



Case No. SCSL-2003-05-I
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA HASSAN SESAY
Also know as: ISSA SESAY

SATURDAY, 15 MARCH 200
11.09 A.M

INITIAL APPEARANCE

Before the Judge:

Benjamin Mutanga Itoe

For the Prosecution:

Mr James Johnson
Mr Nicholas Browne-Marke

For the accused Issa Sesay:

Mr Ibrahim Sorie Yillah
Ms Haddijatou Kah-Jallow
Ms Claire Carlton-Hanciles

OPEN SESSION

1 15 March 2003
2 [Initial Appearance]
3 [Open session]
4 [Accused present]
5 [Upon commencing at 11.09 a.m.]

6 THE REGISTRAR: All rise.

7 JUDGE ITOE: Please be seated.

8 Madam Registrar, call case number 2, please.

9 THE REGISTRAR: Case number SCSL-05, the Prosecutor against
10 Issa Hassan Sesay, also known as Issa Sesay.

11 JUDGE ITOE: Who is appearing for the Prosecution?

12 MR JOHNSON: I am, Your Honour. James Johnson --

13 JUDGE ITOE: Please announce yourself, you know, because
14 there are times when you could prefer your colleague, you know,
15 to lead the Prosecution in a particular case. So don't take it
16 for granted that I know it's you. It's good to stand up and
17 announce yourself for every case that is called.

18 Yes. For the Defence?

19 MR YILLAH: For the Defence, Ibrahim Sorie Yillah appears
20 with Ms Kah-Jallow and Ms Carlton-Hanciles.

21 JUDGE ITOE: Can the accused identify himself, please. Are
22 you Issa Hassan Sesay?

23 THE ACCUSED SESAY: Yes, sir.

24 JUDGE ITOE: You are.

25 THE ACCUSED SESAY: Yes, sir.

26 JUDGE ITOE: Your appearance here today is on a pre-trial
27 basis.

28 Do you understand -- you understand me, don't you?

29 MR YILLAH: May it please Your Lordship. May I intervene

1 at this juncture. My Lord, upon conferring with the accused
2 person, he informed myself and my colleagues, My Lord, that he
3 would prefer if he is spoken to in Krio.

4 JUDGE ITOE: In Krio.

5 MR YILLAH: Yes, My Lord. Therefore we respectfully
6 request an interpreter.

7 JUDGE ITOE: All right. Even though our Rules and the
8 Statute and the Agreement indicates that English is the official
9 language of the court, there is also provision, you know, for the
10 use of the mother tongue --

11 MR YILLAH: Yes, My Lord.

12 JUDGE ITOE: -- through an interpreter.

13 MR YILLAH: Yes, My Lord.

14 JUDGE ITOE: Have we any -- do we have any interpreters
15 here?

16 THE REGISTRAR: Yes, My Lord.

17 JUDGE ITOE: Do we have any interpreters in court?

18 THE REGISTRAR: Yes, My Lord.

19 JUDGE ITOE: Can any one of them come up.

20 [The interpreter enters court]

21 JUDGE ITOE: In my country we have a joke and that is that
22 you should interpret faithfully and not like a Sierra Leonean
23 interpreting to a colonial master, doing just the opposite of
24 what the colonial master says.

25 For this purpose, I think we have to administer the oath
26 which is provided for by the Rules to you.

27 Can you stand up, please.

28 [The interpreter stands]

29 JUDGE ITOE: Are you a Christian, Muslim?

1 THE INTERPRETER: I'm a Christian.

2 JUDGE ITOE: You're a Christian. We will have to
3 administer the oath to you for you to translate faithfully from
4 Krio to English and vice versa.

5 THE REGISTRAR: Christian?

6 THE INTERPRETER: Yes.

7 THE REGISTRAR: You have to read "I," your name, "solemnly
8 Declare to interpret..."

9 THE INTERPRETER: I, Ahmadou Gbongboh Serry, solemnly
10 declare to interpret faithfully, independently, impartially, and
11 with full respect of the duty of confidentiality.

12 JUDGE ITOE: We normally should end up by saying "So help
13 me God."

14 THE REGISTRAR: "So help me God," My Lord.

15 JUDGE ITOE: Yes.

16 THE REGISTRAR: Sworn on the --

17 JUDGE ITOE: Take it again. That's the way a Christian
18 oath is taken. Take it again.

19 THE INTERPRETER: I, Amadou Gbongboh Serry, shall solemnly
20 declare to do so --

21 THE REGISTRAR: "I solemnly declare..."

22 THE INTERPRETER: I solemnly declare...

23 THE REGISTRAR: "...to interpret..."

24 THE INTERPRETER: ...to interpret...

25 THE REGISTRAR: "...faithfully..."

26 THE INTERPRETER: ...faithfully...

27 THE REGISTRAR: "...independently..."

28 THE INTERPRETER: ...independently...

29 THE REGISTRAR: "...impartially..."

1 THE INTERPRETER: ...impartially...

2 THE REGISTRAR: "...and with full respect..."

3 THE INTERPRETER: ...and with full respect...

4 THE REGISTRAR: "...for the duty..."

5 THE INTERPRETER: ...for the duty of confidentiality, so
6 help me God.

7 [The interpreter was sworn]

8 THE REGISTRAR: Sworn on the Bible, My Lord.

9 JUDGE ITOE: Thank you. Now, you tell the accused that
10 this is a pre-trial. It is not a trial, a pre-trial. And that
11 it is done under Rule 61 of this Rules of Procedure of this
12 court.

13 Now, you will stand up.

14 [The accused stands]

15 JUDGE ITOE: What is your name?

16 THE ACCUSED SESAY: [Through interpretation] My name is Issa
17 Hassan Sesay.

18 JUDGE ITOE: Are you also aka Issa Sesay?

19 THE ACCUSED SESAY: [Through interpretation] Yes, sir.

20 JUDGE ITOE: How old are you?

21 THE ACCUSED SESAY: [Through interpretation] I'm 32 years
22 old.

23 JUDGE ITOE: Where were you born?

24 THE ACCUSED SESAY: [Through interpretation] I was born in
25 central Freetown, Serval Street.

26 JUDGE ITOE: And what was your last place of residence?

27 THE ACCUSED SESAY: [Through interpretation] I was in
28 Abidjan.

29 JUDGE ITOE: Now, what are your means? I mean what is your

1 material situation? Do you have a lawyer?

2 THE ACCUSED SESAY: [Through interpretation] This is my
3 first time I've been in court so I don't have any lawyer.

4 JUDGE ITOE: Now, that's no problem Do you want a lawyer,
5 or do you want to conduct your defence yourself? No, you see, do
6 you want a lawyer or do you want to conduct the defence, the
7 defence, the proceedings for himself.

8 THE ACCUSED SESAY: [Through interpretation] Well, I will
9 know when my charges shall be read.

10 JUDGE ITOE: Tell him that he has a right to be represented
11 by a lawyer.

12 Now, has he been served with the indictment? Has he been
13 served with the charge, the indictment, the charge? Has he been
14 served? You have to be very careful, you know. Take your time.

15 THE ACCUSED SESAY: [Through interpretation] Yes, I saw
16 them.

17 JUDGE ITOE: If he has seen the charges, then he should
18 know whether he needs a lawyer or not, or have the charges
19 been -- has he read the charges?

20 THE ACCUSED SESAY: [Through interpretation] I have not been
21 able to do so because where we are we don't have any light, and
22 there's no time for me to do so.

23 JUDGE ITOE: We will want to read the indictment to him
24 here and now.

25 THE ACCUSED SESAY: [No interpretation]

26 JUDGE ITOE: The indictment is alleging certain crimes, you
27 know, it's alleging certain crimes, and they will have to be
28 read, you know.

29 Please sit down. The accused person, please sit down, and

1 listen very carefully.

2 [The accused sits]

3 THE REGISTRAR: Case number SCSL-05, the Prosecutor against
4 Issa Hassan Sesay, also known as Issa Sesay.

5 Indictment.

6 The Prosecutor, Special Court for Sierra Leone, under
7 Article 15 of the Statute of the Special Court for Sierra Leone
8 (the Statute) charges: Issa Sesay, also known as (aka) Issa
9 Sesay, with crimes against humanity, violations of Article 3
10 Common to the Geneva Conventions and of Additional Protocol II,
11 and other serious violations of international humanitarian law,
12 in violation of Article 2 -- Articles 2, 3 and 4 of the Statute
13 as set forth below:

14 The Accused.

15 Issa Hassan Sesay, aka Issa Sesay (the Accused) was born 27
16 June 1970 at Freetown, Western Area, Republic Of Sierra Leone.

17 THE ACCUSED SESAY: 1970.

18 THE INTERPRETER: 1970, in Freetown, in the Western Area.

19 THE REGISTRAR: General Allegations.

20 At all times relevant to this Indictment, a state of armed
21 conflict existed within Sierra Leone. For the purposes of this
22 Indictment, organised armed factions involved in this conflict
23 included the Revolutionary United Front (RUF), the Civil Defence
24 Forces (CDF) and the Armed Forces Revolutionary Council (AFRC).

25 A nexus existed between the armed conflict and all acts or
26 omissions charged herein as violations of Article 3 Common to the
27 Geneva Conventions and of Additional Protocol II and as other
28 serious violations of international humanitarian law.

29 The organised armed group that became known as the RUF, led

1 by Foday Saybana Sankoh, aka Popay, aka Papa, aka Pa, was founded
2 about 1988 or 1989 in Libya. The RUF, under the leadership of
3 Foday Saybana Sankoh, began organised armed operations in Sierra
4 Leone in March 1991. During the ensuing armed conflict, the RUF
5 forces were also referred to as "RUF," "rebels," and "People's
6 Army" --

7 THE INTERPRETER: [Krio spoken] ... Rebel's Army.

8 THE REGISTRAR: People's Army. The CDF was comprised of
9 Sierra Leonean traditional hunters --

10 JUDGE ITOE: I just want to say, you know, it's not very
11 easy assuming the role of the translator in circumstances like
12 this where the situation is charged with lots of emotions. So
13 bear with him. We are following him very, very closely. Don't
14 get very impatient with him.

15 THE REGISTRAR: The CDF was comprised of Sierra Leonean
16 traditional hunters, including the Kamajors, Gbethis, Kapras,
17 Tamaboros and Donsos. The CDF fought against the RUF and AFRC.

18 On 30 November 1996, in Abidjan -- on 30 November 1996, in
19 Abidjan, Ivory Coast, Foday Saybana Sankoh and Ahmed Tejan
20 Kabbah, President of the Republic of Sierra Leone, signed a peace
21 agreement which brought a temporary cessation to active
22 hostilities. Thereafter, the active hostilities recommenced.

23 The AFRC was founded by members of the Armed Forces of
24 Sierra Leone who seized power from the elected government of the
25 Republic of Sierra Leone via coup d'etat on 25 May 1997.
26 Soldiers of the Sierra Leone Army (SLA) comprised the majority of
27 the AFRC membership. On that date Johnny Paul Koroma, aka JPK,
28 became the leader and Chairman of the AFRC. The AFRC forces were
29 also referred to as "Junta," "soldiers," "SLA" and "ex-SLA" --

1 they were called -- they were referred to as "Junta," "soldiers,"
2 "SLA" and "ex-SLA."

3 Shortly after the AFRC seized power, at the invitation of
4 Johnny Paul Koroma, and upon the order of the Foday Saybana
5 Sankoh, leader of the RUF, the RUF joined with the AFRC. The
6 AFRC and RUF acted jointly thereafter. The AFRC/RUF Junta forces
7 (Junta) were also referred to as "Junta," "rebels," "soldiers,"
8 "SLA," "ex-SLA" and "People's Army."

9 After the 25 May 1997 coup d'etat, a governing body, the
10 Supreme Council, was created within the Junta -- the Supreme
11 Council -- a governing body, the Supreme Council, was created
12 within the Junta. The governing body included leaders of both
13 the AFRC and RUF.

14 The Junta was forced from power by forces acting on behalf
15 of the ousted government of President Kabbah about 14 February
16 1998. President Kabbah's government returned in March 1998.
17 After the Junta was removed from power, the AFRC/RUF alliance
18 continued.

19 On 7 July 1999, in Lome, Togo, Foday Saybana Sankoh and
20 Ahmed Tejan Kabbah, President of the Republic of Sierra Leone,
21 signed a peace agreement. However, active hostilities continued.

22 The Accused and all members of the organised armed
23 factions -- the Accused and all members of the organised armed
24 factions engaged in fighting within Sierra Leone were required to
25 abide by International Humanitarian Law and the laws and customs
26 governing the conduct of armed conflicts, including the Geneva
27 Conventions of 12 August 1949, and Additional Protocol II to the
28 Geneva Conventions --

29 JUDGE ITOE: Just a minute. Rise.

1 [The accused stands]

2 THE REGISTRAR: To which --

3 JUDGE ITOE: Just a second. You're following the
4 translation.

5 THE ACCUSED SESAY: Yes, sir.

6 JUDGE ITOE: You're following it very well.

7 THE ACCUSED SESAY: Yes, sir.

8 JUDGE ITOE: Sit down.

9 THE ACCUSED SESAY: Yes, sir.

10 THE REGISTRAR: To which the government of Sierra Leone
11 acceded on 21 October 1986 --

12 THE INTERPRETER: Once again.

13 THE REGISTRAR: The accused and all members of the
14 organised armed factions engaged in fighting within Sierra Leone
15 were required to abide by International Humanitarian Law and the
16 laws and customs governing the conduct of armed conflicts,
17 including the Geneva Conventions of 12 August 1949, and
18 Additional Protocol II to the Geneva Conventions, to which the
19 Republic of Sierra Leone acceded on 21 October 1986.

20 All offences alleged herein were committed within the
21 territory of Sierra Leone after 30 November 1996.

22 All acts and omissions charged herein as Crimes Against
23 Humanity were committed as part of a widespread or systematic
24 attack directed against the civilian population of Sierra Leone.

25 The words civilian or civilian population used in this
26 Indictment refer to persons who took no active part in the
27 hostilities, or who were no longer taking an active part in the
28 hostilities.

29 Individual Criminal Responsibility.

1 Paragraphs 1 through 15 are incorporated by reference, that
2 is, what I've ready so far.

3 17. At all times relevant to this Indictment, Issa Hassan
4 Sesay was a senior officer and commander in the RUF, Junta and
5 AFRC/RUF forces.

6 18. Between early 1993 and early 1997 --

7 JUDGE ITOE: Can you say "commander." Big man, big man is
8 not the same as commander.

9 THE INTERPRETER: Okay.

10 [Krio spoken]

11 THE REGISTRAR: Between early 1993 and early 1997, the
12 accused occupied the position of RUF Area Commander. Between
13 about April 1997 and December 1999, the Accused held the position
14 of the Battle Group Commander of the RUF, subordinate only to the
15 RUF Battle Field Commander, Sam Bockarie aka Mosquito, aka
16 Maskita, the leader of the RUF, Foday Saybana Sankoh, and the
17 leader of the AFRC, Johnny Paul Koroma.

18 During the Junta regime, the Accused was a member of the
19 Junta governing body. From early 2000 to about August 2000 --
20 from early 2000 to August 2000, the Accused served as the Battle
21 Field Commander of the RUF, subordinate only to the leader of the
22 RUF -- the leader of the RUF, Foday Saybana Sankoh, and the
23 leader of the AFRC, Johnny Paul Koroma.

24 Foday Saybana Sankoh has been incarcerated in the Republic
25 of Sierra Leone from about May 2000 until the present. During
26 this period, by order of Foday Saybana Sankoh, the Accused
27 directed all RUF activities in the Republic of Sierra Leone.

28 In the positions referred to in paragraphs 17 through 20,
29 Issa Hassan Sesay, individually or in concert with Foday Saybana

1 Sankoh, Sam Bockarie, Morris Kallon aka Bilai Karim, Johnny Paul
2 Koroma, Alex Tamba Brima, aka Tamba Alex Brima, aka Gullit, and
3 other superiors in the RUF, Junta and AFRC/RUF forces, exercised
4 authority, command, control -- command and control over all
5 subordinate members of the RUF, Junta and AFRC/RUF forces. At
6 all times relevant to this Indictment, the Accused, through his
7 association with Foday Saybana Sankoh and the RUF, acted in
8 concert with Charles Ghankay Taylor -- Ghankay Taylor.

9 THE INTERPRETER: Charles Bantay?

10 THE REGISTRAR: Ghankay.

11 THE INTERPRETER: Ghankay.

12 THE REGISTRAR: Mm-hm, Ghankay Taylor --

13 THE INTERPRETER: Taylor.

14 THE REGISTRAR: -- aka Charles Ghankay --

15 JUDGE ITOE: Call the name properly.

16 THE REGISTRAR: Ghankay, Charles Ghankay.

17 THE INTERPRETER: Charles Kangay Taylor.

18 THE REGISTRAR: Ghankay.

19 THE INTERPRETER: Ghankay.

20 THE REGISTRAR: Ghankay.

21 THE INTERPRETER: Ghankay, okay.

22 THE REGISTRAR: G-h-a-n, Ghan.

23 THE INTERPRETER: Okay.

24 THE REGISTRAR: Charles Ghankay Taylor, aka Charles Ghankay
25 Macarthur Dapkpana --

26 THE INTERPRETER: Dapkpana.

27 THE REGISTRAR: Dapkpana.

28 THE INTERPRETER: Dapkpana.

29 THE REGISTRAR: "Da-pak. "

1 THE INTERPRETER: Da-pak.

2 THE REGISTRAR: Dapkpana.

3 THE INTERPRETER: Dapkpana.

4 THE REGISTRAR: Taylor. The RUF --

5 JUDGE ITOE: Was that the same name continuing?

6 THE REGISTRAR: Yes, My Lord.

7 JUDGE ITOE: Oh, okay, like an old English essay.

8 THE REGISTRAR: Yes, My Lord, as Your Lordship pleases.

9 The RUF, including the Accused, and the AFRC shared a
10 common plan, purpose or design (joint criminal enterprise) which
11 was to take any actions necessary to gain and exercise political
12 power and control over the territory of Sierra Leone, in
13 particular the diamond mining areas.

14 The natural resources of Sierra Leone, in particular the
15 diamonds, were to be provided to persons outside Sierra Leone in
16 return for assistance in carrying out the joint criminal
17 enterprise.

18 The joint criminal enterprise included gaining and
19 exercising control over the population of Sierra Leone in order
20 to prevent -- in order to prevent or minimise resistance -- or
21 minimise resistance to their geographic control, and to use
22 members of the population to provide support to the members of
23 the joint criminal enterprise. The crimes alleged in this
24 Indictment, including unlawful killings, abductions, forced
25 labor, physical and sexual violence, use of child soldiers,
26 looting and burning of civilian structures, were either actions
27 within the joint criminal enterprise or were a reasonably
28 foreseeable consequence of the joint criminal enterprise.

29 Issa Hassan Sesay, by his acts or omissions, is

1 individually criminally responsible pursuant to Article 6.1 --
2 6.1 of the Statute for the crimes referred to in Articles 2, 3
3 and 4 -- Articles 2, 3 and 4 of the Statute as alleged in this
4 Indictment, which crimes the Accused planned, instigated,
5 ordered, committed or in whose planning, preparation or execution
6 the Accused otherwise aided and abetted, or which crimes were
7 within a joint criminal enterprise in which the Accused
8 participated or were a reasonably foreseeable consequence of the
9 joint criminal enterprise in which the Accused participated.

10 In addition, or alternatively, pursuant to Article 6.3 --
11 no, 6.3 of the Statute, Issa Hassan Sesay, while holding
12 positions of superior responsibility and exercising command and
13 control over his subordinates, is individually criminally
14 responsible for the crimes referred to in Articles 2, 3 and 4 of
15 the Statute. The Accused is responsible for the criminal acts of
16 his subordinates in that he knew or had reason to know that the
17 subordinate was about to commit such acts or had done so and the.

18 Accused failed to take the necessary and reasonable
19 measures to prevent such acts or to punish the perpetrators
20 thereof.

21 Charges. I'm now at 27.

22 Paragraphs 16 through 26 are incorporated by reference.

23 28. At all times relevant to this Indictment, members of
24 the RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF),
25 subordinate to and/or acting in concert with Issa Hassan Sesay,
26 conducted armed attacks throughout the territory of the Republic
27 of Sierra Leone, including, but not limited to -- but not limited
28 to, Bo -- Bo, Kono, Kenema, Bombali, and Kailahun Districts and
29 Freetown. Targets of the armed attacks included civilians and

1 humanitarian assistance personnel and peacekeepers assigned to
2 the United Nations Mission in Sierra Leone (UNAMSIL), which had
3 been created by United Nations Security Council Resolution 1270
4 (1999).

5 29. These attacks were carried out primarily to terrorise
6 the civilian population, but also were used to punish the
7 population for failing to provide sufficient support to the
8 AFRC/RUF, or for allegedly providing support to the Kabbah
9 government or to pro-government forces.

10 The attacks included unlawful killings, physical and sexual
11 violence against civilian men, women and children -- physical and
12 sexual violence, abductions and lootings and destruction of
13 civilian property. Many civilians saw these crimes committed;
14 others returned to their homes or places of refuge to find the
15 results of these crimes - dead bodies, mutilated victims and
16 looted and burnt property:

17 30. As part of the campaign of terror and punishment the
18 AFRC/RUF routinely captured and abducted members of the civilian
19 population. Captured women and girls -- captured women and girls
20 were raped; many of them were abducted and used as sex slaves.
21 Some of these women and girls were held captive for years. Men
22 and boys who were abducted were also used as forced labor; some
23 of them were also held captive for years. Many abducted boys and
24 girls were given combat training and used in active fighting.
25 AFRC/RUF also physically mutilated men, women and children,
26 including amputating their hands or feet and carving "AFRC" and
27 "RUF" on their bodies.

28 Counts 1 to 2: Terrorizing the Civilian Population and
29 Collective Punishments.

1 31. Members of the AFRC/RUF subordinate to and/or acting
2 in concert with Issa Hassan Sesay committed the crimes set forth
3 below in paragraphs 32 through 57 and charged in Counts 3 through
4 13, as part of a campaign to terrorise the civilian population of
5 the Republic of Sierra Leone, and did terrorise that population.
6 The AFRC/RUF also committed the crimes to punish the civilian
7 population for allegedly supporting the elected government of
8 President Ahmed Tejan Kabbah and factions aligned with that
9 government, or for failing to provide sufficient support to the
10 AFRC/RUF.

11 By his acts or omissions in relation, but not limited to
12 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
13 alternatively, Article 6.3 of the Statute, is individually
14 criminally responsible for the crimes alleged below:

15 Count 1: Acts of terrorism, a violation of Article 3
16 Common to the Geneva Conventions and of Additional Protocol II.

17 And:

18 Count 2: Collective punishments, a violation of Article 3
19 Common to the Geneva Conventions and of Additional Protocol II,
20 both punishable under Article 3.b of the Statute.

21 Counts 3 to 5: Unlawful Killings.

22 32. Victims were routinely shot, hacked to death and
23 burned to death. Unlawful killings included, but were not
24 limited to, the following:

25 Bo District.

26 Between 1 June 1997 and 30 June 1997, and about 19
27 February -- no, sorry, sorry.

28 Between 1 June 1997 and 30 June 1997, AFRC/RUF attacked
29 Tikonko, Telu, Sembehun, Gerihun, and Mamboma, unlawfully killing

1 an unknown number of civilians;

2 Kenema District.

3 34. Between about 25 May 1997 and about 19 February 1998,
4 in locations including Kenema Town, members of AFRC/RUF
5 unlawfully killed an unknown number of civilians;

6 Kono District.

7 35. About mid February 1998, AFRC/RUF fleeing from
8 Freetown arrived in Kono District. Between about 14 February
9 1998 and 30 June 1998 -- between about 14 February 1998 and 30
10 June 1998, members of AFRC/RUF unlawfully killed several hundred
11 civilians in various locations in Kono District, including Koidu,
12 Tombodu, Foindu, Willifeh, Mortema and Biaya;

13 Bombali District.

14 36. Between about 1 May 1998 and 31 July 1998, in
15 locations including Karina, members of the AFRC/RUF unlawfully
16 killed an unknown number of civilians;

17 Freetown.

18 37. Between 6 January 1999 and 31 January 1999, AFRC/RUF
19 conducted armed attacks throughout the city of Freetown. These
20 attacks included large-scale unlawful killings of civilian men,
21 women and children at locations throughout the city, including
22 the State House, Parliament building, Connaught Hospital, and the
23 Kissy, Fourah Bay, Upgun, Calaba Town, and Tower Hill areas of
24 the city.

25 By his acts or omissions in relation, but not limited to
26 these events, Issa Hassan Sesay, pursuant to Article 6.1 and/or
27 alternatively Article 6.3 of the Statute, is individually
28 criminally responsible for the crimes alleged below:

29 Count 3: Extermination, a crime against humanity,

1 punishable under Article 2. b of the Statute;

2 In addition, or in the alternative:

3 Count 4: Murder, a crime against humanity, punishable
4 under Article 2. a of the Statute;

5 In addition, or in the alternative:

6 Count 5: Violence to life, health and physical or mental
7 well-being of persons, in particular murder, a violation of the
8 Article 3 Common to the Geneva Conventions and of Additional
9 Protocol II, punishable under Article 3. a of the Statute.

10 Counts 6 to 8: Sexual Violence.

11 38. Widespread sexual violence committed against civilian
12 women and girls included brutal rapes, often by multiple rapists.
13 Acts of sexual violence included, but were not limited to, the
14 following:

15 Kono District.

16 39. Between about 14 February 1998 and 30 June 1998,
17 members of AFRC/RUF raped hundreds of women and girls at various
18 locations throughout the District, including Koidu, Tombodu,
19 Kissy-town (or Kissi Town), Foendor (or Foendu), Tomendeh,
20 Fokoiya, Wonedu, and AFRC/RUF camps such as "Superman camp" and
21 Kissi-town (or Kissi Town) camp. An unknown number of women and
22 girls were abducted from various locations within the District
23 and used as sex slaves;

24 Kailahun District -- Bombali District.

25 40. Between about 1 May 1998 and 31 July 1998, members of
26 the AFRC/RUF raped an unknown number of women and girls in
27 locations such as Mandaha. In addition, an unknown number of
28 abducted women and girls were used as sex slaves;

29 Kailahun District.

1 At all times relevant to this Indictment, an unknown number
2 of women and girls in various locations in the District were
3 subjected to sexual violence. Many of these victims were
4 captured in other areas of the Republic of Sierra Leone, brought
5 to AFRC/RUF camps in the District, and used as sex slaves;

6 Freetown.

7 42. Between 6 January 1999 and 31 January 1999, members of
8 AFRC/RUF raped hundreds of women and girls throughout the
9 Freetown area, and abducted hundreds of women and girls and used
10 them as sex slaves.

11 By his action or omissions in relation, but not limited to
12 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
13 alternatively, Article 6.3 of the Statute, is individually
14 criminally responsible for the crimes alleged below:

15 Count 6: Rape, a crime against humanity, punishable under
16 Article 2.g of the Statute;

17 And:

18 Count 7: Sexual slavery and any other form of sexual
19 violence, a crime against humanity, punishable under Article 2.g
20 of the Statute;

21 In addition, or in the alternative:

22 Count 8: Outrages upon personal dignity, a violation of
23 Article 3 Common to the Geneva Conventions and of Additional
24 Protocol II, punishable under Article 3.e of the Statute;

25 Counts 9 to 10: Physical Violence.

26 43. Widespread physical violence, including mutilations,
27 was committed against civilians. Victims were often brought to a
28 central location where mutilations were carried out. These acts
29 of physical violence included, but were limited to, the

1 following:

2 Kono District.

3 Between about 14 February 1998 and 30 June 1998, AFRC/RUF
4 mutilated an unknown number of civilians in various locations in
5 the District, including Tombodu, Kaima (or Kayima) and Wonedu.
6 The mutilations included cutting off limbs and carving "AFRC" and
7 "RUF" on the bodies of the civilians;

8 Freetown.

9 45. Between 6 January 1999 and 31 January 1999, AFRC/RUF
10 mutilated an unknown number of civilian men, women and children
11 in various areas of Freetown, including the northern and eastern
12 areas of the city, and the Kissy area, including the Kissy mental
13 hospital. The mutilations included cutting off limbs.

14 By his acts or omissions in relation, but not limited to
15 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
16 alternatively, Article 6.3 of the Statute, is individually
17 criminally responsible for the crimes alleged below:

18 Count 9: Violence to life, health and physical or mental
19 well-being of persons, in particular cruel treatment, a violation
20 of Article 3 Common to the Geneva Conventions and of Additional
21 Protocol II, punishable under Article 3. a of the Statute;

22 In addition, or in the alternative:

23 Count 10: Other inhumane acts, a crime against humanity,
24 punishable under Article 2. i of the Statute.

25 Count 11: Use of Child Soldiers.

26 46. At all times relevant to this Indictment, throughout
27 the Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or
28 used boys and girls under the age of 15 to participate in active
29 hostilities. Many of these children were first abducted, then

1 trained in AFRC/RUF camps in various locations throughout the
2 country, and thereafter used as fighters.

3 By his acts or omissions in relation, but not limited to
4 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
5 alternatively, Article 6.3 of the Statute, is individually
6 criminally responsible for the crimes alleged below:

7 Count 11: Conscripting or enlisting children under the age
8 of 15 years into armed forces or groups, or using them to
9 participate actively in hostilities, and other serious violation
10 of international humanitarian law, punishable under Article 4.c
11 of the Statute.

12 Count 12: Abductions and Forced Labor.

13 47. At all times relevant to this Indictment, AFRC/RUF
14 engaged in widespread and large scale abductions of civilians and
15 use of civilians as forced labor. Forced labor included domestic
16 labor and use as diamond miners. The abductions and forced labor
17 included, but were not limited to, the following:

18 Kenema District.

19 48. Between about 1 August 1997 and about 31 January 1998,
20 AFRC/RUF forced an unknown number of civilians living in the
21 District to mine for diamonds at Cyborg Pit in Tongo Field;

22 Kono District.

23 Between about 14 February 1998 and 30 June 1998, AFRC/RUF
24 forces abducted hundreds of civilian men, women and children, and
25 took them to various locations outside the District, or to
26 locations within the District such as AFRC/RUF camps, Tombodu,
27 Koidu, Wonedu, Tomendeh. At these locations the civilians were
28 used as forced labor, including domestic labor and as diamond
29 miners in the Tombodu area;

1 Bombali District.

2 50. Between about 1 May 1998 and 31 July 1998, in Bombali
3 District, AFRC/RUF abducted an unknown number of civilians and
4 used them as forced labor;

5 Kailahun District.

6 51. At all times relevant to this Indictment, captured
7 civilian men, women and children were brought to various
8 locations within the District and used as forced labor;

9 Freetown.

10 Between 6 January 1999 and 31 January 1999, in particular
11 as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF
12 abducted hundreds of civilians, including a large number of
13 children, from various areas within Freetown, including Peacock
14 Farm and Calaba Town. These abducted civilians were used as
15 forced labor.

16 By his acts or omissions in relation, but not limited to
17 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
18 alternatively, Article 6.3 of the Statute, is individually
19 criminally responsible for the crimes alleged below:

20 Count 12: Enslavement, a crime against humanity,
21 punishable under Article 2. c of the Statute.

22 Count 13: Looting and Burning.

23 53. At all times relevant to this Indictment, AFRC/RUF
24 engaged in widespread unlawful taking and destruction by burning
25 of civilian property. This looting and burning included, but was
26 not limited to, the following:

27 Bo District.

28 54. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces
29 looted and burned an unknown number of civilian houses in Telu,

1 Sembehun, Mamboma, and Tikonko;

2 Kono District.

3 55. Between about 14 February 1998 and 30 June 1998,
4 AFRC/RUF engaged in widespread looting and burning in various
5 locations in the District, including Tombodu, Foindu and Yardu
6 Sando, where virtually every home in the village was looted and
7 burned;

8 Bombali District.

9 56. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces
10 burnt an unknown number of civilian houses in locations such as
11 Karina;

12 Freetown.

13 57. Between 6 January 1999 and 31 January 1999, AFRC/RUF
14 forces engaged in widespread looting and burning throughout
15 Freetown. The majority of houses that were destroyed were in the
16 areas of Kissy and eastern Freetown; other locations included the
17 Fourah Bay, Upgun, State House and Pademba Road areas of the
18 city.

19 By his acts or omissions in relation, but not limited to
20 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
21 alternatively, Article 6.3 of the Statute, is individually
22 criminally responsible for the crimes alleged below:

23 Count 13: Pillage, a violation of Article 3 Common to the
24 Geneva Conventions and of Additional Protocol II, punishable
25 under Article 3.f of the Statute.

26 Counts 14 to 17: Attacks on UNAMSIL Personnel.

27 58. Between about 15 April 2000 and about 15 September
28 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL
29 peacekeepers and humanitarian assistance workers within the

1 Republic of Sierra Leone, including, but not limited to locations
2 within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts.
3 These attacks included unlawful killing of UNAMSIL peacekeepers,
4 and abducting hundreds of peacekeepers and humanitarian
5 assistance workers who were then held hostage.

6 By his acts or omissions in relation, but not limited to
7 these events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
8 alternatively, Article 6.3 of the Statute, is individually
9 criminally responsible for the crimes alleged below:

10 Count 14: Intentionally directing attacks against
11 personnel involved in a humanitarian assistance or peacekeeping
12 mission, and other serious violations of international
13 humanitarian law, punishable under Article 4. b of the Statute;

14 In addition, or in the alternative:

15 Count 15: For the unlawful killings, murder, a crime
16 against humanity, punishable under Article 2. a of the Statute;

17 In addition, or in the alternative:

18 Count 16: Violence to life, health and physical or mental
19 well-being of persons, in particular murder, a violation of
20 Article 3 Common to the Geneva Conventions and of Additional
21 Protocol II, punishable under Article 3. a of the Statute;

22 In addition, or in the alternative:

23 Count 17: For the abductions and holding as hostage,
24 taking of hostages, a violation of Article 3 Common to the Geneva
25 Conventions and of Additional Protocol II, punishable under
26 Article 3. c of the Statute.

27 Dated this 3rd day of March 2003. Freetown, Sierra Leone.
28 David M Crane. The Prosecutor.

29 JUDGE ITOE: I'll ask the accused to stand up, please.

OPEN SESSION

1 [The accused stands]

2 JUDGE ITOE: You have followed the reading and the
3 interpretation of the 17-count indictment against you.

4 THE ACCUSED SESAY: [Through interpretation] Yes, I do.

5 JUDGE ITOE: In law, he is free -- in law, he is free to
6 plead guilty or not guilty. Let me ask the question again: Has
7 he understood all of the charges that have been explained to him?

8 THE ACCUSED SESAY: [Through interpretation] Yes, sir, My
9 Lord, I have understood all the charges read here against me.

10 JUDGE ITOE: The duty or the legal responsibility of
11 pleading guilty or not guilty is exclusively yours. Are you
12 guilty or not guilty on these indictments -- on the charges on
13 the indictment?

14 THE ACCUSED SESAY: Yes, sir, My Lord. These charges are
15 different. There are some charges in terms of diamond
16 enterprises; there are some charges in terms of -- in terms of,
17 you know, atrocities; there are some charges that charge of
18 burning and looting of civilian properties; cutting off people
19 hands, you know. And as far as I'm concerned, honestly speaking
20 with you, yes, I have something to explain in terms of the
21 diamond enterprises, I have something to explain as of that. But
22 in terms of atrocities, burning and cutting people's hands, I am
23 not guilty.

24 THE INTERPRETER: Yes, My Lord, the charges are so many and
25 so diverse, it is difficult for me to concede that. So what I
26 can say is that if it's in connection with the diamond mining, I
27 have something to say that. But for the mutilation of people's
28 hands, it's a little bit difficult for me to say but --

29 THE ACCUSED SESAY: In fact, some of us, a man like me,

1 tried very hard for minimise some of these atrocities.

2 THE INTERPRETER: In fact, a man like me tried very hard in
3 order to minimise some of these atrocities.

4 THE ACCUSED SESAY: Because the civilian population who I
5 recognised back then, so they can testify.

6 THE INTERPRETER: Now, if you are to ask the civilian
7 population who I recognised, they too can testify to this.

8 MR YILLAH: May it please Your Lordship.

9 JUDGE ITOE: Yes, sir.

10 MR YILLAH: My Lord, may I intervene at this point. My
11 Lord, it appears from your questioning of the accused that he
12 does not fully understand the nature of the charges in the
13 indictment that have been read to him

14 JUDGE ITOE: But he has replied that he understands the
15 charges that have been read to him. Don't force words.

16 MR YILLAH: Yes, sir.

17 JUDGE ITOE: I've asked him the question twice over.

18 MR YILLAH: Yes, My Lord.

19 JUDGE ITOE: I've asked him twice over. He has repeated
20 and said he understands the charges. And you can see he's coming
21 on to say that, you know, in some he has no responsibility, but
22 in diamond mining and so on and so forth, that he has -- well,
23 that is it.

24 MR YILLAH: This is just a slight comment and application
25 made.

26 In the interests of justice, My Lord.

27 JUDGE ITOE: Yes.

28 MR YILLAH: My Lord, the counts are varied and many in the
29 indictment, and he may not vividly recall Count 1, Count 2. He

1 may have understood the general nature of what has been explained
2 to him, My Lord. This is the purport of my submission.

3 JUDGE ITOE: Yes.

4 MR YILLAH: My Lord, in that light, My Lord, I would rather
5 Your Lordship grants an order if the counts are put to the
6 accused individually, My Lord, in the interests of justice so he
7 can understand them properly, and whatever he says, he may do so
8 freely, My Lord.

9 THE ACCUSED SESAY: [No interpretation] As of most of these
10 attacks, a man like me I'm completely innocent, you know.
11 January 6 in the Kenema District, the Bo District, and the Karina
12 areas, no, I never participated in those acts.

09:25:47

13 JUDGE ITOE: Well, I now understand, you know, that well,
14 even though you wanted to play it safe, you know, by getting a
15 translator, you understand English very well. This is just a
16 very preliminary comment. We would like the Defence to assist
17 us, you know, in asking their clients, who are sufficiently
18 literate in English, you know, particularly in matters that
19 involve the reading of indictments, you know, to take the stuff
20 directly rather than putting the Court, you know, through having
21 to translate. It is not your responsibility, but you can assist
22 us through those you are representing to listen to the counts and
23 to plead to them without having to pass through an interpreter.

09:26:14

24 In any event, yes, please. There are 17 counts and they
25 will be summarised to you, they will be read to you and you will
26 plead to every one. Okay?

09:26:46

27 THE ACCUSED SESAY: [No interpretation] yes, sir.

28 I'm talking about diamonds here?

29 But the atrocities, burning of towns, this I didn't have

1 any part of.

2 THE REGISTRAR: Read the counts again?

3 JUDGE ITOE: Yes, the substance of it. Count 1, the
4 substance of it.

09:28:03

5 MS KAMARA: Count 1 and 2. Terrorising the civilian
6 population and collective punishments. Count 1. Acts of
7 terrorism, a violation of Article 3 common to the Geneva
8 Conventions and of Additional Protocol II, punishable under
9 Article 3.d, of the Statute.

09:30:09

10 JUDGE ITOE: Count 1, have you heard? Please, stand up.
11 Stand up. Hand the microphone to him. Read it, read it back to
12 him. You'll go very fast.

09:31:23

13 MS KAMARA: Counts 1 to 2. Terrorising the civilian
14 population and collective punishments. Count 1. Acts of
15 terrorism, a violation of Article 3 common to the Geneva
16 Conventions and of Additional Protocol II, punishable under
17 Article 3.d, of the Statute.

18 Count 2.

19 JUDGE ITOE: Are you guilty or not guilty?

09:33:05

20 THE ACCUSED SESAY: [No interpretation] not guilty, sir.
21 Not guilty.

22 JUDGE ITOE: You are not guilty on count 1?

23 THE ACCUSED SESAY: [No interpretation] yes, sir.

24 JUDGE ITOE: And count 2.

09:34:51

25 MS KAMARA: Count 2. Collective punishments, a violation
26 of Article 3 common to the Geneva Conventions and of Additional
27 Protocol II, punishable under Article 3.b of the Statute.
28 Article 3, count 3 to --

29 JUDGE ITOE: Just hold on. Count 2. He has heard the

1 particulars of count 2. Is he guilty or not guilty? Are you
2 guilty or not guilty?

3 THE ACCUSED SESAY: [No interpretation] repeat count 2.

4 MS KAMARA: Repeat?

09:36:40 5 JUDGE ITOE: He says you should repeat.

6 MS KAMARA: Count 2. Collective punishments, a violation
7 of Article 3 common to the Geneva Conventions and of Additional
8 Protocol II.

9 THE ACCUSED SESAY: [No interpretation] not guilty.

09:40:26 10 JUDGE ITOE: Not guilty. Count 3.

11 MS KAMARA: Counts 3 to 5, unlawful killings. Count 3.
12 Extermination. A crime against humanity, punishable under
13 Article 2. b of the Statute.

14 JUDGE ITOE: Is he guilty or not guilty?

09:41:58 15 THE ACCUSED SESAY: [No interpretation] yes, sir. I'm not
16 guilty. I don't do so.

17 JUDGE ITOE: Not guilty. Count 4.

18 MS KAMARA: In addition, or in the alternative, count 4.
19 Murder, a crime against humanity, punishable under Article 2. a of
20 the Statute.

09:47:14 21 JUDGE ITOE: Is he guilty or not guilty?

22 THE ACCUSED SESAY: [No interpretation] no, sir, not.

23 JUDGE ITOE: Count 4, not guilty. Count 5.

24 MS KAMARA: In addition, or in the alternative, count 5,
09:47:57 25 violence to life, health and physical or mental well-being of
26 persons, in particular murder, a violation of Article 3 common to
27 the Geneva Conventions and of Additional Protocol II, punishable
28 under Article 3. a of the Statute.

29 THE ACCUSED SESAY: [No interpretation] not guilty, sir.

1 MS KAMARA: Counts 6 to 8, sexual violence. Count 6.
2 Rape, a crime against humanity.

3 THE ACCUSED SESAY: [Through interpretation] I am not
4 guilty, because there are people in Magburaka, and Makeni, who
09:50:29 5 can testify that I have not been part of this particular thing.
6 So I don't see myself, you know, fighting on behalf of these
7 people and at the same time doing these things.

8 JUDGE ITOE: So count 6, he is not guilty?

9 THE ACCUSED SESAY: [Through interpretation] not guilty.

09:51:09 10 MS KAMARA: Count 7. Sexual slavery and any other form of
11 sexual violence, a crime against humanity, punishable under
12 Article 2.g of the Statute.

13 THE ACCUSED SESAY: [Indiscernible]

14 JUDGE ITOE: What is he saying?

11:24:42 15 THE ACCUSED SESAY: [Through interpretation] not a day I
16 have had a lady for whom I have not gone to her parents.

17 THE INTERPRETER: What he is saying is that he is married.
18 He doesn't take ladies and just use them as he wants.

19 JUDGE ITOE: As slaves?

11:25:12 20 THE INTERPRETER: Yes, as slaves.

21 JUDGE ITOE: So, he is not guilty?

22 THE INTERPRETER: He is not guilty.

23 JUDGE ITOE: Count 8?

24 MS KAMARA: Count 8. Outrages upon personal dignity, a
11:25:52 25 violation of Article 3 common to the Geneva Conventions and of
26 Additional Protocol II punished under Article 3.e of the Statute.

27 JUDGE ITOE: Yes, are you guilty or not guilty?

28 THE ACCUSED SESAY: [Through interpretation] no, sir.

29 JUDGE ITOE: You are not guilty?

1 THE ACCUSED SESAY: [Through interpretation] not guilty,
2 sir.

3 MS KAMARA: Count 9 to 10, physical violence. Count 9.
4 Violence to life, health and physical or mental well-being of
12:12:13 5 persons, in particular cruel treatment.

6 THE ACCUSED SESAY: [Through interpretation] not guilty.

7 JUDGE ITOE: Count 10.

8 MS KAMARA: Count 10. Other inhumane acts, a crime against
9 humanity, punishable under Article 2.i of the Statute.

10 JUDGE ITOE: Are you guilty or not guilty?
12:13:54

11 THE ACCUSED SESAY: [No interpretation] no, sir.

12 JUDGE ITOE: Yes, count 11.

13 MS KAMARA: Count 11. Use of child soldiers. Conscripting
14 or enlisting children under the age of 15 years into armed forces
12:14:30 15 or groups, or using them to participate actively in hostilities,
16 and other serious violation of international humanitarian law,
17 punishable under Article 4.c of the Statute.

18 JUDGE ITOE: Does he plead guilty or not guilty?

19 THE ACCUSED SESAY: [No interpretation] yes, sir, I never
12:16:25 20 been a training instructor. I never been a training commandant.
21 So I never trained.

22 JUDGE ITOE: They have said, not that you have trained,
23 that you have conscripted. It is not training. Tell him that.

24 THE ACCUSED SESAY: [Through interpretation] okay. Not
12:17:03 25 guilty.

26 JUDGE ITOE: Count 12.

27 MS KAMARA: Count 12. Abductions and forced labour.
28 Enslavement. A crime against humanity --

29 THE INTERPRETER: Excuse me, please. He wants me to define

1 the type of work. He is asking which type of work. Say it
2 again.

3 MS KAMARA: My Lord, may I go into the particulars again?

4 THE ACCUSED SESAY: [No interpretation] yes, My Lord. Let
12:19:58 5 her read back, because I need to get everything clear, sir.

6 JUDGE ITOE: Okay. Take that again.

7 MS KAMARA: May I just recap.

8 THE ACCUSED SESAY: [No interpretation] okay.

9 MS KAMARA: Count 12. Abductions and forced labour. All
12:20:43 10 crimes --

11 THE ACCUSED SESAY: [No interpretation] let's be clear
12 because the [indiscernible] charges beaucoup.

13 JUDGE ITOE: Yes.

14 MR YILLAH: My Lord, I rise in the interests of justice.
12:20:55 15 My Lord, the explanation that the accused requires, that the
16 accused requires to carry that count has not been properly put,
17 My Lord.

18 JUDGE ITOE: Yes.

19 MR YILLAH: Very well, My Lord. I am familiar with the use
12:21:16 20 of Krio, My Lord, and I will understand.

21 JUDGE ITOE: We will take that again.

22 MR YILLAH: As My Lord pleases.

23 JUDGE ITOE: And when we get to the right point, you give
24 us a signal, okay?

12:21:19 25 MR YILLAH: As My Lord pleases.

26 JUDGE ITOE: You are defending him, after all.

27 MS KAMARA: Count 12. Abductions and forced labour.
28 Enslavement, a crime against humanity.

29 JUDGE ITOE: Wait, wait.

1 THE ACCUSED SESAY: Okay, sir.
2 JUDGE ITOE: Please finish.
3 MS KAMARA: Count 12.
4 JUDGE ITOE: Is counsel following?
12:22:11 5 MS KAMARA: Count 12.
6 JUDGE ITOE: MR YILLAH?
7 MR YILLAH: Very well, My Lord.
8 JUDGE ITOE: You are following?
9 MR YILLAH: Very well, My Lord.
12:22:17 10 JUDGE ITOE: Because I come back to you.
11 MR YILLAH: As My Lord pleases.
12 MS KAMARA: Enslavement, a crime against humanity,
13 punishable under Article 2.c of the Statute.
14 JUDGE ITOE: Is counsel satisfied?
12:22:56 15 MR YILLAH: Very well put, My Lord.
16 JUDGE ITOE: We will see.
17 MR YILLAH: Very well, My Lord.
18 JUDGE ITOE: Are you guilty or not guilty?
19 THE ACCUSED SESAY: [No interpretation] no, sir.
12:23:03 20 JUDGE ITOE: You are not guilty?
21 THE ACCUSED SESAY: [No interpretation] yes, sir.
22 MS KAMARA: Count 13. Looting and burning. Count 13.
23 Pillage, a violation of Article 3 common to the Geneva
24 Conventions -- pillage, pillage, a violation --
25 JUDGE ITOE: It's not necessarily [indiscernible]. What is
26 the word in the indictment?
27 MS KAMARA: Pillage.
28 JUDGE ITOE: Pillage, translated as -- you say pillaging,
29 and, yes.

1 MS KAMARA: Pillage. Count 13, pillage. A violation of
2 Article 3 common to the Geneva Conventions and of Additional
3 Protocol II, punishable under Article 3.f of the Statute.

12:25:30 4 MR JOHNSON: My Lord, perhaps going back to the particulars
5 of the indictment, and discussing those a little bit, about
6 pillage and the pillage would be the taking or the looting of
7 property.

8 JUDGE ITOE: I hope we have things in their rights
9 etymological context, I very much hope so. When you are applying
12:26:12 10 the word "pillaging," "pilfering" and "stealing," we have to be
11 very, very right in the etymological implications of this
12 terminology. Pillaging, pilfering, stealing or taking, I would
13 like those points to be properly addressed. Anyway, go ahead.

14 MS KAMARA: Counts 14 to 17. Attacks on UNAMSIL personnel.

12:27:07 15 JUDGE ITOE: We are still on 13.

16 MS KAMARA: 13, okay.

17 JUDGE ITOE: We're still on 13.

18 MS KAMARA: That is pillaging. Pillage, a violation of
19 Article 3 common to the Geneva Conventions and of Additional
12:27:39 20 Protocol II, punishable under Article 3.f of the Statute.

21 JUDGE ITOE: Are you guilty or not guilty?

22 THE ACCUSED SESAY: [No interpretation] yes, sir. I
23 usually use vehicle that don't belongs to me, so I will not lie.
24 Yes, I'm guilty on that.

12:28:52 25 THE INTERPRETER: He says he is guilty because he normally
26 used vehicles that did not belong to him.

27 JUDGE ITOE: He is not getting it.

28 MR YILLAH: May it please, My Lord.

29 JUDGE ITOE: Yes.

1 SPEAKER: My Lord, this is a very crucial stage of the plea
2 process.

3 JUDGE ITOE: Yes.

4 MR YILLAH: And, My Lord, again I will intervene. I will
12:29:32 5 intervene consistently, My Lord.

6 JUDGE ITOE: Yes.

7 MR YILLAH: It's a very crucial point.

8 JUDGE ITOE: It sure is.

9 MR YILLAH: And it appears that he does not fully
12:29:47 10 appreciate. As Your Lordship has been pointing out, there is a
11 very certain but powerful distinction between pillage and other
12 things. In this particular context in which it is used in the
13 indictment, I don't know whether the accused fully appreciates
14 and understands the meaning of that charge, because he did not --
12:33:41 15 the interpreter was saying he said he has been using vehicles,
16 which is quite different from pillage, in the context of the
17 indictment I submit, with respect, My Lord. It is quite
18 different.

19 JUDGE ITOE: Again, take it.

12:34:06 20 MS KAMARA: My Lord, may I go through the particulars of
21 those count 13?

22 JUDGE ITOE: Yes, the particulars of count 13.

23 MS KAMARA: Count 13, I propose to do so. Looting and
24 burning. Count 13. Looting and burning. 53. At all times
12:35:31 25 relevant to this indictment, AFRC/RUF engaged in widespread
26 unlawful taking and destruction by burning of civilian property.
27 This looting and burning included but was not limited to the
28 following. Hold it.

29 JUDGE ITOE: We will still come back. Please, bit by bit.

1 MS KAMARA: Bo District. Between 1 June 1997 and 30 June
2 1997, AFRC/RUF forces looted and burned an unknown number of
3 civilian houses in Telu, Sembehun, Mamboma and Tikonko. Kono
4 District. 55. Between about 14 February 1998 and 30 June 1998,
12:37:53 5 AFRC/RUF engaged in widespread looting and burning in various
6 locations in the district including Tombodu, Foindu, Yardu Sandor
7 where virtually every home in the village was looted and burned.
8 Bombali District. 56. Between 1 March 1998 and 30 June 1998
9 AFRC/RUF forces burnt an unknown number of civilian houses in
12:39:31 10 locations such as Karina. Freetown. 57. Between 6 January 1999
11 and 31 January 1999 AFRC/RUF forces engaged in widespread looting
12 and burning throughout Freetown. The majority of the houses that
13 were destroyed were in the areas of Kissy and eastern Freetown.
14 Other locations included Fourah Bay, Upgun, State House and
12:41:45 15 Pademba Road areas of the city. By his acts or omissions in
16 relation but not limited to these events, Issa Hassan Sesay,
17 pursuant to Article 6.1 and, or alternatively, Article 6.3 of the
18 Statute, is individually criminally responsible for the crimes
19 alleged below. Count 13. A violation of Article 3 common to the
12:42:42 20 Geneva Conventions and of Additional Protocol II, punishable
21 under Article 3.f of the Statute.

22 JUDGE ITOE: You have to start --

23 MR JOHNSON: My Lord, please, if I may interrupt. It also
24 strikes me that perhaps the accused does not fully understand
12:50:58 25 that many of these charges and criminally responsibility is based
26 on a theory of superior responsibility and that forces acting
27 under him did these things.

28 THE ACCUSED SESAY: [No interpretation] no, sir. All these
29 areas you just mentioned, I never been there in these certain

1 areas. In Karina, I don't even know Karina.

2 JUDGE ITOE: You are pleading not guilty to --

3 THE ACCUSED SESAY: [No interpretation] not guilty, yes,
4 sir.

12:52:06 5 JUDGE ITOE: Not guilty. Count 14, please.

6 MS KAMARA: Count 14 to 17. Attacks on UNAMSIL personnel.
7 Count 14. Intentionally directing attacks against personnel
8 involved in a humanitarian assistance or peacekeeping mission or
9 other serious violations of international humanitarian law,
10 punishable under Article 4.b of the Statute.

11 JUDGE ITOE: Take it again for the interpreter.

12 MS KAMARA: Count 14. Intentionally --

13 JUDGE ITOE: Just a minute. Let's listen, please.

14 MS KAMARA: -- that --

14:46:05 15 JUDGE ITOE: What's your pleading, sir? Do you want to
16 explain yourself? [Indiscernible] count 13?

17 THE ACCUSED SESAY: [No interpretation] yes, sir.

18 MS KAMARA: Intentionally directing attacks against
19 personnel involved in a humanitarian assistance or peacekeeping
14:47:44 20 mission and other serious violation of international humanitarian
21 law, punishable under Article 4 [overlapping speakers].

22 THE ACCUSED SESAY: [No interpretation] at the time UNAMSIL
23 was attacked I was not the leader. I was not the one who gave
24 the instructions.

14:48:29 25 JUDGE ITOE: Are you guilty or not guilty? Count 14?

26 THE ACCUSED SESAY: [No interpretation] yes, sir.

27 JUDGE ITOE: You are -- it is alleged that you attacked
28 UNAMSIL personnel when you --

29 THE ACCUSED SESAY: [No interpretation] yes, sir. By then

1 I was not the head --

2 JUDGE ITOE: You are saying that you were --

3 THE ACCUSED SESAY: [No interpretation] I was not the head
4 of the RUF and when the leader get to Makeni, he came up with the
14:49:43 5 proposal of attacking UN. I advised him strongly that this would
6 not be in our own interests and I was seriously chastised by him

7 JUDGE ITOE: The leader who?

8 THE ACCUSED SESAY: [No interpretation] Foday Sankoh, I
9 mean.

14:50:14 10 JUDGE ITOE: You are not guilty?

11 THE ACCUSED SESAY: [No interpretation] yes, sir. I was
12 not the one who give instructions.

13 JUDGE ITOE: Count 15.

14 MS KAMARA: Count 15. For the unlawful killings, murder, a
14:50:42 15 crime against humanity, punishable under Article 2.a of the
16 Statute.

17 THE INTERPRETER: Yes. Well, he is saying that if let's
18 imagine that somebody killed another --

19 JUDGE ITOE: Yes.

14:51:22 20 THE INTERPRETER: -- he would not be instructed by law, you
21 know.

22 JUDGE ITOE: Yes.

23 THE INTERPRETER: And he also retaliates, see, what would
24 be the situation?

14:51:50 25 JUDGE ITOE: If he retaliates?

26 THE INTERPRETER: If somebody kills another unlawfully and
27 he retaliates to the individual who did it --

28 JUDGE ITOE: And he retaliates?

29 MR YILLAH: May it please you, My Lord.

1 JUDGE ITOE: Yes.

2 MR YILLAH: My Lord. Again, My Lord, I would have to
3 intervene.

4 JUDGE ITOE: Yes.

14:53:01 5 MR YILLAH: Being sworn in the interests of justice, My
6 Lord. My Lord, again I would adopt my earlier submissions.

7 JUDGE ITOE: Yes.

8 MR YILLAH: That I made to Your Lordship, regarding the
9 fact that the accused does not appear fully to understand, to
14:53:21 10 appreciate and understand this particular charge. If it could be
11 simply put and properly interpreted again, My Lord.

12 JUDGE ITOE: Right. I go along with you.

13 MR YILLAH: As My Lord pleases.

14 JUDGE ITOE: Well, I will go along with you. Put it very
14:53:45 15 simply and take it easily, take it slowly and let us digest it to
16 his level.

17 MR BROWN-MARKE: My Lord, if I may be of assistance to the
18 Court. My Lord, I think what the appropriate thing is, that each
19 count should be put to the accused and should be pleaded
14:54:09 20 independently. I think, My Lord, the whole problem is when the
21 interpreter explains to him, he is not explaining what is in the
22 particulars of the offence. What he is pleading guilty -- what
23 he is pleading guilty or not guilty to are the particulars in
24 each count, so the particulars have to be put to him. Because if
14:54:41 25 he says, Oh, he perceives a situation where somebody kills, and
26 he retaliates, that is not what is in the count.

27 JUDGE ITOE: No.

28 MR BROWNE-MARKE: What is in the count is -- relates to
29 UNAMSIL personnel.

1 JUDGE ITOE: UNAMSIL.

2 SPEAKER: So the proper thing to do, My Lord, if I may say
3 so, is for the particulars to be read to you and to say to him
4 "Out of this incident, these are the charges which have arisen,
14:55:25 5 so what do you plead to these charges?"

6 JUDGE ITOE: Okay. Right. That's all right. And can
7 you -- count 15. Read the particulars, you know, properly.

8 MS KAMARA: Count 15.

9 JUDGE ITOE: Slowly, please.

14:56:05 10 MS KAMARA: For the unlawful killings, murder, a crime
11 against humanity, punishable under Article 2.a of the Statute
12 [overlapping speakers] attacks as pertain to 17, My Lord.

13 JUDGE ITOE: We are on 15 now [indiscernible].

14 MS KAMARA: About 15 April 2000 and about 15 September 2000
14:58:28 15 AFRC/RUF engaged in widespread attacks against UNAMSIL
16 peacekeepers and humanitarian assistance workers within the
17 Republic of Sierra Leone including but not limited to locations
18 within Bombali, Kailahun --

19 JUDGE ITOE: Let him translate that. Continue to the end,
14:59:32 20 from where you stopped.

21 MS KAMARA: Within Bombali, Kailahun, Kambia, Port Loko and
22 Kono Districts.

23 JUDGE ITOE: Put them one by one.

24 MS KAMARA: Bombali, Kailahun, Kambia, Port Loko and Kono
15:00:26 25 Districts. These attacks included unlawful killings of UNAMSIL
26 peacekeepers and abducting hundreds of peacekeepers and
27 humanitarian assistance workers who were then held hostage.
28 Count 15.

29 JUDGE ITOE: That's now 15 --

1 MS KAMARA: I am reading now count 15 as simply put.

2 JUDGE ITOE: Yes.

3 MS KAMARA: You asked me to read as simply put.

4 JUDGE ITOE: Yes.

15:01:12 5 MS KAMARA: Simply put for the unlawful killings, murder, a
6 crime against humanity, punishable under Article 2.a of the
7 Statute.

8 JUDGE ITOE: He said?

9 THE INTERPRETER: He said that he insists that they are
15:01:48 10 saying that he is personally responsible for the attack on
11 UNAMSIL personnel?

12 JUDGE ITOE: That is what the charge appears to be saying.
13 That is what the charge says.

14 THE INTERPRETER: That is what the charge says.

15:02:56 15 THE ACCUSED SESAY: [No interpretation] this, sir, I was
16 not within Makeni or neither Magburaka, and I was in Kono. By
17 then there was no UNAMSIL in Kono. Before I can get in, there
18 was serious fighting between the troops -- UNAMSIL troops and the
19 RUF, and I only get there when the fighting break out. So I was
15:03:59 20 not the one who gave any orders to attack UNAMSIL or directive to
21 attack UNAMSIL, no.

22 JUDGE ITOE: So he is pleading not guilty? He's pleading
23 not guilty?

24 THE INTERPRETER: So, he is not guilty.

15:04:29 25 MS KAMARA: Count 16. I have to go back to the
26 particulars. I come back to 58. Between about 5 April 2000 and
27 about 15 September 2000, the AFRC/RUF engaged in widespread
28 attacks against UNAMSIL peacekeepers, and humanitarian assistance
29 workers, against the Republic of Sierra Leone but not limited to

1 locations within Bombali, Kailahun, Kambia, Port Loko and Kono
2 Districts. These attacks included unlawful killings of UNAMSIL
3 peacekeepers, and abducting hundreds of peacekeepers and
4 humanitarian assistance workers who were then held hostage. By
15:17:46 5 his acts or omissions in relation but not limited to these
6 events, by his acts or omissions in relation but not limited to
7 these events, Issa Hassan Sesay, pursuant to Article 6.1 and,
8 alternatively, Article 6.3 of the Statute, is individually
9 criminally responsible for the crimes alleged below.

15:19:42 10 Count 16. Violence to life, health and physical or mental
11 well-being of persons in particular -- in particular murder, a
12 violation of Article 3 common to the Geneva Conventions and of
13 Additional Protocol II, punishable under Article 3.a of the
14 Statute.

15:26:30 15 THE ACCUSED SESAY: [No interpretation] did you say
16 UNAMSIL?

17 JUDGE ITOE: Count 16.

18 THE ACCUSED SESAY: [No interpretation] did you say
19 UNAMSIL?

15:26:49 20 [Overlapping speakers]

21 JUDGE ITOE: UNAMSIL. I was going to ask the Prosecution a
22 question. What relationship, what distinction do you make of all
23 these charges which have same particulars UNAMSIL, UNAMSIL,
24 mutilations and what have you.

15:27:33 25 THE ACCUSED SESAY: [No interpretation] counts 15 and 16
26 are the same thing.

27 JUDGE ITOE: I mean, we've been moving along with 14, 15,
28 16, it's UNAMSIL, UNAMSIL. Can you clarify for the Court on
29 these particulars, please.

1 MR JOHNSON: My Lord, if I understand your question, there
2 are different elements to murder under, as a crime against
3 humanity or murder under the Geneva Conventions, and the Statute
4 to the Court ranks both crimes under -- as crimes against
15:28:33 5 humanity and crimes in violation of Common Article 3 to the
6 Geneva Conventions and the Additional Protocols II. There are
7 different elements to both and it's the Prosecution's position
8 that he has met the elements to both violations of Article 2 and
9 violations of Article 3 in the Statute.

15:29:32 10 JUDGE ITOE: It's true. I mean, you are at the stage for
11 me to take you on that. Sit down.

12 So at count 16, you are not guilty?

13 THE ACCUSED SESAY: [No interpretation] I don't understand
14 the count, sir.

15:30:04 15 JUDGE ITOE: Try to understand --

16 THE ACCUSED SESAY: [No interpretation] yes, sir, but count
17 15 they are talking of UNAMSIL; count 16 they are talking of
18 UNAMSIL.

19 JUDGE ITOE: Never mind what I have said. Never mind what
15:30:31 20 I have said.

21 THE ACCUSED SESAY: [No interpretation] no, sir.

22 JUDGE ITOE: Never mind what I've said. Count 16, we have
23 looked at UNAMSIL, UNAMSIL. You have pleaded not guilty to
24 UNAMSIL, you know, now we are at count 16.

15:30:48 25 THE ACCUSED SESAY: I played a role, but I was not the one
26 who attacked them.

27 JUDGE ITOE: You were not the one? You are not guilty?

28 THE ACCUSED SESAY: [No interpretation] no, sir.

29 JUDGE ITOE: Count 17.

1 MS KAMARA: Count 17. My Lord, I go back to the
2 particulars for clarity.

3 58. Between about 15 April 2000 and about 15 September
4 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL
15:31:52 5 peacekeepers and humanitarian assistance workers within the
6 Republic of Sierra Leone, including, but not limited to locations
7 within Bombali, Kailahun, Kambia, Port Loko and Kono Districts.
8 These attacks included unlawful killing of UNAMSIL peacekeepers,
9 and abducting hundreds of peacekeepers and humanitarian
15:32:45 10 assistance workers who were then held hostage. By his acts -- by
11 his acts or omissions in relation but not limited to these
12 events, Issa Hassan Sesay, pursuant to Article 6.1 and, or
13 alternatively, Article 6.3 of the Statute, is individually,
14 criminally responsible for the crimes alleged below.

15:34:04 15 Count 17. For the abductions and holding as hostage,
16 taking of hostages, a violation of Article 3 common to the Geneva
17 Conventions and of Additional Protocol II, punishable under
18 Article 3.c of the Statute.

19 JUDGE ITOE: Is he guilty or not guilty?

15:35:05 20 THE ACCUSED SESAY: To count 17?

21 JUDGE ITOE: Yes.

22 THE ACCUSED SESAY: [No interpretation] is this the last
23 one?

24 JUDGE ITOE: Yes.

15:35:26 25 THE ACCUSED SESAY: [No interpretation] the last one?

26 JUDGE ITOE: The last one.

27 THE INTERPRETER: He is asking whether it's the last one.

28 JUDGE ITOE: Even if it's not the last one, plead to it. I
29 don't know whether it will be the last one.

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1 THE ACCUSED SESAY: [No interpretation] yes, sir, I know
2 but --

3 JUDGE ITOE: Count 17, are you guilty or not guilty?

4 THE ACCUSED SESAY: [Krio spoken]

15:36:41 5 JUDGE ITOE: Translate him for the Court, please.

6 THE INTERPRETER: Well, he is saying that he was not
7 personally responsible, you know, for the abduction of the
8 UNAMSIL workers. He was in Kono when this incident happened and
9 having held these people hostage, he had to leave Kono and came
10 to Makeni. And he was there and he saw that the situation in
11 Makeni was so bad and he tried to take these people and --

12 JUDGE ITOE: To take these people?

13 THE INTERPRETER: The UNAMSIL.

14 JUDGE ITOE: Yes.

15:39:20 15 THE INTERPRETER: And took them in a safe place, in Kono,
16 where he had orders from Charles Taylor to get them released.

17 JUDGE ITOE: From who?

18 THE ACCUSED SESAY: From Charles Taylor.

19 THE INTERPRETER: And get them released.

15:39:51 20 JUDGE ITOE: Did Charles Taylor give the instructions
21 directly?

22 THE ACCUSED SESAY: [No interpretation] he sent for me. He
23 sent a helicopter in Pendembu to come and call me and I went down
24 to Monrovia. I was instructed that I should release these people
25 immediately. So upon my return back in Kono, the next day I
26 transport them to the borderline, and they took them to Monrovia.

27 THE INTERPRETER: He personally went to Monrovia and he was
28 instructed by Charles Taylor to release these people and he came
29 back and he took them and brought them back.

1 JUDGE ITOE: So you are not guilty on count 17?

2 THE ACCUSED SESAY: [No interpretation] thank you, sir.

3 JUDGE ITOE: I am not acquitting you. I'm entering a plea
4 from your explanation.

15:42:16 5 THE ACCUSED SESAY: [No interpretation] yes, sir, that --
6 I'm explaining what happened.

7 JUDGE ITOE: You were more generous to the UNAMSIL
8 personnel than others were. You were their rescue.

9 THE ACCUSED SESAY: [No interpretation] yes, exactly so,
15:42:35 10 sir. Even the day during the plans of the attack
11 [indiscernible].

12 THE INTERPRETER: He was not in support of the plans, the
13 attacks on UNAMSIL. In other words, he was the one responsible
14 the rescue --

15:43:03 15 THE ACCUSED SESAY: [No interpretation] I was in Makeni as
16 a field commander in charge of Makeni and Magburaka. By then
17 Makeni was our defence headquarter. When the leader gave the
18 instruction for us to attack the UN, I said "No, this will not be
19 in our own interest." He got annoyed with me and transferred me
15:43:53 20 to Kono. He say I should leave Makeni and Magburaka, I should
21 proceed to Kono to take charge -- I mean, to take care of the
22 mining. So I mean, the next in command, they left Makeni and I
23 only got information for he, the leader, that there is fighting
24 break out in Makeni between the RUF and UNAMSIL. So when I came
15:44:48 25 down and met the people hostage.

26 JUDGE ITOE: Is there another count? Is that the last
27 count? [Indiscernible].

28 Mr Issa Hassan Sesay --

29 THE ACCUSED SESAY: [No interpretation] yes, sir.

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1 JUDGE ITOE: You are also aka Issa Sesay?

2 THE ACCUSED SESAY: [No interpretation] yes, sir.

3 JUDGE ITOE: The indictment has been read and explained to
4 you.

15:46:10 5 THE ACCUSED SESAY: [No interpretation] yes, sir.

6 JUDGE ITOE: And every count on the indictment has been
7 read and explained to you, and there are 17 counts.

8 THE ACCUSED SESAY: [No interpretation] yes, sir.

9 JUDGE ITOE: And I have it on record that you have pleaded
10 not guilty to all the 17 counts. Is that -- is my record right?
11 You have pleaded not guilty to all the 17 counts?

12 THE ACCUSED SESAY: [No interpretation] yes, sir, but
13 during the part when the lady was reading, you know, when they
14 were talking about -- some part of the story was about diamond
15 enterprises here.

16 JUDGE ITOE: Yes.

17 THE ACCUSED SESAY: [No interpretation] yes, and I don't
18 have that on the count.

19 THE INTERPRETER: Initially when Ms Kamara read, there was
20 something connected to diamonds and he says he does not hear that
21 any more.

22 JUDGE ITOE: It's in the general indictment --

23 THE ACCUSED SESAY: Yes, sir. I said that during my own
24 days of office, when I took over as interim leader, you know,
25 there I mined and the diamond was taken somewhere, that, you
26 know, I have something to explain about that.

27 JUDGE ITOE: Yes.

28 THE INTERPRETER: During the time when he assumed the role
29 of leadership, definitely there was mining going on. And the

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1 other diamonds, they took them somewhere, and he said he has
2 something to explain about that.

3 JUDGE ITOE: Well, let me hear the relevance, you know, of
4 this, what you have to say. Yes, what do you want to say?

5 MR YILLAH: My Lord, again, My Lordship, we are moving on
6 very dangerous territory here.

7 JUDGE ITOE: Yes.

8 MR YILLAH: My Lord, these are very crucial aspect of the
9 plea process, and the accused, with respect, has pleaded not
10 guilty on all counts, My Lord.

11 JUDGE ITOE: Yes.

12 MR YILLAH: That's what my -- that's what my --

13 JUDGE ITOE: The impression I appear to have from your
14 client --

15 MR YILLAH: Yes, My Lord.

16 JUDGE ITOE: -- is that he intends, you know, to give some
17 explanations which appear in the indictment, you know, as a
18 whole, because the indictment, you know, should be read, you
19 know, in its entirety, as a whole. That is the impression I
20 have.

21 MR YILLAH: Yes, My Lord. My Lord, I --

22 JUDGE ITOE: Because you could hear him, even when he came
23 to UNAMSIL and so on, he did say that even though he was put in
24 this command position, he was able to rescue UNAMSIL staff, and
25 that he was kinder to them than others were, so these are
26 material things, you know.

27 MR YILLAH: My Lord, it's our submission that those could
28 be matters for evidence at the trial, My Lord. Those can come up
29 at the -- we are merely holding brief at this stage, My Lord.

1 JUDGE ITOE: Okay.

2 MR YILLAH: And we have, for our record purposes, My Lord,
3 that the accused has pleaded not guilty --

4 JUDGE ITOE: Not guilty on the 17 counts.

5 MR YILLAH: Yes, My Lord.

6 JUDGE ITOE: Point is taken. You stand up. Stand up.

7 [THE accused stands]

8 JUDGE ITOE: I would like to know if the Prosecution has
9 any comments to -- any brief comments to make on the proceedings.
10 You're not obliged to. Do you have any comments to make on the
11 pleas as taken?

12 MR JOHNSON: No, My Lord, not at this time.

13 JUDGE ITOE: What of Defence? No comment?

14 MR YILLAH: None. Except what we've said, no.

15 JUDGE ITOE: No comments.

16 Now, we are back to your defence. You're entitled:

17 1. To defending yourself; that is, defending yourself,
18 conducting this case without a lawyer on your side. Then, if you
19 want a lawyer -- do you want to defend yourself?

20 THE ACCUSED SESAY: No, sir, I would not able to respond
21 now, sir. I will have to think it over.

22 JUDGE ITOE: No, you have to respond. You have to respond,
23 because we have --

24 MR YILLAH: With respect, My Lord, again, if I may
25 intervene, My Lord.

26 JUDGE ITOE: Yes.

27 MR YILLAH: My Lord, Your Lordship has on your -- in your
28 file, the Court file --

29 JUDGE ITOE: Yes.

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1 MR YILLAH: -- copies of the declaration of means form that
2 has been duly filled out by the accused person.

3 JUDGE ITOE: Yes.

4 MR YILLAH: And he has also filled and submitted a request
5 form for legal assistance.

6 JUDGE ITOE: That is why I am telling him --

7 MR YILLAH: Yes, My Lord.

8 JUDGE ITOE: -- that he cannot say he has to reflect, when
9 certain things have already been done, and when we know that
10 there are certain papers in the files.

11 MR YILLAH: Yes, My Lord.

12 JUDGE ITOE: That's why I say he has to -- let him tell us,
13 you know, what he has done so far.

14 MR YILLAH: My Lord, I'm merely submitting that Your
15 Lordship may otherwise prefer to peruse those papers and then
16 rule on the application, having regard to what he has filled in
17 them, My Lord. Because, My Lord, the papers show clearly -- they
18 demonstrate his means --

19 JUDGE ITOE: Yes.

20 MR YILLAH: -- to the best of his knowledge.

21 JUDGE ITOE: But he does not have the means.

22 MR YILLAH: Yes, My Lord.

23 JUDGE ITOE: That he requires legal assistance.

24 MR YILLAH: And, My Lord, he filled in a request, My Lord.
25 That's entirely up to Your Lordship, My Lord. We're merely
26 inviting you to rule on the application as per his declaration of
27 means form and request for legal assistance. My Lord, and
28 furthermore, My Lord, these are very grave and serious
29 allegations.

1 JUDGE ITOE: Which require legal representation.

2 MR YILLAH: Which require very strong legal representation,
3 My Lord, and we'll invite Your Lordship to consider that as well
4 whilst --

5 JUDGE ITOE: He has filled the papers for legal assistance.

6 MR YILLAH: As My Lord pleases.

7 JUDGE ITOE: He's now appearing before the Judge.

8 MR YILLAH: Yes, My Lord.

9 JUDGE ITOE: It is for him to make the option. I will ask
10 him the question again: Does he want to defend himself, or he
11 rests on his application for legal assistance?

12 THE ACCUSED SESAY: I will get a lawyer.

13 MR YILLAH: As My Lord pleases.

14 JUDGE ITOE: Good. This matter will be stood down for
15 sometime later in the day, and it is accordingly ordered that the
16 matter is stood down, and will be called up in the course of the
17 day for the relevant orders that have to be made following the
18 applications from the Defence, and having listened to you as an
19 accused person. So the matter is stood down and you'll be called
20 up again in the course of the day.

21 THE ACCUSED SESAY: Thank you, sir.

22 [The accused withdraws]

23 [The matter was stood down at 1:36 p.m.]

24 [The matter was recalled at 2:22 p.m.]

25 JUDGE ITOE: Call case number 2 on the list, please.

26 THE REGISTRAR: Case number SCSL-05, Issa Hassan Sesay, the
27 Prosecutor against Issa Hassan Sesay.

28 JUDGE ITOE: I will take it that appearances are as they
29 were before at the commencement of these proceedings?

1 MR JOHNSON: Yes, Your Honour.

2 JUDGE ITOE: When we stood this matter down and -- I'd like
3 to dispense the accused person's appearance because it isn't very
4 necessary in the interests of justice. We -- it was a question
5 of determining, you know, whether he's entitled to legal
6 assistance.

7 And in this respect, I, sitting as a designated Judge under
8 Rule 16 of our Rules of Evidence and Procedure, considering the
9 Initial Appearance of Issa Hassan Sesay, the accused, on the 15th
10 of March, 2003, and pursuant to Rule 61 of the Rules; considering
11 the declaration of means presented by the accused, and as has
12 been asked by the Defence; considering the requests of legal
13 assistance made by the accused during his Initial Appearance, and
14 pursuant to Rule 45 bis and Rule 61 and 64 of the Rules, I do
15 hereby instruct the Registrar to provide legal assistance to the
16 accused as necessary, pending further investigations by the
17 Registrar into his means, and orders the detention under remand
18 of the accused, and for this order to be carried out accordingly.

19 The matter is also adjourned to Thursday, the 20th of
20 March, 2003. I hope that at that time the Registrar's Office
21 would have completed their investigations as to the means of --
22 available to the accused person for us to make a final order as
23 to whether he is entitled to legal assistance or not. So I would
24 like that please be done by the Registrar's Office by the start
25 of this -- before this date of adjournment.

26 As I have mentioned in the order, he will continue to
27 benefit from legal assistance until it is confirmed on whether he
28 is entitled to it or not, pending of course what the findings
29 would be by the Office of the Registrar of the Special Court.

1 So matter is adjourned to Thursday, the 20th of March,
2 2003.

3 The Court will have to adjourn to consider certain issues
4 in camera. When we talk of camera proceedings, I suppose you do
5 understand the public is not interested in camera proceedings.
6 And I think that those that can find their way to Freetown or
7 back to Bonthe island, wherever they live, they can feel free to
8 do so.

9 So the court will adjourn for a while and will resume in
10 camera.

11 The court will rise.

12 [Whereupon the Initial Appearance concluded at 2:29 p. m.]

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