



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

TUESDAY, 15 MAY 2007
3.10 P. M
TRIAL

TRIAL CHAMBER I

Before the Judges:

Bankole Thompson, Presiding
Pierre Boutet
Benjamin Mutanga Itoe

For Chambers:

Mr Matteo Crippa

For the Registry:

Ms Advera Kamuzora

For the Prosecution:

Mr Peter Harrison
Ms Penelope-Ann Mamattah

For the accused Issa Sesay:

Mr Wayne Jordash
Ms Sareta Ashraph

For the accused Morris Kallon:

Mr Melron Nicol-Wilson

For the accused Augustine Gbao:

Mr John Cammegh

OPEN SESSION

1 [RUF15MAY07A - SM]
2 Tuesday, 15 May 2007
3 [The accused present]
4 [The witness entered Court]
5 [Open session]
6 [Upon commencing at 3.10 p.m.]
7 [The witness answered through interpreter]
8 WITNESS: Issa Hassan Sesay [Continued]

9 PRESIDING JUDGE: Good afternoon, counsel. The trial is
10 resumed. Mr Jordash, is your client sufficiently recovered in
11 health?

12 MR JORDASH: The messages I have been getting from members
13 of the detention centre, including the deputy chief and also Ray
14 Ewing, is that Mr Sesay has recovered quite well and is raring to
15 go.

16 PRESIDING JUDGE: Thank you. Well, then, proceed with the
17 presentation of your case.

18 MR JORDASH: Thank you.

19 Q. Good afternoon, Mr Sesay?

15:10:16 20 A. Good afternoon, Mr Jordash.

21 Q. I trust you are feeling better now?

22 A. Yes, sir, I feel much better.

23 Q. Good. Let's go on then. We've got a lot to get through.

15:10:37 24 I want to ask you about someone called Maada. Do you remember
25 Maada?

26 A. Yes, I can recall Maada.

27 Q. Can you just explain who he was, please?

28 A. Well, Maada was a small boy who came from Kenema with some
29 of his family members and went to Buedu during the intervention.

1 Q. And what was his relation to you?

2 A. Well, he was just at Buedu in the -- at the house with my
3 security. He was a small boy who did not take part in any
4 activity which had to do with the front line.

15:11:38 5 Q. Now, I want to go back to where we left off, but I want to
6 pick up on radio links and radio communications. So I want to
7 just go a little back, up to the junta period before coming to
8 Pendembu and Buedu. Now, what were the radio communications like
9 during the junta period? Were they effective or not effective,
10 or what?

11 A. Well, they were not effective, the first place.

12 Q. Why not -- sorry?

13 A. Because, during this time, the soldiers with whom we had
14 been fighting, we had made peace with them. And the radio
15 communication was not effective, because somebody had told this
16 Court, who was part of the signals unit, he said that, during
17 '97, communication was not effective.

18 Q. Now, did you have your own radio set in Freetown?

19 A. Yes. I had one set with me, one Thompson radio.

15:13:17 20 Q. Did Sam Bockarie have his own set, in Freetown?

21 A. Bockarie, when he was in Freetown, yes, he had a set, with
22 which he moved up and down, wherever he went.

23 Q. And who were his operators?

24 A. Well, during that time, he had Kabbah, he had Ebony Prince,
15:13:51 25 he had Daff.

26 Q. Were they staying with Bockarie or did they stay in
27 Freetown? I am thinking of the time when Bockarie left to go to
28 Kenema.

29 A. Well, when Bockarie went to Kenema, like, Daff came with

1 Mike Lamin. So he was in Kenema all along with Bockarie. The
2 same thing with Ebony Prince; his operators were in Kenema with
3 him

15:14:32 4 JUDGE BOUTET: So what do you mean by -- was the one that
5 you called Daff, was he with Sam Bockarie, or he was with Lamin?
6 You say he came down with Lamin. I'm not sure I follow what
7 you're saying.

8 THE WITNESS: My Lord, I said, Daff came along with Mike
9 Lamin, when they came and met Bockarie in Kenema. So Daff left
15:14:51 10 and started operating Bockarie's set, when they came from
11 Liberia, '97, because this was the group which was dislodged in
12 October from Zogoda.

13 THE INTERPRETER: Your Honours, would the witness go over
14 what he said?

15:15:10 15 MR JORDASH:

16 Q. Would you repeat the last two sentences, please?

17 A. I said, when the judge asked, I said, this was the group
18 which retreated from Zogoda through Pujehun to Liberia, where
19 they went and surrendered to the ULIMO. So these were the men
15:15:32 20 who came with Mike Lamin in '97 after the coup. But when they
21 came, they stopped in Kenema, Daff and Ebony Prince, as radio
22 operators. So they were in Kenema, '97, with Bockarie, until
23 January, February '98, when they returned to Buedu.

24 JUDGE BOUTET: Okay. I had understood your evidence to be
15:15:53 25 that Daff had moved with Lamin, to Freetown. He moved from
26 Liberia to Kenema, but from Kenema --

27 THE WITNESS: No. No, My Lord.

28 JUDGE BOUTET: He was in Kenema and, in Kenema, he worked
29 with Sam Bockarie. I am talking of that.

1 THE WITNESS: Yes, My Lord. When Bockarie went and based
2 in Kenema, there, Daff came from Liberia, came to Kenema with
3 Bockarie. But, Kabbah, he and Tolo, they came to Freetown with
4 Bockarie. Then they went and stayed in Kenema with Bockarie.

15:16:31 5 JUDGE BOUTET: Okay.

6 MR JORDASH: Okay. Let's try to -- I think, for me, I am
7 confused.

8 Q. Can you just say who were Sam Bockarie's operators when he
9 was in Freetown during the junta? Just list the names, please?

15:16:49 10 A. It was Tolo who was with Bockarie here, in Freetown. Tolo,
11 he was a signal commander.

12 Q. Well, who else, if any, were operating or responsible for
13 radio communications for Bockarie during the junta period? Was
14 it just Tolo?

15:17:15 15 A. Well, I said it was Osman Tolo and Selay. They were ones
16 that came to Freetown with Bockarie. So Bockarie went back and
17 based in Kenema with the other operators who came from Liberia;
18 they joined him in Kenema.

19 Q. So let me just try to get this clear. Tolo and Selay were
15:17:40 20 in Freetown, when -- is that right?

21 A. Yes. They were the ones that came from Daru to Freetown,
22 for the first time, with Bockarie.

23 Q. Got you. Now, during Bockarie's time in Freetown, did
24 anyone else, besides Tolo and Selay, assist him with radio
15:18:04 25 communications?

26 A. No, no. It was only two of them that were here with
27 Bockarie.

28 Q. Right. When Bockarie went to Kenema, who was there to
29 assist Bockarie with radio communication?

1 A. Well, when Bockarie was in Kenema, I did not base in
2 Kenema, but I understood that when Ebony and Daff came, they came
3 and joined Bockarie in Kenema. So these two men had other two
4 additional men who were with Bockarie in Kenema.

15:18:38 5 Q. You mentioned Kabbah. What was his role, if any?

6 A. Well, he was a radio operator also, but he stopped in
7 Kenema and went back to Kailahun. He did not come to Freetown.

8 Q. So was he part of Bockarie's team in Kenema or not?

9 A. Well, he would come and go back to Kailahun. I understood
15:19:11 10 that he was stationed in Kenema, in Kailahun, but he used to
11 visit Kenema.

12 Q. Okay. I think that's clear --

13 JUDGE BOUTET: Mr Jordash, if you allow me, just one
14 question, not on the people, but on the -- I'd like to understand
15:19:29 15 what Mr Sesay means by radio set. What is a radio set?

16 THE WITNESS: My Lord, it's a communication set. That is
17 what is referred to as a radio set. It's a communication set
18 which transmitted and received messages. And that is what we
19 refer to as a radio set.

15:19:49 20 JUDGE BOUTET: How does that work when you say transmitted
21 and received? You transmit how; by coding, or by speaking, or by
22 voice? How does that work?

23 THE WITNESS: Well, My Lord, like this mic that is before
24 me, so you would be in Kailahun and I would be in Freetown, and I
15:20:13 25 would talk through it, and I have the receiver. And, whatever I
26 say, you would understand what I say. And, when you speak, I
27 would also understand what you say.

28 JUDGE BOUTET: Thank you.

29 THE WITNESS: Thank you, sir.

1 MR JORDASH:

2 Q. Just picking up from that, was speaking the only way you
3 could communicate on the radio?

15:20:40

4 A. Well, even message, you would only code it, but you would
5 talk. The RUF operators, they did not know how to use Morse
6 communication. They would only speak.

7 Q. Well, did anyone else use Morse communications during the
8 indictment period?

15:21:07

9 A. Yes. During that indictment period, yes, because you had
10 the SLAs who knew about the Morse communication. So they would
11 use it to monitor the ECOMOG. I mean, the communications in the
12 set.

13 Q. Well, what did they use during the junta period, the SLAs?

15:21:35

14 A. Well, you had the set and they would tune to the channel
15 where the Nigerians used to operate. They would use the Morse
16 communication. Then they would be able to monitor the movement
17 of the ECOMOG. Then they would tell the commander. For
18 example --

15:21:59

19 Q. Well, sorry, just be clear. Did they use Morse or did they
20 use other codes?

21 A. Well, I only knew about Morse.

22 Q. When I refer to SLAs, I'm referring to AFRC/SLAs, not
23 pro-government SLAs. What did they use during the junta period?

24 A. Well, you mean the ones -- the AFRC?

15:22:32

25 Q. Yes.

26 A. Among them -- among them, there you had -- Superman had one
27 in Kono who started the monitoring. After that, Superman
28 communicated Bockarie. Bockarie said Superman should send the
29 guy to Kailahun, and the guy was in Buedu with Bockarie

1 throughout '98 and '99.

2 Q. I'm not sure I follow your answer. Just try to answer the
3 questions specifically, Mr Sesay, because I want to just try to
4 work out for the Court what the mechanics of the communication
15:23:07 5 were. So avoid the discussion, if you can, unless it's strictly
6 necessary. Did the AFRC/SLAs use Morse or another form of code
7 when using the radio during the junta period?

8 A. Well, they used both among themselves.

9 Q. Right. And you've told us the RUF didn't understand Morse?

15:23:50 10 A. No. No, did not understand.

11 Q. Right. What was the subfrequency?

12 A. Well, I cannot tell you the frequency because I am not an
13 operator. So, I cannot tell you about a set.

14 Q. What's your understanding of a subfrequency? What was it;
15:24:11 15 just as much as you're able to assist?

16 A. Well, what I understood, you had channels in the set. You
17 know, if I wanted to talk to you -- for example, you are a little
18 distance from where I am; I would go to those channels. You had
19 different channels and if I told you that I should shift on this
15:24:35 20 channel, then I would go to that particular channel, and I would
21 talk and both of us would communicate. You had different
22 channels in the communication set.

23 Q. Okay. So, what was the subfrequencies used for in the RUF?
24 Why would I, as a commander, go to a subfrequency?

15:25:05 25 A. Well, maybe I would like to talk to you when I did not want
26 the other stations, I mean, to interrupt our communication. And
27 what I would like to talk to you might be private and I would say
28 that let us go to such and such a frequency. So you would have a
29 dialogue with the fellow whom you want to talk to.

1 Q. Now, how would I communicate to the person I wanted to go
2 to a subfrequency with where to go? How would that be
3 communicated?

4 A. Well, the first thing, the set, you will have a frequency
15:25:42 5 which all the operators -- which all the operators call --

6 THE INTERPRETER: Your Honours, would the witness go a
7 little bit slow.

8 MR JORDASH:

9 Q. Go back. Sorry. Just go a bit slower, Mr Sesay. Just
15:25:58 10 start your answer again.

11 A. Well, I said, you had a permanent frequency which was
12 called national. That one, every operator, when you put your set
13 on in the morning, it was on that frequency that -- it was that
14 frequency that you used. Because the radio is the one that we
15:26:19 15 refer to as station. Then all stations reported to the central
16 command. From that national frequency, if I wanted to talk to
17 you, I would say, I would call a station and, when you responded,
18 I would say, "Let us shift to such and such a channel," which was
19 a code. You knew the channel and you would go there. And when I
15:26:45 20 called you, you would respond and we would continue that
21 dialogue. Or, if it was a message, then I would send a message
22 to you. That was how it operated.

23 Q. Okay. Now, how would I tell you where to go to go to a
24 subfrequency?

15:27:05 25 A. Well, for example, like this pamphlet that I'm holding,
26 it's like -- it's the code. So anything pertaining to the RUF
27 would be on that pamphlet, which would be a code, you know. And,
28 for example, the code, you would say Masingbi, and you would say
29 5-1. 5-1, on the code, means Masingbi. So, if the channel to

1 which I wanted to go -- I would say channel 65. If you also had
2 a code, you would just look at the code, 65, and you would know
3 the meaning -- the channel name that I want to speak to you
4 through. But if you do not have the code, then you would just
15:27:45 5 hear me speak. But you would not be able to go to that channel.

6 Q. Okay. So who had the codes? Did every commander in the
7 RUF have the same codes? Who had the codes?

8 A. Well, if you talk, it's good for you to show a time frame,
9 because events took place during time frames. But if you just
15:28:12 10 ask general questions, you see, which one am I going to respond
11 to? And the war took place from 2000/2001 -- '91 to 2001.

12 Q. I understand your answer and I will come specifics, then
13 I'll leave that question. Did the AFRC/SLAs, during the junta
14 period, have access to your codes, the RUF codes?

15:28:39 15 A. Well, from February '98, the ones that were in Kabala, like
16 SAJ Musa, SAJ Musa's group, Brigadier Mani, Bropleh, did not have
17 access to the codes that Bockarie had prepared.

18 Q. Let's just start then in order, just to keep some kind of
19 order. 1997 to 1998, junta period, did they have the codes, the
15:29:10 20 SLAs, who formed the AFRC?

21 A. Well, the codes, during that time, they were not useful
22 because we and the SLAs were together, so there was a possibility
23 for the RUF operator who was at Daru, during that time, to show
24 the codes to the SLA. Yes, during that time, it was not material
15:29:31 25 in '97. So, in order for the SLAs to know the RUF codes, yes,
26 that used to happen.

27 Q. Okay. Now, we'll come to what happens after the
28 intervention in a moment, but let me just return to the issue of
29 radio operators. When Bockarie retreats to Kailahun following

1 the intervention, who forms his team for operating the radio?

2 A. Well, you had those that were in Buedu, from '98 to '99:
3 You had Selay; you had Mohamed; you had Ebony Prince; you had
4 Daff, you had Sebatu.

15:30:52 5 Q. Now, what was their routine? Would they -- where were they
6 based; where were they living?

7 A. They were in Buedu, with Bockarie.

8 Q. And their daily job would be to do what, just briefly?

9 A. Well, they were in a shift. They had been working the
15:31:19 10 shifts. If two operators were on duty for six hours, the others
11 would come and change them for six hours on daily basis. That
12 was how it operated.

13 Q. Right. Was there a permanent staffing of the radio set?

14 A. Yes, yes. Any station -- any station -- no radio -- every
15:31:45 15 radio station had two operators. So they were working shifts;
16 that they would change.

17 Q. Through the night or through the day, or both?

18 A. Well, during the time of the junta, 8.00, the sets were put
19 off. But, for example, if Bockarie wanted to talk to commander,
15:32:06 20 he would say that the radio set should be up to 9.00 and that he
21 was going to talk to somebody, but it was at 8.00 that they would
22 put off the sets.

23 Q. Okay. Now, your team, if you had a team in the junta
24 period, was who?

15:32:22 25 A. Well, when I was at Hill Station, '97, I had -- even
26 Benguema, I had Tiger. Then, around November to December '97,
27 Elevation; they sent Elevation to me, who would join Tiger. So
28 they became two. So, I had two operators.

29 Q. Right. And who, if anybody, travelled with you to Kailahun

1 during the intervention?

2 A. Well, it was Elevation that travelled with me.

3 Q. What happened to Tiger?

4 A. Well, Tiger, he went on a patrol. He said he had his
15:33:12 5 family in Bo, when he asked for permission and I told him to go.
6 When he went, it was during that time that intervention took
7 place.

8 Q. And what happened when you arrived in Buedu, in terms of
9 your radio set and your radio operator?

10 A. Well, when I arrived at Buedu, at that time, I parked my
11 set, because it was not useful for my own set to be on when
12 Bockarie's set was on, in Buedu, so I did not use my own set.

13 Q. Why was it not useful?

14 A. Well, the same at Buedu, we would not put two sets for a
15:33:57 15 single place. I met one set and it was being operated by the
16 commander and I would not put my own set while all the messages
17 had been going through Bockarie's station, so my own set wouldn't
18 be useful.

19 Q. Who was the senior radio operator in the RUF at the time of
15:34:29 20 the intervention and the months after that?

21 A. Well, before the intervention, it was Alfred Brown, but,
22 during the intervention, he was changed by Bockarie and they
23 appointed Tolo. Then after the intervention, Bockarie changed
24 him again, and they appointed Selay.

15:34:58 25 Q. Why was Alfred Brown changed?

26 A. Well, Bockarie was angry with him. He said, when Alfred
27 Brown came to Freetown, all his friendship was with the SLAs. So
28 he did not monitor the operators, the RUF. So that was why he
29 was changed by Bockarie. He had a certain group of boys who were

1 based at Murray Town; there he was all the time.

2 Q. Just listen to the question carefully: What was the role
3 of King Perry in 1998?

15:35:57 4 A. Well, King Perry, in '98, he was the station commander for
5 Superman, in Kono.

6 Q. What did it mean to be the station commander, in Kono?
7 What would his job be?

8 A. Well, that meant that he was a senior to the other
9 operators that were in Kono, and he had control over the set. He
15:36:16 10 was the one that arranged the shifts, and he was the one that
11 showed how the operators should change each other. And if the
12 commander wanted to talk to Bockarie, it was the station
13 commander that would contact the station so that the dialogue
14 would be conducted. Those were his jobs. Those were the jobs of
15:36:46 15 a station commander.

16 Q. Thank you. What happened to Alfred Brown after he'd been
17 changed? Where did he go, if anywhere?

18 A. Well, Alfred Brown was just in Freetown in '97. Then, when
19 -- during the intervention in February '98, he retreated to Kono.
15:37:15 20 From Kono, by then --

21 Q. So he stayed in Kono for how long?

22 A. Well, I cannot tell the exact month, but he was in Kono for
23 some time, before he left Kono.

24 Q. We'll come to that later then. Let me ask you another
15:37:31 25 question. Did you have access or did you use the radio set in
26 Buedu before you moved to Pendembu?

27 A. Well, the message that I received from Kono, they did not
28 send them to me. The messages went to Bockarie, so I did not
29 have anything through which I would send messages, so -- the time

1 I was in Buedu before I went to Pendembu.

2 Q. Thank you. Did you have an adjutant when you arrived in
3 Buedu, after the intervention? You, personally?

4 A. No. At that time, my adjutant was not with me. I did not
15:38:42 5 have --

6 Q. Sorry, I interrupted. Repeat what you just said, Mr Sesay,
7 please?

8 A. I said, during this time, I did not have any adjutant when
9 I was in Buedu.

15:38:54 10 Q. What was the role of an adjutant?

11 A. Well, he's just like a secretary: To write letters; to
12 know the area in which the commander was based; to know the total
13 manpower; the number of arms; and to take minutes during
14 meetings.

15:39:17 15 Q. When you moved to Pendembu, did you have a radio set?

16 A. Yes, I had a set.

17 Q. Who was your operator or operators?

18 A. It was -- they were Tiger and Elevation.

19 Q. And did you have an adjutant, at that stage?

15:39:44 20 A. No.

21 Q. Did you ever have an adjutant?

22 A. Yes, I had an adjutant.

23 Q. When did you get an adjutant?

24 A. Well, for the first time, it was in December '93, at Koindu
15:40:06 25 area.

26 Q. Okay. Let's go back to the indictment period. When,
27 during the indictment period, did you have an adjutant?

28 A. Say again.

29 Q. When, during the indictment period, did you have an

1 adjutant?

2 A. Well, it was from March '97 when Foday Sankoh promoted me
3 to lieutenant-colonel, battle-group commander. That was the time
4 that I called my adjutant again, and the name was Samuel Jabba.

15:40:43 5 Q. Samuel Jabba?

6 A. Yes.

7 Q. So when did Samuel Jabba stop working for you, then, so
8 that you didn't have one, as you told us, in Buedu?

9 A. You mean '98?

15:41:00 10 Q. Yes.

11 A. Well, I did not have any job which an adjutant should have
12 done. That was why I was not worried about having him.

13 Q. So when did you, if at all, employ an adjutant after your
14 time in Pendembu, or during your time in Pendembu?

15:41:27 15 A. Well, when I went to Kono, in December '98.

16 Q. Well, why did you take one at this stage?

17 A. Well, it was the same man that I called because, during
18 that time, I was going to take up an assignment. That particular
19 assignment, I had the last say in the area and, because of that,
20 I was supposed to have an adjutant. Because I was the commander
21 who was going to base in Kono, or who was going to an attack on
22 Kono, so I was supposed to have an adjutant.

15:41:56

23 Q. And when did Superman have an adjutant, from 1996 onwards;
24 when did he have one?

15:42:22 25 A. Well, I had told you that, I said, all the time the RUF
26 with us in the jungle, I was not there, and I wouldn't be able to
27 tell you the exact month or the year when Superman had an
28 adjutant, from '94 to '97. I would only tell you that, when I
29 was -- when I met with the AFRC for the first time in Freetown, I

1 saw Jusu, the fellow, they called him JU, who was the adjutant to
2 Superman, but I did not know the exact time that he had been with
3 the adjutant.

4 Q. Do you know if he had an adjutant, in Kono, in 1998?

15:43:03 5 A. Well, it was the same JU who was adjutant in Kono.

6 Q. All right. Now, where was the radio set in Pendembu in
7 relation to your house?

8 A. Well, it was the house which was before the house in which
9 I lived. There, the set was.

15:43:38 10 Q. Would you go to the radio set personally?

11 A. Well, I used to go there if I wanted to send a message,
12 which was a quick message, if I did not want to call the
13 operator, or if the operator -- Bockarie wanted to talk to me,
14 and the operator would call me. Besides this incident, I would
15 not just sit there to monitor.

16 Q. Well, did you have anybody monitoring the radio set?

17 A. Well, during '98, it was only one monitor that was in
18 Buedu. But in Buedu -- in Pendembu, we did not monitor. That,
19 we -- you had a set which was only there to monitor.

15:44:07 20 Q. Now, before I just delve into that in more detail, were
21 there other radio sets in Pendembu and at those front lines we've
22 heard about, in 1998?

23 A. Well, before I went there, yes. Denis Lansana had a set,
24 but when I arrived there --

15:44:51 25 Q. Just give us who was there when you arrived and who
26 remained, during your time in Pendembu?

27 A. Before I arrived there, it was Denis Lansana that was
28 there.

29 Q. As a radio operator?

1 A. No.

2 Q. What I'm interested in was whether there were other radio
3 sets in Pendembu or at the front lines, which you've told us you
4 were supervising, during your time in Pendembu?

15:45:29 5 A. Well, there was a set at Pendembu before I went there, and
6 there was a set in the three targets. Including Baiwala, there
7 was also a set.

8 Q. Is B-E-R-A-W-A -- sorry, my spelling is appalling. Is it
9 B-E-W-A-L-A?

15:45:55 10 A. It's B-A-I-W-A-L-A.

11 Q. Okay. Thank you. So there was a radio set in Mobai,
12 Baima, and Kui va, and Baiwala?

13 A. Well, there was a set at Baima; there was a set at Mobai;
14 there was a set at Kui va; there was a set at Baiwala. Baiwala

15:46:19 15 was very close to the borderline, so the set that was at Baiwala
16 was for the rear, towards the border.

17 Q. Now, in 1998, how often was your set communicating with
18 these front line sets? Just give us a picture of the type of
19 frequency of communications, please.

15:46:47 20 A. Well, just like I told you, I said, I would not be able to
21 show how many frequencies were in the set. But the set at
22 Pendembu had been operating on a daily basis to receive messages
23 and transmit messages to the front line target, including Baiwala
24 or the set at Buedu.

15:47:09 25 Q. Well, was there communication on a daily, weekly, monthly
26 basis? What kind of communication between these various sets
27 that you've talked about?

28 A. Well, the set at Baima, Mobai, Kui va, they communicated
29 with my own set at Pendembu on a daily basis, because every

1 morning they would tell the individual that was in my station,
2 would say that there was no problem. So it was a daily basis.

3 Q. Well, would anything other than -- well, how often would
4 situation reports come in to you at Pendembu from the front
15:47:59 5 lines?

6 A. Well, based on what would happen at the front line, if
7 there was any attack, they would send to me and they would say
8 that they attacked Baima, or that they attacked Benduma, or they
9 had attacked Kui va.

15:48:13 10 Q. And would these communications come through general
11 frequencies or subfrequencies, generally?

12 A. Well, if it was information to only show that enemy had
13 attacked, it would be spoken through the general frequency. But
14 if they wanted to send a message, they would do it through a
15:48:38 15 subfrequency, because did not send a message through the general
16 frequency, which was the national. So they were only there to
17 contact the stations that you wanted to --

18 THE INTERPRETER: Your Honours, would the witness go a
19 little bit slow.

15:48:55 20 MR JORDASH:

21 Q. Sorry, go back, Mr Sesay, last two sentences.

22 A. I said, for example, if they attacked Baima, then the
23 operator at Baima would call my own operator in Pendembu on the
24 national frequency. Then he would say -- he would tell him to
15:49:15 25 shoot [as interpreted] to another frequency through which he
26 would send a message, to say that they had been attacked.

27 Q. So what kind of messages would go through the subfrequency?
28 Was it just attack messages, messages about attacks, or were
29 there other types of communication?

1 A. Well, other type of communication would go through, because
2 the procedure -- the operators were trained, and they would tell
3 them that they should not send a message on the national
4 frequency.

15:49:48 5 Q. But what kind of detail would be communicated over the
6 subfrequencies? What kind of detail needed to go on the
7 subfrequencies rather than the general frequency?

8 A. But if you engage the general frequency, then how would the
9 other stations be able to contact the other stations? So that's
10 why you should switch over to another frequency.

11 Q. Yes. I am not sure if there is a problem with my question
12 or the translation, or what, but what I'm asking is: you've told
13 us that subfrequencies were used for information which was to be
14 kept private; am I correct so far?

15:50:40 15 A. Well, I mean --

16 Q. No, no, don't leap into an explanation, just answer. Is it
17 right that that's what you've said so far?

18 A. Yes, yes.

19 Q. Now, when you were in Pendembu, as commander there, what
15:50:52 20 kind of detail did you have or expect to have communicated to you
21 from the front lines on the subfrequencies?

22 A. Well, my own job was to just receive radio messages from
23 the operator. Then I would read these messages. If it was a
24 problem that I was able to solve, then I would take action to
15:51:21 25 solve that problem. If I was not able to, then I would pass
26 information to Bockarie. Like, for example, if it was an
27 attack -- if it was an attack that -- a message that had to do
28 with an attack, then I would say send the same radio message to
29 Sam Bockarie's dispatch so that he would know.

1 Q. No. It's -- I'm going to just try once more: What
2 information did you regard as private and therefore communicated
3 with the front lines on the subfrequencies?

4 A. Well, that was not private because it was something because
15:52:05 5 of the RUF, because an attack was a general business. It was not
6 something private.

7 Q. Right. That's what I'm getting at. What was private so
8 that you communicated on the subfrequencies?

9 A. Well, for example, if an officer was at Baima, and he had a
15:52:25 10 friend that he wanted to talk to at Pendembu, he would talk to
11 the operator. Then they would talk to the operator in Pendembu.
12 Then they would leave the national frequency and they would go to
13 the subfrequency. Then they would communicate and they would
14 converse.

15:52:40 15 Q. Well, what about RUF operations? Was any of that on the
16 subfrequencies when you were in Pendembu?

17 A. Well, it was the same frequencies, but the problem was that
18 the messages were coded.

19 Q. Okay.

15:53:07 20 MR JORDASH: I'll come back to this. I think we've got
21 some communication difficulties today.

22 JUDGE BOUTET: Just to complicate it a bit more, I'm just
23 trying to understand this subfrequency and this coding. My
24 understanding was what has been referred to as the national
15:53:22 25 frequency, whereas the witness -- as Mr Sesay has said, if there
26 is an attack, they are discussing an attack, it's on a national
27 network, you don't go on private one. But to go on what you call
28 a private one, Mr Sesay, it means that you and the person that
29 you're calling both have access to the code. So it is private,

1 but anybody that would have access to the code could hear what
2 you are talking; am I understanding what you're saying right? It
3 will not be on the national network, but anybody having the code
4 could, in theory, listen to what you say?

15:54:04 5 THE WITNESS: Of course, My Lord, as long as you have the
6 code, if a message is transmitted on the code and you had the
7 code, you would understand what transpired.

8 JUDGE BOUTET: And the commanders, or the senior
9 commanders, had the code? I mean, if we are talking RUF
15:54:23 10 commanders, senior RUF commanders would normally have these
11 codes?

12 THE WITNESS: No, My Lord, it was not we, the commanders,
13 because the code belonged to the radio operators. They were the
14 ones that had the codes. The radio station commanders, they were
15:54:41 15 the ones that had the code. When they received a message, they
16 would decode these messages, and they would write the message and
17 they would give you, the commander, to read it. And you, the
18 commander, would respond and decode it again and send the radio
19 message.

15:54:54 20 JUDGE BOUTET: When I said the senior commander, I mean
21 your radio operators. Senior commanders had radio operators
22 assigned to them. And your radio operators or radio operators of
23 senior commanders would get these messages, or will have those
24 codes and then would decipher the code and give the message to
15:55:14 25 you; that's the way it worked?

26 THE WITNESS: Yes, My Lord, but it was based on whether my
27 own radio operator was monitoring the message. Because, for
28 example, if I and -- Mr Jordash would send a radio message to me,
29 then Sareta, for example -- Sareta, for example, was in Kono,

1 Jordash was in Buedu, and I was in Pendembu. Then if Sareta was
2 going to send a radio message to Wayne, which was coded, if I,
3 was who was at Pendembu, if I did not monitor the time that
4 Sareta was telling Wayne that -- go to such and such a frequency,
15:56:00 5 I would not be able to monitor that conversation.

6 JUDGE BOUTET: Thank you. Thank you.

7 MR JORDASH:

8 Q. If you did, however, hear the message go out on the general
9 frequency, what was the situation in terms of your radio operator
15:56:18 10 going, as well, to that subfrequency? Do you understand my
11 question? If -- just staying with the example, you hear me say
12 to Ms Ashraph, "Go to a subfrequency," or your radio operator
13 hears that message, so you, as the radio operator, know I am
14 going to communicate with Ms Ashraph on this subfrequency; what
15:56:48 15 do you do, as the radio operator who has heard that? Do you go
16 to the subfrequency to monitor or do you stay? What's the
17 situation?

18 A. Well, if my own operator had monitored the message which
19 you had told Sareta that you -- you had asked Sareta to go to
15:57:11 20 that frequency, my own operator would go to that frequency and
21 would monitor the message. But if, like now, you are a
22 commander, a senior commander, and Sareta was also a senior
23 commander, and I, myself, were a commander, if you would send a
24 message to Sareta, my operator will not be interested in
15:57:35 25 monitoring the information because, even if he monitored, it
26 would not have an effect.

27 Q. Well, okay. Let me put a direct question then: What kind
28 of -- we'll come to the specifics later, but what kind of
29 percentage of messages, say, from Bockarie to Koidu, would your

1 radio operators be monitoring, during your time in Pendembu? And
2 I'm speaking about those which were on the subfrequency. What
3 kind of percentage; do you know?

4 A. Well, at this time, my operator, except if you meet him
15:58:22 5 communicating, then, during that time, I would be able to
6 monitor. But even if he monitored, I mean, if he felt that he
7 was to tell me, and if he felt that it was not necessary because
8 the operator himself knew that the operation in Kono, in '98, it
9 was directed through Buedu, it was Bockarie who had been --

15:58:48 10 THE INTERPRETER: Your Honours, would the witness go a
11 little bit slow so as to give the interpreter the opportunity to
12 interpret accurately.

13 MR JORDASH:

14 Q. Just go back a few sentences, Mr Sesay, please?

15:59:07 15 A. Should I repeat what I said?

16 Q. Yes, please.

17 A. Yes. I said, for instance, when I was at Pendembu, then
18 Superman was in Kono, Bockarie was in Buedu. The operation in
19 Kono, it was controlled by Bockarie and all messages that came
15:59:23 20 from Kono were to -- straight to Buedu, and the message from
21 Buedu were to go straight to Kono. So these kinds of operation,
22 during that time, were not necessary for -- to be monitored by my
23 operator, because I was not part of the operations in Kono.

24 Q. Now, it may be an obvious question, but if your radio
15:59:52 25 operator in Pendembu was monitoring a subfrequency message
26 between Bockarie and Superman, could your operator monitor, at
27 the same time, messages from the front lines, Mobai, Baima, Kuiwa
28 and Baiwala, could that be done at the same time or would, by
29 monitoring a message between Bockarie and Superman on the

1 subfrequency, that would mean no other messages could be listened
2 to? A long question, I know.

3 A. Yes, but I'll respond to that. My operator would not be
4 able to monitor, I mean, Bockarie's set and Superman's set and
16:00:38 5 receive messages from Baima; he would not be able to. His whole
6 operation was purely to receive messages from the front line and
7 send instructions. So if he left that and monitored the
8 subfrequency between communication in Kono and Buedu, then he
9 would not be able to, even if you are contacted from Baima, you
16:00:59 10 will not be able to get that.

11 Q. Now, we'll come back to some specifics later. Let's just
12 remain in Pendembu, and if you can explain to us what you were
13 doing in Pendembu on a day-to-day basis, please? What would be
14 your day?

16:01:19 15 A. Well, in the morning when I got up, I would, at times --
16 because, during the time that I went to Pendembu, it was during
17 the rainy season. When I got up in the morning, I would wash my
18 face and we'd go to parade. And after the parade, I would come
19 and I would wash, and I would have breakfast.

16:01:45 20 Q. What would happen at parade?

21 A. Well, all the RUF that were at Pendembu would queue, from
22 after that, we'd pray. And, if you are a Muslim, you would read
23 Alfatiya, and if you are Christian, you would say the Lord's
24 Prayer. And both Muslim and Christians, the one RUF would lead
16:02:05 25 the prayers, and the Muslim and the Christians would also lead
26 the prayers after that. The commander would report the parade to
27 me. When the commander reported the parade to me, then I would
28 take over the parade, then I would greet the men. Then they,
29 themselves, would respond to my greetings. Then, if I had

1 anything to talk, and I will say it. If I had spoken, then I
2 would ask if there was any problem. So if there was anything an
3 RUF fighter, who had a problem, he would raise his hand up. And
4 we'd say that, "Yes, sir." Say, "I was ill-disposed, so I have
16:02:46 5 such and such a problem." So it was like passing information and
6 knowing how the men were agreeing on the ground. You see, that
7 was what was in the parade.

8 Q. And, after parade, what would you do?

9 A. I'd walk back to my house because the distance where the
16:03:03 10 parade was, '98, when I was in Pendembu, the distance was just
11 like -- the distance was like the gate to Kingharman Junction,
12 almost to Kingharman Junction. That was the distance. So I
13 walked from there, go to the parade and return.

14 Q. Well, what did you do? I'm interested in your function,
16:03:29 15 Mr Sesay, within the RUF, at this time.

16 A. Well, that's what I'm explaining. After the parade, I'll
17 go to my house, then I can take a bath. I had breakfast and, if
18 there was a radio message from the front line, the radio operator
19 would bring it and I would respond to the front line commanders
16:03:54 20 that were in Mobai, Baima and Kuiva. Then if there were no
21 problems at the front line, during the daytime, we used to
22 play --

23 Q. Did you say if there were no problems at the front line?

24 A. Yes. I said, if there was no problem at the front line.

16:02:53 25 [RUF15MAY07B-MC]

26 Q. Did you say: "If there was no problems at the front line"?

27 A. Yes. I said if there was no problem at the front line,
28 then we would sit together with my colleagues. We would play
29 draught, but if there was a problem, then I would organise men

1 from Pendembu to go and reinforce Baima, but if it was Kui va I
2 would organise men to go and reinforce the other men there, so
3 that they would repel the attack.

16:04:53 4 Q. And what was the frequency of attacks on these front lines
5 during this period?

6 A. Well, the ECOMOG and the CDFs were attacking, they were
7 attacking the position from Baima, during '98. Mobai, Kui va and
8 Baima.

16:05:23 9 Q. Now, let me just try to go through -- right. How often
10 was -- was there an Alpha Jet attacks during 1998?

11 A. Yes. The Alpha Jet gave us hard time more than the front
12 line because it used to come almost, sometimes on a daily basis,
13 sometimes a day would past. It came and it used to attack
14 Pendembu, Kailahun, Giema. In fact, it used to drop cluster

16:05:54 15 bombs even in the farms. Wherein they saw civilians, they
16 dropped cluster bombs there.

17 Q. Was there a set procedure when the Alpha Jet came?

18 A. Well, for example, if it came through Daru, then the
19 operator at Baima would -- would talk through the national
16:06:24 20 frequency and call from all stations and inform everybody that
21 the Alpha Jet had come and we at Pendembu got the information and
22 those in Kailahun and Buedu would also get the information. That
23 was the procedure when the bell was rung because we passed -- we
24 would pass the information like Pendembu.

16:06:45 25 Q. What did you do as commander, if anything?

26 A. Well, when I was at Pendembu, I told the G5 to inform all
27 the civilians that were in Pendembu if they heard the sound of
28 the bell during the day, then they should know that the Alpha Jet
29 have come. So if my radio operator received a message from

1 Baima, then he could inform me then the bell would be rung, so
2 everybody in the town would know that the Alpha Jet was around.

3 Q. And what would they do?

4 A. Well, they will -- they used to run and get into the bush
16:07:34 5 and during that time the jet caused some problems, so I used to

6 tell the civilians that the best way that they were to protect
7 themselves from the jet, 6.00 in the morning, let everybody enter
8 the bush around Pendembu, or in the surrounding villages or, if
9 you have your farm, you go to your farm. Then they would stay

16:08:07 10 there for the whole of the day. Then they return to the Pendembu
11 Town 6.30 in the evening. That was what was happening.

12 Q. Okay. Let me just take you through, if I can, some of the
13 administration there. You've told us that John Gavawo was G5; is
14 that right, sorry, was IDU?

16:08:36 15 THE INTERPRETER: The interpreter did not get the name of
16 the IDU.

17 MR JORDASH: John N-G-E-V-A, sorry, Gavawo, I think is how
18 you say it. And it was spelt on Friday G-A-V-A-W-O.

19 THE WITNESS: Yes, I said John Gavawo was the IDU commander
16:09:00 20 in Pendembu in '98.

21 MR JORDASH:

22 Q. How often did you see him during 1998?

23 A. Well, from May to November 1998, we saw on a daily basis
24 because every morning we met at the parade, except when he was
16:09:24 25 ill or I fell ill, or there was no time that we never went on
26 parade except when one was ill.

27 Q. Did he report -- what kind of things did he report to you?

28 A. Well, for example, if his IDU agent who was at Baima --

29 Q. Who was that?

1 A. I said for example. Mr Jordash, I think this thing has
2 taken a long period. I wouldn't be able to recall every RUF's
3 name. We have disarmed for a very long period. This event
4 occurred in '98. I wouldn't be able to recall all the names.

16:10:20 5 Q. Okay. If you can't remember that is perfectly acceptable.
6 Well, let me ask you this: Just a moment please. You were just
7 in the middle of saying what he reported to you concerning an
8 agent from Baima?

9 A. Yes. I said John Gavawo got an IDU that was at Baima, you
16:10:55 10 know. If any problem happened between the RUF, amongst the RUF
11 at Baima or fighters left Baima, or the command -- the commander
12 did not give the ration that was due the fighters at Baima, that
13 -- the IDU agent will send information to John Gavawo at Pendembu
14 and John Gavawo would explain to me that such-and-such a thing
16:11:24 15 had happened at Baima.

16 Q. Okay. And what was your role? Were you expected to
17 intervene with all complaints or not?

18 A. Well, when I got the report, I, as the commander of the --
19 I, as the commander in Pendembu, if I was able to solve the
16:11:45 20 problem I'll call the officers together and talk to them and then
21 we'll solve -- I will try to solve the problem amongst them and
22 return to Pendembu. But if it was a problem that needed the
23 attention of Bockarie then I will send to Bockarie for his own
24 approval.

16:12:01 25 Q. Okay. How many G5 members were there in Pendembu and the
26 front lines, during your time there?

27 A. Well, we had Foray, then we had --

28 Q. Is that F-O-R-A-Y?

29 A. F-O-R-R-A-Y, Forray.

1 Q. Is that his full name?

2 A. Well, I -- I know his first name. I've just forgotten.

3 Q. Go on.

4 A. I said you had Forray, you had this other man.

16:12:52 5 Q. How many in total, do you think, G5?

6 A. Well, the ones -- these were the two men that worked with
7 me in Pendembu. There were two G5 that were in Pendembu. Forray
8 and, oh my God, I think I can recall his name later.

9 Q. Okay. What about in the front lines, were there G5 there?

16:13:29 10 A. Well, these front lines, we did not have G5 there because
11 G5, there was a G5 between the RUF fighters and the civilians.

12 And the front lines were, there were purely RUF fighters around
13 Kuiiva. So you would only find G5 where -- in the same, the safe
14 zone beyond the RUF. That was where the G5 were. The G5's man,

16:14:07 15 yeah, I have recalled his name. His name was Jameru.

16 Q. Can you spell that, please?

17 A. I think it's J-A-M-A-R-U. Or J-A-M-E-R-U. Jameru.

18 Q. Did you -- does the name Mohamed Bockarie mean anything to
19 you? Did you know him?

16:14:36 20 A. Yes. He was the MP clerk at Pendembu MP station. But he
21 left Pendembu in September with Mohamed Jalloh when Bockarie
22 transferred Mohamed Jalloh from Pendembu to Kono.

23 Q. Right. Did the G5 in Pendembu have any role to play with
24 the farming?

16:15:09 25 A. Well, I did not see RUF farms in Pendembu in '98. The
26 farms that were in Pendembu in '98 were civilians' farms.

27 Q. Well, was there any farms, RUF farms, just outside of
28 Pendembu?

29 A. Well, Pendembu and the surrounding areas, there were no RUF

1 farms there. I said the farms that were there were owned by the
2 civilians. They had the farms and the swamps themselves.

3 Q. Well, did the G5 have anything to do with these farms?

4 A. No. G5 had nothing to do with the farms. The G5s were
16:16:08 5 responsible for coordinating the civilians in terms of religious
6 matters, because they used to make the Muslims gather together.
7 They read the Koran during, on Fridays, for the RUF. And -- and
8 if the path from Pendembu to any village and the path there was
9 bushy then the G5 would tell the people to brush that area.

16:16:39 10 Q. Does the place Sogbagbehun mean anything to you?

11 THE INTERPRETER: The interpreter cannot get the name
12 exactly.

13 MR JORDASH:

14 Q. Sogbagbehun. S-O-G-B-A-G-E-H-U-N?

16:17:01 15 A. So, what?

16 Q. Let me try and make myself clear because it is probably my
17 pronunciation but a witness said that there was forced farming
18 between Pendembu and Ghi hun?

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

16:17:26 20 Q. Well --

21 A. And that's why I've said, and that what I knew, it wasn't
22 the RUF command -- commanders or fighters that -- who were
23 responsible for farms. It was the agric unit responsible for
24 farming and all members in the agric unit were civilians.

16:17:58 25 Q. But if there was any farming in that region, in between
26 Pendembu and Ghi hun?

27 A. Well, I used to drive from Pendembu to Ghi hun, very close
28 to Ghi hun, civilians had their farms. I used to see them working
29 in their farms and civilians had their farms between Ghi hun and

1 Mende Bui ma.

2 Q. Okay.

3 A. And before I arrived in Kailahun in February, most of the
4 civilians had cleared their farms because people cleared their
16:18:47 5 farm from January to February.

6 Q. Did the G5 in Pendembu have anything to do with arranging
7 work?

8 A. I said the only work I knew about the G5, if a bridge was
9 damaged, they will talk to the civilians to resuscitate that
16:19:15 10 bridge. And if a village, a road between the -- between villages
11 became bushy, the G5 would organise the civilians in order to
12 brush that road. This village will clear halfway distance and
13 the other village will do the same, but the G5 was not in charge
14 of farming.

16:19:39 15 Q. The type of work you've just talked about, was this -- were
16 the civilians compensated for this work?

17 A. Well, this, it was for the safety of the people themselves
18 because, for example, like Gihun and Mende Bui ma in '98, or
19 Gihun and the bush road to go to Giema, if the road became bushy
16:20:17 20 and the people would not walk through that road it became
21 dangerous because you find snakes there. So if they did the
22 clearing of the road there it was for their own interest.

23 Q. Well, was it forced work?

24 A. Well, they would not force them. The G5 will tell them
16:20:42 25 that, look your road, it is now bushy. It is better for you to
26 brush it so that you get clear all the bushes on the road.

27 Q. And -- right. Yep, good question. What happens when the
28 roads get bushy? Why was it important that they didn't? Sorry,
29 can I just take a moment?

1 PRESIDING JUDGE: Leave granted.

2 MR JORDASH:

3 Q. Did RUF in Pendembu have anything to do with medical
4 treatment?

16:21:32 5 A. Well, let's go through the road issue before we can proceed
6 because you ask -- you said how many times. And you can only
7 brush a bush road only once in a year. During the rainy season
8 it becomes bushy and after which you do it next year.

9 Q. Is this done now or was it just done then? Is this
16:21:59 10 something that has to be done regularly or something to do with
11 the war, or --

12 A. Well, I believe that even now, I strongly believe that even
13 now, like between Giema and Sembehun or Talia, they are bush
14 roads. You wouldn't expect the civilians in Pendembu to go and
16:22:26 15 brush the road for those in Giema and Talia. They will have to
16 brush the roads and stop at the boundaries.

17 Q. Right. Medical treatment. Did the RUF have anything to do
18 with that when you were there?

19 A. Yes. Dr Kuragbanda was with me in Pendembu in '98 and he
16:23:01 20 used to give free medical treatment to both civilians and the
21 RUF.

22 Q. What's -- can you spell his name?

23 A. K-U-R-A-G-B-A-N-D-A, Kuragbanda.

24 Q. Was there a hospital in Pendembu?

16:23:23 25 A. Well, they used one house because the jets had destroyed
26 the hospital, the hospital. That was what I said four or five
27 days ago.

28 Q. Where were the drugs coming from? Were there drugs there?
29 Where were they coming from, if there was?

1 A. Well, Dr Kuragbanda used to take supplies from Buedu. That
2 was where the medicine store was located.

3 Q. Did all the supplies for the RUF activities and civilian
4 activities come from Buedu?

16:24:08 5 A. Well, only medicines, only medicines. Because civilians
6 used to take their produce to the Guinea borders. There they
7 bought basic needs, condiment for themselves, and it was only
8 medicine that the RUF gave out free to the civilians.

9 Q. Was there a school in Pendembu?

16:24:36 10 A. Well, in late -- in early '98, because of the air raid, no.
11 But late '98, there was schooling, continuously in '99, until the
12 end of the war.

13 Q. When -- where was the school in late 1998? Did it have a
14 name?

16:25:05 15 A. Well, the name was a general name. Free primary school.
16 RUF free primary school for the poor; something like that.

17 Q. And who went; which pupils went to the school?

18 A. Well, children between 6 years and 15 years used to go
19 there. Even 17 years used to go there.

16:25:44 20 Q. Civilians and fighters or what?

21 A. Well, we -- the fighters' children and the civilians'
22 children all attended that school. Even my own child started his
23 class one in Buedu in '98.

24 Q. Was there a church in Pendembu or a mosque?

16:26:38 25 A. There was a church, there was a mosque, but because of the
26 air raid in '98 people were afraid to live in the town but from
27 late '98 until '98 [sic] people went for services in the church
28 and people offered prayers in the mosque on a daily basis.

29 Q. Sorry, I should have asked this: Were the schools -- did

1 the schools charge for education or did the school charge for
2 education?

3 A. No, no. They didn't pay; it was free. It was the RUF who
4 provided the school materials, and the RUF provided food for the
16:27:36 5 teachers, and the teachers were not paid by the RUF because it
6 was voluntary but the RUF provided food and condiment for
7 teachers, and the head of the education was a woman called Jemba
8 Ngobeh.

9 Q. Can you spell that, please?

16:28:06 10 A. I think it is J-E-M-B-A, Jemba. N-G-O-B-E-H. Jemba
11 Ngobeh.

12 Q. Do you know, are you able to say now how often you went to
13 Buedu, during your time in Pendembu?

14 A. Well, from May to September I did not go to Buedu. I can
16:28:50 15 only go to Buedu if I'm called by Bockarie but if he did not call
16 me I wouldn't go there. I think you -- you got some document
17 wherein some important meeting occurred in Koidu [as
18 interpreted]. I did not attend there. I did not attend those
19 meetings. Bockarie did not call me.

16:29:16 20 Q. Well, I'd invite you to have a look at the document since
21 you've mentioned it. This is not a document which is on the
22 Defence exhibit list.

23 MR JORDASH: I understand it arrived after -- sorry, can I
24 just speak to my colleague, please? Actually, I think I've --
16:29:49 25 well, let me deal with it in this way: I've got an exhibit which
26 isn't on the Defence exhibit list. We've informed the
27 Prosecution that we want to tender it. They don't object to it
28 and I would invite the Court to allow us to put it to Mr Sesay
29 and in due course exhibit it.

1 PRESIDING JUDGE: Proceed, counsel.

2 MR JORDASH: Thank you. I've got copies for Your Honours
3 and for my learned friends and also for the learned legal
4 officer. It was -- it was, I have just been reliably informed,
16:30:52 5 disclosed to us by the Prosecution after the exhibit filing.

6 PRESIDING JUDGE: Very well.

7 MR JORDASH: I've given them to my learned friends. Thank
8 you.

9 THE WITNESS: I think I should be given a copy.

16:31:43 10 MR JORDASH: I thought you had been given a copy; I beg
11 your pardon.

12 PRESIDING JUDGE: Your client wants a copy.

13 MR JORDASH: I completely agree with you.

14 PRESIDING JUDGE: Yes.

16:31:54 15 MR JORDASH: I've just actually noticed that we might need
16 to see the original, just to confirm.

17 PRESIDING JUDGE: Yes, I could see the incomplete copy of
18 original.

19 MR JORDASH: Yes. A bit sloppy on my part, it has to be
16:32:06 20 said. But it will serve its purpose, I think.

21 PRESIDING JUDGE: So what would be your procedure? Because
22 if it's incomplete, then it might not be advisable to tender it
23 at this point in time.

24 MR JORDASH: Well, if I could simply ask Mr Sesay a couple
16:32:28 25 of questions --

26 PRESIDING JUDGE: Yes. Quite, quite.

27 MR JORDASH: -- I will have a look at the original, if I
28 can, overnight and then I don't envisage there will be a problem
29 in exhibiting it tomorrow.

1 PRESIDING JUDGE: Well, we are entirely in your hands.

2 JUDGE ITOE: But don't you think that it would be better
3 for you to embark on this exercise when you have seen the
4 original? You are to do all of it at once, instead of starting
16:32:52 5 today and breaking up and coming back.

6 MR JORDASH: Well --

7 JUDGE ITOE: You may go on if you --

8 MR JORDASH: Only because the issue has come up so --

9 PRESIDING JUDGE: Well, let me ask: Are you certain that
16:33:03 10 there is in fact a complete original somewhere?

11 MR JORDASH: No, I'm not certain of that.

12 PRESIDING JUDGE: That is the difficulty so --

13 MR JORDASH: But what I am certain of is that --

14 PRESIDING JUDGE: But you think it contains matters that
16:33:16 15 are relevant to your client's case?

16 MR JORDASH: Well, the point is a simple one: There's a
17 meeting held in Buedu in August 1998. The man that the
18 Prosecution says is second in command isn't there.

19 PRESIDING JUDGE: Yes.

16:33:29 20 MR JORDASH: The reason for that is because he is in
21 Pendembu.

22 PRESIDING JUDGE: According to his answer he has
23 volunteered some familiarity with this document.

24 MR JORDASH: Well, I'm not sure it's -- well, if I can ask
16:33:40 25 the questions and elicit the answers --

26 PRESIDING JUDGE: Yes.

27 JUDGE BOUTET: I think it would be better that it comes
28 from the witness than from you. This is, I would imagine, a
29 fairly important issue.

1 MR JORDASH: Yes.

2 JUDGE BOUTET: If you want to put that to the witness.

3 PRESIDING JUDGE: Yes.

4 JUDGE BOUTET: I would prefer to hear that from the witness
16:33:54 5 if this is part of his evidence.

6 MR JORDASH: Well, he has just said that.

7 PRESIDING JUDGE: Yes, quite.

8 MR JORDASH: That he wasn't in Buedu when this meeting was
9 held, but I take Your Honour's point.

16:34:03 10 PRESIDING JUDGE: You can -- go ahead.

11 MR JORDASH: But I --

12 Q. You've seen that document before?

13 A. Yes.

14 Q. When did you first see the document, please?

16:34:14 15 A. This? This was -- the first time I saw the document was
16 the time when you presented it to me at the detention. That was
17 the very first time I saw it.

18 Q. Right. Were you aware of this meeting which it appears to
19 describe, in August of 1998, in Buedu?

16:34:42 20 A. Well, really, this is not what I referred to. There, there
21 was an exhibit which he gave me which contained a lot of Vanguard
22 that came to Kono and he came for a meeting at Buedu.

23 Q. Well, I know -- I think I know what you're referring to but
24 we'll come to that shortly. But let me just ask you about this
16:35:08 25 meeting: Do you recall hearing about this meeting?

26 A. Yes. Bockarie used to hold meetings at Buedu and I recall.
27 So, if -- that I can recall that he had meetings in Buedu from
28 May to November 1998. He held various meetings.

29 Q. Well, do you recall this particular meeting, which appears

1 to be a meeting about the movement in which these various
2 characters attended, including Koker, Eldred Collins, Bockarie,
3 SYB Rogers and so on. Were you aware of this specific meeting?

16:36:16 4 A. Well, as I told you, a lot of meetings took place in Buedu
5 from May to November '98. There were various meetings held
6 there.

7 Q. All right. I hear what you're saying but I'm asking you a
8 specific question. If you're not aware of it, you're not aware
9 of it. That is perfectly acceptable. Just say yes or no: Are
16:36:35 10 you aware of this meeting?

11 A. Yeah. I knew that Bockarie held a meeting in August in
12 Buedu.

13 Q. Were you present at the meeting?

14 A. I wasn't there. Those that were present, their names are
16:36:56 15 on this list.

16 Q. And you are not present?

17 A. Because Bockarie did not call me. I wouldn't go there
18 since Bockarie did not call me.

19 Q. Well, why did he not call you; do you know?

16:37:14 20 A. Well, yes. When I -- when I had lost the diamonds, I only
21 had the title of DFC, but during that time Bockarie marginalised
22 me and he did not allow me to take part in the meetings in Buedu,
23 and he did not allow me to take any decision on anything
24 pertaining the RUF, except I had to seek advice or approval from
16:37:42 25 Bockarie while I was in Pendembu.

26 Q. Okay.

27 PRESIDING JUDGE: So, have you now established some
28 foundation for -- some evidentiary foundation for tendering the
29 document? You don't think so?

1 MR JORDASH: I hope so.

2 PRESIDING JUDGE: Well, I mean, under 89, it's relevant,
3 but the question of what evidentiary purpose, or have you -- it
4 is entirely up to you, I mean, quite frankly.

16:38:14 5 JUDGE ITOE: And there is no objection.

6 PRESIDING JUDGE: Yes.

7 MR JORDASH: I would invite Your Honours to have this
8 document exhibited, please.

9 PRESIDING JUDGE: Right. Well, having regard to our
16:38:24 10 flexible doctrine of admissibility of evidence, I don't see any
11 difficulty if you want to tender it.

12 MR JORDASH: Well, I would hope even if it was an
13 inflexible doctrine that this would be probative --

14 PRESIDING JUDGE: Well, we have adopted that all along.

16:38:38 15 MR JORDASH: -- probative. But, yes, I would like it to be
16 exhibited, please.

17 PRESIDING JUDGE: Any objection, Mr Nicol-Wilson?

18 MR NICOL-WILSON: None, Your Honour.

19 PRESIDING JUDGE: Mr Cammegh?

16:38:45 20 MR CAMMEGH: No, on the contrary, Your Honour.

21 PRESIDING JUDGE: Prosecution, any objection?

22 MR HARRISON: I was just going to say there is no objection
23 but if the Court wishes the Prosecution to try to find a more
24 complete document, we'll do that this -- well, unfortunately,
16:38:59 25 they are closed in 20 minutes but I'll do it first thing in the
26 morning to see if I can find a more perfect document.

27 PRESIDING JUDGE: Well, that would be your preference; is
28 that satisfactory?

29 MR JORDASH: It certainly is, and I will wait to --

1 PRESIDING JUDGE: So we'll hold this in abeyance until we
2 have the original.

3 MR JORDASH: I am grateful. Thank you.

4 PRESIDING JUDGE: Let's proceed, counsel.

5 MR JORDASH:

6 Q. Did --

7 MS KAMUZORA: Your Honour.

8 PRESIDING JUDGE: Yes, Madam Courtroom Officer.

9 MS KAMUZORA: The exhibit will be number --

16:39:25 10 PRESIDING JUDGE: No, we are not going to. We will just
11 hold it in abeyance until tomorrow morning.

12 MS KAMUZORA: Thank you, Your Honour.

13 MR JORDASH:

14 Q. You've talked about muster parades in Pendembu: Were there
16:39:36 15 muster parades in Buedu during your time at Pendembu?

16 A. What the interpreter is saying I don't understand.

17 Q. Let's try again. You've talked of muster parades you held
18 in Pendembu during your time as commander there. Were there
19 muster parades held in Buedu?

16:40:06 20 A. Yes, yes. There were muster parades at Buedu.

21 Q. How often, as far as you are aware, were these held?

22 A. Well, muster parades were held at Buedu and they, too, had
23 muster parades held at the MP office.

24 Q. And what kind of people would attend these parades?

16:40:34 25 A. Well, the unit members who were in Buedu, and the MPs and
26 officers that were in Buedu, including Bockarie's bodyguards.

27 Q. How often were they held?

28 A. Well, the parade was held every day, morning and evening.
29 That was the way it was done at the MP office.

1 Q. And do you know the purpose of the parades?

2 A. Well, one, to pray in the morning and the men should come
3 together, the MP commander or the adjutant to Bockarie, they
4 attended those parades.

16:41:34 5 Q. Did you ever attend the parade after your assignment to
6 Pendembu?

7 A. Yes. When I was in Buedu in late '98, I attended a parade
8 until the time when I left in December '98.

9 Q. Was this when you were still assigned to Pendembu or after
16:42:04 10 that?

11 A. Well, it was the time when I had been withdrawn from
12 Pendembu in November late '98.

13 Q. Right, okay.

14 A. Sorry, sorry, the --

16:42:50 15 PRESIDING JUDGE: We'll take the break.

16 [Break taken at 4.40 p.m.]

17 [Upon resuming at 5.10 p.m.]

18 PRESIDING JUDGE: Continue, counsel.

19 MR JORDASH: Thank you, Your Honour.

17:15:05 20 Q. I want to ask you about, I want to ask you, in fact,
21 about -- I'm sorry to do this, I've just realised I would like to
22 apply to go into closed session. I know this is late in the day.

23 PRESIDING JUDGE: At this juncture?

24 MR JORDASH: Yes. I just -- if I can just have one moment
17:15:24 25 to see if I could do it without, because I note the time and no,
26 I don't think I can, I'm afraid.

27 PRESIDING JUDGE: Is it quite a big segment of your
28 examination-in-chief? Take us about how long in closed session?

29 MR JORDASH: Well, in truth, I think I'm coming to a point

1 where I could need to be in closed session for maybe up to two
2 hours.

3 PRESIDING JUDGE: Yes. Well then, I mean, and that's why I
4 wanted some candor about it because if that is the case I don't
17:15:50 5 see any purpose being served in going into closed session now.

6 MR JORDASH: Perhaps I may --

7 PRESIDING JUDGE: Except we take the application, and then
8 we commence post-haste in the morning in the session.

9 MR JORDASH: Yes. In fact, it may be even up to three
17:16:06 10 hours.

11 PRESIDING JUDGE: Well, good. Quite.

12 MR JORDASH: We need to go through several witnesses and
13 what they have to say about --

14 PRESIDING JUDGE: Good. Well --

17:16:11 15 MR JORDASH: -- Mr Sesay.

16 PRESIDING JUDGE: With that estimation, we'll ask the
17 members of the public to retire and, please, come back tomorrow.
18 Well, I doubt, whether, in fact, we should ask you to come back
19 tomorrow because tomorrow is a half a day. Let us ask you to
17:16:36 20 come back on Thursday morning, at 9.30. We thank you for your
21 patience. Madam Courtroom Officer, please switch us to -- ask
22 the experts to switch us to closed session hearing.

23 Yes, Mr Harrison.

24 MR HARRISON: During the brief break, I retrieved the
17:17:35 25 original of the document that I think the Defence was seeking to
26 tender as an exhibit and, as we are not quite in closed session
27 yet, I was just wondering if this might be a way to use some of
28 the --

29 PRESIDING JUDGE: Yes. Perhaps we should conserve as much

1 time as possible. Is the document available there?

2 MR JORDASH: It is, and I'm grateful to my learned friend.

3 PRESIDING JUDGE: The records show that there has been --
4 there is no objection from anybody, so the best thing now is to
17:18:02 5 receive it in evidence.

6 MR JORDASH: Yes, Your Honour.

7 PRESIDING JUDGE: And mark it Exhibit 199.

8 MR JORDASH: Just to be clear: The Prosecution want to
9 tender the copy, rather than the original, which I'm content

17:18:15 10 with. The copy is a fuller copy than the one we had before, but
11 it's still an incomplete document. But it serves its purpose.

12 PRESIDING JUDGE: So we are receiving in evidence the copy?

13 MR JORDASH: A copy, yes, without the edited section of --

14 PRESIDING JUDGE: Very well. Madam Courtroom Officer,

17:19:04 15 please make some indication on that document to establish a nexus
16 between the document and this witness.

17 [Exhibit No. 199 was admitted]

18 MS KAMUZORA: Your Honour, I will be guided whether this is
19 a confidential or public exhibit.

17:20:04 20 PRESIDING JUDGE: Yes, it certainly is.

21 MR HARRISON: It's a public document, from the Prosecution
22 point of view, and I leave it to Defence counsel to --

23 PRESIDING JUDGE: Do you want it to be a confidential
24 document?

17:20:04 25 MR JORDASH: No. It's public and there's nothing on there
26 that --

27 PRESIDING JUDGE: That's fine.

28 [At this point in the proceedings, a portion of the
29 transcript, pages 44 to 50, was extracted and sealed under

1 separate cover, as the proceeding was heard in a closed session]

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[Whereupon the hearing adjourned at 5.35 p.m.,
to be reconvened on Wednesday, the 16th day of
May, 2007, at 9.30 a.m.]

EXHIBITS:

Exhibit No. 199

43

WITNESSES FOR THE DEFENCE:

WITNESS: Issa Hassan Sesay

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