



Case No. SCSL-2004-15-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
ISSA SESAY
MORRIS KALLON
AUGUSTINE GBAO

TUESDAY, 08 MAY 2007
9.40 A.M
TRIAL

TRIAL CHAMBER I

Before the Judges:

Bankole Thompson, Presiding
Pierre Boutet
Benjamin Mutanga Itoe

For Chambers:

Mr Matteo Crippa

For the Registry:

Mr Thomas George

For the Prosecution:

Mr Peter Harrison
Ms Penelope-Ann Mamattah
Ms Shyamala Alagenda

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph
Mr Jared Kneitel

For the accused Morris Kallon:

Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr John Cammegh

OPEN SESSION

1 [RUF08MAY07A - SM]

2 Tuesday, 8 May 2007

3 [The accused present]

4 [The witness entered court]

09:32:38 5 [Open session]

6 [Upon commencing at 9.40 a.m.]

7 PRESIDING JUDGE: Good morning, counsel. The trial
8 continues. Mr Jordash, please continue with the presentation of
9 your case.

09:41:07 10 MR JORDASH: Thank you, Your Honour.

11 WITNESS: ACCUSED ISSA HASSAN SESAY [Continued]

12 [The witness answered through an interpreter]

13 EXAMINED BY MR JORDASH: [Continued]

14 Q. Good morning, Mr Sesay.

09:41:14 15 A. Morning, Mr Lawyer.

16 Q. You were telling us on Friday about the kind of jobs you
17 did, whilst in Freetown, during the junta period. You discussed
18 rice and you discussed fuel. Was there any other involvement you
19 had with the distribution of supplies or logistics?

09:41:55 20 A. No. I did not distribute logistics. The army, the AFRC,
21 were even afraid to give us ammunition.

22 Q. Well, was ammunition given, at any stage, to the RUF?

23 A. Well, yes. Like, when Bockarie was in Kenema, but he used
24 to get ammunition through the brigade commander that was in
09:42:40 25 Kenema.

26 Q. Who is that commander?

27 A. Well, the brigade commander who was in Kenema at that time
28 was Colonel Gbanga.

29 Q. Can you spell that, please?

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1 A. Well, I think it's G-B-A-N-G-A. Gbanga.

2 Q. And what about ammunition for RUF deployed in the Freetown
3 region?

09:43:34 4 A. Well, Freetown area did not have -- there was no fighting
5 here. At the time that I came, I found out that they had
6 attacked the ECOMOG at Hastings. They had attacked those that
7 were at Mammy Yoko. So, during the time that I came, there was
8 no fighting going on. There was only one fighting that took
9 place at Jui, but it only lasted for two days. It didn't
09:44:08 10 continue after that. So, the fighting did not go on, so there
11 was no need for them do have distributed any ammunition.

12 Q. Was Cockerill significant in terms of the administration of
13 the AFRC or the RUF?

09:44:43 14 A. Well, Cockerill was the head of the military administration
15 in the AFRC, and the government did not call it AFRC/RUF; they
16 called it AFRC. So they just were being called upon not to take
17 part after they had seized power.

18 Q. And did you go to Cockerill during the junta period?

19 A. Yes, I used to go to Cockerill.

09:45:15 20 Q. And what did you go there for?

21 A. Well, it was at Cockerill that I was given one single room,
22 a room and a parlour as RUF office. So all the RUF
23 administration in Freetown was at Cockerill.

24 Q. And did you have anybody there working with you or for you?

09:45:45 25 A. Well, the ones that were in the office had been working for
26 the RUF. It was not purely for Issa.

27 Q. Well, did anyone report to you at Cockerill?

28 A. Yes. Like, the man who was in charge of the supplies.

29 When he had distributed the money to all the RUF and the food, he

1 would come and tell me, yes. That was the pure administration
2 that was in Cockerill, just to carry out the distribution of the
3 food, the rice, the money, and the fuel. Because they used to
4 give us -- they used to give the RUF 50 million leones. So that
09:46:42 5 was the money they used to pay privates up to the colonels.

6 Q. Well, how often did they give that amount?

7 A. Well, they started giving that money from -- I think from
8 September, or from August, up to January '98. It was per month
9 they would give the rice and money.

09:47:18 10 Q. Did you have --

11 JUDGE ITOE: From August of 1997, I'm sorry?

12 MR JORDASH: Yes. August, September 1997 up to January
13 1998.

14 Q. Now, did you have a radio operator whilst in the junta?

09:47:46 15 A. Yes. I had a radio set and I had an operator. Yes, sir, a
16 radio operator.

17 Q. Who was your radio operator?

18 A. Well, the man who came with me from Kailahun, we used to
19 call him Tiger. So, later in '97, the signal commander sent
09:48:21 20 Elevation so that he could join Tiger as radio operator.

21 Q. Who was the signal commander?

22 A. Well, before the AFRC --

23 THE INTERPRETER: Your Honours, would the witness go a
24 little bit slow?

09:48:50 25 MR JORDASH:

26 Q. Mr Witness, sorry. Can you just go back over that answer,
27 please?

28 A. Well, you said who was the signal commander during the
29 AFRC, and --

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1 Q. Well, no, who was the signal commander who sent Elevation?

2 A. Osman Tolo.

3 Q. And where did Elevation come from?

4 A. Well, Elevation -- all of them came from Liberia with Mike
09:49:39 5 Lamin.

6 Q. And when was that?

7 A. Well, Mike Lamin, he came first, as I mentioned earlier.
8 These men came later. And, later, Elevation came with other
9 people.

09:49:51 10 Q. Now, who did you communicate with on the radio?

11 JUDGE ITOE: Mr Jordash, please, Mr Osman Tolo, what was
12 he? He was a signal what?

13 THE WITNESS: Yes, My Lord, Osman Tolo was a signal
14 commander.

09:50:07 15 JUDGE ITOE: A commander of?

16 THE WITNESS: Signal commander for the signal unit.

17 JUDGE ITOE: For the AFRC or the RUF?

18 THE WITNESS: For the RUF, Mr Lord. Thank you, sir.

19 MR JORDASH:

09:50:33 20 Q. And who did you communicate with during the junta period,
21 by radio?

22 A. Well, Mosquito used to call me so that we could discuss
23 over the radio, and both of us would discuss -- when he was in
24 Kenema.

09:51:02 25 Q. When did he go to Kenema?

26 A. Well, Bockarie, he was based in Kenema permanently in
27 September.

28 Q. Okay. We'll come back to that in a minute. So you'd
29 communicate with Bockarie by radio; any other commanders of the

1 RUF?

2 A. Well, no. I did not talk with other commanders. He used
3 to send messages to me and I would send responses.

4 Q. Well, who did send messages and who did you respond to?

09:51:55 5 A. For example, like, the commander who was in Kailahun. You
6 see, when the ration was finished, he would send a message saying
7 that they would come to collect their own ration, and he was
8 Denis Lansana. He would say that I would send the people to come
9 and collect their own ration, and the same thing again with the
10 commander in Makeni. He was called Kailondo.

11 Q. Kailondo is K-A-I-L-O-N-D-O?

12 A. Yes.

13 Q. Now, apart from these conversations about supplies and
14 these conversations with Bockarie, were there conversations about
09:52:44 15 anything else concerning the RUF troops?

16 A. Well, during this time, we did not have any effective
17 communication because there was no fighting going on. The
18 situation had already shown itself as though it was peace, so
19 there was no communication and no communication was affected
09:53:11 20 during that time.

21 Q. Was there any deployment of troops, during the junta
22 period, or changes of deployment?

23 A. Yes. There was deployment going on, although, it was not
24 only the area -- the areas of the country that were able to
09:53:39 25 deploy.

26 Q. Well, how was deployment organised?

27 A. Well, just like I said earlier on. I said, before I came
28 to Freetown, I found out they were already deployed. But out of
29 Freetown, for example, Bo, RUF -- RUF presence was not in Bo from

1 May '97 to August. August, that was the time that Bockarie sent
2 instructions to Morris Kallon in Makeni so that he could go to Bo
3 and take command in Bo. It was from August that RUF was present
4 in Bo, '97.

09:54:17 5 Q. How did Sam Bockarie send that instruction to Morris
6 Kallon?

7 A. Well, Sam Bockarie sent the message direct to the station
8 in Makeni where the RUF was stationed, at Teko Barracks.

9 Q. Well, how do you know that?

09:54:43 10 A. Well, Kallon, when he we went to Bo, he came to Freetown.
11 And he came and told the men -- he came and told us in the
12 office, the men that he had in Bo, for their rations, so -- and
13 he discussed. He said, well, Bockarie had sent him to Bo so as
14 to go and take over the place as RUF commander.

09:55:06 15 Q. Was there any communication between Sam Bockarie and
16 Superman during the junta period?

17 A. The only discussion that was between them was not a good
18 one, because I said that from the early stage, when I met them in
19 Benguema, there was a problem between Bockarie and Superman
09:55:30 20 because of the nine million leones. This brought a breakdown
21 between Bockarie and Superman.

22 Q. Well, when did that incident take place?

23 A. I think it was in June when Johnny Paul gave that money.

24 Q. June 1997?

09:55:58 25 A. Yes.

26 Q. Was there any other issue between Bockarie and Superman at
27 that time, besides the money issue?

28 A. Yes. Before Bockarie went and based in Kenema, September
29 '97, there was a problem between him and Superman again. But,

1 during that time, we had transferred to Hill Station, about a
2 vehicle.

3 Q. Sorry, I missed that last sentence. Can you say it again,
4 please?

09:56:38 5 A. I said, before Bockarie went and based in Kenema, from
6 September '97, at that time, we had transferred from BTC to Hill
7 Station, where they gave us villas. So Bockarie and Superman had
8 problems about a vehicle, which Superman, they said, was looted
9 and Bockarie said he was to return these vehicles, but Superman
09:56:59 10 did not agree. So bitterly, he challenged Bockarie. That was
11 the relationship that was existing between them

12 JUDGE BOUTET: I don't understand the connection between
13 that and the transfer to Hill Station. Was it just to locate
14 that in time? I'm not sure.

09:57:19 15 MR JORDASH: I think it was.

16 Q. Why do you mention the movement to Hill Station from BTC?
17 Is that when it happened?

18 A. Yes. The problems happened at Hill Station and, from that
19 time, Bockarie went to Kenema and based in Kenema, finally. He
09:57:47 20 would only come to Freetown once in a while.

21 Q. Well, I'll cover --

22 JUDGE BOUTET: So you mean to say that Bockarie was at Hill
23 Station at the transfer and then, because of the problem, went
24 away?

09:57:58 25 THE WITNESS: No, My Lord. That was -- it was not because
26 of the problem. Bockarie went and based in Kenema, one, because
27 he grumbled that Johnny Paul Koroma had released the 320
28 prisoners of war who were captured at Mammy Yoko by the ECOMOG.
29 And he said --

1 Q. Who captured the prisoners of war?

2 A. Well, it was the AFRC. They were the ones that captured
3 them, these prisoners of war, at Mammy Yoko. It was, I think,
4 June 2nd. So --

09:58:57 5 JUDGE ITOE: Was it 320?

6 MR JORDASH: Yes.

7 THE WITNESS: I think so, My Lord.

8 MR JORDASH:

9 Q. And which troops were these?

09:59:08 10 A. They were Nigerians; the Nigerian contingent.

11 Q. In what circumstances did JPK release these prisoners?

12 A. Well, I was not at State House during that day. But
13 Bockarie told me that -- he said he went to State House to Johnny
14 Paul, then this SFY Koroma, SO Williams, PL0-1, and some Nigerian
09:59:49 15 commanders came to State House, and Mosquito was in the office of
16 Johnny Paul. Then Johnny Paul asked Mosquito to excuse them so
17 that they could discuss something, and Bockarie came and found
18 out that it was because of the release of the Nigerian ECOMOG
19 soldiers. So he said, well, since Johnny Paul did not recognise
10:00:14 20 him, and if they wanted to discuss something connected with the
21 release of the Nigerians, Johnny Paul was not supposed to have
22 driven out. So he said that he did something that was unfair.
23 He said, he did not feel Johnny Paul would ask him out while they
24 were discussing the release of the Nigerians. So it seemed as
10:00:32 25 though there was no confidence in him

26 And, the second one, there was one officer who had an
27 accident with Sam Bockarie's jeep at Wilberforce. So these were
28 the things that he looked at, and he said that they wanted to
29 kill him. That was why he went and based in Kenema.

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1 Q. Slow down a bit. So there was an accident involving who?

2 A. Well, it was one military officer and Sam Bockarie, were in
3 the vehicle, and they had the accident while Bockarie was in the
4 vehicle. And Bockarie took it for granted that they wanted to
10:01:17 5 kill him and that it was a ploy to kill him

6 Q. And when was that?

7 A. It was in September, the same September.

8 Q. Did Sam Bockarie, as far as you were aware, have any
9 ambitions about assignments during the early stages of the junta?

10:01:44 10 Did he want anything?

11 A. Yes. Bockarie went on with the idea that, in the absence
12 of Foday Sankoh, he was supposed to have acted in the place of
13 Foday Sankoh, because JPK said that Foday Sankoh was the
14 vice-chairman. So Bockarie felt that they would make him
10:02:14 15 vice-chairman, but he was not given the appointment. Instead, it
16 was given to SAJ Musa.

17 Q. Which, if any, military appointments were given to the RUF
18 during the junta?

19 A. Well, the only people among the RUF commanders who were
10:02:55 20 given military appointments were Mike Lamin, he was made director
21 of national security; then, Isaac Mongor, who was anti-looting
22 squad commander in Freetown. Those were the only two people who
23 were given appointments.

24 Q. Who appointed those two people?

10:03:20 25 A. It was Johnny Paul who appointed them

26 Q. And who did they report to?

27 A. Well, anti-looting, Isaac Mongor, he was reporting to the
28 deputy defence minister, and, at the same time, he reported to
29 the president, who was JPK. Mike Lamin had been reporting

1 directly to JPK.

2 Q. Now, I think you mentioned on Friday -- I just want to --

3 JUDGE ITOE: Sorry, you said Mike Lamin occupied what
4 position, please? Director of? Mike Lamin.

10:04:09 5 THE WITNESS: Yes, My Lord, director of national security,
6 but that was in late 1997, around November/December.

7 MR JORDASH:

8 Q. I just want to ask about a couple of issues concerning the
9 topics of discussion in the Supreme Council. Number one, was

10:04:48 10 mining discussed?

11 A. My lawyer, from the time that I had been attending Council
12 meetings, they had never discussed minor issues. Even the -- the
13 ministry had a minister.

14 Q. Which ministry had a minister?

10:05:13 15 A. The Ministry of Mines. It was SAJ Musa who was the
16 minister.

17 Q. And who else was in the ministry?

18 A. Well, I understood that it was Major Paul Thomas, he was
19 the deputy minister of mines. AFRC, an AFRC man.

10:05:54 20 Q. Were there any RUF in the ministry?

21 A. Well, Bockarie appointed one Foday Sankoh as bodyguard, so
22 that he could be -- so that he could work under -- in that

23 ministry, who was Molba. But it turned out that Molba had been
24 reporting to SAJ Musa; it was not to Bockarie that he had been

10:06:18 25 reporting. It was just, like, he was there, just as somebody to
26 view what was happening.

27 Q. Can you spell his name, please?

28 A. Molba, I think, M-O-L-B-A.

29 Q. Did anybody in the ministry report to you?

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1 A. No, no, no. Nobody reported to me. It was the Minister of
2 Mines who was in charge of the ministry.

3 Q. Now, I'm going to come back to mining later on, but I just
4 want to deal with another subject that may or may not have been
10:07:08 5 discussed in the Supreme Council. Harassment of civilians, was
6 that discussed in the Council?

7 A. Yes, they talked about that and they warned people. And,
8 in fact, the AFRC government had had to execute soldiers on two
9 different occasions.

10:07:41 10 Q. Can you remember when that was?

11 A. Well, this, I did not see the killing with my own eyes, but
12 I cannot tell the exact month. But it happened twice before the
13 AFRC were ousted from power, and I think that ten or 11 of these
14 soldiers were executed.

10:08:11 15 Q. Were there any laws discussed at the Supreme Council or
16 elsewhere during the junta period?

17 A. Yes. These were the laws that were instituted in the
18 Council. And they read that over the radio so that the soldiers
19 would stop harassing, including RUF. And they spoke in the
10:08:38 20 Council that whosoever was caught, they would set an example, and
21 because they said that in the Council, that is why these
22 executions were carried out.

23 Q. What were the executions for; what crimes?

24 A. Well, they said because of harassment, harassing the
10:09:05 25 civilians, breaking people's houses at night. Those that were
26 caught were the ones that were killed.

27 Q. So, were there any laws, other than concerning breaking
28 into people's houses?

29 A. Well, anything that had to do with harassing of civilians,

1 if you were caught, well, the law would take its course. And
2 those that were killed -- I think there were 20, there were more
3 than 20 on two different occasions -- it was not all of them --
4 it was not only because of breaking houses, some were killed
10:09:44 5 because of looting and harassing civilians.

6 Q. What do you mean by harassing? That's a big word. What do
7 you mean by harassing?

8 A. Well, if you are armed people and you went to the compound
9 of people and put people under gunpoint, and take their property
10:10:06 10 and loot the property of the people, well, that is harassing.

11 Q. Now, I want to ask you about some meetings which 045 spoke
12 about. 045 said that he attended a meeting in September 1997 at
13 the Wilberforce Barracks in which you, Mike Lamin, Morris Kallon,
14 Gibril Massaquoi, Eldred Collins, General Bopleh, and Coas
10:11:11 15 attended. Do you recall that meeting?

16 A. Well, I did not attend such a meeting, and I knew that they
17 had not been holding meetings at Wilberforce. The meetings which
18 AFRC -- which we held at the AFRC were in State House, Cockerill,
19 and the lodge in Johnny Paul -- where Johnny Paul was staying.

10:11:41 20 We did not hold any meeting at Wilberforce. And, TF1-045, it was
21 around November that he came to Freetown; it was not in
22 September, because I and Mike Lamin, would meet every day.

23 Q. Sorry, what do you mean you would meet every day? Why do
24 you mention that?

10:12:12 25 A. Well, Mike Lamin was my friend, so, in the morning before I
26 went to Cockerill, I would go to his house, and he was my senior
27 man, and he was the one who trained me. So whosoever was with
28 him, obviously I would be able to see him or her.

29 Q. This witness claimed that, at this meeting, there was some

1 kind of wall chart with a command structure on the wall chart.
2 Now, just putting aside when the meeting would have been, did you
3 attend a meeting during the junta period where there was a wall
4 chart with a command structure on it?

10:12:52 5 A. No, no. I said, no meeting took place at Wilberforce.
6 Wilberforce was a mess. We, the officers, senior officers, in
7 the army, RUF, would go there to just sit together and discuss
8 and take drinks. It was not a place for meetings. So that's not
9 true.

10:13:24 10 Q. Was there -- 045 also spoke of a meeting in the Youyi
11 building in September; do you recall such a meeting?

12 A. No, no. I did not attend any meeting at Youyi building,
13 that did not happen, and I never heard that AFRC held a meeting
14 at Youyi building. Youyi building is meant for the ministries;
10:13:57 15 it's not for military purposes.

16 Q. This same witness said there was a meeting sometime in 1997
17 at Johnny Paul Koroma's residence at Spur Road. You are alleged
18 to have been present with JPK; his brother, the chief of defence
19 staff; Colonel Isaac; General Bropleh; Morris Kallon; Mike Lamin.

10:14:35 20 A. Well, if it was a time when that witness came around in
21 November to December before Mike sent him back in Freetown, yes.
22 Yes, we had been holding meetings at Johnny Paul's lodge, but
23 Isaac did not attend such meetings, because he was not AFRC
24 council meeting member. So Isaac did not attend those types of
10:14:55 25 meetings, and no security entered these meetings. The security
26 who came would be out of the compound. Out of the fence, there
27 they would be.

28 Q. Why did security stay outside? Who decided that?

29 A. Well, that was the procedure. That was the procedure that

1 the AFRC took. It was only members of the Council, including
2 civilians, who were supposed to attend the meetings and not the
3 security. And the place would not even allow bodyguards to get
4 into this place because it was not a big place that could
10:15:41 5 accommodate so many people, so the security were not supposed to
6 attend these meetings.

7 Q. Were arms taken into the meeting?

8 A. No, no. We were not allowed to take arms, the bodyguards
9 would be in the gate and the security. They would not enter. It
10:16:04 10 was only Johnny Paul --

11 THE INTERPRETER: Your Honours, would the witness go slow?

12 MR JORDASH:

13 Q. Would you please repeat that answer, please?

14 A. Okay, okay. I said, the CS0 to Johnny Paul, he did not
10:16:30 15 allow even we, the Council members, to enter the compound with
16 vehicles. Our vehicles were left in the street. There, our
17 security stayed and we, ourselves, were not allowed to enter the
18 place with guns; we would leave the guns or the pistols with the
19 bodyguards in the vehicles. Then you got into the lodge. And,
10:16:55 20 after the meeting, we would come out again and you and your
21 bodyguards would go.

22 Q. Did Johnny Paul Koroma speak to you at meetings, directly?

23 A. Well, he would talk to everybody but not directly to me.

24 Q. Was there a time when he spoke to you directly at a
10:17:23 25 meeting?

26 A. Well, it was after the meeting had finished when we were
27 coming out, that was the time that he called me. He called me
28 and he said that I and S0 Williams should go to Magburaka. That
29 was the only time that he spoke to me.

1 Q. And what did he say you should do at Magburaka?

2 A. He said I and army chief of staff should go to Magburaka.
3 There was a flight that was coming, so that we could go and
4 receive the ammunition that was going to -- that would be brought
10:17:57 5 by the flight.

6 Q. Did he say where the flight was coming from?

7 A. Yes, I knew that he said it was coming from Burkina Faso.

8 Q. Did you go with the army chief of staff?

9 A. Well, it was not only I and the army chief of staff. He
10:18:36 10 went with the officers from the State House, where he was with
11 Johnny Paul. So all of us travelled and went to Magburaka.

12 Q. So how many people went?

13 A. Well, I cannot tell the exact number, but the group was not
14 that large. But they were officers from the AFRC. And, in fact,
10:19:06 15 I and the army chief of staff did not -- we did not go with the
16 vehicle; it was a helicopter that took us to Magburaka.

17 Q. And what happened when you got to Magburaka?

18 A. Well, when we arrived at Magburaka, we went to the field,
19 which was prepared by the AFRC and we met the brigade commander
10:19:42 20 there from the north, Colonel Momodu, and we met the SOS from the
21 north, Bushfall.

22 Q. Can you spell Bushfall?

23 A. B-U-S-H -- Bushfall.

24 Q. And what happened then?

10:20:15 25 JUDGE ITOE: Is it Bushfall or Bushfowl?

26 THE WITNESS: Bushfall, My Lord.

27 MR JORDASH: Bushfall, F-A-L-L.

28 THE WITNESS: Yes, you're right.

29 JUDGE ITOE: I thought there was a creature referred to as

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1 a bush fowl.

2 THE WITNESS: No, it's Bushfall, sir. He had his real name
3 but this was his nickname that I knew. He also was a major. So,
4 we met them at the airfield; the helicopter dropped us. So, when
10:20:54 5 the helicopter dropped us, we were there waiting for the flight.
6 The flight came. Then they had to offload the material which was
7 brought by the flight. Then when the flight left, in about five
8 minutes, the Alpha Jet came and it made some serious bombardment.

9 MR JORDASH:

10:21:22 10 Q. Was there anybody on the plane; who came with the plane?

11 A. Yes. Johnny Paul had sent Lieutenant-Colonel Fonti Kanu to
12 Burkina Faso as his military attache. So he was the one who came
13 with the plane. He directed the pilot up to the time that they
14 came and landed at Magburaka.

10:21:48 15 Q. And so what happened after that?

16 A. Well, when the jet had bombarded on that ground, then we
17 had to put the ammunition into two trucks. So the army chief of
18 staff said that we were to wait until nightfall, so that we could
19 travel. Then, around 7.30, we left the airfield. We came up to
10:22:27 20 Waterloo, then we passed through the peninsula. So, around 5.30,
21 we came straight and parked. We went to Johnny Paul's lodge.
22 There, we left the two trucks of ammunition and I went to my
23 house.

24 Q. So what happened to the -- well, first of all what was the
10:22:50 25 ammunition?

26 A. Well, I saw two anti-aircraft guns, and I saw sam seven
27 that was for jets. Then I saw anti-aircraft rounds. That was
28 the ammunition that came.

29 Q. And what happened to the ammunition?

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1 A. Well, the ammunition that they brought was taken to Johnny
2 Paul's lodge. There we parked it and we left our vehicle, and I,
3 and the army chief of staff went; he went to his house and I also
4 went my own villa. So, the following morning when I came to
10:23:44 5 Cockerill, I met the army chief of staff. He had to tell me that
6 the ammunition, which we brought yesterday, was in Johnny Paul's
7 lodge. He said -- well, it seemed as though he did not have any
8 trust in us. So he said that he, himself, was going to
9 distribute it. So the ammunition was at the lodge.

10:24:07 10 Q. So was it distributed?

11 A. Yes, because I came to understand that JPK called Mike
12 Lamin. He gave him one anti-aircraft gun, which was mounted in
13 one Land Cruiser pick-up, and some of the rounds, and he told
14 Mike Lamin to take them to Sam Bockarie, in Kenema. And the
10:24:43 15 other one was given to the army headquarter and the colonel in
16 charge of logistics, who was Colonel IY Koroma, he was one who
17 was carrying out the distribution. It's where AFRC was deployed.
18 Because I, myself, asked SO Williams -- I said, "But, the
19 ammunition has been brought. Why have we not been given ours?"

10:25:14 20 He said, "Issa will have called you people if we are to give you
21 a lot of ammunition. Suppose you people are to turn these arms
22 against us," he said, "What would he say?"

23 Q. Okay.

24 A. Mr Lawyer, I just want to draw your attention to what 334
10:25:51 25 talked about, this ammunition and flight which came. The people,
26 whose names they called, did not go there; like, Mike Lamin and
27 Kallon, did not go there. They did not go to Magburaka. They
28 were not there at all. He, himself, 336 [sic] did not go there.

29 Q. 334, you mean?

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1 A. I think 366.

2 Q. I'm sorry, 366.

3 A. 366. Because he said Kallon was there, Mike Lamin was
4 there; that was a lie.

10:26:29 5 Q. What was 366 doing -- no, sorry, don't answer that
6 question. I'll come back to that, maybe in closed session.

7 MR JORDASH: Can I stop for one moment, please?

8 PRESIDING JUDGE: Leave granted.

9 MR JORDASH: Okay. I think last subject and then we'll
10:27:29 10 move to Kenema, briefly.

11 Q. Can you just explain, very, very briefly, Mr Sesay, how
12 Gibril Massaquoi ended up in Pademba Road Prison? Brief as you
13 can.

14 A. Well, as I was explaining in Court here, I said, Gibril
10:28:12 15 Massaquoi was with Foday Sankoh in Nigeria when the AFRC seized
16 power from the SLPP. Then it was Foday Sankoh who sent him, with
17 some letters, to Johnny Paul and Sam Bockarie. And, when he
18 came, he met Johnny Paul. He told Johnny Paul about the
19 ammunition that were at Burkina Faso and he explained to Johnny
10:28:45 20 Paul the message Foday Sankoh gave him, regarding the role Johnny
21 Paul should play in order for the ammunition to arrive in
22 Freetown; that he had to take a charter flight and he was going
23 to pay the money. So Gibril and others went to Burkina Faso.
24 They made the arrangement and later came to Freetown, he and
10:29:17 25 Steve Bio.

26 So I understood that Johnny Paul sent them to go and
27 inspect the airfield in Bo, but they said the airfield wasn't
28 good. So Bockarie called me while I was in Kenema -- rather,
29 Bockarie called me and I met him in Kenema.

1 Q. When was that?

2 A. I think it was in September towards October. I felt so.

3 Q. Go on.

4 A. So I used a vehicle, which I took to a garage at Koroma
10:31:46 5 Street. So I was at the garage in order for my vehicle to be
6 serviced. There I saw Gibril Massaquoi and Steve Bio came in
7 three vehicles. But the garage was full of civilians' vehicles.
8 As Gibril alighted the vehicle, he started speaking publicly,
9 saying --

10:31:46 10 Q. Mr Sesay, sorry. Can you just try to deal with it briefly.
11 What was it -- could you get to the part --

12 A. Okay. Gibril spoke publicly. He said, "Guys, what type of
13 work are you doing here?" He said, "This power, the power is not
14 to be distributed equally." He said, "Now we're being controlled
10:31:47 15 by the AFRC, the power has not been divided equally. So, now, we
16 are under the AFRC. So what are doing?" Then Steve Bio said --
17 he said it was true. He said, that was not the way the situation
18 should be. He said, the power should be shared equally between
19 the RUF and the AFRC. Then I said, if that is the situation,
10:31:47 20 this is not where it should be discussed, publicly, where
21 everybody is present. So they called me. Three of us went and
22 stood some distance away from the garage.

23 Then Steve Bio said, in fact, the ammunition should be
24 brought this week or next week. He said, if the ammunition were
10:32:09 25 to be brought, he said he wanted us, the RUF, to seize the
26 ammunition so that we could overthrow the AFRC government. I
27 said, "I'm not the appropriate person to inform about it, about
28 the issue. Go and inform Mosquito about this." Then Gibril
29 said, "We are afraid of Mosquito, that's why we have come to

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1 inform you, so that you will inform Mosquito." Then I said, I
2 wouldn't be able to say it on your own behalf. If all of us
3 desire so, let us wait for Mosquito to come, so that we'll
4 discuss the issue with him

10:33:04 5 But before this, as I arrived in Kenema, the very night,
6 Mosquito said he has received a call that Johnny Paul had called
7 him to report in Freetown immediately. So, the following
8 morning, when the men met me at the garage, Mosquito had come to
9 Freetown. I told them, sir, I would advise that they should stay
10:33:35 10 in Kenema and wait for Mosquito so that, when Mosquito returned,
11 the three of us will discuss the issue with him. They said, no,
12 they were going to return to Bo, and waited for Mosquito there.
13 So that when Mosquito would have returned from Freetown, they
14 would join him together to go to Kenema. So they returned to Bo.

10:34:04 15 Mosquito came that night. The following morning, I went
16 and greeted Mosquito. Mosquito told me that if I knew the
17 reasons why Mosquito -- why Johnny Paul called him to come down
18 to Freetown. I said, no. Then Mosquito said -- Mosquito called
19 me, saying that certain commanders within the RUF had planned a
10:34:35 20 coup to overthrow Johnny Paul and the AFRC. He said that was why
21 he called upon Mosquito. He said because he never meant anything
22 bad, he only wanted the war to come to an end. He said, so
23 Mosquito should kindly investigate the issue and report it back
24 to him

10:35:08 25 So I explained what we discussed amongst ourselves. Gibril
26 Massaquoi -- then Bockarie said Johnny Paul was right. Then I
27 said, "Wait a little bit, the man will come." And around 12
28 noon, that was the time Steve Bio and Massaquoi went. Then
29 Bockarie ordered that they should be arrested and Bockarie said I

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1 should bring them down to Freetown to Johnny Paul.

2 So when we arrived in Freetown, I called Michael Lamin,
3 called Isaac and explained to them -- Isaac and Mike Lamin --
4 said, "You people are trying to bring some trouble again." So

10:36:11 5 I and Mike Lamin drove them to Johnny Paul's lodge. Johnny Paul
6 called for the MP commander and handed them over to the MP. So
7 this was what happened.

8 Q. And what happened to the two men after they had been handed
9 over to the MP?

10:36:40 10 A. Well, I understood that they obtained statement from them
11 After all, Johnny Paul sent them to Pademba Road Prisons and they
12 were there until January 6, when they were freed. '99.

13 Q. Did the army chief of staff ever discuss with you anything
14 to do with Kenema?

10:37:42 15 A. Yes. That was in late October.

16 Q. And what happened?

17 A. Well, the army chief of staff called me and told me that I
18 should train Mosquito in Kenema, and the brigade commander, so
19 that we could attack the ECOMOG contingent based in Kenema in a
10:38:13 20 school building called Lebanese school, and at the outskirts of
21 Kenema Town.

22 Q. When you say the ECOMOG contingent at the Lebanese school,
23 what do you mean precisely?

24 A. Well, what I'm trying to say, the ECOMOG were in Kenema,
10:38:43 25 but they were based outside the town in a school building and
26 they were in their own group. No other person was in that group,
27 except themselves.

28 Q. Besides them being at that place, was there a problem with
29 them being at that place?

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1 A. Well, it was -- they planned a general attack because they
2 even attacked the ECOMOG that were in Bo also. So the army chief
3 of staff said I should join the men in Kenema.

4 Q. Did you go?

10:39:31 5 A. Yes, I went.

6 Q. Who did you go with?

7 A. Well, I went with my bodyguards.

8 Q. What happened when you got there?

9 A. Well, when I arrived, I met Bockarie and explained to him
10:39:56 10 that the army chief of staff sent me to join them. Then he
11 answered, yes, that they had a mission to attack and dislodge the
12 ECOMOG in Kenema. So all of us went to the brigade commander.
13 Then the brigade commander, he, too, had his own battalion
14 commander. Then we planned the attack. The brigade commander
10:40:25 15 issued the ammunition for the attack. Then we attacked the men;
16 we dislodged them. They went to the Liberian border and crossed
17 over to Liberia.

18 Q. Okay. Do you know --

19 MR JORDASH: Can I just have a quick discussion with my
10:41:12 20 learned friend from the Prosecution? I am about to deal with an
21 incident which involves a doctor. I'm just wondering, I cannot
22 remember if that evidence was given in closed session or not.

23 PRESIDING JUDGE: Leave granted.

24 MR JORDASH: I will just cross the room, if I can. Thanks.

10:41:55 25 [Prosecution and Defence counsel conferred]

26 MR JORDASH: Thank you.

27 Q. I am going to deal with an incident, Mr Sesay, and just be
28 careful in terms of giving -- let's just see where we go,
29 actually. Were you involved in this incident involving a doctor

1 in Kenema?

2 A. Yes.

3 Q. Now, was that at the same time or around the same time as
4 this attack on the ECOMOG at the Lebanese school?

10:43:24 5 A. Yes, after the attack.

6 Q. Just before we go to that, was the visit to Kenema for this
7 attack your first visit to Kenema or had there been other visits
8 during the junta period?

9 A. Well, I went -- I had been there before this visit.

10:43:54 10 Q. When had you been there before this visit?

11 A. Yes, I think I had informed the Court that I first went to
12 Kenema in September and this was late in October when we went
13 there to attack the ECOMOG.

14 Q. Okay. And tell us about this incident, please?

10:44:22 15 A. Well, after the attack on the ECOMOG and we had dislodged
16 them, the SOS in Kenema, Eddie Kanneh and Bockarie, made a party
17 at the secretariat. So there were a lot of people there,
18 civilians, NGOs who went to that party at the secretariat. While
19 there at the party, when Bockarie called me, at the verandah of

10:45:05 20 the building, he said he had received an information that one
21 doctor -- that a doctor who used to send medicine for the

22 Kamajors in the bush and he bought, also, a single barrel and
23 sent them to the Kamajors. And he ordered me to go and arrest
24 the doctor and bring him to the secretariat. He showed me the
10:45:32 25 address where the man was and I went there.

26 Q. Who did you go there with?

27 A. I think I had -- Colonel Lion was with me and four of my
28 bodyguards were in the van. It was a pick-up.

29 Q. Who is Colonel Lion?

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1 A. Well, Lion was the RUF battalion commander in Kenema, under
2 Sam Bockarie, and he was a Vanguard.

3 Q. And your four bodyguards, who were they?

4 A. Well, Isiaka was among them, Tommy, and I cannot recall the
10:46:41 5 other two. I cannot recall their names.

6 JUDGE ITOE: Was Boys not there?

7 THE WITNESS: No, My Lord. Boys was not amongst them.

8 MR JORDASH:

9 Q. And what happened?

10:47:00 10 A. Well, when we went to the house, we met the doctor in his
11 -- in the house. I met two men outside and they said the Pa was
12 in, and I told them that they should call him for me because I
13 wanted to talk -- to speak with him because I had a message for
14 him.

10:47:20 15 [By order of the Court this portion of the transcript, page
16 25, lines 15 to 29 and page 26, lines 1 to 13 was extracted and
17 filed under seal]

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OPEN SESSION

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14 PRESIDING JUDGE: Go ahead, Mr Harrison.

10:50:07 15 MR HARRISON: The Prosecution did have a conversation with
16 Mr Jordash just before these questions were put. We are in a
17 position now where I think the Prosecution needs to suggest to
18 the Court that, for a brief period of time, the Prosecution would
19 like to address the Court in closed session.

10:50:38 20 PRESIDING JUDGE: At this point, do you intend to make an
21 application?

22 MR HARRISON: I just wish to discuss the matter with the
23 Court in closed session.

24 PRESIDING JUDGE: Very well. In other words, an
10:50:50 25 application for a closed session; that's what I am saying, to be
26 precise.

27 MR HARRISON: That's correct, yes.

28 PRESIDING JUDGE: Mr Jordash.

29 MR JORDASH: I don't know if the Prosecution would be

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1 content if I applied for a closed session to deal with ten
2 minutes of evidence in closed session.

3 PRESIDING JUDGE: But he intends to address -- do you want
4 to resolve that?

10:51:11 5 MR HARRISON: That would be appropriate and the Prosecution
6 would be content with that.

7 PRESIDING JUDGE: Very well then. You will make an
8 application at this point in time?

9 MR JORDASH: Yes, please, to go into closed session to make
10:51:22 10 the application. Can I say --

11 PRESIDING JUDGE: Can you hold on?

12 MR JORDASH: Sorry.

13 PRESIDING JUDGE: Usually the practice is to hear an
14 application for closed session in closed session. How long would
10:51:38 15 we be in closed session, some kind of rough estimate from you,
16 Mr Jordash?

17 MR JORDASH: I would have thought no more than 15 minutes.
18 I just want to put allegations which were made by somebody.

19 PRESIDING JUDGE: Did you say 1-5 minutes?

10:51:55 20 MR JORDASH: One-five.

21 PRESIDING JUDGE: Yes. In that case, I would ask members
22 of the public to retire for about 30 minutes and ask the
23 technicians to adjust the technology so that we can be in closed
24 session.

10:52:18 25 MR NICOL-WILSON: Your Honours, Mr Kallon would like to
26 step out of the courtroom for --

27 PRESIDING JUDGE: Leave granted. May we then have --
28 release the witness, temporarily, for the purposes of the
29 application, in case there may arise issues which may not be

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1 necessary or would you -- just a minute.

2 MR JORDASH: I would be happy for him to stay.

3 PRESIDING JUDGE: Yes. Would it be your desire to have the
4 accused stay on because he is a witness?

10:53:09 5 MR JORDASH: Yes, please.

6 PRESIDING JUDGE: And I am treating him as a witness now.

7 MR JORDASH: Yes, please.

8 PRESIDING JUDGE: You have no problem with that?

9 MR JORDASH: No problem

10:53:20 10 PRESIDING JUDGE: Very well. Right. Then, Prosecution,
11 what is your response? Do you have any problem with the accused
12 witness staying in Court?

13 MR HARRISON: Yes, I think Your Lordship is right. I think
14 the accused has to be present.

10:53:33 15 PRESIDING JUDGE: Very well. All right. We'll continue
16 then. Mr Jordash, your application, then? Are we in closed
17 session?

18 JUDGE ITOE: Are we in closed session?

19 PRESIDING JUDGE: Why is it taking so long? Advise us when
10:53:52 20 we are. Mr Jordash, just for my own enlightenment, do you
21 envisage further closed sessions during the course of the
22 presentation of your case beyond this brief one? Is that part of
23 your strategy? I mean, if you are not in a position to say
24 that --

10:54:59 25 MR JORDASH: I would be surprised if there weren't some.

26 PRESIDING JUDGE: Very well. I am just thinking of the
27 possibility of holding back a consolidated ruling for the public,
28 rather than shuffle between a closed session ruling and then an
29 open session ruling. We'll just wait for a consolidated ruling,

1 we can do that.

2 MR JORDASH: Yes.

3 PRESIDING JUDGE: Right. Thanks.

4 [At this point in the proceedings, a portion of the
5 transcript, pages 30 to 41, was extracted and sealed under
6 separate cover, as the proceeding was heard in a closed session]

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OPEN SESSION

1 [open session]

2 [RUF 08MAY07C- SM]

3 [Upon resuming at 12.02 p.m.]

4 PRESIDING JUDGE: Continue, Mr Jordash.

12:02:36 5 MR JORDASH: Thank you, Your Honour.

6 Q. Could I ask you, Mr Sesay, to, if you can, say how many
7 times you went to Kenema during the junta period?

8 A. I would say that I went to Kenema three times.

9 Q. So the incident we've been talking about concerning the
12:03:24 10 arrest was the second time, you have told us, and there was then
11 a third time. When was the third time?

12 A. Well, I think that this incident was the last time that I
13 left Kenema, late October. I did not go to Kenema again up to
14 the time of the intervention.

12:03:48 15 Q. Okay. So the first time was when, approximately?

16 A. Well, the first time I went for two days in Kenema, that
17 was in September. The second time, I think it was late September
18 when they effected the arrest of Gibril Massaquoi and the attack
19 on the ECOMOG, and that was the last time that I went to Kenema.
12:04:24 20 That was in October '97.

21 Q. Where did you stay when you went to Kenema? Where did
22 you -- well, let me ask this question: Did you stay overnight in
23 Kenema during any of those trips?

24 A. Yes. I used to lodge to one of my bodyguard's nephew, and
12:05:01 25 he was a civilian, and he was the one that hosted me at Hangha
26 Road. He gave me a room where I spent the night.

27 Q. And can you remember the number of the place -- sorry, can
28 you remember the number along Hangha Road?

29 A. I know the house, but I cannot recall the number. But it

1 was Hangha Road.

2 MR JORDASH: In a moment, I was about to put some
3 photographs to Mr Sesay of a particular house, but I've just
4 looked at the photocopies and they are not very good. I'm just
12:05:52 5 having the original brought to Court, so I'll come back to that.

6 Q. So this house belonged to who?

7 A. This house belonged to the man who was lodging me, it was
8 his father's house. And, when his father died, he was in charge
9 of the house.

12:06:14 10 Q. Who was that?

11 A. They called him -- they called the fellow Yusufu Sesay;
12 alias Pastor.

13 Q. Can you spell the name, please?

14 A. U-S-U-F-U S-E-S-A-Y. Usufu [sic] Sesay.

12:06:38 15 JUDGE ITOE: And you say he was your bodyguard's brother
16 also.

17 THE WITNESS: Yes, My Lord, it was my bodyguard, Victor,
18 the nephew of my bodyguard. Because Pastor used to call him --
19 Victor's elder sister was the one who gave back to Pastor. The
12:06:57 20 mother was also in the house.

21 MR JORDASH:

22 Q. So who lived in that house when you stayed there and how
23 old were they?

24 A. Well, Pastor, with his sisters and his brothers, they were
12:07:16 25 the ones who were staying in this house.

26 Q. So the pastor --

27 A. It was not pastor. He was not a pastor, Lawyer, it was
28 just a nickname.

29 Q. So who else lived there?

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1 A. Pastor, his younger brother, Amara.

2 Q. And how old was his younger brother, Amara?

3 A. Well, Amara is my age group.

4 Q. Remind the Court, how old are you now?

12:07:56 5 A. Well, I'm 36 plus.

6 Q. And who else lived in the house?

7 A. Well, the compound -- the house was a family house. There
8 were so many: The sisters, the brothers, the mother. They were
9 all there. There, they stayed. But, when I used to go, Pastor

12:08:12 10 and his wife would leave the room and I would lodge in Pastor's
11 room. And it was Pastor's wife who had been preparing food for
12 me.

13 Q. Well, were there any children there, who lived there?

14 A. Yes. It's a family house. They had their elderly people
15 and they had children. Pastor, himself, had children. It was a
16 big house. They had a big house. There was another house which
17 was used for hospital purposes. You see, a lot of people went
18 there to have treatment, during the time that I used to go there.

12:08:37 19 Q. It was alleged, I think, by TF1-122 that you were living
20 with child soldiers; is that true?

21 A. Well, that's not true because I was not living in that very
22 house. Because I just went there on visits, so when I came from
23 Freetown. There were no child combatants with me at all because
24 I did not stay there.

12:09:06 25 Q. Where did your bodyguards stay?

26 A. Well, when I went to the house, you see, it was either
27 Pastor gave the bedroom and the bodyguards were given the porch.
28 There, they slept, and some would sleep in the vehicle.

29 Q. You heard from TF1-122 and TF1-125 that crimes were being

1 committed and were being reported to the police station. Did you
2 have anything to do with the report to the police station or what
3 happened when the reports were made?

12:10:50 4 A. Well, I knew that the police had been functioning in
5 Kenema, as I saw the traffic police on the highway, and the
6 station had been functioning.

7 Q. Did you have anything personally to do with the OC
8 secretariat?

12:11:23 9 A. Yes. Both of us had problems on the second visit when I
10 went to Kenema.

11 Q. What do you mean?

12 A. Well, I was in Pastor's house when I had my breakfast in
13 the morning. I and Pastor sat, we were discussing, and his wife,
14 with his wife's sisters. So, one lady came and she called
12:11:48 15 Pastor. And the lady, I came to know her as a businesswoman who
16 had been selling petrol. He said the OC secretariat -- she said
17 the OC secretariat had sent people to take two drums of her
18 petrol, and when she went to get the money, they drove her. That
19 was why she came to Pastor so that Pastor could talk to me so
12:12:12 20 that I can plead on her behalf.

21 THE INTERPRETER: Your Honours, I did not get the last bit
22 of the witness's testimony.

23 MR JORDASH:

24 Q. Would you repeat the last sentence, please?

12:12:25 25 A. I said, the woman came to Pastor so that Pastor could tell
26 me that they had seized her petrol so that I could help, so that
27 I could go to the OC secretariat, Demoh Musa, so that this man
28 could give her -- could pay for the two drums of petrol.

29 Q. And what happened?

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1 A. So I myself and the woman -- I told the woman, I said, we
2 were to walk. It was a short distance across the street. So I
3 said we were to go to the secretariat, so as to meet Demoh Musa.
4 So went there with some of my bodyguards. And I met Demoh Musa
12:13:19 5 in the office. So I told the woman to wait outside so that I
6 could talk to Demoh Musa. I said, "One woman went and lodged a
7 complaint to me that your boys, your security, had taken her
8 petrol, two drums, and when she came to get her money, she was
9 driven." I asked him whether it was true. Demoh Musa responded,
12:13:40 10 saying, "Fellow, who are you for somebody to lodge a complaint to
11 you? You, a bush officer." He said he was not under my control,
12 and that I had no right to ask him about anything. I told him,
13 in turn -- I said that, yes, I knew that you are not under my
14 control, but he should know that this government was under
12:14:15 15 sanction. So business people who'd go to Guinea to get petrol to
16 come and sell here, I feel that you, as under-secretariat, should
17 encourage these people so that things would be good in town and
18 people would have fuel. I said that you should not say so. I
19 said, I have not come to create any problem, just give the money
12:14:34 20 to the woman. And he said he was not going to pay. And I said
21 it was a lie and I told him that he was going to pay. So there
22 was an argument that ensued. So we went into blows. Then the
23 SOS came there. Then he intervened and Mosquito himself came.
24 Then they decided later that the SOS should pay for the two drums
12:15:02 25 of petrol so that the problem could finish.

26 Q. Thank you. Let me ask you about some allegations that were
27 made by Prosecution witnesses. TF1-125 spoke of a shoot-out
28 between Eddie Kanneh and --

29 A. Well --

1 Q. Let me finish. And a Kamajor spiritual leader Kamoh Brima.
2 Are you aware or were you aware of that, at the time?

3 A. Well, the shoot-out that I heard about, about Kamoh Brima,
4 it was just after the coup. The RUF had not yet come to Kenema.
12:16:00 5 It was just after the coup when the men attacked Kamoh Brima.

6 Q. Where was Sam Bockarie?

7 A. Well, I think Sam Bockarie himself was -- had not yet come.
8 He was either in Buedu or Giema.

9 Q. 122 spoke of this rather curious trick of apparently
12:16:28 10 raising a flag at Hangha Road for civilians to stop in the
11 streets. They would then be robbed, so said 122, by AFRC/RUF.
12 Did you ever hear about this?

13 THE INTERPRETER: Your Honours, the interpreter did not get
14 that clearly. Would the learned attorney be asked to repeat.

12:16:53 15 PRESIDING JUDGE: Mr Jordash, you've been advised. Listen
16 again.

17 MR JORDASH:

18 Q. Let me just take the question again because the translator
19 didn't get it.

12:17:00 20 PRESIDING JUDGE: Mr Interpreter.

21 THE INTERPRETER: Yes, Your Honour.

22 PRESIDING JUDGE: What did you say?

23 THE INTERPRETER: I said, that the learned attorney was to
24 be instructed to repeat his question because the interpreter did
12:17:14 25 not get it.

26 PRESIDING JUDGE: Kindly repeat your question, Mr Jordash.

27 MR JORDASH:

28 Q. TF1-122 claimed that a trick was played on civilians at
29 Hangha Road. The trick was that the secretariat would raise a

1 flag for civilians to stop. Civilians would then stop and, when
2 they stopped, they were robbed.

3 A. Well, I did not take notice of that because I was not based
4 in Kenema. But even before the war, for instance, if you passed
12:17:59 5 through State House, they would raise the flag and everybody
6 would stand. That was what I knew, even before the war. And it
7 was the soldiers that were responsible for hoisting the flag and
8 the secretariat, not the RUF.

9 Q. Okay. Did you know anything about what 122 said about Pa
12:18:27 10 Mansaray's house on Mambu Street being looted? Did you know
11 anything about that?

12 THE INTERPRETER: Again, Your Honours, the interpreter did
13 not get the last bit of the learned attorney's question.

14 MR JORDASH:

12:18:43 15 Q. Did you know anything about Pa Mansaray's house on Mambu
16 Street being looted during the junta period?

17 A. No. I did not know about that, but I want to make
18 something clear, Mr Lawyer: That, before the AFRC overthrew and
19 called the RUF, serious disputes had ensued between the SLA and
12:19:11 20 the CDF. When -- because attacks had been taking place amongst
21 them in Kenema and it went to the extent that the soldiers were
22 not allowed to come out of the streets of Kenema after 6.00. So
23 this was the situation before the coup.

24 Q. Let me ask you about an incident which is said to have
12:19:49 25 involved you. TF1-125 and TF1-122 spoke of the arrest of the
26 police commissioner and the -- sorry, my notes aren't as clear as
27 they should be -- the police commissioner and the CPO. Does that
28 ring a bell?

29 A. Well, I had never arrested a CPO or a commissioner in

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1 Kenema.

12:21:13 2 Q. To be clear, the commissioner was called DF Conneh, and it
3 was claimed that you arrived outside the residence of a Lebanese
4 merchant called Kamoh Menso? Is that right or not? Do you
5 remember the allegation made by 122 and 125?

6 A. Yes, I listened to that in Court, but I did not arrest any
7 commissioner, nor did I arrest any CPO. And I did not even give
8 authority so that those people could be arrested. Such a thing
9 did not even come to the notice of the AFRC government, that,
12:21:39 10 when I went to Kenema, I asked that these people be arrested.

11 Q. And it was said that the reason that they had been arrested
12 was concerning a dispute which had been reported to you by
13 someone called Abdul Koroma, Abdul Karim Koroma, a traffic
14 officer; do you know that man?

12:22:15 15 A. Well, I knew AKK and the complaints that AKK lodged. Both
16 of us went. I told him that this was his boss, and he said that
17 his boss did not have any right to treat him for his and my
18 brother-in-law. I said, I was not a policeman but he should go
19 to a police officer.

12:22:38 20 Q. Okay. I think we need to break this down. Who was AKK to
21 you, if anyone?

22 JUDGE ITOE: AKK, is this Abdul Karim?

23 MR JORDASH: Koroma. Abdul Karim Koroma.

24 JUDGE ITOE: Koroma.

12:22:56 25 MR JORDASH: This was the evidence of TF1-122.

26 Q. Who was AKK?

27 A. AKK, I did not know him before. That was the first time
28 that I knew him, during this incident.

29 Q. And how did you come to know him? What happened?

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1 A. Well, he used to go to, I think he was a neighbour to
2 Pastor's house. He lived by Pastor's house.

3 Q. And what happened?

4 A. Well, he told me that he had a problem with the CP0, the
12:23:46 5 CP0's brother-in-law, and he was a policeman, also. But the CP0,
6 he backed his brother-in-law against him. So they had -- there
7 were two policemen; they fought and they wounded each other. So
8 he came to the house, blood oozing from his nose. So I said,
9 okay, we are to go to the station. So, when we went to the
12:24:11 10 station, the CP0 was in his house. So we went there and we met
11 the CP0. So I explained to him. I said, that this officer came
12 to me and said that they had seized advantage of him. The CP0
13 said, yes. He said, they were policemen and they were not
14 supposed to fight and, if they fought. So I said that they were
12:24:43 15 to be charged. I said, that was the problem. And the CP0 asked
16 me, he said, "So you are Issa Sesay?" I said, "Yes, sir." And
17 he said, "I" -- my namesake. He said, "I am also CP0 Issa." The
18 CP0 told me that I should not worry because he was going to
19 settle the matter, he said, because he was the boss for both of
12:25:07 20 them and that he was going to solve the problem. So that was
21 what happened.

22 Q. Did you have anything else to do with that dispute?

23 A. No. No.

24 Q. All right. Thank you. When did the AFRC/RUF occupy Tongo
12:25:31 25 during the junta period?

26 A. That was in August 1997.

27 Q. And did they keep occupation of Tongo until the end of the
28 junta period or did it end before then?

29 A. Well, they occupied Tongo from August, I think, to January

1 1998 when the civil defence attacked and dislodged them from
2 Tongo. But, before that, I heard that attacks had been happening
3 around Tongo from the CDF against the AFRC and the RUF.

12:26:32 4 Q. And do you know what the command hierarchy was in Tongo
5 when it was first occupied in August? Who was in command there?

6 A. Well, it was the brigade commander and Sam Bockarie who
7 made the arrangement, together with the SOS. From Kenema, they
8 said they were to attack Tongo. So, from that, the brigade
9 commander, Colonel Momodu, appointed a commander for the SLA in
10 Tongo, while Sam Bockarie himself appointed Captain Eagle for
11 RUF.

12 Q. So who did Momodu appoint?

13 A. I think they called the fellow Yamao Kati.

14 Q. And who was, if anyone, superior in command between Kati
15 and Eagle?

16 A. Well, as far as I knew, the administration, the AFRC were
17 the senior men, and the next men were the RUF. But, in Tongo
18 now, this would command his own group and this would command his
19 own group. That was what I understood.

12:28:07 20 Q. What do you mean by "this would command his own group"?
21 What does that mean? Just break it down a little.

22 A. Well, the brigade commander, Yamao Kati, as the SLA
23 commander, and they asked us why Bockarie himself also said
24 Eagle.

12:28:27 25 THE INTERPRETER: Your Honour, let the witness be
26 instructed to go a little bit slow.

27 THE WITNESS: I said, when they had captured Tongo, the
28 brigade commander, he appointed Yamao Kati as the AFRC commander
29 in Tongo. Then Bockarie, because Bockarie also went on the

1 attack on Tongo, he left Captain Eagle there as the commander for
2 the RUF in Tongo.

3 MR JORDASH:

4 Q. Who did these commanders report to? I'm speaking about
12:29:04 5 Eagle and Kati?

6 A. Well, Yamao Kati, he reported to the brigade commander in
7 Kenema, while Eagle reported to Sam Bockarie. That was what I
8 understood.

9 Q. Did either of them report to you?

12:29:27 10 A. No, no. The commanders in Tongo did not report to me; they
11 reported to Bockarie in Kenema.

12 Q. Before I take you further into the mining in Tongo, I
13 should have asked you about one other allegation in Kenema.

14 Bonnie Wela, Sidni Cole and Bangura, according to 125, were shot
12:29:52 15 by RUF commandants. They were accused of wearing military
16 uniforms and tarnishing the revolution by thieving --

17 A. Well --

18 Q. -- I think, from houses. Do you know anything about that?

19 A. Well, this is my first time of hearing that in Court.

12:30:25 20 Q. Okay. That's enough. Let's go back to mining in Tongo.
21 Did you go to Tongo during the junta period?

22 A. Yes. I went to Tongo once when I and the army chief of
23 staff went there to collect manpower, because 50 per cent of the
24 RUF in Freetown had left and went to Kenema and Tongo Field.

12:31:01 25 Q. So when was this?

26 A. Well, this was before the attack on the ECOMOG. It was
27 before October.

28 Q. Before the attack on the ECOMOG at the Lebanese school?

29 A. Yes, yes.

1 Q. Just go back in time then. Where were you immediately
2 before arriving in Tongo?

3 A. Well, that day the army chief of staff went with the
4 helicopter. I left the day before. When I went, I did not sleep
12:31:55 5 in Kenema, I went straight to Pendembu. So, I was in Pendembu.
6 When the army chief of staff arrived in Kenema, they sent a radio
7 message at Pendembu for me to come. I and the army chief of
8 staff met at Mano Junction. So he told me that he had instructed
9 the brigade commander to withdraw some of the men from Tongo. So
12:32:26 10 I, too, went there to get the RUF.

11 Q. Who was the army chief of staff?

12 A. Colonel SO Williams. But, when I arrived in Kenema, before
13 I went to Pendembu, I explained to Bockarie my mission, that I
14 wanted to reach Kailahun because, since I came to Freetown, I
12:32:52 15 never went to Kailahun. So the army chief of staff accepted that
16 there was no problem, so I went to Pendembu.

17 Q. So what did you go to Tongo for?

18 A. Well, as I said earlier, it came to the notice of the
19 authorities in Freetown that the RUF had reduced considerably in
12:33:18 20 Freetown, went to the provinces. They had left Freetown and went
21 into the provinces. That was why I and the army chief of staff
22 went in order to withdraw -- he went there to withdraw the SLAs
23 from Tongo and I went there to withdraw the RUF from there. So
24 we discussed that.

12:33:39 25 Q. Well, how much of the manpower in Freetown reduced and do
26 you know why?

27 A. Well, it was because Bockarie had left and based in Kenema,
28 and the treatment that we received from the AFRC made most of the
29 men left Freetown for the provinces.

1 Q. So when did they start leaving?

2 A. Well, they started leaving from July, September. They went
3 upcountry.

4 Q. So why did you go to Tongo, particularly?

12:34:31 5 A. Well, the army chief of staff, according to him, he heard
6 information that there were a lot of RUF and SLA in Tongo. So
7 they were only engaged in mining so that we should prepare to get
8 some of them to bring them down to Freetown.

9 Q. Just a quick question. Why didn't you stop them from
10 leaving Freetown?

12:34:49 11 A. Well, Bockarie, who was the senior man, he had stayed in
12 Kenema since early September. That gave the scope to the men to
13 leave Freetown to go upcountry.

14 Q. So what happened when you -- where did you go to in Tongo?

12:35:20 15 A. Well, I went to the RUF commander.

16 Q. Which one?

17 A. Captain Eagle.

18 Q. Where was he?

19 A. Well, he was living -- I don't know the street in Tongo,
12:35:37 20 but the main street, where I live in Tongo, to come to Kenema.
21 That was the street in which he lived.

22 Q. And what happened when you reached there?

23 A. When I arrived there, I explained my mission to him. I
24 said, I came for manpower and the two trucks that I came with was
12:36:02 25 for them to assemble the RUF fighters so that they could onboard
26 the vehicles and we moved down.

27 Q. Can you just explain that a bit better? For them to
28 assemble the fighters that came for them. Where did you go to to
29 fetch the manpower?

1 A. It was in Tongo that I we went. I wouldn't just reach in
2 Tongo and call for manpower. I had to meet the commander and
3 explain my mission, because the commander had the right to summon
4 a parade wherein the fighters could assemble.

12:36:42 5 Q. Did this happen?

6 A. Yes. Eagle gathered the men and they boarded the two
7 trucks that we went with.

8 Q. Where did they gather?

9 A. Well, they gathered at the compound where Eagle was. That
10 is the road where I live in Tongo, coming towards Kenema.

11 Q. And what happened once they'd assembled and boarded the
12 trucks?

13 A. Well, after they had assembled, I spoke with them that I
14 had instruction from Bockarie to come to Tongo to receive the
15 manpower. So the manpower, especially those who had left
16 Freetown and came to this place, all of us should go back. So I
17 told them to board the vehicle, so they boarded the vehicles.

18 Q. And did you set off?

19 A. Yes, we left. My pick-up was before the two trucks. So by
20 the time we would have reached Lago, I stopped in order for me to
21 wait for the trucks. To my surprise, when the trucks arrived,
22 all the men had jumped out of the trucks. So I came to Kenema.

23 I explained to the army chief of staff and Mosquito. But, later,
24 I came to find out that it was Bockarie who sent a message that
25 the men should not join me to come down to Freetown. So I met
26 the army chief in Kenema and we returned in Freetown with the
27 empty trucks.

28 Q. Whilst you were in Tongo, did you see anything of mining?

29 A. Well, I did not go to the mining site, but I saw the life

1 in Tongo. I saw people holding shakers, going up and down.

2 There were transport vehicles parked in the lorry park. There
3 were shops open. All of them were doing business.

12:39:34 4 Q. Right. Let's just break that down. What kind of shops
5 were doing business?

6 A. Well, women had tables wherein they sell clothes, different
7 clothes; they had -- you had petty shops selling clothes; stalls
8 for medicines; you had the cookery shops; bars, wherein people go
9 to drink. All these things were in operation.

12:40:11 10 Q. And who was carrying the shakers?

11 A. Well, I saw civilians holding shakers. Some were -- they
12 were moving up and down. That was the way I saw them; moving up
13 and down in the town.

14 Q. How far way from the mining pits was this, if you know?

12:40:29 15 A. Well, the main mining pit -- because the mining was going
16 everywhere in Tongo but I did not go to the pits themselves,
17 because I went there to collect manpower.

18 Q. Did you see any signs of forced mining?

12:41:10 19 A. Well, I did not see that time, because when I was going to
20 Tongo, I passed some vehicles, full with civilians. So if people
21 were forced to work, I don't think that people would have left
22 Tongo to go to Kenema, or from Kenema to Tongo, in civilian
23 transport vehicles.

24 Q. Did you speak to any civilians?

12:41:33 25 A. Yes, I met civilians. The ones I knew before, in Tongo,
26 like Mr Yankra, I went to his house, because he cooked and
27 invited me at his house. He said we should have some food to
28 eat. And I knew him before. And he introduced me to his family
29 members and his workmen in the compound.

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1 Q. Can you spell his name, please?

2 A. A-B-U, Abu. Y-A-N-K-A-R-A, Yankara [sic].

3 Q. So how do you know him before?

4 A. Well, this man was in Makali buying gold, so that was the
12:42:30 5 time I knew him. That was '87/'88. That was the time I knew
6 him. And the other young man from Makali, Magburaka, all of them
7 were in Tongo. I saw them that very time I went for the
8 manpower. They were civilians.

9 Q. Did you say you went to Abu Yankra's house? Is that what
12:43:00 10 you said?

11 A. Yes. Abu Yankra's house was not far away from where
12 Eagle's house was. So they prepared food and invited me to eat.

13 Q. Do you know what Abu Yankra was doing in the area?

14 A. Well, Abu Yankra told me that he was doing some mining, and
12:43:24 15 he had some workers; people working under him. And I saw some of
16 them in the compound when I went there.

17 Q. Did you see any other civilians that you can name?

18 A. Well, I saw Mr Mohamed. He too was in Kenema. I knew him
19 before he was in Tongo.

12:43:52 20 Q. What was he doing there?

21 A. He too was engaged in mining and he had his own workers.

22 Q. How do you know he had his own workers?

23 A. Well, he and Mr Abu Yankra stayed in the same compound. So
24 when I went there, he came very close to me and we had a
12:44:15 25 discussion and we discussed. That was the time he told me that
26 he was in Tongo there with his workers while his family was
27 living in Kenema.

28 Q. Did you know anything about child soldiers at Cyborg, which
29 were alleged by 060, and other witnesses?

1 A. Well, I did not hear about that. I did not hear that there
2 were children at Cyborg who were soldiers.

3 Q. Did you go to Cyborg, at any stage?

4 A. No, I did not go to the mining site.

12:45:23 5 Q. Did you have authority to go to the mining site?

6 A. Well, when I arrived there, anywhere I had wanted to make a
7 patrol, I would go. But that was not my mission of going to
8 Tongo. My mission was to gather fighters. And since I had asked
9 the commander and the commander had gathered the men, what I went
12:45:51 10 there for was over. That was why I returned. But if the
11 commander explained to me that there were fighters there
12 disturbing civilians, I would have gone there, but I hadn't any
13 complaint regarding that.

14 Q. Had you heard any -- sorry, Your Honour.

12:46:16 15 JUDGE BOUTET: Can you explain what you mean by that? You
16 say it was not your mission and there was no complaint. Why, if
17 there were complaints, would you go there? I'm just trying
18 follow what you're trying to say here.

19 THE WITNESS: My Lord, I said, I was sent at Tongo in order
12:46:40 20 to --

21 MR JORDASH: Translation?

22 THE WITNESS: I said, My Lord, I was sent to Tongo in order
23 to gather and bring to Freetown some RUF fighters. And, during
24 the few hours I spent in Tongo, while these men were gathered
12:47:06 25 together, I did not receive any complaint that there were child
26 combatants in the place and that fighters were harassing
27 civilians. That complaint I did not receive, because my lawyer
28 asked me if I did not get authority to go to Cyborg. And, again,
29 I'm saying that I had authority, that time I arrived in Tongo, to

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1 go anywhere, but since I did not receive any complaint, that was
2 why I did not go anywhere.

3 MR JORDASH:

4 Q. Did you make any inquiries of any civilians?

12:47:48 5 A. Well, the civilians that I knew before I became RUF, they
6 saw me, and when they -- the way they saw me, they knew that I
7 was a commander in the RUF. And I think those people would have
8 been in a position to have explained to me that the men were
9 harassing them. So, the civilians did not make such a complaint
10 to me.

11 Q. At any stage during the junta, did you hear about forced
12 mining in Tongo?

12:48:12 13 A. Well, My Lord, I only heard about this forced mining here,
14 only here. I only heard that there were some areas at Cyborg
15 pits wherein the area would collapse and fall on people and kill
16 them instantly.

17 Q. Sorry. What did you hear about that?

18 A. I said, what I heard, when people were mining at Cyborg
19 pit, dunes of sand used to collapse and fall on the miners and
12:48:46 20 kill them. That was what I heard.

21 Q. Now, the Prosecution say, through their witnesses,
22 Mr Sesay, that there was an agreed policy to force civilians to
23 mine in Tongo during the junta period; did you agree on a policy?

24 A. Well, I was not part of any policy in Kenema for the mining
12:49:13 25 in Tongo and I did not hear that people were forced, because
26 Tongo was part full of civilians, until the time the CDF attacked
27 Tongo while the RUF were there. So, if civilians were forced, I
28 don't think vehicles transporting civilians would have been
29 plying route there. And I believe that even the police officer

1 that came and testified here, he confirmed that, that there were
2 civilians moving from Tongo; they went to Kenema Police Station
3 and made their complaint, things that happened between civilians
4 and civilians.

12:51:06 5 Q. Did you hear of a committee in Tongo concerned with mining?

6 A. Well, I was not based in Kenema to know all the activities
7 that were going on, but I heard about a committee that was a
8 caretaker committee. It was in Kenema the selection was done.

9 Q. Who did you hear this from?

12:51:36 10 A. I heard it from Bockarie.

11 Q. And what did Bockarie tell you?

12 A. Bockarie said, after they had captured Tongo, the civilians
13 were living in the surrounding villages under CDF control, so
14 that made him and Eddie Kanneh, the SOS, met the paramount chief
15 in Kenema, who was from Tongo --

16 Q. What was his name?

17 A. I don't know the paramount chief's name. I was not used to
18 those people that I am talking about. So, according to Bockarie,
19 the paramount chief gave his people to this committee, the
12:52:30 20 caretaker committee that was responsible for the AFRC/RUF in
21 Tongo. That was what I came to understand.

22 Q. Did you understand what the point of the committee was?

23 THE INTERPRETER: Would the attorney please come again.

24 The interpreter did not get the question completely.

12:53:07 25 MR JORDASH:

26 Q. Did you understand what the point, the purpose of the
27 committee was? I am not asking you to speculate, just if you
28 were told or learnt.

29 A. Well, what I understood, this committee was supposed to go

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1 around in the surrounding towns, villages, around Tongo, to talk
2 to the natives of Tongo to return to their hometown, Tongo Field.
3 If there were disturbances from the fighters, it was the
4 committee that was responsible to make reports.

12:53:52 5 Q. Okay. So the committee was to go around in the surrounding
6 villages and talk to the natives and then return to the town, and
7 if the fighters were disturbing civilians, the committee would
8 report to who? Did you say report, sorry? Would receive
9 reports, I beg your pardon. Do you know what would happen to the
12:54:15 10 reports?

11 A. Well, I did not know what was happening to the reports, but
12 Bockarie and Eddie Kanneh set up the committee, together with the
13 paramount chief. I was in Freetown but I heard this from
14 Bockarie.

12:54:32 15 Q. Thank you. Let me ask you, very briefly, about 045. Do
16 you know where he was from 1991 until 1994?

17 A. He was in Pujehun District.

18 Q. Do you know where he was from 1994 to 1997?

19 A. Well, I came to know 045 for the first time in 1996, around
12:55:35 20 September '96, because when I arrived in Zogoda, I met 045 and
21 Mike Lamin had gone to the Western Jungle and Kangari Hills.

22 JUDGE ITOE: So you only got to know him in September 1996.
23 How do you account for his being in Pujehun between 1991 and
24 1994?

12:56:13 25 THE WITNESS: Well, My Lord, this is common. From 1991 to
26 1994, RUF was only in Kailahun District and Pujehun District. So
27 if you are not in Kailahun, obviously you are in Pujehun.

28 MR JORDASH:

29 Q. Okay. He said that RUF like Amoyepoh, Tactical, and Boys

1 were in Tongo. So Amoyepoh, who was he, do you know?

2 A. Amoyepoh was a captured SLA who was with the RUF.

3 Q. And when you say he was with the RUF, do you mean with who?

4 Who was his commander at the time of the junta?

12:57:19 5 A. Well, during the junta, he was working with Captain Eagle
6 in Tongo Field.

7 Q. Who did he report to?

8 A. Well, he reported to Eagle, the commander.

9 Q. Tactical, who was he?

12:57:36 10 A. Tactical was Mosquito's bodyguard.

11 Q. Reporting to who?

12 A. Well, he reported to his boss, Mosquito.

13 Q. Now, Boys, who was he?

14 A. Boys was my bodyguard.

12:58:01 15 Q. And when you went to Freetown, during the junta, did he
16 come with you or not?

17 A. Boys was with me in Freetown for some time. Then he told
18 me that he wanted to go to his mother in Kailahun.

19 Q. When did he tell you he wanted to go to his mother's in
12:58:27 20 Kailahun?

21 A. Well, this was around October when he said he wanted to
22 visit his mother, and his uncle had become old.

23 Q. And did he go?

24 A. Yes, he went to Kailahun.

12:58:46 25 Q. How do you know he went to Kailahun?

26 A. Well, I ask, because when he went, there was a radio set at
27 Pendembu. And, when he arrived in Kailahun, he reported that he
28 was with his mother in Kailahun. He sent a message, so I knew.

29 Q. And when was the message sent, approximately?

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1 A. That was within the same week he left, in October, when he
2 went.

3 Q. Do you know how long he stayed in Pendembu?

4 A. Well, he went -- he passed through Pendembu and went to
12:59:40 5 Kailahun Town. And, from Kailahun Town, he returned to Kenema,
6 and he was in Kenema.

7 Q. What was he doing in Kenema?

8 A. Well, his elder brother was the bodyguard commander to
9 Bockarie, Sabado.

13:00:06 10 Q. Say that again, please?

11 A. Sabado, who was Boys' elder brother, was the bodyguard to
12 Mosquito.

13 Q. Can you spell that, please?

14 A. S-A-B-A-D-O, Sabado.

13:00:28 15 PRESIDING JUDGE: The Chamber will now recess for lunch.
16 We'll resume at 2.30 p.m.

17 [Luncheon recess taken at 1.00 p.m.]

18 [RUF08MAY07D - MC]

19 [Upon resuming at 2.45 p.m.]

14:47:22 20 PRESIDING JUDGE: Mr Jordash, let's continue.

21 MR JORDASH: Thank you.

22 Q. Sabado. Just go over that last bit again; who was Sabado?

23 A. Yes. I said that Sabado was Mosquito's bodyguard,
24 commander.

14:47:55 25 Q. How long had he, by 1997, been Sam Bockarie's bodyguard?

26 A. Well, he was Sam Bockarie's bodyguard from late 1992 until
27 the time of his death at Segbwema, late December '98 or early
28 January 1999.

29 Q. Where was he living, at the time Sam Bockarie was in

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1 Kenema?

2 A. He was in Kenema with Bockarie.

3 Q. Did he live with Bockarie in his house or elsewhere?

4 A. Well, he was in his house. He was his bodyguard commander.
14:48:52 5 He stayed with him

6 Q. How did you know Boys had gone to Kenema?

7 A. Well, I did not know the exact time that he went to Kenema.

8 But, after the intervention, when I went and met him at Buedu,

9 that was the time that he told me that he was in Kenema. And

14:49:25 10 when the retreat came, you see, all of them went to Kailahun with
11 Mosquito.

12 Q. Do you know what he was doing in Kenema?

13 A. Well, I knew that he was with Sabado, but I did not send
14 him to do anything in Kenema.

14:49:46 15 Q. Do you know if he was working in Kenema?

16 A. Well, he was the bodyguard commander of Bockarie, so
17 anywhere where Sabado went, he would go with him. That was all,
18 I think.

19 Q. Was he reporting to you, at any time, when he was in
14:50:13 20 Kenema; this is Boys?

21 A. Well, I did not send him to do anything through which he
22 would have had the opportunity to report to me.

23 Q. Thank you. Colonel Med, do you know that man?

24 A. Well, I came to know him in December '98.

14:50:50 25 Q. So you didn't know him in 1997, or did you know of him in
26 1997?

27 A. I did not know anything about him in 1997. He was AFRC.

28 It was in December '98 that I came to know him

29 MR JORDASH: Sorry, if you just give me a moment.

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1 Q. Did you know where 045 was during the junta period?

2 A. Well, I said, that 045 came to Freetown to Mike Lamin late
3 1997 and, when he came, around December '97, Mike Lamin had had
4 to send him with mining equipment so that he could go and mine at
14:52:42 5 Tongo, for Mike.

6 Q. Now, before lunch you spoke of authority to go to Tongo and
7 you said you had authority to go to Tongo. What authority did
8 you have within Tongo, during this junta period? For example, if
9 you'd seen forced mining, what authority did you have?

14:53:14 10 A. Well, I was one of the commanders. I was one of the
11 commanders for the RUF but, at that time, when I went to Tongo,
12 if I saw anything whereby people had been forced, I will come
13 back and tell Bockarie that this was the situation that I saw,
14 which was not good. But I wouldn't be able to take any decision
14:53:39 15 whilst it was Bockarie who set up the command in Tongo.

16 Q. It's been alleged by 371 that the diamonds found at Tongo
17 Field went to Bockarie, yourself and Morris Kallon; is that
18 correct?

19 A. That's a lie. That's a lie. He lied. Because he, the
14:54:28 20 same 371 who said this, he was the one that sent 045 with mining
21 equipment. He gave me Land Cruiser, but I did not send anybody
22 with mining equipment and a vehicle.

23 Q. You've got to be careful about connecting TFI numbers with
24 particular roles, okay? It's an easy mistake to make so let's be
14:54:54 25 careful.

26 A. Okay.

27 JUDGE BOUTET: But I still didn't get the answer
28 completely.

29 MR JORDASH: No. I didn't either, actually.

1 Q. Are you able --

2 A. Yes. I said, it was a lie; that 371 lied because I did not
3 send anybody with mining equipment to Tongo. Kallon did not send
4 anybody with mining equipment to Tongo, or a vehicle, to go and
14:55:29 5 mine. And nobody did not come with a diamond to me, in 1997,
6 from Tongo Field. Nobody.

7 Q. Do you know where the diamonds went, from Tongo?

8 A. Well, this was a government and they had the residence
9 minister, who was based in Tongo, and he was the one that was
14:55:54 10 reporting. And he had the mines ministry. So, I knew that the
11 mining that was going on in Tongo, it was the SOS who was
12 reporting it to the appropriate authorities.

13 Q. Was there a joint command, when it came to the diamonds,
14 between RUF and the SLA, or were there separate commands? Did
14:56:22 15 the diamonds found by the RUF go down the same route, is my
16 question?

17 A. Well, what I understood what Bockarie told me, the diamonds
18 that they mined were being sent by SOS to JPK or the
19 vice-chairman, who was SAJ Musa.

14:56:51 20 JUDGE BOUTET: Mr Sesay, did you say it was Bockarie who
21 has told you that? Did I hear you well? Is it what you said?

22 THE WITNESS: Yes, My Lord. I said, it was Bockarie who
23 told me that and, the SOS, he was the government representative
24 in the east, and he was the high body. And anything that had to
14:57:14 25 do with the east, he was the one that reported to the acting
26 vice-chairman and the chairman himself, My Lord.

27 JUDGE BOUTET: Thank you.

28 MR JORDASH:

29 Q. During the junta period, did you know anything about the

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1 mining in Kono; who was in charge there?

2 A. Mr Jordash, I -- from the time that AFRC was in power, I
3 did not go to Kono at all, until the time of the retreat. The
4 retreat until February '98, I have never gone to Kono. And even
14:57:58 5 the Prosecution witness who knew me very well, when they came,
6 they talked about this. Nobody said that I went to Kono during
7 the AFRC. It was only TF1-12 who came and said that he saw me in
8 Kono at the community centre with Tamba Gborie, and that was not
9 true, because that man was a civilian. At that time, he would
14:58:30 10 not be able to know Issa and Issa did not go to Kono for the
11 whole of '97.

12 Q. Did you hear about what was happening there, in terms of
13 diamond mining?

14 A. Well, My Lord, I did not know. I knew that the mines
14:58:51 15 minister was the Secretary of State. At the same time, acting
16 vice-chairman, he had been visiting Kono, but I am not able to
17 give you the details about mining in Kono in '97.

18 Q. Where was Gullit during the junta period?

19 A. He was in Kono.

14:59:16 20 Q. And what was he doing there, if you know?

21 A. Well, I understood that he was posted there. There, he was
22 posted, by the chairman in Kono.

23 Q. Who was the top commander, in Kono, during the junta?

24 A. Well, I did not visit -- I had not been visiting Kono, but
14:59:50 25 I knew the army had a battalion commander there and Gullit also
26 went there.

27 Q. What about RUF? What RUF were present in Kono during the
28 junta?

29 A. RUF did not have any commander who was deployed in Kono.

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1 Q. Just before we leave the subject, did you have anyone
2 mining for you in Tongo or Kono during the junta?

3 A. Mr Lawyer, 1997, during the junta time, I did not have
4 anybody who had been mining for me in Kono or Tongo. My own
15:00:41 5 activity was restricted in Freetown.

6 Q. Now, I want to return to the dying days of the junta. Just
7 very briefly, could you explain the issue of Gborie and the
8 looted Iranian Embassy?

9 A. Yes, I do know.

15:01:29 10 PRESIDING JUDGE: Interpreters.

11 THE INTERPRETER: Yes, I do know.

12 PRESIDING JUDGE: Would you try and get rid of that
13 confusion there, please? I think there was a changeover, was
14 there?

15:01:45 15 THE INTERPRETER: No, Your Honour.

16 PRESIDING JUDGE: It is the same interpreter?

17 THE INTERPRETER: Yes, it is the same interpreter. Your
18 Honours, would the learned attorney put the question again to the
19 witness?

15:01:58 20 PRESIDING JUDGE: Right. Mr Jordash, they want you to put
21 the question again to the witness.

22 MR JORDASH: Certainly.

23 Q. Gborie and the embassy which, apparently, was looted, can
24 you tell us about that, please?

15:02:17 25 A. Yes. Yes, I can explain what happened.

26 Q. Okay. Do so quite shortly, if you can.

27 A. Well, late '97, I think it was around November or December,
28 I was in my house, in the villa which was given to me, and Gborie
29 came with his pick-up at the house where I was. He came with a

1 pick-up that had chairs. He went and parked the pick-up and he
2 greeted me, and I responded. Then he told me that he had brought
3 those chairs for he, for me and Lamin, because, "You don't have
4 enough chairs in your lounge." Then they offloaded the chairs.

15:03:20 5 So that very day, SAJ Musa called and said he wanted to see
6 me. So when I was coming out of my house, SAJ Musa was coming
7 toward the station and we met on the way. And he said, he said I
8 was under arrest, and I said, "Why?" He said, it is because of
9 the looting of the Iranian Embassy, and I said, "Oh." I said,
15:03:48 10 "But I did not go to the embassy. Why should I be arrested?"
11 Then I said, "Would you please permit me so that I would inform
12 Bockarie?" He said, all that he knew was that I was under
13 arrest.

14 So I turned my pick-up. I went back to my house and I
15:04:06 15 called Bockarie. I explained to Bockarie. It was then that
16 Bockarie said -- he said, we are not under SAJ Musa's command.
17 He said, we were under Johnny Paul's command. He said, if it was
18 Johnny Paul who said we were to be arrested, that would have been
19 okay, but he said that Musa should not arrest you because we are
15:04:24 20 not under him.

21 So that very evening, Johnny Paul himself called me. I
22 went to the lodge and met Johnny Paul. So he asked me to
23 explain, and I explained myself, and they called Gborie before
24 Johnny Paul in his lounge. PL0-1 was there. So Gborie himself
15:04:48 25 explained. Then Johnny Paul said if that was the case, he
26 wouldn't be able to hold Issa responsible, because he did not go
27 to the embassy, because it was this man that gave him, and they
28 said that Gborie should go to Pademba Road. Then I was suspended
29 from the Council. That was what happened.

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1 Q. Did you attend the Council again after that time?

2 A. No, I did not attend Council meetings anymore.

3 Q. BS Massaquoi, did you hear about him?

4 A. I only heard about BS Massaquoi -- BS Massaquoi's death in
15:05:53 5 Gandorhun, when we were retreating to Kailahun. The men who came
6 to receive us, who were sent by Mosquito to come and receive us,
7 these were the ones that explained that to me.

8 Q. What was explained to you, at that time?

9 A. Well, when the workmen arrived in Gandorhun to receive us
15:06:15 10 so that we could go to Kailahun, one of the fellows who came with
11 him -- asked one of the fellows who came with him were our mates
12 still at Segbwema, and he said that they were at Daru. Then he
13 said, "But did you hear about BS Massaquoi and the people that
14 Mosquito killed before going to Kailahun?" And I said, "No,
15:06:42 15 except now that you are telling me. This is the time that I'm
16 hearing about it."

17 Q. Had you heard of BS Massaquoi before, not his death but
18 him, as a person?

19 A. Yes, yes. BS Massaquoi, he was a popular man and he was a
15:07:03 20 prominent man from Kenema.

21 Q. Just jumping forward in time, very briefly, did you ever
22 discuss that with Sam Bockarie?

23 A. Well, when I arrived in Kailahun, when I arrived and met
24 Sam Bockarie at Buedu, I asked -- I said, "CO," I said, "What
15:07:36 25 happened? Why did you kill BS Massaquoi?" And the response was
26 that -- he said, "Fellow, Kamajors had been running after me in
27 Kenema and it was BS Massaquoi that had been supporting the
28 Kamajors, and people even told me that he was supporting the
29 Kamajors."

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1 Q. Go on.

2 A. He said, "That was why." He said, "I passed order that
3 they be killed, because the Kamajors had been running after them
4 in Kenema, and it was BS Massaquoi who had been supporting the
15:08:06 5 Kamajors." Then I, myself, told him that -- I said, "But, you
6 should have brought this man to Kailahun. That would have been
7 better. But this will create a problem, even for the RUF in
8 Kenema, because people will feel that it was everybody who took
9 part." He said, "Well, if you could keep enemies, then I will
15:08:27 10 not be able to keep enemies."

11 Q. Did you ever discuss this with anyone in your family?

12 A. Yes. When I came to detention, I even had a problem with
13 the woman with whom I was staying, because her mother said that
14 she was a relative to Massaquoi and that the woman became
15:08:50 15 disgruntled.

16 Q. All right. Let's just have some names. When you refer to
17 detention, you're referring to the detention at the Special
18 Court; is that right?

19 A. Yes, yes.

15:09:03 20 Q. So the problem was with who?

21 A. The problem -- I said, when my woman came to visit me in
22 detention, she said her mother had been grumbling into her.

23 Q. Who is the woman you are referring to?

24 A. Elsie said that her mother had been grumbling to her,
15:09:23 25 saying that they were the ones that had killed their good
26 brother, BS Massaquoi of Kenema. I told the woman, I said "Young
27 girl, both of us were in Freetown here. You know that I was not
28 in Kenema. Please explain to your mother that I was not in
29 Kenema. It was Mosquito who carried out the act."

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1 Q. What was the problem that Elsie's mother had? I don't
2 follow.

3 A. She said, well, BS Massaquoi was her brother and that they
4 had been transacting business. Now, RUF -- Bockarie had killed
15:10:03 5 the man and that she has gone -- she has been at a loss because
6 she would not be able to get anything from BS Massaquoi, and that
7 she bought a land through BS Massaquoi and all that had gone in
8 vain.

9 Q. Okay. Thank you. While we are on the subject of Bockarie
15:10:39 10 and killing, was there any other news about killing, when you
11 arrived in Kailahun?

12 A. Yes. On the way from Gandorhun to Kailahun, I was told
13 that Sam Bockarie had killed people whom he had arrested, saying
14 that they were suspected Kamajors. And he killed these people
15:11:13 15 before he sent 65 men to go and receive me, Mike Lamin and JPK
16 from Gandorhun, to Kailahun.

17 Q. Who told you this?

18 A. Well, it was the commander who came with the group from
19 Kailahun to Gandorhun, Major Gborie, who was sent by Mosquito.

15:11:53 20 Q. And did he say who the people who were suspected Kamajors
21 were, where they were from?

22 A. Well, yes. I knew that, these people, they were in Kenema.
23 Some were in the displaced camps in Daru, but since they were
24 natives of Kailahun, and the rebels and the soldiers had come
15:12:21 25 together and, based on Bockarie's announcement in Daru in the
26 meeting, that is why the people returned, to live in their native
27 homes, which we had been occupying; Kailahun.

28 Q. Were you present for this killing?

29 A. I was not there. I was not there. And they killed the

1 people before Bockarie dispatched the receiving group, which went
2 to receive us from Gandorhun. And as you, yourselves, heard from
3 045, when he testified to the Court, that it was after the
4 killing of the people that they went to receive us from
15:13:15 5 Gandorhun.

6 Q. You mentioned a few days ago knowing someone called Edwin
7 Bockarie; do you remember that?

8 A. Very well.

9 Q. And your relationship to him now is what?

15:13:46 10 A. Well, he is my in-law and he is my good friend. That is
11 the relationship.

12 Q. Did you ever discuss with him the killing of the alleged
13 Kamajors?

14 A. Yes. When he arrived in Kailahun, both of us spoke to each
15:14:09 15 other and I, myself, was completely unhappy about the killing of
16 those people, because most of them were members of the RUF
17 fighters and they were natives of the place which we had been
18 occupying.

19 Q. Did Edwin Bockarie know anybody who had been killed?

15:14:34 20 A. Yes. Edwin Bockarie, some of his cousins were among the
21 group. And his wife, the wife's uncle was among the group that
22 was killed.

23 Q. His wife's uncle; do you know the name of either the wife
24 or the uncle?

15:15:05 25 A. Well, I only know -- I only knew the wife, but I did not
26 know the uncle because they had not been living with us. They
27 were the ones that went to Kailahun from displaced camp in Daru.

28 Q. Before I ask that question, I know Mr Cammegh wants to --

29 MR CAMMEGH: Would Your Honour permit me, please, to leave

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1 the room for a few minutes? I've left something in my office
2 that I need to pick up.

3 PRESIDING JUDGE: Leave granted.

4 MR CAMMEGH: Thank you.

15:15:37 5 MR JORDASH:

6 Q. Did you discuss this killing with Sam Bockarie at any
7 stage?

8 A. Yes. When I arrived at Buedu, I talked to Bockarie. I
9 talked to Bockarie. I told him that, "Fellow, these people that
10 you've killed, they are so many. And, you're a native of
11 Kailahun, and you should know that you've created enmity for
12 yourself, even after the war." And the man responded, saying,
13 "So you wanted these people to come and infiltrate this place and
14 sit? And I cannot stay with -- together with enemies. I don't
15 have any jail to put these enemies into." That is what he told
16 me.

17 JUDGE ITOE: Bockarie tolerated you questioning his acts?

18 THE WITNESS: Well, My Lord --

19 JUDGE ITOE: He was happy, you know, for you to criticise
15:16:38 20 him?

21 THE WITNESS: No. Well, My Lord, the first question which
22 I asked, the response that he gave me, because I tried to tell
23 him that, "Fellow, you are a native of Kailahun and these were
24 your people. And if you've captured these people and killed
15:16:54 25 them, you should know that, even after the war" --

26 JUDGE ITOE: I want to get clear. You questioned him about
27 the death of Massaquoi; questioned him about the death of these
28 people, and he took it normally? I just want to hear from you.
29 He did nothing? He just took it normally?

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1 THE WITNESS: Well, My Lord, the way he responded to me,
2 the response was an unhappy one. So I, myself, stopped asking
3 questions.

4 MR JORDASH: Okay. Last subject and then I think we are
15:17:47 5 going to go to May -- sorry, we are going to go to February 1998.
6 The last subject is Teko Barracks.

7 Q. During the junta, who was at Teko Barracks?

8 A. Well, it was the AFRC soldiers and the RUF, because they
9 gave part of the barracks to the RUF.

15:18:19 10 Q. And who, from the RUF, was at the Teko Barracks?

11 A. Well, it was Kailondo that was there, as commander.

12 Q. When did Kailondo go there?

13 A. Kailondo came to Makeni, at Teko Barracks, I can say, from
14 the 30th of May, or from early June '97.

15:18:49 15 Q. And what was Kailondo's assignment, if any?

16 A. Well, when Bockarie had posted Morris Kallon from Makeni,
17 because, initially, it was Isaac Mongor who was the commander.
18 Then Isaac Mongor came to Freetown and they appointed him.

19 Q. Can I stop you there, because I want to try and do this
15:19:20 20 chronologically. So, who was the first RUF commander at Teko
21 Barracks, during the junta period?

22 A. Isaac Mongor.

23 Q. And at what stage did Isaac Mongor arrive there?

24 A. Well, he came there, I believe, on the 29th or the 30th. I
15:19:43 25 think on the 29th or 30th of May 1997.

26 Q. And where did he come from?

27 A. He came from the Kangari Hills.

28 Q. And who did he come with?

29 A. Well, he came with the RUF fighters, with some of their

1 families that were with them.

2 Q. Where did they stay?

3 A. Well, when they came, they stayed at Teko Barracks.

4 Q. Did there come a time when any of the men, the RUF fighters
15:20:33 5 at Teko Barracks, deployed elsewhere during the junta period?

6 A. Well, yes. Because Isaac, he had an assignment from
7 Freetown in July. Then Kallon was there as commander,

8 Morris Kallon. And, in August, Isaac -- I mean, I'm sorry,
9 Sam Bockarie instructed Morris Kallon to go and base in Bo,
15:21:10 10 August '97. After that, Bockarie said Kailondo should be the
11 commander in Makeni, at Teko Barracks, for the RUF.

12 Q. So who did Isaac Mongor go to Freetown with, if anyone?

13 A. Well, he came with Colonel Nyaa, Christopher, CO Mo, and
14 others, with his bodyguards. These were officers with his
15:22:16 15 bodyguards.

16 Q. Did you have anything to do with deploying men to Teko
17 Barracks, during the junta period?

18 A. Well, during the junta period, the man that was at Teko
19 Barracks, yes, I had influence over him. He was my friend. But
15:22:58 20 there was no deployment taking place at Teko Barracks, from the
21 first day. We remained there the same until the end of the AFRC,
22 because there was no fighting in the Bombali District.

23 Q. Who was your friend you had influence over?

24 A. I said, Kailondo, who was there, was a friend. And I had a
15:23:27 25 rank, an assignment, more than he was. So, if I gave him
26 instructions, he could obey the instructions. But there was
27 nothing to give instructions, regarding the men at Teko Barracks,
28 because there was no fighting taking place in Bombali District;
29 nothing happened there.

1 Q. TF1-174 said that there were child soldiers in Teko
2 Barracks; is that correct?

3 A. That is not correct, to say that there were child soldiers.
4 They were children, but they were not fighters.

15:24:06 5 Q. How do you know they weren't fighters?

6 A. Well, if you listen to the witness's testimony in this
7 Court, he talks about hundreds of children, that he said they
8 were child soldiers, but the time the ICC camp was opened at
9 Makeni --

15:24:30 10 THE INTERPRETER: The interpreter is sorry. Can the
11 witness come again?

12 MR JORDASH:

13 Q. Just repeat the last two sentences, please?

14 A. I said, this witness's testimony, because you asked the
15 question about '97, but I'm just trying to make you understand
16 about '99, what the witness came and explained to the Court. The
17 witness explained to the Court that, when they opened the ICC
18 camp in Makeni on two different occasions, according to him, he
19 said he got a lot of children and took them to this camp; those
15:24:44 20 were child soldiers.

21 Q. Mr Sesay, I will come to '99 in due course, but let's just
22 stick, if we can, to 1998. Were you there when Isaac Mongor
23 arrived from the Northern Jungle?

24 A. Well, that was in '97, not in '98.

15:25:32 25 Q. Sorry, '97. Were you there?

26 A. I was not there. I was at Giema in Kailahun.

27 Q. Do you know whether he arrived with these children or not?

28 A. Well, I wouldn't dispute the fact that he didn't come with
29 children. They came -- they may have come with children.

1 Q. Well, do you know what those children had or had not been
2 doing in the Kangari Hills?

3 A. Well, I never went to the Northern Jungle. I don't know
4 how they lived there. But when they were at the barracks, when I
15:26:17 5 went there, in Makeni, at the Teko Barracks, the children I saw
6 were not up to 30 and they hadn't guns.

7 Q. Do you know what the children were doing there during the
8 junta period?

9 A. Well, I understood that the Father -- the Bishop in Makeni
15:29:50 10 gave provision to those children. He bought footballs for them
11 and he encouraged them at the barracks.

12 Q. And who were the children living with?

13 A. Well, the children were with the RUF -- with the RUF that
14 came from the Kangari Hills and all of them came together in
15:29:50 15 town.

16 Q. And did you know any of those RUF besides Kailondo?

17 A. At Teku Barracks, yes. I knew Alpha Momoh, who was the
18 adjutant, and I knew all the fighters that were there, including
19 some officers. But, majority of them, I didn't know. And, in
15:29:51 20 fact, they, too, that was the very first time they knew me.

21 Q. What was the command hierarchy; who were the commanders
22 reporting to?

23 A. Well, it was Isaac. He was the commander from the Kangari
24 Hills.

15:29:51 25 Q. And did the RUF at Teku Barracks, during the junta --

26 A. No, no. You had a brigade commander who was in charge of
27 the north, and you had the battalion commander at Teku Barracks
28 for the SLAs. They gave quarters to the RUF and the officers.

29 Q. And were any of the troops at the Teku Barracks deployed on

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1 any fighting operations, during the junta period, that you're
2 aware of?

3 A. No, no. They were only at Teku. They did not carry out
4 any deployment. Although, yes, they had few men in Magburaka.

15:29:51 5 Yes, one Rambo, that was Foday Sankoh's bodyguard. He was in
6 Magburaka as commander. He was a commander from Makeni. That
7 was the area they only deployed.

8 Q. Who was that Rambo reporting to?

9 A. Well, he reported to Kailondo, who was in Makeni as
15:29:56 10 commander.

11 Q. Did Kailondo have a radio in Makeni, in Teko Barracks?

12 A. Yes, yes. There was a radio.

13 Q. And who did Kailondo communicate with?

14 A. Kailondo communicated with me and Bockarie in Kenema, and
15:30:40 15 he also communicated with Isaac.

16 Q. Now, I want to move forward to February 1998. Where were
17 you when you heard about ECOMOG activity in Freetown?

18 A. Well, that wasn't April '98, it was in February '98.

19 Q. I think I said February, but somehow you received April.

15:31:31 20 Okay. So, February, ECOMOG activity; where were you when you
21 heard about it?

22 A. Well, Bockarie gave me instructions to take his commander
23 from Kono -- to Kono, called Base Marine. So, when I left
24 Freetown, I went to Makeni. I slept at Teko Barracks --

15:31:55 25 Q. Just slow down a minute. Sam Bockarie asked to you take
26 Base Marine to Kono; what for?

27 A. Well, Sam Bockarie, what I understood, he had a discussion
28 with the army chief of staff, that RUF had no deployment in Kono.
29 So he and the army chief of staff agreed that, yes, we, RUF,

1 should get a commander in Kono with the RUF. So it was the
2 commander Bockarie ordered me to take to Kono. That was the very
3 first time that I went to Kono, in '97.

4 Q. Did you get to Kono?

15:32:39 5 A. No. When I slept at Teku Barracks, I came at Mabanta Road
6 at Soloku restaurant to eat before leaving. So, I and my
7 bodyguards were in the restaurant eating. There, I saw TF1-360;
8 he was the radio operator at Teku Barracks. He came with --

9 Q. Don't put TFI numbers with their --

15:33:25 10 A. Okay.

11 Q. You follow me?

12 A. Yes. Okay. So, one radio operator came and met us at the
13 restaurant. He told me that he had received the information from
14 Freetown that the ECOMOG had attacked and, in fact, they were

15:33:35 15 advancing from Jui to Freetown. So I decided to return, because
16 I left my family in Freetown. So, I was in Makeni when I heard
17 about the attack, the intervention in Freetown.

18 Q. But what did you hear was the situation?

19 A. The operator told me that he had heard information from his
15:34:09 20 brothers, a brother operator who was BTC -- at BTC, said the
21 ECOMOG had launched an attack in Freetown. And they had captured
22 some parts in Wellington and they were advancing into Freetown.
23 That was the information I got.

24 Q. What did you do upon receiving the information?

15:34:44 25 A. Well, from the restaurant -- from the restaurant where we
26 were eating, we parked our vehicles. We had the plan to go to
27 Kono, but immediately I heard the information, I decided to
28 return to Freetown, but I was unable to reach.

29 Q. Where did you go, if anywhere, from Makeni?

1 A. From Makeni, we came to Masiaka where we met vehicles,
2 parked.

3 Q. And who went to Masiaka?

4 A. From Bo.

15:35:20 5 Q. Who went to Masiaka from Makeni?

6 A. I said, myself and the men with whom I was.

7 Q. Whom were you with?

8 A. Well, while I was going to Kono to accomplish this
9 assignment, the commander with whom I was, Base Marine. And I
10 collected other RUF fighters from BTC. All of them were to go
11 together, because --

12 Q. Who were they?

13 A. Well, he said I should not call TF numbers, and some of
14 these men I could not call their names like that. If I were to
15 call their names, then --

15:36:08

16 Q. Sorry. Do you want to write the names down on a piece of
17 paper?

18 A. Yes.

19 MR JORDASH: Would you grant leave?

15:36:23

20 PRESIDING JUDGE: Leave granted.

21 MR JORDASH: Thank you. Sorry, I know this is a bit
22 tricky, but we'll get there.

23 Q. Right. So, write down who you went, from Makeni to
24 Masiaka, with, please.

15:37:46

25 A. These are the names that I can recall. Like this?

26 PRESIDING JUDGE: Mr Jordash, I reckon you are tendering it
27 as an exhibit?

28 MR JORDASH: Yes, please.

29 PRESIDING JUDGE: Prosecution, any objection?

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1 MR HARRISON: No.

2 PRESIDING JUDGE: Counsel for the second accused?

3 MR NICOL-WILSON: No objection, Your Honour.

4 PRESIDING JUDGE: Counsel for the third?

15:40:28 5 MR CAMMEGH: None.

6 PRESIDING JUDGE: We will receive it in evidence and mark
7 it as Exhibit 193.

8 [Exhibit No. 193 was admitted]

9 PRESIDING JUDGE: Make sure you indicate on this exhibit
15:40:38 10 some nexus, establishing -- establish a nexus between the
11 document and the witness, so that we don't lose track of it.
12 Thanks. Yes, proceed, Mr Jordash.

13 MR JORDASH: Thank you.

14 Q. So these men went with you to Masiaka. And, at Masiaka,
15:41:04 15 what do you see?

16 A. Masiaka, I said, when I arrived there, I saw vehicles,
17 which had left Bo to come to Freetown. I met them parked there.
18 And I got information that the ECOMDG had captured Waterloo, so
19 there was no way they could come down.

15:41:26 20 Q. Just take it one step at a time. Who did you get the
21 information from?

22 A. This was information that could be heard by everybody. The
23 road from Masiaka to Makeni is the main road to come to the city
24 and, when ECOMDG blocked the road, people from Bo were unable to
15:41:52 25 enter Freetown again. The information was everywhere. As I had
26 reached Masiaka, I heard the information.

27 Q. Did you see any RUF at Masiaka?

28 A. Well, during that time, only civilians that were there,
29 their vehicles that were trying to enter Freetown. There were no

1 RUF there.

2 Q. And what did you do after arriving at Masiaka?

3 A. Well, I continued and drove on to RDF.

4 Q. What is RDF?

15:42:34 5 A. Well, RDF, it was the NPRC that created the camp. It is
6 called Rapid Deployment Force.

7 Q. Where is RDF?

8 A. RDF is located between Masiaka and Waterloo. I think the
9 village is called Sumbuya.

15:43:09 10 Q. You think the village is what?

11 A. I think, I'm not sure. I said, I think the village is
12 called Sumbuya and the camp is outside the village.

13 Q. Sumbuya. Could you spell that or try to spell that?

14 A. I think it is S-U-M-B-U-Y-A.

15:43:33 15 Q. So, did you go and meet anyone at the RDF?

16 A. Yes, I met the commandant who was in charge of BTC,
17 Benguema. At that time, he was a colonel, Colonel Nelson
18 Williams. I met him there, and a major, who was in charge of
19 RDF. Because Nelson Williams was at BTC, but because of the
15:44:12 20 attack, they withdrew and I met him at RDF camp.

21 Q. So who was the major who had been in charge of -- was it
22 RDF?

23 A. Yes. It was an AFRC, but I have forgotten his name, but he
24 was in charge of RDF.

15:44:33 25 Q. Okay. What happened when you met these -- what happened
26 when you met the RDF?

27 A. Well, I said, I met Colonel Nelson Williams, who told me
28 that all the soldiers who left BTC, the AFRC and our own men --
29 our own, RUF, were at Four Mile. That is Newton.

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1 Q. And what else did you discuss?

2 A. Well, we were seated there, and I asked him, I said, what
3 was the situation in Freetown. He said the ECOMOG had been
4 advancing and that he had a communication from the chief of
15:45:37 5 defence staff that they were sending two senior officers to go to
6 the RDF and join him. So I was there when the helicopter came.
7 Then I saw Colonel Mansaray. Then I saw Colonel IY Koroma and,
8 the information they brought, they said the chief of defence
9 staff said they should set a very strong defensive at Lumpa or,
15:46:17 10 if possible, we should repel the attack at Waterloo.

11 Q. And what happened then?

12 A. Well, then the two colonels who came, the one said was in
13 charge of purchasing food and other items for the troops that
14 would be at the front line at Lumpa. Then Colonel IY Koroma was
15:47:03 15 to be in charge of the operation, and he was to base at RDF. So
16 then --

17 Q. How many men were at the RDF?

18 A. Well, at this time, my lawyer, I wouldn't be able to tell
19 you the exact number because this was a confused situation. But
15:47:28 20 all the soldiers that were at BTC had retreated, and all the RUF
21 at BTC and Hastings, all of them had withdrawn to the Lumpa end
22 and Newton.

23 Q. So what happened next?

24 A. Then, I and Colonel Nelson Williams, Colonel IY Koroma, all
15:47:55 25 of us are in that we should attack Waterloo, and we did launch
26 the attack, but we were unfit because the men repelled us. And,
27 in the evening, we made another attempt, but we were also pushed
28 back and we decided to set up defensive positions.

29 Q. Sorry, just for clarity sake, who are you attacking in

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1 Waterloo?

2 A. It was the ECOMOG that were in Waterloo, the Nigerian
3 ECOMOG. So I decided to send my bodyguard, Victor, to bypass
4 Waterloo to a road that led to Tombo, so he could get transport
15:48:45 5 from Tombo to Freetown, in order for him to collect my wife and
6 child, and the other members of the family who had stayed with me
7 in the house. So we were in that defensive position.

8 Q. Where was this defensive position?

9 A. Well, we, the commanders, were at RDF while the men were at
15:49:19 10 Newton.

11 Q. So who is "we" that were at the RDF -- oh, the commanders,
12 sorry. I missed that.

13 A. I had called Nelson Williams, IY Koroma and myself with the
14 major that was at the RDF camp.

15:49:34 15 Q. And who was directing operations or directing the defensive
16 position?

17 A. Well, at that time, it was Colonel Nelson Williams who was
18 the most senior man, because he was a full colonel, and he was in
19 charge of logistic supplies in the army. So he was --

15:50:01 20 Q. That's fine. So what happened next after sending Victor to
21 Freetown and setting up the defensive position?

22 A. Well, we are at this defensive position until the groups
23 started withdrawing from Freetown through Tombo, and they took
24 some canoes and they crossed to Fogbo. And, from Fogbo, they
15:50:31 25 worked and they reached at Four Mile. That was there they gave
26 information that the authorities were behind; JP and everybody
27 was coming.

28 Q. So people are arriving at Four Mile. Who is arriving at
29 Four Mile?

1 A. Well, the first group that arrived were soldiers and RUF.
2 It was a mixed-up group, but some men came without guns. Some
3 came with guns. That was the way the members of the group were
4 coming.

15:51:19 5 Q. And how do you know about what was happening at Four Mile?

6 A. But, Mr Lawyer, if I was a commander and I was at RDF camp
7 and our men were at Four Mile, we had to be checking there to
8 know what was happening there and the distance was not that far.

9 Q. How far is Four Mile from RDF?

15:51:43 10 A. Well, I wouldn't be able to tell the mileage now, but it is
11 a short distance. But anybody in this courtroom who had
12 travelled from Four Mile to RDF would know that it is a short
13 distance.

14 Q. At that time, how long did it take to travel by vehicle?

15:52:06 15 A. That would just be a five to ten-minute drive.

16 Q. So these various people are arriving at Four Mile, and
17 they -- who gave the message that the authorities were coming?

18 A. Yes.

19 Q. Was it a particular person who gave that information?

15:52:39 20 A. Well, the men arrived in group. It was not a matter of
21 information. The men were running away from Freetown.

22 Q. So what happened next?

23 A. So when the groups had been arriving, and the groups were
24 not under -- they were out of control because, at this time,

15:53:03 25 there was no command. Everybody was trying to escape from
26 Freetown in order to secure his life. So that was the withdrawal
27 took place. It wasn't organised. Everybody was going. There
28 were -- people were going in groups.

29 Q. What kind of groups were people going in?

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1 A. Well, both the RUF, the AFRC, and the family member
2 sympathisers were running away. They were going.

3 Q. Was there any news at that time about what, in fact, was
4 happening in Freetown?

15:53:48 5 A. Yes. At that time, they said they were burning
6 collaborators. They put -- sprinkle petrol on them and they lit
7 them. So everybody that was a sympathiser for RUF was burnt
8 alive. Anybody that had a business with the AFRC/RUF, they all
9 followed the retreating group. So you will see women, young men,
15:54:22 10 young women, old people, that was the composition of the group,
11 thousands of people, who retreated.

12 Q. Does the name Sheik Mutaba mean anything to you?

13 A. Well, I, personally, was not used to him. But I understood
14 that he was a very strong Imam who supported the AFRC and he was
15:54:53 15 burnt alive during the intervention. He was captured and burnt
16 alive.

17 Q. Does the name Sakoma mean anything to you?

18 A. I think it is Sakoma. He too was burnt alive, Sakoma.

19 Q. Who was he?

15:55:18 20 A. Well, he was a civilian, and the Imam himself was a
21 civilian. Both of them were civilians.

22 Q. Did you, yourself, go to Four Mile at around this stage?

23 A. Yes, I too went at Four Mile. I went on to the river so
24 that I could wait for my family's arrival. So I went to Fogbo
15:55:54 25 where I received my wife and other people.

26 Q. And when was this that you went to Four Mile? How long
27 after you had been sitting in the restaurant in Makeni?

28 A. Well, My Lord, I cannot tell the exact date, but this was a
29 short period of time when these things happened. But to say I

1 can recall the day I reached Four Mile, I cannot recall, but this
2 was a short period of time when these things happened.

3 Q. Just so we get a picture in the Court as to the sort of
4 timeframe, are we talking several days, several hours, several
15:56:42 5 weeks after you first heard the news when you were in Makeni that
6 you then go to Four Mile and see people fleeing Freetown?

7 A. Well, when I left Makeni and I came and observed that the
8 road had been cut off, it wasn't one week, when I went to Fogbo
9 myself in order for me to receive my own people.

15:57:15 10 Q. Now, can you give a picture of the kind of numbers of
11 people coming out of Freetown when you went to Four Mile?

12 A. I said, thousands of people were retreating, RUF/AFRC, with
13 large civilian population with them.

14 Q. And was there one particular way of getting to Four Mile or
15:57:48 15 were people arriving there by different routes?

16 A. Well, from RDF, you mean, or from Freetown?

17 Q. From Freetown, sorry.

18 A. Well, the first batch of soldiers that arrived at Four
19 Mile, they came from Tombo bypass. But from the second day that
15:58:22 20 came, everybody that came used the sea. They had boats from
21 Tombo and they crossed the river to Fogbo.

22 Q. Now, what happened next after you had been to Four Mile?

23 A. Well, as I said, I saw people arriving at Fogbo from Four
24 Mile, the main road. Then you have the village, which is Fogbo,
15:58:59 25 where the boats landed. That's about five mile distance. I,
26 myself, went to Fogbo, so that I could be able to find out about
27 my own people, the family members, whom Victor went to collect.

28 Q. And what did you see when you arrived at Fogbo?

29 A. Well, I saw boats bringing people, they're bringing people,

1 large number of people: AFRC, RUF, civilians.

2 Q. It may seem like an unnecessary detail, but what kind of
3 boats were there?

4 A. Well, they are outboard, locally known as pampa. They had
16:00:01 5 machines.

6 Q. Sorry. What was the name, again, you said?

7 A. Well, locally, we call them pampa. They have outboard
8 machines.

9 Q. Just because they're -- well, I won't say that. What I
16:00:22 10 will say is: Are they big enough to get a vehicle on, these
11 boats?

12 A. No. They won't carry a vehicle, but a single boat can take
13 50, 60, up to 80 people, but it cannot carry a vehicle.

14 Q. And how many people were on these boats when they came?

16:00:50 15 A. Well, Mr Lawyer, I said the people who were coming, the
16 boat will slam -- you said, the people, they were many. There
17 were many boats. That situation, I cannot tell, but the crowd
18 was a very large crowd. People were afraid of their own lives.
19 That's why they were following their family members, or the

16:01:16 20 people that they had been friends with. Because, if you were to
21 live in Freetown during that time and you were caught, you would
22 be burnt alive. So people left and went away.

23 Q. Were there people carrying anything?

24 A. Some that were strong would take bags on their backs and
16:01:38 25 some would have bonnets on their heads, and some would go without
26 any things.

27 Q. Now, did you meet anyone you knew there?

28 A. Yes, I met people that I knew.

29 Q. And who were they?

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1 A. JPK came with his family; SAJ Musa; SFY Koroma; Avivavo;
2 defence minister; army chief of staff; a lot of them All the
3 authority, the RUF authorities: Superman; Mike Lamin; Peter
4 Vandi; Isaac Mongor; Babay; and a lot of others, including
16:02:28 5 civilian ministers, who were in the AFRC, like Joe Amara Bangali,
6 and others.

7 Q. Can you say the last name again?

8 A. I said, like civilian ministers who are with the AFRC: Joe
9 Amara Bangali; SYB Rogers; AA Vandi; and others.

16:02:48 10 Q. How were these people arriving? Did you see JPK arrive?

11 A. I met JPK with other commanders at Fogbo. I was not there
12 when they arrived.

13 Q. And when you saw him, who was he with?

14 A. He was with his security and his family.

16:03:13 15 Q. And you said you saw Superman. Who was he with?

16 A. Superman was with his boys and other officers, together
17 with his family members, wife and children.

18 Q. Mike Lamin, who was he with?

19 A. Mike Lamin had had a woman in Freetown. He was with that
16:03:47 20 woman and with the boys -- with his boys. I mean the bodyguards,
21 and some officers, like Sylvester Kieh and others, all were there
22 with Mike Lamin.

23 Q. Isaac Mongor, who was he with?

24 A. He was with his officers, his bodyguards and his wife.

16:04:11 25 Q. And try and describe the scene with all these commanders
26 there at Fogbo. What's the scene?

27 A. Well, this was a time of confusion, where you saw large
28 crowds of people, bags, bundles sitting down under trees. Some
29 were sitting in the back of houses, some were sitting on the

1 veranda of houses. So, that was how the village was packed full
2 of people, whilst others were walking to come to Four Mile.

3 Q. So was there a general movement to a particular place, at
4 this time, after Fogbo?

16:05:08 5 A. At that time, nobody would ask anyone to assemble at
6 Masiaka. Everybody would just go to Masiaka. Everybody would
7 just go to Masiaka because that was the safety zone.

8 Q. Why was that the safety zone?

9 A. Because they had been running after people in Freetown.
16:05:26 10 Because of Masiaka, nobody would run after you. That is why I
11 said it was a safety zone.

12 Q. Did you meet your wife?

13 A. Yes, yes. They met me there at Fogbo.

14 Q. And who did they meet you there with? Who did she meet you
16:05:46 15 there with?

16 A. She met me with my bodyguards, Mohamed James, Tommy, Isiaka
17 and Base Marine. Because Base Marine was an officer, he was just
18 with me. Since the movement of moving to go to Kono had been
19 cancelled, so he was with me. We were all in the village.

16:06:17 20 Q. From your family, anyone other than your wife?

21 A. Well, at this time, members of my family were in the
22 eastern part. They had captured the area, so I was not able to
23 get them again.

24 Q. And your son, where was he?

16:06:38 25 A. He was with my wife.

26 Q. How old was he, at the time?

27 A. At that time, he was almost three years but not completely
28 three years, almost.

29 Q. So what happened when you met them, your wife and son?

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1 A. Well, when I met them, I asked my wife -- I said, where was
2 Mohamed Tarawallie's wife and he told me that he left them
3 boarding a boat from Tombu to come, and I told him that we are to
4 wait for them. And we waited for Mohamed Tarawallie's wife and
16:07:28 5 with SYB Rogers. So when they came, so I loaded them in a
6 pick-up and we went to Masiaka.

7 Q. Why did you wait for Mohamed Tarawallie's wife?

8 A. Well, Mohamed Tarawallie was my commander and, at that
9 time, he was not there. So if we did not take care of his
16:07:46 10 people, nobody will take care of them. So that was why I said I
11 was to wait for Mohamed Tarawallie's wife and his children. That
12 is why I waited.

13 Q. Did they come?

14 A. Yes, they came and all of them boarded the pick-up,
16:08:00 15 including SYB Rogers, and I took them to Masiaka.

16 Q. So who did you travel to Masiaka with?

17 A. I; my wife; the wife of Mohamed Tarawallie; and the
18 children; SYB Rogers; and Dr Fabai. Then SYB Rogers said he was
19 not going to leave his brother behind, who was Joe Amara Bangali,
16:08:32 20 a Sweden politician, who was a minister during the AFRC regime.

21 Q. So what happened in relation to that?

22 A. Well, all of us travelled to Masiaka. I and they went to
23 Masiaka.

24 Q. Was there any order to the troops? Was there a troop
16:09:10 25 organisation at this stage? A fighting troop organisation, I
26 mean.

27 A. At this time, the whole AFRC -- the AFRC and the RUF were
28 disorganised. There was no organisation. Everybody was just
29 trying to run from Freetown to go to upcountry. There was no

1 organisation. There was no control. Nothing.

2 Q. So how long did it take to get from Fogbo to Masiaka? This
3 is your group.

4 A. Well, I will say it was just about a 30 minutes drive. You
16:10:01 5 see, I drove and went to Masiaka.

6 Q. And describe the scene on the way to Masiaka, please?

7 A. Well, there were a lot of people on the way. Everybody was
8 walking. Some had bags, some did not have any slippers on their
9 feet. That was the situation. Everybody was walking towards
16:10:26 10 Masiaka, in large groups, on the way.

11 Q. Were there vehicles on the road?

12 A. Well, few vehicles were there. Some were coming to take
13 the officers, to take them to Masiaka. A few, like the SOS and
14 the brigade commander from Bo, he, himself, had come during this
16:10:55 15 time. They had been helping to transport their colleagues. The
16 same with the SOS. Now, he also had been helping to transport
17 his colleagues from the village to Masiaka, Fogbo.

18 Q. So what did you do when you reached Masiaka?

19 A. Well, when these large groups of people arrived in Masiaka,
16:11:11 20 they created a panic in Masiaka. So the civilians who were
21 natives of Masiaka, they all started running away from Masiaka,
22 and started going into the surrounding villages. During that
23 time, it was just a large group of RUF/AFRC, including a large
24 group of civilians from Freetown, coming to Masiaka, While the
16:11:34 25 Guinean contingent were also on one part of Masiaka.

26 Q. As you were travelling to Masiaka, did you know or observe
27 where the other commanders were, at that time; commanders of the
28 RUF, I am thinking about.

29 A. Everybody went to Masiaka. Mike, Superman, Isaac, with

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1 others, all went to Masiaka.

2 Q. So, at Masiaka, civilians had fled, and what did you do
3 then?

4 A. Well, we lived in the houses. The retreating group from
16:12:36 5 Freetown stayed in the houses.

6 Q. Where did you stay?

7 A. I stayed in one house where civilians had left on the way
8 towards Bo, so with the people that I came with.

9 Q. And what happened then?

16:12:55 10 A. Then we spent the night at Masiaka, and the SOS south, AF
11 Kamara, and the brigade commander, Boysie Palmer. They had come
12 and they had taken Johnny Paul to Masiaka when we were explaining
13 the situation that the CDF had captured Bo from them.

14 Q. Did you see crimes being committed on the way to Masiaka by
16:13:27 15 any RUF?

16 A. Well, solely speaking, I did see -- did not kill anybody in
17 Masiaka. I did not burn any house at Masiaka. I said, but, with
18 regards food, those who had retreated from Freetown did not
19 retreat with food. So they had been taking people's food,
16:13:49 20 because the civilians had left the town and they had gone to the
21 surrounding villages.

22 Q. Did you see anyone brought against their will from
23 Freetown?

24 A. People were running away from Freetown for their safety, so
16:14:15 25 it was not possible during that time to drive somebody to
26 Freetown without his will to go.

27 Q. So the next morning after, you wake up in Masiaka; what
28 happened then?

29 A. Early in the morning, my radio operator, he put the set on.

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1 Then Bockarie called me on the set, which was on the veranda of
2 the house in which I lodged. I and Bockarie discussed --
3 Bockarie asked me -- he said, where we were. I told him that,
4 well, they had pushed the AFRC out of Freetown and that we were
16:14:56 5 at Masiaka. And he said that they, themselves, had been pushed
6 yesterday, from Kenema. But, as he was talking to me, he was at
7 Hangha, and that he was trying to re-organise so that they could
8 re-attack Kenema. He said so. He also was suggesting that I
9 should tell the army chief of staff, or the chief of defence
16:15:09 10 staff, so that we -- if we also could organise a group so as to
11 re-attack Bo, so as to coordinate they that are from Kenema and
12 those that are in Bo.

13 So, I also told Bockarie that it would be better that he
14 spoke to the army chief of staff or the defence staff. Then he
16:15:41 15 said that if I was able to talk to any one of them, so he will
16 talk to them. Then I said yes, that, yes, I will be able to do
17 so. So I called S0 Williams. I sent for S0 Williams and he
18 came, and I spoke with Mosquito.

19 Q. How did you find S0 Williams?

16:16:00 20 A. Well, at that time, they were sitting near the town hall at
21 Masiaka. There was a booth where all the commanders were
22 sitting, because there was an air raid, so the jet had started
23 flying. So they called him and he came and he spoke with
24 Mosquito. So they also accepted that we were to attack Bo while
16:16:27 25 Bockarie was attacking Kenema so that both of us would be able to
26 come together and go to Kailahun.

27 Q. Do you know why Sam Bockarie didn't speak directly from his
28 radio to S0 Williams' radio?

29 A. Well, Bockarie had told me that, from yesterday, he had

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1 tried to contact Cockerill Station. For a long time he was not
2 able to get them. So since he was able to get me, and he had
3 asked me, and I told him that everybody was at Masiaka, so there
4 was no need for him to contact that man's station anymore. So he
16:17:08 5 just sent me to call the man so that they could discuss. This
6 was early in the morning. You try to talk to somebody early in
7 the morning, you are not able to go through his station. So if
8 you are able to get the next man who was close to him, then it
9 would be easy.

16:17:29 10 Q. Were you in communication with Superman at this stage?

11 A. Yes. We discussed, but the only thing was that our
12 relationship was not that good. But, at that time, we would
13 greet each other.

14 Q. So what happened after the conversation between SO Williams
16:17:55 15 and Sam Bockarie?

16 A. Well, SO Williams, when he had spoken with Bockarie, he
17 told me that both of us should go and see the chief of defence
18 staff. He went and met SFY Koroma. Then SFY Koroma supported
19 the idea; he said it was a good idea. Since the SOS south and
16:18:24 20 the brigade commander south were here, he called them and he
21 talked to them. He said, so we should move and join these men's
22 troops, which they left at Moyamba Junction, so that we would be
23 able to capture Bo from the Kamajors.

24 Q. So was there a movement to Bo?

16:18:43 25 A. Yes, there was movement.

26 Q. Who went to Bo?

27 A. Well, I; AF Kamara; Boysie Palmer; Peter Vandi. We drove
28 from Masiaka to Mile 91.

29 Q. And anyone else?

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1 A. Well, Peter Vandi had his boys. I also had my own boys.
2 So we moved and went and met Morris Kallon, with the RUF boys who
3 had retreated from Bo. We met them at Mile 91. So I, myself,
4 explained to Kallon what the mission was, because we did not --
16:19:40 5 there was no need for us to have taken troops from Masiaka,
6 because we all knew that the old AFRC soldiers from Bo were all
7 at Moyamba Junction, including the platoon, plus the others that
8 Morris Kallon had in Bo. They were all at Moyamba Junction. So
9 we just went and met Morris Kallon at Mile 91 and proceeded to
16:20:03 10 Bo, where we left the whole group at Masiaka: AFRC, RUF, with
11 all the commanders.

12 Q. What was that group doing when you left?

13 A. Well, at the moment when I was leaving, I did not know.
14 But, later, I came to know that when we were going to Mile 91,
16:20:36 15 they, themselves, had been leaving Masiaka to go to Makeni, to
16 Lunsar. All the AFRC, from Johnny Paul, all the AFRC commanders,
17 the RUF commanders, all of them left Masiaka to go to Makeni
18 while we were heading for Bo.

19 Q. Was there any misbehaviour in Masiaka, that you observed,
16:21:09 20 before you left?

21 A. Well, yes. Because, during that time, even the authorities
22 say everybody was confused. Everybody was frustrated. So there
23 was no proper organisation. There was no proper control as one
24 can see from everybody's face when we were at Masiaka before I
16:21:35 25 left.

26 Q. TF1-334 said he went and took part on the mission to Bo; is
27 that right?

28 A. It was a lie. Because all that happened between Moyamba
29 Junction and Bo, when he had been cross-examined, he was not able

1 to say anything. You see, there were some incidents that took
2 place between Moyamba Junction and Bo, which he was not able to
3 explain.

4 Q. Well, what were those incidents?

16:22:16 5 A. Yes. Like, when we arrived at Taiama Junction, we met the
6 CDF. CDF was there, and there was fighting between us and the
7 CDF. And our men captured 17 AK rounds and 11 RPGs from
8 them. So whosoever was on that route to go and attack Bo should
9 be able to talk about that.

16:22:43 10 Q. So you say you captured 17 AK rounds?

11 A. Seventeen, three-and-a-half boxes of AK rounds and 11 RPG
12 rockets.

13 Q. Who were they captured from?

14 A. From the CDF, who were deployed at Taiama Junction.

16:23:06 15 Q. And who took part in that attack?

16 A. Well, I told you that we were the ones that left Masiaka,
17 Mile 91, to go to Bo. I, myself, was there. We took part in the
18 attack.

19 Q. Now, what happened after that?

16:23:27 20 A. Well, after that, we continued our journey to Bo.

21 Q. And what happened at Bo?

22 A. Well, as we were arriving -- as we were entering Bo, we met
23 the CDF and we started fighting. That was early in the morning.
24 We fought up to -- you see, I did not understand Bo properly.

16:23:49 25 But we went around Bo hospital, government hospital and, a group
26 of fighters, they were before -- right in front of a Lebanese
27 shop. They were attempting --

28 Q. Let's slow it down.

29 A. Okay. Okay.

OPEN SESSION

1 Q. Did the attack take place as soon as you arrived in Bo?

2 A. Yes, yes. As we entered Bo, that was the time that we
3 started fighting.

4 Q. Were there any AFRC/RUF troops taking part in the attack?

16:24:37 5 A. Yes, just like I said. I said, that the CDF had attacked
6 the AFRC/RUF, and they had pushed them out of Bo. These troops
7 had gone to Moyamba Junction, so we -- when we came from Masiaka,
8 went and joined Kallon at Mile 91. So we went and joined the
9 troops at Moyamba Junction. We moved to Taiama Junction and we
16:24:57 10 were the ones who went to Bo. But there was no AFRC/RUF in Bo,
11 except those that were under the custody of the CDF. Because
12 they arrested collaborators; they arrested RUF; the AFRC, who
13 were under custody at the police station. And some of them had
14 been executed. Others had been waiting to be executed, including
16:25:20 15 civilians, who had been working with the AFRC, in Bo. All of
16 them were under custody.

17 Q. So after the attack, what happened?

18 A. Well, I left Bo during the attack. I was not in Bo after
19 the attack. But all these people who were in the police station
16:25:41 20 are men. I had to free them all, because even one of our
21 operator, US Marine, was burnt alive before we entered Bo. So,
22 when we had been fighting, men went to the police station. They
23 burnt the police station and they freed these people. So a group
24 of soldiers who had wanted to break the Lebanese man's store -- I
16:26:09 25 was there, standing by the fence of the government hospital. So
26 I said, "No, no, no." I said, "We did not come here for that."

27 Q. Who was it trying to do that?

28 A. Well, they were soldiers; men who were in combat. They
29 were the ones trying to do so.

OPEN SESSION

1 Q. Where did these men in combat come from?

2 A. Well, it was the same group who went to recapture Bo from
3 the CDF.

4 Q. So were these SLAs then?

16:28:02 5 A. Yes. As far as I could see, they were SLAs.

6 Q. And they were trying to do what?

7 A. I said, they were trying to break into a Lebanese man's
8 store, and I told them that was not the purpose of our going
9 there. So, I saw some person firing -- somebody fired from the

16:28:02 10 site, and the bullet bust my jacket and all the bullets hit my
11 back, my left back.

12 Q. Who made this suppressive firing?

13 A. Well, I strongly believe that it was the group that I had
14 been shouting at that they should not break the store.

16:28:02 15 Q. Right. Just pause there. Sorry, I didn't see Your
16 Honour's light.

17 JUDGE BOUTET: I was trying to intervene to see, because
18 your witness said that they were soldiers because they were in
19 combat. Was there any difference between soldiers?

16:28:02 20 Soldiers-soldiers, and soldiers-RUF? What was a soldier, in the
21 language of the witness, so I understand what he means?

22 THE WITNESS: Yes, My Lord.

23 JUDGE BOUTET: Do you understand my question?

24 THE WITNESS: Yes. Very well, sir. 1997, we did not have
16:28:02 25 uniform; RUF did not have any uniform. RUF had been wearing
26 jeans and T-shirts.

27 JUDGE BOUTET: Thank you.

28 THE WITNESS: Thank you, sir.

29 MR JORDASH:

1 Q. The men in combat you described breaking into the Lebanese
2 shop, who was their commander; whose command did they fall under,
3 please?

4 A. Boysie Palmer was their commander. He was the brigade
5 commander.

16:28:25

6 Q. Brigade commander for where?

7 A. For the Southern Province, which was based in Bo. He was
8 in charge of the brigade. Then he had his battalion commander.

9 Q. Who was that?

16:28:40

10 A. Well, during that attack, the battalion commander was
11 Mamadi Keita.

12 Q. Can you spell that, please?

13 A. M-A -- M-A-M-A-D-I-E [sic], K-E-I-T-A.

14 PRESIDING JUDGE: Counsel, you have been on your feet for

16:29:11

15 quite some time. Let us take the conventional afternoon break at
16 this time.

17 MR JORDASH: Thank you.

18 [Break taken at 4.30 p.m.]

19 [Upon resuming at 5.06 p.m.]

17:06:24

20 PRESIDING JUDGE: Proceed, counsel. Yes, Mr Cammegh.

21 MR CAMMEGH: Your Honour, forgive me, if I bring something
22 to the attention of Chamber. I've mentioned this to Mr Jordash.

23 Your Honour, it is reference to the final version of the
24 transcript from Friday's proceedings. I have been reading

17:06:45

25 through it today and there are a couple of errors. One, in
26 particular, I would like to draw to the Court's attention because
27 I think it's an error that is potentially quite a serious error.

28 I will ignore the fact that my name is missing from the
29 front, which is rather disadvantageous for remunerative reasons.

OPEN SESSION

1 Maybe that could be dealt with later.

2 JUDGE BOUTET: Do they pay you based on whether your name
3 is there or not?

4 MR CAMMEGH: I think so, yes.

17:07:14 5 JUDGE ITOE: Is it to the Registrar for which you present
6 for payment?

7 MR CAMMEGH: I am not going to comment on that. Your
8 Honour, there was a series of questions while I was not in the
9 room, asked by my friend, Mr Jordash, of Mr Sesay, concerning
17:07:39 10 Augustine Gbao and the allegations against him of forced labour.

11 If I can just put this on the record, I will read it verbatim

12 JUDGE BOUTET: What is the page?

13 MR CAMMEGH: It is page 42, at the bottom at line 28. And
14 I will read it. Issa Sesay says, "No, My Lord. '94, '96, it was
17:08:10 15 not Gbao that was in charge of receiving the cocoa. That was why
16 I said Gbao had never reported about cocoa or meat which was
17 being hunted by civilians. No. And I -- it was brought to my
18 knowledge that Gbao had been forcing civilians." I'm quite glad
19 I spotted that because obviously that would be rather dangerous
17:08:39 20 for Mr Gbao.

21 Your Honour, what I'm assured by Mr Jordash, and by my
22 client himself, is that what was actually said was more on the
23 lines of, "It was not brought to my knowledge that Gbao had been
24 forcing civilians." And what I do, is ask the stenographers,
17:09:00 25 please, via the Chamber, because this is very serious -- I'm sure
26 it is an innocent error, which after nearly three years of work
27 is hardly surprising and understandable -- but I would ask them
28 to check that and reprint that page once it has been checked.

29 PRESIDING JUDGE: Mr Jordash, do you have any comments in

1 respect of that observation?

2 MR JORDASH: Only that Mr Cammegh is exactly right. That
3 is my recollection of the evidence.

4 PRESIDING JUDGE: Mr Nicol-Wilson, do you have any --

17:09:35 5 MR NICOL-WILSON: I think Mr Cammegh is right, Your Honour.

6 PRESIDING JUDGE: Prosecution, what is your position on
7 that?

8 MR HARRISON: Just that I think there is a procedure in
9 place. I think the procedure --

17:09:45 10 PRESIDING JUDGE: No, I'm talking about -- there is an
11 allegation of inaccuracy. I just want your position on that
12 first before we get to the procedure. Have you looked at the --

13 MR HARRISON: I have no recollection.

14 PRESIDING JUDGE: You have not looked at the transcript?

17:10:02 15 MR HARRISON: No.

16 PRESIDING JUDGE: And counsel hasn't discussed this with
17 the Prosecution. So you cannot usefully contribute to the
18 question of whether there is, in fact, an inaccuracy in the
19 record?

17:10:13 20 MR HARRISON: I can't help you, but what I can --

21 PRESIDING JUDGE: That is what I wanted to know.

22 MR HARRISON: What I can tell you is that I think, through
23 the Chamber's legal officers, what typically happens is --

24 PRESIDING JUDGE: No, no, no. Let's take it step by step.

17:10:27 25 I am more concerned with the substantive question of whether you
26 agree or do not agree that there is an error. Once you get over
27 that, then we can talk about procedure as to how to rectify or
28 not rectify.

29 MR HARRISON: I was trying to convey to the Court that the

1 Prosecution simply doesn't know.

2 PRESIDING JUDGE: Thank you. That's helpful.

3 MR HARRISON: It certainly may be correct what Mr Cammegh
4 says.

17:10:53 5 PRESIDING JUDGE: Right. Thanks very much.

6 [Trial Chamber conferred]

7 PRESIDING JUDGE: Mr Cammegh, I'm sure that counsel for the
8 Prosecution was going to remind us of a procedure which we have,
9 and I reckon that what we normally do in this situation, where
10 there is an allegation of inaccurate recording, is to check the
11 transcript record against the audio, to see exactly what was said
12 and whether what was said was accurately recorded. That is the
13 step which we will direct at this point in time.

14 MR CAMEGHE: I am obliged. Thank you very much.

17:13:08 15 PRESIDING JUDGE: Right. Thank you. Shall we now proceed
16 with the presentation of your case, Mr Jordash?

17 MR JORDASH: Your Honour, yes. Thank you.

18 Q. So, I think where we'd got to was, these men in combat, who
19 reported to Boysie Palmer, were trying to break into a Lebanese
20 shop and you said -- what did you say?

17:13:39 21 A. I said, that was not our purpose in Bo. Our purpose of
22 going to Bo was to get rid of the Kamajors out of Bo and not to
23 break into somebody's shop. I only heard surprising [sic]
24 firing, then the bullet hit me on the back of my side.

17:14:18 25 Q. I'm not sure it was surprising firing. I think it was
26 suppressive firing. Mr Sesay, did you say surprising --

27 A. Suppressive firing.

28 Q. Just for the purposes of clarity, what is suppressive
29 firing?

OPEN SESSION

1 A. Well, when you fire a gun at automatic, then the bullets
2 are coming terrifically. That is suppressive firing.

3 Q. Where did the firing come from?

4 A. The firing came from the group which I had been shouting at
17:15:01 5 that they should stop. That was the side where the firing came
6 from

7 Q. And --

8 JUDGE BOUTET: And you were shot at, you were showing, on
9 your right-hand side.

17:15:14 10 THE WITNESS: Yes, My Lord. They shot me in here. I can
11 get off my chair so that you can see.

12 JUDGE BOUTET: No, that's okay. I just want to know,
13 because you were showing, first, on your right-hand side and now
14 you're saying it's on your left. That's okay, I just want to
17:15:34 15 know. You were pointing to the left, so there was a bit of
16 confusion in my mind as to where it was, but you say it's on your
17 left-hand side. That's fine.

18 MR JORDASH: If Mr Sesay doesn't mind, I would like him to
19 show the scars.

17:15:52 20 Q. Do you mind, Mr Sesay?

21 A. No, not at all.

22 MR JORDASH: With Your Honours' leave.

23 PRESIDING JUDGE: Leave granted.

24 MR JORDASH:

17:16:05 25 Q. Would you like to just raise your shirt and show the scar,
26 please? I think you need to take the shirt off, if you can?

27 [Witness complied]

28 PRESIDING JUDGE: The records will reflect that Mr Sesay
29 has exhibited the scars in respect of an alleged wound that he

1 received.

2 MR JORDASH: Can I just describe it?

3 PRESIDING JUDGE: Very well, go ahead. Fine.

4 MR JORDASH: Can I have another look, please, Mr Sesay.

17:16:53 5 [Witness complied]

6 MR JORDASH: The scar is, I think, approximately three --
7 two and a half to three inches long, an inch and a half high,
8 positioned on his left side of his back, approximately midway
9 between the shoulders and the waist. And it's coloured a darker
10 complexion than his skin colour. And there is a slight concave
11 appearance to it.

17:17:27

12 PRESIDING JUDGE: Thanks. You must have had a very short
13 medical orientation course. Thanks. The records will reflect
14 the description.

17:17:46

15 MR JORDASH: Thank you, Mr Sesay.

16 Q. What happened to you when the bullet hit you?

17 A. Well, when the bullet hit me, immediately Kallon and --
18 Morris Kallon and Peter Vandi came.

19 Q. Before that, what happened to you?

17:18:16

20 A. Well, the bullet hit me. Blood was dripping and the whole
21 T-shirt I had on had some blood and blood was dripping from the
22 place.

23 Q. What, did you remain standing?

24 A. No, no. No, no. I sat. When I was shot, I sat down.

17:18:45

25 Q. What happened then?

26 A. I said, well, I was in the company of Kallon and Peter
27 Vandi. They came and took off the jacket. They tried -- they
28 took off the T-shirt to see the wound. Then they saw the sore
29 and blood was dripping. Kallon tore my T-shirt and tied the

1 place.

2 Q. And what happened then?

3 A. Then Kallon said they should check at the hospital to see a
4 doctor or a nurse, but nobody was at the hospital.

17:19:31 5 Q. How did you get from where you were -- well, did you go to
6 the hospital?

7 A. No. I did not go to the hospital. It was Kallon, but we
8 were at the -- by the hospital fence. Kallon sent one fighter to
9 see whether there was somebody in the hospital, and the fighter

17:19:54 10 came and said there was nobody there.

11 Q. Meanwhile, what were you doing?

12 A. Well, at that time, I was lying down. They laid me down on
13 the floor and the place continued bleeding.

14 Q. And what happened then?

17:20:18 15 A. Then they placed me in my vehicle. Kallon and Peter Vandi
16 brought me down to Mile 91.

17 Q. How were you placed in the vehicle?

18 A. Well, they leant me sideways like this, and I leaned against
19 Kallon's foot. Because it was a Land Rover, which has four

17:20:51 20 doors, and I was lying at the back of the Land Rover and laid my
21 head on Kallon's foot.

22 Q. How did you get to the Land Rover?

23 THE INTERPRETER: The interpreter is sorry. The
24 interpreter would like to make one correction there.

17:21:06 25 PRESIDING JUDGE: Go ahead.

26 THE INTERPRETER: Normally, in Krio, when somebody says
27 foot, it can refer to the entire leg. So the interpreter has
28 interpreted foot and doesn't know whether the witness is
29 referring to the entire leg. So if counsel can make a

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1 clarification, the interpreter would be very happy about it.

2 PRESIDING JUDGE: We'll try. Go ahead, Mr Jordash.

3 MR JORDASH:

4 Q. When you say that you were laid against Mr Kallon, which
17:21:41 5 part of the body were you laid against? If you would need to
6 indicate by pointing to your own --

7 A. Well, I have got a wound on the left part of my back. So
8 this is the only way I was able to lie down, so my head was on
9 Kallon's legs and my foot was like this.

17:22:11 10 Q. "My foot was like," what, Mr Sesay?

11 A. I said, I laid my head -- I lied down like that and my feet
12 were at the side of the door because I was unable to lie in this
13 way.

14 Q. Which part of Mr Kallon's body did you rest upon?

17:22:36 15 A. I laid my foot on Mr Kallon's leg, so my head was on
16 Kallon's leg.

17 PRESIDING JUDGE: We understand. We know you had the wound
18 on the left, so he could only lie on the right side and placed
19 his head on Kallon's leg.

17:23:02 20 MR JORDASH:

21 Q. Is that right?

22 A. Yes, My Lord.

23 Q. How did you get to the vehicle?

24 A. They held me, they held my hand. I walked and entered the
17:23:22 25 vehicle.

26 Q. And what happened when you were in the vehicle; where did
27 you go?

28 A. They drove me to Mile 91.

29 Q. Who drove you to Mile 91?

OPEN SESSION

1 A. Well, the driver who was with me, Tommy, and Kallon himself
2 was in the vehicle, including Peter Vandi and the bodyguards.

3 Q. Where did you go in Mile 91?

4 A. Well, when we came, we went to Camp Charlie. The army had
17:24:10 5 a camp there. We went to Camp Charlie and that was where we
6 went.

7 Q. What was Camp Charlie?

8 A. Camp Charlie, it was a camp like RDF, which was made by the
9 NPRC. That was where the soldiers were based. So I was driven
17:24:33 10 to that place, from out of Mile 91 towards Freetown.

11 Q. And what happened there?

12 A. Well, they took me to the hospital. I think two military
13 doctors were there. They were assigned there. They treated me
14 and --

17:25:03 15 Q. What treatment did you receive?

16 A. Well, they stitched the place and they gave me series of
17 injections.

18 Q. Do you know how stitches you received?

19 A. I cannot recall again.

17:25:27 20 Q. Did you receive any other treatment besides stitching and
21 cleaning?

22 A. Yes. I said they gave me tetanus injection and they gave
23 me a procaine injection again.

24 Q. What was the last injection?

17:25:51 25 A. Procaine. Antibiotic.

26 PRESIDING JUDGE: Yes, procaine.

27 MR JORDASH: Thank you.

28 Q. And how long did you stay there?

29 A. Well, we were at the hospital for about an hour. After the

1 treatment, I was taken to the house where I left my family, in
2 Mile 91.

3 Q. And perhaps I should have asked this: Do you know what
4 weapon caused the injury?

17:26:33 5 A. Well, because other bullets pierced my jeans jacket, and
6 when I saw the bullet on my jeans jacket, I came to know that it
7 was an AK-47. And the distance wherein the shot came from was a
8 short distance.

9 Q. So you went to your family in Mile 91?

17:27:01 10 A. Yes.

11 Q. Where were they in Mile 91?

12 A. I said, we left there, at Mile 91, where we met Kallon's
13 family at Mile 91, that was at the junction. That was where I
14 left my family, too. Then we went on the attack and, when we
17:27:25 15 returned, we met them there.

16 Q. And what happened when you met them there?

17 A. Well, when I met them there, my wife made soup for me,
18 which I drank. And Kallon returned to Bo. So we were there
19 until the evening. Then we left Mile 91, hoping that our men
17:28:09 20 will still be at Masiaka. But, to my surprise, when I reached
21 Masiaka, we didn't meet anybody. All members of the troop had
22 left from Makeni.

23 Q. Just a question about timing: From the time you left
24 Masiaka, to the time you came back and arrived at Masiaka, how
17:28:31 25 long between those two times?

26 A. Well, we left Masiaka -- like, I can say it wasn't complete
27 48 hours, because we left Masiaka at around 11 and we drove in
28 the morning.

29 Q. In the morning?

1 A. In the morning. We left Masiaka at around 11 and we
2 arrived at Mile 91. We travelled throughout the night and we
3 attacked Bo. Then, the following morning, at around ten, I got
4 wounded. Then they brought me back to Mile 91. So, we left Mile
17:29:25 5 91 around 5.30 to go back to Masiaka. So, I'm not sure if it's
6 complete 48 hours.

7 Q. Well, how much less than 48 hours was it, just
8 approximately, not exact?

9 A. Well, I feel, Mr Lawyer, you can help me. I have
17:30:01 10 explained. I cannot tell the exact hours. I have explained to
11 you about the time I left Masiaka, through Mile 91, to go, and
12 the time I got wounded and came back.

13 Q. The time you arrived in Masiaka was, what, when you arrived
14 back in Masiaka, having been --

17:30:19 15 A. That would be around 6.30 in the evening.

16 MR JORDASH: I notice the time, Your Honour. I don't know
17 if that's a suitable time.

18 PRESIDING JUDGE: Yes. Well, we have come to the end of
19 the day. The trial is adjourned to tomorrow, Wednesday, 9 May at
17:30:41 20 9.30 a.m.

21 [Whereupon the hearing adjourned at 5.30 p.m., to be
22 reconvened on Wednesday, the 9th day of May 2007,
23 at 9.30 a.m.]

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EXHIBITS:

Exhibit No. 193

82

WITNESSES FOR THE DEFENCE:

WITNESS: ACCUSED ISSA HASSAN SESAY

2

EXAMINED BY MR JORDASH

2