard Times dated 19 May 2008 would become MFI-6A.

9 PRESIDING JUDGE: And the article is entitled?

10:57:18 10 MR GRIFFITHS: And the article is entitled "'I belong to
11 one political party' Kabbah tells court".

12 PRESIDING JUDGE: That article is so marked.

13 MR GRIFFITHS: Then, article number 2 from the Concord
14 Times dated 12 March 2008 entitled "Issa Sesay pioneered Salone's
10:58:12 15 peace process" would become MFI-6B.

16 PRESIDING JUDGE: That article is so marked.

17 MR GRIFFITHS: And finally, article from For di People,
18 dated 19 May 2008 entitled "Kabbah Testifies At Special Court"
19 would become MFI-6C.

10:59:01 20 PRESIDING JUDGE: That article is so marked.

21 MR GRIFFITHS: I am grateful.

22 PRESIDING JUDGE: What about the last article?

23 MR GRIFFITHS: There are only three, Madam President.

24 PRESIDING JUDGE: I beg your pardon, it is a continuation
10:59:26 25 of the last article. Given the time we will take the midmorning
26 break until 11.30, where we will reconvene.

27 [Break taken at 11.30 a.m.]

28 [Upon resuming at 11.35 a.m.]

29 PRESIDING JUDGE: Mr Griffiths, please continue.

1 MR GRIFFITHS:

2 Q. Mr Sesay, we were talking - we were looking at some
3 newspaper articles regarding your role in the peace process
4 before we adjourned. And do you recall telling us that various
11:36:10 5 individuals had made statements on your behalf, do you recall
6 telling us that?

7 A. Yes, I recall.

8 MR GRIFFITHS: Do your Honours have a bundle of Defence
9 exhibits, week 27, additional binder?

11:36:54 10 PRESIDING JUDGE: Yes, we do. Yes, we do. It's number 1
11 of 1 also.

12 MR GRIFFITHS: It's number 1 of 1 also.

13 PRESIDING JUDGE: Yes, we do.

14 MR GRIFFITHS: Can we look behind divider 8, please.

11:37:20 15 MR KOUMJIAN: Your Honour, the Prosecution does have an
16 objection of the use of this document, and I'll address this; I
17 believe it applies to several others that appear to be in the
18 same bundle.

19 This is a document that, in our view, is a type that
11:37:36 20 clearly is contemplated to be considered under 92 *bis*. This is a
21 statement taken for the purpose of litigation by apparently Mr
22 Sesay's Defence team. It's unsigned. There's no indication,
23 in fact, that the witness has adopted this statement. All that -
24 there's no indication Mr Sesay was present when the statement was
11:37:59 25 taken.

26 All Mr Sesay could add is his opinion about the opinion of
27 someone else. This is exactly why - what 92 *bis* is designed to
28 deal with, evidence in lieu of oral testimony, especially when
29 it's offered in direct examination.

1 PRESIDING JUDGE: Mr Griffiths, what are your views?

2 MR GRIFFITHS: We submit that this document is relevant
3 and, hence, admissible.

4 Firstly, as to its relevance. The Prosecution have led
11:38:42 5 evidence during the course of these proceedings implicating this
6 witness in activities during the period of disarmament, which on
7 the face of it, contradicts what we say is his true role as a
8 peace maker during the disarmament process.

9 In order to set the record straight, it is important that
11:39:07 10 those who, in view of this witness's role at the time - evidence
11 from those individuals should be admissible in order to, in
12 effect, put both sides of the story, so far as this witness's
13 role is concerned, during that period.

14 The Prosecution, bluntly, cannot have their cake and eat
11:39:35 15 it. They cannot, on the one hand, say this man was a war monger
16 during this period and was - lead evidence to the effect that he
17 was in league with military forces in Liberia, that is, Benjamin
18 Yeaten, Fifty, which totally contradicts his stated role as
19 accepted by leaders in the subregion at the time, as peace maker.
11:40:03 20 It is important, we submit, for that reason.

21 And we further submit that Rule 92 bis doesn't really come
22 into it. The rule that is relevant is Rule 89(C): "A Chamber
23 may admit any relevant evidence." The sole test, in our
24 submission, is relevance, and we submit that it's clearly
11:40:28 25 relevant.

26 Issues as to the - issues as to the statements not being
27 signed go to weight and not admissibility, and we need to remind
28 ourselves as well that Rule 89(C) is for documents used in
29 conjunction with a witness; Rule 92 bis, for documents admitted

1 without a witness.

2 We have a witness here to whom these documents relate, and
3 in our submission they are clearly relevant and admissible.

4 PRESIDING JUDGE: Very well. Let me consult.

11:41:22 5 [Trial Chamber conferred]

6 PRESIDING JUDGE: Yes. We are of the view that the Defence
7 submissions in this regard are on the right side of the law, in
8 that this is not a statement that is intended in lieu of oral
9 testimony pursuant to Rule 92. It is a statement that is going
10 to be used in conjunction with the witness in the stand, that is,
11 Mr Issa Sesay. And it is his evidence, in conjunction with this
12 - the contents of this statement that will constitute the
13 evidence pursuant to Rule 89(C) and so the objection is
14 overruled.

11:42:34 15 MR GRIFFITHS: I'm grateful.

16 MR KOU MJIAN: Your Honour, I would ask that the document
17 not be shown to the witness before a foundation is laid, in
18 accordance with the practice during the Prosecution case.

19 PRESIDING JUDGE: Very well.

11:42:46 20 MR GRIFFITHS: In our submission, the foundation has
21 already been laid. The witness has said quite clearly this
22 morning that a number of individuals, including His Excellency
23 Alpha Konare made statements on his behalf. In our submission,
24 that is sufficient foundation.

11:43:06 25 PRESIDING JUDGE: Did the witness tell us in what
26 circumstances in particular His Excellency Alpha Konare made the
27 statement either in terms of time or in terms of whether in a
28 newspaper or what? He didn't tell us that, I don't recall.

29 MR GRIFFITHS: Very well.

1 Q. This morning you told us, Mr Sesay, that several
2 individuals made statements to your Defence team, is that right?

3 A. Yes, that's correct.

4 Q. Just remind us, please, just the names, which individuals
11:43:42 5 gave statements to your Defence team?

6 A. His Excellency Alpha Konare, His Excellency Ambassador
7 Adeniji; General Opande; General Ali Hassan, the sector 4
8 commander for the Bangladeshi unit. There was another witness
9 who also made a statement and he testified, but he was - that
11:44:16 10 witness was protected because he was among the captured in
11 UNAMSIL, so I don't want to call his name out, so I want to write
12 his name down, because his statement was there and he testified.

13 Q. Okay. Well, let the witness be given, please, a piece of
14 paper and a pen.

11:46:08 15 PRESIDING JUDGE: Mr Griffiths, just to be clear. The name
16 written down by the witness on this piece of paper represents the
17 captured UNAMSIL who is a protected witness in the case against
18 Issa Sesay?

19 MR GRIFFITHS: Is that correct, Mr Sesay?

11:46:29 20 THE WITNESS: Correct, my honour.

21 MR KOUMJIAN: I'm actually not sure I can read the letters.
22 I can read some of them.

23 MR GRIFFITHS: Okay. Well can we give it back to the
24 witness.

11:46:41 25 Q. Now, Mr Sesay, can you print it now rather than write it.

26 PRESIDING JUDGE: Very well. Please proceed, Mr Griffiths.

27 MR GRIFFITHS: Thank you.

28 Q. So the names you've given us, Alpha Konare, Adeniji, is
29 that right, Mr Sesay?

1 A. Yes.

2 Q. Daniel Opande, yes?

3 A. Yes.

4 Q. General Ali Hassan, yes?

11:49:28 5 A. Yes.

6 Q. The name you've written down, yes?

7 A. Yes.

8 Q. Any other Head of State gave a statement to your Defence
9 team?

11:49:38 10 A. Yes, President Kabbah.

11 Q. Now, how were those statements obtained, Mr Sesay?

12 A. Okay. My Defence team went to meet President Alpha Konare;
13 he was first contacted on the telephone because I was the one who
14 told them to contact Alpha Konare. And when he was contacted on
15 the telephone, he told the Defence team to go and meet him. And
16 at that time I had been taken to Senegal for medical operation.
17 I was there when my lawyers travelled.

11:50:08 15 the telephone, he told the Defence team to go and meet him. And
16 at that time I had been taken to Senegal for medical operation.

18 Q. When your lawyers travelled to where?

19 A. To Addis Ababa, where they met him in Ethiopia, and he made
20 the statement. The statement was both in English and in French.
21 And I even have the French copy in my cell room in Rwanda.

11:50:30 20 the statement. The statement was both in English and in French.
21 And I even have the French copy in my cell room in Rwanda.

22 Q. Let's now have a look at the document behind divider 8,
23 please.

24 MR KOU MJIAN: Your Honour, I object. The witness has no
25 connection with the document. He wasn't present. Apparently it
26 was taken in a language we don't know he understands. So we - we
27 don't believe that there is a connection between the witness and
28 the document other than giving his opinion about it.

11:50:47 25 connection with the document. He wasn't present. Apparently it
26 was taken in a language we don't know he understands. So we - we

29 PRESIDING JUDGE: And indeed that will be his evidence.

1 We've already ruled that the witness may give evidence relating
2 to the statements. I'm not going back on that ruling.

3 MR GRIFFITHS: I'm grateful.

4 Q. Let's have a look at the document, please. Now, you say
11:51:25 5 you have the French copy in your cell in Rwanda, Mr Sesay, yes?

6 A. Yes, because there are two copies; there was the French
7 copy and the English copy. I was initially given the English
8 copy, and later the French copy was given to me.

9 Q. And have you had a occasion to read the English copy?

11:51:49 10 A. Yes. In fact, it was sent through DHL with the security of
11 the Special Court, Mr Walt. He was with me with late Chief Hinga
12 Norman in Senegal. So from Ethiopia it was sent through - to DHL
13 in Senegal. I was in Senegal when I received those statements
14 before I was brought to Freetown.

11:52:13 15 Q. And when you read the statement, Mr Sesay, did it
16 accurately reflect your recollection of events during
17 disarmament?

18 A. Yes, yes, I recollect.

19 Q. Now, we see that it's headed "Konare Alpha, His
11:52:34 20 Excellency." It's dated the 13th of March 2007. "Location:
21 African Union Headquarters Addis Ababa." And then the names of
22 the interviewers.

23 "My name is Alpha Konare. I am currently chairman of the
24 African Union but was President of the Republic of Mali from 1991
11:52:59 25 to 2002. During that time I was President of ECOWAS from 1999 to
26 2000.

27 I first came directly into contact with Issa Sesay of the
28 Revolutionary United Front, following the time of Foday Sankoh's
29 incarceration in Freetown in 2000. Due to the passage of time, I

1 am unable to confirm the precise dates of my meetings with Issa
2 Sesay but I'm able to confirm the content of those meetings."

3 Help us, Mr Sesay. When did you first meet Alpha Konare?

4 A. The first meet was in Monrovia in President Taylor's

11:53:46 5 office. He was among the Heads of States who addressed me.

6 Q. Date?

7 A. I don't recall the date now but it was in July 2000.

8 Q. "After the Lome Accord, the ECOWAS Heads of State, which

9 included President Obasanjo of Nigeria, President Jammeh of

11:54:07 10 Gambia, President Eyadema of Togo (now deceased), and President

11 Taylor of Liberia, were keen to see the Peace Agreement succeed.

12 The conflict in Sierra Leone had had a terrible impact on the

13 citizens of Sierra Leone and its neighbouring countries. We were

14 having a lot of difficulty with Sankoh and it was my view that

11:54:30 15 Sankoh was not acting in a manner which signaled that he was

16 conscious of his responsibilities vis-a-vis the Lome Accord and

17 the expectations of Sierra Leone and indeed West Africa. Sankoh

18 thought he would never be arrested. There was a myth of

19 invincibility around Sankoh and he was surrounded by young men

11:54:55 20 who idealised him. It was obvious that Sankoh had the authority

21 to take the RUF through the disarmament process successfully, but

22 it was never clear that he was willing to do so. He was given

23 many opportunities but never stepped forward.

24 Therefore, when he was incarcerated in 2000, it was an

11:55:17 25 important moment for the RUF and for the Peace Agreement. There

26 was a fear that due to Sankoh's charismatic hold on the RUF, that

27 it might dissolve into anarchy once he was imprisoned. It was

28 also clear, however, that Sankoh could no longer be considered a

29 reliable partner in bringing peace and there were concerns that

1 he would continue to influence the RUF's decisions from his
2 prison cells, such was his deification by the movement. A
3 meeting of the ECOWAS Heads of State mentioned above was convened
4 in Monrovia. Sesay and some other RUF commanders were invited to
11:56:00 5 attend. It was conveyed to them that the consensus of ECOWAS was
6 that Sankoh was no longer considered to be a reliable partner to
7 assist in guiding the RUF through the commitments of the Lome
8 Accord and that there was general support within ECOWAS to
9 replace Sankoh. Some of the RUF commanders were displeased with
11:56:26 10 this. The suggestion came from within ECOWAS that Sesay assume
11 the role of interim leader of the RUF and assist ECOWAS and the
12 UN in bringing peace to Sierra Leone.

13 The ECOWAS group was looking for someone within the RUF
14 movement who could come forward and bring the RUF forward to
11:56:48 15 fulfil its part of the peace process. Issa Sesay, despite his
16 youth at time, stood out as being capable of this. He was one of
17 the senior commanders but he was not the only one. I also
18 remember Superman, Gibril Massaquoi and Mike Lamin, but it was
19 Sesay's character that made him stand out, that reassured us that
11:57:15 20 he could play that important role.

21 Earlier in 1999, when the Lome Accord was in draft form,
22 Sankoh would not sign it until he was sure the senior commanders
23 of the RUF accepted it. Some officials present at Lome travelled
24 to Buedu and met with Sam Bockarie and others including Sesay."

11:57:39 25 Pause. Who was it who came to Buedu during the talks in
26 Lome, Mr Sesay?

27 A. That was the ambassadors, the Nigerian Ambassador to Lome,
28 the Nigerian ambassador to Liberia, the chief of protocol to
29 Mr Taylor, Mr Sesay, all of them came, including late SYB Rogers.

1 They were the ones who came to Buedu to talk to Sam Bockarie and
2 the RUF commanders about the importance of the peace accord.

3 Q. And did you meet with them?

4 A. Yes. I was Buedu, I met with them.

11:58:18 5 Q. "Bockarie and the others were not willing to accept the
6 accord initially. They wanted changes to be made before they
7 would agree. Sesay was said to have been very reasonable and
8 accepted the accord as drafted and convinced the others to accept
9 this. This news may also have played a part in our perception of
11:58:45 10 him as someone we could work with."

11 Was that Bockarie's position, Mr Sesay?

12 A. Yes, that's what happened.

13 Q. And why were you in favour of the peace accord as drafted?

14 A. Well, I had seen that the people of Sierra Leone wanted
11:59:13 15 peace, and even the civilians, because I was in Makeni and even
16 up to that time I was attacked, I had witnessed the suffering of
17 the people. So it was good for the war to come to an end. That
18 was why I supported the peace.

19 Q. "This news may also have played a part in our perception of
11:59:31 20 him as someone we could work with. At the meeting in Monrovia,
21 Sesay was very hesitant to accept our suggestion. He asked for
22 some time to confer within the RUF, and this seemed sensible as
23 internal support for Sesay would be needed if he were to be able
24 to successfully disarm the RUF. We also sought Sankoh's support.
11:59:57 25 Sankoh was initially against the idea. He did not want to be
26 replaced and did not want anyone else to play such an important
27 role. Eventually, however, when he realised he had no real
28 choice, he accepted, but he was never happy about it.

29 There was then a second meeting that I attended which took

1 place not long after the first at the Roberts Field International
2 Airport in Liberia. President Obasanjo was also present. It was
3 at this meeting that Sesay formally accepted our suggestion that
4 he become interim leader of the RUF. We advised him to work to
12:00:41 5 implement the Lome Accord fully.

6 Sesay lived up to his promises to us in that regard. He
7 was always very correct in his dealings with the ECOWAS leaders,
8 and his actions demonstrated that he was committed to fulfilling
9 the RUF's part of the accords. Sesay was always very honest and
12:01:03 10 reliable. He never created any preconditions for the RUF's
11 disarmament. This was in contrast to some of the other senior
12 commanders who did not want the RUF to disarm unless Sankoh was
13 released from prison.

14 While Sesay was loyal to Sankoh, all of the RUF were, he
12:01:27 15 did not attempt to use the disarmament process as a tool to
16 secure Sankoh's freedom."

17 Why didn't you do that, Mr Sesay?

18 A. Well, I saw it that - you know, even before the problem, I
19 advised Mr Sankoh that the action that he wanted the RUF to take
12:01:53 20 was the wrong action. I advised him, and he - he moved me from
21 Makeni and sent me to Kono. He was against my advice.

22 PRESIDING JUDGE: Mr Sesay, the question was why didn't you
23 attempt to use the disarmament process as a tool to secure
24 Sankoh's freedom. You. We didn't ask you about other people.
12:02:21 25 Why didn't you use the disarmament process to that advantage?

26 THE WITNESS: Well, my Lord, I looked at it that it was the
27 peace process that the Sierra Leoneans wanted. And that's what I
28 wanted, because I wanted just what the people of Sierra Leone
29 wanted. So I could not have put Mr Sankoh's issue as any

1 precondition.

2 MR GRIFFITHS:

3 Q. "Neither did he seek any personal gain for himself. He
4 behaved at all times in a straightforward and honourable way. He
12:03:00 5 appeared to be such a contrast to the other commanders, and
6 indeed Sankoh himself, that he appeared to be an anomaly in the
7 RUF movement.

8 I saw Sesay one more time that I can recall. After the
9 disarmament of Kono District in Sierra Leone, there was a private
12:03:19 10 meeting followed by a public celebration, which was attended by
11 some of ECOWAS's Heads of States, including President Obasanjo
12 and myself, the Special Representative of the Secretary-General
13 Adeniji, President Kabbah of Sierra Leone, prominent
14 Sierra Leoneans and some RUF commanders, including Sesay and
12:03:44 15 Gibril Massaquoi."

16 Do you recall this meeting, Mr Sesay, in Kono?

17 A. Yes, I recall this meeting. And it was this meeting that I
18 said we had a closed-door meeting with Gibril Massaquoi where Pa
19 Kabbah complained. That's what he's referring to.

12:04:02 20 Q. And help us, because we don't have a date in this
21 paragraph. When did that meeting actually take place?

22 A. That was in September 2000.

23 Q. Thank you.

24 "The meeting was a private closed-door meeting. President
12:04:20 25 Kabbah spoke first. He extended his thanks to the ECOWAS leaders
26 for their action in terms of returning peace to Sierra Leone and
27 the changing of the RUF leadership. He said he had experienced
28 no problems with the RUF since Sesay had become its interim
29 leader.

1 President Kabbah stated that Sesay was cooperating with the
2 disarmament and peace process and had demonstrated that he loved
3 his country and people.

4 President Kabbah went on to say that while Sesay was a
12:04:57 5 young man, he had a lot of respect for him because he
6 demonstrated his dedication to the peace process. President
7 Kabbah also commented that men like Gibril Massaquoi were not
8 working in the interests of peace and were undermining the
9 process.

12:05:17 10 President Obasanjo also spoke and thanked Sesay for his
11 work in the peace process and asked him to continue with it until
12 disarmament was concluded. It was agreed that the decision to
13 stop working with Sankoh and call Sesay forward to lead the RUF
14 had been a good one. The Special Representative of the
12:05:43 15 Secretary-General added his voice in this regard and said that
16 Sesay had always been trustworthy in his dealings and that he
17 appreciated his efforts.

18 After the meeting closed, there was a public celebration
19 outside. Kono had just disarmed, so the presence of dignitaries
12:06:05 20 was meant to inspire confidence in the civilians, which it seemed
21 to. President Obasanjo spoke publicly at the meeting and
22 introduced Sesay to the crowd as the interim leader of the RUF
23 who had brought peace to Sierra Leone. Sesay was publicly
24 thanked for his work. The crowd then celebrated.

12:06:27 25 I did not know Issa Sesay during the war, but during the
26 time I dealt with him I found him to be an exceptional young man,
27 trustworthy and committed to the peace process with no
28 preconditions. He was always very correct in his dealings with
29 the ECOWAS leaders and is to be commended for the significant

1 role he played in bringing peace to Sierra Leone."

2 Now, from your recollection, Mr Sesay, what he said here
3 about this private closed-door meeting, is it an accurate
4 statement of what was said during the course of that meeting?

12:07:18 5 A. Yes. That is - that is what he said.

6 Q. Now, mention is made, in the third paragraph from the end
7 of this statement, of the Special Representative of the
8 Secretary-General adding his voice in this regard. Now, you
9 mentioned earlier, Mr Sesay, that you're aware that the Special
10 Representative, Mr Adeniji, was an individual who gave a
11 statement to your Defence team.

12:07:52

12 PRESIDING JUDGE: Mr Griffiths, please give us a moment.
13 There's something we're trying to ascertain in the statement you
14 just read. Just give us a moment to confer, please.

12:08:12

15 [Trial Chamber conferred]

16 PRESIDING JUDGE: Mr Griffiths, we were just observing -
17 in fact, Justice Doherty observed and we've checked with Justice
18 Sow, whose French is better than any of us on the Bench, and we
19 just seem to think that that last paragraph that you read which
20 says, "I did not know Issa Sesay during the war but", et cetera,
21 is absent in what would be the original French version under tab
22 9. In fact, the French statement seems to end at the penultimate
23 sentence of the English version. Is that --

12:09:55

24 MR GRIFFITHS: I had not noticed that before but it is
25 true, because when we look at the French version [French spoken],
26 that paragraph, that translates, "After the meeting ended there
27 was a public celebration." So it is right that that last
28 paragraph is not included in the French version that I have
29 behind tab 9.

12:10:26

1 PRESIDING JUDGE: And I would imagine that the French
2 version would have emanated from the maker of the statement and
3 the English translation is merely a translation.

4 MR GRIFFITHS: That's correct.

12:11:15 5 JUDGE LUSSICK: Or a translation, plus some.

6 MR GRIFFITHS: Well, there is a possible explanation, but
7 I'm not going to give evidence about it. Because no doubt - if
8 we look at the first page, we see that two individuals were
9 present and no doubt, because the interview would have been
10 conducted in French, one of those is an interpreter.

12:11:46

11 PRESIDING JUDGE: In any event, as matters stand now, these
12 are the kinds of things that will go to the weight of this kind
13 of document. So I think you may proceed.

14 MR GRIFFITHS:

12:12:12

15 Q. Now, you mentioned, Mr Sesay, the special representative of
16 the Secretary-General, Mr Adeniji, having made a statement on
17 your behalf. In what circumstances did that take place?

18 A. Well, it was my lawyers who contacted him. And after my
19 lawyers contacted him, he also told them that he was willing to
20 make a statement, so my lawyers went to him and he made a
21 statement. They brought the statement and gave it to me in the
22 detention in Freetown.

12:12:42

23 Q. And where was the statement taken?

24 A. In Nigeria.

12:12:57

25 Q. And who took the statement?

26 A. I think it was Sareta, one of my lawyers.

27 Q. And do you know whether your lawyer travelled to meet him
28 or by what means this statement was taken?

29 A. Well, I recall that my lawyer travelled to Nigeria but they

1 had conducted one or two interviews on telephone. They used to
2 speak on telephone. So my lawyer later returned and told me that
3 Adeniji was willing to make a statement and they conducted
4 interviews and obtained statements.

12:13:51 5 Q. Can we look behind tab 10, please. Have you seen this
6 statement before, Mr Sesay?

7 A. Yes. Very well.

8 Q. Have you read it?

9 A. Yes.

12:14:24 10 Q. Is this an accurate statement of events involving yourself
11 and your appointment as interim leader?

12 A. Yes.

13 Q. Now, we see that the first name is Oluyemi, Adeniji. The
14 statement is dated 2 March 2008. We see that it was an interview
12:14:57 15 conducted by telephone between Freetown and Nairobi and that the
16 interview was Sareta Ashraph. Who is Sareta Ashraph?

17 A. She was my lawyer but she was the second lawyer to the lead
18 counsel.

19 Q. Now, it reads as follows:

12:15:23 20 "My name is Oluyemi Adeniji. I was the Special
21 Representative to the Secretary-General to Sierra Leone
22 from December 1999 to early 2003. Since leaving Sierra Leone, I
23 have held the positions of Minister of Foreign Affairs and
24 Minister of Internal Affairs in the Government of Nigeria.
12:15:44 25 In February 2008, His Excellency Alpha Konare, outgoing chairman
26 of the African Union, appointed me as the Special Envoy to Sudan.
27 In this role, I am charged with the implementation of the
28 comprehensive peace accord signed in Kenya in 2005.

29 I arrived in Sierra Leone as special representative

1 in December 1999, tasked with supervising the implementation of
2 the Lome Peace Accord. This involved liaising with the
3 Revolutionary United Front, then headed by Foday Sankoh, and the
4 Government of the Sierra Leone under President Tejan Kabbah.

12:16:29 5 Prior to Sankoh's arrest in Freetown on the 8th
6 of May 2000, I met with him on many occasions to discuss the
7 RUF's implementation of the Lome Accord. Sankoh was a
8 charismatic man and commanded strong loyalty from those within
9 the RUF. His influence should have allowed him to implement the
12:16:50 10 peace accord smoothly, but it was my impression that he remained
11 uncommitted to the peace process. Sankoh would make various
12 promises about steps he would have the RUF take, but would then
13 fail to deliver. I raised this issue with him on several
14 occasions. My own view, gained from many discussions with
12:17:12 15 Sankoh, was that he saw the Lome Peace Accord as a means of
16 furthering his personal ambitions. While there is no doubt that
17 he had the authority to carry the RUF through the peace process,
18 it was not clear to me that he wanted to do so.

19 I do not recall meeting Issa Sesay while Sankoh was still
12:17:35 20 leader of the RUF. Indeed, such a meeting would have been
21 unlikely as Mr Sankoh did not encourage any of his deputies to
22 contact me. His clear preference was that he be the sole point
23 of contact with my office.

24 I was in Freetown at the time of the attacks on the
12:17:58 25 United Nations in May 2000. Following on from the attacks, but
26 prior to Sankoh's arrest, I visited Sankoh at his residence on
27 Spur Road on several occasions to seek his assistance in
28 arranging the release of the UN troops. I also took delegations
29 from countries such as Nigeria, Libya and other West African

1 nations to his residence to speak with him about bringing the
2 incident to a peaceful conclusion. Again, Sankoh made various
3 promises about a quick resolution to the situation but did not
4 keep them."

12:18:35 5 Pause there. Before your trip to Monrovia in May,
6 Mr Sesay, when you went to see Mr Taylor regarding the release of
7 the UNAMSIL personnel, were you aware that efforts were being
8 made to persuade Sankoh to release them?

9 A. Yes.

12:19:04 10 Q. And prior to you going to Monrovia, Mr Sesay, did Sankoh
11 send any message to you or any other commander to release the
12 UNAMSIL personnel?

13 A. No, he did not send anyone. He did not send any
14 commanders. And even those he sent, when they came on May 7th,
12:19:34 15 together with the deputy force commander of UNAMSIL, General
16 Garba, and those were Isaac Mongor and Laurence Womandia, he did
17 not give them the message from me that I should release the
18 people. He did not say that, not at all.

19 Q. "Following Sankoh's arrest in Freetown there was a meeting
12:19:56 20 of ECOWAS in Abuja. It was at this meeting that it was agreed
21 that Sankoh was no longer a reliable partner for peace and ECOWAS
22 should find another commander within the RUF to lead the RUF
23 through the peace process. This agreement was on the basis of a
24 report I made about Sankoh's commitment to the peace process. I
12:20:21 25 do not recall any specific recommendations being made at that
26 meeting about which RUF commander should assume leadership of the
27 movement.

28 I am aware that, not long afterwards, there was a meeting
29 of the ECOWAS Heads of State in Monrovia and that some senior RUF

1 commanders attended that meeting. I cannot remember the details
2 of how Sesay was selected to be the interim leader but I know
3 that Sesay was ultimately made the interim leader of the RUF and
4 that the ECOWAS Heads of State welcomed his appointment. Sankoh
12:21:01 5 was asked to convey his acceptance of Sesay as leader of the RUF
6 to the main body of the RUF through a letter. Sankoh agreed to
7 do this but stressed that he would only agree to Sesay being
8 interim leader."

9 Is that right, Mr Sesay?

12:21:22 10 A. Yes, that's true. In fact, he did not - he did not favour
11 me. He favoured Mike Lamin. But it was when the ECOWAS told him
12 that they were no longer ready to listen to him, that was when he
13 accepted.

14 Q. "It was clear at the outset that Sesay did not have a
12:21:46 15 strong hold on the RUF. He did not command the same loyalty that
16 Sankoh did. It was my view that no RUF commander could have
17 hoped for the same grip on the RUF that Sankoh did, such was his
18 deification by the rank and file. What was also clear, however,
19 was that Sesay did not have unqualified support from the senior
12:22:14 20 RUF commanders. Many of those senior commanders, among them
21 people like Gibril Massaquoi and Mike Lamin, also saw themselves
22 as potential leaders of the RUF. While Sesay was eventually able
23 to rein in the RUF and bring them to disarmament, it remained
24 that many RUF remained unhappy with about his leadership. A bone
12:22:41 25 of contention remained the feeling that Sankoh's release should
26 have been a precondition of disarmament.

27 Various staff in my office met with Sesay before I met him
28 officially. The reports from my staff were positive and there
29 was a sense that Sesay was committed to the peace process and was

1 perhaps, on a personal level, ready for peace himself. When I
2 met Sesay, he showed none of the ambitions of Sankoh, which has
3 caused a stumbling block to the peace process. He was much more
4 straightforward. As the peace process progressed to the
12:23:22 5 disarmament stage, Sesay showed that he was able to make promises
6 and keep them. He was undoubtedly directing a lot of his
7 energies towards bringing the RUF to disarmament in the face of
8 internal opposition. There were some commanders in the provinces
9 that disrupted the disarmament process but I cannot recall their
10 names now."

11 Who disrupted the - which commanders disrupted the peace
12 process, Mr Sesay?

13 A. Like Mike Lamin, he had a meeting in Magburaka with the
14 SRSG, the force commander, the sector commander, together with
12:24:11 15 RUF members when Mike Lamin said that they had taken a decision
16 in the meeting. He was telling Adeniji about the decision of the
17 RUF that they, the RUF, have stopped Issa Sesay from continuing
18 the disarmament process and that it was only Mr Sankoh who should
19 come and complete the disarmament in Tongo Field and Kailahun.
12:24:36 20 So he said Issa had no further authority from the RUF to continue
21 with the disarmament process. And that was when Adeniji said,
22 "No, Mike, we will not listen to what you are saying." He said,
23 "You had had the problem before you were in prison. Issa pleaded
24 on behalf of you. You were released." He said, "We are going to
12:24:57 25 work with Issa and no other RUF commander is going to tell me
26 that I should stop working with Issa." He said it is only Issa
27 that I will continue working with until Issa completes the
28 disarmament. And he turned around to me and he said "Issa, you
29 have to be very careful. Now we too have realised that

1 Massaquoi, Mike Lamin, they are really against the honesty that
2 you have over the disarmament. So you don't have to listen to
3 them. You have to continue working with me and the force
4 commander until we get to the point where the disarmament
12:25:33 5 completes." So, in fact, the meeting did not end well. So the
6 meeting was thrown into shambles. So Adeniji went on board. The
7 helicopter went back to Freetown. So the tripartite meeting that
8 we were supposed to have held to continue with the disarmament in
9 Tongo did not go on.

12:25:55 10 Q. Thank you.

11 "I recall the closed door meeting in Kono which occurred
12 immediately after the disarmament of Kono. President Obasanjo,
13 Konare and Kabbah attended, as did members of the RUF, including
14 Sesay. I also attended. In fact, disarmament had leapfrogged to
12:26:20 15 Kono, at the request of Sesay. Kono was not listed as the next
16 district to disarm but Sesay had convinced his men that it was
17 important to disarm Kono as it would show the RUF's commitment to
18 peace."

19 Now, did you take that decision to fast-track disarmament
12:26:43 20 in Kono, Mr Sesay?

21 A. Yes.

22 Q. Now, at that time, were the RUF mining in Kono?

23 A. Yes.

24 Q. So why did you decide to disarm in Kono?

12:27:07 25 A. Well, I decided to disarm in Kono because I had realised
26 that people had been saying stories about the mining process
27 which were not true stories, because General Ali Hassan called me
28 and showed me some documents from the internet, you know. And I
29 told him that some of these things that people are writing

1 against the RUF, you know, the SLPP is running a propaganda, too
2 much propaganda. So I tried to bring that to a rest. That was
3 the reason why I called for the early deployment of the UNAMSIL
4 in Kono and I suggested to UNAMSIL to disarm Kono, so that the
12:27:52 5 SLPP authorities at that time will stop running their propaganda
6 about things that were not actually happening about diamonds,
7 because they were exaggerating the whole thing about diamonds.
8 So that is why I decided to bring that to a stop. So I wanted to
9 bring it to a stop. That is why I made the request. In fact,
12:28:11 10 the time I requested for the deployment of UNAMSIL in Kono --

11 THE INTERPRETER: Your Honours, could the witness be asked
12 to continue from where I stopped.

13 MR GRIFFITHS:

14 Q. The time when you asked for disarmament in Kono, go on.

12:28:27 15 A. I requested for the UNAMSIL to deploy in Kono in April
16 2001.

17 Q. Go on.

18 A. I went to General Ali Hassan in Magburaka who was the
19 sector commander. I told him, I said he should inform General
12:28:43 20 Opande to let UNAMSIL deploy in Kono. So General Ali Hassan
21 called General Opande and he told him, and General Opande also
22 told Adeniji and, the following day, Ali Hassan called me in the
23 response when I was in Makeni and I went and met him in
24 Magburaka, and he said, "The authorities in Freetown have said",
12:29:02 25 that is Opande and Adeniji have said, "that the deployment of
26 UNAMSIL in Kono has to be - has to be decreed from New York."
27 They said I should be patient, and I said "okay". So by May the
28 UNAMSIL deployed in Kono. In May, yes, by - between May and
29 June the UNAMSIL deployed in Kono. So, at about August we

1 disarmed Kono, because there were still other districts that we
2 were supposed to disarm and we - I also called for a tripartite
3 meeting in Makeni and I told the SRSG, I said we should suspend
4 the disarmament of the other districts so that we would be able
12:29:47 5 to disarm Kono first. Then he also welcomed the idea and he
6 agreed with my idea, so he - we went to Kono and we went and
7 tried to start the disarmament. We went and met the colonel
8 chiefs. So I, myself, went and --

9 Q. Go on. Continue.

12:30:05 10 A. I called a meeting of the common leader of the RUF, which
11 was up to 150 and we started the disarmament in the presence of
12 the chiefs and the chiefs were happy. So by the end of August we
13 had completed disarmament in Kono.

14 Q. Thank you. Going back now.

12:30:23 15 "Indeed, the disarmament of Kono was seen as a significant
16 step by the RUF, as we in the international community had felt
17 the RUF would be hesitant to disarm Kono, given the district's
18 importance. That Sesay pushed the RUF to an early disarmament in
19 Kono showed a commitment that Sankoh had always lacked. In the
12:30:53 20 meeting, both President Obasanjo and Konare said that they were
21 impressed with Sesay's actions and thanked him for his role in
22 bringing peace to Sierra Leone.

23 My understanding of Sesay, from having worked with him, was
24 that he was trustworthy and genuine in wanting peace to return to
12:31:11 25 Sierra Leone. Sesay worked closely with General Opande Andy,
26 force commander of UNAMSIL, during this time and I am aware that
27 General Opande held Sesay in high regard. Later, in 2003, Sesay
28 would assist the Government of Sierra Leone by informing them of
29 rumours of a coup plot coming out of the army."

1 Which coup was that, Mr Sesay?

12:32:01 2 A. Well, this was the coup attempts that - that coup was
3 something set around late 2002 when they opened fire around
4 Wellington, and that was the reason why government wanted to
5 arrest Johnny Paul when Johnny Paul escaped from Freetown. And
6 up to this moment he has not been found. I got the information
7 about the coup at that time, so I informed Ambassador Adeniji,
8 and Ambassador Adeniji too said, said "The best I will do, I have
9 to call President Kabbah now." So I was at home at Adeniji's
12:32:22 10 when he called President Kabbah and informed him. And he said
11 in fact he was sending me to go to President Kabbah, and he was
12 going to tell him on the phone. And President Kabbah said,
13 "Okay", he said, "I should go to his place", because Adeniji was
14 staying at his station. And from Adeniji's house I went to
12:32:40 15 President Kabbah. I met him. And I explained the same thing
16 that I had explained to Adeniji.

17 Q. Thank you --

18 A. So that was how the whole incident occurred.

19 Q. Thank you.

12:32:52 20 "Sesay's main difficulty was the challenge to his own
21 leadership of the RUF by the other senior commanders. Many of
22 these commanders refused, at least initially, to recognise
23 Sesay's command as interim leader. ECOWAS, however, was
24 unequivocal in its support of Sesay and were committed to working
12:33:14 25 with Sesay and Sesay alone as the RUF moved through the
26 disarmament process."

27 Now, Daniel Opande, Mr Sesay, can you recall when you first
28 met him?

29 A. Yes.

1 Q. When was that?

2 A. That was late 2000. But the two of us first met in that
3 meeting in the buffer zone between '91 and Magburaka at a village
4 called Ferry Junction.

12:33:56 5 Q. Now, was a statement taken from Daniel Opande by your
6 lawyers?

7 A. Yes. He made a statement first in 2004 to stand for a
8 bail, and from then he made another statement in my Defence case.

9 Q. And was he called as a witness at your trial in Freetown?

12:34:29 10 A. Yes, yes, he came and testified.

11 MR GRIFFITHS: Can we have a look behind divider 11 now,
12 please.

13 Q. Have you seen this document before, Mr Sesay?

14 A. Yes, I've seen it. Yes, yes.

12:35:00 15 Q. Does it accurately state your dealings with Daniel Opande?

16 A. Yes.

17 Q. Now, we see that it's dated the 7th of March 2008.

18 "I am now 64 years of age and have retired from the
19 Armed Forces of Kenya. I served as Deputy Force Commander with
12:35:30 20 the United Nations Transitional Assistance Group in Namibia from
21 1989 to 1990 and represented Kenya in the Mozambique process as a
22 facilitator and negotiator between the Mozambican National
23 Resistance UNAMO, and the Government of Mozambique, from 1990 to
24 1993. I then served as Chief Military Observer of the
12:36:00 25 United Nations Observer Mission in Liberia from 1993 to 1995.

26 From November 2000 to September 2003, I served as the force
27 commander of the United Nations mission in Sierra Leone, UNAMSIL.
28 In September 2003, I was selected to be the force commander of
29 the newly established United Nations Missions in Liberia, UNMIL.

1 I stepped down as UNMIL force commander in 2006.

12:36:49 2 I first came to Sierra Leone with a parliamentary
3 delegation in May 2000, a few weeks after the United Nations
4 troop, Kenyans amongst them, were taken hostage. The leader of
5 the delegation was the Minister of Defence and I was second in
6 command, as it were. We were in Sierra Leone to monitor what was
7 happening with the hostages, but also to exert pressure as far as
8 we were able in order to have the hostages treated well and
9 released safely.

12:37:09 10 When we arrived, some of the hostages had already been
11 released through Monrovia. Some of the hostages were still being
12 held, however. General Mulinge among them. The delegation was
13 in contact with President Charles Taylor and Minister of Finance
14 Daniel Chea of Liberia in an effort to continue to pressure them
12:37:35 15 to use whatever influence they had on the RUF to release the
16 remaining hostages.

17 I advised the team to stay in Monrovia and fly into Lungi
18 every day. We had accommodation in Monrovia and we were
19 monitoring the regime in Monrovia and meeting with Liberian
12:37:55 20 government and press upon them their responsibility to get the
21 troops out.

22 The delegation also went to see Foday Sankoh in prison as
23 we felt he was responsible for what had happened. We wanted to
24 see whether he would be able to influence the RUF to release the
12:38:15 25 Kenyan soldiers. He was not yet charged. He had been in a cell
26 for two to three weeks and was being kept there incommunicado
27 with no light. He appeared to be behaving difficultly seeing. When
28 we introduced ourselves he became very agitated. I asked him if
29 he was still in charge and he said he was the leader. I asked if

1 he could order the release of the UN and he said 'my brother, I
2 can do it and I am ready to do it but my freedom is now under
3 President Kabbah' he said that if I asked President Kabbah to
4 release him, he would speak to his men in the provinces about
12:38:59 5 releasing the UN. I don't know if he meant his but my first
6 impression was that he was a person who was easily agitated and
7 would make promises without meaning to keep them.

8 I met with General Jetley during the time I was in
9 Sierra Leone with the delegation, as he gave us a briefing. He
12:39:20 10 seemed to be a good general and a good soldier, a polished
11 military man. It seemed, however, that he was having
12 difficulties liaising with his own political leadership as well
13 as the leadership of the RUF. I gathered from the briefing that
14 he had a difficult relationship with the RUF.

12:39:44 15 I next came to Sierra Leone in September 2000 to do a
16 reconnaissance mission for about a week. This was just to see
17 Sierra Leone as my appointment as force commander has been
18 fast-tracked. At the time, I was the vice-chief of general staff
19 of the Kenyan army and so it was not an easy decision to make,
12:40:07 20 though I was very honoured.

21 The request was made to my government and I accepted. I
22 went to New York City for a briefing. I chose to go back to
23 Kenya and stop in Sierra Leone en route. I had been following
24 what was happening in Sierra Leone from the time our troops were
12:40:28 25 deployed there in December."

26 Can we jump to the last paragraph on the page.

27 "I was not in contact with the RUF leadership in my first
28 week. In fact, communication between the RUF and UNAMSIL had
29 been cut off since the May 2000 incident, with no attempts at

1 rapprochement. The troops on the ground had very little contact
2 with the RUF, if any at all. This was the issue I note foremost
3 during my trip, and I found it of great concern. When I returned
4 to Freetown, I asked the Special Representative for his political
12:41:11 5 guidance and told him that my first priority would be to make
6 immediate contact with the RUF and also with the CDF. We were
7 not directly in touch with the CDF but were in touch with them
8 through the government.

9 It was my view that we needed to know what the RUF and CDF
12:41:31 10 wanted to do with the peace accord that had been signed. The
11 whole process of DDR has ceased since May 2000. The Special
12 Representative said he thought this was a good idea and briefed
13 me about Issa Sesay, the RUF interim leader.

14 I did not know Issa Sesay at that time. The Special
12:41:55 15 Representative told me that Issa Sesay had been appointed by the
16 ECOWAS Heads of State following a crisis meeting somewhere in
17 West Africa. Foday Sankoh had been arrested in May 2000, and
18 following his arrest, ECOWAS Heads of States had decided they
19 were not longer able to rely on him to move forward with the
12:42:19 20 peace process. He was no longer considered a reliable partner
21 for peace, and they began to look within the RUF for a new leader
22 who could move the RUF towards disarmament and fulfil the RUF's
23 commitments under Lome. I was made to understand that ECOWAS and
24 UNAMSIL only recognised Issa Sesay and not Foday Sankoh as the
12:42:45 25 RUF leader. The Special Representative told me that Issa Sesay
26 was chosen because he was a moderate leader who commanded the
27 respect of civilians and combatants in RUF-controlled areas and
28 appeared more amenable to the Peace Accords rather than the other
29 political and military leaders of the RUF.

1 I did not realise how young Sesay was at that time, as I
2 was not told."

3 How old were you at the time of your appointment as interim
4 leader, Mr Sesay?

12:43:23 5 A. Thirty years.

6 Q. "I was also briefed about other commanders in the RUF
7 hierarchy, such as Sankoh, Kallon, Gbao and Massaquoi."

8 Let's go to the last paragraph.

9 "I first met with Issa Sesay shortly afterwards, on 6
12:43:54 10 December 2000. We met in a buffer zone between Mile 91 and
11 Magburaka."

12 You told us about that a moment ago, Mr Sesay; is that
13 correct?

14 A. Yes, sir.

12:44:07 15 Q. "It was an exploratory meeting designed to start the
16 process of building trust. Still it was an important meeting for
17 me as I met the man I would work for the next three years. I
18 told Issa Sesay that Chisuzi would be our point of contact, and
19 Issa Sesay seemed happy with this."

12:44:34 20 And in order to work out who Chisuzi is, if we look in the
21 previous paragraph, it explains.

22 Over the page, please.

23 "It was only in our first meeting that I realised that
24 Issa Sesay was only 29 years old. I told him he was younger than
12:44:54 25 my first-born. I said in our tradition, a young man does not
26 tell lies to his father. I told him I would consider him my son
27 but I could only do that if I believed he would treat me with
28 respect and honesty. I said I would give him the same respect in
29 return. When I first started the meeting, they were apprehensive

1 about force commanders, as they had experience of the Nigerians
2 and General Jetley. Everyone was staring at me when I introduced
3 myself.

4 We spoke about the peace accord which RUF committed to. I
12:45:34 5 said we wanted to implement it and that Issa Sesay should tell me
6 if the RUF was no longer committed to it."

7 Who was present at this meeting, Mr Sesay? Apart from
8 General Opande and yourself, who else was there?

9 A. General Chisuzi was there; he was a military observer.

12:46:00 10 Q. General who?

11 A. Chisuzi. Okay, the name that you saw on the paper. He was
12 the chief military observer.

13 Q. Mr Sesay, I'm more interested in who was there from the RUF
14 side.

12:46:18 15 A. Oh. Myself, Morris Kallon, Augustine Gbao, Komba Gbundema,
16 with other commanders.

17 Q. Thank you.

18 "I said we wanted to implement it" - second paragraph -
19 "and that Issa Sesay should tell me if the RUF was no longer
12:46:44 20 committed to it. Sesay stated strongly that the RUF was

21 committed and he hoped that any difficulties encountered would be
22 overcome through our dialogue. He said that they had not been
23 treated fairly by the United Nations and by the former force
24 commander, Jetley. He explained the difficulties with

12:47:04 25 implementation with accord in relation to the government not
26 upholding their sections of the agreement. I felt we started on
27 a good foot and he understood that I wanted to achieve.

28 Conversely, I also understood the difficulties he had. I could
29 see that some of the commanders standing and sitting around him

1 were not happy about the words he was saying and the commitment
2 he was giving to me. Their demeanour was very negative.

3 In that meeting we also discussed, one, the return of
4 United Nations equipment taken during the abduction of the UN
12:47:44 5 in May 2000; two, the reopening of roads leading to Freetown;
6 three, the redeployment of the United Nations in RUF-controlled
7 areas; and four, opening RUF-controlled areas for the work of
8 humanitarian agencies."

9 Can I pause there and ask you this: What equipment was
12:48:09 10 seized from the United Nations when they were abducted in May,
11 Mr Sesay?

12 A. Like their tanks, their armoured cars, their weapons,
13 because some of their tanks and vehicles had communication sets.
14 Their vehicles, their weapons, their armoured tanks. Those are
12:48:35 15 the equipment.

16 Q. And what happened to that - this speaks about the release,
17 and this meeting that the General Opande is talking about, when
18 did that meeting take place?

19 A. This was in December.

12:48:52 20 Q. So what had happened to the seized equipment
21 between May and December?

22 A. Well, we parked them. The armoured cars were parked. It
23 was only the vehicles that were used by some of the RUF
24 commanders. But when General Opande told me, when he made those
12:49:16 25 requests to me, then I was made to know that on 5 August, after
26 we had the closed-door meeting, I was told to return these items
27 and I should prepare myself to work with the UNAMSIL.

28 Q. When these UNAMSIL personnel were abducted in May of 2000,
29 Mr Sesay, apart from the items that you've mentioned, rifles,

1 armoured cars, vehicles, what about ammunition?

2 A. Yes. The ammunitions that were in their vehicles was what
3 we used during the fight between the government and the RUF in
4 Lunsar. We used the ammunition.

12:50:02 5 Q. And how much ammunition was seized from these UNAMSIL
6 personnel?

7 A. It was not a large quantity of ammunition, but I wasn't
8 present when they were seized so I cannot tell you the exact
9 quantity, but it was not a large quantity. But there were
10 ammunition in some of the armoured carriers and --

11 Q. And so --

12 A. -- armoured vehicles.

13 Q. These items remained in RUF possession for those
14 seven months from May until December?

12:50:43 15 MR KOUMJIAN: Objection, leading.

16 PRESIDING JUDGE: Well, Mr Griffiths, you could rephrase
17 that question.

18 MR GRIFFITHS:

19 Q. Who had that equipment up until the time of this meeting
12:50:56 20 in December?

21 A. They were with the RUF in Makeni, Lunsar, Magburaka, and
22 some of the armoured cars were in Kono.

23 PRESIDING JUDGE: Mr Griffiths, I thought I heard the
24 witness say, I might be wrong, but I think the witness said that
12:51:20 25 "the ammunitions that were in their vehicles was what we used
26 during the fight between the government and the RUF in Lunsar."

27 MR GRIFFITHS: In Lunsar, that's what he said.

28 PRESIDING JUDGE: Okay.

29 MR GRIFFITHS:

1 Q. Let's go back to this, please, fourth line from the top of
2 that last paragraph:

3 "Issa Sesay was very positive and informed me that he would
4 go around all RUF-controlled areas to personally educate and
12:51:55 5 instruct his commanders on all the issues that we had agreed
6 upon, to include the reopening of roads leading to Freetown,
7 deployment of the United Nations in RUF-controlled areas, return
8 of UN equipment, free movement of humanitarian agencies personnel
9 into RUF-controlled areas. He promised that once he was
12:52:18 10 satisfied that this information had reached all his rank and
11 file, he would then get back to me and agree on the
12 implementation plan for the actions he promised to undertake.

13 In the end, Issa was able to fulfil most of the
14 undertakings he gave at that meeting except that, in the case of
12:52:41 15 the UN equipment, we did not recover most of the equipment,
16 either because some had been transferred to Liberia, destroyed or
17 in an unserviceable condition."

18 Who transferred some of the equipment to Liberia?

19 A. No. Those equipment did not go to Liberia, because we
12:53:06 20 couldn't have taken it to Liberia, we couldn't have been able to
21 do that. There was no ferry at a Moa River so you could not put
22 an armoured car to cross the Moa River when there was no ferry.
23 You cannot do that in a vehicle or - those equipment were in
24 Kono, Makeni, and Lunsar, Kamakwie. But during the disarmament,
12:53:33 25 we handed everything over. But at the initial stage, we did not
26 hand everything over to them because before they deployed in
27 Makeni -

28 THE INTERPRETER: Your Honours, can the witness speak
29 slowly and repeat this area kindly?

1 MR GRIFFITHS:

2 Q. "Before they deployed in Makeni"? Go on.

3 A. Yes. I said before United Nations deployed in Makeni, I
4 gave instructions. The vehicles were parked. Some of the rifles

12:54:05 5 were dismantled. They were parked there, and some of the

6 communication were in the vehicles. The things were parked in

7 the MP office. So when they deployed, General Opande came and

8 received the items, and he asked for the armoured cars, but I

9 said some of them were in Kono. He asked for some of the arms.

12:54:28 10 He said, "Those were not all of the arms." And I said, "Yes, but

11 during the disarmament you'd be able to discover the UN arms."

12 And that's what happened.

13 Q. Thank you.

14 "I was impressed with Issa's frank and decisive action

12:54:44 15 taken in dealing with these issues and his commitment in ensuring

16 that whatever decisions he took were eventually fulfilled. I

17 said I wanted to speak with Issa Sesay at least twice a week.

18 And I asked to give me his personal satellite phone number to me,

19 which he did. Our line of communication was through General

12:55:07 20 Chisuzi. I wanted General Chisuzi to call RUF headquarters every

21 day to build confidence between UNAMSIL and the RUF. Sometimes

22 Sesay would also call me if he needed something to discuss with

23 me.

24 In the days following the deployment in Makeni I went to

12:55:27 25 see Issa Sesay there at the UNAMSIL headquarters at the Makeni

26 Teachers' College. We discussed the return of UN equipment and

27 opening all roads within RUF-controlled areas, removal of all

28 roadblocks manned by RUF combatants, free movement of civilians

29 in and out of Kono District, further deployment of UN troops into

1 Kambia, Tongo and Kono. We also discussed facilitation of
2 humanitarian relief work in all RUF-controlled areas. I recall
3 accompanying Mr Sesay to the RUF military police office in Makeni
4 where some UN equipment in the custody of Gbao was handed over to
12:56:13 5 me by Issa.

6 In April 2001, I recall receiving a call from Brigadier
7 General Ali Hassan stating that a major invasion of Kono had
8 taken place by CDF combatants from Guinea and that he had
9 received this information from Issa Sesay."

12:56:32 10 Is that true, April 2001?

11 A. Yes.

12 THE INTERPRETER: Your Honours, can the witness speak up.

13 MR GRIFFITHS:

14 Q. Did such an event take place in April 2001, Mr Sesay?

12:56:47 15 A. Yes, yes.

16 Q. "As we had not deployed in Kono, Issa was therefore
17 requesting that we immediately deploy in Kono to avert a major
18 bloodbath which would engulf the entire Kono as a result of
19 fighting between RUF and CDF combatants. Shortly after, I was
12:57:09 20 able to reach Issa on a satellite phone. He confirmed the
21 information which had been given to me by General Hassan and
22 stated further that he feared for the welfare of the civilians as
23 he was receiving information from his commanders on the ground
24 that the invading CDF forces were attacking civilians as they
12:57:31 25 moved towards the town of Kono.

26 When we wanted to start disarmament, there was conflict on
27 the ground. Some were for it, like Issa Sesay, but some were not
28 for it because of the continued detention of Foday Sankoh. I
29 went to Foday Sankoh to see his view. Foday Sankoh did not seem

1 willing but he was also becoming ill. He said he had been
2 imprisoned and how could I ask him to tell his rank and file to
3 disarm.

12:58:06 4 In the run up to Abuja II it was proposed to the RUF fly to
5 Abuja through Monrovia. I spoke to Issa Sesay that they should
6 fly from Lungi and arranged for them to do so. I felt that this
7 would show the people of Sierra Leone that there was a genuine
8 commitment to peace and that going through Monrovia would cause
9 people to doubt this.

12:58:25 10 Following Abuja II, tripartite meetings that organised
11 disarmament were set up between the RUF, Government of
12 Sierra Leone and the UN. The first tripartite meeting was held
13 at the Mammy Yoko in Freetown. The suggestion arising from that
14 meeting was that the RUF and CDF disarm simultaneously with the
12:58:51 15 RUF first disarming in Kambia.

16 I spoke to Issa Sesay over the telephone about the various
17 suggestions and he agreed with them. The RUF subsequently
18 disarmed successfully in Kambia.

19 The second tripartite meeting was in Bo with a suggestion
12:59:08 20 that the CDF and RUF should disarm in Tonkolili. But the RUF at
21 that meeting did not agree. Consequently I met with Issa Sesay
22 at Magburaka in July 2001 to iron out the difficulties with this.
23 We did so and Tonkolili was subsequently disarmed.

24 In the run up to the disarmament of Kono in September 2001,
12:59:34 25 two meetings were held in Kono. I attended the first Kono
26 meeting in which steps to resolve fighting between CDF and RUF
27 were discussed in detail and the leaders, that is, RUF and CDF,
28 agreed with UNAMSIL's position which was presented by myself that
29 immediate steps are put in place to stop fighting between RUF and

1 CDF combatants and that the CDF combatants should stop any
2 further movements into Kono and converge in well-identifiable
3 locations where the UN would monitor them. Similarly, the RUF
4 combatants were to cease with immediate effect any military
13:00:18 5 action against the CDF combatants. It was also agreed that
6 further displacement and targeting of civilians should be stopped
7 forthwith. We also agreed that humanitarian relief workers
8 should be allowed to offer immediate assistance to the displaced
9 population within the district.

13:00:39 10 The second meeting was attended by paramount chiefs,
11 government officers, RUF members, including Issa Sesay, and the
12 United Nations and centred on the paramount chiefs' concern over
13 the RUF's dedication to disarmament. Mr Sesay suggested we would
14 start the disarmament in the presence of the paramount chief."

13:01:06 15 Is that what you were talking about earlier this morning,
16 Mr Sesay?

17 A. Yes, that is it.

18 Q. "General Martin Agwai, Brigadier General Ali Hassan who was
19 the sector commander and myself were present at the Kono
13:01:26 20 disarmament. At the conclusion of the meeting, Issa gave a very
21 forceful, inspiring and conciliatory speech in my hearing
22 ordering his combatants to disarm in line with the agreement
23 reached by the RUF, CDF and UNAMSIL, in order to ensure
24 sustainable peace in Kono. After the speech, Issa ordered his
13:01:52 25 second in command and local commanders to see to it that the CDF
26 combatants who were also symbolically being armed be provided
27 with fresh clothing, food and a place to stay" --

28 JUDGE DOHERTY: It was disarmed, Mr Griffiths.

29 MR GRIFFITHS: Disarmed. I'm sorry. What did I say?

1 JUDGE DOHERTY: Armed.

2 MR GRIFFITHS: I'm sorry:

3 Q. "...being disarmed be provided with fresh clothing, food,
4 and a place to stay until they were relocated by the UN to Bo
13:02:27 5 disarmament camp.

6 A few days after the Kono disarmament, I remember informing
7 Issa of the pending visit to Kono, by the ECOWAS leaders to
8 include President Obasanjo, President Konare, President Kabbah,
9 the President of Ghana, the ECOWAS executive secretary and
13:02:46 10 high-ranking UNAMSIL dignitaries including Ambassador Adeniji. I
11 informed him that I would not attend because I would be out of
12 the country, but my deputy General Martin Agwai would attend and
13 represent me.

14 I did not attend the meeting but I was briefed on my return
13:03:09 15 to Freetown by my deputy. He stated that the meeting was quite
16 successful and that both the factions agreed to abide by the
17 terms of the peace accord and to ensure that total disarmament by
18 CDF and RUF combatants was completed as planned. In Kono the
19 Heads of State also reaffirmed Issa Sesay's position as RUF
13:03:33 20 leader. People within the RUF were still questioning
21 Issa Sesay's leadership.

22 In relation to the tripartite meeting in Makeni, I recall
23 that the RUF delegation refused to attend and I had to call
24 Issa Sesay to come from Kono to resolve the issue. I remember
13:03:58 25 expressing my disappointment that the RUF delegation was not
26 present for the meeting. Issa equally expressed disappointment
27 stating that he himself had instructed the delegation to attend
28 and, in view of what I told him, he would personally travel from
29 Kono to Makeni to lead the delegation.

1 Issa came from Kono but en route had a car accident and was
2 delayed. Mr Sesay himself informed me that he had been involved
3 in a road accident and that is why he was late to get to Makeni
4 to attend the meeting. However, he said that he had earlier
13:04:37 5 instructed his delegation to attend the meeting while he was en
6 route to Makeni. I was told by Mr Sesay that Gibril Massaquoi
7 had sabotaged a meeting by issuing counter-instructions for the
8 RUF delegation in Makeni not to attend the meeting.

9 I am aware that Massaquoi played a double game towards the
13:05:01 10 peace process. On the one hand, he pretended that he supported
11 the views of the interim leadership of the RUF, while in reality
12 he was known to be a staunch supporter of Foday Sankoh and his
13 views. He occasionally disagreed in public with Issa Sesay.
14 Even when he would seem to agree with Sesay's decisions, it was
13:05:25 15 clear that he sought to undermine his authority.

16 I recall speaking with Issa about reorganising the Makeni
17 meeting. I also recall that he was disappointed and angry that
18 the RUF delegation failed to attend the first Makeni meeting due
19 to the involvement of Gibril Massaquoi and other disgruntled
13:05:49 20 leaders. In September 2001, I attended the adjourned Makeni
21 tripartite meeting. There, Mr Sesay stated that the RUF's
22 previous failure to attend the meeting was due to the involvement
23 of some of his disgruntled colleagues who wanted to undermine the
24 peace process. I recall addressing the meeting and stating that
13:06:11 25 the RUF should abide by all the agreements that their leaders
26 have signed and to ensure that disarmament as a prerequisite to
27 sustainable peace be undertaken without further delays. I also
28 urged the RUF leadership to remain united and to support the
29 decisions taken by their official leadership.

1 Ambassador Adeniji spoke before me and equally emphasised
2 the need for the RUF to remain united and to participate fully in
3 the peace process.

4 I am aware of the problems with conducting disarmament in
13:06:49 5 Togo. It came to my attention that" --

6 PRESIDING JUDGE: Togo.

7 MR GRIFFITHS.

8 Q. "...Togo. It came to my attention that Gibriil Massaquoi
9 and some of his colleagues were not supportive of disarmament

13:07:02 10 taking place in Togo as planned. In particular, Massaquoi would
11 countermand instructions issued by Issa Sesay to local commanders
12 and incited people not to disarm. He had told the rank and file
13 that Issa Sesay was selling the movement and allowing Foday

14 Saybana Sankoh to languish in prison. As a result, Issa Sesay
13:07:27 15 ordered the decision of Massaquoi in Makeni and prohibited him
16 from travelling to Togo."

17 Did you detain Gibriil Massaquoi in Makeni, Mr Sesay?

18 A. Yes.

19 Q. What do you mean "detain him"? Did you put him in prison
13:07:46 20 or what?

21 A. Well, I ordered that he shouldn't go to Togo any longer.
22 That was the instruction I gave - I gave to them because his
23 followers who had followed his ideas in Togo, I also ordered
24 their detention and they were detained. One was called OG, who
13:08:05 25 was Mike Lamin's brother, and others.

26 Q. "I, together with Issa Sesay, flew to Togo to address what
27 turned out to be a mammoth public rally where Issa restated the
28 RUF commitment to peace and to undertake disarmament in Togo as
29 soon as logistical arrangements were put in place by UNAMSIL.

1 Similarly, there were problems in the Kailahun disarmament
2 because the local commander was not accepting the orders of Sesay
3 disarm. The commander there was called Martin George."

4 Is that correct?

13:08:43 5 A. No, at this time I had changed Martin George. It was Sam
6 Kolleh who was there during the disarmament.

7 Q. "We eventually succeeded in getting an agreement between
8 the leadership of CDF and RUF to conduct the exercise at an
9 appropriate and mutually agreed time frame.

13:09:07 10 I remember Issa's personal participation on several
11 tripartite meetings in various places, including his first visit
12 to Freetown since the major crisis of May 2000 to attend the last
13 tripartite meeting. During these meetings, he undertook to
14 re-emphasise the RUF's commitment to the peace accord and total
13:09:30 15 disarmament. He followed this with arranging a symbolic
16 disarmament of all his senior commanders including himself in
17 Makeni prior to the final ceremony in Lungi to officially usher
18 in the end of disarmament and the war.

19 I recall the last tripartite meeting held at Mammy Yoko
13:09:54 20 where it was agreed that final disarmament be completed as
21 planned to include Makeni and Kailahun, and that arrangements be
22 made for a final disarmament and end of war ceremony to be
23 attended by all distinguished leaders and invited ECOWAS top
24 leadership. I also remember Issa Sesay leaving this meeting to
13:10:20 25 inspect the new RUF offices in Freetown. The significance of
26 this was that the government had undertaken to assist the RUF to
27 obtain a new office space in Freetown."

28 Pause there. Now, RUF, what does that stand for?

29 A. Revolutionary United Front Party.

1 Q. And what kind of party are we talking about?

2 A. Well, this was the RUF party, a political party.

3 Q. And were you provided with any assistance by anyone to
4 transform the RUF into a political party?

13:11:11 5 A. Yes. The ECOWAS, like Nigeria and Ghana, they gave us
6 computers, they gave us megaphones, they gave us cartoons of
7 T-shirts, the Guinean government - I mean, the Nigerian
8 government gave it to the Secretary-General of ECOWAS, and the
9 Secretary-General of ECOWAS came. He was in Mammy Yoko and he
13:11:42 10 sent, extended an invitation of us. We went there and he handed
11 over these things over to us. He was called Chambers.

12 Q. Who was head of ECOWAS at this time?

13 A. The ECOWAS head at this time was President Abdoulaye Wade
14 of Senegal.

13:12:03 15 Q. Did he offer any money to the RUF to transform them into a
16 political party?

17 A. Yes, because they had informed the SRSG for the SRSG to
18 inform me so that I can send people to Senegal. And when the
19 SRSG told me myself, Mike Lamin, Morris Kallon; myself, Mike
13:12:31 20 Lamin, Morris Kallon, we went to the SRSG and the SRSG informed
21 us that I should send a delegation to Senegal Dakar to meet with
22 President Abdoulaye Wade, and that the RUF was going to receive
23 150,000 dollars as a trust fund from ECOWAS for the
24 transformation of the RUF into a political party. So Adeniji
13:12:56 25 said I should appoint two people who will go. And I said Mike
26 Lamin and Morris Kallon should go. And then Adeniji said "okay".
27 He said, "being that we are all on the travelling band", he said
28 but he was going to seek advice from New York so that they will
29 give a waiver to Mike Lamin and Morris Kallon. So I informed

1 Mike Lamin to wait for Kallon. I said I was going to Makeni with
2 Kallon so that he will also get few things - few clothes he use
3 to go and join him in Freetown. So from there Mike Lamin flew to
4 Senegal. He went, he collected the money. And after a few days
13:13:45 5 Adeniji asked - called and asked me if Mike Lamin had returned,
6 because he said he had got information that Mike Lamin had
7 received the money, but I said Mike Lamin had not yet returned.
8 I said what was the problem. But since then I did not see Mike
9 Lamin until the time of my arrest.

13:14:03 10 Q. So what happened to the one hundred - how much thousand
11 dollars?

12 A. They said 150,000 dollars.

13 Q. What happened to it?

14 A. Well, Mike Lamin collected it but converted it to his own
13:14:20 15 personal money and he did not return to Freetown.

16 Q. Where did he go?

17 A. Well, from there they said he went to Ghana and he was in
18 Ghana until the time I was arrested - until the time of my arrest
19 he was in Accra.

13:14:38 20 Q. Let's go back to this.

21 "The RUF had concerns about the government's failure to
22 implement other parts of the Accord. I and the special
23 representative arranged for Issa Sesay, Mike Lamin, Kallon and
24 Eldred Collins to meet with President Kabbah at the Presidential
13:15:01 25 Lodge at Hill Station to speak about the matter. I did not
26 attend this meeting.

27 I was present at the final disarmament ceremony in Lungi.
28 It was a large ceremony attended by a large gathering of the
29 people of Sierra Leone, from all walks of life, including

1 President Kabbah, his cabinet, top leadership of ECOWAS, UNAMSIL,
2 RUF and CDF leadership. President Kabbah, special representative
3 Adeniji, and Issa Sesay made impassioned speeches indicating that
4 disarmament was finally put behind the people of Sierra Leone and
13:15:43 5 that the war was finally over.

6 After the disarmament ceremony, I made arrangements for
7 Issa Sesay and some of his colleagues to visit Foday Sankoh in
8 Choi thram Hospital to assess for themselves his health condition
9 and to brief Foday on the steps undertaken by interim leadership
13:16:05 10 in the overall peace process to include disarmament. That was, I
11 think, the very - the first time they had met with Foday Sankoh
12 since his incarceration."

13 When did that meeting take place, Mr Sesay, with Foday
14 Sankoh in hospital?

13:16:24 15 A. That was in January of 2002. That was the very day of the
16 disarmament in Lungi. It was in January 2002.

17 Q. "It has been requested many times before as there was a lot
18 of pressure from the rank and file (as there were rumours that
19 Foday Sankoh was dead or dying. I would send the request for
13:16:51 20 authorisation from the Kabbah government but they would not grant
21 it. The special representative would also request that they said
22 no. I would have wanted it and it would have helped us to quash
23 the rumours about Foday Sankoh's death. They did not agree
24 until that day. President Kabbah authorised it. I agreed to
13:17:15 25 take them myself. Foday Sankoh had been completely cut off from
26 the RUF from the time of his imprisonment.

27 It was not a good meeting. They were not - they were very
28 happy to see him but he was not happy to see them. For
29 Issa Sesay it was a bad experience. Foday Sankoh sneered at him

1 and told him he was a sell out."

2 Is that true?

3 A. Yes, that is true.

13:17:53

4 Q. "Foday Sankoh was already ill at that time. His mental
5 state, from what I heard from the doctor, was okay. He was
6 suffering from a long detention. He was very angry with
7 Issa Sesay. He was happy to see" --

8 Let me ask you this. Who else was present at that meeting?

9 A. Mike Lamin, Morris Kallon, Augustine Gbao.

13:18:21

10 Q. "He was happy to see ML and GM." Who were they?

11 A. "ML" is Mike Lamin. GM was not present. It was AG who was
12 present. "GM" is Gibriil Massaquoi and "AG" is Augustine Gbao.

13:18:51

13 Q. "Augustine Gbao cried a little bit. I was present at the
14 disarmament in Makeni which was attended by President Kabbah and
15 Special Representative Adeniji. It was a massive gathering of
16 combatants, ex-combatants and the civilian population of Makeni
17 and Magburaka. I disarmed Issa Sesay myself.

13:19:18

18 RUF did not control West Side Boys and the West Side Boys
19 did not disarm with RUF. When I arrived, Johnny Paul Koroma was
20 then chairman for the Committee of the Consolidation of the
21 Peace. He was then the blue-eyed boy. He was an official riding
22 in a government vehicle. He had all these securities around him.
23 They were rough and carried lots of weapons. The AFRC seemed to
24 have splintered. Johnny Paul Koroma was seen as a sell-out as he
25 was working with the government and he had some guys hanging on
26 to him. I would meet with him. He said he wanted United Nations
27 protection as he distrusted his own government supplied security.
28 We had no credible information that his life was in danger. A
29 week later he ran away. The AFRC did not really exist when I

1 arrived in Freetown as force commander. It had splintered and
2 its remnants were the West Side Boys. I was aware that the West
3 Side Boys were based in Okra Hills and continued with their
4 attacks until 2002. My view is that the RUF and the West Side
13:20:24 5 Boys were two different organisations which had no visible
6 relationship in their dealings. As far as I'm aware, Issa Sesay
7 had no control over them, neither did commanders of West Side
8 Boys have any control over the RUF rank and file stationed in the
9 adjacent areas.

13:20:46 10 In my opinion, I think Issa Sesay was a man who was part
11 and parcel of the RUF and in the hierarchy, but during the time I
12 saw him he had been propelled into leadership, a leadership that
13 he was perhaps not yet prepared for. He had to grapple with it
14 to keep the organisation which had wide political and military
13:21:12 15 objectives, coherent. He was having difficulty doing this.
16 There were lots of leaders at various levels with different
17 personal interests and ambitions. These ambitions did not always
18 accord with the RUF's and Sesay's commitment to the peace
19 process.

13:21:31 20 For example, the command structure was splintering. In
21 Kono, the RUF based there, their main interest was mining. They
22 were not interested in political issues around DDR. In Makeni and
23 Magburaka, there was opposition to the DDR process coming from
24 several senior commanders. Gibril Massaquoi was one of these.
13:21:56 25 He would pretend to be with Issa Sesay but would work against
26 disarmament. His role in the problems of the Tongo disarmament
27 are a case in point.

28 Mike Lamin was another who was against the DDR process and
29 who lobbied against Issa Sesay. It was obvious to me that he was

1 creating a problem. He was problematic in the organisation. He
2 did not accept the leadership of Issa Sesay. When Issa Sesay and
3 I committed a timetable, Mike Lamin would say that the time table
4 was not possible because the leader was in jail. Mike Lamin
13:22:38 5 still referred to Foday Sankoh as the leader and did not accept
6 Issa Sesay as the new leader. I once said to Lamin that Foday
7 Sankoh was no longer the leader and had been removed but Mike
8 Lamin said clearly that Foday Sankoh was still the recognised
9 leader of the RUF. When there were meetings that I attended
13:23:04 10 where people would applaud Issa Sesay as interim leader and Mike
11 Lamin would look displeased, he would question plans and
12 disagree. This is okay, but he was questioning reasonable
13 decisions and actions because Foday Sankoh was still in prison.

14 I would see IS interacting with civilians. He would
13:23:29 15 introduce me to the civilian population in the RUF controlled
16 areas and he would have meetings with them. He was concerned
17 about his civilians and wanted them to lead as normal lives as
18 possible, not under military control. He wanted humanitarian
19 assistance as we were in the CDF and government held areas. He
13:23:57 20 would go to very little villages out in Kono and he would take to
21 me about getting more food into these areas. Civilians were
22 happy with Issa Sesay. I cannot remember going to a place with
23 or without Issa Sesay where anyone told me anything bad about
24 Issa Sesay. If I heard that a commander in area was exhorting
13:24:21 25 money from civilians I would inform Issa Sesay and Issa Sesay
26 would remove the commander immediately.

27 Issa Sesay never let me down from our first meeting to my
28 disarming him in Makeni. Even after disarmament he behaved well
29 even when others would go to the press and demand that the

1 government give them ministerial positions. Issa Sesay kept out
2 of it. He would come to speak to me about it quietly: Offices
3 for RUF in the provinces. We would liaise with the government
4 about we would liaise with the government about their failure to
13:24:59 5 follow through on the agreement which we had been signatories on.
6 The government didn't do much about it. I was quite
7 disappointed, but such is the nature of politics."

8 Then he goes on to list the main challenges that Sesay
9 faced were:

13:25:19 10 "1. Being propelled into political leadership when he
11 himself was not a politician and at the time when the RUF was in
12 disarray.

13 2. Issa was younger than most of the senior commanders and
14 political leaders of the RUF.

13:25:34 15 3. Did not have a lot of exposure outside of Sierra Leone
16 or in leadership except his experience as a rebel front line
17 commander.

18 His attitude towards civilians was also exemplary and he
19 showed a lot of concern for them, especially the disadvantaged,
13:25:52 20 displaced, and the suffering masses in RUF-controlled areas.

21 My experience was that the RUF was a fractured organisation
22 which did not have a straightforward hierarchy, although it was
23 assumed that the military leadership was answerable to a
24 commander in a particular area and, in turn, answerable to the
13:26:14 25 top RUF political/military leadership in Makeni and to Foday
26 Sankoh who was in prison. In my view, this was not the case as
27 there was constant infighting within the RUF leadership at every
28 level.

29 Not all the RUF commanders supported disarmament even when

1 instructions were issued by the hierarchy to prepare their men
2 for disarmament. They would give various excuses for not being
3 ready. The release of Foday Sankoh and non-receipt of
4 instructions from the RUF leadership. On checking back with
13:26:54 5 Issa, he would intervene and in most cases succeeded in reversing
6 the situation.

7 Issa Sesay's conduct as a leader was exemplary and worth
8 admiring. He was able to control the majority of his combatants
9 who belonged to different factions within the RUF. He brought
13:27:14 10 them together under very difficult conditions, considering that
11 he was appointed interim leader of the RUF by the ECOWAS
12 leadership and not the RUF after major onslaught by the RUF on
13 the UN peacekeepers.

14 Throughout the disarmament process, Issa frequently faced
13:27:36 15 major difficulties in convincing the dissenting RUF commanders
16 rank and file to disarm. However, his commitment was unwavering,
17 although in some instances he would have to delay certain events
18 in order to buy time to bring his commanders and combatants
19 around. In my dealings with him, Issa proved a trustworthy and
13:28:01 20 reliable interlocutor."

21 Now, who was General Ali Hassan?

22 A. General Ali Hassan was the sector commander for the
23 northern province and he was based in Magburaka. He was,
24 therefore, in UNAMSIL.

13:28:36 25 Q. Now, you mentioned that he was one of those from whom a
26 statement was obtained on your behalf.

27 A. Yes.

28 PRESIDING JUDGE: Mr Griffiths, I don't know if you're
29 moving on to another statement, but before I lose track of this.

1 There was a piece of paper that the witness - upon which the
2 witness wrote a name, that we did not mark.

3 MR GRIFFITHS: Yes, that should be MFI-7. I actually made
4 a note in my notebook but I don't think that I formally requested
13:29:09 5 that it be marked, and I'm grateful to your Honour for reminding
6 me. MFI-7, and that's a name written down on a piece of paper --

7 PRESIDING JUDGE: This was the name of a protected witness
8 who the witness says testified in his defence also. So this
9 name - or the piece of paper is marked MFI-7 and will be kept
13:29:42 10 confidentially.

11 MR GRIFFITHS: And if we can - in order to identify it for
12 a future date, it might be helpful if beyond the simple fact that
13 this was a protected Defence witness, that we say that he was a
14 commander of some captured - he was a UNAMSIL commander.

13:30:04 15 PRESIDING JUDGE: Actually, the evidence was he was a
16 captured UNAMSIL personnel.

17 MR GRIFFITHS: Personnel.

18 PRESIDING JUDGE: Very well. And I would imagine that this
19 is an appropriate time to take the luncheon break. We will
13:30:26 20 reconvene at 2.30.

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

22 [Upon resuming at 2.33 p.m.]

23 MR GRIFFITHS:

24 Q. Mr Sesay, before lunch, you were looking at various
14:33:20 25 statements from individuals who had dealt with you during the
26 disarmament period. Now I want to ask you about another such
27 individual. Who is General Ali Hassan?

28 A. He was the sector commander for United Nations, UNAMSIL, in
29 Magburaka.

1 Q. Did you personally have dealings with him?

2 A. Yes. I had dealings with him. There were times he was the
3 one the force commander would sent to me. He would bring
4 messages to me to Makeni from SRSG. I had personal dealings with
14:34:11 5 him.

6 Q. And was a statement obtained from him, Mr Sesay?

7 A. Yes. And he came to the Court and testified on my behalf
8 in Freetown.

9 Q. Have you seen that statement?

14:34:34 10 A. Yes, I saw it.

11 Q. And as far as you're aware, are the contents of that
12 statement accurate?

13 A. Yes, it's accurate.

14 MR GRIFFITHS: Could the witness please be shown the
14:34:48 15 document behind divider 12, please? DCT-437.

16 Q. Is this the statement, Mr Sesay?

17 A. Yes, sir.

18 Q. And have you read this statement?

19 A. Yes, yes.

14:35:55 20 Q. Now, we see that it's a statement made by Ali Hassan,
21 General. It's dated 10 March 2008. He's a retired brigadier
22 general of the Bangladeshi army who has since retired from the
23 army and he states that he's a Muslim. Then it goes on
24 addressing the Court:

14:36:22 25 "I would like to express my deep gratitude for giving me
26 the opportunity to come once again to Freetown and present my
27 testimony in defence of Mr Sesay. He extended fullest and most
28 sincere cooperation to UNAMSIL, me and my sector force from the
29 very day of landing in Sierra Leone in materialising the peace

1 mission in this country. Success in Sierra Leone peacekeeping
2 mission was a unique story for the Bangladesh peacekeepers who
3 are around the globe, and this is fondly remembered by the
4 citizens of Bangladesh even today and I must confess that it was
14:37:05 5 all possible due to the support and cooperation I received from
6 Mr Sesay who was then interim chairman of the RUF. As a
7 peacekeeper during my tour of duty here, I only counted on his
8 kind cooperation and not on his past track record."

9 He then goes on to outline his career and then he goes on
14:37:36 10 to explain his employment with UNAMSIL, mentioning on the second
11 page that he first came to Sierra Leone between 22 and 27
12 November 2000 for reconnaissance and briefing and that he went to
13 Freetown, Mile 91 and Kenema:

14 "I did not know where I was going to be deployed, the
14:38:10 15 sector HQ was in Kenema but it was shifted to Magburaka. General
16 Opande had just arrived."

17 And then he goes on:

18 "I worked for a period of one year in Sierra Leone starting
19 from December 2000 to December 2001. I was sector 4 commander
14:38:32 20 commonly identified as Bangladesh sector under UNAMSIL. Under
21 me, I had two Bangladeshi battalions, one Nigerian battalion and
22 one company from Kenyan contingent under my command. Mile Stone
23 91, Yele, Magburaka, Makeni, Bumbuna and Kabala were the most
24 important places that fell in my designated area of
14:39:07 25 responsibility. Magburaka was sector HQ with one battalion at

26 Mile 91, one at Magburaka and the company on the road to Bumbuna.
27 I was to gradually take control of the areas controlled by
28 the RUF and encourage the growth of the civilian administration.
29 I was to form links with the RUF commanders in order to

1 facilitate disarmament and the shift back to peace."

2 Then he explains what his major responsibilities were.

3 Then he goes on:

4 "The situation in Magburaka was calm, the RUF was there and

14:39:46 5 I found there to be a good relationship between the RUF and the
6 civilians. Base Marine was the commander there and he was the
7 commander I was most immediately in contact with.

8 I think I first met Issa Sesay early January 2001 in a
9 meeting. There were other commanders there, like Base Marine,

14:40:11 10 MK."

11 Who is MK, Mr Sesay?

12 A. Morris Kallon.

13 Q. "And others that I did not recognise. The meeting was
14 about the deployment, about the UNAMSIL in the RUF-controlled
14:40:25 15 areas. I accompanied General Opande to that meeting.

16 Issa Sesay was interim leader at that time. I do not know
17 how he became interim leader. I was surprised that that young,
18 but I suppose it was a guerilla movement. I was trying to find
19 out what the situation was. Issa Sesay agreed to the United
14:40:50 20 Nations deployment with conditions. CDF keeping the ceasefire,
21 release of their chairman, of course the release of Foday Sankoh
22 did not happen and there was another meeting in Makeni also in
23 January 2001. The special representative and Opande were there
24 as were many RUF commanders. RUF present were Kallon from

14:41:17 25 Lunsar, not MK. AG", and remind us, AG is who?

26 A. Augustine Gbao.

27 Q. "Bai Bureh, MK, Base Marine and IS. This meeting was about
28 the first phase of the UN deployment and also some sensitisation
29 of the RUF. The meeting was very congenial. The issue of Foday

1 Sankoh's release came up and Issa Sesay believed Foday Sankoh had
2 been released but he did not make it a condition for disarmament.
3 We had lunch afterwards.

14:42:22 4 This was the first time I had a one-to-one discussion with
5 Issa Sesay. We talked about deployment. I wanted to build
6 confidence with him as I felt that he was the best person to
7 allow the deployment. I knew that we needed his support. He was
8 very friendly and respectful during that time, we took photos.

14:42:47 9 After that I saw him a number of times as he would stop to
10 greet me as he passed through Magburaka."

11 And then he goes on to give his general knowledge of
12 intra-RUF issues:

13 "I considered general knowledge and command structure and
14 prevailing state of intra-organisational conditions and issues to
14:43:13 15 be the most vital factor for setting my course action.

16 Command structure.

17 I identified Mr Sesay as the overall commander of RUF and
18 also the interim chairman of the organisation and physically saw
19 him in the first meeting between UNAMSIL and RUF in the Islamic
14:43:36 20 institute complex in Magburaka in the month of December 2000. On
21 the request of General Opande, he personally took us Masingbi to
22 show the APCs seized in the May 2000 incident."

23 APCs is what, Mr Sesay?

14:44:09 24 A. They were those armoured vehicles, the armoured cars, those
25 - I don't know the exact meaning of APC, but those are what they
26 referred to as APCs.

27 Q. "Armoured personnel carriers, seized in the May 2000
28 incidents and also the graves of Kenyan soldiers who were killed
29 in the incident and buried in Magburaka. He agreed in the

1 meeting to hand over the seized equipment of UNAMSIL and allowed
2 us for exhumation of the body.

3 In the second similar meeting held in the following month
4 in the bush house at Makeni, we were introduced to his deputy,

14:44:44 5 Mr Morris Kallon, Augustine Gbao and other ground commanders,

6 Base Marine and Kallon. Base Marine was commander of RUF in

7 Magburaka and Kallon was in command in Lunsar. And the days

8 thereafter, I and my commanders had frequent interactions and

9 professional working relationship with other RUF commanders. In

14:45:11 10 the second meeting, I had an exclusive one-to-one discussion with

11 Mr Sesay after the formal session. He expressed his keenness for

12 peace process but at the same time expressed his concern on

13 frequent violation of ceasefire on the northern border by the

14 CDF. On asking about our deployment in his controlled areas, he

14:45:36 15 assured with positivity.

16 Then intra-RUF relationship and issues.

17 While attending formal and informal meetings with the RUF

18 leadership and also during peace-making activities, two aspects

19 became gradually clearer.

14:45:56 20 RUF was organised like many other such militant

21 organisations existing in many third world countries. Mr Sesay

22 was respected, obeyed by most the leaders that I and my

23 commanders worked with and the combatants obeyed him.

24 The organisations had fracture due to some of the higher

14:46:21 25 level leaders who disliked the leadership of Mr Sesay and total

26 commitment to peace. In quite a number of occasions I found them

27 to violate orders of Mr Sesay at local level and have their

28 dominance in the area. They had been establishing check posts to

29 stop safe passage of civilians and collect tolls. These handful

1 of leaders placed release of Foday Sankoh as precondition for
2 peace deal, Gibril Massaquoi was an example. This faction of
3 leaders at time openly and frequently discreetly worked against
4 peace. Gibril Massaquoi openly said in front of me that there is
14:47:09 5 no necessity of meeting lest Mr Foday and also creative
6 situations that would lead to non-cooperation. Some of these
7 tried to capitalise and go against shoot out incidents in Makeni
8 where self styled Colonel Christopher was killed for violating
9 orders of Mr Sesay and vandalising public property. Issa Sesay
14:47:37 10 delegated the discipline of fighters to Morris Kallon. Morris
11 Kallon said that Christopher pointed at him and Morris Kallon
12 shot him. Morris Kallon handed himself into the military
13 observers. I took Morris Kallon into my custody, into my sector
14 and moved him into Port Loko out of Magburaka."

14:48:05 15 Did that occur, Mr Sesay?

16 A. Yes, sir.

17 Q. How long did Morris Kallon remain in Port Loko?

18 A. About a month.

19 Q. "At the January 2001 meeting, Gibril Massaquoi had spoken
14:48:23 20 with arrogance and he would say that without the release of Foday
21 Sankoh, not meetings could succeed. Later he would actively try
22 to cause problems to derail the disarmament process. Gibril
23 Massaquoi was not confronting Issa Sesay directly but he would
24 work against him but telling the fighters that Issa Sesay should
14:48:48 25 not disarm with Foday Sankoh in jail.

26 He incited the fighters in Makeni not to attend the
27 tripartite meeting there. As a result the RUF delegation did not
28 attend. Gibril Massaquoi had a house on the road to Makeni, he
29 was the RUF spokesman. I went to him and asked him to attend the

1 meeting and he told you that he would not go while Foday Sankoh
2 was in jail. The delegates from the government as well as the
3 special representative attended and waited and the RUF never
4 showed. I do not know if Issa Sesay was called. These things
14:49:32 5 happen. Also there were some problems in Tongo with Gibriil
6 Massaquoi but I cannot recall.

7 Issa Sesay was excellent in relation to civilian welfare.
8 He was very concerned about civilians, he would speak to me about
9 the need to care of the civilians in my sector. He said they
14:49:54 10 were having a hard life and needed assistance from the United
11 Nations in terms of food and clothing. NGOs started coming in
12 once the United Nations deployed. A French lady from Action Faim
13 asked me to introduce her to Issa Sesay, and I did so. Her NGO
14 would treat children who needed food in Makeni and also the
14:50:21 15 female population. Afterwards she came to work in
16 Makeni/Magburaka, she seemed very comfortable working there. She
17 also wanted to establish working in Kailahun and the more return
18 areas - remote areas.

19 There was a working hospital in Makeni, I think it was
14:50:44 20 being run by NGO. I found Mr Sesay to be very concerned on the
21 intra-RUF issues and tried to bridge the relationship through
22 vigorous visit of his outfits and meeting with the leadership, on
23 the professional matters he maintained very close contact with
24 me. My local commander, myself, visited him frequently to
14:51:09 25 discuss peace and disarmament issues. Internal issues used to
26 make him totally frustrated. In one occasion, I went up to his
27 house to meet him. He had a house in Makeni and also one in
28 Kono. We would usually meet in Makeni. Mr Issa, my staff and
29 myself were there and none else. He suddenly broke into tears on

1 the issue of non-cooperation from some of his leaders and on the
2 fate of RUF if the peace deal failed. In such situations I'd
3 been counselling to bring back confidence.

4 He was worried that if the peace accord failed he was
14:51:51 5 worried about what would happen to his combatants and the
6 civilians. He was also concerned about what would happen to his
7 men after disarmament. He was concerned about their
8 rehabilitation, that they should be able to function in society,
9 to work and have good lives.

14:52:09 10 I found Mr Sesay as interim chairman when I joined UNAMSIL.
11 During my tour of duty, I had the opportunity to interact with
12 most of the top leaders of RUF. But I found him to be most
13 sober, composed, and accommodative and bold personality and not a
14 hard liner. Every time I met him, he would express his concern
14:52:38 15 for his combatants and the civilian population. For example, on
16 orders from the special representative, I met him in his
17 residence and conveyed that the special representative would like
18 to meet him at Freetown. In response, he spontaneously agreed to
19 accompany me, which speaks of his accommodative attitude. On the
14:53:07 20 following, when I flew down to Makeni to pick him up, he
21 expressed his inability and said, 'My people advised me not to go
22 to Freetown because they feel I might not be secure' and he also
23 said 'at an appropriate time I would certainly go' and did visit
24 Freetown at a later date. He was the type of personality
14:53:29 25 peacekeepers would look for. Therefore, he is the right choice
26 for ECOWAS."

27 Could we go, please, to the ninth page, which should have a
28 heading, just below halfway, "Disarmament in Kono". I hope we
29 all have it now.

1 "I found Kono to be the bone of contention for both the
2 warring factions for obvious reasons of Kono being the major
3 diamond mine field. Both UNAMSIL headquarters and myself had
4 firm conviction that breakthrough in disarmament in Kono would
14:54:55 5 work as jumping pad for overall disarmament in the country. That
6 is why I paid special attention and very cautious steps in
7 handling the situation in Kono. There had been two major
8 meetings at Koidu of Kono District, and I remained present in
9 both the meetings.

14:55:16 10 In the first meeting, both CDF and RUF were present. It
11 was aimed at defusing the tension between the warring factions
12 and commitment from no violation of ceasefire. They agreed to
13 either earmark the militarised zone for both RUF and CDF and both
14 the warring factions fondly named the zone as Bangladesh Village.
14:55:43 15 It was a sincere expression to their commitment.

16 The second meeting was on a bigger scale where the
17 government agencies, paramount chiefs, the leaders of RUF
18 including Mr Sesay and CDF and we were present. The paramount
19 chiefs expressed their concern over the RUF's dedication to
14:56:06 20 disarmament but Mr Sesay assured them of his commitment and said
21 that his men would disarm in the presence of the paramount chief.
22 I remember that the paramount chief expressed thanks to the
23 United Nations for arranging such an important meeting.

24 The first formal disarmament commenced in presence of me
14:56:28 25 and Mr Issa, in fact a day earlier he met me and confirmed the
26 extent of his combatants' disarmament. Once the RUF men gathered
27 with their weapons, he addressed them personally and carried out
28 first sensitisation regarding their disarmament.

29 JUDGE LUSSICK: That wasn't "first", that was "final",

1 "final sensitisation".

2 MR GRIFFITHS: "Final", I'm grateful.

3 Q. We then see two paragraphs on disarmament at Bombali
4 District and at Makeni, and then he provides this opinion of

14:57:12 5 Mr Sesay:

6 "Taking lessons from my past experience in handling
7 insurgency situations, Mr Sesay was the one whom I decided to
8 make contact with, get to know him, motivate him and materialise
9 my mandate through him. In a way I was lucky to be deployed in

14:57:35 10 an area where his headquarters was. While in going through my
11 modus operandi found Mr Sesay to be most dedicated son of the
12 soil. Unavoidable circumstance or compulsion, like in many a
13 cases, he joined or forced to join the rebellious activity as a
14 child combatant and grew up in that environment. I found him to

14:58:00 15 be most cool, composed and moderate personality, having no sign
16 of arrogance. It was certainly tough for him as interim leader
17 to make decision regarding disarmament but he relied on his
18 trust, on UNAMSIL leadership and listened to what we suggested,
19 and our suggestion he even agreed to go with me to Freetown to
14:58:24 20 meet the special representative and force commander which speaks
21 of his eagerness to peace process. Therefore in my opinion,
22 without him, peace in Sierra Leone could be far cry."

23 And then he continues:

24 "He certainly faced challenges:

14:58:47 25 He faced challenges from within the RUF command channel.

26 Some of his high level commanders disliked his leadership and his
27 commitment towards sustainable peace and that is why he faced
28 hiccups in the disarmament but he handled those resolutely
29 through his personal intervention.

1 CDF tried best to drag him into fighting and thereby put UN
2 peace process into disarray.

3 Miss the next paragraph. Let's go to miscellaneous.

4 "May 2000 incident had been a much talked about event but
14:59:35 5 I did not have details on it and truly speaking I did not want to
6 look back and plod through the reasons because it would generate
7 a negative state in my mind. Rather, as a peace keeper, I looked
8 forward with positive frame of mind.

9 I knew nothing in details about Dennis Mingo's departure
14:59:52 10 from RUF and his going across the border to Liberia but had the
11 information that he disliked Mr Sesay."

12 Can we go over the page, please, to the final page? Second
13 paragraph:

14 "When I met Mr Sesay, he was a young man in his late 20s,
15:00:27 15 he had been a militant member of RUF for 16 years, which
16 indicates that like many other unfortunate child combatants of
17 RUF, he was forcibly inducted as a combatant. He grew up in a
18 militant environment with typical combat psyche from where he
19 could not get out. By the time he realised, he grew up as
15:00:48 20 commander that he became tired with endless and purposeless
21 bloody battle.

22 Mr Sesay, I must emphasise, had realised long before that
23 armed conflict was not the solution for a sustainable peace. His
24 positive realisation of the essence of sustainable peace helped
15:01:07 25 him to cooperate completely with the UNAMSIL. It was certainly a
26 bold decision he had taken and went through against visible and
27 invisible undercurrent. I'm sure his such dedicated act in 2001
28 surpasses his past activities. I therefore strongly feel that he
29 should be pardoned for the activities that he was compelled to do

1 as a child soldier and let him live a free citizen with dignity
2 and honour.

3 Mr Sesay played a great role in disarmament, his biggest
4 challenge was the internal undercurrent opposing disarmament. He
15:01:50 5 was moving around trying to motivate his men. He was trying to
6 overcome their differences. Gibril Massaquoi was basically a
7 crazy, ambitious man. He was greedy. He could speak well, he
8 was educated, he was an impediment for disarmament as he had
9 direct loyalty to Foday Sankoh and did not believe disarmament
15:02:15 10 should take place. Augustine Gbao would also push against the
11 peace process but ultimately came around and disarmed in Makeni.
12 Augustine Gbao was shrewd and cunning. Other commanders I heard
13 about (but did not have contact with) who were anti-disarmament
14 were Superman and Mosquito."

15:02:43 15 Then he goes on to mention that he left after disarmament
16 at Tonkolili. Finally, Mr Sesay, in this regard, you told us
17 that former President Ahmad Tejan Kabbah also provided a
18 statement to your lawyers. Is that right?

19 A. Yes.

15:03:09 20 Q. And have you seen that statement?

21 A. Yes, I've seen it.

22 Q. Have you read it?

23 A. Yes.

24 Q. Could we have a look behind the next divider, please? Now
15:03:47 25 we see that this is a witness statement of Ahmad Tejan Kabbah and
26 his title, His Excellency Alhaji. It's dated 12 May 2008. It
27 was taken at Juba Hill. And we see that present at that time
28 were Wayne Jordash, Roland Wright, counsel for Mr Kabbah, and
29 Sareta Ashraph.

1 "My name is Ahmad Tejan Kabbah. I was born in 1932 and I'm
2 a Muslim. I was the President of the Republic of Sierra Leone
3 from 1996 to 1997 and from 1998 to 2007. I was the head of the
4 Commonwealth's observer mission for the December 2007 Kenyan
15:04:43 5 election and the head of the African Union's observer mission for
6 the March 2008 Zimbabwe election. I'm also a Bencher of Gray's
7 Inn, London.

8 In July 1999, Foday Sankoh of the RUF and I signed the Lome
9 Accord in Togo. This accord was designed to bring about the end
15:05:06 10 of the conflict in Sierra Leone. As part of the peace agreement,
11 the RUF was allocated about four ministerial positions in what
12 was to be a Government of National Unity. I was not involved in
13 the selection of which RUF members would become ministers.

14 Sankoh informed my government. I remember that at this time Mike
15:05:32 15 Lamin became a minister. I remember this because he was sent to
16 speak to the West Side Boys in Port Loko about the peace accord
17 and they held him hostage and assaulted him.

18 Between the signing of the Lome Accord and Sankoh's arrest
19 in Freetown on 8 May 2000, it had become clear to me that Sankoh
15:05:53 20 was not really committed to the peace process. We were having a
21 lot of difficulty with Sankoh and it was my view that Sankoh was
22 not acting in a manner which signalled that he was conscious of
23 his responsibilities vis-a-vis the Lome Accord and the
24 expectations of Sierra Leone and indeed West Africa.

15:06:16 25 Sankoh was like a God to the rank and file of the RUF. He
26 was deified by them. It was obvious therefore that Sankoh had
27 the authority to take the RUF through the disarmament process
28 successfully but it was never clear that he was willing to do
29 so."

1 PRESIDING JUDGE: Sorry to interrupt, Mr Griffiths, the
2 word is "deified", as a deity, not "defied".

3 MR GRIFFITHS: Yes.

4 Q. "This is why, when he was arrested, it was an important
15:06:56 5 moment for the RUF and for the peace agreement. The ECOWAS Heads
6 of State - including President Obasanjo of Nigeria, President
7 Konare of Mali, President Eyadema of Togo, President Jammeh of
8 Gambia - saw Sankoh's arrest as an opportunity to encourage
9 another member of the RUF to step forward and lead the RUF
15:07:20 10 through the commitments of the Lome Accord. There was certainly
11 general support within ECOWAS to replace Sankoh.

12 When Sankoh was arrested on 8 May 2000, he was not detained
13 in Pademba Road Prison but in a building where the Hotel Barmoi
14 in Aberdeen is now. In mid-1998, when Sankoh was moved from the
15:07:52 15 custody of Nigeria into Sierra Leonean custody, he was held in
16 Pademba Road Prison. At that time it was my understanding that
17 he still had the means to communicate with his men though I do
18 not have the details of what those means were. Immediately
19 before 6 January 1999, Sankoh was removed to an ECOMOG warship
15:08:17 20 and then to a building which is now Hotel Barmoi. When he as
21 arrested again in May 2000, he was again detained in this
22 building in Aberdeen. He was held incommunicado there. At that
23 time, the United Nations were still being held in eastern Sierra
24 Leone and arrangements were being made to have the peacekeepers
15:08:40 25 released through Liberia. Sankoh was not able to give orders to
26 other members of the RUF after his arrest.

27 After Sankoh's arrest - I cannot remember the exact date
28 now - I'm aware that the ECOWAS Heads of State mentioned above,
29 as well as Mr Taylor, then President of Liberia, met in Monrovia.

1 I did not attend but I understood that some of the RUF commanders
2 were invited to attend and there was a discussion about finding a
3 new leader from within the ranks of the RUF who could guide the
4 peace process to its conclusion. I cannot speak more about this
15:09:28 5 meeting as I was not present.

6 I am also aware that there was a second meeting in Liberia
7 shortly afterwards where some RUF commanders met with President
8 Obasanjo and President Konare. I believe it was at that meeting
9 that Sesay was confirmed as the choice of the RUF interim leader.

15:09:53 10 Once Sesay was interim leader of the RUF, I, through paramount
11 chief Bai Kurr Kanagbaro Sanka III of Tonkolili" - that chief Bai
12 Kurr, is that the individual you mentioned this morning,
13 Mr Sesay?

14 A. Yes, that's the chief.

15:10:19 15 Q. "I, through paramount chief Bai Kurr Kanagbaro Sanka III of
16 Tonkolili made contact with Sesay's family who were living in
17 Freetown. I invited members of his family to the presidential
18 lodge in Hill Station and I asked them to go to see Sesay who I
19 believed was in the Bombali/Tonkolili area to speak to him about
15:10:50 20 working with the government to move the peace process forward.

21 His family went to see him and Sesay was open to the idea
22 of working with the government. At this point, the RUF became
23 more actively involved in the peace process. As the interim
24 leader, Sesay showed himself to be committed and trustworthy.

15:11:13 25 This was in direct contrast to my experience of working with
26 Foday Sankoh. I did not meet Sesay during that time, but I am
27 aware that he and other RUF members were participating in the
28 tripartite meetings and later in the disarmament of various
29 districts. Sesay worked closely with the UN force commander,

1 General Opande, and I'm aware that General Opande thought highly
2 of him. I did not meet Sesay until I went to Kono after it had
3 disarmed. Other ECOWAS Heads of State like President Konare,
4 President Obasanjo, special representative Adeniji and some
15:12:03 5 prominent Sierra Leoneans like Raymond Sandy were present. A
6 closed-door meeting was held. I spoke first and extended my
7 thanks to the ECOWAS leaders for their actions in terms of
8 returning peace to Sierra Leone and the changing of the RUF
9 leadership. I also thanked Issa Sesay for his leadership of the
15:12:24 10 RUF through the disarmament process and for his goodwill. I also
11 remember making comments about Gibril Massaquoi who was in the
12 meeting. Massaquoi was opposed to the peace process. He had
13 been Sankoh's former spokesman and I felt him to be a dangerous
14 fellow. He liked publicity and wanted power for the sake of
15:12:51 15 power. It was my opinion that he saw the disarmament of the RUF
16 as the loss of his means to power.

17 President Obasanjo also spoke and thanked Sesay for his
18 work in the peace process and asked him to continue with it until
19 disarmament was concluded. It was agreed that the decision to
15:13:15 20 stop working with Sankoh and call Sesay forward to lead the RUF
21 had been a good one. I remember vividly President Obasanjo
22 saying to Sesay that it was not possible that they were both
23 generals and that only he, President Obasanjo, was a general and
24 Sesay should not use that title any more. This was very
15:13:41 25 light-hearted. The special representative added his voice in
26 this regard and said that Sesay had always been trustworthy in
27 his dealings and that he appreciated his efforts. It is right to
28 note that Sesay's involvement was crucial in bringing the RUF
29 through disarmament.

1 After the Kono closed-door meeting, there were members of
2 the public waiting outside. I cannot remember much about this.
3 I got on the helicopter and returned to Freetown. I saw Sesay
4 again at the final arms-burning ceremonies in Lungi and Makeni on
15:14:24 5 18 January 2002. There was symbolic burning of arms at both
6 locations. Both Sesay and I made speeches about the new era of
7 peace that had come to Sierra Leone and we acknowledged each
8 other's roles in bringing that peace about."

9 Now, Mr Sesay, as we know, former President Kabbah attended
15:14:49 10 your trial and gave evidence, did he not?

11 A. Yes.

12 MR GRIFFITHS: Before I come to conclude this chapter,
13 could I ask, please, your Honour, that these witness statements
14 all be marked for identification but with one number, then A, B,
15:15:29 15 C, so that we keep them as a category. Would that be
16 appropriate, Madam President?

17 PRESIDING JUDGE: Do you want the entire statements or just
18 the portions that you read?

19 MR GRIFFITHS: Well, I'd like the entire statements.

15:15:44 20 PRESIDING JUDGE: Very well. Start with the --

21 MR GRIFFITHS: Witness statement of Alpha Konare.

22 PRESIDING JUDGE: I'm sorry. I'm trying to find the tab
23 number. Eight, I think it was.

24 MR GRIFFITHS: Yes, that's correct.

15:16:10 25 PRESIDING JUDGE: That would be MFI-8A.

26 MR GRIFFITHS: And the witness statement of Oluyemi
27 Adeniji.

28 PRESIDING JUDGE: That will be - first of all, the witness
29 statement of Alpha Konare, that is the translation actually that

1 we are marking, is it, or do you want the French version as well?

2 MR GRIFFITHS: Well, I don't know in light of the
3 observation made by your Honours whether your Honours would like
4 to have that as well as a reminder.

15:16:51 5 PRESIDING JUDGE: Yes. I think so. So I think we will
6 combine the English translation and the original French version
7 together. It will be 8A.

8 MR GRIFFITHS: Very well.

9 PRESIDING JUDGE: Then the statement of Adeniji will be 8B,
15:17:11 10 marked 8B.

11 MR GRIFFITHS: And then C will be the witness statement of
12 Daniel Opande.

13 PRESIDING JUDGE: Very well. That is so marked. And the
14 statement of Ali Hassan.

15:17:36 15 MR GRIFFITHS: Will become D.

16 PRESIDING JUDGE: It is marked 8D. And lastly the
17 statement of Ahmad Tejan Kabbah will be marked 8E.

18 MR GRIFFITHS: I'm grateful.

19 JUDGE DOHERTY: Mr Griffiths, before we move off these
15:18:11 20 statements, I note their varying dates between 2007 and 2008.
21 Were they led in the evidence at the trial or were they
22 subsequently used in mitigation?

23 MR GRIFFITHS: A mixture of both. I am told that the
24 statement of Alpha Konare and special representative Adeniji were
15:18:44 25 used in mitigation. Daniel Opande, Ali Hassan and Tejan Kabbah
26 both gave evidence during the course of Mr Sesay's defence case.

27 JUDGE DOHERTY: Thank you.

28 MR GRIFFITHS: Could the witness now be shown {redacted}.

29

1 Q. Mr Sesay, do you appear in this photograph?

2 A. Yes, I am there.

3 Q. And just for our assistance, starting from the left of the
4 photograph as we look at it, could you - it might be simpler,
15:20:47 5 Mr Sesay. Can we put that on the overhead and then can I ask
6 that Mr Sesay change seats and indicate who the people shown in
7 this photograph are.

8 MS IRURA: Your Honours, I would like to draw your
9 attention to the fact that this is a {redacted}.

15:21:12 10 MR GRIFFITHS: I understand why that is, but if we refer
11 just to the names of the individuals, I cannot see that the
12 mischief at which confidentiality was aimed will in any way be
13 breached.

14 PRESIDING JUDGE: Mr Griffiths, is it possible that you
15:21:39 15 might have a copy of this photograph, in which case there would
16 be no reference to an {redacted} at all?

17 MR GRIFFITHS: Okay. I will hand my unmarked copy to the
18 witness.

19 PRESIDING JUDGE: In which case, I would like to order the
15:22:11 20 redaction of the reference to the photograph as an {redacted},
21 and that would leave the record showing that you're simply
22 referring a photograph to the witness.

23 MR GRIFFITHS: Very well.

24 PRESIDING JUDGE: Madam Court Manager, we will have the
15:22:32 25 {redacted} redacted, please.

26 MR GRIFFITHS: Whilst that is being done, we marked for
27 identification this morning MFI-7 and I was helpfully reminded by
28 Madam Court Manager that it either hadn't been signed or dated by
29 the witness.

1 MS IRURA: Your Honour, it has been signed but it is not
2 dated by the witness.

3 MR GRIFFITHS: I think whilst we are on this exercise, if
4 that piece of paper could be given back to the witness for him to
15:23:15 5 append the date.

6 PRESIDING JUDGE: This was MFI-7?

7 MR GRIFFITHS: That's right.

8 I don't need to see that, we can put that away.

9 Q. Now that we have completed that exercise, Mr Sesay, what

15:24:08 10 I'd like you to do for me is this: I'd like you to go across
11 that picture and write the names of the individuals seen in that
12 photograph above each individual. Do you follow me? And then
13 after you have completed that, I'll ask - well, I'll ask you now:

14 What occasion is being depicted in that photograph? When was it
15:24:44 15 taken? Mr Sesay, if you could tell me that now, when was that
16 photograph taken?

17 A. This was during the burning of the arms in Lungi on the
18 18th of January 2002. That was where Opande had referred to his
19 - in his statement, when Adeniji and other people were there.

15:25:17 20 Those people who were present are the people here, the symbolic
21 burning of the arms. That was the time Kabbah declared the war
22 done, done.

23 Q. Okay. Now, as I say, I would like you, please, to go
24 across the print the names of each of the individuals above their
15:25:39 25 heads, please.

26 Well, no. We don't need the witness to change seats for
27 this exercise, do we? Because, as I understood it, we were not
28 going to display this on the screens.

29 PRESIDING JUDGE: This is a totally separate picture now -

1 photograph that has no bearing on past evidence, and it's okay
2 for the witness to write the names of any individuals he
3 recognises, and then the picture will be put on the overhead.

4 MR GRIFFITHS: Very well.

15:28:11 5 PRESIDING JUDGE: Is Mr Sesay writing something? Are you
6 writing anything down?

7 THE WITNESS: No, my Lord.

8 MR GRIFFITHS:

9 Q. Why not?

15:28:18 10 A. I'm waiting for instruction.

11 Q. Could you just - take your time, Mr Sesay, and write on
12 that photograph, above each individual, that person's name.

13 So we see that's - the person on the left is who? I can't
14 quite see on my screen.

15:30:53 15 A. That is Francis Kai Kai.

16 Q. Who is he?

17 A. He was the executive secretary for NCDDR - for NCDDR,
18 executive secretary for NCDDR.

19 Q. On a previous occasion what that stands for - the second
15:31:16 20 person wearing the sunglasses is Mike Lamin, is that correct?

21 A. Yes, yes.

22 Q. And then we have Chief Sam Hinga Norman?

23 A. Yes.

24 Q. And then Patrick Foya. Who is Patrick Foya?

15:31:33 25 A. Well, Patrick Foya was one of the protocols to President
26 Kabbah at that time, and then later he became the ambassador, the
27 Israeli ambassador to Liberia.

28 Q. Then you indicate yourself?

29 A. Yes, that's myself.

1 Q. And, finally, we have Morris Kallon?

2 A. Yes, sir.

3 PRESIDING JUDGE: Mr Griffiths, do watch out, I think
4 you're both on the Krio channel and your voices tend to overlap.

15:32:07 5 MR GRIFFITHS: I'm sorry.

6 Q. Just to be clear, the person second from the right as we
7 look at the photograph, is yourself, and then we have Morris
8 Kallon, is that correct?

9 A. Yes, sir.

15:32:14 10 Q. Now, what I'd like you to do now, Mr Sesay, you should be
11 familiar with this process now, is to sign it on the back, and
12 append the date.

13 MR GRIFFITHS: And, Madam President, could I ask for that
14 photograph, marked by the witness and signed by him, be marked
15:33:08 15 for identification, MFI-9, that being a photograph of Issa Sesay
16 and others taken at Lungi on the 18th of January 2002 on the
17 occasion of the burning of arms.

18 PRESIDING JUDGE: The document - the photograph, is so
19 marked, MFI-9.

15:33:37 20 MR GRIFFITHS:

21 Q. Now, before we close the chapter on the disarmament
22 process, Mr Sesay, there is one final document I'd like you to
23 look at.

24 Can I invite your Honours' attention to the additional
15:33:59 25 binder for week 27, in which we've just been looking at the
26 witness statements, but can I invite your attention now, please,
27 behind divider 4.

28 Mr Sesay, this document is addressed to the United Nations
29 secretary general, Mr Kofi Annan, New York, USA, His Excellency,

1 it's dated the 6th of April 2001.

2 Now, I want you to go, first of all, to the second-to-last
3 page, which should bear the type number 25667. Now, we see the
4 printed name, RUF press secretary and spokesman, Gibriil
15:35:44 5 Massaquoi.

6 Let's go to the final page now, please. Then we see
7 approved, interim leader, RUF, Sierra Leone, General Issa H
8 Sesay. Do you see that?

9 A. Yes, I see it.

15:36:08 10 Q. Could I have the last two pages, please. I just want to
11 check something before I ask you the next question. Yes. Does
12 that document appear to bear your signature at all, Mr Sesay?

13 A. It is not signed. I have not seen any signature on it.

14 Q. Have you seen this document before?

15:37:03 15 A. No. I never personally directed any letter to Secretary
16 General Kofi Annan.

17 Q. Did you ever request Gibriil Massaquoi to write such a
18 letter to the secretary general on your behalf?

19 A. No. What I knew of was that Gibriil used to write documents
15:37:24 20 in my name and he used to write documents and place them on the
21 internet, on the web, in my name, that I was not aware of. In
22 fact, those are the things that he did on different occasions
23 that General Opande was asking me why was it that he was seeing
24 documents on the internet from General Issa, RUF, and I told him
15:37:50 25 I was not aware, and later I found out it was Gibriil who used to
26 do those things. He was the one who was sending those documents
27 through Pa Sankoh's wife.

28 THE INTERPRETER: Your Honours, can the witness repeat his
29 answer slowly and repeat the location of the wife.

1 PRESIDING JUDGE: Please pause, please pause.

2 MR GRIFFITHS: Start again.

3 Q. What were you saying about Mr Sankoh's wife in America?

4 A. I said it was Gibril who used to write those documents and
15:38:25 5 brought them to Freetown or send them to Freetown or he will talk
6 to Pa Sankoh's wife through telephone, from Makeni, the satellite
7 phone, and he will tell the wife to write documents and publish
8 them on the internet saying that it was General Issa who was
9 saying that Mr Sankoh should be released. Gibril used to put
15:38:53 10 documents in my name that I never was aware of, I never
11 instructed him to do so, and even General Opande was aware of
12 that.

13 Q. Let's have a look at this document and see to what extent
14 this document bearing your name actually reflects your own
15:39:13 15 opinions. As we see it's directed - it's addressed to the United
16 Nations Secretary-General, Mr Kofi Annan, New York, USA, His
17 Excellency. Then we have the heading:

18 "Detailed information about the RUF and her position in the
19 ongoing peace process.

15:39:41 20 The Revolutionary United Front of Sierra Leone deems it
21 necessary to inform you and the United Nations Security Council
22 through you about her activities from 1991 when she launched an
23 invasion" - is that invasion? "Insurgence". I'm grateful. "And
24 on to the current peace process because of the intensification of
15:40:15 25 President Kabbah and his government's propaganda machinery to
26 destroy the RUF. Below are the contexts the RUF is informing you
27 about her activities and position: Cause of the conflict in
28 Sierra Leone; atrocities during the conflict; failure of various
29 peace accords on Sierra Leone; and position of the RUF on the

1 current peace process and her political stance."

2 Now, Mr Sesay, as we are going through this - as I've gone
3 through that, does it jog your memory as to this document?

4 A. I don't recall this one.

15:41:06 5 Q. Do you recall having a discussion, then, with Mr Massaquoi
6 about the production of such a document?

7 A. No.

8 Q. Then we come to:

9 "(A) Cause of the conflict in Sierra Leone. The
15:41:23 10 Revolutionary United Front Party of Sierra Leone believes that
11 she has been sidelined for too long and that international
12 community seems to only listen to President Kabbah's own version,
13 which" - something - "definitely not yielded any fruitful peace
14 for the people of Sierra Leone. And therefore it is now time to
15:41:50 15 listen to the RUF true so as to achieve durable peace, not one
16 that is dictated by the recycled and corrupt politicians of Tejan
17 Kabbah's government.

18 The Revolutionary United Front of Sierra Leone was formed
19 by a group of gallant men and women headed by Corporal Foday
15:42:19 20 Saybana Sankoh in 1982 in the south and eastern parts of the
21 country with a full participation of people with all walks of
22 life in the entire country and Sierra Leoneans out of the
23 country. The cause of the conflict is known to all Sierra
24 Leoneans, both in and out of the country, except those
15:42:46 25 politicians, along with their families, who pretend not to know
26 due to their own actions.

27 The leaders of this country created misery on this nation,
28 especially after independence on to the current date. Massive
29 corruption, nepotism, tribalism, mismanagement and misuse of

1 state resources and funds was the order of the day."

2 And there then appears to be a page missing. Could I have
3 a moment? Can I just check something a moment? I think there
4 has been a problem with the photocopying and every other page is
15:44:35 5 missing basically, so I think it might be simpler if I dealt with
6 this document at a later stage and we got on with matters now.

7 Mr Sesay, we will have to leave this document and come back
8 to it. Perhaps in the morning, okay?

9 A. Okay.

15:44:55 10 Q. Now, Mr Sesay, let me ask you about something else. Do you
11 know someone called Karmoh Kanneh?

12 A. Yes, I know him.

13 Q. Who is he?

14 A. He was an RUF officer. He joined the RUF in the Pujehun
15:46:27 15 District in 1991.

16 Q. And to what level did he rise within the RUF?

17 A. He rose to the rank of a colonel.

18 Q. And help us: What were his areas of responsibility? Where
19 did he operate?

15:46:52 20 A. From the start of the war?

21 Q. Yes, please.

22 A. Well, from '91 to '94, he was in the Pujehun District.

23 When Mr Sankoh went to Zogoda, the reinforcement that he called
24 for Pujehun District --

15:47:16 25 Q. Go on.

26 A. He was among the men that came. And they were brought by
27 Gibril Massaquoi and Momoh Rogers. Karmoh Kanneh was among that
28 group. So from '94 to '95, part of '95, he was around Zogoda.
29 He was the commander. He was the commander across the Moa at a

1 target around Zogoda. In '95 Mr Sankoh sent him to Peyima and he
2 was there up to '96, October. He was among the group that
3 retreated with Mosquito from Peyima to Giema. He was a
4 lieutenant at that time.

15:48:03 5 Q. Go on.

6 A. So he was in Giema up to the time we joined - we came
7 together with Sam Bockarie.

8 THE INTERPRETER: Your Honours, can the witness repeat this
9 part slowly and repeat his answer.

15:48:21 10 MR GRIFFITHS:

11 Q. He was a lieutenant at that time. So he was in Giema up to
12 the time we joined. He came together with Sam Bockarie. Go on.

13 A. Yes, he was among the group that came with Sam Bockarie to
14 Freetown.

15:48:38 15 Q. Pause there. When he came to Giema, who was the commander
16 in Giema at that time?

17 A. Denis Lansana. Denis Lansana was the commander in Giema.

18 Q. Okay. And you said he then went with Bockarie to Monrovia.
19 And thereafter, what did he do?

15:49:07 20 A. He went with Bockarie to Freetown, not Monrovia. Freetown.

21 Q. I'm sorry, Freetown. Sorry, my fault. Go on.

22 A. Yes. So he was with Bockarie in Freetown until the time
23 I went myself from Daru to Freetown. So he was with Bockarie's
24 group and they came to Bo, to Kenema. They were the ones who

15:49:39 25 went on that attack on Zimmi right up to Mano River, and they
26 came and attacked Tongo. That was when Mosquito promoted him to
27 captain. He was made the commander in Tongo for the RUF. So he
28 was in Kenema - sorry, Tongo, up to February/January he came to
29 Kenema.

1 Q. Up to February/January of which year?

2 A. 1998. He was among the group of RUF with Sam Bockarie when
3 he retreated from Kenema to Kailahun during the intervention.

4 From then he was in Daru for a short time. Sam Bockarie

15:50:29 5 appointed him as one of the battalion commanders for Baima. So

6 he was in Baima throughout '98 and part of '99. In October '99

7 he joined me from Kailahun, he was among the group that I brought

8 to Makeni as - at that time he was a lieutenant colonel when Sam

9 Bockarie had promoted him. So we were in Makeni around - till

15:51:00 10 around 2000 when he returned to Kailahun. And when I did changes

11 in Kailahun, in late 2000, I made him the brigade commander in

12 Kailahun. Right up to the disarmament he was there.

13 Q. Thank you.

14 A. Yes.

15:51:17 15 Q. That was helpful. Now, another matter: I would like your

16 assistance with some testimony which was provided to these judges

17 by a witness TF1-571, Prosecution witness. This was sometime in

18 May of 2008 that this testimony was given. I'm looking, for the

19 assistance of all parties, at page 9354 of the transcript of the

15:52:11 20 8 May 2008. This was in open session. Line 9:

21 "Well, Foday Sankoh went to Abidjan to sign the peace

22 accord on our behalf. On his return, that was the time

23 that I met with him. When he came at first he called for a

24 formation. The soldiers with whom we were, officers and

15:52:37 25 soldiers, we all assembled at the grounds for the

26 formation.

27 Q. What did he tell you?

28 A. He said he has signed the peace on our behalf but that

29 does not mean the war has ended. He said during times of

1 peace, those are times that we should prepare for war. He
2 said we should not forget."

3 Did Mr Sankoh say those things, Mr Sesay?

4 A. Well, when Mr Sankoh visited Giema he did not say those
15:53:11 5 things in my presence in the parade.

6 Q. "Q. And did he tell you what you were not to forget?

7 A. Yes, because by then the Kamajors were behind us and
8 they had dislodged us from some of our areas, Zogoda and
9 some other areas, so I believe that that was the reason why
15:53:31 10 he said that.

11 Q. Did he say anything else at the formation?"

12 This is what I want you to concentrate on:

13 "A. Yes. I was given a new promotion as captain. He also
14 promoted General Bockarie. He gave him - he gave him back
15:53:52 15 his rank because at that time he was not a general.

16 Q. So, what rank did he give him?

17 A. Colonel."

18 Is that right?

19 A. No, no, no.

15:54:07 20 Q. What's wrong with it?

21 A. Foday Sankoh re-promoted Sam Bockarie to major, Sam
22 Bockarie and myself, and we were the only two people whom Foday
23 Sankoh promoted in that parade on that morning. He did not
24 promote any other person.

15:54:29 25 Q. So only two persons were promoted?

26 A. Only us.

27 Q. Was there a third person promoted to captain?

28 A. No, no, only the two majors. The other one whom he made
29 battle group commander, he was reinstated as battle group

1 commander. And myself, he promoted me to major. And he turned
2 towards Peter Vandi and said, "I cannot make you area commander
3 again." He said, "So you will not have an assignment for now."

4 THE INTERPRETER: Your Honours, can the witness repeat this
15:55:04 5 part slowly.

6 MR GRIFFITHS:

7 Q. You were saying what happened in front of the MP office in
8 Giema, yes? Is that correct?

9 A. Yes, in the presence - in front of the parade in the
15:55:14 10 morning. He said that in the presence of all of the soldiers in
11 the parade - us, the officers who were in a line, in the parade
12 Mr Sankoh was between us walking. He only promoted myself and
13 Mosquito. He did not issue any other rank to any other person.

14 Q. And to what rank was Mosquito promoted?

15:55:40 15 A. To major.

16 Q. Was he promoted to colonel at that time?

17 A. No, no.

18 Q. Thank you.

19 "Q. For how long did the formation last?

15:55:52 20 This individual was asked.

21 A. That formation, it did not last long, we did not take
22 long there. It lasted for some minutes or hours.

23 Q. What happened after the formation?

24 A. Well, he informed the senior officers that they should
15:56:09 25 tell all of us, the officers who were present, for us to
26 assemble at his place where he was staying so that we would
27 have an officers' meeting.

28 Q. And who was it that informed you to assemble at his
29 place?

1 A. It was General Issa Sesay because he was the commander
2 on the ground. He informed us that we should meet.

3 Q. Where did you meet?

4 A. At the ground."

15:56:45 5 And he goes on to explain what "at the ground" means.

6 "Where he" Foday Sankoh "was staying, the ENG ground, where he
7 always stays, where he always stays, that was where we meet."

8 Stop there. Did you issue such an instruction for people
9 to meet at Foday Sankoh's house after that parade where you were
10 promoted to major?

15:57:13

11 A. No, no. No meeting took place at the house, where
12 Mr Sankoh was lodged, with RUF officers. It was only civilian
13 chiefs that Foday Sankoh addressed at that house. Minus the
14 parade that we had at the MP office at Giema, the only time that
15 Mr Sankoh spoke to us in a meeting formally was in Buedu but it
16 was not in Giema.

15:57:42

17 Q. Let's make sure we are talking about the same occasion.
18 This person was telling the court that this occurs when Sankoh
19 went to Abidjan to sign the Peace Accord "on our behalf", on his
20 return. So that's when this takes place. Next question:

15:58:05

21 "Q. Did Sankoh have a house in Kailahun at this time?"

22 A. Sankoh did not have a house there. It was where his
23 bodyguards stayed. He lodged at that house. Because from the
24 time Mr Sankoh left Giema in December of 1993, this was the
25 second time he ever came to Giema Kailahun District in November
26 '96, and the house where he lodged was the house where Ray -
27 Jackson Swarray stayed.

15:58:38

28 Q. Now, did he have an Executive Mansion ground at this time
29 in 1996?

1 A. No, no, no. From the time the man left Giema in December
2 1993. This was the first visit he made back in Giema. And, in
3 fact, from '94, when I came to Giema, that house was occupied by
4 other soldiers, not black guards even '94, '95. It was when Ray
15:59:28 5 and others started withdrawing the black guards withdrew from
6 Peyima, and the others came from Zogoda. That was when they came
7 to that house and stayed there.

8 Q. Thank you, because this individual was telling the Court in
9 explaining where this meeting took place, because the Presiding
15:59:51 10 Judge said:

11 "Mr Witness, the interpreter requires you to repeat the
12 answer. Pick up from where you said the question was: 'Where did
13 you meet at the ground?' Continue from there.

14 "Where he was staying, the EMG ground, Executive Mansion
16:00:11 15 Ground, where he always stays, where he always stays, that
16 was where we meet.

17 Q. Do you know what 'EMG' stands for?

18 A. No that was where the leader stayed. That was what we
19 always called it.

16:00:27 20 Q. And when you say he stayed there, who are you talking
21 about?

22 A. Foday Sankoh.

23 Q. When you assembled there was Foday Sankoh present?

24 A. Yes, yes, that was his ground. That was where we met
16:00:40 25 him, we came to him.

26 Q. And you said that it was the senior commander's. Can
27 you tell us who was present that the meeting, apart from
28 yourself and Foday Sankoh?

29 A. Well, Mr Bockarie was there, Colonel Bockarie, that is;

1 Mosquito; Issa was there; Jungle was there; AB was there;
2 FOC was there; Jackson Swarray was there; AB was there, and
3 other commanders and I myself was also there."
4 Then he was asked some questions about Jungle. And at page
16:01:26 5 9357 he was asked:
6 "Q. Had you ever seen Jungle before this meeting?
7 A. Yes, I had been seeing Jungle.
8 Q. Where had you been seeing Jungle?
9 A. Jungle, I saw him in Liberia, since that time we were
16:01:43 10 pushed.
11 Q. Did you know where he was from in Liberia? Do you know
12 where he was from?
13 A. In Liberia."
14 Then he goes on to deal with FOC Jackson Swarray. Now this
16:02:03 15 - so I want you to follow me carefully so far, Mr Sesay. This is
16 a meeting when Sankoh returns from Abidjan, and now there is this
17 meeting of senior officers at Sankoh's mansion ground after the
18 promotions. You follow me? Now, this:
19 "Q. At that meeting, who spoke?
16:02:34 20 A. Well, Foday Sankoh spoke.
21 Q. What did he say?
22 A. Well, in the first place, we saw him hand over a
23 satellite to Mr Bockarie, Sam Bockarie."
24 And then he explains that "satellite" is satellite phone.
16:02:54 25 Pause. Did Foday Sankoh hand over his satellite phone to
26 Bockarie on this occasion?
27 A. No, no, not at all, not at all.
28 Q. Did Foday Sankoh have a satellite phone at this stage, as
29 far as you recall?

1 A. Yes. When he came from Ivory Coast, when he alighted from
2 the helicopter in Balahun they visited the Kangari Hills, the
3 Western Jungle, and then they went back to Balahun.

4 Q. Did he have a satellite phone?

16:03:35 5 A. Yes. He had a satellite phone.

6 Q. What happened to that satellite phone which Sankoh brought
7 with him on the occasion of that visit?

8 A. Sankoh went back with that phone. He did not hand it over
9 to Bockarie.

16:03:55 10 Q. Let's carry on:

11 "We saw him hand over his satellite phone to Bockarie.

12 Q. Did he say anything when he handed the phone, the
13 satellite phone, to Sam Bockarie?

14 A. Well, in the first place, he told us that we should
16:04:16 15 take all orders from Sam Bockarie, and at the same time he
16 was going on a political tour. He said he was going to
17 Libya and other areas. He said we should all take
18 instructions from Bockarie, while Bockarie should be taking
19 instructions from Mr Ghankay. That was why he gave him
16:04:43 20 that satellite so that we would be having links.

21 Q. When you say he should take all instructions from
22 Bockarie, while Bockarie should be taking instructions from
23 Mr Ghankay, who is Mr Ghankay?

24 A. That is the NPFL leader Charles Ghankay Taylor."

16:05:08 25 Do you recall Mr Sankoh giving such an instruction,
26 Mr Sesay?

27 A. No. That's a big lie. Mr Sankoh never gave such an
28 instruction. After the parade he did not have any other meeting
29 in Giema with officers.

1 Q. Well, let's go on:

2 "Q. Did he say anything else when he was at the meeting?

3 A. Yes.

4 Q. What did he say?

16:05:37 5 A. Well, he introduced Jungle to us as Mr Taylor's
6 representative for us there.

7 Q. Did he refer to Jungle in any particular way?

8 A. Well he said he was the Pa's representative. He said
9 he was Charles Taylor's representative, Jungle."

16:06:01 10 Did Mr Sankoh say that at this meeting?

11 A. It's a lie. In fact, Jungle was not there at the time
12 Mr Sankoh came there in November. Jungle was in Ivory Coast
13 because I left Jungle in Giema in April, and I went to Zogoda;
14 and, after I returned from Zogoda, I was in Zogoda when Mr Sankoh
16:06:27 15 called on Jungle and others. They went through Guinea, he and
16 operator Stevens, they went through Guinea and they met Mr Sankoh
17 in Abidjan. And since then, Jungle had been in Abidjan with
18 Mr Sankoh, and at this time that Mr Sankoh came to Kailahun,
19 Jungle did not come with him and Jungle was not in the Kailahun
16:06:48 20 District, not at all.

21 Q. "Q. Did Jungle say anything at the meeting?

22 A. Yes. He too buttressed what the Pa had said. He
23 supported and he told us that he will do - that he will do
24 his level best to his ability.

16:07:12 25 Q. Was there anything else discussed at the meeting?

26 A. I think that is the most important thing that we
27 discussed.

28 Q. Did Foday Sankoh say where he was going to go?

29 A. Yes. He said he was going to Libya.

1 Q. After the meeting, what did you do?

2 A. We all of us went to our various areas."

3 Now, another matter: Page 9369. But before we got -

4 I just want to be clear about this: Did such a meeting take

16:08:07 5 place with Foday Sankoh at his address during the course of that
6 visit?

7 A. No meeting took place at the place where Mr Sankoh was
8 lodged with RUF officers, no.

9 Q. Did Sankoh give his satellite phone to Bockarie?

16:08:29 10 A. No, no. He took it back with him.

11 Q. Do you recall Foday Sankoh ever giving an instruction to
12 anyone within the RUF to take instructions from - that Bockarie
13 should take instructions from Charles Taylor?

14 A. No. Mr Sankoh did not give that instruction, and, in fact,
16:08:56 15 from Giema up to where we went to Buedu where we had a meeting
16 with him when he gave \$7,000 to Bockarie, he did not say anything
17 about Mr Taylor, in all his discussions with us until he left.

18 Q. Was Jungle in Sierra Leone when Sankoh returned from Ivory
19 Coast?

16:09:18 20 A. No, Jungle was not in Sierra Leone, not at all.

21 Q. Are you saying, Mr Sesay, that these are lies?

22 A. Believe you me, this is a lie. The thing I'm saying now,
23 that people in Kailahun and people who were in Giema at that time
24 know that I'm saying the truth. Jungle was not in Sierra Leone.

16:09:43 25 And the satellite phone that Mr Sankoh brought with him, he took
26 it back with him. He did not give it to Sam Bockarie.

27 Q. Now, page 9369. Line 11:

28 "Q. After you captured the place, Tongo Field, and you
29 were the commander of that mission, did you speak to anyone

1 about the fact that you had accomplished the mission?

2 A. Yes.

3 Q. Who did you speak to?

4 A. Mr Bockarie.

16:10:18 5 Q. And what was said?

6 A. When I spoke, all of us went on the mission, he thanked
7 a lot.

8 Q. Were you thanked by anybody else, apart from Sam
9 Bockarie?

16:10:29 10 A. Well, that was later. Later we received praises and
11 thanks. That's the time that we were based there, when we
12 told Mr Taylor that we had captured so and so.

13 Q. What do you mean by so and so?

14 A. When we captured - after we had based we informed -
16:10:52 15 first we informed Johnny Paul and he thanked us and later
16 we informed Mr Taylor.

17 Q. How do you know that later Johnny Paul Koroma informed
18 Mr Taylor? How do you know that?

19 A. No, it was not Johnny Paul who informed Mr Taylor, it
16:11:10 20 was Sam Bockarie, Sam Bockarie. The first information went
21 to Sam Bockarie, that we had accomplished the mission, it
22 was later that Sam Bockarie did this.

23 Q. How do you know that he did that?

24 A. It was through a satellite phone, that was why Foday
16:11:27 25 Sankoh had come with that satellite phone. Well, they
26 communicated - they communicated because a satellite phone
27 - they did not talk he did not talk with Johnny Paul
28 through the satellite phone, the satellite phone was just
29 between himself and Mr Taylor.

1 Q. Did you hear Sam Bockarie talking on that satellite
2 phone to Mr Taylor?

3 A. Yes, sir."

16:12:00

4 Q. Now, just to get the sequence correct, Mr Sesay, this
5 individual has told the Court about going to Freetown and
6 thereafter being involved in an attack on Kono.

7 Now, during the time of the uneasy marriage between the RUF
8 and the AFRC, at that stage, did Bockarie have a satellite phone?

16:12:37

9 A. The attack you are asking me about, is it the one in Kono
10 or Tongo?

11 Q. Let me go back. Tongo Fields, page 9369, line 11.

16:13:02

12 A. Sam Bockarie - at the time we joined the AFRC in 1997 Sam
13 Bockarie did not have a satellite phone, he did not have any
14 phone with him, and the attack on Tongo was led by Sam Bockarie
15 himself. It was not led by any other person. They did not send
16 any RUF personnel. Sam Bockarie himself was the commander and he
17 himself marched with the 5,000 entered Tongo and drove the
18 Kamajors from there, and Sam Bockarie commanded the RUF and the
19 AFRC it was Yamao Karteh, Captain Yamao Karteh who commanded the
20 AFRC when the two groups marched into Tongo and captured Tongo,
21 and he was there.

16:13:28

22 Q. Pause. When was Tongo captured?

23 A. August 1997.

16:13:49

24 Q. And I'm going to ask you again: In August 1997, did Sam
25 Bockarie have a satellite phone?

26 A. He did not have any satellite phone with him.

27 Q. Remind us: When did you - when did Sam Bockarie first
28 obtain a satellite phone?

29 A. Sam Bockarie's first satellite phone was obtained in

1 October 1998.

2 Q. Have you any knowledge of a conversation between Sam
3 Bockarie and Charles Taylor at the time that Tongo Fields were
4 captured over a satellite phone? What do you say about this
16:14:29 5 testimony?

6 A. This is a false testimony. It's a made-up story. This is
7 not something that happened, not at all.

8 Q. Now, help me with this, Mr Sesay: Have you owned a
9 satellite phone?

16:14:52 10 A. Yes, I had a satellite phone.

11 Q. And tell me: Does it operate like a normal phone that you
12 have to put it to it your ear and you can listen to the speaker
13 and then you speak through the mouth piece? Does it operate like
14 that?

16:15:13 15 A. Well, yes, like the portable ones these days, the modern
16 ones these days, you can hold it to your ears and speak to into
17 it. But there are others with a disk, you can put it in front of
18 you and then you will have - you will have the handset in your
19 hands, maybe you will have to tune the disk to a certain extent
16:15:36 20 before you get the signal. So those are the two types of phones
21 that I have seen and operated with.

22 Q. Now, irrespective of the typeset, Mr Sesay, when you're
23 speaking on the phone, the satellite phone, can people around you
24 hear what the person you're speaking to is saying?

16:16:00 25 A. No, the person who speaks to me, I will be the only person
26 listening to what he says. And if he's somebody sitting close to
27 me, will not hear what the person is saying to me. Maybe he can
28 hear what I - what my response will be to the person, but what
29 the person is saying to me I will be the only person who will

1 hear that.

2 Q. Okay. Let's go back to this testimony.

3 "Q. Did you hear Sam Bockarie talking on that satellite
4 phone to Mr Taylor?"

16:16:34 5 A. Yes, sir.

6 Q. What did Sam Bockarie say?

7 A. Well, he said that we had captured the mining area,
8 which is Tongo Field, and so the Pa too, we were close to
9 him, we thanked him a lot.

16:16:50 10 Q. Who thanked who?

11 A. Pa Taylor.

12 Q. When you say we were close to him, what do you mean by
13 that?

14 A. We were in a room. That was Sam Bockarie's room where
16:16:59 15 this communication was going on.

16 Q. And you said he was thanked. Could you hear the voice
17 on the other end of the phone?

18 A. Yes, sir.

19 Q. How were you able to hear that voice?

16:17:15 20 A. Well it was not the voice that mattered because at that
21 time, we were all doing things in common, and so they were
22 not hiding most of the things from me, so they told me - he
23 told me that he was talking to Mr Taylor and Jungle too was
24 there."

16:17:34 25 Now, August 1997, at the time of the capture of Tongo,
26 where was Jungle?

27 A. Jungle was in Abidjan, he was in Abidjan. The only time
28 that Jungle came to Freetown together with Ibrahim Bah, that was
29 why Pa Kallon - Pa Kallon had sent him to come and collect food

1 money from Sam Bockarie, but he did not go to Tongo, he did not
2 go to Tongo, not at all.

3 Q. Just remind us, Mr Bockarie, so that we are all clear about
4 this: When did Jungle go to Abidjan? Which year, which month
16:18:16 5 and year?

6 A. Jungle went to Abidjan in 1996, because I left him in Giema
7 in - between April - April/May, that was when Jungle and others
8 went to Abidjan, and he was in Abidjan with Mr Sankoh up until
9 1997, he was staying in Mr Sankoh's house in Abidjan - I mean, up
16:18:45 10 to '98.

11 Q. And did he come to Sierra Leone in 1997?

12 A. Yes, he came, that was when Pa Sankoh sent him. At the
13 time Johnny Paul sent Gibril call - to invite Ibrahim Bah. So at
14 that time, Pa Sankoh sent him to come and collect food money from
16:19:10 15 Sam Bockarie. That was the only time that he came to Sierra
16 Leone during the days of the AFRC.

17 Q. And can you give us a date for that?

18 A. Well --

19 Q. A month?

16:19:29 20 A. I think that was around August or September of 1997.

21 Q. How long did he stay in Sierra Leone on that occasion?

22 A. Well, he was there for about three days and he returned.

23 Q. Returned to where?

24 A. He went back through Guinea, on to Abidjan.

16:19:53 25 Q. When was the next time you saw him?

26 A. That was the time I was in transit to Burkina Faso.
27 Bockarie invited him to come to Buedu, so by then both of us met
28 in Monrovia and he came from Abidjan. That was the other time
29 I saw him.

1 Q. And when was that? Give me a month and a year, if
2 possible.

3 A. That was in '98, April '98, late April '98.

4 Q. Now, he goes on:

16:20:37 5 "You said Jungle was there too. What was Jungle - what was
6 Jungle doing? Where, in Tongo or in the communications
7 room? In the communication room when there was
8 communication between Sam Bockarie and Charles Taylor took
9 place?

16:20:59 10 A. Well, always Jungle was by the commanders, as long -
11 because he was introduced to us as the Pa's representative.
12 He was always with the top commanders from one commander to
13 the other."

14 Now, another aspect of this testimony. The witness was
16:21:42 15 asked this:

16 Let me ask you first about this: Does the name Monpleh
17 mean anything to you?

18 A. Yes. That was the man I spoke about yesterday when I said
19 Mosquito placed him in charge of mining in Tongo. He was the
16:22:15 20 civilian who escaped with the diamonds.

21 Q. So he escaped with how many diamonds?

22 A. Well, I did not know how many diamonds because I was not in
23 Tongo at that time, but that was what I heard from Sam Bockarie.
24 When he complained that his former friend, whom he had put in
16:22:37 25 charge of the mining in Tongo, had run away with diamonds. He
26 said there are five gravels for about two months, and all the
27 diamonds they got from there, he had escaped with them.

28 PRESIDING JUDGE: Did we have the spelling of that name
29 yesterday?

1 MR GRIFFITHS: Well, so far as the transcript, I'm looking
2 at, page 9379, it's spelt as M-O-P-L-E-H, Monpleh.

3 Q. Now, further on, on this issue of diamonds, the witness was
4 asked this question:

16:23:17 5 "Can I ask you about mining for RUF? What happened to
6 diamonds that had been mined for RUF?

7 A. Well, every week there were two days for the
8 government, they would excavate gravel for the government
9 as the AFRC, so when they have the diamonds, we would take
10 it and bring those diamonds to Bockarie.

11 Q. Are you referring here to RUF diamonds?

12 A. Yes.

13 Q. What did you do with the diamonds?

14 A. Like the first diamond that we had, we took the diamond
15 and brought it to Mr Bockarie, that is, Sam Bockarie.

16 Q. What did Sam Bockarie do with the diamond?

17 A. Well, he called me, Jungle, JR, and Lion, we all
18 assembled at his place.

19 Q. What was his place?

16:24:13 20 A. He was in a two-storey building in Tongo.

21 Q. This person JR, did you know what his full name was?

22 A. Yes, his name was Junior Vandil."

23 Was Junior Vandil also known by - as JR, Mr Sesay?

24 A. Yes, yes.

16:24:33 25 Q. "Q. And what position did he have, if any?

26 A. He was Pa Sankoh's bodyguard and he attached him to Sam
27 Bockarie?"

28 Is that true?

29 A. Yes. He was Foday Sankoh's bodyguard.

1 Q. "Q. And what happened when you went to this two storey
2 place in Tongo? What happened to the diamond?

3 A. Well, we showed the diamond to Sam Bockarie. All of us
4 were present, and he thanked us a lot. That was the
16:25:11 5 diamond. We counted those diamonds, parceled them and the
6 diamonds were taken to Liberia."

7 Do you know anything about that?

8 A. It's a lie.

9 Q. He goes - the person goes on:

16:25:37 10 "Q. Can you remember what the total was?

11 A. Yes, sir. The first one was 43 pieces of diamond.

12 Q. What happened to the package?

13 A. Well, Mr Bockarie called Mr Taylor and informed him
14 about the work that we have done. He told him about the

16:25:59 15 total and he too told him that we should hand them over to
16 Jungle who would in turn travel with them.

17 Q. And how did he talk to Mr Taylor?

18 A. Well, he sent a satellite. They spoke through a
19 satellite, a satellite phone.

16:26:19 20 Q. Could you hear Mr Taylor's voice?

21 A. Yes, because a satellite phone is not like the other
22 communication. When people are conversing, you will - and
23 he told us that he had contacted him so the two of them
24 were talking.

16:26:40 25 Q. Did you hear what Mr Taylor said?

26 A. Yes. He thanked him a lot and he told him to hand over
27 the diamond to Jungle who would be able to travel with it.

28 Q. Did he hand over the diamond to Jungle?

29 A. Yes, when he handed the diamond over to Jungle they

1 gave the mic - they handed over the mic to Jungle and
2 Jungle confirmed the total to him. That is to Mr Taylor.

3 Q. What did he do after he confirmed the total?

4 A. Well, he told him that he should move with it.

16:27:21 5 Q. Move where?

6 A. Liberia, because Foya was always the station.

7 Q. The station for what?

8 A. That was where the helicopter would pick him up to
9 Monrovia."

16:27:38 10 Now, this is said in the context of the capture of Tongo,
11 August 1997, and what was happening to the diamonds being mined
12 in Tongo. At or about that time, Mr Sesay, were members of the
13 RUF travelling over the border into Liberia to Foya, to be picked
14 up by helicopter and taken to Monrovia?

16:28:18 15 A. No, no, no. That was not happening. And even at the time
16 we went to Kailahun throughout '98 there was no helicopter
17 picking up anyone from Foya, taking them to Monrovia. That only
18 started in '99 during the Lome Accord, but even at the time Dopoe
19 came to collect Bockarie in September 1998, Bockarie travelled by
16:28:50 20 road and Dopoe travelled with Bockarie. October also he went by
21 road. So it was only during the time of the Lome Accord and
22 after the signing of the accord. Even the delegation, the
23 ambassadors who came, they travelled by road to come to Buedu.
24 So it was after the signing of the accord that helicopters
16:29:12 25 started dropping people in Foya, honestly.

26 Q. Page 9383:

27 "Lion escorted Jungle up to Foya where the helicopter
28 picked up Jungle to Monrovia.

29 Q. Was there ever another occasion when RUF diamonds were

1 handed over to Sam Bockarie?

2 A. Yes, during that month that I was there, it happened
3 twice. When we brought diamonds to Sam Bockarie.

4 Q. This time, how many diamonds were involved?

16:29:46 5 A. We had 18 pieces. Among them we had a big one which
6 was not among the 43 that was first taken. We parceled it
7 like we did the first one. Mr Bockarie informed Mr Taylor.

8 Q. Could you hear this particular conversation?

9 A. Yes. All five of us were in the same place. He told
16:30:15 10 us that he was talking to Mr Taylor and they were
11 conversing. They were talking. I was there, Mosquito was
12 there, Jungle was there, Lion and Junior Vandj".

13 And then he goes on to say that Charles Taylor thanked them
14 and that again the diamonds were taken by Jungle. Is there any
16:30:46 15 truth in this, Mr Sesay?

16 A. There is no truth in this. There is no truth in this. And
17 I will even refer you back to where this witness said Jungle and
18 - Mr Sankoh introduced Jungle as Mr Taylor's representative in
19 Giema. This was in November. Mr Sankoh sent Kposowa around
16:31:14 20 September to October from Abidjan to go in search of ammunition.

21 He gave him \$50,000 and sent him to ECOMOG. So if he - if
22 actually Mr Sankoh and Mr Taylor had any business during these
23 times, why would he send Kposowa to the ECOMOG and not Mr Taylor?
24 And by then they were in need of ammunition. They had been
16:31:39 25 pushed out of Pujehun. So these are all made-up stories. They
26 were not things that happened on the ground, no.

27 MR GRIFFITHS: I note the time, Madam President.

28 PRESIDING JUDGE: Certainly. This is a convenient time to
29 end the proceedings for today. Mr Sesay, I will caution you not

1 to discuss your evidence as you continue tomorrow. The
2 proceedings are adjourned to tomorrow at 9 o'clock.

3 [Whereupon the hearing adjourned at 4.32 p.m.
4 to be reconvened on Wednesday, 28 July 2010 at
5 9.00 a.m.]

16:34:03

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I N D E X

WITNESSES FOR THE DEFENCE:

DCT-172 44669

EXAMINATION-IN-CHIEF BY MR GRIFFITHS 44669