Case No. SCSL-2003-01-T
THE PROSECUTOR OF
THE SPECIAL COURT
V.
CHARLES GHANKAY TAYLOR
THURSDAY, 26 AUGUST 2010
9.00 A.M.
TRIAL
TRIAL CHAMBER II

Before the Judges:
Justice Julia Sebutinde, Presiding
Justice Richard Lussick
Justice Teresa Doherty
Justice El Hadji Malick Sow, Alternate

For Chambers:
Ms Erica Bussey

For the Registry:
Ms Rachel Irura
Ms Zainab Fofanah

For the Prosecution:
Ms Brenda J Hollis
Mr Nicholas Koumjian
Ms Kathryn Howarth
Mr Nathan Quick

For the accused Charles Ghankay Taylor:
Mr Terry Munyard
Mr Morris Anyah
Mr Silas Chekera
Ms Logan Hambrick
Thursday, 26 August 2010

[Open session]

[The accused present]

[Upon commencing at 9.13 a.m.]

PRESIDING JUDGE: Good morning. I apologise for the late start, it's entirely my fault. We'll take appearances first, please.

MR KOUMJIAN: Good morning, Madam President. Good morning, your Honours and counsel opposite. For the Prosecution this morning, Kathryn Howarth, Nathan Quick and Nicholas Koumjian.

MR CHEKERA: Good morning, Madam President, your Honours, and counsel opposite. For the Defence, Terry Munyard and Silas Chekera.

PRESIDING JUDGE: Thank you. Good morning, Mr Sesay. I remind you of the binding oath that you took to tell the truth as we commence with your cross-examination.

MR KOUMJIAN: Your Honours, could the witness be shown P-516.

WITNESS: DCT-172 [On former oath]

CROSS-EXAMINATION BY MR KOUMJIAN: [Continued]

Q. Good morning, Mr Sesay.

A. Yes, good morning, sir.

Q. Sir, this is an article entitled "RUF still kills and rapes Sierra Leoneans". It's exhibit P-516. Looking at the first page we see a list of related items and the article itself is listed as about the eight or ninth one down. We see it is dated 4 April 2001, "RUF still kills and rapes Sierra Leoneans". Turning to the next page, the article itself. I want to read parts of this to you. The first paragraph reads:
"While the RUF leadership is trying to present itself as peace-seeking rebels, a new report from Human Rights Watch documents that the rebels maintain their terrorist methods. RUF are still raping, abducting and killing refugees fleeing camps in Guinea, HRW documents."

First of all, let me just ask you, Mr Sesay, the 4th of April of the year 2001, you were the interim leader of the RUF, correct?

A. Yes.

Q. And this would have been about a month or so before Abuja II, correct?

A. Yes, you're correct.

Q. Thank you. I'll skip to the third paragraph:

"The New York based human rights group reported that it had documented the abuses from December 2000 through mid-March in the Koinadugu, Kailahun and Kono Districts of eastern Sierra Leone. It said RUF soldiers are attacking returnees in Sierra Leone as they trek for days, and sometimes weeks, in an attempt to reach the government-held towns of Kenema, Kabala and Daru."

I'll skip down to the next paragraph:

"The returning Sierra Leonean refugees have been under siege in refugee camps in Guinea since September 2000 when cross-border attacks flared between Sierra Leonean, Guinean and Liberian government forces, rebels and militia groups."

Mr Sesay, it's correct, as this article says, and as Abu Keita testified, that the RUF began its attacks on Guinea in September 2000, correct?

A. Well, the border attacks - I heard about them in October from the Kambia area.
Q. Going to the last paragraph on this page.

PRESIDING JUDGE: Did the witness say "Gambia area"?

THE WITNESS: No, my Lord, I said Kambia, Kambia, Sierra Leone, towards Guinea.

MR KOUUMJIAN:

Q. The last paragraph reads:

"Among the scores of returnees who gave detailed accounts to serious rebel abuses to HRW, numerous men who passed through the diamond-rich district of Kono and the rebel stronghold of Kailahun described recruitment of able-bodied men and boys as young as 15 to fight with the RUF forces or to carry out forced labour in the diamond mines or with the rebel army. Four men were killed for refusing recruitment, disobeying orders or being physically unable to work."

On the next page, please. I'll just read the first three paragraphs:

"The human rights group interviewed an elderly woman whose 25 year old son was shot and killed in front of her in December 2000 after refusing to be recruited. A woman described how her husband was executed in early December for refusing to hand her over to the rebels, while another woman described how her ailing husband was beaten to death in mid-March 2001 for no apparent reason. One woman described how she was gang raped by RUF rebels in Kailahun in late January 2001, after she and five other women were chosen from a group of returnees detained at a rebel checkpoint. The rebels 'said they were not going to kill us, but that they would use us until they would be satisfied. They also said they wanted peace,' the woman told HRW."
Numerous women returnees described being abducted, raped and/or sexually abused. HRW interviewed six women who had been raped and numerous more who were either held or taken away to rebel bases, for a time span varying from a few hours to several weeks. The group also interviewed a man who managed to escape in mid-January after two weeks of forced labour, but had to leave his wife behind in a rebel base in Kono."

Mr Sesay, all these abuses continued to take place - abuses by RUF against civilians in Sierra Leone - during the time that you were the interim leader of the RUF, correct?

A. Well, these were not things that I witnessed, because in January 2001 in Kono civilians were coming from Makeni, Freetown, Bo, Kenema; Kono was packed full at this time. So to say that RUF used to force people to work or to rape women in Kono, I did not witness that and I did not hear complaints like those, because I was based in Kono at this time. And the man who was the MP commander in Kono, and that is Edwin Bockarie, even when I was arrested he was the one who was with the team, they went to Kono to investigate me. So if such things were happening --

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

PRESIDING JUDGE: Mr Sesay, you said, "So if such things were happening". Continue from there, slowly.

THE WITNESS: Yes, my Lord. I said if these things used to happen to the people in Kono and they saw Edwin Bockarie go there to get witnesses for me, they would have risen against my investigation team, because the people in Kono know Edwin Bockarie that he was the MP commander in 2000 and 2001.

MR KOUMJIAN:
Q. Mr Sesay, do you continue to deny that there were rapes in Kailahun District?

A. I did not receive such reports. And even when I used to go to Kailahun I had meetings with chiefs in Kailahun at this time.

Q. I want to move on now and talk to you about how the situation in Sierra Leone changed in the middle of 2001 and how you perceived the military situation and the political situation for the RUF and for yourself.

It's true, isn't it, that after the abduction of hundreds of United Nations troops, the United Nations and the international community increased their commitment to Sierra Leone and they brought in more and better troops for the peacekeeping mission? Isn't that true?

A. Yes, after the capture of the UNAMSIL personnel they increased their troops and they brought in a new force commander and that was General Opande.

Q. These troops also were better equipped than those that had come previously. Isn't that true?

A. The Nigerians who were deployed first - they had the same equipments as what they used to have before.

Q. Also, British troops arrived in Sierra Leone. They were not under the United Nations command, but they added additional military power to the government side. Isn't that correct?

A. Yes.

Q. And an incident took place in September 2000 that showed the military capability of these trained and modern troops and that was Operation Barras. Is that right?

A. Yes.

Q. If we could turn to the document behind tab 17, please. We
see this is a web page and for "The Regiment, 1950 to 2002, The Post War Years". It's an article entitled "Gun fight at Rokel Creek, Operation Barras." I'm just going to read a few sentences from the article. It begins:

"On August 25th 2000, a patrol of 11 men from the 1st Royal Irish Regiment were captured by the notorious West Side Boys while on patrol in Sierra Leone."

You heard about that, is that correct, Mr Sesay, that the West Side Boys had seized some United Kingdom soldiers?

A. Yes, I heard it on the commercial radio.

Q. And then if we skip down to the fourth paragraph:

"The SAS confirmed that the rebel gang had high-powered machine guns situated on the south side of the river, as well as at Geri Bana, and across the 300 yards of Rokel Creek two more villages provided bases for the rebels. The paras would have to make a two-pronged attack. It was decided that the attack would go down at dawn, Sunday, 10th September."

And then if we go to the last - next page to the last paragraph:

"The mission in mangrove swamps of Rokel Creek took just 90 minutes, but the fire fight left one of the rescuers dead, one seriously wounded and another 11 wounded. 25 of the rebel forces, three of them women, were also killed and the further 18 including their leader, Brigadier Foday Kallay, were captured."

Mr Sesay, did you hear that the West Side Boys were defeated by this well-armed and well-trained British force, United Kingdom force?

A. Yes, I heard that.

MR KOUMJIAN: Your Honour, could this document be marked
for identification.

PRESIDING JUDGE: What page out of where?

MR KOUMJIAN: Two-page document. I read from both pages, the gun fight at Rokel Creek, and these are the documents behind tab 17.

PRESIDING JUDGE: Where does this article come from?

MR KOUMJIAN: At the bottom of the page, hopefully it's in the copies you have, appears a web address www.britains-smallwars.com/SAS/Operation-Barras.html.

PRESIDING JUDGE: Very well. This is a two-page article entitled "Gun fight at Rokel Creek, Operation Barras" and it comes out of the said web page. That is marked MFI-41.

MR KOUMJIAN:

Q. Mr Sesay, another factor in the military balance at this time in the middle of 2000 was that when the RUF had seized the peacekeepers in May 2000 Johnny Paul Koroma who was, first of all, let me start over. Johnny Paul Koroma had been appointed by President Kabbah to the peace monitoring commission, is that correct?

A. Yes, before the May incident he had been appointed as the CCP chairman.

JUDGE DOHERTY: For clarification, is that the 8th of May incident involving Foday Sankoh when you say "May incident"?

THE WITNESS: Yes, my Lord. The capture of the UNAMSIL and the arrest of Mr Sankoh. Before that time Johnny Paul had become the CCP chairman.

MR KOUMJIAN:

Q. So when the hostages were captured Johnny Paul Koroma
supported the government and he led troops - or he encouraged his 
troops to attack the RUF, particularly at Lunsar, is that 
correct?
A. Yes, correct.

Q. Some SLAs stayed with the RUF but many of them were now on 
the government side, correct?
A. Yes, correct.

Q. Also by the middle of 2001, President Taylor in Liberia was 
under pressure from LURD; he was being attacked by LURD, correct?
A. Yes, there was fighting in Lofa.

Q. Also in that May 2000 incident, the RUF had lost some of 
its military commanders, for example, Isaac Mongor was arrested 
on 7 May and he was still at Pademba Road, correct?
A. Yes, it's correct.

Q. Mike Lamin was missing or had ran away, is that right?
A. He too was at the Pademba Road.

Q. And then Superman was in Liberia, correct?
A. Yes, Superman had left, he had gone.

Q. Until you received word around the middle of 2001 that he 
was killed, correct?

Q. If we could look at the document behind tab 6, please.
Mr Sesay, this is a document that has the document classification 
7 September 2001. And it's the 11th report of the 
Secretary-General on the United Nations' Mission in Sierra Leone.
I just want to ask you about a few of the sentences in this 
document.
Let's go first to paragraph 4. The sentence that begins on
the fifth line down:

"The government indicated it had offered RUF a plot of land in Freetown to enable the movement to establish an office in the capital. It also recalled that 33 RUF detainees had been released on 7 July. RUF, however, claim that many of the detainees released were not members of the movement."

First of all, is it correct that the government offered you land in Freetown for an office?

A. It was not at this time.

Q. Mr Sesay, given that you controlled the diamonds, you've told us, up until late 2001, why would the RUF need the Government of Sierra Leone, or the international community, to fund an office for the RUF?

A. Well, that was the agreement in the Lome Accord, that the government should assist, and, together with the international community, they should assist the RUF to form - to transform themselves into a political party. It was not a request from the RUF, it --

Q. If we could go then to paragraph 6:

"The government and the RUF have also taken additional reciprocal confidence-building pressures, including the continuing release of abductees and child combatants by the RUF."

And I won't read the rest of the sentence. Going to paragraph 7:

"However, RUF has yet to return all the weapons and equipment seized from UNAMSIL and ECOMOG. No further items have been returned since the issuance of my last report. While the RUF leadership has indicated that they expected most of the rifles and other weapons to turn up during the disarmament..."
exercise, so far, only 31 UNAMSIL weapons and 148 ECOMOG weapons
have been recovered during the disarmament process."

Is this true, Mr Sesay, that as of September 2001 only 31
weapons from the UN troops that were captured in May 2000 had
been turned back over to the UN?

No. Because I gave instructions and the arms were put
together, the artillery, the BZT, the vehicles and the
communication sets were packed at the MP office in Makeni and,
when General Opande went, I handed them over, together with the
vehicles, and, during the disarmament, they discovered the
UNAMSIL rifles.

Q. And let's go to paragraph 18. And this is probably what
I'm most interested in. Paragraph 18 states:
"Since my last report UNAMSIL troop strength has increased
to 16,664 as of 5 September 2001."

It's true, isn't it, that as the year went on, 2001,
United Nations forces in Sierra Leone became stronger and
stronger?

Well, at that time we too had disarmed some areas. We had
disarmed Kambia District and we had disarmed Lunsar and
Tonkolili, and we were - we had disarmed Kono.

Q. Well, that's correct, if we look at paragraph 21:
"As indicated above, the disarmament, demobilisation and
reintegration process has made remarkable progress. Since the
programme resumed on 18 May a total of 16,097 combatants had been
disarmed as of 3 September", then that's broken out, "6,325 RUF;
9,399 CDF and 175 AFRC."

Mr Sesay, after Abuja II, that's when the disarmament
started, and, as the United Nations' forces got stronger, the RUF
got weaker and weaker, correct?

A. No, no. It did not happen that way. It was because - it was because of the outcome of the Abuja II that the Government of Sierra Leone, the RUF and the United Nations, including the ECOWAS, agreed in the meeting that they should create a tripartite meeting committee and, after they returned from Lome - sorry, from Abuja II - the tripartite meetings were to commence, and the CDF and the RUF were to disarm. The force commander at that time, we had a cordial relationship, we were not under any threat or pressure, and even General Opande testified to that and President Kabbah too testified to that.

Q. Prior to Abuja II the RUF was already weakened by fighting and defeats in Guinea and in Lofa County and by these defections of the Johnny Paul Koroma loyal troops to the government's side, correct?

A. No, it's not correct. It is not correct because the Guinea attacks were border attacks and Johnny Paul joined the Government of Sierra Leone and they captured Lunsar from RUF and RUF re-captured Lunsar from them. So about 70 per cent of them did not want the disarmament, they wanted us to continue with the war until Mr Sankoh was free from prison. I was the one who said no, and that is why most of them stood against me. And during this time the RUF was armed; you know, like 1992, RUF was not that strong. It was only when they would fight, then you would get arms. RUF was weak at that time. But the time that you were referring to, no, they were not weak.

Q. Well, how was the RUF armed in 2000 and 2001, Mr Sesay?

A. RUF had had arms before this time. When the war was going on, RUF used to capture arms from government troops so they had
arms; up to the time the RUF took the attacks in 1998 they got arms from ECOMOG.

Q. Arms are useless without ammunition. You continued to receive ammunition from Charles Taylor in Liberia, correct?

A. No, my Lord. If you look at 1992, when the RUF hadn't much arms and ammunition, but RUF used to fight and capture ammunitions from government troops and they continued with the war.

Q. Going on to page 7 of this report, paragraph 43:

"Child combatants, abductedees and other separated children continued to be released to UNAMSIL by RUF from May to 31 July. 1,169 children were released in Makeni, Kailahun and Tongo. A total of 1,214 children had been demobilised by RUF and 646 children by the Civil Defence Forces."

That's correct, isn't it, Mr Sesay, that after Abuja II the RUF released over a thousand child soldiers?

A. My Lord, yes, that is true. But not all of them were fighters. A lot of them were with the RUF, doing domestic chores. But I do recall that Ambassador Adeniji received children in Makeni who were handed over by the RUF in Makeni to Ambassador Adeniji.

Q. Now, you have said, Mr Sesay, that not all of them were child soldiers. So you're saying some of them were child soldiers, correct?

A. Yes, some of them. That is what I had said.

Q. Mr Sesay, in your testimony previously, in direct and cross-examination, you've denied that there were child soldiers for the RUF.

A. No, my Lord. I think I said some of the children were with
some commanders, some junior commanders, and some of them took part in battles. But it was not a policy to recruit them, that they were trained to become fighters of the RUF. It was not a policy. But some of them took part.

Q. I want to look at another paragraph that affected your calculations at this time. Paragraph 46. It states:

"Following the exchange of communications between the Secretary-General and the Security Council, in which the Council concurred with the recommendation to commence the operation of the Special Court, the Secretariat on 23 July 2001 sent a letter to the countries that had made pledges for the first year of the operation of the Court."

Let me just stop there. Mr Sesay, you were aware also that the United Nations was pushing to prosecute those responsible for atrocities during the war, correct?

A. Well, at the early stages, I did not know. It was later that I came to know.

Q. Finally, I would just like to take a quick look at the annex to this document, which has - is a list of contributions of military personnel to the United Nations mission in Sierra Leone, and we see a list of those countries contributed and the troops that they contributed. On the second page, we see that the totals were - this is as of 5 September 2001: 260 military observers; 109 staff officers; total troops, 15,994; headquarters staff, 301; for total personnel, 16,664.

So the United Nations forces by September 2001 were very strong and they were a much stronger force than the RUF; isn't that correct?

A. Well, at this time in September, the only place where the
RUF had not disarmed was Makeni, Tongo Field and Kailahun. So we had disarmed above 70 per cent. So the RUF did not now refer to themselves as a fighting group. We were now on disarmament process.

Q. I'm going to change this, I think, for a moment. If we could have the transcript for 28 July 2010.

Mr Sesay, you told us about Johnny Paul Koroma being the - was he the chairman of the CMC?

A. CCP.

Q. There also was an organisation called the CMC; is that right?

A. Yes.

Q. Ceasefire Monitoring Committee or Commission, correct?

A. Committee.

Q. I'd like to remind you of something you said on 28 July, at page 44896. At the time, counsel was reading to you the testimony of Karmoh Kanneh, Eagle, and he read, starting at the first line, in the middle of that line, where Karmoh Kanneh said, "I was working with CMC, that is the Ceasefire Monitoring Committee or Commission." And you were asked by Defence counsel:

"Q. Was he?

A. No, he was not a CMC member. He only went to Bo where Mr Sankoh was trying to have an office established, but the CMC members who were in Bo, he was not part of them."

I'd like to show the witness P-115, A and B, please.

Mr Sesay, P-115A is the front of an identification card, Ceasefire Monitoring Committee, southern province, name: Mr Karmoh Kanneh. It then gives dates. Do you see the man in the picture?
A. Yes, I see him.

Q. That's Eagle, Karmoh Kanneh, isn't it?

A. Yes.

Q. P-115B is just the back, if we can just quickly see that, and it states on the back:

"The bearer of this card is a member of the Joint Monitoring Commission. All civilian and military personnel are requested to extend him/her free access to the national territory."

09:50:02

Mr Sesay, you told us that it was on the very last trip that you took to Liberia that Charles Taylor asked you to take Sam Bockarie back to Sierra Leone, correct?

A. Yes. That was the last trip when I met with Mr Taylor, because I went back to Liberia but I did not meet with him.

Q. And there's a reason for that, not wanting to go back to Liberia and meet with Mr Taylor again, because when you learned that Taylor wanted Sam Bockarie back, you realised your life was in serious danger; isn't that true?

A. No. If I realised that my life was in serious danger, I wouldn't have gone back to Liberia.

Q. Mr Sesay, Sam Bockarie had once told you, "You're a dead man"; isn't that true?

A. Yes, he once told me that.

Q. Sam Bockarie is not the kind of man who'd want to come back and be a deputy to you. He would have insisted on taking over the leadership; isn't that true?

A. Yes, because he wanted power.

Q. And you know that if Sam Bockarie came back to the RUF, it would have been a matter of time before he made an attempt or
simply arranged for you to be killed, correct?

A. Yes, because the two of us had already had some problem, so he must have had some grudge for me.

Q. So the situation you were facing, the time of Abuja II, May 2001, was that you were fighting a war in Sierra Leone you couldn’t win against a much stronger force, and your patron, Charles Taylor, was himself under pressure, you knew if you went to Liberia he was going to replace you or kill you, and that if he was able to get Sam Bockarie back to Sierra Leone, Bockarie was going to kill you. Your survival was at stake at that time; isn’t that true?

A. No, my survival was not at stake. Because if I had not agreed to the disarmament, we should have still continued fighting because we believed that whenever we attacked we would receive ammunition from the troops that we would attack.

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

PRESIDING JUDGE: Mr Sesay, you said that whenever you attacked you would receive ammunition from the troops that you would attack. Now, continue from there and repeat your evidence, slowly.

THE WITNESS: Yes, my Lord. I said even whenever we would attack troops we would get ammunition from them because with that we would continue to fight, and RUF had been fighting that way.

We were not receiving any supply. And the RUF men --

PRESIDING JUDGE: Mr Sesay, I asked you to continue slowly, not to continue as quickly as you were talking. Slowly, so that we understand what you are saying as it’s being interpreted. Now, continue slowly, please.
THE WITNESS: Yes, my Lord. So I said the RUF generally did not want to disarm. They did not - they wanted us to continue to fight. And the troops that were to attack us - any time we were to repel them we should have received ammunition from them, but because we had been requested to disarm, so we went with that. But my life was not at stake.

MR KOUMJIAN:

Q. Mr Sesay, the option of fighting was not realistic because you were faced by a modern United Nations force, well-funded and supported by world powers. They were supported by the British troops, by the Kamajors, by the government forces that had been joined by Johnny Paul Koroma. If you fought, you would have lost. If you were lucky, you would have been arrested. If not, you would have been killed. Isn't that the reality that you faced in the middle of 2001?

A. No, my Lord. It was because you were not there. That's why. Like I was saying moments ago, when Johnny Paul announced that he had joined President Nkrumah and Johnny Paul Koroma's troops and the CDF moved into Lunsar and we used the tank that we had from the Nigerians, the armoured tank, and we repelled the attack in Lunsar and we pushed them out, and from that time they did not attempt to come back to Lunsar. And even when the IMATT had dissolved the West Side and they had attacked - they had arrested Kanneh, they wanted to come and attack Lunsar, and they told the brigadier general there that - I am not saying - I am not saying that the AFRC, that you have dissolved but the RUF is strong. So they had that argument between them. And I said - he said it, "Issa is ready to carry out with the peace process." So even when RUF disarmed in Kambia, the brigadier was there with
General Opande. During the force of disarmament General Opande called him and he said, "You see, I told you. You said RUF was a remnant. Have you not seen the types of weapons that they have disarmed with? That's why I told you not to attack them. Now we can carry out with the peace process peacefully." Even some members of the RUF wanted the IMATT to attack so the RUF would use that as an excuse to continue with the war. In war, ammunition is one thing but determination is the main thing.

Q. Mr Sesay, in 2000 --

PRESIDING JUDGE: Sorry, sorry. He said - the witness said, "Even some members of the RUF wanted" what?

THE WITNESS: They wanted - yes, my Lord. I said even some members of the RUF wanted IMATT to attack so that the peace process should not carry on, because they did not want us to disarm while Mr Sankoh was in prison.

PRESIDING JUDGE: IMATT is an acronym, I-M-A-T-T. I think it is something to do with the Irish - it's a British and Canadian training force in Sierra Leone.

MR KOUMJIAN:

Q. Mr Sesay, is that correct, that IMATT is an international military training and assistance organisation that was assisting in training the SLAs?

A. Yes, it's a British troops - it's a British troop but they are mixed with some other countries' troops.

Q. By the way, the Lunsar attack that you ordered in 2000, you said you were able to push Johnny Paul Koroma's troops out of Lunsar, that was before the United Nations had reinforced its forces after the May 2000 incident. Isn't that true?

A. Yes, that is true. But the United Nations did not attack.
It was the government troops that attacked us, that is the CDF and the AFRC.

Q. Now, when it came time for Abuja II, that's when you made a decision of some importance. If we could have your testimony of 11 August, please, page 45952. I would like to remind you of what you said at that time about your decision to travel - this time to Abuja from Sierra Leone and not to go to Monrovia for instructions, as you did with Abuja I. So 11 August this year, 45952, line 9, you said:

"Yes, my Lord. Because I can recall when even the Abuja II delegation wanted to travel, General Opande told me that, 'Young man, for people to have confidence in you, the delegation should not pass this time through Liberia. They should fly through the Lungi airport from Makeni.' And during that time we had no business with Liberia any longer."

So, Mr Sesay, is that true; at the time of the Abuja II delegation you made that decision and you had no business with Liberia after that?

A. Well, it was General Opande who informed me. He went to Makeni and informed me that the Abuja II - the time for Abuja II has come and he and even my own people, if they see that the RUF delegation leaves from Makeni to Lungi, then the UN and the people would say yes, the peace process is genuine. And I said, "Oh, what do you mean?" Then he said, "That's all confidence building." Then I said okay, because the ECOWAS had told me that I should work with them. So when they suggested to me, I accepted.

Q. So Abuja I you said you came to Monrovia because Taylor called you through Kposowa. Abuja II you followed the advice of
Opande, you should not go through Monrovia, no one would have confidence in you. And from that point you said, "We had no business with Liberia any longer." That's true, isn't it?

A. Yes, because all of that came from the meeting that I had with the ECOWAS leaders in Monrovia because they told me that I should work with the United Nations authorities in Sierra Leone and the Government of Sierra Leone in the interest of bringing peace to Sierra Leone. They had told me that I should work with the United Nations authorities and if the United Nations authorities tell me to do this, that was their word, I had to go by it.

Q. Mr Sesay, when you made this decision to seek the protection of Opande, to cooperate with him for your survival, one person who wasn't happy, I suggest to you, was Charles Taylor. I'd like to read to you from some evidence about his reaction. If we could have the transcript of 12 March 2008, page 5896. 12 March 2008, 5896, the last line. Mr Sesay, I'm going to read to you from testimony from Zigzag Marzah. He was asked:

"Q. Mr Witness, you indicated that when you received the order from Charles Taylor to execute Issa Sesay that Issa Sesay had signed some paper. Do you know anything about what these papers were about?

A. In relation to the document I am not sure, but what I saw in Kono at that time when I went there, in my presence I took some ammos to Issa to transfer it to Morris Kallon in Makeni, but I was in Kono, some white guys went there with some UN men and the CO Meh said that the people came to the chief, Issa, for him to sign some documents. I
asked what the document was for and he said for the peace agreement in Freetown.

It was at that time that I left with those white guys and entered Issa’s residence. I went into Issa’s room, because I don’t speak Krio, so they won’t notice that I am a Liberian. When they finished talking I used the bypass route and went to CO Meh who was in control of the diamond that we used to bring. I went to his house.

It was there that I was - that I called over the Thuraya satellite and called to Charles Taylor that there were some white people from Freetown who had come to Issa, but they said that they had come for peace agreement. And he said, ‘The man wants to connive.’ Then he said, ‘Go to Kailahun and wait for him there, I will send for him.’ First he said, ‘You can execute him in Kono,’ and I said, ‘No, the group is large and if there were places like Pendembu or Kailahun I will be able to execute him.’ And then he said, ‘Okay, but then come to Kailahun, I will send for him to come.’

That’s the time that I left Kono and went to Kailahun and waited there for over weeks, let’s say over two weeks, and Issa never returned. Later Charles Taylor called me and said, ‘The man has already connived, you can come back. He will no more receive supplies from me because our operation, RUF is not different. NPFL is not different.’

When you cross – once you go across you go to Freetown and you are an RUF. When you cross from Sierra Leone to Liberia you are NPFL. That was how the movement was like. We all took one instruction from Charles Taylor.”
Mr Sesay, Charles Taylor was unhappy with your decision to cooperate with the UN in disarmament, and at one point he sent an instruction to have you executed. Did you know that?

A. No, I was not aware of that and I never heard that. And I don't believe Mr Taylor would be unhappy with me, because they told me that I should work with the government and the United Nations to disarm the RUF. That was what the three of them told me; he, President Obasanjo and Alpha Konare. Zigzag Marzah, when I became interim leader, he never went to Kono, that he was there. I did not sign any document between myself and the United Nations. The agreement was signed in Abuja, the Abuja II. I did not sign it. I did it - it was Omrie Golley who signed on behalf of the RUF in Abuja. I did not sign any document with the UN. This man is telling lies, it's not true.

Q. Mr Sesay, you met - when you were in Kono you met with various officials from UNAMSIL, from the United Nations. Isn't that true?

A. General Opande and others used to come to Kono. General Opande, General Agwai, General Issa --

THE INTERPRETER: Your Honour, can he kindly repeat the last name.

PRESIDING JUDGE: Mr Sesay, go over those names again slowly, the people who used to come to.

Q. Do you know how to spell Issa Chisuzi?
A. No, my Lord.

MR KOUMJIAN: I will try to find the spelling.

THE WITNESS: All those three - those were the three military commanders who used to come to Kono and they were all blacks, not white men.

My Lord, please give me two minutes to use the bathroom.

PRESIDING JUDGE: Mr Sesay may be escorted out to the bathroom.

[In the absence of the witness]

In the meantime, Mr Koumjian, perhaps you could assist us with the spelling of these names. There was Martin somebody.

MR KOUMJIAN: Your Honours, I have found Martin Agwai, A-G-W-A-I.

PRESIDING JUDGE: Did we find Chisuzi?

MR KOUMJIAN: We can try to find it at the break, because there may be a book that I have that might have it.

PRESIDING JUDGE: Mr Interpreter, do you have any idea how to spell it?

THE INTERPRETER: No, your Honour.

PRESIDING JUDGE: Very well. We can continue.

[In the presence of the witness]

MR KOUMJIAN:

Q. Mr Sesay, where is Chisuzi from?

A. From Zambia.

MR CHEKERA: Madam President, if he is from Zambia I might assist because it would go phonetically, Chisuzi would be C-H-E-U-C-H-U-Z-I.

PRESIDING JUDGE: Thank you, Mr Chekera.

MR KOUMJIAN: I'm grateful for that.
Q. Mr Sesay, fortunately for you, you are aware, aren't you, that Charles Taylor can make an alliance of convenience with former enemies; he can take a former enemy and make him an ally. You are aware of that, aren't you?

A. No, I was not aware of that.

Q. Are you aware that Charles Taylor, one of his council is a former leader of the LURD rebels? Mr Supuwood?

A. Well, my Lord, I don't know. I did not know the people who were in the different warring factions, I only heard of the heads.

Q. Mr Sesay, soon after the Abuja II you learned that Superman had been killed in Liberia, correct?

A. Yes, around mid-2001, that's when I heard.

Q. Mr Sesay, you did lead the RUF in disarmament from mid-2001 and you did that because it was the only chance you had for survival, given the forces that were against you, given the possibility of Sam Bockarie coming back and killing you, and given the fact that if you went to Liberia you'd end up like Superman. That's why you cooperated with the disarmament, because it was the only way for survival; isn't that true?

A. No, no. That was not the only way. In fact, they were bringing up ideas to me that I was kicking against. At one time Gibril brought up an idea that, before disarming, I should give him 400 to 500 armed men, that he should go with the satellite phone in Pujehun District and they would lead an attack in the Pujehun District. When they asked him during an interview, he said since the RUF and the CDF did not want to disarm, they, the citizens of Pujehun, would disarm them forcefully. I went against those ideas. I said no.
Q. You knew that the forces against you in Sierra Leone were too strong to fight against. The Special Court was coming to Sierra Leone. And you decided, for survival, to go and join that side, to cooperate with Opande; isn't that true?

A. No, my Lord. The people who worked for peace in Sierra Leone, the United Nations authorities knew that I did not surrender to them. They knew that the RUF was armed. I cooperated with them. They knew, including President Kabbah, they knew, together with General Opande, Adeniji was the SRSG, General Martin Agwai --

THE INTERPRETER: General who? Your Honours, can he kindly repeat the last name.

PRESIDING JUDGE: Mr Sesay, you are still running. We don't have anything that you said. Repeat your evidence where you said they knew, together with General Opande. Now, continue from there.

THE WITNESS: Yes, my Lord. I said General Opande, General Martin Agwai, Ambassador Adeniji, General Ali Hassan, President Kabbah and Francis Kaikai, who was the executive secretary for NCDDR, all these people knew and they said it, that some of the commanders of the RUF, didn't want the RUF to disarm at all. The RUF was armed, but I had been told by the ECOWAS that if the Lome Accord fails, that will be a disgrace to them. That was why they appointed me to implement the Lome Accord and disarm the RUF.

That was why I started cooperating with the RUF. If I had surrendered or I was under any threat General Opande and others would have said so, and even the President of Sierra Leone by then should have said so.

MR KOUMJIAN:
Q. Mr Sesay, if you continued to lead the RUF, you knew it was only a matter of time with Sam Bockarie out there, that he would have returned and you would have been killed.

A. No, no. Because some of my colleagues who were commanders, they did not want Sam Bockarie any longer. So when I told Mr Taylor that the problem between Sam Bockarie and Foday Sankoh and that I would want to consult my colleagues. He himself knew that we did not want to accept Sam Bockarie any longer.

Q. You said to President Taylor you wanted to consult your colleagues. You went back to Sierra Leone and you never saw Taylor again, and I'll tell you why. If we can look at the testimony from 14 July 2009, please, page 24340; 14 July 2009, 24340. I'd just like to read a short description of you by Charles Taylor. On line 2:

"A. Well, I'll tell you Issa was one - he's a very careful person."

And one of the ways you were careful, Mr Sesay, is that after you told Charles Taylor, "Well, I'll go and consult with my colleagues about Sam Bockarie's return", you made sure you never went back to give Charles Taylor an answer. Isn't that true?

A. Well, I told him that the problem was between Mr Sankoh and Sam Bockarie. I cannot accept Sam Bockarie on my own, I had to consult my colleagues. Since then he did not call me and I did not return to him.

Q. Mr Sesay, you said at one point that you have nothing to gain by testifying in this trial. You're convicted and your appeal is final, correct?

A. Yes, my Lord.
Q. You are sentenced to 52 years in prison, correct?
A. Yes, my Lord.
Q. But, Mr Sesay, you are a human being, and human beings find hope. So what is your hope of not spending the rest of your life in prison?
A. Well, my hope is to God and to the people of Sierra Leone who know that the peace process was something I had accepted willingly, and even during the days of the war when I was with the civilian population, the way I had respect for the civilians, that's the only hope I have.
Q. Mr Sesay, when I read to you Charles Taylor's testimony where he said he never asked the RUF to take Sam Bockarie back, you refused to answer the question or to respond that what he said was a lie. You came here trying to protect Charles Taylor; isn't that true?
A. Well, my Lord, I came here when his lawyers told my lawyers that I should give an account of what I know between myself and Charles Taylor. When they requested I said okay.
Q. You have nothing to lose by testifying here, as you're already convicted but you have the hope that if Charles Taylor is free, he can help you get a political release from prison, because there's no more court appeals. That's your hope, isn't it, that Charles Taylor will be released and will advocate for your release from prison. Isn't that true?
A. No, my Lord. Mr Taylor is not a Sierra Leonean and he has no influence or authority over the Government of Sierra Leone. He has no political authority in Sierra Leone. It's only the people of Sierra Leone who can plead to the international community on my behalf, not Mr Taylor. And the UN authorities...
who knew that I cooperated with them, that's the only hope that I have after God. Not Mr Taylor.

Q. Mr Sesay, your whole life with the RUF, you did what was necessary for survival. At Camp Naama, when you were tricked by Foday Sankoh into going to Liberia, you told us you stayed, you didn't escape, because you'd seen - Foday Sankoh told you about Isiaka being killed for escaping, and it was a matter of survival for you to train with these rebels; isn't that true?

A. Well, at that stage, that was what Mr Sankoh said. But at the time that I went to Abidjan, I knew that Isiaka did not die, and I was not able to leave Camp Naama on my own because I was not familiar with Liberia. That was my first time of going to Liberia. Later, when I had been at the base, I heard what Mr Sankoh was saying about his cause. I stayed then with the RUF.

Q. Mr Sesay, you didn't want to end up like Superman, murdered by Charles Taylor, you didn't want to end up killed by a larger stronger United Nations force or arrested, so you disarmed, as a matter of survival. Isn't that true?

A. No, my Lord, that's not true, because the people whom I worked with for the return of peace when I disarmed the RUF, they should have said that. But they knew that I did not surrender and I did not disarm for my survival, I disarmed in the interest of the country.

Q. Throughout your time in the RUF, in Luawa Giehun, when Foday Sankoh was investigating and executing those he suspected of conniving, you killed as a means of survival of ensuring your own survival; isn't that true?

A. I did not take part in the killing of the Giehun people.
because, if I had taken part in that, the people of Giehun wouldn't have been my witnesses.

Q. Mr Sesay, who had the radio code in the RUF, "Survival"?

A. I was.

Q. And the truth is, Mr Sesay, throughout the war you took children from their parents, you turned them into soldiers and bush wives, you commanded troops that killed your fellow Sierra Leoneans, you were convicted - you personally killed, you personally raped. All of these acts you did to ensure your own survival; isn't that true?

A. No, my Lord. No. The civilians who were behind RUF lines know that I did what I could to protect them. That was why, if you look at my Defence case, the civilians were in the majority from Kailahun, from Kono up to Makeni.

Q. Let's look at the testimony of one of Charles Taylor's Defence witnesses, 12 April 2010, please, page 38706. This is from the testimony of Charles Ngebeh, your fellow RUF and, in the middle of line 15, he testified:

"A. The atrocities that were committed by the RUF, Issa, are now in jail. The Kamajors are suffering, the AFRC are suffering. Indeed, it happened."

That's what your fellow RUF soldier told this Court, but you told the Court on 12 July that you were the victim.

You also told the Court on 17 August that you heard Charles Taylor threaten that Sierra Leone would taste the bitterness of war, and Sierra Leone did taste the bitterness of war, and you were one of those he sent that inflicted that war on the people of Sierra Leone. Isn't that true?
A. No. I was not sent by Mr Taylor. It was Mr Sankoh who
took me to Sierra Leone to fight a war. If Charles Ngebeh talked
about the atrocities, yes, the RUF committed atrocities, I
wouldn't refute that. But --

The Interpreter: Your Honours, can he kindly repeat his
answer slowly.

PRESIDING JUDGE: You have to repeat your answer, please,
slowly.

The Witness: Yes, my Lord. I said the RUF committed
atrocities, but some of the commanders who committed the
atrocities who were commanding areas, they were not under Issa's
control. They became Prosecution witnesses. Some were given
letters and they said they would not be prosecuted. In fact, he
trained Issa.

MR KOUMJIAN:
Q. Mr Sesay, you lived up to your radio code, Survival, all
through the war and you continue to live up to it. Just as you
would kill, just as you would rape, just as you would take
children from their parents, you'll lie in court and you've been
doing that for your survival. Isn't that correct?

A. No, my Lord, I did not kill innocent people. I protected
civilians to the level that I could protect them. And I did not
come here to tell lies. I came here to say what I knew and what
I could recall.

MR KOUMJIAN: Your Honours, subject to the ruling on the
motion for leave to appeal, I have no further questions,
depending on the results of that, of course.

PRESIDING JUDGE: The decision was issued yesterday.

MR KOUMJIAN: Oh.
PRESIDING JUDGE: And frankly, I'm surprised that it has not yet been published. But I've been informed that it was published this morning, while we've been sitting here.

MR KOUMJIAN: Your Honours, there are also at least one MFI I believe that I used this morning - or one document I used this document that has not been MFI'ed and that would be the document behind tab 6.

PRESIDING JUDGE: This is the eleventh report of the Secretary-General from the United Nations Mission to Sierra Leone, dated 7 September 2001. Mr Koumjian, do you only want the pages that you used to be marked?

MR KOUMJIAN: Yes. That's fine.

PRESIDING JUDGE: That will be page 1, page 2, page 3, page 4.


PRESIDING JUDGE: Page 7 and the annex.

MR KOUMJIAN: Correct.

PRESIDING JUDGE: Those pages, collectively, are marked MFI-42. Would that be all, Mr Koumjian?

MR KOUMJIAN: Yes, thank you.

PRESIDING JUDGE: Mr Chekera, any re-examination?

MR CHEKERA: Yes, Madam President, thank you.

RE-EXAMINATION BY MR CHEKERA:

Q. Mr Sesay, what we are going to do is to try to clarify your answers from the questions that were being asked by Mr Koumjian.

A. Yes, sir.

Q. I don't intend for us to repeat your evidence that you've already given when Mr Griffiths was asking you questions.

A. Yes, sir.
Q. I will ask you very concise questions and I hope that you also answer in very concise terms.

A. Okay, sir.

PRESIDING JUDGE: Mr Chekera, I hope you are on tune to channel 2.

MR CHEKERA: I get the hint, thank you.

Q. Mr Sesay, let's start by looking at the issues that arose today - this morning. Let's look at P-516. You recall P-516, or maybe you could just have a quick look at it. I just have one or two questions. Mr Sesay, you remember this document, the one that's on the screen?

A. Yes, sir.

Q. That's a document which was read to you outlining a number of atrocities that were allegedly committed around 2000, 2001, by which time you said disarmament was already underway. You recall that document?

A. Yes, sir.

Q. I just have one question to you with respect to that document. At the time of the alleged atrocities in that document, that is around 2000 and 2001, what was the relationship between the RUF and Charles Taylor?

A. At that time the RUF and the Charles Taylor - and Charles Taylor, the only relationship was the meeting - the meetings that I attended to become the interim leader and the instructions that the ECOWAS were giving me to work with the Government of Sierra Leone and the United Nations.

Q. To work with the government in Sierra Leone and the United Nations with respect to what?

A. In respect of the implementation of the Lome Accord to
disarm the RUF.

Q. Thank you. That will be all from that document.

Let's just keep - let's talk about disarmament, Mr Taylor - sorry, Mr Sesay, and the suggestions that were put to you by learned counsel opposite. Effectively, Mr Sesay, if you did not understand counsel opposite correctly or clearly, what he was saying to you was that were it not for circumstances you would not have disarmed. You were forced into disarmament by circumstances. I would like you to comment on that before I ask you the next questions.

A. Well, the lawyer was not in Sierra Leone and he was not involved in the process. The people who were involved in the process, that is the United Nations authorities, the SRSG, the force commander, the deputy force commander, and General Ali Hassan who was the sector commander for the north, and the President of Sierra Leone himself, President Tejan Kabbah by then, all of them testified on my behalf. And they said that I cooperated in the process willingly.

So if he was not the one who did the work and he's saying that I was under threat and the people who brought peace to Sierra Leone knew that I was involved in the process willingly, they said it in other press outlets, they said it in the north that Issa had opposition when he disarmed the RUF. If I was under threat I wouldn't have been under any opposition to disarm the RUF.

Q. Yes. Mr Sesay, you have said in your evidence under cross and during your evidence-in-chief you were actually under threat from the RUF who were opposed to disarmament. You've said that in your testimony. The people who actually threatened you were
your colleagues in the RUF who were opposed to disarmament, 
Gibril Massaquoi and company. My question to you is: What was 
your motivation for disarming the RUF at this time?
A. It was because the ECOWAS leaders told me to disarm the RUF because if the RUF failed, that would be a disgrace to them. The western world would look at them that they were not capable to solve an internal problem. That was it. And I considered that the people of Sierra Leone wanted peace and that was why --
THE INTERPRETER: Your Honours, can he kindly speak slowly and take this answer again.

PRESIDING JUDGE: Can you repeat your answer. "I considered the people of Sierra Leone wanted peace and that was why", continue from there. Slowly.

THE WITNESS: Yes, my Lord. I said based on what the ECOWAS leaders told me about the disarmament process, and President Kabbah - I mean, President Obasanjo, President Taylor and President Alpha Konare in our last meeting in Monrovia, based on what they told me that if the Lome Accord failed then the western powers would look at them that they were unable to solve internal problems. That I should work with the Government of Sierra Leone and the United Nations to carry out the disarmament of the RUF.
Secondly, the people of Sierra Leone themselves at this time, they were yearning for peace because I was in Makeni and the UNAMSIL used to come to Makeni, the bishop used to come to me to talk to me, even the chiefs used to come to me in Makeni and Magburaka. I said those were the two reasons why I accepted the disarmament.

Q. Mr Sesay, you've indicated that the ECOWAS leaders wanted
you to go ahead with disarmament and that included Mr Taylor.

Now, you've heard evidence that was read to you by counsel opposite that actually during this time Mr Taylor ordered Zigzag Marzah to execute you for signing some document with some white UN officials. During the time of disarmament, did you sign any documents in Sierra Leone relating to the disarmament?

A. No. I did not sign any documents pertaining to the disarmament process. The disarmament process, it was in Abuja that it was signed. It was in Omrie Golley - it was in Abuja that Omrie Golley signed for the creation of the tripartite meeting that led to the disarmament. The United Nations in Sierra Leone did not have any meeting whereby I signed a document in relation to the disarmament, no. Even the tripartite meeting that we used to hold, we were not signing documents. The SRSG was the chairman. They used to suggest that - the SRSG would suggest to the government and the RUF, during these meetings we would want the RUF to disarm in Tonkolili and the government to disarm in Bonthe, for example. That was what they used to do, they were not signing documents. The SRSG would prepare the agenda and they would share the paper to the RUF and the Government of Sierra Leone.

Q. What about any of those officials you indicated, you talked about in your evidence, you were meeting during this process. Did you sign any documents with them?

A. No. I recall that the only document that I sent to General Opande was when he requested that he had the first meeting with me. Then I suggested where we would have the meeting. But I never signed a document between myself and the UNAMSIL. When they came, we normally spoke.
THE INTERPRETER: Your Honours, can he kindly repeat his
answer again slowly.

PRESIDING JUDGE: Pause. Pause. You need to repeat your
evidence. You said, "I never signed a document between myself
and UNAMSIL." Continue from there.

THE WITNESS: Yes, my Lord. I said they used to visit me.
The RUF controlled areas - I used to have meeting - when I had
meetings with them, we normally just used to talk. I would
explain the problems that affected civilians that needed General
Opande's intervention in terms of relief supplies. When General
Opande came to testify, he said that. And he too used to see the
civilians who were living behind RUF lines.

MR CHEKERA:

Q. Still on the same topic, Mr Sesay. It was suggested to you
that one of the reasons why you disarmed was because you were
afraid of the Special Court. When did you become aware of the
Special Court?

A. Well, at the initial stage, like the lawyer said, in July,
I was not aware of the Special Court. But around September at
one time General Opande came to Makeni. I was not there. They
told him I was gone to Masingbi. He flew close to the road in
his helicopter and he saw my two vehicles and he landed by the
roadside and he stopped my vehicles and he said, "I had come to
you in Makeni and they said you had gone to Masingbi, so that's
why I was chasing you."

THE INTERPRETER: Your Honours, can the witness be
requested to slow down his pace.

PRESIDING JUDGE: Mr Sesay, first of all you are running
too quickly. Secondly, the question asked to you simply was:
When did you first become aware of the Special Court, and the answer would be a date.

THE WITNESS: Okay, my Lord. I'm sorry that I'm explaining. It was around September 2001 when General Opande told me.

MR CHEKERA:
Q. And by that time, what was the stage of the disarmament process, where were you at?
A. Well, at that time we were proceeding with the disarmament.

The RUF was still in arms in Kailahun District, Tongo Field, Bombali District. The RUF had not disarmed in those places.

Q. In percentage terms, how much of the RUF-controlled territory had already disarmed, if you can tell?
A. At that time, RUF had disarmed up to 60 to 65 per cent.

Q. Again, Mr Sesay, it was suggested that another reason why you went ahead with the disarmament process was because you feared Sam Bockarie would kill you. Were you under any apprehension that Sam Bockarie would kill you during the time of the disarmament?
A. No. Sam Bockarie could not have killed me. He couldn't have been able to kill me, because some of the commanders in the RUF by then no longer liked Sam Bockarie. Because Morris Kallon did not like him. There are other commanders who did not like him. So he couldn't have killed all of us. It was not possible.

Q. What about Charles Taylor? Were you under any threat from Charles Taylor?
A. No. If I had suspected that I was under any threat from Mr Taylor, I wouldn't have come here. I wouldn't have come here.

Q. Now, another reason why, as counsel suggested, you
1 proceeded with disarmament was because you were afraid of
2 UNAMSIL, which are - if you look at the document that was marked
3 MFI-42, by September 2001, which by September 2001 had troops
4 amounted to something like 15,000 in Sierra Leone. Did you
5 disarm because you were afraid of the UNAMSIL troops?
6 A. No, no, no, no. If I was afraid of UNAMSIL troops - I was
7 not afraid of them. I was not afraid of them. And the
8 authorities of UNAMSIL know that I was not afraid of them. I did
9 not surrender to them. I cooperated with them. I was willing to
10 cooperate with them so that Sierra Leone would have peace. Had I
11 known - because if they knew - if they were aware that I was
12 afraid of them, they wouldn’t have testified for me.
13 THE INTERPRETER: Your Honours, can he repeat the last part
14 of his answer?
15 PRESIDING JUDGE: Repeat the end, the last part of your
16 answer. We didn’t get it.
17 THE WITNESS: My Lord, I said someone who surrenders out of
18 fear - someone who surrenders surrenders out of fear. The
19 UNAMSIL authorities did not see that in me. They knew that I was
20 willing for the process to go on.
21 MR CHEKERA:
22 Q. Yes. Mr Taylor - sorry, Mr Sesay, I keep confusing you
23 with Mr Taylor. MFI-42, by September 2001, there were about
24 15,000 troops, UNAMSIL troops, in Sierra Leone. You’ve indicated
25 that by this time disarmament was around what percentage
26 again, September 2001?
27 A. My Lord, I said at this time the disarmament had gone, and
28 in fact, it was in this month that the ECOMOG - ECOWAS leaders
29 went to Kono, President Kabbah, President Obasanjo, President
Konare. They went to Kono and they praised me a lot about my cooperation, and President Kabbah --

PRESIDING JUDGE: Mr Sesay, the question was: By September 2001, what percentage of the RUF had disarmed? That was the question. What's your answer?

THE WITNESS: My Lord, about 60 to 65 per cent.

MR CHEKERA:

Q. In any event, Mr Sesay, do you know what the mandate of UNAMSIL was when they were deployed to Sierra Leone?

A. They were a peacekeeping force.

Q. Thank you.

A. And I understood that they did not have chapter 7.

Q. Thank you. I'm just going to ask you - I'm going to move to a different topic. I'm going to ask you quickly about the satellite phone that you got from Mr Taylor. That was from yesterday's evidence.

You recall indicated that you got a satellite phone from Mr Taylor?

A. Yes.

Q. And you recall counsel reading your evidence from Mr Taylor, where he said he did not give you a satellite phone?

A. Yes.

Q. And you recall in your evidence, when you were answering one of the questions from counsel opposite, your answer at line 2 - sorry, page 47172, that's yesterday's transcript, 47172, at line 2 to 6. When you were talking about the satellite phone, you said - the one that you got from Mr Taylor - "I requested for a phone and President Taylor himself told President Obasanjo about it, that I should be assisted with a phone. Then President
Obasanjo said they would work on it, and during that October, Mr Taylor gave me one phone."

I just want to explore your answer when you said when you requested for the phone and President Obasanjo said they would look into it. When you got the satellite phone from Mr Taylor in October, did Mr Taylor tell you who it was coming from?

A. Well, Mr Taylor just told me that the phone that I had requested for so that I would communicate with them whenever they wanted to talk to me, that was the phone. Then he gave me the phone.

Q. Did he indicate that it was coming from him personally or from the ECOWAS leaders, as promised by Obasanjo?

A. Well, when he - the way he spoke, it was from the ECOWAS who had given it to me, because it was a request to ECOWAS, through President Obasanjo.

PRESIDING JUDGE: Sorry. Mr Sesay, did I hear you say, "Mr Taylor just told me that the phone that I had requested for so that I would communicate with them whenever they wanted to talk to me, that was the phone"? Is that what you said?

THE WITNESS: Yes, my Lord.

PRESIDING JUDGE: And "them" - when you say "them", "communicate with them", who are you referring to?

THE WITNESS: The ECOWAS, my Lord.

PRESIDING JUDGE: In other words, the phone - the purpose of the phone you requested was to communicate with the ECOWAS leaders?

THE WITNESS: Yes ma'am.

PRESIDING JUDGE: And is that what you used the phone for?

THE WITNESS: Yes, ma'am. Because I used to receive
messages through the phone about the meetings that were to take
place, and I used to call. And when I started working with the
UNAMSIL, I was using the phone to call General Opande and the
others, when we used to discuss the Abuja II meetings. I was
using it for the peace process, and I was using it for my own
personal purpose.

MR CHEKERA:

Q. Let's move on to a different topic, Mr Sesay. Let's
discuss briefly the person you saw in a number of photographs.
I'm going to be asking that you look at D-297C, D-172, P-122F.
Those were the pictures you saw of Momoh Dgiba.

Mr Sesay, you said that Momoh Dgiba trained with you at
Naama and he left before the training was complete.

A. Yes, his brother and himself.

Q. At the time that Momoh Dgiba was at Naama, do you know
whether he had any association with Charles Taylor?
A. No. I only knew Momoh Dgiba, that his father was from
Sierra Leone but he was born in Liberia, because that is what he
was saying. But I did not know - I did not hear anything in
relation of him having business with Mr Taylor when we were at
Naama.

Q. Where was he coming from before he came to Naama, to your
knowledge?
A. From Harbel, where Pa Kallon was - most of the recruits at
Camp Naama had come from Harbel, Harbel and Kakata.

Q. And before the training was complete, did you know where he
went?
A. Well, I heard that he returned to Harbel when he left
Naama.
Q. And did you know when he became Charles Taylor's aide-de-camp?

A. No, my Lord, I don't know. I only saw Momoh Dgiba as Mr Taylor's bodyguard in 2000.

Q. Do you know how he was appointed aide-de-camp to Charles Taylor?

A. No, I don't know.

Q. Do you know who appointed him to that position?

A. I don't know.

Q. Do you know whether Charles Taylor was involved in that process of appointing him to that position?

A. No, my Lord. I don't know about Taylor's administration and his men.

Q. Sorry. You can just - let's look at D-297C. Mr Sesay, can you tell when that photograph was taken?

A. I don't know. I don't know when this picture was taken.

Q. Would you say that was before the Naama days or that was after the Naama days?

A. This was many, many, many years after the Naama.

Q. Can you tell whether this was before Charles Taylor was President or after he was President?

A. I don't know.

Q. Very well. D-172. Again, Mr Sesay, can you tell when this photograph was taken?

A. No, my Lord, I don't know.

Q. Again, does this look like before Naama or after Naama days?

A. This was after Naama, a long time.

Q. Thank you. P-122F. Again, can you tell when this
photograph was taken?

A. No, I don't know.

Q. Can you tell whether it was before Naama or after Naama?

A. This was after Naama, a long time after Naama.

Q. So, Mr Sesay, from those photographs, can you tell whether
Charles Taylor knew Momoh Dgiba before he came to Gbarnga or
after - sorry, before he came to Naama or after Naama?

A. No. He did not know him when he was in Naama because, when
he was in Naama, he was slim. When he was in Naama, Momoh Dgiba
was a slim guy, he was not a man then. He was a slim guy
because --

Q. Sorry --

A. Well, because we were of the same age group.

Q. Mr Sesay, my fault, maybe I didn't ask the question in as
precise terms as I promised.

My question was: From those photographs, can you tell
whether Charles Taylor knew Momoh Dgiba from the time Momoh Dgiba
was at Naama or from the time after Momoh Dgiba left Naama?

A. I believe that it was at the time that Momoh Dgiba left
Naama. That was the time Mr Taylor knew him.

Q. Very well. Thank you. That will be all in respect of
those photographs.

Let's just stick with the photographs for the time being
and look at D-51. Mr Sesay, you will recall the evidence that
was read to you about Zigzag Marzah when Zigzag Marzah said that
you gave him a girl - a woman, one Seibatu. Do you recall that
evidence?

A. Yes, I recall.

Q. That was sometime in - according to his evidence, that was
... in Kono. In your evidence, Mr Sesay, you said the only Seibatu you knew was Hawa's sister. Do I recall your evidence --

A. Yes, that was what I said.

Q. Sorry, I think I'm going too fast as well. Which Hawa were you talking about?

A. Hawa for Sam Bockarie.

Q. And do you know whether Zigzag Marzah had any relationship with that particular Seibatu?

A. Hawa or Seibatu?

Q. Seibatu.

A. No, he had no business with her.

Q. When you were in Kono, did you ever meet Zigzag Marzah in Kono?

A. No. Zigzag Marzah did not go to Kono when I was there.

Q. Now, this Seibatu, who was Sam Bockarie's wife's sister, do you know where she went when Sam Bockarie went to - moved over to Liberia?

A. All of them went.

Q. And do you know what became of her when she went to - what was she doing when she was in Liberia?

A. I did not know what she was doing. But when I went - at one time when I went to Sam Bockarie's house, I saw her there.

Q. And tell me something: When Sam Bockarie was in Liberia, when he was living in Liberia, did he have any relationship or any interactions with Zigzag Marzah?

A. Interpreter, you are talking about me. I think the lawyer is talking about Sam Bockarie.

Q. Sam Bockarie and Zigzag Marzah, did they have any interactions or any relationship.
A. I did not know because I only went to Sam Bockarie's house once.

Q. Now --

PRESIDING JUDGE: Mr Chekera, I have my eye on the clock.

We'll take the midmorning break now and reconvene at 11.30.

[Break taken at 11.01 a.m.]

[Upon resuming at 11.33 a.m.]

PRESIDING JUDGE: Mr Chekera, please continue.

MR CHEKERA:

Q. Mr Sesay, I was asking you questions about someone by the name Seibatu, who was Hawa's sister, and Hawa was Sam Bockarie's wife. Mr Sesay, do you know whether Sam Bockarie, when he moved to Liberia, whether he had any interactions with Benjamin Yeaten?

A. Yes.

Q. What was the nature of their interaction?

A. Well, he was almost a friend of Bockarie because at the time I went there when I visited Benjamin Yeaten, I met Sam Bockarie there.

Q. And what was the relationship between Zigzag Marzah and Benjamin Yeaten, if you know?

A. Well, I cannot give details about that but Benjamin was the boss for Zigzag.

Q. Very well. Let's look at D-51, please. Mr Sesay, you will recall learned counsel opposite showing you D-51 in conjunction with the evidence he read to you of Zigzag Marzah, to try to establish that Zigzag Marzah used to frequent Sierra Leone and was indeed friends with Sam Bockarie. Do you remember that?

A. Yes, I recall.

Q. Can you tell from that photograph in which country it was
taken?
A. This should be Liberia.
Q. Why do you say that should be Liberia?
A. Because we did not have roads like these in Buedu.

Q. Very well. Thank you. That would be all with respect to D-51.

Let's look at a different topic, Mr Sesay. Let's talk about Daniel Tamba and, while we are at it, we will look at D-316 and P-153A. Mr Sesay, if you can just give a year, when was it that Daniel Tamba left the RUF to go to Liberia?

A. It was in December of '99.
Q. And do you know what he did when he went to Liberia?
A. Well, I did not know what he was doing.
Q. With that - with that in mind, would you dispute the allegation by learned counsel opposite that he then joined the SSS?

A. Well, I wouldn't dispute that, because that was in Liberia.
Q. Very well. Let's look at D-316. I just want to draw your attention to the date, that's dated 9 November 2001, and you will recall, Mr Sesay, this is the document that lists Daniel Tamba as one of the members of the SSS from that document. Mr Sesay, I just want your answer. 2001, November, was Daniel Tamba still a member of the RUF?

A. No, no. From December 1999, Daniel Tamba no longer was member of the RUF; from January 2000 to November 2001, Daniel Tamba was no longer a member of the RUF.
Q. Very well. Let's look at P-153A. That was a photograph. You recall this photograph where you identified Daniel Tamba and Benjamin Yeaten?
1 A. Yes.
2 Q. Can you tell when that photograph was taken?
3 A. No, I don't know.
4 Q. Can you tell whether that photograph was taken when Daniel
5 Tamba was still a member of the RUF?
6 A. No. It was not at that time because at the time Daniel
7 Tamba was a member of the RUF he was not working with
8 Benjamin Yeaten.
9 Q. Very well. Thank you. That would be all with respect to
10 those photographs.
11 Let's move on to another topic, Mr Sesay. Let's talk about
12 the Guinea attacks or, rather, let's talk about the allegation
13 that RUF members were fighting in Liberia and in Guinea.
14 You indicated, Mr Sesay, in your evidence that certain
15 members of the RUF, during the disarmament, left and went to
16 Liberia?
17 A. Yes.
18 Q. And that some of them were indeed engaged in combat in
19 Liberia. In fact, you actually referred to evidence of a
20 different witness who confirmed that. I'm going to ask you about
21 one particular person. Do you know someone by the name John
22 Vincent?
23 A. Yes, I know him.
24 Q. John Vincent, when he left Sierra Leone, where did he go?
25 A. He went to Liberia.
26 Q. Do you know why he went to Liberia?
27 A. Well, I thought at that time that they did not want to join
28 me for the disarmament process, he did not want to disarm. That
29 was the reason why he went to Liberia.
Q. And what nationality was John Vincent?
A. He's a Liberian.

Q. When he went to Liberia, do you know whether he was engaged in combat in Liberia?
A. Well, at the time he went, I did not know.

Q. Besides John Vincent and Superman, were there other Liberian vanguards who went to - who went back to Liberia during the disarmament process?
A. Yes. Like CO Lion, CO Kailondo, all of them went - CO Gorgie, all of them went.

Q. And do you know whether any of those were engaged in combat in Liberia or on behalf of the Liberian government?
A. Yes, because like for Lion, I heard that he died in Kolahun at the time they were fighting against LURD. They were Liberians. So, when they went back to Liberia they joined the AFL.

Q. And at that time were they taking instructions from you?
A. No, no. They were not taking instructions from me.

Q. Very well, Mr Sesay, let's move on to a different topic.

Let's look at D-84. Mr Sesay, I just have one or two questions in respect of that document. D-84, Mr Sesay, is a document that you allege was written by Gibril Massaquoi. Do you remember that document?
A. Yes, I recall.

Q. When did you first see that document?
A. It was during my trial.

Q. And who tendered the document?
A. It was the Prosecution that tendered it to the Court and my lawyers gave it to me to watch it. They tendered it as an
Q. When the Prosecution tendered that document as an exhibit, do you know what they were trying to establish?

A. Well, they were trying to establish that I had a command responsibility and that I had a link with Mr Taylor.

Q. So, Mr Sesay, just so that I understand you correctly, that was a document that was used against you by the Prosecution in your case?

A. Yes.

Q. Thank you. That would be all with respect to that document.

Mr Sesay, we are going to move backwards a bit and start with the issues that arose in your cross-examination right at the beginning, and we will follow, hopefully we will follow the dates chronologically.

Let's look at an issue that arose on 17 August. Mr Sesay, you will recall when counsel opposite was cross-examining you about the agreement between Foday Sankoh and Maada Bio to destabilise the elections?

A. Yes, my Lord.

Q. And you were referred to a document, if you recall, that is a - the document at tab 8, that has been marked MFI-19.

Mr Sesay, you will recall in your evidence you had indicated that the agreement between Maada Bio and Foday Sankoh to destabilise the elections was reached at Yamoussoukro? That was your evidence. Do you recall that?

A. Yes.

Q. And counsel showed you the document at tab 8 to prove you wrong because by the time Yamoussoukro - by the time Foday Sankoh
and Maada Bio went to Yamoussoukro the elections had already
taken place. You recall that?
A. Yes.

Q. In your explanation, you indicated that even before
Yamoussoukro, Foday Sankoh and Maada Bio had been in contact.
I want us to discuss that aspect. Do you know when it was that
Foday Sankoh and Maada Bio first started discussing the
elections?
A. Well, I do not recall the exact date now, but that was what
I knew, that Mr Sankoh and Maada Bio had been discussing - at
first --

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

PRESIDING JUDGE: Mr Sesay, you’re going too fast again for
the interpreter. Now, repeat your answer. You said at first
Mr Sankoh and Maada Bio had been discussing.
Now, continue from there.
THE WITNESS: Yes, my Lord. I said at first Mr Sankoh and
Maada Bio had been discussing through paramount chiefs like the
late Bai Kurr, I mean late Bai Yorsoh in Magburaka and Paramount
Chief Bai Kurr in Masingbi. Those were the first people that
Maada Bio started using to talk to Mr Sankoh because he knew
those were his brothers from Tonkolili District. So that was how
their talks started. So they went on like that until the time
they met in Abidjan, and Yamoussoukro.

Q. Sorry, before you continue could we have the names of the
chiefs again?
A. The first one that I referred to was the late Paramount
Chief Bai Yorsoh and the honourable Paramount Chief Bai Kurr.
MR CHEKERA: Madam President I'm going to ask the interpreter to assist.

PRESIDING JUDGE: Very well. Please, Mr Interpreter can you spell these two names.

THE INTERPRETER: Bai Yorsoh is B-A-I, one word, the next one is Y-O-R-S-O-H. And the next one is B-A-I, one word, the next is K-U-R-R.

MR CHEKERA:

Q. And if you know, Mr Sesay, what was Maada Bio's attitude towards the elections during these negotiations with Foday Sankoh through the offices of the two chiefs?

A. Well, what Maada Bio and Mr Sankoh agreed on, in fact Maada Bio's idea towards the election was negative, but it was only because of the pressure from the politicians and the international community, because even on the day of the elections, soldiers opened fire in Freetown, and Maada Bio wanted disarmament first; he said peace before elections. That was the agreement between him and Tom Nyuma and others.

Q. Maada Bio wanted peace before elections. And you said soldiers fired - opened fire in Freetown. Firstly, what soldiers and - okay, which soldiers opened fire in Freetown?

A. The Sierra Leone soldiers under Maada Bio, they opened fire in Freetown on the day of the elections.

Q. And why were they opening fire?

A. Well, they wanted to disturb the elections, but the civilian population concentrated and they wanted the election to carry on, they, together with the politicians.

Q. And what was Foday Sankoh's position with respect to the elections?
A. Well, Mr Sankoh also ordered attacks because he and Maada Bio had planned that. Maada Bio said if he was unable to stop the elections, he said then on the very day of the election, Mr Sankoh should attack Bo, Kenema, Makeni, and he will order the army in Bo, Kenema, Magburaka and Makeni to retreat and go back to Freetown so that the RUF will be able to take control of those towns. So it was just to disrupt the election so that the elections would not hold.

Q. And do you know if you know when was it that Foday Sankoh became aware of Maada Bio's position with respect to the elections?

A. Well, it was something they discussed before the elections. And even --

JUDGE LUSSICK: I'm sorry to interrupt, perhaps I should have asked this earlier, but I'm curious to know as to, Mr Sesay, how do you know what went on between Foday Sankoh and Maada Bio? You're talking about them planning various things in regard to the election, but how do you know all this?

THE WITNESS: Well, my Lord, at this time I was in Danane and Deen-Jalloh, who was the head of the delegation and his wife, his wife was Maada Bio's elder sister, so these arrangements were things that were done between Deen-Jalloh, Mr Sankoh and Maada Bio. And even at the time they met in Yamoussoukro, I heard it from Mr Sankoh himself.

PRESIDING JUDGE: I also want to seek clarification from you, Mr Sesay. Who was the Head of State in Sierra Leone just before these elections that we are talking about?

THE WITNESS: It was Maada Bio who was the Head of State. He was the chairman of the NPRC.
PRESIDING JUDGE: And who called for the elections to be held at this particular time?

THE WITNESS: Well, what I understood was that the politicians said they wanted elections.

PRESIDING JUDGE: What politicians?

THE WITNESS: Like the different political parties, the SLPP, the APC and other parties.

PRESIDING JUDGE: And your testimony is Maada Bio, being the incumbent President at the time, arranged to have an election but actually didn't want the election? Is this your evidence?

THE WITNESS: Yes, ma'am. What I understood from Mr Sankoh was that Maada Bio did not want the election at that time because he said he wanted peace before elections, but the people in Freetown were putting him under pressure and the international community too said they wanted the election so that Maada Bio could turn over to a civilian rule.

PRESIDING JUDGE: Very well. Please proceed.

THE WITNESS: And even Britain was pressurising him.

MR CHEKERA:

Q. Mr Sesay, maybe just to put that evidence into context, how had Maada Bio become the Head of State in Sierra Leone?

A. Well, Maada Bio was initially the vice-chairman to Valentine Strasser King who initially overthrew the APC government in '92. But later Maada Bio, and Tom Nyuma and others overthrew Strasser King in 1995. So when they overthrew Strasser King, Maada Bio then became the chairman.

Q. So Maada Bio was leading a military junta. Is that correct?

A. Yes, after he had overthrown Strasser.
Q. And what was the attitude of the Sierra Leoneans to that military junta?

A. Well, the Sierra Leoneans did not want military rule any longer, and they then wanted civilian rule. That's including the politicians themselves.

Q. What about the attitude of the international community to that military junta?

A. Well, Britain also wanted a civilian rule. They wanted the military to turn over to a civilian rule because they were the ones who sponsored the elections.

Q. Now, Mr Sesay, let's move on to a different topic. You will recall, Mr Sesay, counsel opposite suggesting to you that your evidence was tailored to suit Mr Taylor, and that you might have been influenced by Mr Taylor while he was in detention in Freetown. Do you recall that?

A. Yes, I recall.

Q. I'm going to refer you to this letter I have from the Registrar in connection with Mr Taylor's conditions of detention. Madam Court Manager, you might want to assist me with the document I distributed earlier. I'll refer you specifically to paragraph 2. That's a letter dated 23 August 2010, to Courtenay Griffiths QC from the Registrar. If you look at paragraph 2:

"The former Registrar of the Special Court, Mr Munlo, issued a segregation order on 31 March 2006, upon request from the Prosecution pursuant to Rule 26(A) of the Rules of Detention. The segregation was ordered for the purposes of: (a), preserving security and good order in the detention facility and; (b), preventing any prejudice to or otherwise undermining the outcome of the proceedings against the detainee, Mr Taylor. It" - that
is the segregation order - "remained in effect until Mr Taylor's
departure to The Hague."

You will recall, Mr Sesay, in your testimony you indicated
that when you were in detention, you did not have access to

Mr Taylor.

A. Yes, I recall.

Q. Just briefly explain to us what this segregation meant
between yourself and Mr Taylor.

A. We were in another - in a different block and Mr Taylor was
in a different block. And we never used to meet. We never used
to see one another and we never used to discuss. And the place
where we used to receive visitors, he never used to go there.
The only place that he used to go that I also used to go was to
the doctor. But at any time he was going to the doctor, they
would drive him in a vehicle and they would pass through the
other side. But at that time they will have to stop us, we will
not be allowed to go to the doctor until the doctor was finished
with him and he leaves. So I was never able to talk to him or
see him.

And even in the recreation yard, the exercise yard, the
blocks were separated. There were officers who were there
guarding and watching us whilst we were at the exercise yard.
They were there to keep security at the exercise yard. And in
the building where we were, there were two line 1 officer and
line 2 officers, and that was how we were located at the
detention.

Q. And, Mr Sesay - a yes or no, will suffice - with those
segregation measures in place, did Mr Taylor ever attempt to
contact you?
A. No, no.

MR CHEKERA: Very well, Madam President, may this letter be marked for identification.

PRESIDING JUDGE: The letter from the Registrar entitled, "Conditions of detention of Mr Taylor while in Freetown" and dated 23 August 2010, is marked MFI-43.

MR CHEKERA: Thank you.

Q. While on that issue, Mr Sesay, it was also suggested to you that you might have received instructions from Mr Taylor through his counsel. Did you, Mr Sesay, receive any instructions on how to tailor your evidence to suit Mr Taylor’s purposes through any one of Mr Taylor’s lawyers?

A. No, no. None of his lawyers told me anything, that this is a message from Mr Taylor, no. Even the lead counsel, at the time he went to Rwanda, at the time he used to go to the prisons for three days, he used to show me my own testimony and he would tell me the areas he would want me to talk about, and he will tell me that he was not going to come to interview me. He said, "I will only give you the file of your testimony and these are the things that I will have to lead you on." And those were the only things.

It was only when I came here that you started asking me whether I knew this person or I knew this other person. That was the only time. But at that time it was only my own document.

PRESIDING JUDGE: Mr Sesay, talk normally like normal people talk. Nobody can possibly record what you’re saying at
the speed at which you talk. In any event, it's your business.
If your evidence is not captured, it's a waste of time, isn't it?
I've told you at least more than a hundred times to slow down. I
don't know why you don't slow down.

12:03:52
THE WITNESS: Thank you, my Lord.

MR CHEKERA:
Q. Let's take our time. I know you might be anxious to go
back and I promise you you're not going to see this courtroom by
next week, so just let's take our time.

12:04:05
You were asked in that context, Mr Sesay, of whether you
knew someone by the name of Supuwood. Have you ever received any
instructions from Supuwood, Mr Sesay?
A. No.
Q. Who is Supuwood?

12:04:31
A. I don't know this person.
Q. Very well. Thank you. Let's move to a different topic,
Mr Sesay. Let's look at your evidence when you were quizzed
about the death of Alice Pyne's child. I don't want us to go
back to the gory details of that sad incident; I just want to ask
you a few questions. When was it that you heard about the
disappearance of the child, Mr Sesay?
A. After they attacked me in Makeni and killed some of my
bodyguards, when I went to Buedu, that was the time I heard it.
That was around April of '99.

12:05:21
PRESIDING JUDGE: Sorry, "After I was attacked in Makeni
and killed some of my bodyguards?" Is that what the witness
said? Was that what you said, Mr Sesay?
THE WITNESS: My Lord, when I went to Buedu, that was the
time I heard it.
PRESIDING JUDGE: What did you say about the death of your bodyguards?

THE WITNESS: I said after I was attacked in Makeni by Superman and Gibril Massaquoi and others, then I went to Buedu in '99. That was when I heard that Alice's child got missing.

THE INTERPRETER: Your Honours, the witness used a word that could mean "missing" or "died". Can he please clarify?

PRESIDING JUDGE: I've asked the witness at least twice. I'm not going to ask him again. Please continue, Mr Chekera.

MR CHEKERA:

Q. Mr Sesay, let's start by who attacked you and killed your bodyguards?

A. It was Gibril Massaquoi, Superman and their followers.

Q. And you said in your response that was the time that you heard about the death of - sorry, and you heard about the missing child. What did you hear in connection with the child, Alice Pyne's child?

A. I heard that Alice's child, she left the child with Seibatu who was with Hawa Mosquito. So she took the child to her mother, behind Buedu, behind Benduma. I don't know what happened, but they said the child got missing. That was the information that I got.

Q. Seibatu took the child with one Mosquito, is that what you said?

A. No. I said Seibatu took the child to her mother. Her mother was living in a village around Buedu, behind Benduma. That was what they said.

Q. Now, which Seibatu are you talking about who took the child?
A. The same Seibatu who was with Hawa Mosquito.

Q. And she took the child to her, as in Seibatu's mother? She took the child to her, that is Seibatu's mother?

A. Yes. She said the child was with Seibatu's mother.

Q. And then what happened when she took the child to Seibatu's mother - to her mother, rather, that is Seibatu?

A. Well, when I went to Buedu, the incident had already taken place. When I went there, that was the information I got.

Q. At the time that you went to Buedu and got this information, what was your relationship with CO Nya?

A. CO Nya and others were with Superman when they attacked me and they killed some of my bodyguards and they chased me up to Makali.

Q. So by the time you got to Buedu and heard about the missing child, you were running away from Superman and CO Nya and others?

A. Yes.

Q. And what was the relationship between CO Nya and Alice Pyne?

A. They were in Lunsar, Nya and others attacked me.

Q. Sorry, my question was what was the relationship between CO Nya and Alice Pyne?

A. Nya was Alice's husband.

Q. And who was the father of the child?

A. Nya.

Q. Now, Mr Sesay, you will recall counsel opposite quizzing you why you did not bother to ascertain the details of the missing child. With all the information that you've just given us, can you explain why, when you got to Buedu, running away from other people, CO Nya, you did not bother to find out what had
happened to his child?

A. I went to Buedu and the incident had already taken place, I just got the information. And at that time, Nya and others had attacked me. I had a wound in my toe when I got to Buedu, so I did not have interest in Nya's issue because they were chasing me to kill me at that time.

Q. Very well, Mr Sesay. Let's move on and deal with this topic. I don't want us to go into too much detail, so I'll ask you very specific questions and if you can assist me by giving specific answers because we have quite a lot of evidence, but we just need to put a few things into context.

Let's look at the topic relating to child soldiers. You yourself, Mr Sesay, you said in your evidence, you had children that were with you, yes?

A. Yes, in Kailahun.

Q. In Kailahun. What year was that?

A. That was 1993, '94.

Q. '93, '94, how many were they?

A. Well, about six of them, because there were the junior brothers and sisters of my bodyguards.

Q. We will come to that in a minute. There were six?

A. Yes, about that, six.

Q. How young was the youngest of the six?

A. At that time, the youngest one could have been around one year, and that is Ansu.

Q. And how old was the oldest?

A. The oldest among them would have been around 14 years in 1993, late '93.

Q. And when we say they were with you, what do you mean? Were
...they living under you? Or living with you?
A. They lived with me. We were in the same house, the same village as our brother in late 1993 up to the time I came to Giema in 1994.

Q. Yes?

PRESIDING JUDGE: Mr Sesay, this Ansu was a baby. Whose baby was Ansu?

THE WITNESS: That was Boys, Musa's mother, Yea Amie, that was his child. Ansu's big brother was Momoh, and Momoh should have been around 3 to 4 years at that time. And there was Momoh's elder one and he was called Alhaji.

PRESIDING JUDGE: I asked you who was the mother of this baby. I need to understand who was the mother of the baby.

THE WITNESS: Yea Amie. Ansu's mother was Yea Amie, that is Boys's mother.

PRESIDING JUDGE: Where was this mother at the time that Ansu was in your custody?

THE WITNESS: She was with me, Yea Amie was with me, because all of them retreated from Kailahun Town.

PRESIDING JUDGE: And how old was Ansu's mother?

THE WITNESS: Ansu's mother - even myself, I used to - I used to refer to her as "mother" because in Mende "Yea" means "mother". She was an elderly woman.

PRESIDING JUDGE: And where was her husband?

THE WITNESS: The husband had gone to Guinea at the start of the war. It was the woman who stayed behind at the house, together with the children. The husband went to Guinea and he returned after the war but I was told, when I was in detention, that they - that he died in 2005.
PRESIDING JUDGE: How did this woman come to be with you, she and her children, how did they come to be with you and your group?

THE WITNESS: My Lord, when Boys became my bodyguard in '93 - in late 1993 - during the retreat the woman retreated with her son, that is Boys, and they went to the border; that was how they came to live with me, because her son was my bodyguard.

MR CHEKERA: May I continue? Thank you.

Q. Now, Mr Sesay, when those children were living in your house, what were they doing? Were they attending to any duties?

A. Well, they attended to their mother to, like to prepare food, like some of those who were big enough, like Alhaji, he would fetch water to her, to prepare food.

Q. Now, besides yourself --

A. And there was the uncle, Pa Sama.

Q. He was the uncle to the kids as well?

A. Yes, Pa Sama, yes.

Q. He was also living with you?

A. Yes, Pa Sama was with me too in Giema.

Q. Okay. My question was were you the only commander who had that arrangement where you had kids from other families living with them?

A. No. Other commanders too had their bodyguards' family members with them. Like, for example, in late 1993 Peter Vandi was my deputy. He too had - his father was with him, an old man, and his sister's children were with him as well.

Q. And these kids, for how long did they remain in your care? Or under you?

A. They were with me up to the overthrow of the AFRC, and
after the AFRC took power from the SLPP then I left, and the
woman and her - and the man decided to return to Kailahun Town.
So during the AFRC, they left Giema to their house in Kailahun
Town, Pa Sama, Yea Amie and the children.

PRESIDING JUDGE: Mr Interpreter, when you say "they were
with me up to the overthrow of the AFRC", did you mean "overthrow
by the AFRC"?

THE INTERPRETER: Yes, your Honour.

THE WITNESS: Yes, my Lord, when they overthrew the SLPP.

MR CHEKERA:

Q. And Mr Sesay, when you say the woman and the man decided to
return to Kailahun, who are you talking about?

A. I'm referring to Yea Amie and her husband's elder brother,
that is Pa Sama, together with the children, they returned to
Kailahun Town from Giema to their house Mofindor Road.

Q. Now, Mr Sesay, while on this topic, let's talk about RUF
policy with respect to children. Was there any policy in the RUF
relating to children?

A. Well, there was no policy for children to become child
combatants but the RUF used to take children and train them, some
of them became fighters; like in 1998 RUF established schools,
and that continued up to the disarmament.

Q. At what point were children most used as combatants by the
RUF? At what point during the war, if you can give a date, when
this became prevalent?

A. That was during the jungle, from 1994 to '97.

Q. And these children who were used as combatants, what
specifically were they being used for?

A. Well, when they would go to the battlefront, some of them
would go with the children, some of those who were the age of 15
would fight and some of them would be at the PC Ground when the
attack would be going on, and some guys would use them, they
would use the children to carry their arms, because those were
little soldiers, and others would be at the houses to do domestic
chores for the RUF wives, and --
Q. In your evidence, under cross-examination, Mr Sesay, you
talked about children being taken to the front line and you made
reference to something that you referred to as the zoebush.

Firstly, when you talk of the front line, what are you talking
about?

A. The war was in different stages. Like between '94 and '97,
we would have the main road. That was the combat camp. Like, if
the enemy would be one mile to the village, it would be the
combat camp near the enemy. Then there they would establish a
camp called the zoebush. The boys would be there with them.

PRESIDING JUDGE: The question was: When you talk of the
front line, what are you talking about? Now, is that your
answer? Is that your explanation of what a front line was?

THE WITNESS: My Lord, I said there were different stages
in the war. Front line is where the battle takes place. That is
what is a front line, because there were times if the enemy is,
for example, in this village across this table, then the RUF is
on the other side, then here we would have a combat camp and the
people, that is the men who would be in the combat camp would be
the stand-by for combat at any time, and then there will be the
PC Ground, that is the rear, but front line is where the fighting
takes place.

MR CHEKERA:
Q. So, Mr Sesay, let's just make sure that we get this right. The front line is where the combat is taking place, this is where the exchange of fire is happening, right?
A. Yes.

Q. And you say there is a zone after the combat camp - sorry, after the front line - what do you call that area?
A. We call that area PC Ground.
Q. PC Ground. PC Ground is just - sorry, PC Ground is behind the front line?
A. Yes.
Q. And you mentioned another area behind the PC Ground.
A. That is the zoebush.
Q. So what's happening at the PC Ground?
A. The PC Ground is where they will prepare food for the combat camp men, and the PC Ground, if somebody was at the combat camp and was not well, that person would be taken to PC Ground for treatment.
Q. And the zoebush, what's happening at the zoebush?
A. It was in the zoebush that the fighters used to sleep.
Q. And these child combatants, which zone or zones would they be deployed, of these three?
A. They would be at the PC Ground. Some of them will assist in preparing food. Some of them will be in the zoebush with the fighters' wives.
Q. And this practice, for how long did it persist?
A. This practice started from 1994 and it was - it continued
up to the disarmament.

PRESIDING JUDGE: The children that you said, Mr Sesay, were carrying arms for the combatants, the children you described as little soldiers, where in this relation to which zone were these children, considering the zones that you've described, where would they be?

THE WITNESS: My Lord, they would be in the zoebush and they would also be in the PC Ground but when the time came for fighting and the enemy attacked the front line, the soldiers who had their guns would take the guns and they would go to the battlefront.

PRESIDING JUDGE: Yes, but I didn't ask you about the soldiers. I asked you about the little soldiers, the children. Those are the ones I asked you about. The ones that were carrying arms. Where were they located?

THE WITNESS: Those who were of the age of 15, they would go and fight but those who were not up to that age, they would have the fighters' arms or junior commandos' arms but when the fighting would start the fighters would take the arms from them because not all the fighters had arms.

JUDGE LUSSICK: Mr Sesay, you were asked was there any policy in the RUF relating to children and your answer was, "Well, there was no policy for children to become child combatants." But is it the case that there was no policy in the RUF one way or the other regarding the use of children as soldiers?

THE WITNESS: No, my Lord. I did not know of such a policy that it was a policy for children to become soldiers, no.

PRESIDING JUDGE: Was there a policy to prevent children
from becoming soldiers?

THE WITNESS: No, my Lord.

MR CHEKERA:

Q. So, Mr Sesay, in your evidence, some of these children who were in your evidence, around 15 or so, those who looked older than the rest, would actually go sometimes - would occasionally go to the front line?

A. Yes.

Q. And during the time that you, Mr Sesay, during the time that you led attacks, let's talk about, for instance, the attack on Kono, did you have children in your ranks who went to the front line when you attacked Kono?

A. I met children in Kono but I did not - they did not take part in the battle, they did not participate in the battle. They were with the women who prepared food at the PC Ground for the fighters and they used to fetch water at the PC Ground.

Q. We will talk about the children at PC Ground. I want to talk about you, from the time you left Buedu, to advance on Kono, did you take any children with you for that attack?

A. Well, some of my bodyguards' brothers went with me, like Boy George, Victor, some of their brothers went with me.

Q. And did they take part in the assault on Kono by yourself?

A. No. They did not take part because the arms which they carried were my bodyguards' arms, so when the time came for the attack, the arms were taken from them by my bodyguards.

Q. And when you got to PC Ground, you said there were children at PC Ground. Do you know the circumstances in which those children got to PC Ground?

A. Yes. Some of them were captured in Kono, some of them were
with their family members because around the PC Ground there were civilians.

Q. And were any of those children --

JUDGE LUSSICK: On that particular answer, I'm sorry to interrupt, Mr Chekera. I just wanted to clarify that.

You said, "some of them", referring to the children, "were captured in Kono". So are you saying the RUF used to capture children?

THE WITNESS: Well, my Lord, some of their family members had gone and they left them, and so they were - of their fighters in Kono. Some of them were family members of the RUF so they were staying at the PC Ground, my Lord.

PRESIDING JUDGE: Mr Sesay, what did you mean when you used the word "captured"? "Captured in Kono", when you were referring to these children?

THE WITNESS: What I mean, for example, if RUF went to a village and --

THE INTERPRETER: Your Honours, can the witness kindly slow down his pace and repeat this evidence.

PRESIDING JUDGE: Slow down, please, and repeat your answer. Explain what you meant by "captured".

THE WITNESS: My Lord, what I mean is that, like, when RUF was in Kono, at the PC Ground and if they went on a patrol and met people, family members, some of them will hide in the bush, they will take them from the bush and bring them to the PC Ground or maybe from the villages and they will bring them to the PC Ground, that is capture. That is what I mean.

PRESIDING JUDGE: In other words, take them against their will? That's what normally "capture" means. Can you confirm if
that is what happened?

THE WITNESS: Well, I was not in Kono.

PRESIDING JUDGE: It's either yes or no. We need to understand the word "capture." Is it yes or no? You're the one who used the word "capture", we are just seeking clarification from you. When you use the word "capture", can you confirm if you mean that these children were taken against their will? Yes or no?

THE WITNESS: Well, no, my Lord, because some of them were staying with the family members.

PRESIDING JUDGE: Yes, but the family members too would be captured, isn't this what you said?

THE WITNESS: Well, some of them were brought to the PC Ground because they didn't want them to stay in the bush on their own for Kamajors to attack them, so they wanted to bring them to the PC Ground to maintain security in the area.

PRESIDING JUDGE: Continue, Mr Chekera.

MR CHEKERA: Unless your Honours have other questions on the issue, I was going to move on.

PRESIDING JUDGE: I've said continue, please.

MR CHEKERA: Thank you.

Q. Mr Sesay, let's look at a different topic.

Mr Sesay, you will recall when you were under cross-examination, counsel asking you questions, a number of questions, effectively suggesting that the RUF had unfettered access into Liberia because you were receiving cooperation from Mr Taylor. You were referred, for instance, to D-186. Maybe we could look at D-186.

Mr Sesay, you will recall this was a letter that was shown
to you from Charles Taylor to President Tejan Kabbah, where Mr Taylor was reiterating his commitment to a non-aggression pact between Sierra Leone and Liberia in terms of the Mano River Union, and you were referred, Mr Sesay, in particular to paragraph 2, or the second paragraph. The paragraph was read out to you. I don't intend to read it out to you the paragraph again. But what counsel was putting to you, Mr Sesay, was that while Mr Taylor was committing or was purporting to commit to regional treaties, in the night he was supping with the devil, that is with you, the RUF, he was misleading President Tejan Kabbah into believing that he was committed to the peace process in terms of the peace treaty between the Mano River Union States, while all the while he was letting the RUF go in and out of Liberia.

Now, I'm just going to ask you a few questions in relation to this second paragraph because this paragraph, Mr Sesay, relates to Article 8 which provides that member states of the Mano River Union undertake to cooperate, to hand over militants from each other's governments who stray into neighbouring countries without authority. Do you understand what I'm saying?

Article 8 relates to, in this context, Mr Taylor was undertaking to hand over any military or paramilitary forces from Sierra Leone who strayed into Liberia. That's what paragraph 2 talks about.

Now, Mr Sesay, my question is: Was the RUF a member of the Sierra Leone military?

A. No.

Q. Was it a paramilitary force within the Sierra Leonean Government?
A. No.

Q. Now, Guinea, do you know whether Guinea is a member of the Mano river Union?

A. Yes.

Q. And, Mr Sesay, you've talked about certain members of the RUF. You talked about trade blossoming at the Guinean border, arms trading. What year was that, again, when you were trading arms to the Guinean border with the Guinean soldiers?

A. That was from '92 to '98. The only thing that stopped it was the attacks, when they crossed over to Mofindor and they crossed over to Yenga and even after those attacks in October/November we still continued to do business with them at the crossing points, whilst they were still at Yenga.

Q. Now, Mr Sesay, besides those cross border trading, besides the cross border trading, did the RUF have any other access into Guinea?

A. Yes. The RUF used to go to Guinea. In fact, it was in Guinea that Mamie Isatu Kallon used to go and do arrangements for ammunition and at any time RUF was going out, we used to transit through Guinea to go to Abidjan. We had people in Guinea who used to give lodging to our people who were travelling out of Sierra Leone, like in Gueckedou and Macenta.

Q. So the RUF could easily go in and out of Guinea?

A. Yes. They will just cross the river.

Q. And besides Guinea, the RUF was also crossing over into Ivory Coast, as you've mentioned?

A. Yes.

Q. Was there any restriction for the RUF - for the RUF, in terms of transit or crossing over into Ivory Coast?
A. No. There was no restriction, because our delegation was based in Danane. They will travel to Abidjan and they will travel to Danane, sometimes they will go to Guinea and they will come to Sierra Leone.

Q. And, Mr Sesay, when your delegation was in Ivory Coast, it was to the knowledge of the Government of Ivory Coast?

A. Yes. They knew about it.

Q. And were any RUF arrested in Ivory Coast?

A. No. The Ivorian government did not arrest any RUF member.

Q. Besides Mamie I who was arrested in Guinea, was there any other RUF member who was arrested in Guinea?

A. No. It was only Mamie I who was arrested and sent to Freetown.

Q. Very well. While on the same topic, Mr Sesay, this alleged easy access of the RUF into Liberia, you were referred to the incident involving Foday Kallon and how you went into Liberia to recruit former SLAs. You remember that?

A. Yes, I recall.

Q. And you said the SLAs who had fled to Liberia were in places like Vahun, Kolahun, and Foya. You recall that?

A. Yes, I recall.

Q. How far is Vahun from the Sierra Leonean border?

A. From Vahun to Bomaru is nine miles. So if you are talking about the border, then it's eight miles because from the border to Bomaru is one mile. So from Vahun town to Bomaru town is nine miles.

Q. And how far is Kolahun to the Sierra Leonean border?

A. Seventeen miles.

Q. And Foya, how far is it?
1. Seven miles.
2. And besides the SLAs who had fled to Liberia at this time and were living by the border line, were there any other persons from Sierra Leone who were living along the border line at this time, that the SLAs fled to Liberia?
3. Yes, there were thousands of civilians who were in Vahun as refugees and there were hundreds of thousands of civilians also who were refugees in Kolahun from Sierra Leone.
4. And how were the - how were these refugees crossing over into Liberia?
5. Well, at the time the intervention took place, when...
6. THE INTERPRETER: Your Honour, could the witness be advised to slow down and repeat.
7. PRESIDING JUDGE: Mr Sesay, slow down and repeat your answer, please.
8. Yes, my Lord. I said at the time the intervention took place, that was the time the civilians from Kenema, from around Tongo, Segbwema, Mano Junction, up to Daru, and its surroundings, they crossed over to Liberia through Kailahun, Bomaru.
9. What control measures were at the border posts at this time?
10. Well, do you mean on the RUF side or towards the Liberian side?
11. Let's talk on both sides.
12. Well, there were securities on both sides, but the RUF side of the security knew that the people were running away from the ECOMOG and the Kamajors and the Liberian securities saw the...
people in hundreds of thousands of people, they went as refugees. So they knew the people were going for rescue, for safety, in Liberia, to meet their family members. The people went together with their family members, children; there were many who crossed the borders.

Q. So --

JUDGE DOHERTY: Mr Sesay, are you saying that these hundreds of thousands of people who ran away for rescue were running only from the Kamajors, the ECOMOG and the Liberian security?

THE WITNESS: No. They were running away from Sierra Leone and going to seek refuge in Liberia, my Lord. That was during February of 1998 as a result of the attack by the ECOMOG and the Kamajors on Kenema, Tongo, Segbwema, Mano Junction, all of those areas.

MR CHEKERA:

Q. So those people, Mr Sesay, in their thousands were allowed access into Liberia?

A. Yes. They built a refugee camp in Vahun, they built another refugee camp in Kolahun.

Q. And when some of those people wanted to come back, were they being denied access to come back by the Liberians?

A. No. After the signing of the Lome Accord, the Liberians allowed them to return.

Q. So, Mr Sesay, during this time - just so that I get your evidence correctly - there are a lot of refugees along the Liberian border, Sierra Leonean refugees, and they can easily go in and out of Sierra Leone, is that your evidence?

A. Yes. That used to happen because even the trade that used
to take place at the borderlines, civilians used to come and meet
them there and they used to trade with them.
Q. Yes, Mr Sesay, let's move on and deal with something else.
Let's just quickly look at exhibit D-123G.
Mr Sesay, exhibit 123G is a photograph of an artillery
piece that, according to Mr Taylor's evidence, was given to him
by the RUF, and this exhibit was shown to you to prove that you
were lying when you said that the RUF did not give any artillery
pieces to Mr Taylor. Do you remember that?
A. Yes, I recall.
Q. Have you seen this artillery piece, or any artillery piece
that looks like this, from the time you were in the RUF, did you
see this particular artillery piece?
A. Yes. I saw one that looked like this.
Q. What - I don't know in military terms - what name do you
give to this artillery piece in military terms?
A. Well, this should be a 105 or a 106, but I cannot be
actually certain which exact one.
Q. You recall in your evidence you gave evidence of a 106 that
was captured, which you said Isaac was using. Did you say it was
being used by Isaac? I think you said Isaac.
A. Yes. I said it was Isaac and the late Kargbo who used it.
Q. That particular artillery piece that Isaac was using, do
you recall when that was captured?
A. Yes. That was - that was in '92.
Q. Where was it captured?
A. At Baiima.
Q. Were there more than one pieces that were captured on that
occasion?
A. No. We captured one piece, one 106, and a BZT. It was in the ambush.

Q. And that was the one that you say was then being used by Isaac in - the one that was captured, you said that was the one that Isaac was using?

A. Yes. I said that was what Isaac used to launch. He and CO Kargbo. That was what they used to go and launch at Mobai Junction.

Q. And do you know what happened to that particular piece eventually?

A. Well, that piece was with us. It was with us but later they were again recaptured from us at Baidu towards Koindu, including the BZT.

Q. So, Mr Sesay, my question to you is the piece you're talking about that Isaac was using and the one in D-7, are they one and the same piece or these are two different pieces?

A. Well, this was the particular type that Isaac and the other guy were - used to launch.

PRESIDING JUDGE: Mr Chekera, the witness said "they were again captured from us" at where?

THE WITNESS: At Baidu, on the borderline. That was where we were being pushed in 1993.

PRESIDING JUDGE: That is B-A-I-D-U? Is that how you spell that location?

THE WITNESS: Yes, my Lord.

MR CHEKERA:

Q. The one that Isaac was using was the one that was captured at Baidu from you in 1993?

A. That was what they captured from us at Baidu, but I heard
at one point that they captured this kind of weapon in Koindu at the time the RUF started the war in 1991, but the particular one that we captured at Baiima, that one we were using it.

PRESIDING JUDGE: Mr Sesay, what became of the weapon that you just described, the RUF captured in Koindu, the one that looks like the one in the photograph? What became of that weapon?

THE WITNESS: I heard that they captured one 105 in Koindu and that weapon was transported to Liberia, but the one that we captured in '93, that one remained with us.

MR CHEKERA:

Q. So, Mr Sesay, effectively you do agree with the Prosecution that the RUF did supply an artillery piece to Charles Taylor?

A. Well, that was at the start of the war in 1991.

Q. Very well. Let's move on to a different topic. Let's talk about the diamonds that you - that were taken from Johnny Paul Koroma, which you took to Burkina Faso - or, rather, Mr Sesay, let me rephrase my question - that you were meant to take to Burkina Faso and you eventually lost.

A. Yes.

Q. When you were sent to - when you were given instructions to go to Burkina Faso, you've indicated that your instructions were to go and meet up with Ibrahim Bah who would take you to General Diendere?

A. Yes.

Q. And when you were going to take the diamonds to - or, rather, let me rephrase. Who was going to hand over the diamonds to General Diendere?

A. Well, it was Ibrahim Bah.
Q. And what were the specific instructions when Ibrahim Bah hands over the diamonds to General Diendere? What were your instructions?

A. Well, the instruction was that Ibrahim Bah was to speak to - to talk to General Diendere for him to help us with ammunition because we were under pressure from the ECOMOG and the Kamajors. And he, Bockarie, did say that I should inform Ibrahim Bah about this so that he and General Diendere will be able to speak on the radio.

Q. General Diendere was going to speak on the radio with who after the handing over of the diamonds?

A. With Sam Bockarie. That Sam Bockarie will be able to talk to him on the radio so that everything that we would have been able to do would have gone through Ibrahim Bah so Ibrahim Bah would have brought them.

Q. Now, Mr Sesay, when you were instructed to go with these diamonds, were you given the diamonds and told that you were going to, on handing over the diamonds, receive X amount of ammunition or any amount of ammunition?

A. No. He did not tell me the amount of ammunition that I was to receive. When I would have arrived in Monrovia, Ibrahim Bah was to come and pick me up and we'd travel. And whilst we were there it was General Diendere who was supposed to tell us what he would be able to assist us with.

Q. I'm going to use a very legal term, Mr Sesay, and I hope it can be translated to you properly. The diamonds you took to General Diendere, were they consideration for a particular quantity of ammunition? Were they paying for a specific amount of ammunition?
A. No. I was just to travel with the diamonds myself and
Ibrahim Bah, and what General Diendere will be able to give us he
would have given us. But Bockarie did not actually tell me about
any specific amount of ammunition, my Lord.

JUDGE LUSSICK: There's just something I want explained to
me regarding that transaction. Mr Sesay, you were instructed to
go to Burkina Faso. What were you doing in Freetown? I beg your
pardon. I beg your pardon, of course. What were you doing in
Monrovia?

THE WITNESS: Well, my Lord, that was where I was to wait
for General Ibrahim who was supposed to pick me up. General
Ibrahim was supposed to travel from Burkina Faso and pick me up
in Monrovia and then he would travel with me.

JUDGE LUSSICK: But if you were going to Burkina Faso, what
I can't understand is why did Ibrahim Bah have to travel all the
way from Burkina Faso to pick you up in Monrovia when your
destination was Burkina Faso in any event? Why didn't you go
straight to Burkina Faso?

THE WITNESS: Yes, my Lord. It was Ibrahim Bah who was to
pick me up in Monrovia so that we would have travelled to go.
That was the instruction given to me because I had never
travelled to Monrovia - I mean, sorry, I had never travelled to
Burkina Faso and Bockarie said he had spoken to Ibrahim Bah and
Ibrahim too had accepted that he was going to travel to pick me
up in Monrovia.

JUDGE LUSSICK: So you did not know how to get to
Burkina Faso by yourself. Is that what you're saying?

THE WITNESS: Well, my Lord, I knew how to tell someone
that I wanted to travel to Burkina Faso, but the commander who
sent me said Ibrahim Bah should come and receive me from Monrovia for the two of us to travel and go. My Lord, I had no - I had no other option but for me to do what he told me to do, just to wait for Ibrahim Bah so that when he comes we'll travel.

MR CHEKERA:

Q. Mr Sesay, when you were sent with the diamonds, did Sam Bockarie tell you, "Take these diamonds to General Diendere and come back with ammunition"? Or, "You are going to take the diamonds and you're going to come back with ammunition"?

A. He told me that I was to travel to Monrovia and Ibrahim Bah was to meet me there and the two of us would go to Burkina Faso with the diamonds. And when we would have got to Burkina Faso, General Ibrahim would talk to Diendere and that he himself wished to talk to Diendere for him to talk to him to help us with ammunition.

Q. Now, Sam Bockarie was going to - once you delivered the diamonds, Sam Bockarie was then going to talk to General Diendere for him to help you with the - with ammunition. Is that what you're saying?

A. Yes.

Q. You go first, you deliver the diamonds and then once you delivered the diamonds, Sam Bockarie talks to General Diendere on the radio concerning supply of ammunition. Do I capture your evidence correctly?

A. When we would have arrived in Burkina Faso, that is Ibrahim Bah and myself, Ibrahim Bah would have explained to General Diendere about my mission and Bockarie said he intended to talk to General Diendere to help with the ammunition that he could help us with.
Q. Now, from what you heard from Sam Bockarie, had he already agreed with General Diendere on the supply of ammunition before your trip to Burkina Faso? Was there a deal already before you were dispatched to go to Burkina Faso for supply of arms - sorry, ammunition?

A. Yes. I knew of a deal that had been on between Mr Sankoh and Diendere, like the ammunition that they brought to Sierra Leone in 1997 --

Q. Mr Sesay, I'm sorry, I'm just going to cut you there and try to assist you to focus on this particular - I'm talking about the trip that you were taking - that you were taking to Burkina Faso. This particular trip where Sam Bockarie sent you. Before he sent you, did Sam Bockarie tell you that he had already struck a deal with General Diendere and all you had to do was to deliver diamonds to General - to Ibrahim Bah?

A. No. They had not struck a deal yet. It was when I would have arrived then they would strike a deal. But from my understanding, Sam Bockarie sent me to him because Diendere had been dealing with Mr Sankoh.

PRESIDING JUDGE: Let me ask another question for clarification. Were Sam Bockarie's instructions to you, Mr Sesay, that you hand the diamonds to Ibrahim Bah or that you hand the diamonds to General Diendere?

THE WITNESS: I was to hand the diamonds over to Ibrahim Bah and we were to take them to General Diendere because it was Ibrahim Bah who was to take me.

PRESIDING JUDGE: Because if you were to hand the diamonds to Ibrahim Bah, who was then to hand them to Diendere, why was it necessary for you to travel to Burkina Faso yourself?
THE WITNESS: Well, my Lord, Bockarie wanted me to go with the diamonds so I too would be present with Ibrahim Bah where the diamonds would be presented to Diendere. That was why I was sent.

13:05:12

JUDGE LUSSICK: Mr Sesay, I think you’ve answered this question before but how long did you wait in Monrovia for Ibrahim Bah to arrive?

THE WITNESS: My Lord, I think it was between three to five days. Around that. I cannot be specific but I spent some days before the diamonds fell off me.

13:05:42

JUDGE LUSSICK: You said earlier you had no choice but to do what you were told and wait in Monrovia. But did these arrangements make any sense to you? The diamonds were going to Burkina Faso, according to your instructions. The ammunition that you sought was in Burkina Faso, and yet there you are waiting five days in Monrovia. Did that make sense to you?

THE WITNESS: Yes, my Lord. I was awaiting Ibrahim Bah’s arrival. He was to take me along. That was what I was told by Bockarie, that I was to be in the hotel and to wait for Ibrahim Bah to take me along. And that is what happened exactly, my Lord.

13:06:31

MR CHEKERA:

Q. Mr Sesay, let’s just talk about Ibrahim Bah a little bit. Did you know where Ibrahim Bah was before he came to Monrovia to pick you up?

A. Before he was to come and pick me up, he was in Burkina Faso.

Q. And in your dealings with Sam Bockarie or, rather, in Sam Bockarie’s dealings with Ibrahim Bah, which you are privy to,
Did Sam Bockarie trust Ibrahim Bah to take diamonds anywhere by himself?

A. Well, if Sam Bockarie trusted Ibrahim Bah he wouldn't have sent me, but he sent me to go along. That is an indication that he didn't want Ibrahim Bah to go alone, that's why he said Ibrahim Bah should pick me and go with me.

Q. Was there any instance where diamonds would be handed over to Ibrahim Bah alone and he would know what to do with them without another member of the RUF present?

A. No. That had not happened before this time that I travelled.

Q. Incidentally, Mr Sesay, you mentioned Ibrahim Bah at some point taking off with some of the proceeds from the sale of diamonds. When was it?

A. That was in October to November of 2000.

Q. What happened on that incident? Don't go into detail.

A. Well, the money that was to be given to him and he was to send the money to me, he held on to part of the money, $60,000, and he did not give that money right up to date.

Q. Now, Mr Sesay, while still on the issue of the diamonds that were taken from Johnny Paul Koroma which you were supposed to take to Burkina Faso and you lost along the way, you will recall the evidence of TF1-371 being put to you on the quantity of the diamonds. You'll recall you had said in your evidence that they were worthless pieces, the only one that was worthy was a 14 carat - 13 or 14 carat diamond, and the rest were not of any significant value. Do you recall that?

A. Yes, I recall that.
Q. And evidence was put to you by counsel opposite that actually according to the evidence of 371, there were quite a number of - there were quite a number of plastics and the diamonds were in their thousands. You recall that?

A. Yes.

Q. When counsel opposite suggested that actually the diamonds were in their thousands. I want to refer you to the evidence of TF1-371, which counsel might have overlooked, concerning that - sorry, that's in the RUF trial. Concerning the amount of those diamonds, the quantity, and tell me whether you would agree with that. That's the transcript of 20 July 2006. That was closed session. So I'm not going to ask for it to be displayed. And that is at page 73.

MR KOUMJIAN: I would object to that, on the basis of the rule that evidence should be put to a witness so the witness could respond, any prior transcripts would have been available to Defence counsel during cross-examination.

PRESIDING JUDGE: I don't understand the nature of your objection because Mr Chekera is about to read the transcript.

MR KOUMJIAN: Well, it's very hard for me to say this in open session but my objection is based on the rule that you have to put evidence to a witness to get the witness's - the witnesses has a chance to respond.

PRESIDING JUDGE: I thought that's what Mr Chekera is about to do.

MR CHEKERA: Indeed.

MR KOUMJIAN: It's not this witness I'm talking about. He's saying there is a contradiction.
PRESIDING JUDGE: What is the nature of your objection, Mr Koumjian? You've lost me, really. What is the nature of your objection?

MR KOUMJIAN: Counsel had the opportunity, much earlier in the trial, the Defence, in general, I mean, to put any contradiction or any such evidence to another witness, and I can't say whether I recall whether they did or not but they should have at that time.

PRESIDING JUDGE: No, no, no. The contradiction or the -

I think the contradiction that he now wants to put to the witness is to contradict you, Mr Koumjian. This is what I understand. Your suggestions, as the Prosecution. Not to contradict another witness but to contradict your suggestion. So am I right, Mr Chekera?

MR CHEKERA: Indeed.

PRESIDING JUDGE: Then the objection is overruled.

MR CHEKERA:

Q. Mr Sesay, you will recall there was a dispute as to the quantity of the diamonds, and counsel opposite suggested on the basis of the evidence of TF1-371 that actually the diamonds were in their thousands. And I'm just going to read to you part of the evidence of TF1-371, 20 July.

MR KOUMJIAN: I just want to correct. I think what I said is 1,832 diamonds, not in the thousands, that was from a document.

MR CHEKERA: I have no problem with the correction, thank you very much.

Q. The diamonds were over a thousand, Mr Sesay, according to learned counsel opposite, and this is the evidence of 371 on the
same issue, on 20 July 2006, at page 73. I'll probably start at line 12:

"I had started out by asking you - that was a question - I had started out by asking you if you remembered if anything happened in Buedu and you've told us of the - of these events involving Alex Tamba Brima. Do you remember anything else happening when you arrived in Buedu?"

MR KOUMJIAN: I apologise but I can't find a transcript from 20 July 2006. Could I just ask counsel to check the date?

JUDGE DOHERTY: I was also going to ask which trial is this from, Mr Chekera?

MR CHEKERA: I'm sorry, it's from the RUF trial, I'm sorry.

MR KOUMJIAN: And the date is 20 July, 2006?

MR CHEKERA: Yes, page 73.

PRESIDING JUDGE: Perhaps you could indicate the line.

MR CHEKERA: Sorry, Madam President, I'm reading from line 12.

PRESIDING JUDGE: This is the evidence of TF1-371?

MR CHEKERA: Yes.

PRESIDING JUDGE: Very well. But please read slowly, taking into account that the judges don't have the transcript in front of them.

MR CHEKERA: Yes, Madam President. My apologies. If I had known it would be difficult to locate I would have made copies.

The question at line 12 was:

"Q. I had started by asking you if you remembered if anything happened in Buedu and you've told us of these events involving Alex Tamba Brima. Do you remember anything else happening when you arrived in Buedu?"
A. Just another event that had to do with again

dispossessing Johnny Paul Koroma of nine plastics of
diamond.

Q. When you use the term 'nine plastics of diamond', what
do you mean by that?

A. They were diamonds in small plastics, could have been
around - sorry could have been hundred pieces of various
grades that were in the possession of Johnny Paul Koroma."

The witness goes on, but I'm not interested in what the

evidence that goes on after that. I'm only interested in the
part where it reads: "They could have been around hundred pieces
of various grades that were in possession of Johnny Paul Koroma."

Now, Mr Sesay, this new evidence - I refer to it as new
because it was not referred to you earlier in your

cross-examination - by TF1-371 that the diamonds that were taken
from Johnny Paul Koroma were not in over a thousand but maybe
around the hundred, is this consistent with your recollection of
the diamonds that were taken away from Johnny Paul Koroma?

A. Yes. The diamonds - there was just one piece amongst them
that was valuable but the others were small pieces, and they
could be around that figure.

Q. And, Mr Sesay, maybe I'm the only one who is ignorant on
diamonds. When we talk of small pieces numbering hundreds, what
are we talking about in terms of size? If I gave you a piece of
paper, would you be able to indicate the size of the small
pieces, just so that we have an idea of what is referred to as
small pieces in diamond terms?

A. Well, a small piece of diamond, some could be 25 per cent,
50 per cent, 75 per cent, one carat.
Q. Sorry, Mr Sesay, maybe I'll just ask you to draw a small piece of diamond on a piece of paper because the more you talk of carats, the more you confuse me.

Madam President, may I ask Court Management to assist with a clean sheet of paper.

PRESIDING JUDGE: Yes, please, give the witness a piece of paper and a pen, a proper pen, not a felt tip.

MR CHEKERA: For the record, I should say I only know the carats on rings.

PRESIDING JUDGE: You're not the only one, Mr Chekera.

THE WITNESS: Do you mean I should draw a small piece of diamond, one or what?

MR CHEKERA:

Q. When you're talking of small pieces of diamonds, let's talk of the diamonds that were taken from Johnny Paul Koroma. If you could draw just a few, trying to approximate the size that were in the packet, just so we have an idea of what a small piece of diamond looks like.

Thank you. Could I just have a quick, closer look? Thank you.

PRESIDING JUDGE: Could I also ask the witness to indicate on this piece of paper, alongside the small pieces, the size of the 14 carat diamond.

MR CHEKERA:

Q. Maybe, Mr Sesay, if we could date it and sign it, I'm thinking of how to - Mr Sesay, on top, write on top of that - let's write "sample of small pieces of diamonds", sample as in S-A-M-P-L-E, "of small diamonds."

JUDGE LUSSICK: Mr Chekera, you've mentioned witness 371,
and the quantity of diamonds he was describing. But did 371 ever say that they were the diamonds that were lost by Issa Sesay?

MR CHEKERA: The evidence was taken from Johnny Paul Koroma.

JUDGE LUSSICK: Well, I'm correct, then, 371 never said that the diamonds taken from Johnny Paul Koroma were the diamonds lost by Issa Sesay in Monrovia; is that correct?

MR CHEKERA: I would not recall from the RUF trial transcript that I referred to. I would not say so.

Q. Sorry, Mr Sesay, "Sample of small pieces of diamonds, and one 14 carat".

Madam President, I don't know whether the description on the drawing of the diamonds is reflective enough.

PRESIDING JUDGE: Mr Chekera, we need to understand. This is the sample of diamonds and the one 14 carat, of what diamonds, of which diamonds are we talking about?

MR CHEKERA:

Q. Let's say, Mr Sesay, if you go back to, after the 14 carat, let's say approximating diamonds that were taken from Johnny Paul Koroma.

Mr Sesay - oh, sorry, on that piece of paper, after the, after "14 carat", write, "Approximating", A-P-P-R-O-X-I-M-A-T-I-N-G, "approximating the diamonds that were taken to" - sorry, "taken from Johnny Paul Koroma."

A. Yes, but you told me to just write the type of small pieces of diamonds, but the pieces were much more than this. These that I have drawn here. They were about 100 pieces, including the 14 carats.

Q. We will come to that. We'll deal with that. Just write
what I said and we'll put the qualification.

A. Okay.

Q. "Approximating the diamonds taken from Johnny Paul Koroma, in terms of size."

A. "In terms of"?

Q. "Size", S-I-Z-E. Okay, let's just see what you have written there.

MR CHEKERA: I hope that suffices, Madam President.

I request that that be marked for identification.

PRESIDING JUDGE: The piece of paper on which Mr Sesay has drawn various sizes signifying the diamonds that were taken from Johnny Paul Koroma is marked MFI-44.

MR CHEKERA: Now, let's stay on the topic of diamonds, Mr Sesay, and --

PRESIDING JUDGE: Mr Chekera, it is 1.30. We will continue after the luncheon break at 2.30. We will adjourn now.

[Lunch break taken at 1.31 p.m.]

[Upon resuming at 2.30 p.m.]

MR KOUMJIAN: Good afternoon, your Honours. I failed to note at the last break the change of appearance on the Prosecution bench. We are joined by Brenda J Hollis, and Kathryn Howarth has left us.

PRESIDING JUDGE: Thank you.

Good afternoon, Mr Chekera.

MR CHEKERA: Yes, Madam President, thank you. Just also to note that we are joined by Mr Anyah, and I also overlooked to announce Ms Hambrick just before the midmorning break.

PRESIDING JUDGE: Thank you. Please continue.

MR CHEKERA:
Q. Mr Sesay, we were discussing - we were on the topic of diamonds, and we were discussing the diamonds that were taken from Johnny Paul Koroma. Let's just stick with the topic of diamonds for the time being and look at a different aspect.

You will recall, Mr Sesay, you were referred to a document that is P-33B, if we may have a look at that, Mr Sesay.

While the document is being located, Mr Sesay, just a few questions, and if you can be as concise as possible.

When was the RUF first involved in diamond mining?

A. It was in '97, with Sam Bockarie in Tongo for the first time, around September.

Q. And before 1997, from the time that you were training at Naama, did Foday Sankoh issue or establish any policy with respect to diamonds in the RUF?

A. No. There was nothing about mining of diamonds in the RUF.

Q. At the time that you were training at Naama to the time that were you fighting within Sierra Leone, up to 1997, when you started mining diamonds, did Foday Sankoh say anything about the war in relation to the diamonds?

A. No.

Q. Now, Mr Sesay, you will recall that, if you look at P-33B, this was an exhibit that was shown to you of an interview by Charles Taylor to, I think it was a newspaper or a magazine called Le Monde, and you were referred to a particular passage or rather a particular sentence or phrase in the third paragraph from the top, where it was put to you by learned counsel opposite that even Charles Taylor considered that the war in Sierra Leone was about diamonds. Do you remember that aspect?

A. Yes, I recall.
Q. Before I refer you to this - to the full context in which that statement was made and ask for your comment, I don't want you to repeat your evidence. Just be as concise as you can be. When you were fighting in Sierra Leone, at least let's limit it up to 1997, from the time you took training in - at Naama, were you fighting for diamonds?

A. No, no.

Q. Again, just to put that answer into context, what were you fighting for? Don't give us a long answer. Just be as concise as possible.

A. Well, we were fighting to gain political power in Sierra Leone, to get the government.

Q. And, in terms of geographical location, or location, when you were fighting in Sierra Leone, what was or where was your ultimate destination? Where were you hoping to go finally, if you were to gain political control?

A. Well, it was Freetown, because that was our main target.

Q. Now, if you look at - let's look at P-33B, to the excerpt that was read to you by learned counsel opposite, and I just want to give you the full context of the excerpt in the context of what Charles Taylor was saying during this interview. The third paragraph from the top:

"Yes, I think the war in Sierra Leone is a war for diamonds, but not because Liberia wants those diamonds. We already have diamonds. The war is taking place because the British want those diamonds."

Mr Sesay, that was the full context in which Charles Taylor said the war in Sierra Leone was about diamonds. Would you agree with that assessment?
A. I agree with my own experience, because with my own experience since the war started in Sierra Leone in 1991, it was not about diamonds and even the APC did not say the war was about diamonds. And when the NPRC came in 1992 to early '96 they did not say the war RUF was fighting about diamonds, so it was just around 1997, 1998 with the SLPP that this issue of diamonds came up and now they started referring to the war issue as blood diamonds or the war was about diamonds but the war started in Sierra Leone since '91 to 1997. And that was the longest period in the war time but nobody spoke about diamonds. There was nothing about diamonds in the RUF. It was from '97, '98 to '99 that we started hearing about blood diamonds and that the war was all about diamonds.

Q. Mr Sesay, just quickly, let's look at the parties who were mining over the course of the conflict in Sierra Leone. I am looking at the entire course from the time you started the war from Liberia to the time of disarmament. The RUF was mining diamonds at some point?

A. Yes.

Q. The AFRC was also mining diamonds at some point?

A. Yes.

Q. Were there any other parties who were mining diamonds in Sierra Leone?

A. Yes. Yes, the NPRC also. In fact, they were the ones who brought the Executive Outcomes who were a mercenary group who were fighting and mining in Kono. They brought heavy machines and they were doing mechanised mining.

Q. Do you know what the Executive Outcomes were from?

A. Yes. They were from South Africa. In fact, they had
helicopter gunships, they had tanks.

Q. And what period were they mining the diamonds in Sierra Leone?

A. Well, they came around - they came between '94 and remained in Sierra Leone up to the time that the AFRC came to power. They were still in Kono, the Executive Outcome. That was in '97.

Q. Okay. From '94 to '97, Mr Sesay, how many years of those?

A. I don't understand.

Q. You said they were mining, they came in 1994 and they were in Sierra Leone until - up to the time the AFRC came to power in '97, and I am saying from 1993 - sorry, from 1994 to 1997, how many years are those?

A. It is about three years and more.

Q. And it is your evidence that for that three year period they were mining in Sierra Leone?

A. Yes, yes. They were doing mining.

Q. And you said they had heavy machinery?

A. Yes.

Q. Besides the Executive Outcome, were there any other external or foreign parties who were involved in diamond mining in Sierra Leone at any point?

A. Yes, the NPRC also brought Israelis who were mining. They came with the mining company and they were mining for the NPRC.

Q. When was that?

A. That was between '92 to '96.

Q. And what period is that?

A. My Lord, it was during the reign of the NPRC.

Q. Sorry, my mistake. How many years of those that they were mining from '92 to '96?
A. I think it is four years.

Q. When you were fighting ECOMOG, was ECOMOG also mining?

A. Yes, yes, yes. ECOMOG was mining.

Q. What period was ECOMOG mining?

A. Well, since the time ECOMOG captured Kono in May up to December they were mining in Kono up to - that was in '98.

Q. Any other parties that were involved in mining, Mr Sesay?

A. Well, even the Kamajors too were mining.

Q. So, Mr Sesay, effectively all the warring parties in Sierra Leone at some point were involved in diamond mining?

A. Yes.

Q. Now, when the RUF was mining diamonds, what was the purpose for mining diamonds?

A. Well, that was to manager the welfare of the RUF.

Q. And do you know why the NPRC government were mining diamonds?

A. Well, I can say that was to maintain their government by then, the NPRC, because they brought mercenaries and they were fighting against us, yes, they were the ones that were fighting.

Q. What about the Kamajors?

A. They also were doing it for themselves, for the Kamajors.

Q. ECOMOG, who were they mining for?

A. They also for themselves.

Q. Mr Sesay, at some point you mentioned in your evidence under cross-examination, you mentioned forces that you referred to as the Sandlines, is it?

A. Yes, the Sandlines, yes.

Q. Who were the Sandlines?
A. Sandlines, I understood that they came from Britain, they came from England.

Q. Do you know whether they were involved in mining?

A. Yes. The Sandline had a mining company that has later been changed into the Koidu Mining Holdings. That is the Sandline company.

PRESIDING JUDGE: Mr Chekera, when you say Sandline forces, were these fighting forces? You used the word "forces" under -

on page 113, line 5.

MR CHEKERA: That might be my mistake. Let me rephrase my question - rather, let me put it to the witness to clarify.

Q. Mr Sesay, Sandlines, who were Sandlines?

A. Well, Sandlines was also a mercenary group that was a company. They used to supply President Kabbah's government with arms and ammunition and they had helicopters in Sierra Leone that used to airlift supplies to Kamajors at different locations and they were taking responsibilities for the Kamajors - movement of Kamajors from one place to the other.

Q. You have indicated that they were from, did you say England?

A. Yes, they said they were British.

Q. And do you recall when it is that they came to Sierra Leone?

A. Well, it was in '98.

Q. And when did they leave?

A. Well, they were with the Sierra Leone government, the previous government, and even the mining company that was operating, the Koidu Mining something - they owned that company.

Q. You said that they later became a company called - they
owned this company, Koidu Mining. What does Koidu Mining do?

A. It is a diamond mining company, they mine for diamonds.

Q. Are they still operating in Sierra Leone up to this day?

A. Well, I don't know for now because I am not in Sierra Leone, I am now in Rwanda but before my arrest they were there. At the time President Kabbah was in power they were there because I used to hear about them, read about them in the newspaper.

Q. Now, Mr Sesay, bearing in mind that you have said there is - or, rather, before I continue with the question I was going to ask you, let me ask you another question. What sort of mining does Koidu Holdings do, in terms of -

A. They do kimberlite mining. They mine for diamonds in the kimberlite, that is deep mining.

Q. In lay terms, is that a small scale - is that small-scale mining or heavy duty mining?

A. It is a highly mechanised mining. That is the only way you can mine for kimberlite, heavy mining.

Q. Mr Sesay, bearing in mind the nature of the mining that's being done by Koidu Mining Company, formerly, Sandline or associated with Sandline, and bearing in mind your evidence that you have just said this is a British company, do you agree or disagree with Mr Taylor's assessment here that yes, there was a war about diamonds and that the British wanted those diamonds?

A. Well, I wouldn't dispute that.

Q. Now, Mr Sesay, during the -

PRESIDING JUDGE: Can I ask of Mr Sesay: When you say you don't dispute that, are you saying that the British were involved in the war? In the fighting?
THE WITNESS: Well, my Lord, yes, because they were the ones who attacked the West Side. It was comprised of British troops and we understood that at the time Sierra Leone was under embargo for arms and ammunition, they were the ones who supplied ECOMOG with ammunition in Sierra Leone. The ammunition came from Britain to fight against the AFRC and the RUF.

PRESIDING JUDGE: And this was with a view to getting their hands on the diamonds?

THE WITNESS: Well, when we saw Sandlines and when Sandline came, they got involved in the mining business and that had something to do with diamonds.

PRESIDING JUDGE: Yes, but I want to hear from you, what is the relationship between IMATT and Sandlines in relation to the diamonds.

THE WITNESS: IMATT is different from Sandlines, ma'am, my Lord. Sandlines came - IMATT came during the May 2000 incident. So they were different from the Sandlines. IMATT was not involved in mining but Sandlines was a mercenary that was accompanying with - by coming - so they were mining and so these are two different groups.

PRESIDING JUDGE: You said it was Sandlines was a mercenary that was accompanying what?

THE WITNESS: I said Sandline was a mercenary group that had a mining company in Sierra Leone and it was Sandline that was with the SLPP government in '98.

JUDGE DOHERTY: Mr Sesay, was IMATT not a training programme?

THE WITNESS: Yes, my Lord. Later they were the ones who trained the Sierra Leone Army. That was during the
re-integration, when they trained the Kamajors, the RUF into the national army. But when they came they were the ones who fought at the West Side. That was when 11 British troops were captured. So those were totally different from Sandlines, my Lord.

MR CHEKERA:

Q. Mr Sesay, I hope this is clear, but just maybe to put this beyond question. Sandline is a mercenary group from England?
A. Yes. They said they came from Britain.
Q. And it associated to a mining company that was mining diamonds in Sierra Leone?
A. Yes.
Q. Very well. Now, Mr Sesay, when the RUF was mining in Sierra Leone, what was the nature of the mining that was being done by the RUF?
A. The RUF mining was a manual kind of - I don't know how you call it, is it alluvial mining or what, but it was manual type of mining.
Q. And you will recall that evidence was put to you, Mr Sesay, that actually RUF received some machinery from Liberia. What sort of machinery did the RUF have, if any?
A. Well, for me, the only different people that I knew that came with the RUF were the few ULIMO men that Abu Keita brought with him, that is his Mandingo men that came with, that were not in arms, and Senegalese and others who were ex-ULIMO fighters.
Q. Sorry, Mr Sesay, it might be my problem. Maybe I wasn't clear in my question. What sort of machinery, if any, did the RUF have for mining?
A. Well, the RUF, since '99, there were no machines. It was when Ibrahim Bah and others came between December and January
2000, then we repaired an old Caterpillar, but the Caterpillar did not work well. It used to get persistent breakdowns. So RUF did not do mechanised mining. They were only doing manual mining, and it used the bailing machines to bail out the water.

Q. Mr Sesay, if you can give us a very concise answer, if you are capable. At your peak, that is the RUF, what was the output of - what was the output of the diamonds you would get in a month?

JUDGE DOHERTY: Mr Chekera, when you say what they would get in a month, my understanding is there was more than one location. Is that in the conglomerate locations?

MR CHEKERA: Maybe I could just say it would appear - let me - maybe to lead up to that question, let me ask a few questions.

Q. Mr Sesay, during the time that the RUF was mining for diamonds, what locations were you mining in?

A. Well, we were mining in Kono, and later we were mining in Tongo, from 2000 to 2001.

Q. So 2000 to 2001, you were mining both in Kono and in Tongo?

A. Yes. But when the disarmament took place in September in Kono, the mining stopped in 2001. But during these mining periods, we had the rainy season that, let's say, starts from June to October, and at that time the --

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

MR CHEKERA:

Q. Mr Sesay, just slow down and just finish off what you were going to say, and then I will stop you there.

A. I said, between June and October is the rainy season, and
during the rainy season we only go and remove the upper dirt and
then we get the dirt from there and take it to the riverside and
then we wash it, because it was during the rainy season. So we
will need bailing machines and we will need petrol, we will need
engine oil. And in some areas, you can remove the gravel, you
wash it, you don't find anything there.

Q. Very well. Now, Mr Sesay, during the time that you were
mining, both in Kono and in Tongo, were the diamonds taken to a
central location? Was there would be place where all the
diamonds would be brought to, or one person to whom they would be
brought?

A. Yes. That was to me. Like, between May to October, when
they used to give me the diamonds, or maybe they wash the dry
dirt, they take it to the riverside to wash it, they will bring
them to me, and I used to sell them sometimes to Alhaji Backareh
for 10 to 15 thousand, and I would keep the remaining to buy
medicine and food for the RUF.

PRESIDING JUDGE: You would sell them to who?

THE WITNESS: I said sometimes I used to sell some to

Alhaji Backareh, my Lord.

PRESIDING JUDGE: Can you spell that name, Mr Interpreter.

THE INTERPRETER: Yes, your Honours. It is


PRESIDING JUDGE: And the first was what?

THE INTERPRETER: Alhaji.

MR CHEKERA: That should be easy.

Q. Now, Mr Sesay, my question - let me go back to my question.

When you were the central location or the central point for the
collection of diamonds that were being mined under your regime,
there were months which were bad and there were months which were particularly good. Let's talk of the good months. How much would you say was the highest you realised from diamonds during the time that you were collecting diamonds that were being mined from both Kono and Tongo?

JUDGE LUSSICK: You mean the highest amount of diamonds or the highest amount of money earned from the diamonds?

MR CHEKERA: Let me put it in money terms to make it easier.

Q. How much did you realise, the highest amount of money you realised, from the sale of diamonds when you were in custody of the diamonds for the RUF?

A. Well, that was the diamond that I sold in March of 2001, which was $135,000.

Q. During that month, did you just sell that one diamond, or you sold others?

A. No. I said there was one amongst them that was 52 carats that cost $52,000, and the remaining put together, all was $135,000, so it was not a single diamond.

Q. During the - you've given evidence, Mr Sesay, that you controlled the diamond mining areas for about 15 months. You recall that from cross-examination?

A. Yes.

Q. Were there months that you went without - were there months that you didn't find any diamond?

A. Yes. There were months during which we only removed the upper dirt and we get the dirt from underneath, or maybe we would get the dry dirt, we take it to the river to wash it. That was between June to October. At that time, we only used to carry the
dry dirt to the riverside to wash it, because, at that time, it was expensive, the mining was expensive. It was difficult to bail out the water.

Q. We will come back to that in a minute, Mr Sesay.

Mr Sesay, you just mentioned diamond mining in Tongo. When did you say that you started diamond mining in Tongo?

A. I said 2000.

Q. You will recall, Mr Sesay, that you were shown exhibit P-150, which I would contradict that account. Maybe we could look at exhibit P-150.

Mr Sesay, that document, you will recall, that is a logbook of diamond mining operations allegedly, diamond mining operations in Tongo, and counsel opposite specifically referred you to part of that document that related to diamond mining in Tongo between around February/March of 1999. You remember that aspect?

A. Yes, I recall.

Q. And you were quick to dismiss this document as a forgery.

You will recall that?

A. Yes, I do recall.

Q. Now, why do you discount this document, which is in the possession of the Prosecution, purportedly contradicting you, why do you discount it as a forgery?

A. Well, within the entire RUF, everybody knew that there was no mining going on in Tongo in 1999, and there was only one mining commander that we had in 1999, and the Prosecution brought him as a witness against me, and when he was asked, he too said so, that there was no mining going on in Tongo throughout '99. And no other insider spoke about mining in my trial. So if the mining commander for the RUF and myself knew that there was no
mining going on there, so I know that this document was forged.

It is false, because such a mining never took place in Tongo Field in '99.

Q. Do you know who prepared this document, Mr Sesay, that you dismiss as a forgery?

A. Well, when I was in detention, I had a cousin, he was a soldier, an AFRC member. He --

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

15:07:14

PRESIDING JUDGE: Mr Sesay.

THE WITNESS: Yes, my Lord.

PRESIDING JUDGE: Please repeat your answer, slowly.

THE WITNESS: My Lord, I said when I was in the detention in Freetown, one captain Musa Jalloh, a soldier, once said to me that had he gone to Colonel Alpha, who too was an AFRC but he used to mine for the RUF in Tongo Field. He said the Prosecution had rented a house for Colonel Alpha in Babadori --

MR CHEKERA: Mr Sesay, just before you continue, I just want to check with counsel opposite whether we are not infringing on any protected witnesses in this evidence.

MR KOUMJIAN: I wouldn't - I don't know of any protected witness being mentioned in the evidence, and obviously the witness hasn't talked yet about a witness. He hasn't said anyone was a witness.

MR CHEKERA: Very well. I just wanted to be careful.

Q. You were talking about a Colonel Alpha, Mr Sesay, you said?

A. Yes.

Q. Yes. Let's pick it up from there.

A. So Musa Jalloh said to me that the Prosecution had rented a
house for Colonel Alpha in Babadori, and Colonel Alpha was preparing lies about mining in Tongo Field regarding diamonds, and he was preparing false documents.

Q. Do you know whether exhibit P-150 is one such document.

15:09:31 Mr Sesay?

6 A. This one in the present --

7 Q. Yes.

8 THE INTERPRETER: Your Honours, can counsel kindly wait for the interpretation.

15:09:43 MR CHEKERA: I am sorry.

11 Q. Sorry, Mr Sesay. Let's start again. Sorry. My apologies.

12 Mr Sesay, let's start with the question again. Do you know whether P-5 is one such document, one of the documents that you say was forged by Colonel Alpha?

15:10:05 A. Well, I cannot be precise now to say that this one was forged by Colonel Alpha, but this is one of the forged documents because this one is not an authentic document. It is not a true document because the places where they said mining were going on, at that time there was no RUF in that area. Even so, if RUF wasn't there, how could they have been mining there? How could RUF have prepared documents about mining in a place where they were not mining?

15:10:35 Q. Now, Mr Sesay, when did you first see exhibit P-150?

15:11:02 A. Here, because in my trial they did not show any - any exhibit about mining here. I don't know about this exhibit. Is it exhibit P-19? I don't know. But there was no exhibit about diamond mining in Tongo in 1999, in Tongo Fields. No, there was nothing like that.

15:11:23 Q. In your case, Mr Sesay, were you accused or charged with
mining in Tongo Field in 1999?

A. Well, 1999, the evidence that was adduced about mining was about '97 and 2001.

Q. Sorry, I wasn't talking about the evidence. I am talking about allegations. Were there allegations against you in your case that the RUF was mining in Tongo in 1999?

A. Well, I don't recall that area of the indictment.

Q. Very well. And the evidence that was brought against you in your case, you have just indicated there was no evidence about mining in Tongo Field in '99?

A. Yes. The evidence is about '97. More of '97 regarding Tongo. The only people who spoke about mining in Tongo Field were the insiders, about 2000, but it was not about '99.

Q. You said one of the witnesses, I am not sure of the protective measures in place, or maybe you should not tell me the name - one of the witnesses you said in your case on allegations of mining you said was the commander of the RUF mining commander?

A. Yes. I cannot call out the name, but if we're saying the RUF mining commander it would be easy for him to be picked out, because he was the only commander for the RUF at that time. He was the only one there. And when he was asked, he said there was no mining going on in Tongo because Kamajors were attacking there, and that was true in '99.

MR CHEKERA: I am going to tread carefully here. Counsel opposite, I hope I am not treading on protected witnesses. Before I proceed, maybe I could just ask for the name to be written on a piece of paper.

MR KOUMJIAN: Well, I think what Mr Sesay knows is that TF1
number, 367, and I have no problem with counsel using that
number.

MR CHEKERA: Very well.

MR KOUMJIAN: But I would point out that the document
before the witness was an exhibit in the RUF case, exhibit 42 in
the RUF case, P-150.

MR CHEKERA: Very well. That will be noted.

Q. Mr Sesay, let's just stick to the - let's just stick to the
pseudonym 367, TF1-367. That was the witness you were talking
about who testified against you in the RUF case?

A. Yes.

Q. And what did he say about mining in Tongo in 1999?

A. Well, he was asked about mining in Tongo in '99 and he
said, he said, "No, do you want Kamajors to go and kill me?" He
said we were not mining in Tongo at the time because Kamajors
were attacking at that time. And that is the fact, there was no
mining going on in '99 in Tongo.

Q. And who was the custodian of official documents relating to
mining in the RUF during the time that you were in charge?

A. That's the mining commandant - the mining commander.

Q. Would that be the same person, 367?

A. Yes, 367 was the authorised person to have custody of the
diamond documents from '97, '98, to February - to 2000. But from
February 2000, he was not the one any more.

PRESIDING JUDGE: Mr Chekera, are we talking about the
mining commandant in Kono, or what are we talking about?

MR CHEKERA: Let me clarify that, thank you.

Q. 367, Mr Sesay, he was mining commandant in which location?

A. For Kono, because he was the mining commandant for Kono. He
...was in Kono because there was no mining in Tongo in '98 or '99.

THE INTERPRETER: Your Honour, can the interpreter make an
correction. The expression "diamond documents" is to be "mining
documents".

PRESIDING JUDGE: Right. Okay, if I may inquire further,
is this the person whose names were written on MFI-5? You
remember the witness was asked previously to write some names of
a mining commander in Kono. Can you please check.

MR CHEKERA: Let me please check, Madam President.

PRESIDING JUDGE: If Madam Court Manager could find MFI-5
and show this to the witness just to confirm. Is this the person
we are talking about now?

THE WITNESS: Yes, my Lord, he is.

MR CHEKERA:

Q. Now, Mr Sesay, when RUF started mining in Tongo Fields who
was the mining commander?

A. Well, Mr Sankoh first sent Akim from Kono, he went to
Tongo. And from there he withdrew Akim to Freetown. And I sent
Colonel Banya there, he was the brigade commander there and at
the same time he was supervising the mining. He was there. And
thereafter I sent Peleto and Peleto became the mining commander
there.

Q. Mr Sesay, I just want you to help us tie the names to
specific time frames. Let's start with Akim. When was he mining
commander, if you can just give a time frame?

A. That was around March to April. That was when he went to
Tongo, 2000, around March. Then Mr Sankoh withdrew him to
Freetown and Mr Sankoh asked me to send some other person around
early April. And I sent Colonel Alpha and he went there from...
April to sometime in 2000. And I sent Peleto there around
September/October of 2000. And I sent Peleto there.

Q. Now you also mentioned someone called Colonel Banya, did
you?

A. No. He was a brigade commander. He was not a mining
 commander.

Q. And the Colonel Alpha that you sent from April - sorry,
from the time that you - yes, that was around April - is this the
same Colonel Alpha that you later heard was forging documents?

A. Yes, he is.

Q. Now, Mr Sesay, let's go back to the question that we were
dealing with; the amount of money that you realised from the
diamond mining.

Mr Sesay, you will recall that the Prosecution would
dispute your numbers in their estimation from an expert report,
exhibit P-19, if we may just look at exhibit P-19.

Maybe, Mr Sesay, it might not be necessary actually to have
a look at it. It is quite a voluminous document. I will just
tell you what it is all about.

Mr Sesay, you will recall you were referred to some
evidence by learned counsel opposite which suggested that during
the 15-month period that you, Mr Sesay, were in charge of the
mining of diamonds within the RUF, you should have realised
something in the region of 60 million to 80 million American
dollars from the diamonds that were mined during that period. Do
you recall that evidence?

A. Yes, I do recall.

Q. And, Mr Sesay, those numbers, the 60 million to 80 million
US dollars, were based on expert evidence from eminent people
within the diamond industry, including eminent companies like De Beers which are quite involved in diamond mining. Very briefly, Mr Sesay, what do you say? During the 15 months that were you in charge of the diamond mining Sierra Leone, you should have gotten money in the region at the very least of $60 million over the 15 months that you were mining.

A. Well, that is a big lie. The mining that we did, it's like comparing death and sleep. If you are referring to a month like this, that is a very strange thing. RUF people wouldn't hear about mining, about the mining that we are doing. This can be really strange to them. That's what I'm saying. It's the same propaganda that the SLPP was running about the mining business. It is the same thing that is continuing. We never dreamt of such a thing.

Q. Mr Sesay, you will recall that you were referred to the evidence of a Defence witness who said that you were receiving all the diamonds and there was nothing in the RUF to show for those diamonds. In other words, you were the sole beneficiary of the proceeds of this 60 million or so. Mr Sesay, where is the 60 million?

A. I did not receive those quantities of diamonds that were up to that amount of money. The money that I got as compared to the ones that I have been referred to here is like comparing death and sleep. These were just industrial diamonds that I received.

You know, like the RUF will talk about 300 pieces of diamond and when you go and sell them you'll get $10,000 to $15,000. These were black or coffee colour diamonds. These are diamonds that we got from just dry dirt.

THE INTERPRETER: Your Honours, the witness has used an
expression that he needs to explain the meaning, "overkick". The interpreter does not know what that means.

PRESIDING JUDGE: What do you mean, Mr Sesay? You said, there are the diamonds we got from dry dirt, and then what else did you say?

THE WITNESS: I said from overkick.

THE INTERPRETER: Your Honours, can the witness - can the witness kindly explain the expression "overkick", it is not a common Krio word.

PRESIDING JUDGE: Yes, can you please explain what you mean by "overkick", the interpreter doesn't understand. So can you explain to us.

THE WITNESS: My Lord, overkick is dirt that had been washed before the place where they had done mining, it is kind of rewashing it and doing mining there again. Something that has been mined before, it is kind of you are re-mining in the same place. So you take the same dirt that had been mined before you take it and rewash it and to get some diamonds from that. That is what we refer to as "overkick."

MR CHEKERA:

Q. Now, Mr Sesay, I don't want to spend too much time on this. Maybe just to help us understand, I have already referred you to the evidence as it was put to you by learned counsel opposite, that obviously the money that you were realising didn't go to the RUF and the only logical conclusion that counsel drew us to is that the money went to yourself and to Charles Taylor. I am going to ask you first: What do you have, Mr Sesay, to show that you were receiving these millions of dollars from the proceeds of diamonds that were being mined in Sierra Leone?
A. Well, even my colleague RUF, like the witness whom the
Prosecution lawyer was referring to, I don't know if that was a
Defence lawyer that referred to me - that I was the one selling
the diamonds and the Sierra Leoneans did not benefit anything
from the diamonds. That Defence witness, the two of us were
together, up to the time we created the office in Freetown and up
to my arrest he used to visit me, up to 2007 elections. That was
when we had some misunderstanding. He knows that I don't have
anything. While I was in detention, he knew that even to
maintain my family, to take care of my children, I had to sell my
vehicle to take care of my children. I have nothing. Even if my
children are to go to school, it is family members and friends
who assist.

Q. Well, Mr Sesay, according to the Prosecution theory you
have nothing because you gave the diamonds to Charles Taylor.

A. Well, that is the question. So how would I like Mr Taylor
much more than my father? When I was in detention, whatever they
gave to me for my visitors, what I sent to my parents for food.
How would I like Mr Taylor much more than my father? Even my
mother when she was sick.

THE INTERPRETER: Your Honours, can the witness kindly
repeat this slowly.

PRESIDING JUDGE: Just pause. Even your mum, when she was
sick, please continue from there. We didn't hear what else you
said.

THE WITNESS: I said my mother was sick in Makeni and they
sent to me and when they sent a message to me, I told my lawyers,
I said, "Do they have anything?" and that my mother was sick. So what helped was she gave a statement as a Defence witness regarding what transpired between Pa Kabbah and myself and it was the WVS who assisted, they took my mother to her hospital until her death. So how would I take diamonds to Mr Taylor and my parents and my family, my children are suffering and I will not say it? Mr Taylor is a Liberian, I am a Sierra Leonean. What kind of interest would I have in him?

Q. Mr Sesay, according to the Prosecution theory, he was your Papay, that is why, and you respected Foday Sankoh and possibly Taylor more than your own father, you heard that from the Prosecution.

A. May the Lord forbid. I would not respect Mr Taylor more than my father. I would not have any blessings from Mr Taylor.

It is only for my father and my mother that I would have blessings, nor would I have blessings from Mr Sankoh. Mr Sankoh, when I told him to do what I thought was right, he refused. I could not continue my loyalty to him because if you suggest to somebody and he doesn't listen to you.

Q. Very well, Mr Sesay, let's turn to another topic. Let's turn to the Freetown invasion. You will recall, Mr Sesay, that counsel opposite spent quite a great deal of time on this topic. And before asking you, Mr Sesay, I just want you to understand what counsel was suggesting to you.

Mr Sesay, you have said in your evidence-in-chief that the Freetown invasion was purely AFRC effort. And what counsel opposite said to you or was trying to put to you in cross-examination was that that was all lies; in fact, the RUF
and the AFRC worked together during the Freetown invasion. A number of propositions were put to you that I am going to go through with you in greater detail. But I want you to understand counsel's position and then, from there, we will try to explain and see whether you agree with counsel's position.

Learned counsel opposite's position is that you were lying about the Freetown invasion, the RUF was in it as much as the AFRC and that is why you, for instance, went as far as Waterloo to reinforce the AFRC and cut off the Guineans from Port Loko and give them passage out of Freetown when they were boxed in.

Now, let's start with the time that you left Buedu to go to Makeni. Your instructions, when you left Buedu, to go to Kono - sorry, to go to Kono, that is your evidence, your instructions before you left Buedu to go to Kono were to attack Kono?

A. Yes, it was to attack Kono.

Q. When did that plan mutate to the plan to go and to proceed to Makeni?

A. It was because the ECOMOG ran away. That's why.

Q. Where did the ECOMOG run away to?

A. They ran away to Nimikoro and later they went to Tongo and the others went to Sewafe, when they crossed the river they went to Baama Konta.

Q. Now, ECOMOG, having fled Kono, why did you then proceed to Makeni?

A. Well, it was because we wanted to control more space - to have more control of other land, that's why we went to Makeni. And ECOMOG was on the run. Initially we were running away from them and if the table then turned then we would chase them.
wherever they were going from places that we wanted, so we went there.

PRESIDING JUDGE: Mr Interpreter, could you spell for us, Baama Konta.


MR CHEKERA:

Q. So, Mr Sesay, the tables turned. Initially you were the one running away from ECOMOG and now the ECOMOG are running away from you so you decided to gain more territory. You got as far as Makeni?

A. Yes.

Q. And you are fighting against ECOMOG. Who else were you fighting against at this time, besides ECOMOG?

A. The Kamajors, the CDF and the SLAs, who were fighting alongside the ECOMOG.

Q. And, Mr Sesay, at this time we have another group, the AFRC, that's around the Koinadugu axis, as you put it. Who are they fighting at this time?

A. There was the AFRC that was in Koinadugu District and RUF, STF and there was the other set of AFRC who were around the Port Loko District at this time. Before I captured Makeni they had captured Waterloo. That is the AFRC under SAJ Musa's command and there was the other set of AFRC in Koinadugu, that what was under Brigadier Mani's command and RUF Superman. Then there was Bropleh STF.

PRESIDING JUDGE: Mr Interpreter, were you saying there was the other "set" of AFRC?

THE INTERPRETER: Yes, your Honour.
MR CHEKERA:
Q. Mr Sesay, let's just understand these groups more clearly. Musa and his group, that's one. We have Brigadier Mani and Superman, is that another group?
A. Yes.

Q. General Bropleh, STF. Is that another group?
A. Yes, but they were operating together, the three of them, Bropleh, Superman and Mani.

Q. Let me understand this, Mr Sesay, because this is very important. We have got those three groups operating together?
A. Yes, sir.

Q. A joint - do you have a joint commander?
A. Well, each of these groups had commanders for their group.

Superman was commander for the RUF. Mani was commander for the AFRC and Bropleh was commander for the STF, so the three of them were working together with their men.

Q. And who were they fighting?
A. They were fighting against ECOMOG and the CDF.

PRESIDING JUDGE: You said Bropleh was a commander for who?

THE WITNESS: For the STF, my Lord.

MR CHEKERA:
Q. Now, Mr Sesay, we have got these three groups fighting together and they are fighting ECOMOG. Do you know what brings these three groups together? Why are they - they are separate groups fighting together. Do you know what brings the three groups together?
A. Well, the three groups were in the Koinadugu District. They were in Koinadugu District. So all of them came together to attack Makeni.
Q. And at the time that they attack Makeni, where are you and the RUF?
A. Myself and the RUF from Kono, we were - we were moving towards Magburaka when they attacked Teko Barracks, when they were not successful they then withdrew back to Binkolo, the RUF then came and captured Magburaka and the RUF from Kono advanced on Makeni. That was the time Sam Bockarie called Superman and spoke to Rambo that the two of them should link-up and then we all attacked Teko Barracks.

Q. The three groups that are working together, I just want to understand this, are they working under Sam Bockarie?
A. No, no, no. The only time Superman then started taking instructions from Bockarie again was during the attack on Teko Barracks in December of 1998. But from August to that December of '98, Superman was not taking instruction from Sam Bockarie. Brigadier Mani was not taking instruction from Sam Bockarie. General Bropleh was not taking instruction from Sam Bockarie. So even when Superman now started taking instruction from Sam Bockarie again, they, the others were not taking instruction from Sam Bockarie.

Q. Mr Sesay, I just want to understand this clearly. So what you're saying is that these are separate groups, separate leadership and what brings them together is this common desire to attack ECOMOG in Makeni. Is that what you're saying?
A. Yes. Before they came to Makeni, after SAJ Musa and Superman got the infight, SAJ Musa went and joined Gullit. The three groups stayed and were working together in Koinadugu, even before they planned to come and attack Teko Barracks in Makeni.

Q. So you then take over Makeni?
A. Yes, we took over Makeni. We took over Makeni. But I also
did not instruct Brigadier Mani, nor did I instruct General
Bropleh, no.

Q. Very well, Mr Sesay. When you take over Makeni, do you
know where Musa and his groups are at that point?

A. Well, at that time I did not know that he was dead, but I
heard that they were around Waterloo.

THE INTERPRETER: Your Honours, could the witness be asked
to repeat the last tail of his testimony.

PRESIDING JUDGE: Mr Sesay, could you repeat the last bit
of your answer, please.

THE WITNESS: My Lord, I said it was on Focus, when they
said the troops had attacked and captured Waterloo and that was
the very troop that captured Benguema, that is the AFRC.

MR CHEKERA:

Q. And when SAJ Musa dies at Benguema, where are you,
Mr Sesay, and your RUF crew?

A. We were in Makeni. I was in Makeni.

Q. When you move from Makeni, where do you go? I am still on
you, Mr Sesay.

A. Well, I was in Makeni. I was in Makeni.

Q. Did you eventually leave Makeni to go anywhere else?

A. Yes. I used to go to Magburaka, Makali, Masingbi, and
sometimes I will go to Kono and return.

Q. Now, when Superman is now taking instructions from
Sam Bockarie, you said from the time he is now in Makeni, he is
now taking instructions from Sam Bockarie, right?

A. Yes, but when the AFRC attacked Freetown, Superman also was
ready to take the Port Loko route and then move to Lungi. So
Sam Bockarie gave the go-ahead for Superman, Rambo to take that flank because Gullit spoke with Sam Bockarie and Gullit accepted what Sam Bockarie told him. And when Bockarie heard that they had taken over Freetown, Bockarie also said that Superman should go towards the Port Loko area and attack Lungi Airport, but the attack on Port Loko was not successful.

Q. That's the part I want us to discuss in closer detail, Mr Sesay.

Superman in Makeni now starts taking instructions from Sam Bockarie. Sam Bockarie gets into contact with Gullit. When do they - when does Superman - sorry, let me start again. When does Sam Bockarie and Gullit establish contact?

A. Well, it was before the attack on Freetown. After Gullit had called SAJ Musa - I mean, sorry, Bockarie, and informed him that SAJ Musa was dead. But at that time Bockarie did not believe. So he told Gullit that - because when he asked him, he said, "Where?" He said, "At Benguema." Bockarie then told him that he should wait so that he will inform us in Makeni so that we will put a strong group together to go and assist him to attack Freetown. But Gullit did not wait for that. Gullit went on with the attack. So they went on to attack Freetown.

Q. Let's just dismantle that, Mr Sesay, because this is very important and this is a part I want us to expand on. Gullit and Sam Bockarie established contact when SAJ Musa dies. What is the nature of the arrangement, if you know, that they get into, that is Gullit and Sam Bockarie? What arrangement did they strike or what arrangement did they agree on, if you know, or if there was any, during the time that Gullit contacted Sam Bockarie?

A. Well, what I heard later was that they said when SAJ Musa
died, that was the time Gullit called Sam Bockarie and informed Sam Bockarie that they had captured Benguema and that SAJ Musa was dead. So he said they wanted to move to go and attack Freetown. And then Sam Bockarie told him that they should wait there "so that I will coordinate my men in Makeni, I will inform them, so that they will be able to join you so that you carry on with the attack." But Gullit did not wait for that. They then went and attacked Freetown.

Q. This arrangement for Sam Bockarie and Gullit to then combine forces and attack Freetown, is this in an express agreement that from now, from that point, from Benguema, is there an agreement, express, as in Gullit and Sam Bockarie agree that from Benguema we are going to attack Freetown together? Is there that arrangement, from what you know, if you know?

A. Well, there wasn't any arrangement like that, because what - from what I understood, Sam Bockarie asked Gullit to wait, but Gullit did not wait. So, when they did the attack, Sam Bockarie no longer had interest. That was why Sam Bockarie said the RUF should go towards Port Loko and go to Lungi, and that if they were going to capture Freetown, we also must capture Lungi. So, since then, Sam Bockarie did not have interest, because Gullit did not wait for what Sam Bockarie had asked him to.

Q. Now, Mr Sesay, I want you to - with that answer in mind, I want you to then explain, because what the Prosecution suggested to you was that actually, when Sam Bockarie instructed Superman to go and attack Port Loko and proceed to Lungi, this was all part of the plan to attack Freetown; that was designed to cut off reinforcement into Freetown on the part of ECOMOG and its allies. Do you follow what I'm saying? Or do you want me to repeat?
Because this is very critical.

A. No. I understood. If the RUF actually had plans to reinforce Freetown, there was no need to go and attack Port Loko. We could have just captured the Gberi Bridge. After capturing the Gberi Bridge, nobody would have left Port Loko to come to Freetown. Gberi Bridge is a very strategic and long bridge, you see, but if you are going to attack Port Loko and then advance - our main interest was the airport, not Port Loko town itself, because if you want to cut off a supply line, the easiest thing to do was to just capture Gberi Bridge, because when you capture Gberi Bridge, you have cut off the supply line between Port Loko and Freetown.

Q. Mr Sesay --

JUDGE DOHERTY: Mr Chekera, have we got a location for Gberi Bridge?

MR CHEKERA: That's exactly what I was trying to explore, and if you notice, I'm actually also trying to locate a map that could assist us in that regard. I hope there will be one.

PRESIDING JUDGE: In the meantime, Mr Interpreter, can you spell for us Gberi?

THE INTERPRETER: Yes, your Honour. It's G-B-E-R-E.

PRESIDING JUDGE: Thank you.

MR CHEKERA: Madam President, while I try to locate a map, maybe I could just explore from the witness.

Q. Mr Sesay, if you are coming from Freetown, after Waterloo you go past Gberi Junction to go to Waterloo - sorry, to go to Port Loko. Let's take it from - let's take from Waterloo. Which is the next town, if you are going to Waterloo - sorry, if you are going to Port Loko from Waterloo, where do you go next? Just
give me the major towns. I don't want the small towns in between.

THE INTERPRETER: Your Honours, the witness's microphone is not activated.

PRESIDING JUDGE: Mr Sesay, can you face us? Because when you do this, facing counsel, the interpreter won't hear what you're saying. So give your answers facing the Bench, please. Repeat your answer.

THE INTERPRETER: Your Honours, it is still not activated.

I can see the light on, but we can't hear anything from him.

MR CHEKERA: Mr Sesay, just try to speak into the mic. It appears your microphone is not working.

PRESIDING JUDGE: Mr Interpreter, can you hear anything?

THE INTERPRETER: We can't hear anything. Something must have been manipulated, your Honour.

PRESIDING JUDGE: Are you sure, Mr Interpreter, you are tuned in on the right channel?

THE INTERPRETER: Yes, your Honours, that is where we have been all this while.

THE WITNESS: Can you get me now, sir?

THE INTERPRETER: Yes, I am getting now.

Yes, your Honours, I am getting him clearly now.

PRESIDING JUDGE: Mr Chekera, ask your question again and get an answer.

MR CHEKERA: Thank you.

Q. Mr Sesay, while I try to locate a map that could assist us, I just want you to help us with your evidence and try to locate where this bridge is in relation to Port Loko and Waterloo.

A. When you travel from Waterloo, you come to RDF, that is,
and from RDF, Sumbuya, you go to Mile 38, and from Mile 38, you come to Masiaka, and from Masiaka, you come to Gberi Bridge. That is where the bridge is. They call the bridge Gberi Bridge. Across on the Masiaka-Waterloo side, there is a high hill there, and across the Port Loko side is a flat land, you see. And it's a long bridge and it is very narrow. On the other side there is no side-guard. When vehicles reach there, a vehicle is coming from Port Loko end and the other coming from the Freetown end, one would have to wait until the other crosses before it also comes over to cross, because the Gberi Bridge is very narrow. That is the Gberi Bridge.

Q. So, Mr Sesay, the Gberi Bridge is between Masiaka and Port Loko, somewhere between Masiaka and Port Loko?
A. Yes, but it’s purely between Masiaka and Gberi Junction.

That is where you have the Gberi Bridge. It is the Rokel River. It is long.

Q. And so, from Masiaka, you get to Gberi Junction, and from Gberi Junction, you cross the bridge towards Port Loko; is that correct? Just correct me if I am wrong.
A. No, sir. From Masiaka, you cross the bridge, the Gberi Bridge, and then you come to Gberi Junction. From Gberi Junction, you are going to Port Loko.

Q. Okay, that’s clear. Okay.

JUDGE DOHERTY: Mr Chekera, if I understand correctly, the bridge is a one-way bridge.

MR CHEKERA:

Q. Is that so, Mr Sesay, it’s a one-way bridge?
A. Yes, my Lord, it’s a one-way bridge.

Q. And Mr Sesay, which river is the bridge over?
A. Rokel River.

Q. Mr Sesay, I am going to give you a map here and see if it can be of assistance in trying to locate this bridge. That's the best I can do, with your permission, Madam President?

15:55:06

PRESIDING JUDGE: Mr Interpreter, can you please spell Rokel, please.

THE INTERPRETER: Your Honours, it is R-O-K-E-L.

MR KOUMJIAN: Rokel Creek is marked on one of the maps which is I believe is --

MR CHEKERA: S3-C, is that the one you are looking at?

S3-C?

PRESIDING JUDGE: Can you first give the map to the witness for him to find his bearings. After he has found the bridge or the river then he can point it out to us on the overhead.

MR CHEKERA:

Q. Mr Sesay, you understand your assignment? We're trying to locate the bridge, Gberi Bridge, or Rokel River in relation to Port Loko.

A. Yes, after Masiaka. But what the lawyer just told you, on the map that he has it is clearly shown there and it is marked, in fact.

MR CHEKERA: Mr Koumjian, I might ask your assistance, your map, is that map S3-C?

MR KOUMJIAN: I believe so. The Rokel Creek is marked and the point where the road crosses is marked as Ferry on this map, F-E-R-R-Y

MR CHEKERA: It appears it is the same map.

Q. Mr Sesay, if you can find the Rokel Creek and where it is marked Ferry?
A. Yes. I have seen the Ferry.

Q. Now, is that where the bridge is, to your knowledge of the geography of the area?

A. Yes. This is where the bridge is.

Q. Now, make sure you note where the bridge is, Mr Sesay, because we will move the map over to the overhead projector and ask you to point it out for the Court. So just look at the map carefully, locate the bridge, because I am also going to ask you to locate Port Loko and to locate Gberi Junction and Waterloo on that map, so if you can just familiarise yourself with those locations; the bridge, Gberi Junction, Port Loko and Waterloo.

A. Yes, I have seen it.

Q. If you can hand it over to Madam Court Manager to put on the overhead, and maybe if you can move over so that you can mark - you can indicate on the map. Mr Sesay, if you can point for us where the bridge is on that map.

A. The bridge is around here. Around here. Because this is the Rokel River. It is crossing over here. So the bridge should be around here, between Masiaka and Gberi Junction. It should be around here. This is Gberi Junction and this is Masiaka. So the Gberi Bridge should be here.

Q. And, Mr Sesay, while we are on the map, can you please locate for us where Port Loko is in relation to the bridge?

A. This is Port Loko.

Q. Can you point sideways so that your hand doesn't block your - yes, thank you.

A. Okay. This is Port Loko, sir. This is Port Loko. This is Gberi Junction. This is Gberi Bridge. And this is Masiaka. This is the road that comes down, Okra Hills, to Songo, to
Q. Now, let's just keep that map on for a while, Mr Sesay, and
just try to understand your evidence.

The RUF that went to attack - sorry - okay, you might just
have to move. The RUF that went to attack Waterloo were coming
from where?

A. They came from Gberi Junction. They came from Gberi
Junction.

Q. And in your evidence, your evidence was that if you wanted
to cut off ECOMOG reinforcement into Freetown all you had to do
was to take the bridge?

A. Yes, because if you put a blockage, like for instance, you
use old vehicles, you come and park them across the bridge, and
across towards Waterloo you will be on top of the hill, you will
be at the advantageous side. You will have more advantage than
the people who were coming from the Port Loko area, because they
would be downwards and you will be almost on top of the hill, you
see.

MR CHEKERA: Madam President, I will probably seek your
assistance whether it will be necessary to put some markings on
that map to assist you locating the bridge. It is very faint in
mine, but if your Honours --

PRESIDING JUDGE: It's up to you, Mr Chekera. It's your
evidence. You said that you have a number of places that are
relevant to this particular piece of evidence.

MR CHEKERA:

Q. Mr Sesay, let's just look at the map again and just try to
put some markings and possibly put it into evidence, just to
understand your aspect of the evidence on this issue. Let's mark
where the bridge is, Mr Sesay. If you can use a distinct - yes, let's use that and just mark - just put an X where you would reckon the bridge is?

A. You want me to put an X?

Q. Yes, where you think the bridge is.

A. Yes, sir.

Q. And if you could also circle where Waterloo is. Sorry, just hang on. Let me start again. The group that attacked - the Superman group that attacked Port Loko and failed was coming from Gberi Junction, you said? Sorry, Mr Sesay, before you mark just confirm that the group came from Gberi Junction?

A. Yes. The group came from Lunsar and from there it came to Gberi Junction and they launched the attacked on Port Loko, but because they were unsuccessful, they were in the defensive position. Sam Bockarie instructed them to come back and take the route to Waterloo. So the group withdrew from Port Loko to Gberi Junction before taking the road through Gberi Bridge to Masiaka.

Q. Very well, Mr Sesay. Let's circle Lunsar where the group came from. Let's just put a circle around Lunsar. And let --

A. No, no.

Q. And let's circle Port Loko.

PRESIDING JUDGE: Why did the witness say, "No, no"? Why are you saying, "No, no"?

THE WITNESS: No, I did not say no.

MR CHEKERA:

Q. You were captured as saying, "No, no." Maybe that was just a mistake. So you've circled Lunsar, you've circled Port Loko. Now, maybe before I continue, Mr Sesay, how many routes are there from Lunsar to Port Loko?
A. From Lunsar to Port Loko it's the main road, that's the only road, because the other road, except we pass through Gbinti and that's very far. This one is from Lunsar, you come to Gberi Junction. From Gberi Junction you go to Port Loko.

Q. Now I just want you with that mark to trace that route, that one road, from Port Loko all the way to Masiaka - sorry, to Lunsar. Sorry. To Lunsar, where they started. Let's just trace that road, the one road you said is most accessible. Just follow that one road with that one marker so we can tell which road it is from Lunsar all the way through the bridge to Port Loko.

A. No, when you come from Lunsar you don't have to pass through the bridge to go to Port Loko. When you come from Lunsar you go to Gberi Junction and from there you go to Port Loko.

Q. Let's mark the road, the one road that you said if you had blocked the bridge it was impossible for ECOMOG to pass. Let's mark the road from there, from Port Loko to the bridge.

A. Well, from Port Loko you come to Gberi Junction and from Gberi Junction you take the road to the bridge to Masiaka.

Q. Yes, let's have that. Let's have that route marked.

A. I've marked it.

Q. Sorry, if we could just have a quick look at what you've mark, because I don't have the map I have no clue.

Now, Mr Sesay, the bridge - the cross on the bridge doesn't quite appear. Could you put another - a different mark or even - put a different colour just to put a cross on the bridge so that we can see where the bridge is.

Now somewhere at the bottom of that map, Mr Sesay, where there is space enough to write, can you put the same cross in that colour and next to the cross write "Gberi Bridge". Is it
Gberi? Sorry, somewhere - yes, where there is enough space to write. Where there is clear space for you to write we want to put a legend to show that the X you put relates to the bridge.

Now, let's just have a quick look, Mr Sesay. I was hoping we could wind-up today, so let's just see.

PRESIDING JUDGE: Mr Chekera, your instructions to the witness, I am looking at page 150, you said, "Now, I just want you to, with that marker, trace the road from Port Loko all the way to Lunsar." Is that what the witness did, according to that map? And then you said to him: "When you come from Lunsar" no, this is what he answered: "When you come from Lunsar you don't have to pass through the bridge to go to Port Loko. When you come from Lunsar you go to Gberi Junction and from there you go to Port Loko." So then you said to him: "Let's mark the one route that you say if you had blocked the bridge was impossible for ECOMOG to pass. Let's mark the route from there, from Port Loko to the bridge." Is that what the witness has done?

MR CHEKERA:

Q. Now, Mr Sesay, you have marked the distance from Masiaka to Gberi Junction. Can you mark from there to Port Loko to complete the loop all the way to Port Loko?

PRESIDING JUDGE: Mr Chekera, what did Masiaka have to do with this journey?

MR CHEKERA: No, we have kept Masiaka out. We have - we are now trying to connect the loop from Port Loko to the bridge.

PRESIDING JUDGE: Yes, but you asked him to mark, and obviously he has marked something from Masiaka. That's why I'm asking you, what does Masiaka have to do with anything? This is misleading us.
MR CHEKERA: Yes. Actually, Madam President, you are right. My - the instructions - what he has marked is actually what we would want to reflect on the map, not Masiaka because Masiaka has nothing do with it, as you correctly point out.

PRESIDING JUDGE: But he has marked a route from Masiaka.

That's the point I am making.

MR CHEKERA:

Q. Mr Sesay, just put that map back, because I can't quite see it from - Mr Sesay, the marking you have is from what place to what place?

A. You told me to mark from Gberi Junction, that is here, to Masiaka, through the bridge.

Q. Yes --

PRESIDING JUDGE: Mr Sesay, there is no point you pointing at the screen. Move over to the overhead and give your --

THE WITNESS: I am sorry, ma'am.

PRESIDING JUDGE: And give your evidence so that we can see what it is that you are illustrating.

THE WITNESS: My Lord, my lawyer told me to mark from Gberi Junction through the bridge to Masiaka and that is what I did, from Gberi Junction through the bridge, here, the bridge is locating here, and to Masiaka down here.

PRESIDING JUDGE: And what does that signify, the route that you just showed us, what does that signify?

THE WITNESS: The importance is just a bridge. The bridge is the importance. And across the bridge, you can stay from across here and you can see across because the bridge, there is a hill here, across the bridge towards Masiaka.

PRESIDING JUDGE: Mr Sesay, let me ask you this question
again: When you put a blue line from Masiaka all the way up to, and I can't see the city, what is that city?

MR CHEKERA: It is Gberi Junction.

PRESIDING JUDGE: Yes, Gberi Junction, that blue line, what does that represent?

THE WITNESS: Well, my Lord, I was instructed by the lawyer to draw the route from --

MR CHEKERA:

Q. Mr Sesay, let's just pause there. Let me try to assist.

Mr Sesay, if you had to block ECOMOG from coming to attack your position, either in Freetown or in Waterloo, you said you would block the bridge.

Now, my question is: Which most immediate route would the ECOMOG had taken if they were going to reinforce Freetown from Port Loko?

A. If they were to come from Port Loko to Gberi Junction and through Gberi Bridge and on to Masiaka and they would come down to Waterloo and down to Freetown.

Q. Now, with that in mind, you have marked, Mr Sesay, from Gberi Junction to Masiaka. Can you finish that loop from Gberi Junction to Port Loko to finish that route that you've just described? Sir, can you mark the rest of the route from Port Loko.

Now, Mr Sesay, let us me just make sure that we understand your evidence before we try to mark this document.

ECOMOG has got - or rather the Guineans are based in Port Loko. You said there was a big Guinean contingent at Port Loko.

A. Yes.

Q. And you are saying in your evidence that if the sole
purpose for the attack on Port Loko by RUF was to block
reinforcement from Port Loko, the easiest way for you would have
been to block the Gberi Bridge; is that correct?
A. Yes. I said the attack on Port Loko was not to stop
ECOMOG. I said the attack on Port Loko, if the RUF were
successful to get Port Loko, they were to advance to Lungi but if
the RUF only wanted to block the reinforcement for supply not to
come to the Guineans, it would have blocked Gberi Junction, it
wouldn't have attacked Port Loko but blocked Gberi Junction so
the reinforcement wouldn't have come down to Freetown.
Q. So, now, Mr Sesay, we just want to understand the markings
on the map. The markings on the map represent the route that
ECOMOG would have taken - sorry, the Guinean contingent at Port
Loko - would have taken the most immediate route, let me be
faithful to your evidence, the most immediate route that the
Guineans at Port Loko would have taken if they were to reinforce
Freetown would have been to cross over the Gberi Bridge. And the
route that you have marked from Port Loko across the Gberi Bridge
to Gberi Junction, that was the most immediate route they would
have taken. And your evidence is, if your sole purpose was to
block that advance you would have laid an ambush over the bridge;
is that correct?
A. Yes. If our purpose was to come and reinforce Freetown or
was to join the attackers in Freetown. If we were to block the
reinforcement from the attack in Freetown, I said we were only to
set the ambush at this Gberi Bridge, there was no need for us to
attack Port Loko. But the RUF also had intention to go to Lungi,
that's why the RUF attacked Port Loko, so it would have moved to
Lungi from there.
Q. We will come to your object for wanting to take over Lungi. So now let's just go back to that map, and if you could write at the bottom of it, as usual, sign it and date it and we'll see what we can write to reflect the markings there.

A. What should I write?

Q. Let's start by - if you can sign at the bottom. Or is there space at the bottom or maybe at the back of - yes. If you can maybe - let's describe the route and say a route that would have been taken "R-O-U-T-E" "that would have been taken by Guinean forces at Port Loko to provide reinforcement at Freetown".

A. By the Guineans in Port Loko?

Q. "To provide".

A. I would like you to begin again, the route that were taken by the Guineans in Port Loko.

Q. "That would have been taken by the Guineans in Port Loko to provide reinforcement in Freetown and the position that would have been taken by the RUF at the Gberi Bridge" - the position that would have been taken by the RUF.

PRESIDING JUDGE: I thought you said Gberi Junction. Isn't that what he said?

MR CHEKERA: The bridge.

PRESIDING JUDGE: Mr Sesay, did you say that the RUF would have laid ambush at the bridge or at the junction?

THE WITNESS: At the bridge. Should have just blocked the bridge. I should put - set an ambush across.

MR CHEKERA:

Q. At the bridge to block the reinforcement?

A. I would like you to go over that again and the position
that could have been, what?

Q. "That would have been taken by the RUF at Gberi Bridge to block the reinforcement" then let's sign it and date it - at the bottom sign and date it somewhere.

PRESIDING JUDGE: Mr Chekera, if I might inquire from you. This would have been the position during what time frame?

MR CHEKERA: Yes, thank you.

Q. Mr Sesay - okay, just sign and date and then we will come back to the legend that you were putting there.

Mr Sesay, after, "To block the reinforcement" let's say, "During the time" after reinforcement let's continue writing on that. After - remember you wrote, "At Gberi Junction to block the reinforcement", I want you to add on a few more lines after that sentence, to make the sentence continue, "During the time that the RUF attacked Port Loko."

Mr Sesay, hold your pen right there and then I will ask you a question. When was it that Superman attacked Port Loko and failed? The attack on Port Loko.

A. It was the very week that the AFRC attacked Freetown.

Q. I know what the date is but I want it to come from you. What date was it, what month and year was it?

A. That was January 1999.

Q. Let's write, "In January 1999." Have you finished? Maybe if we could have a quick look at what you have written.

I guess that will suffice, subject to any observations from your Honours.

PRESIDING JUDGE: I just want to understand this evidence. This is - let me call it what I think it is. It's conjecture on the part of Mr Sesay. It's not something that actually happened,
MR CHEKERA: Yes, Madam President. This is his response to the suggestion that the RUF attacked Port Loko to block ECOMOG reinforcement on Freetown. That was the proposition by learned counsel opposite. And his response is depicted in this document, that if that were the case, then they would not have gone that far; they would have just blocked the bridge.

PRESIDING JUDGE: Mr Sesay, whilst we are on this map, are you saying that that was the only possible scenario, that if the RUF wanted to block the Guinean ECOMOG, the only way they could do it was blocking them at Gberi Bridge? There was no other way to do it?

THE WITNESS: Yes, my Lord, because it's Gberi Bridge that was the easiest obstacle to create in front of the Guineans, instead of attacking Port Loko, if that was the purpose.

PRESIDING JUDGE: What if the RUF wanted to capture some ammunition, and perhaps that would have been the objective of attacking ECOMOG at Port Loko? Is that a possible scenario?

THE WITNESS: If RUF wanted to have ammunition, yes, ma'am, RUF could have attacked Port Loko because they wanted ammunition. But at that time it was that the RUF wanted Port Loko and to advance on to Lungi. That was the purpose at that time.

JUDGE LUSSICK: And, Mr Chekera, you did say earlier that you were going to come back to the reason why the RUF wanted to take Lungi.

MR CHEKERA: Yes, yes. I was going to pursue that line of questioning. And just to indicate that, from the observations by learned Madam President, the response is entirely conjecture, based on a proposition that is in itself not fact, that was put
to the witness by the Prosecution.

PRESIDING JUDGE: Very well. Proceed.

MR CHEKERA: I was going to ask that that document be marked for identification.

PRESIDING JUDGE: The map of Sierra Leone, as marked by the witness, Issa Sesay, showing the route that the Guineans at Port Loko would have taken in providing reinforcement in Freetown in January 1999, and the position of the RUF - the position that the RUF would have taken at Gberi Bridge to block them, that is marked MFI-45.

MR CHEKERA: Thank you, Madam President.

Q. Now, Mr Sesay, I had put to you a proposition by the Prosecution that your attack on Port Loko was designed to block reinforcement from Port Loko to Freetown, and you said in your response that was not the purpose; if that were the purpose, the easiest thing for you to do would have been to block Gberi Junction. And we have gone into detail on that and we have marked the map.

Now, you said when Gullit decided not to wait for the RUF to come and reinforce him for a joint attack on Freetown, Sam Bockarie ordered Superman to proceed to Port Loko, to Lungi. Do I capture your evidence correctly so far?

A. Yes. If Superman was able to capture Port Loko, he was to advance - to have advanced to Lungi.

Q. Now, the question, Mr Sesay, that then arises is: Why was Sam Bockarie eager for the RUF to control Port Loko and, if they succeed, move on and control Lungi?

A. Well, because Gullit disagreed with Sam Bockarie's proposal to wait for the RUF. Gullit did not wait. That's why
Sam Bockarie also wanted the RUF to move and advance to Lungi Airport. So, while Gullit and others would have been in Freetown, they would have been in Lungi.

Q. Now, let me ask the question differently, and that will answer the proposition from learned counsel opposite. The attack on Port Loko, and the contemplated attack on Lungi, was it designed to provide relief to the AFRC who were in Freetown? In other words, was it designed to keep the ECOMOG engaged so that the AFRC in Freetown would have it easy with the ECOMOG that were in Freetown?

A. No. That was not the reason, because the RUF too - Sam Bockarie did not want Gullit and the others to have the names. The RUF - in the AFRC could get Freetown, the RUF also could get Lungi, because at that time ECOMOG and others were on the run. So he thought the guys would be able to capture Freetown, and if that was the case, then the RUF too would have been able to capture Lungi.

Q. Mr Sesay, let me just make sure I understand your answer here, because it is very important. You will recall the learned justice was also quite eager for you to explain this carefully. You say then Sam Bockarie did not want Gullit and others to have names. Can you explain what that means in --

A. If they were able to capture Freetown - because they were moving, and ECOMOG was running away from them. So it would have been that the AFRC would have captured Freetown on their own. That was the plan. So that was why the RUF too wanted to capture Lungi on their own.

PRESIDING JUDGE: Mr Chekera, we have come to the day's end. I suppose you will continue tomorrow.
MR CHEKERA: Thank you. I hope to wind up tomorrow.

PRESIDING JUDGE: Very well.

Mr Sesay, we are nearly at the end of your testimony, which we hope we will complete tomorrow, but in the meantime you are not to discuss your evidence with anyone.

The Court adjourns until tomorrow at 9 o'clock.

[Whereupon the hearing adjourned at 4.33 p.m. to be reconvened on Thursday, 27 August 2010 at 9.00 a.m.]
INDEX

WITNESSES FOR THE DEFENCE:

DCT-172 47184
CROSS-EXAMINATION BY MR KOUMJIAN 47184
RE-EXAMINATION BY MR CHEKERA 47214